

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty - HB 7147 increases the options of individuals to participate in accelerated mechanism programs by including DOE recommended Excelsior Exams and Defense Activity of Non-Traditional Support tests as articulated acceleration mechanisms.

B. EFFECT OF PROPOSED CHANGES:

Background

Higher Education Student Enrollment Projections

Although Florida has a developed comprehensive K-20 education performance accountability system,¹ it has not developed a widely accepted set of projections for the future demand of higher education. Florida will continue to have population growth far in excess of the national average between 2004 and 2014 (19.5% vs. 8.9%), but that growth will be slower than in the last decade (24.6%). The age distribution and the ethnic composition will change dramatically which may have potentially severe impacts on the rate of higher education enrollment growth.²

In 2004, the 18-24 population group was 8.9% of the state's population. By 2015, that is projected to decline to 7.9% and to further decline to 7.6% by 2025. Between 1992 and 2002, the K-12 enrollments grew 28%; however, between 2002 and 2012, the K-12 enrollments are only projected to grow 8%. Thus, substantial growth in the college-age population remains.³ Moreover, in 2006, white students were the majority in K-12 schools, but, by 2018, they will be the minority. Black student enrollment is projected to decline slightly from 20% to 18%, while Hispanic student enrollment is projected to increase from 21% to 36%.⁴ Thus, serious questions arise concerning the higher education participation rates and sector selection by students when analyzing future demographic shifts.

Statewide Course Numbering System

There are 25 nonpublic institutions with courses in the Statewide Course Numbering System (SCNS). These courses are reviewed by the SCNS staff and faculty discipline committees for content and, for nationally accredited institutions, faculty qualifications to determine a proper course number. For a course to be guaranteed transfer it must be assigned an equivalent number to the receiving institution and be taught by faculty who possess comparable credentials as that of the receiving institution. Nonpublic institutions publish the SCNS course numbers in their catalogs, but there is no requirement that these institutions also indicate whether that course is transferable to an academic program at another institution, or how many other institutions offer that course number. Recently, issues regarding students who were not fully informed of these requirements have arisen. Students who thought many of their courses would transfer to a public institution were later informed that few of their credits would transfer.⁵

¹ Section 1008.31, F.S., Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.

² *Proposing a Blueprint for Higher Education in Florida: Outlining the Way to a Long-Term Master Plan for Higher Education in Florida*. Prepared by the Pappas Consulting Group, Inc for the Florida Board of Governors. January 17, 2007 at pg 3.

³ Id.

⁴ Id.

⁵ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

The Office of Program Policy and Analysis and Government Accountability (OPPAGA), in response to a legislative request, examined issues associated with students transferring credit from a nonpublic higher education institution using the SCNS.⁶ In March 2007, OPPAGA issued the first of two reports addressing the SCNS.⁷ The following are the report's conclusions:

- Students transferring from nonpublic to public postsecondary institutions may not be able to transfer credit for the courses they have taken.
- Students may not be able to transfer credit because:
 - Many courses offered by nonpublic institutions are not in the SCNS,
 - Students may not be aware of such courses in the SCNS, and
 - Some courses in the SCNS are not guaranteed to transfer.
- Transfer level designations in the SCNS may be inaccurate as a result of institutions not updating information in a timely manner and workload issues.

Excelsior Exams and the Defense Activity of Non-Traditional Support Exams

Currently, the Department of Education (DOE) identifies the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program (AP) examination, and International Baccalaureate (IB) exam.⁸ Each community college and university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these exams unless the award of credit duplicates credit already awarded.⁹ Additionally, each community college and university is required to award credit for Advanced Certificate of Education (AICE) examinations, but the specific course for which a student receives such credit is determined by the community college or university that accepts the student for admission.¹⁰

Excelsior and Defense Activity of Non-Traditional Support (DANTES) examinations are not guaranteed for the initial award of credit. However, Rule 6A-10.024(7), F.A.C., requires that all credits awarded for the completion of all these examinations are guaranteed to transfer. The Articulation Coordinating Committee has, since 2001, reviewed all these examinations and set course and credit equivalencies. These are approved by the State Board of Education (SBE) and the Board of Governors (BOG).

Community College Baccalaureate Degree Programs

Currently, a community college is authorized to develop and submit a proposal to the SBE for the delivery of specified baccalaureate degree programs in its district to meet local workforce needs.¹¹

The proposal must include the following information:

- Demand for the degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.
- Unmet need for graduates of the proposed degree program is substantiated.
- The community college has the facilities and academic resources to deliver the program.

⁶ *Institutions Do Not Have to Accept Transfer Credit for Many Courses in the Statewide Course Numbering System*. Office of Program Policy Analysis and Government Accountability, Report No. 07-22, March 2007.

⁷ OPPAGA stated that the second report will examine the extent to which students transferring from a nonpublic institution to a public community college receive appropriate transfer credits.

⁸ Section 1007.27(2), F.S.

⁹ Section 1007.27(3), F.S.

¹⁰ Section 1007.27(9), F.S.

¹¹ Section 1007.33(3), F.S.

The community college is required to pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools subsequent to approval by the SBE for the specific degree program or programs. Community colleges must submit a proposal for approval by the SBE for any additional baccalaureate degree programs it wishes to offer.¹²

Currently, all community college baccalaureate degrees are in the areas of teaching, nursing and high-need Bachelor of Applied Science programs.¹³

During the course of the lawsuit filed by the Floridians for Constitutional Integrity against the State Board of Education and the Board of Governors, the Court ordered the State Board of Education and the Board of Governors to enter mediation regarding the Board of Governor's contention that the Board of Governors has full authority and supervision over all 4-year degree programs.

According to the Mediation Agreement of November 29, 2005, "The Board of Governors and the State Board of Education agree that Florida's community colleges are positioned and capable of helping to meet a portion of this unmet need in a quality, cost-effective way, both through 2+2 partnerships and by granting baccalaureate degrees. The boards further agree that community colleges should focus on baccalaureate degrees limited to teaching, nursing, and Bachelor of Applied Science (BAS) workforce-oriented degrees in high-need/high-demand majors. The 2+2 and partnership approaches should continue to be supported as the priority routes for most students seeking other degrees."¹⁴

Effects of Proposed Changes

Higher Education Student Enrollment Projections

HB 7147 requires the OPPAGA to conduct a study of the higher education enrollment forecasting models currently used in the state. OPPAGA is required to consult with the Office of Economic and Demographic Research (EDR) during the course of the study. Also, the review is required to specifically examine ways to include Florida's changing demographics in the forecasts. OPPAGA must submit a final report with recommendations to the Legislature by February 1, 2008.

Statewide Course Numbering System

HB 7147 requires the DOE to conduct a comprehensive review of the courses listed in the Statewide Course Numbering System (SCNS). The DOE must update the SCNS for courses that have not been taught in the previous five years and courses that may have been inappropriately designated as equivalent for purposes of transfer of credit. The DOE must submit a final report with its findings and actions to the Legislature by February 1, 2008. According to the DOE, these activities are ongoing; therefore a report on these efforts would be appropriate.¹⁵

HB 7147 requires each nonpublic postsecondary institution, as a condition of initial or continued participation in the SCNS, to identify in all catalogs, printed and electronic, the specific courses offered by the institution that are included in the SCNS. It also requires the DOE to develop and maintain an on-line listing of all courses in the SCNS and the institutions that offer each course. The listing of such courses must be available to the public. Additionally, all schools that participate in the SCNS must include the website address in all catalogs and a statement that the website may be used as a resource for information on the transferability of credits to other Florida institutions.

¹² Id.

¹³ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

¹⁴ *The Floridians for Constitutional Integrity vs. The State Board of Education and the Board of Governors*, No. 2004-CA-3040, (2nd Cir. Ct.), Mediation Agreement (January 10, 2007).

¹⁵ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

According to the DOE, the website is a student-friendly policy that will provide greater transparency to the process of course equivalency and transfer.¹⁶

Excelsior Exams and the Defense Activity of Non-Traditional Support Exams

HB 7147 requires the DOE to review the Excelsior Exams and the Defense Activity of Non-Traditional Support (DANTES) standardized subject area tests (DSST) and recommend to the Legislature any exams that should be included as one of the articulated acceleration mechanisms identified in current law.¹⁷ The DOE must identify the minimum scores, the maximum credit, and the course(s) for which credit is to be awarded for each exam. According to the DOE, the Articulation Coordinating Committee currently reviews these examinations and reports to the SBE and the BOG.¹⁸

Community College Baccalaureate Degree Programs

HB 7147 codifies the mediation agreement between the SBE and the BOG regarding baccalaureate degrees offered by community colleges. It specifies that community colleges may propose to deliver baccalaureate degree programs in teaching and nursing, and to deliver Bachelor of Applied Science workforce-related degrees in high need/high demand majors. The bill clarifies that the Bachelor of Applied Science degree is a workforce baccalaureate designed primarily for associate in science degree holders desiring career advancement or advance technical training.

HB 7147 also removes an obsolete reference to the Council for Education Policy Research and Improvement (CEPRI) and the requirement that community colleges submit such proposals for CEPRI's review and comment.

C. SECTION DIRECTORY:

Section 1. Requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of certain enrollment forecasting models; requiring a final report.

Section 2. Requiring the Department of Education to conduct a review of certain courses in the statewide course numbering system; requiring a final report; requiring nonpublic postsecondary institutions that participate in statewide course numbering to provide certain information in their catalogs; requiring the Department of Education to develop and maintain an on-line listing of all courses in the common course numbering system and the institutions that offer each course.

Section 3. Requiring the Department of Education to review certain exams; requiring recommendations regarding articulated acceleration mechanisms.

Section 4. Specifying the areas in which community colleges may propose to deliver baccalaureate degree programs; removing an obsolete reference to Council for Education Policy Research and Improvement.

Section 5. Providing for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

¹⁶ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

¹⁷ Section 1007.27, F.S., Articulated Acceleration Mechanisms

¹⁸ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

HB 7147 does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

HB 7147 does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

HB 7147 does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

HB 7147 does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There should be little impact to nonpublic institutions participating in the Statewide Course Numbering System. These institutions are already required to publish information about the SCNS in their catalogs. This will simply extend the catalog information available.¹⁹

D. FISCAL COMMENTS:

There may be a fiscal impact associated with the development and maintenance of the website for the listing of SCNS courses. However, it is possible that DOE can develop and maintain the website within existing resources. The DOE has not provided a fiscal note on this bill.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

HB 7147 does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

HB 7147 does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

HB 7147 does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

¹⁹ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.
STORAGE NAME: h7147b.PBC.doc
DATE: 4/12/2007

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On April 4, 2007, the Schools and Learning Council adopted one amendment to PCB 07-05 and reported the proposed council bill favorably. The amendment removes the provision that permits a student who is a qualified beneficiary of a Prepaid College Plan who has graduated from college and has not used all of his or her contract benefits to use the remaining credits toward undergraduate, graduate, or professional hours.