

By the Committee on Higher Education; and Senator Lynn

589-03794-11

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1 A bill to be entitled
2 An act relating to postsecondary education; amending
3 s. 1004.015, F.S.; requiring the Higher Education
4 Coordinating Council to recommend plans and submit a
5 report to the Governor and the Legislature relating to
6 core missions of postsecondary education institutions,
7 performance outputs and outcomes, articulation
8 policies, workforce development education, and
9 baccalaureate degree authorization; amending s.
10 1007.27, F.S.; requiring the Department of Education
11 to use student performance data to determine
12 appropriate credit-by-examination scores and courses;
13 revising the minimum Advanced Placement Examination
14 scores for postsecondary credit; deleting an exemption
15 from summer-term enrollment in a public postsecondary
16 education institution for students earning accelerated
17 credit; amending s. 1007.33, F.S.; deleting an
18 exemption from provisions governing the approval
19 process for baccalaureate degrees; amending s.
20 1001.64, F.S.; requiring a community college board of
21 trustees to ask the Commissioner of Education to
22 authorize an investigation of a college president by
23 the Department of Education's inspector general in
24 specified circumstances; requiring the inspector
25 general to report on the investigation and make
26 recommendations; requiring the inspector general to
27 refer any potential legal violation to the Commission
28 on Ethics, the Department of Law Enforcement, the
29 Attorney General, or other appropriate authority;

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30 repealing s. 1000.07, F.S., relating to the Florida
31 Business and Education Collaborative; providing an
32 effective date.

33
34 Be It Enacted by the Legislature of the State of Florida:

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36 Section 1. Present subsection (4) of section 1004.015,
37 Florida Statutes, is renumbered as subsection (6) and amended,
38 and new subsections (4) and (5) are added to that section, to
39 read:

40 1004.015 Higher Education Coordinating Council.—

41 (4) The council shall, with input of the State Board of
42 Education and the Board of Governors, recommend improvement
43 options and implementation plans to:

44 (a) Define the primary core mission of public and nonpublic
45 postsecondary education institutions in the context of state
46 access demands and economic development goals.

47 (b) Establish performance outputs and outcomes designed to
48 meet annual and long-term state goals, including, but not
49 limited to, increased student access, preparedness, retention,
50 transfer, and completion. Performance measures must be
51 consistent across sectors and allow for a comparison of the
52 state's performance to that of other states.

53 (c) Evaluate the state's articulation policies and
54 practices to ensure that cost benefits to the state are
55 maximized without jeopardizing quality. The evaluation shall
56 consider return on investment for both the state and students.

57 (d) Establish a plan for implementing changes in workforce
58 development education to:

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59 1. Align school district and Florida College System
60 workforce development education programs to ensure cost
61 efficiency and mission delineation, including an examination of
62 the need for both college credit and noncollege credit
63 certificate programs, an evaluation of the merit of retaining
64 the associate in applied science degree, and the consolidation
65 of adult general education programs within school districts.

66 2. Improve the consistency of workforce education data
67 collected and reported by Florida College System institutions
68 and school districts, including the establishment of common
69 elements and definitions for any data that is used for state and
70 federal funding and program accountability.

71 (e) Address baccalaureate degree authorization and
72 production, which shall include the following:

73 1. An assessment of the potential need to establish
74 comprehensive undergraduate institutions that would primarily
75 focus on the delivery of undergraduate instruction, including
76 offering baccalaureate degrees. Such institutions may include
77 Florida College System institutions, state universities, and
78 university branch campuses. The assessment must recommend
79 accountability options and address local and regional workforce
80 needs and gaps that might result from an institution's shift in
81 primary mission.

82 2. Recommendations related to appropriate student
83 enrollment and institutional expenditure thresholds for upper-
84 division programs that justify legislative consideration in
85 order to establish or reestablish an institution under the
86 governance and oversight of the State Board of Education, the
87 Board of Governors, or another statutorily established or

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88 created governing or advisory organization.

89 3. Recommendations related to funding options and
90 strategies, student tuition and fees, student financial aid
91 funding, and other strategies to encourage performance-based
92 funding.

93 (5) The council shall submit a report to the Governor, the
94 President of the Senate, and the Speaker of the House of
95 Representatives by December 31, 2011, which specifically
96 includes recommendations for consideration by the Legislature
97 for implementation in the 2012-2013 fiscal year.

98 (6)~~(4)~~ The Board of Governors and the Department of
99 Education shall provide administrative support for the council.

100 Section 2. Subsections (2), (6), and (10) of section
101 1007.27, Florida Statutes, are amended to read:

102 1007.27 Articulated acceleration mechanisms.—

103 (2) The Department of Education shall annually identify and
104 publish the minimum scores, maximum credit, and course or
105 courses for which credit is to be awarded for each College Level
106 Examination Program (CLEP) ~~general examination, CLEP subject~~
107 ~~examination, College Board Advanced Placement Program~~
108 examination, Advanced International Certificate of Education
109 examination, and International Baccalaureate examination. The
110 department shall use student performance data in subsequent
111 postsecondary courses to determine the appropriate examination
112 scores and courses for which credit is to be granted. In
113 addition, the department shall identify such courses in the
114 general education core curriculum of each state university and
115 community college.

116 (6) Advanced placement shall be the enrollment of an

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117 eligible secondary student in a course offered through the
118 Advanced Placement Program administered by the College Board.
119 Postsecondary credit for an advanced placement course shall be
120 limited to students who score a minimum of 3, on a 5-point
121 scale, on the corresponding Advanced Placement Examination for
122 examinations taken before June 30, 2011. On or after July 1,
123 2011, postsecondary credit for an advanced placement course
124 shall be limited to credit for one course per exam taken for
125 students who score a minimum of 4, on a 5-point scale, on the
126 corresponding Advanced Placement Examination. The specific
127 courses for which students receive such credit shall be
128 identified in the statewide articulation agreement required by
129 s. 1007.23(1). Students of Florida public secondary schools
130 enrolled pursuant to this subsection shall be exempt from the
131 payment of any fees for administration of the examination
132 regardless of whether or not the student achieves a passing
133 score on the examination.

134 ~~(10) Any student who earns 9 or more credits from one or~~
135 ~~more of the acceleration mechanisms provided for in this section~~
136 ~~is exempt from any requirement of a public postsecondary~~
137 ~~educational institution mandating enrollment during a summer~~
138 ~~term.~~

139 Section 3. Subsections (6) and (7) of section 1007.33,
140 Florida Statutes, are amended to read:

141 1007.33 Site-determined baccalaureate degree access.-

142 ~~(6) (a) Beginning July 1, 2010, and each subsequent July 1,~~
143 ~~the Division of Florida Colleges may accept and review~~
144 ~~applications from a Florida college to obtain an exemption from~~
145 ~~the State Board of Education's approval for subsequent degrees~~

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146 as required in subsection (5), if the Florida college is
147 accredited by the Commission on Colleges of the Southern
148 Association of Colleges and Schools as a baccalaureate-degree-
149 granting institution and has been offering baccalaureate degree
150 programs for 3 or more years. The division shall develop
151 criteria for determining eligibility for an exemption based upon
152 demonstrated compliance with the requirements for baccalaureate
153 degrees, primary mission, and fiscal, including, but not limited
154 to:

155 1. Obtaining and maintaining appropriate SACS
156 accreditation;

157 2. The maintenance of qualified faculty and institutional
158 resources;

159 3. The maintenance of enrollment projections in previously
160 approved programs;

161 4. The appropriate management of fiscal resources;

162 5. Compliance with the primary mission and responsibility
163 requirements in subsections (2) and (3);

164 6. The timely submission of the institution's annual
165 performance accountability report; and

166 7. Other indicators of success such as program completers,
167 placements, and surveys of students and employers.

168 (b) If the Florida college has demonstrated satisfactory
169 progress in fulfilling the eligibility criteria in this
170 subsection, the Division of Florida Colleges may recommend to
171 the State Board of Education that the institution be exempt from
172 the requirement in subsection (5) for approval of future
173 baccalaureate degree programs. The State Board of Education
174 shall review the division's recommendation and determine if an

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175 ~~exemption is warranted. If the State Board of Education approves~~
176 ~~the application, the Florida college is exempt from subsequent~~
177 ~~program approval under subsection (5) and such authority is~~
178 ~~delegated to the Florida college board of trustees. If the State~~
179 ~~Board of Education disapproves of the Florida college's request~~
180 ~~for an exemption, the college shall continue to be subject to~~
181 ~~the State Board of Education's approval of subsequent~~
182 ~~baccalaureate degree programs.~~

183 ~~(c) Prior to developing or proposing a new baccalaureate~~
184 ~~degree program, all Florida colleges, regardless of an exemption~~
185 ~~from subsection (5), shall:~~

186 ~~1. Engage in need, demand, and impact discussions with the~~
187 ~~state university in their service district and other local and~~
188 ~~regional, accredited postsecondary providers in their region.~~

189 ~~2. Send documentation, data, and other information from the~~
190 ~~inter-institutional discussions regarding program need, demand,~~
191 ~~and impact required in subparagraph 1. to the college's board of~~
192 ~~trustees, the Division of Florida Colleges, and the Chancellor~~
193 ~~of the State University System.~~

194 ~~3. Base board of trustees approval of the new program upon~~
195 ~~the documentation, data, and other information required in this~~
196 ~~paragraph and the factors in subsection (5) (d).~~

197
198 ~~The Division of Florida Colleges shall use the documentation,~~
199 ~~data, and other information required in this subsection,~~
200 ~~including information from the Chancellor of the State~~
201 ~~University System, in its compliance review.~~

202 ~~(d) The board of trustees of a Florida college that is~~
203 ~~exempt from subsection (5) must submit newly approved programs~~

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204 ~~to the Division of Florida Colleges and SACS within 30 days~~
205 ~~after approval.~~

206 ~~(c) Within 30 days after receiving the approved~~
207 ~~baccalaureate degree program, the Division of Florida Colleges~~
208 ~~shall conduct a compliance review and notify the college if the~~
209 ~~proposal meets the criteria for implementation based upon the~~
210 ~~criteria in paragraphs (5) (d) and (6) (c). If the program fails~~
211 ~~to meet the criteria for implementation as determined by the~~
212 ~~Division of Florida Colleges, the college may not proceed with~~
213 ~~implementation of the program until the State Board of Education~~
214 ~~reviews the proposal and the compliance materials and gives its~~
215 ~~final approval of the program.~~

216 ~~(6) (7)~~ The State Board of Education shall adopt rules to
217 prescribe format and content requirements and submission
218 procedures for notices of intent, proposals, and alternative
219 proposals under subsection (5).

220 Section 4. Subsection (3) of section 1001.64, Florida
221 Statutes, is amended to read:

222 1001.64 Community college boards of trustees; powers and
223 duties.—

224 (3) A board of trustees shall have the power to take action
225 without a recommendation from the president and shall have the
226 power to require the president to deliver to the board of
227 trustees all data and information required by the board of
228 trustees in the performance of its duties. A board of trustees
229 shall ask the Commissioner of Education to authorize an
230 investigation of the president's actions by the department's
231 inspector general if the board considers such investigation
232 necessary. The inspector general shall provide a report

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233 detailing each issue under investigation and shall recommend
234 corrective action. If the inspector general identifies potential
235 legal violations, he or she shall refer the potential legal
236 violations to the Commission on Ethics, the Department of Law
237 Enforcement, the Attorney General, or another appropriate
238 authority.

239 Section 5. Section 1000.07, Florida Statutes, is repealed.

240 Section 6. This act shall take effect July 1, 2011.