

By the Committees on Budget Subcommittee on Higher Education Appropriations; and Higher Education; and Senator Lynn

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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 responsibilities of postsecondary education
7 institutions, performance outputs and outcomes,
8 articulation policies, workforce development
9 education, and baccalaureate degree authorization;
10 requiring the council to submit a report to the
11 Governor, the President of the Senate, the Speaker of
12 the House of Representatives, the State Board of
13 Education, and the Board of Governors of the State
14 University System by a date certain which includes
15 certain recommendations; amending s. 1007.27, F.S.;
16 requiring the Department of Education to use student
17 performance data to determine appropriate credit-by-
18 examination scores and courses; requiring the
19 Department of Education to review performance data for
20 students who take Advanced Placement Examinations and
21 to set minimum scores based on the review; deleting an
22 exemption from summer-term enrollment in a public
23 postsecondary education institution for students
24 earning accelerated credit; amending s. 1007.33, F.S.;
25 deleting an exemption from provisions governing the
26 approval process for baccalaureate degrees; amending
27 s. 1001.64, F.S.; requiring a community college board
28 of trustees to ask the Commissioner of Education to
29 authorize an investigation of a college president by

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30 the Department of Education's inspector general in
31 specified circumstances; requiring the inspector
32 general to report on the investigation and make
33 recommendations; requiring the inspector general to
34 refer any potential legal violation to the Commission
35 on Ethics, the Department of Law Enforcement, the
36 Attorney General, or other appropriate authority;
37 repealing s. 1000.07, F.S., relating to the Florida
38 Business and Education Collaborative; providing an
39 effective date.

40
41 Be It Enacted by the Legislature of the State of Florida:

42
43 Section 1. Present subsection (4) of section 1004.015,
44 Florida Statutes, is renumbered as subsection (6) and amended,
45 and new subsections (4) and (5) are added to that section, to
46 read:

47 1004.015 Higher Education Coordinating Council.—

48 (4) The council shall make detailed recommendations for:

49 (a) Defining the primary core responsibilities of public
50 and nonpublic postsecondary education systems in the context of
51 meeting state access demands and economic development goals.

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

58 (c) Evaluating the state's articulation policies and

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59 practices to ensure that cost benefits to the state are
60 maximized without jeopardizing quality. The evaluation shall
61 consider return on investment for both the state and students.

62 (d) Establishing a plan for workforce development education
63 changes that:

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

71 2. Improve the consistency of workforce education data
72 collected and reported by Florida College System institutions
73 and school districts, including the establishment of common
74 elements and definitions for any data that are used for state
75 and federal funding and program accountability.

76 (e) Addressing baccalaureate degree authorization and
77 production, which shall include the following:

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

87 2. Recommendations related to appropriate student

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88 enrollment and institutional expenditure thresholds for upper-
89 division programs that justify legislative consideration in
90 order to establish or reestablish an institution under the
91 governance and oversight of the State Board of Education, the
92 Board of Governors, or another statutorily established or
93 created governing or advisory organization.

94 3. Recommendations related to funding options and
95 strategies, student tuition and fees, student financial aid
96 funding, and other strategies to encourage performance-based
97 funding.

98
99 The council's first priority shall be to address baccalaureate
100 degree authorization and production.

101 (5) The council shall submit a report to the Governor, the
102 President of the Senate, the Speaker of the House of
103 Representatives, the State Board of Education, and the Board of
104 Governors by December 31, 2011, which specifically includes
105 recommendations for consideration by the Legislature for
106 implementation in the 2012-2013 fiscal year.

107 (6)-(4) The Board of Governors and the Department of
108 Education shall provide administrative support for the council.

109 Section 2. Subsections (2), (6), and (10) of section
110 1007.27, Florida Statutes, are amended to read:

111 1007.27 Articulated acceleration mechanisms.—

112 (2) The Department of Education shall annually identify and
113 publish the minimum scores, maximum credit, and course or
114 courses for which credit is to be awarded for each College Level
115 Examination Program (CLEP) ~~general examination, CLEP subject~~
116 examination, College Board Advanced Placement Program

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117 examination, Advanced International Certificate of Education
118 examination, and International Baccalaureate examination.
119 Beginning with the fall term in 2012, the department shall use
120 student performance data in subsequent postsecondary courses to
121 determine the appropriate examination scores and courses for
122 which credit is to be granted. In addition, the department shall
123 identify such courses in the general education core curriculum
124 of each state university and community college.

125 (6) Advanced placement shall be the enrollment of an
126 eligible secondary student in a course offered through the
127 Advanced Placement Program administered by the College Board.
128 Postsecondary credit for an advanced placement course shall be
129 limited to students who score a minimum of 3, on a 5-point
130 scale, on the corresponding Advanced Placement Examination. The
131 specific courses for which students receive such credit shall be
132 identified in the statewide articulation agreement required by
133 s. 1007.23(1). Students of Florida public secondary schools
134 enrolled pursuant to this subsection shall be exempt from the
135 payment of any fees for administration of the examination
136 regardless of whether or not the student achieves a passing
137 score on the examination. The department shall review
138 performance data in postsecondary courses for students who
139 achieved a score of 3 or more points on the Advanced Placement
140 Examination for each course for which an exam is given, and
141 shall establish the minimum score for each examination which a
142 student must earn in order to receive postsecondary credit for
143 that subject. The department must consider establishing
144 different minimum scores for different subject areas and
145 establishing different scores for different postsecondary

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146 institutions. The review must be completed and minimum scores
147 based on the review must be established by July 1, 2012.

148 ~~(10) Any student who earns 9 or more credits from one or~~
149 ~~more of the acceleration mechanisms provided for in this section~~
150 ~~is exempt from any requirement of a public postsecondary~~
151 ~~educational institution mandating enrollment during a summer~~
152 ~~term.~~

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

155 1007.33 Site-determined baccalaureate degree access.-

156 ~~(6)(a) Beginning July 1, 2010, and each subsequent July 1,~~
157 ~~the Division of Florida Colleges may accept and review~~
158 ~~applications from a Florida college to obtain an exemption from~~
159 ~~the State Board of Education's approval for subsequent degrees~~
160 ~~as required in subsection (5), if the Florida college is~~
161 ~~accredited by the Commission on Colleges of the Southern~~
162 ~~Association of Colleges and Schools as a baccalaureate-degree-~~
163 ~~granting institution and has been offering baccalaureate degree~~
164 ~~programs for 3 or more years. The division shall develop~~
165 ~~criteria for determining eligibility for an exemption based upon~~
166 ~~demonstrated compliance with the requirements for baccalaureate~~
167 ~~degrees, primary mission, and fiscal, including, but not limited~~
168 ~~to:~~

169 ~~1. Obtaining and maintaining appropriate SACS~~
170 ~~accreditation;~~

171 ~~2. The maintenance of qualified faculty and institutional~~
172 ~~resources;~~

173 ~~3. The maintenance of enrollment projections in previously~~
174 ~~approved programs;~~

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175 ~~4. The appropriate management of fiscal resources;~~
176 ~~5. Compliance with the primary mission and responsibility~~
177 ~~requirements in subsections (2) and (3);~~
178 ~~6. The timely submission of the institution's annual~~
179 ~~performance accountability report; and~~
180 ~~7. Other indicators of success such as program completers,~~
181 ~~placements, and surveys of students and employers.~~

182 ~~(b) If the Florida college has demonstrated satisfactory~~
183 ~~progress in fulfilling the eligibility criteria in this~~
184 ~~subsection, the Division of Florida Colleges may recommend to~~
185 ~~the State Board of Education that the institution be exempt from~~
186 ~~the requirement in subsection (5) for approval of future~~
187 ~~baccalaureate degree programs. The State Board of Education~~
188 ~~shall review the division's recommendation and determine if an~~
189 ~~exemption is warranted. If the State Board of Education approves~~
190 ~~the application, the Florida college is exempt from subsequent~~
191 ~~program approval under subsection (5) and such authority is~~
192 ~~delegated to the Florida college board of trustees. If the State~~
193 ~~Board of Education disapproves of the Florida college's request~~
194 ~~for an exemption, the college shall continue to be subject to~~
195 ~~the State Board of Education's approval of subsequent~~
196 ~~baccalaureate degree programs.~~

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

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

203 ~~2. Send documentation, data, and other information from the~~

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204 ~~inter-institutional discussions regarding program need, demand,~~
205 ~~and impact required in subparagraph 1. to the college's board of~~
206 ~~trustees, the Division of Florida Colleges, and the Chancellor~~
207 ~~of the State University System.~~

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

211
212 ~~The Division of Florida Colleges shall use the documentation,~~
213 ~~data, and other information required in this subsection,~~
214 ~~including information from the Chancellor of the State~~
215 ~~University System, in its compliance review.~~

216 ~~(d) The board of trustees of a Florida college that is~~
217 ~~exempt from subsection (5) must submit newly approved programs~~
218 ~~to the Division of Florida Colleges and SACS within 30 days~~
219 ~~after approval.~~

220 ~~(e) Within 30 days after receiving the approved~~
221 ~~baccalaureate degree program, the Division of Florida Colleges~~
222 ~~shall conduct a compliance review and notify the college if the~~
223 ~~proposal meets the criteria for implementation based upon the~~
224 ~~criteria in paragraphs (5) (d) and (6) (c). If the program fails~~
225 ~~to meet the criteria for implementation as determined by the~~
226 ~~Division of Florida Colleges, the college may not proceed with~~
227 ~~implementation of the program until the State Board of Education~~
228 ~~reviews the proposal and the compliance materials and gives its~~
229 ~~final approval of the program.~~

230 ~~(6) (7)~~ The State Board of Education shall adopt rules to
231 prescribe format and content requirements and submission
232 procedures for notices of intent, proposals, and alternative

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233 proposals under subsection (5).

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

236 1001.64 Community college boards of trustees; powers and
237 duties.—

238 (3) A board of trustees shall have the power to take action
239 without a recommendation from the president and shall have the
240 power to require the president to deliver to the board of
241 trustees all data and information required by the board of
242 trustees in the performance of its duties. A board of trustees
243 shall ask the Commissioner of Education to authorize an
244 investigation of the president's actions by the department's
245 inspector general if the board considers such investigation
246 necessary. The inspector general shall provide a report
247 detailing each issue under investigation and shall recommend
248 corrective action. If the inspector general identifies potential
249 legal violations, he or she shall refer the potential legal
250 violations to the Commission on Ethics, the Department of Law
251 Enforcement, the Attorney General, or another appropriate
252 authority.

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

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