

STORAGE NAME: h0179s1.cu

DATE: March 19, 1999

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COLLEGES & UNIVERSITIES
ANALYSIS**

BILL #: CS/HB 179

RELATING TO: Community College Faculty Diversity Program

SPONSOR(S): Committee on Community Colleges and Career Prep and Representative Dennis

COMPANION BILL(S):

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) COMMUNITY COLLEGES AND CAREER PREP YEAS 7 NAYS 1
 - (2) COLLEGES & UNIVERSITIES YEAS 8 NAYS 0
 - (3) EDUCATION APPROPRIATIONS
 - (4)
 - (5)
-

I. SUMMARY:

This bill is designed to increase the number of ethnic minorities and women holding doctoral degrees within the Florida Community College System. It should increase the internal pool of qualified ethnic and gender minority candidates who are currently under represented as faculty, and in executive, administrative, and managerial positions.

This bill establishes the Community College Faculty Diversity Program within the Florida Education Fund which provides doctoral fellowships for community college employees who demonstrate eligibility. Those recipients would qualify to receive state and private funding support. The program would be operated in accordance with policies established by the Florida Education Fund board of directors, and approved by the State Board of Community Colleges.

Sponsoring community colleges must grant release time for study while maintaining up to one half of the employee's salary (including full benefits) for the duration of the approved period of study. After completing the program, fellowship recipients must return to their sponsoring community college and render the amount of service equal to the full cost of financial support provided by the program and sponsoring community college.

This bill provides for an appropriation of \$250,000 from the General Revenue Fund for the Division of Community Colleges to enter into an agreement with the board of directors of the Florida Education Fund for fiscal year 1999-2000. There would be a minimal non-recurring fiscal impact on the State Board of Community Colleges due to the promulgation of rules. The sponsoring local community college will incur costs throughout the duration of the fellowship.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Florida Education Fund (s. 240.498, F.S.) funds programs that encourage minority doctoral study in Florida. Income from an endowment grant from the McKnight Foundation and other sources are used for these programs. The programs are designed to:

- 1) enhance the quality of higher educational opportunity within the state;
- 2) enhance equality by providing access to effective higher education programs by minorities and economically disadvantaged individuals (especially women and African-Americans);
- 3) increase the representation of minorities in faculty and administrative positions in higher education; and
- 4) provide more highly educated minority leadership in business and professional enterprises in Florida.

Although the community college systemwide data meets parity with the national statistics in regard to ethnic and gender equity in employment, individual institutions are striving to meet or exceed the equity goals established in their institutional equity accountability plans.

Forecasts indicate that by the year 2000, the number of minorities in the workforce will significantly increase. Several steps can be taken to ensure that the number of highly educated ethnic and gender minorities in high level positions is comparable to national standards.

Section 240.3355, Florida Statutes, requires community colleges to develop plans to increase the representation of women and ethnic minorities in senior level administrative and full-time faculty positions. These plans are outlined in the annual equity update of each community college. The plans have also been submitted to the US Office of Civil Rights indicating a commitment to the promotion of greater diversity in executive level and faculty positions in the community college system.

B. EFFECT OF PROPOSED CHANGES:

Increases the Pool of Eligible Ethnic and Gender Minority Candidates

This bill should increase the pool of eligible ethnic and gender minority candidates available for employment in faculty, executive, administrative, and managerial positions in Florida community colleges by increasing the number of ethnic and gender minorities with doctoral degrees.

Provides Scholarship Funds for Minority Candidates

CS/HB 179 would create a new program within the Florida Education Fund (FEF). Operation of the program would be based on the policies established by the FEF, adopted by the board of directors, and approved by the State Board of Community Colleges. Selection of participants would be based, at least in part, on an assessment of potential for success, merit, and financial need as well as the need for minority representation in participating institutions throughout the state. Preference will be given to candidates who are employed by institutions where ethnic and gender minorities are under represented and to candidates pursuing doctoral study in fields that are consistent with the goals of the sponsoring community college.

Students would receive scholarship funds from the FEF and partial employment compensation by the sponsoring community college. The FEF's board of directors would provide financial, academic, and other support to the fellows and be responsible for the distribution of the scholarship funds appropriately between the sponsoring community college and the award recipient. Each fellowship would be funded at a minimum of \$23,000 to defray the costs of doctoral study and those associated with filling the position vacated by the fellow granted educational leave. Students would receive a combination of a tuition stipend, up to half of their

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salary, and full benefits. Allowances may also be made by the board of directors to provide partial fellowships (equivalent to 10 full scholarships) for students who may not be able to attend school full time.

After completing the degree program within the specified time period, participants may either return to their sponsoring community college to provide service for a period equal to the amount of time for which the participant received aid (up to three years) or repay the total amount of financial support provided by the program and the sponsoring community college (including salary & benefits). If the student fails to complete the degree as agreed, he or she is responsible for the repayment of all funds including interest unless they can demonstrate hardship. The State Board of Community Colleges would be authorized to adopt rules and procedures for the implementation of the program and guidelines.

Expands Opportunities for Community Colleges and Employees

This program is similar to those listed in s. 240.498(3)(a-c), F.S., offered through the Florida Education Fund in conjunction with the McKnight Foundation. However, participation in the program would be limited to current qualified employees of Florida's community colleges. This proposed program

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C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Yes, The State Board of Community Colleges would have authority to make rules for the implementation of this legislation.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

The State Board of Community Colleges would be responsible for the approval of the selection processes of candidates in accordance with the policies outlined by the board of directors of the Florida Education Fund. The State Board of Community Colleges would also be responsible for adopting rules regarding the procedures for the repayment or forgiveness of benefits received.

The board of directors of the Florida Education Fund would be responsible for providing financial, academic, and other support to program participants and for the distribution of funds to sponsoring community colleges.

The sponsoring community colleges would be responsible for granting educational leave to participants including the continuation of the fellow on the payroll at up to half their salary plus full benefits. The sponsoring community college would also be responsible for redistributing their employee's workload or filling the vacated position.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Funds to support the program would be appropriated from the General Revenue Fund. There would be no direct impact on anyone's taxes.

- b. Does the bill require or authorize an increase in any fees?
No.
- c. Does the bill reduce total taxes, both rates and revenues?
No.
- d. Does the bill reduce total fees, both rates and revenues?
No.
- e. Does the bill authorize any fee or tax increase by any local government?
No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?
No.
- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

There is a repayment stipulation if the fellowship recipient either chooses not to return to work for the sponsoring community college or if they fail to complete the targeted degree within the approved period of time. In such instances, the recipient is responsible for the repayment of the amount equal to the total cost of state and local support provided by the program, including applicable interest.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

This bill would increase opportunities for ten (or its monetary equivalent) community college minority faculty and staff to earn doctoral degrees directly supporting their career advancement. The sponsoring community college would also benefit when the fellow pursues a degree that is consistent with the attainment of institutional objectives.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?
No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:
The bill does not purport to provide services to families or children.
 - (1) Who evaluates the family's needs?
N/A.
 - (2) Who makes the decisions?

N/A.

- (3) Are private alternatives permitted?

No.

- (4) Are families required to participate in a program?

No.

- (5) Are families penalized for not participating in a program?

No.

- b. Does the bill directly affect the legal rights and obligations between family members?

No.

- c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

This bill does not create or change a program which *directly* provides services to families or children.

- (1) parents and guardians?

N/A

- (2) service providers?

N/A

- (3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Section 240.498, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 240.498, F.S. to create the Community College Faculty Diversity Program within the Florida Education Fund. This section outlines the purpose and program objectives including stipulations and guidelines for the implementation and participation of said act. The FEF board of directors is directed to provide financial, academic, and other support to the individuals selected for participation in the Program. The board's administrative costs may not exceed eight percent of the cost per fellow. The board is responsible for the distribution of the funds to the award recipients and sponsoring community colleges and submit to the State Board of Community Colleges an annual report of program expenditures and activities. The sponsoring community college must agree to grant release time to program participants, and continue them on the payroll at up to one-half their salary (based in the amount they are earning at the time of initial entry into the program), and full benefits. Each fellow must agree in writing to either return to work at their sponsoring community college or repay the full amount of the award plus applicable interest. The State Board of Community Colleges and the FEF board of directors shall adopt rules for the implementation of this section act.

Section 2. Provides for a \$250,000 appropriation from the General Revenue for FY 1999-2000. The State Board of Community Colleges is directed to enter into an agreement with the FEF board of directors to provide fro a minimum of ten fellowships at a minimum of \$23,000 per fellow to defray the cost of doctoral study. At the board's discretion, allowances may be made to provide

partial fellowships, equivalent to ten full fellowships. The board is also directed to into agreement with the Southern Region Education Board to support fellows wishing to attend institutions outside of Florida. Funds for Program will be transmitted to the FEF in semi-annual payment is July and January of the fiscal year.

Section 3. Provides that the act will take effect on July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

An appropriation of \$250,000 from General Revenue to the State Board of Community Colleges (to enter into an agreement with the Florida Education Fund) for fiscal year 1999-2000 would be sufficient to fund 10 fellowships at a minimum of \$23,000 per fellow.

Minimal impact on the State Board of Community Colleges due to promulgation of rules.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

A one time appropriation of \$250,000 from general revenue.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Minimal fiscal impact on community colleges for the identification and nomination of program candidates and the search for a temporary replacement for each fellow. Sponsoring community colleges must also incur costs associated with the temporary replacement.

2. Recurring Effects:

Sponsoring community colleges would realize a recurring fiscal impact of up to one half of the salary and the corresponding benefits earned by the candidate during the length of the program. According to the Division of Community Colleges, the estimated cost would be an average of \$26,713 per candidate per year to pay for half of annual salary plus full benefits. The total approximate cost for the system would be \$267,130 per year and \$801,390 over three years.

3. Long Run Effects Other Than Normal Growth:

Anticipated decrease in costs associated with employment searches for job vacancies since the availability of eligible minority candidates in Florida would be increased.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

The marketability of the ten recipients of the scholarship would be increased due to the receipt of their doctoral degree.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

An appropriation of \$500,000 has been included in the 1999-2000 Legislative Budget request for the Division of Community Colleges to fund 20 scholarships of \$25,000 each for fiscal year 1999-2000. Scholarships may be used by employees to complete one year of masters or doctoral study. The requisite appropriations will be requested each year over the next two consecutive years.

The substance of this bill has been filed in previous legislative sessions. It died in House Appropriations Committee without a Senate companion in 1995 and was withdrawn from the Higher Education and Appropriations Committees in 1996. In 1997, the bill passed the House and was carried over to the 1998 session pursuant to House Rule 96 and placed on House Consent Calendar. The companion bill was withdrawn from the Senate Ways and Means Committee, but died on the Senate Calendar. In 1998, the bill died in House returning messages.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

A "strike everything after the enacting clause" amendment to HB 179 provided for the following changes:

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- The appropriation request was increased from \$240,000 to \$250,000
- The amount per scholarship was changed from \$8,000 per year per candidate for three years to a total award of \$23,000 per fellow, including support costs. Administrative costs are not to exceed 8%.
- The appropriation was given to the State Board of Community Colleges/Florida Education Fund rather than to the Commissioner of Education/Southern Regional Education Board.
- The requirement for full-time school attendance of fellows was changed to allow for partial fellowships to be granted.
- The amendment specified that selection of candidates must consider applicants pursuing fields of study which are consistent with the goals of the sponsoring community college.
- Authorizes the board of directors of the Florida Education Fund to enter into agreements with the SREB to support community college fellows requiring doctoral study at institutions outside of Florida that participate in the SREB Doctoral Scholars Program.

VII. SIGNATURES:

COMMITTEE ON COMMUNITY COLLEGES AND CAREER PREP:

Prepared by:

Staff Director:

Heather R. Sherry

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AS REVISED BY THE COMMITTEE ON Colleges & Universities:

Prepared by:

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