

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

Prepared By: The Professional Staff of the Higher Education Committee

**BILL:** CS/SB 1194

**INTRODUCER:** Higher Education Committee and Senator Oelrich

**SUBJECT:** Postsecondary Education

**DATE:** March 15, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	<b>Fav/CS</b>
2.	_____	_____	CF	_____
3.	_____	_____	BC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

A. COMMITTEE SUBSTITUTE.....  Statement of Substantial Changes

B. AMENDMENTS.....  Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

**I. Summary:**

- This bill:
- Revises statutes to remove obsolete references to the College Level Academic Skills Test, to make college readiness testing uniform, and to codify the Articulation Coordinating Committee;
  - Removes a barrier to postsecondary education for individuals with intellectual disabilities by allowing them to use reasonable substitutions for admission to postsecondary programs;
  - Authorizes the Department of Education (DOE) to certify community service hours for home education students' Bright Futures Scholarship requirements;
  - Deletes requirements for the State Board of Education to approve community college budgets; and
  - Abrogates the repeal of the 21<sup>st</sup> Century Technology, Research, and Scholarship Act.

This bill amends ss. 467.009, 1001.64, 1004.68, 1007.01, 1007.25, 1007.264, 1007.265, 1008.30, 1008.345, 1008.38, 1009.534, 1011.30, and 1012.56, Florida Statutes. The bill repeals s. 6 of ch. 2006-58, Law of Florida.

## II. Present Situation:

### College Level Skills

Public postsecondary institutions are currently following the requirements established in s. 1007.25, F.S., relating to the mastery of college-level communication and computation skills. The College-Level Academic Skills Test (CLAST) was administered from October 1982 to June 2009 to students seeking associate in arts (AA), bachelor of arts (BA), or bachelor of science (BS) degrees from a Florida public college or university.<sup>1</sup>

### Articulation

The Articulation Coordinating Committee (ACC) serves as an advisory board to the State Board of Education (SBE), Board of Governors, and Higher Education Coordinating Council on postsecondary transition issues. The ACC is no longer codified in law; it is established in SBE Rule 6A-10.024.<sup>2</sup>

### Students with Intellectual Disabilities

The federal Higher Education Opportunity Act reauthorization<sup>3</sup> creates incentives for states to provide transition to postsecondary education programs for students with intellectual disabilities—those with mental retardation or a cognitive impairment characterized by significant limitation in intellectual and cognitive functioning who are or were provided a free and appropriate public education under the Individuals with Disabilities Education Act. Three Florida institutions—the University of South Florida, St. Petersburg (USFSP); University of North Florida (UNF); and Lynn University have received a grant, funded for \$421,000 a year for 5 years, to form a consortium<sup>4</sup> to oversee the following grant activities:

- Expansion of the quality and depth of the current transition programs on the campuses of USFSP, UNF, and Lynn University;
- Support for other existing transition programs for students with intellectual disabilities at institutions of higher education across the State of Florida; and
- Expansion of the transition programs in these institutions across Florida.

While students with disabilities are eligible for reasonable substitutions for requirements for graduation, admission to postsecondary program, or entry into the upper division of a postsecondary program, ss. 1007.264 and 1007.265, F.S., specifically excludes students who have been documented as having intellectual disabilities. A repeal of these prohibitions may be necessary to allow certain students with intellectual disabilities to work toward a postsecondary degree or certificate.

### Common Placement Testing

Minimum college placement test scores are currently established in SBE Rule 6A-10.0315. Florida College System institutions have flexibility to establish higher college placement scores, so a student could be eligible for college level coursework at one college with a certain score but

---

<sup>1</sup> Department of Education, <http://www.fldoe.org/asp/clast/>

<sup>2</sup> Section 3, ch. 2002-387, L.O.F., transferred the ACC to the State Board of Education.

<sup>3</sup> P.L.110-315

<sup>4</sup> The Florida Consortium on Postsecondary Education Transition Programs and Intellectual Disabilities

not at another college. This inconsistency may cause unintended inequities for students seeking a degree. Establishing college placement scores statewide will enable students to transfer test scores from college to college and be eligible for the same course placement.

According to the DOE, there is no statewide consistency in remediation policies. Remediation courses have been approved for high schools on the basis of the highest level of developmental education (i.e., remediation) offered at Florida College System institutions. The implementation of the high school remediation courses is voluntary and student enrollment is also voluntary. For high schools offering the remediation courses, students who enroll and pass a remediation course with a grade of “C” or better and pass the Basic Skills Exit Test will be guaranteed entry to college credit coursework without additional testing or remediation on admission to a Florida college. Colleges may offer students alternative remediation opportunities and retests.

Students may accumulate more than 12 college credit hours without demonstrating readiness in mathematics, reading, or writing, provided they are co-enrolled in developmental education. The Florida College System has recently developed statewide developmental education competencies and established common course numbers that will be implemented in fall 2011. Current law does not fully reflect all provisions to implement the postsecondary readiness testing.

#### **Bright Futures Community Service Hours**

Home school students are required to complete community service hours to be eligible for a Florida Academic Scholars award. Currently, the DOE, Office of Student Financial Assistance certifies home education students’ community service hours for the purpose of Bright Futures Scholarship initial eligibility. However, current law does not explicitly give the department authority to approve community service hours for home education students.

#### **Review and Approval of Community College Budgets**

Community college boards of trustees are required to submit their budgets to the State Board of Education for approval under ss. 1001.64 and 1011.30, F.S.

#### **The 21<sup>st</sup> Century Technology, Research, and Scholarship Act**

The 21st Century Technology, Research, and Scholarship Act<sup>5</sup> was created in 2006 to enhance the research infrastructure at state universities. The Act includes the Centers of Excellence Program, the State University Research Commercialization Assistance Grant Program, and the 21<sup>st</sup> Century World Class Scholars Program.

The state’s investment of \$84.5 million in the 11 SUS Centers of Excellence has yielded \$251M in competitive grants and another \$24M in private sector support. The centers collectively have made 223 invention disclosures, executed 43 licenses or options, received nearly a half million dollars in license revenues, initiated 30 companies, created 745 jobs, and provided over 100 specialized industry training sessions. In addition, the centers have supported 1,110 undergraduate and graduate students, and created collaborations with 508 private industry entities.<sup>6</sup>

---

<sup>5</sup> s. 1004.226, F.S.

<sup>6</sup>State University System of Florida Board of Governors. “21<sup>st</sup> Century Technology, Research, and Scholarship Act Programs, A Report Compiled from the 2009-2010 State University System of Florida Annual Reporting Process,” pp.6-7. Readable at: [http://www.flbog.edu/new\\_florida/docs/PUBLISHED\\_2010\\_21st\\_Century\\_Annual\\_Report.pdf](http://www.flbog.edu/new_florida/docs/PUBLISHED_2010_21st_Century_Annual_Report.pdf)

The 21<sup>st</sup> Century World Class Scholars program consists of 16 faculty positions at state universities. Cumulatively, the world class scholars have received nearly \$46 million in external competitive grants and have had 16 patents issued.<sup>7</sup>

The State University Research Commercialization Assistance Grant Program has been instrumental in moving university-based inventions toward commercialization. Grants awarded under this program total \$1.8 million.<sup>8</sup>

Section 1004.226, F.S., will be repealed on July 1, 2011, unless the repeal is abrogated. The Board of Governors states that while these programs represent a small portion of the \$1.3 billion in federal, private, and other research and development contracts and grant awards to Florida in 2008-09, “taken together these 21st Century Act programs represent a significant, focused response to the System’s goal of transforming Florida’s economy to one that relies less on growth, tourism, and agriculture and, instead, aspires to be a national leader in high-wage, high-skill, cutting-edge technology.”<sup>9</sup>

### **III. Effect of Proposed Changes:**

#### **College Level Skills**

The bill removes obsolete references to the College Level Academic Skills Test (CLAST) in ss. 467.009, 1004.68, 1007.25, 1008.30, 1008.345, 1008.38, and 1012.56 F.S. The CLAST is no longer administered for these purposes. However, according to the Department of Education, the reference to the CLAST exam should remain in s. 1012.56, F.S., to allow a teacher who had already taken and passed the CLAST exam to use it as an option to satisfy the general knowledge requirement for teacher certification.

#### **Articulation**

The Articulation Coordinating Committee (ACC) would be statutorily authorized as an advisory body that would report to the Commissioner of Education. The ACC would propose policies to coordinate among the education sectors to promote smooth and efficient student educational transitions. The duties of the ACC include monitoring institutional compliance with articulation policy, proposing guidelines for interinstitutional agreements, establishing dual enrollment course and high school subject areas equivalencies, reviewing the statewide course numbering system, and establishing a group of public and nonpublic educational institution representatives to facilitate articulation.

#### **Students with Intellectual Disabilities**

The bill amends ss. 1007.264 and 1007.265, F.S., to provide access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for entry, admission to a program of study, and graduation requirements, as is currently provided to other students with disabilities. The proposed changes will align Florida statutes with the provisions of the Higher Education Opportunities Act and facilitate activities to help them prepare for gainful employment.

---

<sup>7</sup> *Id.* p.14.

<sup>8</sup> *Id.* p.16.

<sup>9</sup> *Id.* p. 17.

**Common Placement Testing**

The bill authorizes the DOE to establish statewide consistency in the implementation of the common placement requirements. The bill requires the State Board of Education to establish by rule the test scores a student must achieve to demonstrate readiness for postsecondary work, provisions for remediation, and retesting policies.

By requiring colleges to inform students of the possible implications of amassing college credit prior to successful completion of developmental education, students will have the necessary information to make informed decisions when registering for courses.

By establishing developmental education competencies in SBE rule, there will be consistency in the delivery of developmental education in the Florida College System, as well as high schools. High school teachers would have access to the competencies Florida faculty have identified as necessary for success in entry level college credit courses. Establishing the competencies in rule will result in better informed instruction at the secondary level and better prepared students coming to the Florida colleges.

**Bright Futures Community Service Hours**

The bill requires the DOE to approve community service hours for home education students to be eligible for the Bright Futures Florida Academic Scholars award. Current law is silent regarding the entity to approve community service hours for home education students, and the bill would authorize the DOE to approve the hours, as it does now.

**Review and Approval of Community College Budgets**

The bill requires the Department of Education to review community college budgets but not approve them. The community college boards of trustees would approve the budget.

**The 21<sup>st</sup> Century Technology, Research, and Scholarship Act**

The bill abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Currently, the DOE reimburses Florida Colleges for common placement tests provided to high school students who are evaluated for college readiness. To the extent this bill increases the number of high school students taking such tests, the costs for reimbursement may increase. The specific impact cannot be determined at this time.

Colleges may incur additional expenses relating to the notice requirement for students who accumulate 12 college credit hours with developmental education coursework remaining. The exact cost is indeterminate, but likely to be insignificant.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Higher Education on March 14, 2011

The Committee Substitute:

- Leaves a reference to the CLAST exam in a teacher preparation statute to allow those that have already taken and passed the CLAST exam previously to continue to use it as an option to satisfy the general knowledge requirement;
- Adds new duties for the Articulation Coordinating Committee;
- Repeals a requirement for the Department of Education to review and approve community college budgets; and
- Abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

B. Amendments:

None.

---

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

---