

By the Committee on Commerce and Economic Opportunities; and
Senator Kirkpatrick

310-2178A-00

1 A bill to be entitled
2 An act relating to adult workforce development
3 education; creating s. 239.214, F.S.; creating
4 the "Workforce Development Education
5 Unification Act of 2000"; providing legislative
6 intent; providing for conditions related to
7 adult workforce development programs that are
8 transferred; requiring a local agreement
9 between school districts and community
10 colleges; providing options relating to the
11 operation of community colleges and school
12 districts; providing an incentive for transfer
13 of certain school district programs and courses
14 to community colleges; creating an independent
15 panel to resolve disagreements; appropriating
16 workforce funds in the event of an agreement
17 impasse; assigning the Office of Program Policy
18 Analysis and Government Accountability to
19 perform a study on school district facilities
20 used for workforce development education
21 instructional purposes; requiring a study on
22 the feasibility of creating additional
23 institutions; providing authority for
24 rulemaking; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Section 239.214, Florida Statutes, is
29 created to read:

30 239.214 Workforce Development Education.--
31

1 (1) SHORT TITLE.--This act may be cited as the
2 "Workforce Development Education Unification Act of 2000."
3 (2) INTENT.--The Legislature recognizes that its 1997
4 adoption of the landmark legislation known as "Senate Bill
5 1688" has made Florida a distinguished national leader in
6 workforce development education. The restructured funding
7 model for the state's system of workforce development
8 education created within that bill effectively encourages
9 program development in high-need employment areas by
10 emphasizing achievement of student performance outputs and
11 outcomes rather than funding for "seat-time." The Legislature
12 further recognizes that Florida's ability to compete with
13 other states and nations in today's global community is
14 integral to Florida's economic viability and success, and
15 that, to achieve these goals, accountability for
16 responsiveness and performance is necessary. The Legislature
17 believes that the success of high school graduates in the
18 workforce and in postsecondary education is fundamentally
19 linked to the success of public schools in meeting and
20 exceeding performance standards and accountability mechanisms
21 acknowledged in the "A-Plus Plan" and other measures of
22 student and institutional achievement. The Legislature
23 reinforces its commitment to the statutory mission of
24 community colleges to serve as Florida's "open-door"
25 opportunity for adults wishing to fulfill professional and
26 personal development ambitions. The Legislature further
27 believes that residents and educators closest to the source of
28 student instruction are in the best position to make strategic
29 decisions that implement statewide policy and priorities.
30 Therefore, it is the intent of the Legislature that school
31 districts and community colleges exercise local

1 decision-making authority related to the delivery of adult
2 workforce development education programs to accomplish the
3 following state-level priorities:

4 (a) Focus public schools on the mission of educating
5 K-12 students.

6 (b) Strengthen secondary vocational education programs
7 that prepare students for postsecondary workforce development
8 education opportunities.

9 (c) Eliminate duplicative adult workforce development
10 education programs and services.

11 (d) Reduce administrative costs associated with the
12 delivery of adult workforce development education.

13 (e) Identify single points of entry for businesses and
14 students for workforce development certificate, adult
15 education, and continuing workforce education.

16 (f) Provide one point of accountability relating to
17 return on the investment of public dollars.

18 (g) Minimize waste by maximizing the transfer of
19 credit hours without jeopardizing institutional accreditation.

20 (h) Unify facilities' planning, funding, and
21 construction.

22 (3) CONDITIONS OF TRANSFER.--Unless otherwise provided
23 in local agreements reached pursuant to subsection (4), the
24 following assurances are guaranteed in the transfer of adult
25 workforce development programs:

26 (a) No program shall be eliminated in the transfer of
27 programs which has sufficient demonstrated workforce demand to
28 warrant the continuation of the program. The State Workforce
29 Development Board shall be the authoritative source in
30 determining the sufficiency of the demand.

31

1 (b) The Division of Community Colleges shall review
2 the workforce development programs operated at community
3 colleges with attention to responsiveness to business and
4 industry needs, compression of program lengths, work/learn
5 cycles consistent with industries' business cycles, and
6 applicability of distance learning as a method of instruction.

7 (c) The Division of Community Colleges, in
8 consultation with the State Workforce Development Board, will
9 provide recommendations to the Governor and the Legislature
10 identifying incentives that can be implemented under s.
11 239.115 to increase workforce production in key occupational
12 areas.

13 (d) In workforce program areas that are transferred,
14 the community college board of trustees shall provide for
15 school district area technical center or adult vocational
16 center instructional staff employed in full-time budgeted
17 positions to be hired into the community college personnel
18 system. Retirement provisions shall transfer in accordance
19 with provisions of chapter 121, and continued employment shall
20 be consistent with statutes and policies governing community
21 college employment. Community colleges shall use
22 staff-development dollars for the professional advancement of
23 transferred staff.

24 (4) OPTIONS AND INDEPENDENT REVIEW.--

25 (a) By September 1, 2000, a formal joint agreement and
26 implementation plan must exist between every local community
27 college board of trustees and affected school boards to
28 implement the options provided in paragraph (b). If each
29 respective board does not jointly adopt such an agreement, the
30 independent statewide panel created in paragraph (d) shall
31 convene and, by February 1, 2001, develop and recommend to

1 each respective board a transition plan consistent with the
2 requirements of this section. The panel recommendation may not
3 be amended by either respective local board but must be
4 jointly approved by both the locally elected school board and
5 the locally appointed community college board of trustees,
6 within 30 days after official submission, in order for the
7 panel plan to become effective. Each plan shall go into effect
8 July 1, 2001.

9 (b) Community colleges and school districts must
10 locally agree to operate under the following options:

11 1. School district vocational-technical centers and
12 adult centers are converted into community college branch
13 campuses, consistent with guidelines developed under s.
14 240.311.

15 2. Cooperative partnerships between school districts
16 and community colleges are formed to emphasize technical
17 preparation in high schools that articulates into
18 postsecondary programs of study. School districts provide the
19 secondary component of such programs, and community colleges
20 provide the postsecondary component.

21 3. The community college establishes a performance
22 contract with the school district for all or part of the adult
23 workforce development programs and courses provided by the
24 school district, in accordance with s. 240.319.

25 4. A school district vocational-technical center
26 organizes and operates under a board of directors through a
27 charter sponsored by the community college board of trustees.
28 In such arrangements, the board of directors may include,
29 among others, school boards and local business groups. Charter
30 application requirements and procedures must be consistent
31 with guidelines adopted by the State Board of Community

1 Colleges in consultation with the Executive Director of the
2 Postsecondary Education Planning Commission.

3 5. A school district vocational-technical center
4 petitions to become an independent public postsecondary
5 institution, with a local board of trustees, under the Florida
6 Community College System of governance and accountability. The
7 school district and community college must jointly petition
8 the State Board of Community Colleges to review and
9 subsequently submit a recommendation to the Postsecondary
10 Education Planning Commission for its consideration. The
11 petition must address items identified by the State Board of
12 Community Colleges in consultation with the Executive Director
13 of the Postsecondary Education Planning Commission. Consistent
14 with s. 240.147, the Postsecondary Education Planning
15 Commission shall make a recommendation to the Legislature by
16 March 30, 2001, as information for the Legislature to consider
17 in statutorily creating these Workforce Development Colleges.

18 (c) In agreements reached by September 1, 2000, where
19 school districts transfer operation of all adult workforce
20 development education programs and courses currently operated
21 by school districts to community colleges, the community
22 college and school district may negotiate school district
23 retention of up to 10 percent of total state workforce
24 development funds generated by the school district from the
25 previous year. Under complete sponsorship of the community
26 college, options to establish branch campuses, charter
27 institutions, and performance contracts may be used.

28 (d) An independent statewide panel shall be created to
29 resolve disagreements between community colleges and school
30 boards on workforce development program transfers. The
31 independent panel shall be composed of a school board member,

1 a district school superintendent, a member of a community
2 college board of trustees, and a community college president,
3 appointed by the Governor. The Florida Chamber of Commerce
4 shall appoint two additional members. Appointments to the
5 panel shall be made by September 30, 2000.

6 (5) FACILITIES.--

7 (a) The Office of Program Policy Analysis and
8 Government Accountability shall evaluate the precedents and
9 issues in Florida and other states related to the compensation
10 of school districts for the transfer of workforce development
11 education facilities from school districts to community
12 colleges and submit a report and recommendations to the
13 Governor, the President of the Senate, and the Speaker of the
14 House of Representatives before January 1, 2001. The review
15 shall consider the treatment of facilities in the creation of
16 the community college system and in subsequent major program
17 transfers and shall consider the overall support from the
18 state for facility construction that has been received by
19 school districts.

20 (b) Community College Boards of Trustees and the State
21 Board of Community Colleges must consider the following
22 priorities in assessing community college needs associated
23 with facilities used for workforce development education
24 instructional purposes:

25 1. Community college utilization of existing facility
26 space capacity.

27 2. Partnership arrangements involving community
28 colleges with business and industry for worksite training.

29 3. Leasing arrangements between community colleges and
30 school districts during periods of under-utilization.

31

1 4. Leasing arrangements between community colleges and
2 the private sector.

3 5. Use of funds from the Public Education Capital
4 Outlay and Debt Service Trust Fund by community colleges to
5 support renovation and remodeling needs of existing community
6 college facilities and transferred school district facilities;
7 and construction of new facilities only after other options
8 have been exhausted.

9 (6) AGREEMENT IMPASSE.--If an agreement between
10 respective community colleges and school districts is not
11 formally adopted pursuant to local agreement or through
12 recommendation of an independent panel by March 1, 2001, total
13 state workforce development education funding for adult
14 general education and adult certificate vocational education
15 for respective colleges and school districts that do not come
16 to agreement will be appropriated to the local Workforce
17 Development Board to determine allocation of responsibility
18 and associated funds to services providers without regard to
19 the provisions of s. 239.214.

20 (7) ADDITIONAL INSTITUTIONS.--The Office of Program
21 Policy Analysis and Government Accountability shall perform a
22 feasibility study on the creation of additional independent
23 public postsecondary institutions within the Florida Community
24 College System to operate workforce development educational
25 programs. The study shall also identify a process by which an
26 institution may be considered for creation within a region
27 including recommendation by the State Board of Community
28 Colleges to the Postsecondary Education Planning Commission,
29 after proof of joint consultation with any community college
30 board of trustees and school board within the service delivery
31 area affected by the creation of the new institution. The

1 Office of Program Policy Analysis and Government
2 Accountability shall provide a report and recommendations to
3 the Governor, the President of the Senate, the Speaker of the
4 House of Representatives, the Commissioner of Education, and
5 the State Board of Community Colleges by January 1, 2001,
6 regarding the creation of such institutions.

7 (8) RULES.--The State Board of Education may adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this section.

10 Section 2. This act shall take effect upon becoming
11 law.

12
13 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
14 COMMITTEE SUBSTITUTE FOR
15 Senate Bill 1208

16 The committee substitute differs substantially and principally
17 from Senate Bill 1208 in that the committee substitute creates
18 the "Workforce Development Education Unification Act of 2000,"
19 to allow school districts and community colleges to exercise
20 local decision-making authority related to the delivery of
21 adult workforce development education programs.

22 Specifically, the committee substitute:

23 -Sets forth state-level priorities in the transfer of adult
24 workforce development education programs;

25 -Provides assurances to students, businesses, and staff
26 relating to the transfer;

27 -Requires local determination of several workforce development
28 system options;

29 -Creates an independent statewide panel to resolve
30 disagreements between school districts and community colleges
31 relating to program transfers; and

-Requires a study on the feasibility of additional independent
public postsecondary institutions within the Florida Community
College System to operate workforce development educational
programs, as well as a study on compensation of school
districts for the transfer of workforce development
facilities.