

**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.)

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Prepared By: The Professional Staff of the Higher Education Committee

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BILL: SB 1732

INTRODUCER: Senator Lynn

SUBJECT: Postsecondary Education

DATE: March 31, 2011                      REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Harkey	Matthews	HE	<b>Pre-meeting</b>
2.			BC	
3.				
4.				
5.				
6.				

**I. Summary:**

This bill addresses a number of aspects of the public postsecondary education system to increase efficiency, access and quality. The bill would:

- Require the Board of Governors of the State University System (BOG), in coordination with the Higher Education Coordinating Council, to produce a report, by January 31, 2012, on the potential for establishing comprehensive undergraduate universities, including recommendations for conditions under which a Florida College System institution should be transferred to the state university system;
- Require the State Board of Education, in coordination with the Higher Education Coordinating Council, to develop a plan to consolidate adult basic education and career education programs within school districts and Florida College System institutions and to submit the plan to the Governor and Legislative leaders by January 31, 2012;
- Authorize a community college board of trustees to request an investigation of the college president's actions by the DOE inspector general;
- 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;
- Authorize the statewide articulation agreement to permit a state university board of trustees to establish the scores on advanced placement tests that the university will accept for course credit and requires the DOE to identify courses for which a state university has established a higher score for the awarding of credit;
- Repeal the option for a Florida College System institution to receive an exemption from state board review for a proposed baccalaureate program; and

- Repeal the Florida Business and Education Collaborative, which was never appointed.

This bill amends ss. 1001.64, 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. However, the statute provides for an FCS institution to apply for an exemption from State board of Education approval of new baccalaureate programs. The chart below shows baccalaureate degrees awarded by postsecondary education sectors:

Postsecondary Sector	Number of Institutions	Baccalaureate Degrees Awarded (2008-9)	% of Baccalaureate Degrees Awarded (2008-9)
State University System	14	51,443	64.1%
ICUF <sup>1</sup>	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

Nineteen of the 28 Florida College System institutions currently offer baccalaureate degrees ranging from 0.46 percent (Broward College) of full-time enrollment (FTE) in 2009-10 to 9.53 percent (St. Petersburg College). The percentage of total enrollment for most colleges offering baccalaureate degrees is less than 3 percent.

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.

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<sup>1</sup> Independent Colleges & Universities of Florida.

**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.

**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;
- 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 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 areas 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.

**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.

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

This bill would require The Board of Governors of the State University System (BOG), in coordination with the Higher Education Coordinating Council, to produce a report, by January 31, 2012, on the potential for establishing comprehensive undergraduate universities, including recommendations for conditions under which a Florida College System institution should be transferred to the state university system. The bill specifies that two possible conditions for such a transfer could be if the college:

- Enrolls more than 20 percent of its students in upper division programs; or
- Constructs dormitories after July 1, 2011.

The bill would require the State Board of Education, in coordination with the Higher Education Coordinating Council, to develop a plan to consolidate adult basic education and career education programs within school districts and Florida College System institutions and to submit the plan to the Governor and Legislative leaders by January 31, 2012.

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 state attorney, or another appropriate authority.

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 authorizes the statewide articulation agreement to permit a state university board of trustees to establish the scores on advanced placement tests that the university will accept for course credit and requires the DOE to identify courses for which a state university has established a higher score for the awarding of credit.

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.)

None.

**B. Amendments:**

None.