

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 Budget Subcommittee on Higher Education Appropriations

BILL: CS/CS/SB 1732

INTRODUCER: Budget Subcommittee on Higher Education Appropriation, Higher Education Committee and Senator Lynn

SUBJECT: Post Secondary Education

DATE: April 13, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Bryant</u>	<u>Hamon</u>	<u>BHI</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
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 addresses a number of aspects of the public postsecondary education system relating to efficiency, access, and quality. The bill would require the Higher Education Coordinating Council to produce a report to address the following:

- Defining the core responsibilities of public and non-public postsecondary education systems in terms of the student access to education and the state’s economic development goals;
- Establishing performance measures across sectors;
- Evaluating the state’s articulation policies to consider the return on investment for students and for the state;
- Establishing a plan for changes in workforce development education to align school district and Florida College System programs to ensure efficiency and mission delineation and to improve the consistency of workforce data collection; and
- Addressing baccalaureate degree authorization and production, including—
 - The potential need to establish comprehensive undergraduate institutions;

- Enrollment and expenditure thresholds that would justify legislative consideration for moving the institution under the State Board of Education, Board of Governors, or another governing organization; and
- Recommendations relating to funding options to encourage performance-based funding.

The bill requires the State Board of Education, as well as the Board of Governors, to provide administrative support to the Higher Education Coordinating Council.

The bill also:

- Requires the Department of Education to use student performance data from postsecondary courses to determine the scores for which credit is to be granted for acceleration courses;
- Requires the Department of Education to review Advanced Placement (AP) students' subsequent performance in postsecondary courses and use the data in setting a minimum score for each AP exam which a student must achieve in order to receive credit for that AP course;
- Repeals the prohibition against a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university to require summer term attendance by students;
- Repeals the option for a Florida College System institution to receive an exemption from state board review for a proposed baccalaureate program;
- Authorizes a community college board of trustees to request an investigation of the college president's actions by the DOE inspector general and requires the inspector general to refer potential legal violations to the Commission on Ethics, Department of Law enforcement, Attorney General, or another appropriate authority; and
- Repeals the Florida Business and Education Collaborative, which was never appointed.

This bill amends ss. 1001.64, 1004.015, 1007.27, and 1007.33, Florida Statutes.

The bill repeals s. 1000.07, Florida Statutes.

II. Present Situation:

Access to Baccalaureate Degrees

The 2009 Legislature created the Florida College System (FCS) and revised the primary mission of the community colleges to include upper level instruction and awarding baccalaureate degrees as authorized by law, in addition to the college's long-standing mission of providing community needs for postsecondary education in career education and lower division academic programs leading to an associate degree. The baccalaureate degree programs established at FCS institutions must meet local workforce needs and unmet demand for such a program in the local area. An FCS institution proposing a baccalaureate degree program must first provide an opportunity for private institutions and state universities to propose an alternative baccalaureate program. With the exception of St. Petersburg College, which has statutory authority to provide baccalaureate degrees as the college's board of trustees decide is necessary in its service area, the State Board of Education must approve the proposal before the FCS institution may offer the

program. The statute provides for an FCS institution to apply for an exemption from State Board of Education approval of new baccalaureate programs, but no FCS institution has requested an exemption.

Nineteen of the 28 FCS institutions currently offer baccalaureate degrees. Enrollments in upper level (baccalaureate) courses are shown in the chart below:

THE FLORIDA COLLEGE SYSTEM
Upper-division FTE as a Percentage of Total FTE
FY 2009-10 Actual FTE-3

COLLEGE	Lower-level FTE	Upper-level FTE	TOTAL FTE	UPPER as % of TOTAL
Brevard Community College	13,393.1	0	13,393	0.00%
Broward College	27,773.8	129	27,902	0.46%
College of Central Florida	6,404.8	0	6,405	0.00%
Chipola College	1,618.8	135	1,754	7.68%
Daytona State College	14,984.0	495	15,479	3.20%
Edison State College	11,072.3	322	11,394	2.82%
Florida State College at Jacksonville	28,452.7	355	28,808	1.23%
Florida Keys Community College	1,061.8	0	1,062	0.00%
Gulf Coast Community College	5,074.1	0	5,074	0.00%
Hillsborough Community College	20,767.3	0	20,767	0.00%
Indian River State College	13,332.3	495	13,827	3.58%
Florida Gateway College	2,396.4	0	2,396	0.00%
Lake-Sumter Community College	3,203.1	0	3,203	0.00%
State College of Florida, Manatee-Sarasota	9,552.3	13	9,565	0.13%
Miami Dade College	56,614.0	907	57,521	1.58%
North Florida Community College	940.5	0	941	0.00%
Northwest Florida State College	5,538.4	278	5,816	4.78%
Palm Beach State College	20,070.4	174	20,245	0.86%
Pasco-Hernando Community College	7,230.8	0	7,231	0.00%
Pensacola State College	9,276.0	0	9,276	0.00%
Polk State College	6,640.7	32	6,673	0.48%
St. Johns River Community College	4,913.3	0	4,913	0.00%
St. Petersburg College	18,707.3	1,971	20,679	9.53%
Santa Fe College	12,161.4	67	12,229	0.55%
Seminole State College of Florida	13,998.1	5	14,003	0.03%
South Florida Community College	2,899.0	0	2,899	0.00%
Tallahassee Community College	12,527.4	0	12,527	0.00%
Valencia Community College	29,295.8	0	29,296	0.00%
TOTAL	359,900	5,377	365,277	1.47%

Source: Florida Department of Education

While FCS institutions awarded only 1.2 percent of the baccalaureate degrees awarded in Florida the potential growth of the baccalaureate degree programs has led to concern that the baccalaureate degree programs could eventually overshadow the lower division programs that provide community access to postsecondary education.

The chart below shows baccalaureate degrees awarded by postsecondary education sectors in 2008-2009:

Postsecondary Sector	Number of Institutions	Baccalaureate Degrees Awarded (2008-09)	% of Baccalaureate Degrees Awarded (2008-09)
State University System	14	51,443	64.1%
ICUF ¹	27	17,341	21.6%
OTHER	301	10,550	13.1%
FCS	20	941	1.2%
Total	362	80,275	100%

Source: Florida Board of Governors

Workforce Education

Workforce education programs in Florida are designed to assist individuals in attaining skills necessary for economic self-sufficiency and provide training to meet local and state workforce needs. These programs include both adult general education and career education programs and may be offered by school districts and FCS institutions. State agency oversight for workforce education is provided by the Division of Career and Adult Education within the DOE. While both school districts and FCS institutions are authorized to provide workforce education programs, only FCS institutions are permitted to award college credit.

In 2010, the Florida Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of public workforce education programs for the purpose of identifying and analyzing the positive and negative aspects of merging the school district programs with FCS institution programs. OPPAGA found that school districts and colleges locally determine what workforce education programs to provide in their service areas and how to divide responsibility for these programs, resulting in a varied delivery system across the state. However, the entities tend to offer different types of workforce education programs and typically avoid duplicating programs within individual counties. With regard to consolidating workforce education, OPPAGA suggested that such reorganization could produce benefits. It could help provide more consistent policies and practices for workforce education programs, provide better alignment and articulation of postsecondary career education programs, and make it easier for some students to access financial aid. Consolidating adult education under school districts could help their efforts to address dropout prevention and recovery.

¹ Independent Colleges & Universities of Florida.

Higher Education Coordinating Council (HECC)

The Higher Education Coordinating Council was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers. The Board of Governors (BOG) provides administrative support for the HECC.

The HECC is required to act as an advisory board to the Legislature, the State Board of Education, and BOG. Recommendations of the HECC must be consistent with the following guiding principles:

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students;
- To promote consistent education policy across all educational delivery systems, focusing on students;
- To promote substantially improved articulation across all educational delivery systems;
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians; and
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.

The HECC is comprised of the following members: the Commissioner of Education; the Chancellor of the State University System of Florida; the Chancellor of the Florida College System; the Executive Director of the Commission for Independent Education; the Executive Director of the Independent Colleges and Universities of Florida; and two members representing the business community, one appointed by the President of the Senate and one by the Speaker of the House of Representatives.

Advanced Placement Scores

Section 1007.27, F.S., authorizes a number of mechanisms whereby students may earn college credit for courses taken in high school. The DOE is required to establish minimum scores, maximum credit, and courses for which credit is award for College-Level Examination Program (CLEP) exams, Advanced Placement (AP), Advanced International Certificate of Education (AICE), and International Baccalaureate (IB) examinations. DOE is also required to identify each course in the general education core curriculum of each state university and FCS institutions. Section 1007.27(6), F.S., establishes the minimum score a student must earn on the Advanced Placement Examination administered by the College Board in order to receive college credit for the course corresponding to that examination. Currently, a minimum score of three on a 5-point scale entitles a student to credit for that course at a state university or FCS institution. The rigor of some of the Advanced Placement Examinations has been questioned relative to coursework at state universities, particularly in math and science, where a higher score might indicate that the student was more adequately prepared to receive credit for the entry level course and proceed with more advanced college-level work.

A 2009 study by the Legislative Office of Program Policy Analysis and Government Accountability (OPPAGA) found that nearly 24 percent of the state university students surveyed reported that they retook a course at the university to improve their understanding of the subject

matter, to increase their grade point average, or because the university recommended that they retake the course as part of a sequence of courses.² Most commonly, students retook math and science courses. Of the 799 students in the OPPAGA study who took AP courses only (i.e., no other kind of acceleration course), 24 percent (195 students) retook the course at the university.³

A 2009 study showed that AP students who earn course credit consistently outperformed a matched group of Non-AP students on most of the college outcome measures.⁴ The College Board provides numerous research studies showing that students who take AP courses and AP exams have better college outcomes than students who do not take AP courses and exams.⁵

Florida’s statutory requirement that FCS institutions and state universities must grant course credit to students who score 3 points on the AP exam provides a uniform policy for articulation from one institution to another. However, the policy provides Florida institutions less flexibility in granting credit than is available to private institutions and other state’s public institutions which may require different scores for different courses.

Summer Term at Universities

Section 1007.27(10), F.S., prohibits a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism, such as dual enrollment and advanced placement, to enroll in a summer term. According to the Department of Education, 21,200 students, who earned a standard high school diploma in 2010, earned 9 or more credit hours through an accelerated mechanism, such as Advanced Placement, dual enrollment, International Baccalaureate, or Advanced International Certificate of Education.

Credit Hours	12th Grade Students (Survey 3 Enrolled)	Standard Diploma Recipients 2010
9+	21,900	21,200
12+	16,700	16,200
15+	12,300	11,900
18+	9,200	8,900

Source: Florida Department of Education

Powers of College Boards of Trustees

Section 1001.64(3), F.S., gives a college board of trustees the power to take action without a recommendation from the president and requires the president to deliver to the board of trustees all information it requires in the performance of its duties. The statute does not explicitly provide a course of action for a board to follow if it discovers that actions by the college president merit an investigation.

² OPPAGA, “University Students Benefit from Acceleration Courses, But Often Retake Math and Science Courses,” Report No. 09-30, June 2009.

³ OPPAGA, “The Percentage of Students Who Retake Acceleration Courses in College Varies by Acceleration Program and University,” Research Memorandum, September 21, 2009.

⁴ Murphy, D. and Dodd, B. “A Comparison of College Performances of Matched AP and Non-AP student Groups,” College Board Research Report 2009-6, readable at: <http://professionals.collegeboard.com/profdownload/a-comparison-of-college-performances-of-matched-ap-and-non-ap-student-groups.pdf>.

⁵ The College Board, “AP Research Summaries,” readable at: <http://professionals.collegeboard.com/data-reports-research/ap/summaries>.

III. Effect of Proposed Changes:

This bill addresses a number of aspects of the public postsecondary education system relating to efficiency, access, and quality. The bill would require the Higher Education Coordinating Council to produce a report by December 31, 2011, to address the following:

- Defining the core responsibilities of public and non-public postsecondary education systems in terms of the student access to education and the state's economic development goals;
- Establishing performance measures across sectors;
- Evaluating the state's articulation policies to consider the return on investment for students and for the state;
- Establishing a plan for changes in workforce development education to align school district and Florida College System programs to ensure efficiency and mission delineation and to improve the consistency of workforce data collection; and
- Addressing baccalaureate degree authorization and production, including—
 - The potential need to establish comprehensive undergraduate institutions;
 - Enrollment and expenditure thresholds that would justify legislative consideration for moving the institution under the State Board of Education, Board of Governors, or another governing organization; and
 - Recommendations relating to funding options to encourage performance-based funding.

The Council's first priority must be to address baccalaureate degree authorization and production.

The bill requires the State Board of Education, as well as the Board of Governors, to provide administrative support to the Higher Education Coordinating Council.

The bill would repeal s. 1007.27(10), F.S., which prohibits a public college or university from requiring a student who earns 9 or more credit hours through an acceleration mechanism to enroll in a summer term, thus permitting a state university to require summer term attendance by students. Requiring students to attend during the summer term could enable a postsecondary institution to use its facilities year-round. However, the provision could create new costs for students who receive state financial aid, including the Bright Futures Scholarships, because state scholarship programs are only funded for the fall and spring academic terms. The Bright Futures Scholarships may be used in the summer term if funds are available, but the Legislature has not funded the scholarship for the summer term.

The bill requires that, beginning with the fall term 2012, the Department of Education must use student performance data from postsecondary courses to determine the scores for which credit is to be granted for acceleration courses. By July 1, 2012, the Department of Education must review Advanced Placement (AP) students' subsequent performance in postsecondary courses and use the data in setting a minimum score for each AP exam which a student must achieve in order to receive credit for that AP course. The department must consider establishing different minimum AP Scores for different subject areas and for different postsecondary institutions. The following chart below shows Florida public school students' scores in 2009-2010:

Advanced Placement Exam Scores of Florida Public School Students (2009-2010)					
Subject	Total Exams	Total Exams Scored at 3 Points	Percent of Exams Scored at 3 Points	Total Exams Scored at 4-5 Points	Percent of Exams Scored at 4-5 Points
Chemistry	5,996	985	16%	924	15%
Calculus AB	11,297	1,921	17%	3,106	27%
English Language & Composition	31,829	9,286	29%	6,208	20%
English Literature & Composition	25,791	7,345	28%	4,186	16%
Psychology	24,184	4,873	20%	7,659	32%
History: United States	27,149	4,825	18%	4,047	15%
History: World	24,749	4,518	18%	3,020	12%
Human Geography	24,163	4,127	17%	3,595	15%
Government & Politics: United States	18,315	3,472	19%	2,297	13%
Physics B	3,793	830	22%	740	20%

Source: Florida Department of Education from College Board Integrated State Summary 2009-2010

The bill would authorize a community college board of trustees to request an investigation of the college president’s actions by the DOE inspector general. The bill requires the DOE inspector general to issue a detailed report and to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.

The bill repeals the option for a Florida College System institution to receive an exemption from state board review for a proposed baccalaureate program.

The bill repeals the Florida Business and Education Collaborative, which was never appointed.

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:

Recipients of a Bright Futures Scholarship would be required to pay for classes during the summer term unless funds were appropriated by the Legislature for summer enrollment.

C. Government Sector Impact:

The assignments to the HECC are within its scope and could be accomplished with staff support by the postsecondary sectors represented on the council.

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 the Budget Subcommittee on Higher Education Appropriations on April 13, 2011.

The Committee Substitute:

- Requires the first priority of the Higher Education Coordinating Council to be addressing baccalaureate degree authorization and production;
- Adds the State Board of Education and the Board of Governors as recipients of the council's report;
- Establishes the fall term 2012, as the time for the Department of Education to begin using student postsecondary performance data in setting the score students must achieve to receive credit for acceleration courses;
- Deletes the requirement for a minimum AP score of 4 points in order to receive postsecondary credit, and requires that by July 1, 2012, the Department of Education must review Advanced Placement students' subsequent performance in postsecondary courses and use the data in setting a minimum score for each AP exam which a student must achieve in order to receive credit for that AP course; and
- Requires the Department of Education to consider establishing different minimum AP scores for different subject areas and for different postsecondary institutions.

CS by Higher Education on April 4, 2011:

The committee substitute:

- Requires a single report from the Higher Education Coordinating Council rather than reports from the Board of Governors and State Board of Education to be submitted by December 31, 2011;
- Requires the State Board of Education, as well as the Board of Governors, to provide staff support to the Higher Education Coordinating Council; and
- Does not authorize state universities to establish Advanced Placement Exam scores for course credit but raises the minimum score for all college and university credit from 3 points to 4 points on a 5-point scale.

B. Amendments:

None.