

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Education Committee

BILL: SB 1658

INTRODUCER: Senator Lynn

SUBJECT: The Awarding of Baccalaureate Degrees by Community Colleges

DATE: March 13, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	_____	_____	<u>EA</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill revises requirements with regard to community college baccalaureate degree programs to:

- Specify that community colleges granting baccalaureate degrees will remain under the authority of the State Board of Education with respect to planning, coordination, oversight, and budgetary and accountability responsibilities.
- Delineate the powers and duties of community college boards of trustees;
- Reaffirm the primary mission of community colleges;
- Specify the elements that must be present in formal agreements to deliver baccalaureate degree programs by other institutions at community college sites;
- Specify the tuition and fee structure for baccalaureate programs at community colleges;
- Specify the financial support structure for community colleges offering baccalaureate degrees; and
- Establish requirements for legislative capital outlay budget requests.

This bill amends ss. 1001.64, 1004.65, 1004.73, 1007.33, 1009.23, 1011.83, and 1013.60, Florida Statutes.

II. Present Situation:

Community College Mission

Section 1004.65, F.S., defines the primary mission and responsibilities of community colleges as responding to community needs for postsecondary academic education and career degree

education. Their mission and responsibilities include being responsible for: providing lower level undergraduate instruction and awarding associate degrees; preparing students directly for careers requiring less than baccalaureate degrees; providing student development services; promoting economic development within a college's respective district; and providing dual enrollment instructions. Providing upper level instructions and awarding baccalaureate degrees as specifically authorized by law is a separate and secondary role.

Options for Expanding Access to Baccalaureate Degrees on Community College Campuses

Florida has two primary options for increasing the provision of baccalaureate degrees on community college campuses:

- The community college may enter into a formal agreement with another postsecondary institution to provide undergraduate programs.
- The community college may submit a proposal to the State Board of Education (SBE) to deliver specified baccalaureate degree programs in the district to meet local workforce needs.

These methods are not mutually exclusive. Some community colleges offer baccalaureate degrees and also have partnerships with public or private 4-year institutions to offer baccalaureate degrees. Some community colleges have established an on-site "university center" through which students may receive academic advising, financial aid assistance, and other student services.

Section 1004.03, F.S., encourages cooperative programs, especially between institutions within the same regions of the state. Section 1007.22, F.S., authorizes and encourages intrainstitutional and interinstitutional programs to maximize articulation. In most cases, bachelor's degrees offered at a community college are provided through a partnership between the community college and a public or private four-year institution. While the courses are taken on the community college campus or via distance learning, the degree is awarded by the partnering four-year institution.

Community colleges are authorized to offer baccalaureate degrees by two Florida statutes. Under s. 1004.73, F.S., St. Petersburg College is authorized to offer baccalaureate degrees in applied science, nursing, and education. The statute authorizes the college to offer additional baccalaureate degree programs four years after first being accredited to offer baccalaureate degrees, if approved by local stakeholders based on community needs and economic opportunities.

Under s. 1007.33, F.S., all community colleges may provide upper division coursework and award baccalaureate degrees. To receive this authorization, a community college must obtain approval from the State Board of Education (SBE). Approval is contingent upon documented demand for the program, unmet need in the area, and the community college having the necessary facilities and academic resources to deliver the program.

The statute requires the community college to submit the proposal to the Council for Education Policy Research and Improvement (CEPRI) for review and comment. Upon approval by the SBE, the college must 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. Until 2005, the process for obtaining approval of a site-determined baccalaureate degree involved the development of a proposal that was submitted to CEPRI. Since CEPRI was not funded in the General Appropriations Act in 2005, the SBE approved a new process for proposal review and comment. As of August, 2005, proposals are now evaluated by a cross-functional review team consisting of the Division of Accountability, Research and Measurement, the Division of Community Colleges and Workforce Education, the Florida Board of Governors, and others as appropriate. The SBE still makes the final determination for community college baccalaureate degree program approval.

The following Florida community colleges have been approved to offer a total of 26 baccalaureate degrees:

Chipola College	Four degrees in Education
Daytona Beach Community College	One degree in Supervision and Management
Edison College	One degree in Public Safety Management
Miami Dade College	Six degrees in Education
Okaloosa-Walton College	One degree in Project and Acquisitions Mgt.
St. Petersburg College	Thirteen degrees (six in Education, and seven in various professional, technical, and management fields)

Community College Boards of Trustees

Section 1001.64, F.S., sets forth the powers and duties of community college boards of trustees. Each community college board of trustees has the responsibility to govern its respective institution and with the authority necessary for the proper operation and improvement thereof in accordance with rules of the SBE. Each board must adopt rules establishing student performance standards for the award of degrees and certificates. The board must establish fees pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and 1009.27, F.S., which govern workforce education, community college fees, fee exemptions, waivers, and deferral of fees, respectively. Each board must establish the personnel program for all employees of the community college.

Requirements Relating to Teaching and the Awarding of Degrees

Section 1001.65, F.S. authorizes each community college president to award degrees.

Section 1012.82, F.S. requires each full-time member of the teaching faculty at any community college who is paid wholly from funds appropriated from the community college program funds to teach a minimum of 15 classroom contact hours per week at such institution.

The State Board of Education

Section 1000.03, F.S., establishes the function, mission, and goals of the Florida K-20 education system. The State Board of Education (SBE) must oversee the enforcement of all laws and rules and the timely provision of direction, resources, assistance, intervention when needed, and strong incentives and disincentives to force accountability for results.

With regard to the community colleges specifically, s.1001.02, F.S., requires the SBE to establish criteria for making recommendations for modifying district boundary lines for community colleges; establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses; examine the annual administrative review of each community college; and prescribe in rule the minimum standards, definitions, and guidelines for community colleges to ensure quality of education, coordination among public postsecondary institutions, and efficient progress toward accomplishing the community college mission. At a minimum, these rules must address: personnel; contracting; program offering and classification; provisions for curriculum development, graduation requirements, college calendars, and program service areas; student admissions, conduct and discipline, non-classroom activities, and fees; budgeting; business and financial matters; student services; reports, surveys, and information systems.

Community College Fees and Funding

The provisions of s. 1009.23, F.S., apply to fees charged for college credit instruction leading to an associate in arts degree, an associate in applied science degree, or an associate in science degree and non-college credit college-preparatory courses defined in s. 1004.02., F.S. Identical fees must be required for all community college resident students within a college who take a specific course, regardless of the program in which they enrolled. 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. In the absence of a provision to the contrary in the appropriations act, the fee schedule takes effect the following fall. Community college boards of trustees may establish separate fees for capital improvement, technology enhancements, and equipping student buildings. Under s. 1009.23(4), F.S., the board of trustees may not vary tuition and out-of-state fees by more than 10 percent below and 15 percent above the combined total of the fee schedule adopted by the SBE and the technology fee adopted by a board of trustees, provided that any amount from 10 to 15 percent above the fee schedule is used only to support safety and security purposes.

Section 1011.83, F.S., specifies how community colleges are to be funded. Funding for all workforce education programs must be based on cost categories, performance output measures, and performance outcomes measures, in accordance with s. 1011.80, F.S. All other appropriations for operational activities of the community college are to be provided through appropriations to the Community College Program Fund (CCPF) under s. 1011.81, F.S.

Community College Legislative Capital Outlay Budget

Section 1013.31, F.S., requires each education board to arrange for an educational plant survey every 5 years to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district or campus. The survey report must include an inventory of existing facilities and ancillary plants; recommendations for new and existing plants; campus master plan updates and details for community colleges; and other information that may be required by the SBE. Each community college's survey must reflect the capacity of existing facilities as specified in the DOE inventory.

Projections of facility space needs must comply with standards for determining space needs as specified in SBE rule.

Section 1013.60, F.S., requires the Commissioner of Education to submit an integrated, comprehensive budget request for education facilities construction and fixed capital outlay needs for school districts, community colleges, and state universities pursuant to the provisions of s. 1013.64, F. S., and applicable provisions of Ch. 216, F.S. The budget request must include:

- Recommendations for the priority of expenditure of funds in the state system of public education;
- Reasons for the recommended priorities;
- Other recommendations which relate to the effectiveness of the educational facilities construction program; and
- All items in s. 1013.64, F.S., which include funds for remodeling, renovation, maintenance, and site improvements for existing satisfactory facilities.

Section 1013.64, F.S., describes the process to be used for making allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects. Funds for remodeling, maintenance, repairs, and site improvement for existing satisfactory facilities must be given priority consideration for appropriations allocated to the boards from the total amount appropriated.

The statutory provisions include a formula that is to be followed in calculating the funds, and each board is to receive the percentage generated by the formula of the total amount appropriated. At least one-tenth of a board's annual allocation must be spent to correct unsafe, unhealthy, or unsanitary conditions in its educational facilities, as required by s. 1013.12, F.S., or a lesser amount sufficient to correct all deficiencies cited in its annual comprehensive safety inspection reports.

Community college boards of trustees and university boards of trustees receive funds for projects based on a 3-year priority list which must be updated annually and submitted by the SBE to the Legislature prior to the legislative session. The list must reflect decisions by the SBE concerning program priorities that implement the statewide plan for program growth and quality improvement in education. No new construction project may be included on the first year of a 3-year priority list unless the educational specifications have been approved by the commissioner. Any new construction project requested in the first year of the 3-year priority list which is not funded by the Legislature must be carried forward to be listed first in developing the updated 3-year priority list for the subsequent year's capital outlay budget. Should the order of the priority of the projects change from year to year, a justification for such change must be included with the updated priority list. Section 1004.73(7) F.S., authorizes St. Petersburg College to request funding from the PECO Trust Fund as a community college and as a university.

Office of Program Policy Analysis and Government Accountability (OPPAGA) Report No. 05-20

In response to a legislative request, OPPAGA reviewed the issues involved in authorizing community colleges to award baccalaureate degrees as one of several options to expand access to higher education. The report, published in April 2005, found that:

Authorizing community colleges to offer baccalaureate degrees improves the state's ability to meet workforce needs and gives students more choice. However, if not carefully implemented, this step could produce unanticipated consequences including higher expenditures per student and weaker community college dedication to their traditional students. To limit these problems, the Legislature should consider several options:

- *Strengthening the process for reviewing proposals for new community college degree programs;*
- *Empowering community colleges to provide baccalaureate degrees that meet workforce needs on their campuses by the most efficient means, which could include providing incentives for partnerships with public and private institutions;*
- *Limiting community colleges' ability to offer baccalaureate degree programs;*
- *Slowly transforming some community colleges into four-year colleges that focus on teaching rather than research; and*
- *Establishing a process to coordinate degree requirements for Bachelor of Applied Science programs.¹*

III. Effect of Proposed Changes:

Providing Access to Baccalaureate Degrees on Community College Campuses

The bill revises the powers and duties of the boards of trustees of community colleges to authorize community colleges to grant baccalaureate degrees pursuant to s. 1007.33, F.S. Community colleges that grant baccalaureate degrees will remain under the authority of the State Board of Education with respect to planning, coordination, oversight, and budgetary and accountability responsibility. This provision addresses allegations made by plaintiffs in *Floridians for Constitutional Integrity, Inc., v. State Board of Education*, No. 2004-CA-003040 (2nd Cir. Fla. filed Dec. 21, 2004), who allege that the Florida Board of Governors has control over all 4-year degrees.

The board of trustees of a community college will serve as the governing board for purposes of granting baccalaureate degrees as authorized in s. 1007.33, F.S., and approved by the State Board of Education. The board of trustees may award degrees, diplomas, and certificates as authorized until the college receives any necessary changes to its accreditation. Each board of trustees must establish tuition and out-of-state fees for approved baccalaureate degree programs consistent with law and proviso language in the General Appropriations Act. However, a board of trustees may not vary tuition and out of state fees as provided in s. 1009.23(4), F.S. Each board of trustees must adopt a policy providing that faculty who teach upper division courses that are a component part of a baccalaureate degree program must meet the requirements for classroom contact hours under s. 1012.82, F.S.

¹ The Florida Legislature. Office of Program Policy and Government Accountability. "Authorizing Community Colleges to Award Baccalaureate Degrees Is One of Several Options to Expand Access to Higher Education. April 2005. Readable at : <http://www.oppaga.state.fl.us/reports/educ/r05-20s.html>

A community college that is approved to offer baccalaureate degree programs must maintain its primary mission of responding to community needs for postsecondary academic education and career degree education and may not terminate associate in arts or associate in science degree programs as a result of the authorization to offer baccalaureate degree programs.

A formal agreement for the delivery of specified baccalaureate degree programs by a regionally accredited public or private college or university at a community college site must include:

- A guarantee that students will be able to complete the degree in the community college district;
- A financial commitment to the development, implementation, and maintenance of the specified degree program on behalf of the college or university which includes timelines;
- A plan for collaboration in the development and offering of the curriculum for the specified degree by faculty at both the community college and the college or university. The curriculum for the specified degree must be developed and approved within 6 months after the agreement between the community college and the college or university is signed.

A community college proposal to deliver a specified baccalaureate degree program must document that the community college has notified in writing the accredited public and private colleges and universities in the community college's district of its intent to seek approval for delivery of the proposed program. The notified colleges and universities have 90 days to submit in writing to the community college an alternative plan for providing the specified degree program.

Community College Fees and Funding

Tuition and out-of-state fees for upper-division courses must reflect the fact that the community college has a less expensive cost structure than that of a state university. The board of trustees must establish tuition and out-of-state fees for upper-division courses consistent with law and proviso language in the General Appropriations Act. However, as provided in s. 1009.23(4), F.S., the board of trustees may not vary tuition and out-of-state fees by more than 10 percent below and 15 percent above the combined total of the fee schedule adopted by the State Board of Education and the technology fee adopted by adopted by a board of trustees, provided that any amount from 10 to 15 percent above the fee schedule is used only to support safety and security purposes. The bill deletes a requirement that community college resident students within a college who take a specific course must be charged identical fees regardless of the program in which they are enrolled.

The SBE must adopt by December 1 of each year, a resident fee schedule for baccalaureate degree programs.

Funding for baccalaureate degree programs approved pursuant to s. 1007.33, F.S., must be specified in the General Appropriations Act. A student in a baccalaureate degree program approved pursuant to s. 1007.33, F.S., who is not classified as a resident for tuition purposes pursuant to s. 1009.21, F.S., must not be included in calculations of full-time equivalent enrollments for state funding purposes. Funds specifically appropriated by the Legislature for baccalaureate degree programs approved pursuant to s. 1007.33, F.S., may be used only for such programs. A community college must fund the nonrecurring costs related to the initiation of a

new baccalaureate degree program under s. 1007.33, F.S., without new state appropriations unless special grant funds are appropriated in the General Appropriations Act. A new baccalaureate degree program may not accept students without a recurring legislative appropriation for this purpose.

State policy for funding baccalaureate degree programs approved pursuant to s. 1007.33, F.S., must be to limit state support for recurring operating purposes to no more than 85 percent of the amount of state expenditures for direct instruction per credit hour in upper-level state university programs. A community college may temporarily exceed this limit due to normal enrollment fluctuations or unforeseeable circumstances or while phasing in new programs. The Department of Education is not authorized to withhold legislative appropriations to any community college.

A community college that grants baccalaureate degrees must maintain reporting and funding distinctions between any baccalaureate degree program approved under s. 1007.33, F.S., and any other baccalaureate degree programs involving traditional concurrent-use partnerships.

Community college boards of trustees may request funding for all authorized programs. Such a request for funding must be submitted as a part of the 3-year priority list for community colleges pursuant to s. 1013.64(4)(a), F.S.. Enrollment in approved baccalaureate degree programs or baccalaureate degree programs offered under a formal agreement with a state university pursuant to s. 1007.33, F.S., may be computed into the survey of need for facilities if the partner is not defraying the cost.

The bill will take effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

The ability of the State Board of Education to authorize 4-year degrees at community colleges has been challenged in *Floridians for Constitutional Integrity, Inc., v. State Board of Education*, No. 2004-CA-003040 (2nd Cir. Fla. filed Dec. 21, 2004), a case in which the plaintiffs allege that the Florida Board of Governors has control over all 4-year degrees.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

To the extent that the provisions of the bill increase access to baccalaureate degrees for individuals, the bill could have a positive effect toward meeting local workforce needs.

C. Government Sector Impact:

The bill establishes a framework for state funding of baccalaureate degrees at community colleges. Funding for baccalaureate degree programs must be specified each year in the General Appropriations Act. The bill stipulates that community colleges must fund nonrecurring initiation costs of new baccalaureate degree programs without new state appropriations. Therefore, the state will incur no startup costs for newly approved programs unless special grant funds are designated by the State Board of Education and funded by the Legislature for this purpose.

The bill also authorizes community colleges to request PECO funds for facilities for all authorized programs. Enrollment in approved baccalaureate degree programs or baccalaureate degree programs offered under a formal agreement with a state university may be computed in to the survey of need for facilities if the partner is not defraying the cost.

The four colleges that are both currently authorized to offer baccalaureate degrees by the State Board of Education and funded in Specific Appropriation 120A of the 2005-06 General Appropriations Act are as follows:

Chipola College	\$ 662,440
Miami Dade College	\$ 721,056
Okaloosa-Walton College	\$ 338,902
St. Petersburg College	\$6,235,549

In addition to the four community colleges listed in the 2005-06 funding above, Daytona Beach Community College and Edison College have been authorized to grant certain baccalaureate degrees.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
