

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 751 Articulation
SPONSOR(S): State & Community Colleges & Workforce Policy Committee and Patterson
TIED BILLS: IDEN./SIM. BILLS: SB 920

Table with 4 columns: REFERENCE, ACTION, ANALYST, STAFF DIRECTOR. Rows include Orig. Comm., 1) State & Community Colleges & Workforce Appropriations Committee, 2) Full Appropriations Council on Education & Economic Development, 3), 4), and 5).

SUMMARY ANALYSIS

The bill revises statutory provisions governing the statewide articulation agreement, school district interinstitutional articulation agreements, the Statewide Course Numbering System (SCNS), and the articulation accountability process. The bill:

- Adds a requirement that the statewide articulation agreement govern the establishment of guidelines for the inclusion of institutions licensed by the Commission for Independent Education (CIE) in statewide articulation agreements.
• Authorizes school districts to enter into articulation agreements with CIE-licensed nonpublic postsecondary institutions.
• Clarifies the requirement that the SCNS faculty review committee for each curricular discipline be comprised of representatives from school districts, public postsecondary institutions, and participating nonpublic institutions...
• Clarifies that course credit meeting SCNS academic equivalency standards must be guaranteed transfer regardless of the original institution's regional or national accrediting agency.
• Adds a requirement that the State Board of Education (SBE) and the Board of Governors (BOG) of the State University System enforce compliance with SCNS credit transfer policies.
• Adds a requirement that the Department of Education (DOE) report data on secondary student progression into public and nonpublic postsecondary education and the workforce.

The bill does not appear to have a fiscal impact on local governments. It may have an indeterminate fiscal impact on state government. (SEE FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT).

The bill takes effect on July 1, 2009.

## HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

### FULL ANALYSIS I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **The Statewide Articulation Agreement**

Florida law requires the State Board of Education (SBE) and the Board of Governors (BOG) of the State University System to enter into a statewide articulation agreement. The agreement is adopted in SBE rule. Each school district and public postsecondary institution is bound by its terms. It addresses articulation of credit for:

- Secondary to postsecondary education;
- Associate in arts, associate in science, and associate in applied science degree programs to baccalaureate degree programs;
- Applied technology diploma programs to associate in science or associate in applied science degree programs;
- Programs in nursing; and
- Early childhood education and child development credentialing programs.

The agreement requires public educational institutions to establish procedures for awarding credit earned via acceleration mechanisms. It also provides for the establishment of a common course numbering system, common transcripts, and uniform general education requirements.<sup>1</sup>

The articulation agreement must specifically provide that graduates of community college associate in arts degree programs meet the general education requirements for, and qualify for admission to, the upper division of a state university. Such students must receive priority for admission over out-of-state students.<sup>2</sup>

Likewise, the agreement must guarantee articulation between appropriate school district and community college workforce development programs. Specifically, it must guarantee that applied technology diploma graduates receive a standard award of credit towards an associate in science or associate in applied science degree and establishes an enrollment preference for Florida residents.<sup>3</sup>

Rule establishes an Articulation Coordinating Committee to monitor implementation of the statewide articulation agreement. The committee is comprised of members representing public school districts, career education, community colleges, state universities, nonpublic secondary education, nonpublic postsecondary education, and students. Among other things, the committee must: (1) develop

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<sup>1</sup> Section 1007.23(1), F.S.; See Rule 6A-10.024, F.A.C., which serves as the statewide articulation agreement.

<sup>2</sup> Section 1007.23(2), F.S.

<sup>3</sup> Section 1007.23(3), F.S.

guidelines for interinstitutional agreements, (2) examine statewide articulation data; (3) cooperate with the DOE to prioritize research regarding admissions, grading practices, curriculum design, and follow-up of transfer students; (4) establish groups to review articulation in specific subject areas; (5) develop a common academic transcript; and (6) review instances of student transfer and admissions difficulties.<sup>4</sup>

Public educational institutions are not currently required to enter into articulation agreements with nonpublic postsecondary institutions. Such agreements are voluntary. The DOE's Division of Community Colleges currently has articulation agreements with the University of Phoenix, Keiser University, Strayer University, the Independent Colleges and Universities of Florida (ICUF), and the Association of Jesuit Colleges and Universities (AJCU). These agreements generally provide for the articulation of community college associate degree graduates into the upper-division of the nonpublic institution.<sup>5</sup>

### **District Interinstitutional Articulation Agreements**

Florida law defines dual enrollment as the enrollment of an eligible secondary or home education student in a postsecondary course creditable towards a high school diploma and a career certificate, associate degree, or baccalaureate degree. Each school district and the community college in its service area must enter agreements for the articulation of dual enrollment credit.<sup>6</sup>

Statute authorizes district school boards and community colleges to enter into additional agreements with state universities and select nonpublic postsecondary institutions, i.e., those that are eligible for dual enrollment funding via the Florida Education Finance Program (FEFP). Such institutions include nonpublic, nonprofit, degree-granting postsecondary institutions that are accredited by the Commission on Colleges of the Southern Association of Colleges and Schools (SACS) or the Accrediting Council for Independent Colleges and Schools (ACICS).<sup>7</sup> Community colleges and state universities may also enter into such agreements with nonpublic secondary schools.<sup>8</sup>

Interinstitutional articulation agreements regulate subjects in addition to dual enrollment articulation. Such agreements must also establish policies for reducing the incidence of postsecondary remediation, promoting "tech prep" programs, and improving teacher preparation.<sup>9</sup> Statute encourages districts and community colleges to incorporate private sector partners and innovative strategies into remediation reduction policies.<sup>10</sup> Tech prep promotion programs must include policies for articulation of secondary credit into a postsecondary career degree or diploma program.<sup>11</sup>

### **The Statewide Course Numbering System**

The Statewide Course Numbering System (SCNS) is an inventory of postsecondary courses offered by public and participating nonpublic postsecondary institutions.<sup>12</sup> It is designed to facilitate the transfer of credit among Florida's postsecondary institutions. All public postsecondary courses are included in the SCNS. Nonpublic postsecondary institutions may also submit courses for inclusion.<sup>13</sup>

Nonpublic postsecondary institutions are authorized, but not required, to participate in the SCNS. In order to participate, such institutions must be fully accredited by a regional or national accrediting agency that is recognized by the U.S. Department of Education. In addition, the institution must either:

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<sup>4</sup> Rule 6A-10.024(2), F.A.C.

<sup>5</sup> Florida Department of Education, Office of Articulation, Articulation Agreements, Private Colleges and Universities, <http://www.fldoe.org/articulation/articulation-agreement.asp> (last visited Mar. 3, 2009). The articulation agreement with the Association of Jesuit Colleges and Universities pertains only to graduates of specified community college nursing programs.

<sup>6</sup> Section 1007.235(1), F.S.

<sup>7</sup> Section 1007.235(6), F.S.; *See also* § 1011.62(1)(i), F.S.

<sup>8</sup> Section 1007.235(7), F.S.

<sup>9</sup> Section 1007.235(2)(c)-(d) & (3), F.S.

<sup>10</sup> Section 1007.235(2)(c), F.S.

<sup>11</sup> Section 1007.235(2)(d), F.S.

<sup>12</sup> Section 1007.24, F.S.

<sup>13</sup> Florida Department of Education, Office of Articulation, *Florida Statewide Course Numbering Handbook* (2006) available at [http://scns.fldoe.org/scns/admin\\_uploads/SCNS\\_Handbook\\_2006.pdf](http://scns.fldoe.org/scns/admin_uploads/SCNS_Handbook_2006.pdf).

(1) be eligible to participate in the William L. Boyd IV, Florida Resident Access Grant; or (2) be issued an annual license by the Commission for Independent Education (CIE).<sup>14</sup>

All 28 community colleges, ten of 11 state universities, 40 career technical centers, and 24 eligible nonpublic postsecondary institutions participate in the SCNS.<sup>15</sup> There are currently 95,550 active courses on the SCNS, of which 4,676 are from regionally and nationally accredited nonpublic institutions.<sup>16</sup> Only four of the 24 participating nonpublic postsecondary institutions are regionally accredited. The rest are nationally accredited.<sup>17</sup>

**Faculty Committees:** The Commissioner of Education and Chancellor of the State University System must establish faculty committees to review courses in each subject area for inclusion in the SCNS. Faculty committees are comprised of faculty representatives from participating public and nonpublic institutions.<sup>18</sup> A faculty coordinator oversees each committee. Review committees utilize course taxonomies to analyze course descriptions, determine course equivalencies, review faculty credentials, and assign numbers to courses.<sup>19</sup> Currently, 554 faculty representatives serve on committees in 172 disciplines.<sup>20</sup> There is no specific requirement that school districts and public and nonpublic postsecondary institutions be represented on the committee for each curricular discipline in which it offers courses.

**Composition of Faculty Review Committees<sup>21</sup>**

Institution Type	Faculty Coordinator	Committee Members
Community College	39	192
State University	114	165
Career Technical Center	4	31
Nonpublic Postsecondary	2	7

**Transfer of Credit:** Not all courses on the SCNS are guaranteed to transfer into another postsecondary institution. A receiving institution must only accept credit for a course if a faculty review committee determines that it is: (1) academically equivalent to another course it offers; and (2) taught by faculty meeting SACS faculty qualifications standards. Courses are identified by number. Each course number consists of: (1) a three-letter prefix denoting its subject area; and (2) a four-digit number denoting its level and content.<sup>22</sup>

Courses are judged based on content and the qualifications of the faculty teaching the course. Courses with similar academic content, which are taught by faculty with comparable credentials and, which equate to courses offered by another SCNS institution are given a common course number. Such courses are designated as equivalent courses. Equivalent courses are guaranteed to transfer to any participating public or nonpublic institution that offers the course.<sup>23</sup> Courses with dissimilar content or faculty qualifications are given a unique course number and transfer of credit is not guaranteed. Participating institutions may accept such credits, but such acceptance is optional.<sup>24</sup>

Review of faculty qualifications is treated differently depending on whether an institution is regionally or nationally accredited. Faculty credentials are reviewed using SACS faculty standards. As a result, the

<sup>14</sup> Section 1007.24(6), F.S.

<sup>15</sup> See Florida Department of Education *supra* note 13.

<sup>16</sup> Florida Department of Education, *Legislative Bill Analysis for HB 751* (2009).

<sup>17</sup> See Florida Department of Education *supra* note 13.

<sup>18</sup> Section 1007.24(2), F.S.

<sup>19</sup> See Florida Department of Education, *supra* note 13.

<sup>20</sup> See *supra* note 16.

<sup>21</sup> *Id.*

<sup>22</sup> Section 1007.24(7), F.S.; See Florida Department of Education *supra* note 13.

<sup>23</sup> *Id.*

<sup>24</sup> See Florida Department of Education *supra* note 13.

faculty of the public and the four regionally accredited nonpublic postsecondary institutions do not have to be reviewed because they have already met these standards in gaining SACS accreditation.<sup>25</sup>

Courses submitted by nationally accredited institutions must be reviewed. If the faculty member teaching the course meets SACS standards, the course is classified as equivalent and the credit is guaranteed transfer. If the faculty member does not meet SACS standards, equivalent transfer of credit is not guaranteed.<sup>26</sup>

Once faculty is reviewed, the course is given a transfer level. The transfer level indicates the level of postsecondary education that the course may transfer into, if at all. This enables receiving institutions to quickly determine that the faculty credentials for the course have been properly reviewed according to SACS accreditation standards.<sup>27</sup>

*Compliance:* Statute prohibits a participating nonpublic postsecondary institution from representing that courses it offers are included in the SCNS unless it is actually participating in the system. Institutions that violate such provisions are subject to discipline by the CIE.<sup>28</sup> Among other things, statute authorizes the CIE to deny or revoke an institution's license. It may also place licensed institutions on probation and impose fines on such institutions.<sup>29</sup>

There is no formal process for reviewing student complaints concerning improper transfer credit denials. According to the DOE's Office of Articulation, it investigates and attempts to resolve such disputes on a case by case basis.<sup>30</sup> Repetitive or egregious abuse may also be addressed by the Articulation Coordinating Committee; however, opinions issued by the Committee are only advisory in nature.<sup>31</sup>

In the past, the DOE has issued memoranda to participating institutions in an effort to resolve transfer of credit difficulties. One such memorandum addresses improper denials by public postsecondary institutions of transfer credit from nationally accredited nonpublic institutions.<sup>32</sup>

### **Articulation Accountability**

Florida law requires the SBE, in conjunction with the BOG, to develop an accountability process for the articulation of credit governed by the statewide articulation agreement. The process must address:

- The impact of articulation processes on the transition of students between the public secondary and postsecondary education systems and the public and private sectors.
- Whether public secondary students are prepared to enter a public postsecondary institution.
- The effectiveness of articulated acceleration mechanisms.
- Transfer of community college associate in arts degree graduates to a state university.
- Degree requirements that exceed 60 credit hours for associate degrees and 120 hours for a baccalaureate degree in public postsecondary programs.
- The relationship between the College Level Academic Skills Test (CLAST) and articulation to the upper division of a public postsecondary institution.<sup>33</sup>

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<sup>25</sup> *Id.*

<sup>26</sup> Florida Department of Education, Office of Articulation, *Statewide Postsecondary Articulation Manual* (2007) available at <http://www.fldoe.org/articulation/pdf/statewide-postsecondary-articulation-manual.pdf>.

<sup>27</sup> See Florida Department of Education *supra* note 13.

<sup>28</sup> Section 1007.24(6), F.S.

<sup>29</sup> Section 1005.38, F.S.

<sup>30</sup> Telephone interview with Department of Education, Office of Articulation staff (March 2, 2009).

<sup>31</sup> Rule 6A-10.024(2)(e), F.A.C.

<sup>32</sup> Florida Department of Education, Office of the Commissioner, *Nonpublic Institution Participation in the Statewide Course Numbering System* (July 15, 2005) available at [http://www.fldoe.org/articulation/pdf/Memo\\_NonpublicInstitutionParticipation\\_SCNS.pdf](http://www.fldoe.org/articulation/pdf/Memo_NonpublicInstitutionParticipation_SCNS.pdf); See also Office of Program Policy Analysis and Government Accountability, *Students Encounter Barriers When Transferring Credit from Non-Public Institutions to Community Colleges*, Report No. 07-49 (December 2007) available at <http://www.oppaga.state.fl.us/MonitorDocs/Reports/pdf/0749rpt.pdf>.

According to the DOE, many of these data elements are outdated. In addition, while this data is being collected, there is no specific requirement that DOE report it. Thus, data collected has not been utilized to its fullest extent.<sup>34</sup>

### **Effect of Proposed Changes**

*The Statewide Articulation Agreement:* The bill amends s. 1007.23(1), F.S., to require that the statewide articulation agreement govern the establishment of guidelines for the inclusion of CIE-licensed institutions in statewide articulation agreements. Currently, CIE-licensed institutions are not included in the statewide articulation agreement.

The inclusion of CIE-licensed institutions into the statewide articulation agreement will enable students at these institutions to better identify which programs include courses that are accepted for credit at other postsecondary institutions. Such agreements also enable participating institutions to coordinate their curricula to facilitate transfer.<sup>35</sup>

This change also enables participating postsecondary institutions to safeguard their accreditation status. Institutions that do not share a common accreditation can review specific courses and exclude from the agreement courses that do not comport with accrediting agency content and faculty standards.<sup>36</sup>

*District Articulation Agreements:* The bill amends s. 1007.235, F.S., to authorize school districts to enter into articulation agreements with CIE-licensed nonpublic postsecondary institutions. CIE-licensed institutions would not receive FEFP funding pursuant to such an agreement.

*The Statewide Course Numbering System:* The bill revises statutory provisions governing the SCNS. It amends s. 1007.24(2), F.S., to require that at least one representative from school districts, public postsecondary institutions, and participating nonpublic postsecondary institutions be appointed to serve on the faculty committee that reviews courses for each discipline if the district or institution offers courses in the discipline. This change increases the representation of nonpublic postsecondary institutions on the faculty committees that review courses for inclusion in the SCNS. Currently, nine out of 554 committee members are from the 24 nonpublic institutions participating in the SCNS. (*Please see Fiscal Analysis & Economic Impact Statement*).

The bill amends s. 1007.24(7), F.S., to clarify that course credit that is judged to meet established standards for academic equivalency must be guaranteed transfer regardless of whether the student's original institution is regionally or nationally accredited.

Finally, the bill creates s. 1007.24(9), F.S., to require the SBE and BOG to enforce compliance with SCNS policies. The SBE, in consultation with the BOG, must adopt rules establishing a process for reporting and monitoring noncompliance by participating institutions with SCNS credit transfer policies and procedures.

*Articulation Accountability:* The bill amends s. 1008.38, F.S., to require the SBE and BOG to establish a process for reporting data on the progression of students from secondary education into both public and nonpublic postsecondary education and the workforce. It revises several of the data elements that the articulation accountability process currently addresses. Under the bill, the process must address:

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<sup>33</sup> Section 1008.38, F.S.

<sup>34</sup> Florida Department of Education, *Legislative Bill Analysis for SB 1020* (2009).

<sup>35</sup> See generally *supra* note 5.

<sup>36</sup> See Community college transfer articulation agreements with AJCU linked at *supra* note 5. This agreement addresses articulation of community college associate degree in nursing credits to AJCU institutions. These institutions do not share a common accreditation. The institutions delineate the specific courses and programs that will articulate.

- Both the use and effectiveness of articulated acceleration methods by secondary students. Current law only tracks the effectiveness of such methods.
- The transition of associate degree graduates into baccalaureate degree programs, not just the transition of associate in arts degree graduates to a state university. Thus, the system must address associate in science and associate in applied science graduates in addition to associate in arts degree graduates and must also address baccalaureate programs offered at a public or private postsecondary school.
- The adequacy of preparation of lower-division public postsecondary students for entry into upper-division programs. This is a new element added by the bill.
- The transition of career/technical students into programs with established articulation agreements as a new data element. This is a new element added by the bill.

**B. SECTION DIRECTORY:**

**Section 1.:** Amending s. 1007.23, F.S.; requiring that the statewide articulation agreement address transfer of credit from certain nonpublic postsecondary institutions.

**Section 2.:** Amending s. 1007.235, F.S.; authorizing school districts to enter into articulation agreements with certain nonpublic postsecondary institutions.

**Section 3.:** Amending s. 1007.24, F.S.; specifying the composition of SCNS faculty committees; clarifying that equivalent credit must be guaranteed transfer regardless of regional or national accreditation of the original institution; requires rulemaking to establish enforcement procedures.

**Section 4.:** Amending s. 1008.38, F.S.; establishing articulation accountability reporting requirements.

**Section 5.:** Providing an effective date of July 1, 2009.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

The bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill may have an indeterminate fiscal impact on state expenditures. (*Please see Fiscal Comments*).

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

The bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

The bill does not appear to have a fiscal impact on local expenditures.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Students transferring from nonpublic postsecondary institutions may experience a reduction in their educational costs if more of their credits transfer to public institutions.

#### D. FISCAL COMMENTS:

*State Tuition Subsidy:* The state may realize cost savings if more credit from nonpublic postsecondary institutions is accepted by public postsecondary institutions. Such students would not have to take as many courses over, thereby reducing the number of state subsidized courses they need to take to complete their education.

*Faculty Review Committees:* The bill requires at least one representative from school districts, public postsecondary institutions, and participating nonpublic postsecondary institutions to be appointed to the SCNS faculty committee for each curricular discipline for which the entity offers courses. Currently, 554 committee members serve on 172 committees. Committee membership must be realigned to include representatives from each type of entity. The DOE uses funds from its SCNS budget to reimburse committee members for per diem and travel costs.

The majority of SCNS courses are offered by public institutions. To achieve representation that reflects this, the DOE anticipates that it will add the required representatives from nonpublic institutions rather than remove public representatives from existing committees. It will not have to add members to committees that already have a nonpublic faculty member or to committees reviewing course disciplines not offered at nonpublic institutions. Depending on the number of committee members added, costs associated with reimbursement of travel and per diem may increase. Because this number is not known, the bill's fiscal impact is indeterminate.<sup>37</sup>

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

##### 3. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules establishing SCNS enforcement procedures.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES

On March 18, 2009, the State & Community Colleges & Workforce Policy Committee adopted a proposed committee substitute (PCS) with one amendment and reported the bill favorably as a committee substitute (CS). The CS differs from the original bill as follows:

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<sup>37</sup> See Florida Department of Education *supra* note 16.



- The CS provides that the statewide articulation agreement must facilitate articulation among “public and nonpublic” educational entities. The bill provided that it must facilitate articulation among “public and independent” educational entities.
- The CS requires the statewide articulation agreement to govern the establishment of guidelines for the inclusion of any CIE-licensed institution in statewide articulation agreements. The bill required it to govern the transfer of credit between public institutions and nonpublic institutions that are issued an annual license by the CIE.
- The CS authorizes school districts to enter into articulation agreements with CIE-licensed institutions. The bill authorized such entities to enter into interinstitutional articulation agreements. This change is made to provide a more general grant of authority to enter into articulation agreements. It also avoids confusion with interinstitutional agreements, for which statute sets forth specific subjects, prescriptive requirements, and an exclusive funding scheme.
- The CS provides that equivalent credit must be guaranteed transfer regardless of whether the student’s original institution is “regionally or nationally accredited.” The bill provided that such credit be guaranteed transfer regardless of the institution’s “accrediting body.”
- The CS removes bill provisions requiring each faculty committee to identify 25 courses for which transfer of credit is most commonly requested; develop frameworks and establish outcomes for each course; and guarantee transfer of courses that meet these frameworks and outcomes.
- The CS requires the SBE and BOG to enforce compliance with SCNS policies. The SBE, in consultation with the BOG, must adopt rules for reporting and monitoring institutional violations of SCNS credit transfer policies. The bill required the SBE to adopt rules establishing penalties and fines for punishing such violations. Fines were to be equally divided between the affected student’s financial aid account and to the DOE for use in implementing the SCNS.
- The CS adds provisions revising the articulation accountability process that were not in the original bill.