

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 303 Access to Postsecondary Education
SPONSOR(S): Mayfield
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Subcommittee on Higher Education	6 Y, 1 N	Tilton	Bohannon
2) Committee on Education K-20		Tilton	Bohannon
3) Subcommittee on Education Appropriations			
4) Appropriations			
5)			

SUMMARY ANALYSIS

Chipola Junior College, Miami-Dade Community College, and Okaloosa-Walton Community College have received approval from the State Board of Education to grant selected baccalaureate degrees. HB 303 changes the names of these community colleges to reflect this approval. Chipola Junior College will become Chipola College; Miami-Dade Community College will become Miami-Dade College; and Okaloosa-Walton Community College will become Okaloosa-Walton College.

HB 303 revises current statutory provisions relating to site-determined baccalaureate degree access. It expands legislative intent relating to baccalaureate degree access and revises the process by which community colleges obtain approval to offer specified baccalaureate degree programs.

HB 303 addresses provisions regarding to mission, governance, student fees, employees, facilities, academic policies, reporting, accountability, and state funding as they relate to community colleges that have been approved by the State Board of Education to award baccalaureate degrees.

The fiscal impact of HB 303 is indeterminate. See FISCAL COMMENTS.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0303b.edk.doc
DATE: March 29, 2004

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|---|-----------------------------|---|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. EFFECT OF PROPOSED CHANGES:

The name of each public community college is listed in s. 1000.21, F.S. HB 303 changes the name of Chipola Junior College, Miami-Dade Community College, and Okaloosa-Walton Community College to reflect authorization by the State Board of Education (SBE) for these institutions to award selected baccalaureate degrees. Chipola Junior College will become Chipola College; Miami-Dade Community College will become Miami-Dade College; and Okaloosa-Walton Community College will become Okaloosa-Walton College.

Section 1007.33, F.S., expresses the intent of the Legislature to expand access to baccalaureate degree programs through the use of community colleges. HB 303 expands the intent language to include support for the following priorities: expanding access to serve diverse and nontraditional students and placebound students; support programs that meet critical workforce needs; encourage innovative alternatives to traditional programs or programs that do not meet community needs; evaluate and authorize program options based on cost efficiency and effectiveness measures through partnerships and consideration of state and student costs.

Section 1007.33, F.S., sets forth two ways in which a community college may expand access to baccalaureate degree programs. The community college may enter into a formal agreement with another postsecondary institution to provide undergraduate programs or the community college may submit a proposal to the SBE to deliver specified baccalaureate degree programs in the district to meet local workforce needs. The proposal must show a demand for the program, that there is an unmet need for graduates of the program, and that the community college has the facilities and academic resources to deliver the program. The proposal must be submitted to the Council for Education Policy Research and Improvement for review and comment. Upon approval by the SBE, the college is to seek the proper accreditation for the program. If the college wants to offer additional degree programs, it must go through the same evaluation cycle for each degree request. The present language prohibits a community college from terminating an associate degree program as a result of being authorized to offer a baccalaureate degree. HB 303 revises the process to require the community colleges to submit the proposals in accordance with timelines and guidelines adopted by the SBE and provides that the SBE may approve, deny, or recommend revisions to the proposals. HB 303 also requires that implementation of approved programs must be in accordance with joint letters of agreement between the SBE and the colleges that receive approval.

Section 1009.23, F. S., specifies the process for establishing community college student fees. The SBE must annually establish a fee schedule for advanced and professional, associate in science degree, and college-preparatory programs. There is no specific reference to tuition and fees for baccalaureate programs that have been approved by the SBE. HB 303 creates a new subsection in s. 1007.33, F.S., to include provisions relating to fees at community colleges that have been authorized to

grant baccalaureate degrees. The community college board of trustees is authorized to establish the tuition and out-of-state fees for approved baccalaureate degree programs. Tuition and out-of-state fees for certificate level courses or lower-division level college credit courses must be within the range required by law; tuition and out-of-state fees for upper-division students must be within a range of fees for lower division credit courses and 85 percent of the local state university tuition and out-of-state fees. The bill does not specify which university is associated with which community college for purposes of making this determination. The bill also authorizes community college boards of trustees to establish discretionary fees for upper division instruction as provided in s. 1009.23, F.S.

Community colleges approved to grant baccalaureate degrees must maintain separate records for students enrolled in courses classified in the upper and lower divisions of a baccalaureate degree program. HB 303 specifies how these students are to be counted for enrollment reporting purposes.

Section 1001.64, Florida Statutes, identifies the powers and duties of the community college boards of trustees. The boards are authorized to enter into intrainstitutional and interinstitutional programs to maximize articulation pursuant to law, however the boards' powers and duties have not been changed to reflect the expansion of some colleges into baccalaureate degree granting institutions. HB 303 creates a new subsection in s. 1007.33, F.S., regarding the boards of trustees of community colleges that have been authorized to grant baccalaureate degrees and specifies that the board of trustees of the sponsoring community college serves as the college's governing board. The Governor must appoint members as provided in s. 1001.61, F.S., and the board has the duties and authorities granted in ss. 1001.63 and 1001.64, F.S.

Community colleges authorized to grant baccalaureate degrees remain under the authority of the SBE for planning, coordination, oversight, budget, and accountability responsibilities.

Boards of trustees of community colleges that have been approved to grant baccalaureate degrees may establish direct support organizations for the baccalaureate degree programs pursuant to ss. 1004.28, F.S. (state university direct support organizations) and 1004.70, F.S. (community college direct support organizations). The provisions of these two sections are not completely consistent. It is unclear which section of law would apply.

Boards of trustees of community colleges that have been authorized to grant baccalaureate degrees may continue to award degrees, diplomas and certificates as authorized for the college and in the name of the college until the college receives its accreditation.

Employment and employee records at community colleges approved to grant baccalaureate degrees will be governed by the same laws that govern community colleges.

Community colleges approved to grant baccalaureate degrees will be exempt from local amendments to the Florida Building Code and the Florida Fire Prevention Code. The impact of these exemptions is unknown.

Contracts of community colleges approved to grant baccalaureate degrees for supplies, utility services, and building construction will be exempt from operation of county or municipal ordinance or charter. The impact of these exemptions is unknown.

Community colleges approved to grant baccalaureate degrees are authorized to request funding from the Public Education Capital Outlay and Debt Service (PECO) for all authorized programs, including an approved baccalaureate degree.

The municipalities in counties of approved colleges, the boards of county commissioners of those respective counties, and all other governmental entities are authorized to cooperate with the board of trustees of the approved college in establishing the institution. The acquisition of and donation of lands, buildings, and equipment for the use of the colleges is authorized as a public purpose.

The board of county commissioners of the respective county and all other municipalities in the county are authorized to exercise the power of eminent domain to acquire lands, buildings, and equipment for the use of the college, regardless of whether lands, buildings, and equipment are located in a community redevelopment area.

Section 1011.83, Florida Statutes, specifies how community colleges are to be funded. Workforce development programs are to be funded through the Workforce Development Education Fund appropriation. All other appropriations for operational activities of the college are to be provided through appropriations to the Community College Program Fund. HB 303 creates a new subsection in s. 1007.33, F.S., relating to funding for community colleges authorized to grant baccalaureate degrees. Community colleges must fund nonrecurring costs related to the initiation of the new program without new state appropriation unless special grant funds are designated by the SBE and subject to funding by the Legislature for that purpose. Recurring operational funding for the college will be funded as follows: as a community college for workforce development programs, lower-division level college credit courses, and programs funded in the CCPF; as a baccalaureate degree level institution for its upper-division level courses and programs. State funding for baccalaureate programs is capped at 85% of the amount per FTE in a comparable state university program. Funds appropriated for baccalaureate programs must be used for that purpose. Funding for a baccalaureate degree program at a community college must be requested by the SBE as a separate line item outside the community college and state university budgets. Reporting and funding distinctions must be maintained between programs approved pursuant to s. 1007.33, F.S., and other baccalaureate degree programs involving traditional concurrent-use partnerships.

C. SECTION DIRECTORY:

Section 1. Amends s. 1000.21, F.S., to revise the names of certain community colleges.

Section 2. Amends s. 1007.33, F.S., relating to site-determined baccalaureate degree access, to revise provisions relating to the process for community college submission of proposals to deliver baccalaureate degree programs and the approval of such proposals; to provide mission and policies of community colleges; to provide for the reporting of students and the establishment of tuition and fees for approved baccalaureate degree programs; providing responsibilities of community college boards of trustees; providing requirements relating to employees; providing facility standards; providing requirements for state funding; to specific statutory authority to grant baccalaureate degrees to the community colleges approved by the State Board of Education .

Section 3. Amends s. 288.8175, F.S., to conform.

Section 4. Amends s. 1002.35, F.S., to conform.

Section 5. Amends s. 1004.76, F.S., to conform.

Section 6. Provides an effective date of July 1, 2004.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See FISCAL COMMENTS.

2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

The fiscal impact of the bill is indeterminate.

HB 303 creates a new subsection in s. 1007.33, F.S., relating to funding for community colleges authorized to grant baccalaureate degrees. Community colleges must fund nonrecurring costs related to the initiation of the new program without new state appropriation unless special grant funds are designated by the SBE and subject to funding by the Legislature for that purpose. Recurring operational funding for the college will be funded as follows: as a community college for workforce development programs, lower-division level college credit courses, and programs funded in the CCPF; as a baccalaureate degree level institution for its upper-division level courses and programs. State funding for baccalaureate programs is capped at 85% of the amount per FTE in a comparable state university program. Funds appropriated for baccalaureate programs must be used for that purpose. Funding for a baccalaureate degree program at a community college must be requested by the SBE as a separate line item outside the community college and state university budgets. Reporting and funding distinctions must be maintained between programs approved pursuant to s. 1007.33, F.S., and other baccalaureate degree programs involving traditional concurrent-use partnerships.

Student fees for baccalaureate programs at community colleges will be established by the college's board of trustees and are capped at 85% of state university fees.

Community colleges approved to award baccalaureate degrees may need to make improvements to become accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

Community colleges approved to award baccalaureate degrees are authorized to contract for supplies, utility services, and building construction without regulation or restriction by municipal or county charter, pursuant to s.1013.82, F.S. The fiscal impact of this provision, if any, on local government is unknown.

Community colleges approved to award baccalaureate degrees are exempted from local amendments to the Florida Building Code and the Fire Prevention Code, pursuant to s. 1013.39, F.S. The fiscal impact of this provision, if any, on local government is unknown.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require a city or county to spend funds or to take any action requiring the expenditure of funds.

2. Other:

This bill does not appear to raise any constitutional issues.

B. RULE-MAKING AUTHORITY:

The State Board of Education is provided statutory authority to adopt rules necessary to implement the provisions of law relating to site-determined baccalaureate degree access.

C. DRAFTING ISSUES OR OTHER COMMENTS:

Issues related to community college mission, governance, student records, fees, employees, facilities, and funding may be more appropriately drafted to chapters of the School Code other than Chapter 1007, F.S., which relates to Articulation and Access.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On March 29, 2004 the Subcommittee on Higher Education recommended a strike-everything amendment and reported the bill favorable. The amendment renames certain community colleges to reflect approval by the SBE to award baccalaureate degrees; revises the site determined baccalaureate degree process; and amends provisions relating to governance, tuition and fees, reporting and performance accountability, and funding for community colleges approved by the SBE to award baccalaureate degrees.