

By Senator Diaz-Balart

37-1330-00

1 A bill to be entitled
 2 An act relating to postsecondary education;
 3 amending s. 120.81, F.S.; providing that
 4 certain exceptions provided for the adoption
 5 and publication of rules by educational units
 6 do not apply to policies, procedures, or rules
 7 adopted by community college boards of
 8 trustees; amending ss. 240.152, 240.153, F.S.;
 9 requiring the State Board of Education, the
 10 Board of Regents, and the State Board of
 11 Community Colleges to adopt rules with respect
 12 to individuals who have disabilities; amending
 13 ss. 240.311, 240.325, F.S.; providing
 14 additional rulemaking authority for the State
 15 Board of Community Colleges; requiring the
 16 State Board of Community Colleges to adopt by
 17 rule standards of operation and criteria for
 18 making certain recommendations; deleting an
 19 obsolete provision relating to a report;
 20 requiring the State Board of Community Colleges
 21 to adopt rules governing standards and
 22 guidelines formerly prescribed by the State
 23 Board of Education; providing an effective
 24 date.

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

27
 28 Section 1. Subsection (1) of section 120.81, Florida
 29 Statutes, is amended to read:

30 120.81 Exceptions and special requirements; general
 31 areas.--

1 (1) EDUCATIONAL UNITS.--

2 (a) Notwithstanding s. 120.536(1) and the flush left
3 provisions of s. 120.52(8), district school boards may adopt
4 rules to implement their general powers under s. 230.22.

5 (b) The preparation or modification of curricula by an
6 educational unit is not a rule as defined by this chapter.

7 (c) Notwithstanding s. 120.52(15), any tests, test
8 scoring criteria, or testing procedures relating to student
9 assessment which are developed or administered by the
10 Department of Education pursuant to s. 229.57, s. 232.245, s.
11 232.246, or s. 232.247, or any other statewide educational
12 tests required by law, are not rules.

13 (d) Notwithstanding any other provision of this
14 chapter, educational units shall not be required to include
15 the full text of the rule or rule amendment in notices
16 relating to rules and need not publish these or other notices
17 in the Florida Administrative Weekly, but notice shall be
18 made:

19 1. By publication in a newspaper of general
20 circulation in the affected area;

21 2. By mail to all persons who have made requests of
22 the educational unit for advance notice of its proceedings and
23 to organizations representing persons affected by the proposed
24 rule; and

25 3. By posting in appropriate places so that those
26 particular classes of persons to whom the intended action is
27 directed may be duly notified.

28 (e) Notwithstanding s. 120.52(15), as used in this
29 subsection the term "rule" does not include policies,
30 procedures, or rules of community college boards of trustees
31 which involve standards of admission, academic advancement,

1 academic credit, graduation and the granting of degrees,
2 employment relationships, or fiscal processes.

3 (f)~~(e)~~ Educational units, other than units of the
4 State University System and the Florida School for the Deaf
5 and the Blind, shall not be required to make filings with the
6 committee of the documents required to be filed by s. 120.54
7 or s. 120.55(1)(a)4.

8 (g)~~(f)~~ Notwithstanding s. 120.57(1)(a), hearings which
9 involve student disciplinary suspensions or expulsions may be
10 conducted by educational units.

11 (h)~~(g)~~ Sections 120.569 and 120.57 do not apply to any
12 proceeding in which the substantial interests of a student are
13 determined by the State University System or a community
14 college district. The Board of Regents shall establish a
15 committee, at least half of whom shall be appointed by the
16 Council of Student Body Presidents, which shall establish
17 rules and guidelines ensuring fairness and due process in
18 judicial proceedings involving students in the State
19 University System.

20 (i)~~(h)~~ Notwithstanding ss. 120.569 and 120.57, in a
21 hearing involving a student disciplinary suspension or
22 expulsion conducted by an educational unit, the 14-day notice
23 of hearing requirement may be waived by the agency head or the
24 hearing officer without the consent of parties.

25 (j)~~(i)~~ For purposes of s. 120.68, a district school
26 board whose decision is reviewed under the provisions of s.
27 231.36 and whose final action is modified by a superior
28 administrative decision shall be a party entitled to judicial
29 review of the final action.

30 (k)~~(j)~~ Notwithstanding s. 120.525(2), the agenda for a
31 special meeting of a district school board under authority of

1 s. 230.16 shall be prepared upon the calling of the meeting,
2 but not less than 48 hours prior to the meeting.

3 (1)(k) Students are not persons subject to regulation
4 for the purposes of petitioning for a variance or waiver to
5 rules of educational units under s. 120.542.

6 Section 2. Section 240.152, Florida Statutes, is
7 amended to read:

8 240.152 Individuals who have disabilities ~~Impaired and~~
9 ~~learning disabled persons~~; admission to postsecondary
10 institutions; substitute requirements; rules.--Any person who
11 is hearing impaired, visually impaired, speech impaired,
12 otherwise physically impaired, or dyslexic, or who has a
13 specific learning disability or a physical or mental
14 impairment as defined by rule of the State Board of Education,
15 shall be eligible for reasonable substitution for any
16 requirement for admission to a state university, community
17 college, or postsecondary degree career education institution
18 where documentation can be provided that the person's failure
19 to meet the admission requirement is related to the
20 disability. The State Board of Education, the Board of
21 Regents, and the State Board of Community Colleges shall adopt
22 rules to implement this section and shall develop substitute
23 admission requirements where appropriate.

24 Section 3. Section 240.153, Florida Statutes, is
25 amended to read:

26 240.153 Individuals who have disabilities ~~Impaired and~~
27 ~~learning disabled persons~~; graduation, study program
28 admission, and upper-division entry; substitute requirements;
29 rules.--Any student in a state university, community college,
30 or other postsecondary degree career education institution who
31 is hearing impaired, visually impaired, speech impaired,

1 otherwise physically impaired, or dyslexic, or who has a
2 specific learning disability or a physical or mental
3 impairment as defined by rule of the State Board of Education,
4 shall be eligible for reasonable substitution for any
5 requirement for graduation, for admission into a program of
6 study, or for entry into upper division where documentation
7 can be provided that the person's failure to meet the
8 requirement is related to the disability and where the failure
9 to meet the graduation requirement or program admission
10 requirement does not constitute a fundamental alteration in
11 the nature of the program. The State Board of Education, the
12 Board of Regents, and the State Board of Community Colleges
13 shall adopt rules to implement this section and shall develop
14 substitute requirements where appropriate.

15 Section 4. Paragraphs (g) and (j) of subsection (3),
16 paragraph (c) of subsection (5), and paragraph (d) of
17 subsection (8) of section 240.311, Florida Statutes, are
18 amended to read:

19 240.311 State Board of Community Colleges; powers and
20 duties.--

21 (3) The State Board of Community Colleges shall:

22 (g) Specify, by rule, ~~Recommend to the State Board of~~
23 ~~Education~~ minimum standards for the operation of each
24 community college as required in s. 240.325, which standards
25 may include, but are not limited to, general qualifications of
26 personnel, budgeting, accounting and financial procedures,
27 educational programs, student admissions and services, and
28 community services.

29 (j) Establish, by rule, criteria for making
30 recommendations relative to modifying district boundary lines
31 and for making recommendations upon all proposals for the

1 establishment of additional centers, instructional sites, or
2 campuses for community colleges.

3 (5) The State Board of Community Colleges is
4 responsible for reviewing and administering the state program
5 of support for the Florida Community College System and,
6 subject to existing law, shall:

7 (c) Provide for and coordinate implementation of the
8 community college program fund in accordance with provisions
9 of ss. 240.359 and 240.323 and in accordance with rules of the
10 State Board of Community Colleges Education.

11 (8)

12 ~~(d) By December 31, 1999, and annually thereafter, the~~
13 ~~State Board of Community Colleges shall report on the~~
14 ~~implementation of this section to the Speaker of the House of~~
15 ~~Representatives and the President of the Senate.~~

16 Section 5. Section 240.325, Florida Statutes, is
17 amended to read:

18 240.325 Minimum standards, definitions, and guidelines
19 for community colleges.--Subject to s. 240.311(2), the State
20 Board of Community Colleges may Education shall prescribe, by
21 rule, minimum standards, definitions, and guidelines for
22 community colleges and the Division of Community Colleges
23 which will assure the quality of education, systemwide
24 coordination, and efficient progress toward attainment of the
25 community college mission. At a minimum, the State Board of
26 Community Colleges shall adopt ~~these~~ rules that must address:

27 (1) Personnel.

28 (2) Contracting.

29 (3) Program offerings and classification including
30 college-level communication and computation skills associated
31 with successful performance in college, with tests and other

1 assessment procedures which measure student achievement of
2 those skills. The performance measures shall provide that
3 students moving from one level of education to the next
4 acquire the necessary competencies for that level.

5 (4) Provisions for curriculum development, graduation
6 requirements, accreditation, college calendars, and program
7 service areas. These provisions must ~~shall~~ include, but need
8 not be limited to, rules that:

9 (a) Provide for the award of an associate in arts
10 degree to a student who successfully completes 60 semester
11 credit hours at the community college.

12 (b) Require all of the credits accepted for the
13 associate in arts degree to be in the common course numbering
14 and designation system as credits toward a baccalaureate
15 degree offered by a university in the State University System.

16 (c) Require no more than 36 semester credit hours in
17 general education courses in the subject areas of
18 communication, mathematics, social sciences, humanities, and
19 natural sciences.

20 (d) Provide procedures for withdrawal and forgiveness
21 policies.

22
23 The rules should encourage community colleges to enter into
24 agreements with universities which allow community college
25 students to complete upper-division-level courses at a
26 community college. An agreement may provide for concurrent
27 enrollment at the community college and the university,
28 authority for the community college to offer an
29 upper-division-level course, or distance learning.

30 (5) Student admissions, conduct and discipline,
31 nonclassroom activities, and fees.

- 1 (6) Budgeting.
- 2 (7) Business and financial matters.
- 3 (8) Student services.
- 4 (9) Reports, surveys, and information systems,
- 5 including forms and dates of submission.

6 Section 6. This act shall take effect July 1, 2000.

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9 SENATE SUMMARY

10 Clarifies the definition of the term "rule" for purposes
11 of the rules adopted by community college boards of
12 trustees. Provides requirements for the adoption of rules
13 with respect to individuals who have disabilities.
14 Requires the State Board of Community Colleges to adopt
15 standards of operation and criteria for making certain
16 recommendations. Requires the State Board of Community
17 Colleges to adopt rules governing certain standards and
18 guidelines which were formerly prescribed by the State
19 Board of Education.