

**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 Appropriations Subcommittee on Education

BILL: SB 194

INTRODUCER: Senator Stargel

SUBJECT: Higher Education

DATE: April 15, 2019

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Sikes</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	_____	_____	<u>AP</u>	_____

**I. Summary:**

SB 194 modifies higher education programs to improve state university data, to provide greater opportunities for transfer students, and to inform students of college credit opportunities through examinations or dual enrollment. Specifically, the bill:

- Requires the Office of the Inspector General of the Board of Governors of the State University System (BOG) to annually verify data used in the State University System Performance-Based Incentive and the preeminent state research universities program.
- Requires the BOG to enter into an agreement with the Department of Economic Opportunity for access to individual reemployment assistance wage reports for auditing and evaluation purposes.
- Establishes the “2+2” targeted pathway program to provide students guaranteed access to baccalaureate degree programs at state universities.
- Requires each district school board to notify students in acceleration mechanisms of opportunities guaranteeing college credit for specified examinations for completion of dual enrollment courses.

The bill does not have an impact on state revenues or expenditures. The changes within the bill expand upon existing initiatives.

The bill takes effect July 1, 2019.

## II. Present Situation:

### **Board of Governors Powers and Duties Relating to Accountability**

The State University System of Florida (SUS) is established to achieve excellence through teaching students, advancing research, and providing public service for the benefit of Florida's citizens, their communities and economies.<sup>1</sup>

For each state university, the Board of Governors of the SUS (BOG), or the board's designee, is responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.<sup>2</sup>

In general, the BOG's duties relating to accountability align the missions of each state university to specified criteria. Such criteria include the academic success of its students, the national reputation of faculty and research programs, and strategic plans and accountability plans that address institutional and system goals and objectives.<sup>3</sup> Specifically, the BOG is required to maintain an effective information system to provide accurate, timely, and cost-effective information about each university.<sup>4</sup>

### ***The Office of Inspector General***

The BOG's Office of Inspector General<sup>5</sup> (OIGC) is organized to promote accountability, efficiency, and effectiveness and to detect fraud and abuse within state universities. The OIGC has three functional responsibilities: audit, investigations, and compliance.<sup>6</sup> The OIGC has access to all information and personnel necessary to perform its duties and has all of the current powers, duties, and responsibilities of agency inspectors general as specified in law.<sup>7</sup> Such duties include, but are not limited to:<sup>8</sup>

- Advising in the development of performance measures, standards, and procedures for the evaluation of state agency programs.
- Assessing the reliability and validity of the information provided by the state agency on performance measures and standards, and making recommendations for improvement, if necessary.

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<sup>1</sup> Art. IX, Sec. 7(a), Fla. Const.

<sup>2</sup> Section 1001.706(1), F.S.

<sup>3</sup> Section 1001.706(5), F.S.

<sup>4</sup> Section 1001.706(5)(e), F.S.

<sup>5</sup> The office is chartered as the Office of Inspector General and Director of Compliance (OIGC). Board of Governors, *Charter: Office of Inspector General and Director of Compliance* (June 18, 2009), available at [https://www.flbog.edu/board/office/ig/\\_doc/OIGC\\_Charter\\_FINAL.pdf](https://www.flbog.edu/board/office/ig/_doc/OIGC_Charter_FINAL.pdf)

<sup>6</sup> [https://www.flbog.edu/board/office/ig/\\_doc/OIGC\\_Charter\\_FINAL.pdf](https://www.flbog.edu/board/office/ig/_doc/OIGC_Charter_FINAL.pdf), at 4.

<sup>7</sup> Section 20.155(5), F.S.

<sup>8</sup> Section 20.055(2)(a) and (b), F.S.

### ***State University System Performance-Based Incentive***

The SUS Performance-Based Incentive is awarded to state universities using performance-based metrics<sup>9</sup> adopted by the BOG.<sup>10</sup> The metrics include 4-year graduation rates; retention rates; postgraduation education rates; degree production; affordability; postgraduation employment and salaries, including wage thresholds that reflect the added value of a baccalaureate degree; access rate, based on the percentage of undergraduate students enrolled during the fall term who received a Pell Grant during the fall term; and other metrics approved by the BOG.<sup>11</sup>

The BOG currently supplies discrete data sets to the Florida Education and Training Placement Information Program (FETPIP) and requests that data be matched with employment information provided by the Florida Department of Economic Opportunity (DEO) at the student level. This process is facilitated by a three-way data sharing agreement between the BOG, FETPIP, and the DEO. The process can take months for each request to be generated, processed, and returned. It takes considerable time and effort to renew/renege the data sharing agreement between the three parties each year.

The integrity of data provided to the BOG is critical to the performance-based funding decision-making process. To provide assurance that the data submitted for this process is reliable, accurate, and complete, the BOG developed a Data Integrity Certification process in June 2014. University presidents and boards of trustees were directed to task their chief audit executives to perform an audit of the university's processes to ensure the completeness, accuracy, and timeliness of data submissions to the BOG. Audits are to be conducted in accordance with professional auditing standards and are to be submitted to the BOG for their annual meeting each March. Based on such audits, university presidents and boards of trustees are required to execute a Data Integrity Certification.<sup>12</sup>

### ***Preeminent State Research Universities Program***

The preeminent state research universities program is a collaborative partnership between the BOG and the Legislature to raise the academic and research preeminence of the highest performing state research universities in Florida.<sup>13</sup> A state university that meets 11 of the 12 academic and research excellent standards specified in law<sup>14</sup> is designated a “preeminent state

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<sup>9</sup> Board of Governors, *Performance Funding Model Overview*, available at [https://www.flbog.edu/board/office/budget/doc/performance\\_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf](https://www.flbog.edu/board/office/budget/doc/performance_funding/Overview-Doc-Performance-Funding-10-Metric-Model-Condensed-Version.pdf).

<sup>10</sup> Section 1001.92(1), F.S.

<sup>11</sup> *Id.*

<sup>12</sup> Board of Governors, *Performance Based Funding Model—Data and Methodology*, [https://www.flbog.edu/board/office/budget/performance\\_funding.php](https://www.flbog.edu/board/office/budget/performance_funding.php) (last visited Mar. 9, 2019).

<sup>13</sup> Section 1001.7065(1), F.S.

<sup>14</sup> Section 1001.7065(2), F.S. The standards include: incoming freshman academic characteristics (average weighted GPA and average SAT score); institutional ranking nationally; freshman retention rate; 6-year graduation rate; national academy membership of institution faculty; research expenditures and patents awarded annually; doctoral degrees awarded annually; postdoctoral appointees annually; and institutional endowment.

research university.”<sup>15</sup> Currently, the University of Florida, Florida State University, and the University of South Florida are designated as preeminent state research universities.<sup>16</sup>

## **2+2 Articulation**

The State Board of Education (SBE) and the BOG are required to enter into a statewide articulation agreement to preserve Florida’s “2+2” system of articulation, facilitate the seamless articulation of student credit across and among Florida’s education entities, and reinforce the articulation and access provisions<sup>17</sup> specified in law.<sup>18</sup>

The articulation agreement must require each student who is seeking an associate in arts (AA) degree to indicate a baccalaureate degree program offered by an institution of interest by the time the student earns 30 semester hours.<sup>19</sup> Additionally, the articulation agreement must provide that every AA graduate of a Florida College System (FCS) institution has met all general education requirements and must be granted admission to the upper division, with certain exceptions,<sup>20</sup> of a state university or an FCS institution that offers a baccalaureate degree.<sup>21</sup> However, eligibility for admission to a state university does not guarantee a transfer student admission to the specific university or degree program that the student chooses.<sup>22</sup>

Of the 57,864 FCS students who graduated with an AA degree in 2016-2017, 35,441 (61 percent) applied as a transfer student to the SUS. Of those that applied as a transfer student to the SUS, 30,491 (86 percent) students were admitted, and 25,181 (71 percent) students enrolled at a state university.<sup>23</sup>

## **Notification of Acceleration College Credit**

Articulated acceleration mechanisms include, but are not limited to, Advanced Placement (AP), Advanced International Certificate of Education (AICE), International Baccalaureate (IB), credit by examination, and dual enrollment.<sup>24</sup> The Department of Education is required to annually identify and publish the minimum scores, maximum credit, and course or courses for which credit must be awarded for specified examinations.<sup>25</sup> The Articulation Coordinating Committee

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<sup>15</sup> Section 1001.7065(3)(a), F.S.

<sup>16</sup> Board of Governors, *2018 System Accountability Plan* (June 28, 2018), available at [https://www.flbog.edu/board/doc/accountabilityplan/ap\\_2018/2018\\_System\\_Accountability\\_Plan\\_FINAL\\_2018-06-28.pdf](https://www.flbog.edu/board/doc/accountabilityplan/ap_2018/2018_System_Accountability_Plan_FINAL_2018-06-28.pdf), at 9.

<sup>17</sup> See Chapter 1007, F.S.

<sup>18</sup> Section 1007.23(1), F.S.

<sup>19</sup> Section 1007.23(3), F.S.

<sup>20</sup> Section 1007.23(2)(a), F.S., exceptions include limited access programs, teacher certification programs, and those requiring an audition.

<sup>21</sup> *Id.*

<sup>22</sup> Board of Governors Regulation 6.004(2)(b).

<sup>23</sup> Board of Governors, *Overview of 2+2 Transfer Students in the State University System* (June 28, 2018), available at [https://www.flbog.edu/documents\\_meetings/0272\\_1142\\_8634\\_12.6.2%20TWO%20+2\\_06b\\_Transfer%20Student%20Data\\_narrative.pdf](https://www.flbog.edu/documents_meetings/0272_1142_8634_12.6.2%20TWO%20+2_06b_Transfer%20Student%20Data_narrative.pdf)

<sup>24</sup> Section 1007.27(1), F.S.

<sup>25</sup> Section 1007.27(2), F.S.

(ACC)<sup>26</sup> has established passing scores and course and credit equivalents for examinations specified in law.<sup>27</sup> The credit-by-exam equivalencies have been adopted in rule by the SBE.<sup>28</sup> Each FCS institution and state university must award credit for specific courses for which competency has been demonstrated by successful passage of one of the examinations associated with the identified acceleration mechanisms.<sup>29</sup>

The law also requires the Commissioner of Education (commissioner) to appoint faculty committees representing secondary and public postsecondary education institutions to identify postsecondary courses that meet high school graduation requirements and equivalent high school credits earned through dual enrollment.<sup>30</sup> In addition, the commissioner must recommend such courses to the SBE.<sup>31</sup> The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that earn both high school and college credit when completed.<sup>32</sup> All high schools must accept these dual enrollment courses toward meeting the standard high school diploma requirements.<sup>33</sup>

### III. Effect of Proposed Changes:

#### Board of Governors Powers and Duties Relating to Accountability

The bill amends s. 1001.706, F.S., to require the OIGC of the BOG to annually verify the accuracy of the data used to implement the State University System Performance-Based Incentive and the preeminent state research universities program. This may help to ensure that data collected for use in performance funding programs is timely and accurate.

The bill also requires the BOG to match individual student information with information from state and federal agencies that maintain educational and employment records and to enter into an agreement directly with the DEO that allows access to individual reemployment assistance wage reports maintained by the DEO. The agreement must protect individual privacy and provide that student information obtained through the agreement may be used only for the purposes of auditing and evaluating higher education programs offered by state universities. This access may improve the BOG's ability to evaluate higher education programs and decrease response time for legislative and other data requests.

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<sup>26</sup> The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education in consultation with the Chancellor of the SUS, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the SBE, and BOG.

<sup>27</sup> Section 1007.27(2), F.S.

<sup>28</sup> Rule 6A-10.024, F.A.C. Florida Department of Education, *Articulation Coordinating Committee Credit by Exam Equivalencies* (Initially adopted Nov. 14, 2001, updated June 2018), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

<sup>29</sup> *Id.*

<sup>30</sup> Section 1007.271(9), F.S.

<sup>31</sup> *Id.*

<sup>32</sup> Florida Department of Education, *2018-2019 Dual Enrollment Course—High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

<sup>33</sup> Section 1007.271(9), F.S.

## 2+2 Articulation

The bill amends s. 1007.23, F.S., to establish the “2+2” targeted pathway program to strengthen Florida’s “2+2” system of articulation and improve student retention and on-time graduation. Specifically, the bill requires that by the 2019-2020 academic year:

- Each college must execute at least one “2+2” targeted pathway articulation agreement with one or more state universities.
- Each state university must execute at least one “2+2” targeted pathway articulation agreement with one or more colleges.

The bill requires the “2+2” targeted pathway articulation agreement to provide students who graduate with an associate in arts (AA) degree and who meet specified requirements guaranteed access to the state university and a baccalaureate degree program at that university, in accordance with the terms of the agreement. The bill also specifies related requirements for students, state universities, and the governing boards for colleges and state universities. Specifically, the bill:

- Establishes student eligibility criteria to participate in a “2+2” targeted pathway program to require that a student:
  - Enroll in the program before completing 30 credit hours;
  - Complete an AA degree; and
  - Meet the state university’s transfer requirements.
- Establishes requirements for state universities that execute “2+2” targeted pathway articulation agreements with their partner college to require a state university to:
  - Establish a 4-year on-time graduation plan for a baccalaureate degree program, including a plan for students to complete AA degree programs, general education courses, common prerequisite courses, and elective courses;
  - Advise students enrolled in the program about the university’s transfer and degree program requirements; and
  - Provide students access to academic advisors and campus events, and guarantee admittance to the state university and degree program of the state university, in accordance with the terms of the agreement.
- Requires the SBE and the BOG to collaborate to eliminate barriers in executing “2+2” targeted pathway articulation agreements.

The “2+2” targeted pathway program is consistent with recent efforts by state universities to strengthen regional articulation. The statewide “2+2” articulation agreement established in law<sup>34</sup> does not require a 4-year graduation plan and does not guarantee access to a specific university or degree program. To provide students a path to on-time graduation in four years with a baccalaureate degree, all Florida College System institutions have partnered with at least one state university to provide an articulation pathway program.<sup>35</sup>

<sup>34</sup> Section 1007.23(2), F.S.

<sup>35</sup> Board of Governors, *Florida Statewide 2+2 Articulation Enhancement Programs & Partnerships at State Universities* (March 1, 2018), available at [https://www.flbog.edu/documents\\_meetings/0270\\_1121\\_8484\\_6.4.2%20TWO%202+2\\_04b\\_Enhancement%20Programs\\_March%202018\\_2\\_27\\_18\\_CE\\_JMI.pdf](https://www.flbog.edu/documents_meetings/0270_1121_8484_6.4.2%20TWO%202+2_04b_Enhancement%20Programs_March%202018_2_27_18_CE_JMI.pdf).

For instance, the University of South Florida (USF) “FUSE” program offers students guaranteed admission to a USF System institution and specified degree program.<sup>36</sup> The FUSE program creates an academic pathway that provides a map for taking required courses, advising at USF and the partner institution regarding university requirements, a specially-designed orientation session for 2+2 students at the beginning of the program, and access to USF facilities and events.<sup>37</sup> The “DirectConnect to UCF” program guarantees admission to the University of Central Florida (UCF) with an associate degree from a partner institution, offers university advising to develop an academic plan, and provides access to UCF campuses for services and events.<sup>38</sup>

### **Notification of Acceleration College Credit**

The bill amends s. 1007.27, F.S., to require district school boards to notify students who enroll in acceleration mechanism courses or take exams about the *credit-by-examination equivalency list* and *dual enrollment course and high school subject area equivalency list*. The notification requirement promotes targeted student advising at the secondary school level to inform students about generating college credits through certain acceleration mechanism courses and exams, and applying such credits purposefully to a postsecondary certificate or degree program, to ensure students receive credit for such courses and exams taken during high school. The notification may assist students with higher education planning and affordability considerations.

The bill takes effect July 1, 2019.

## **IV. Constitutional Issues:**

### **A. Municipality/County Mandates Restrictions:**

None.

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

None.

### **C. Trust Funds Restrictions:**

None.

### **D. State Tax or Fee Increases:**

None.

### **E. Other Constitutional Issues:**

None.

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<sup>36</sup> University of South Florida, *Office of Admissions*, <http://www.usf.edu/admissions/transfer/fuse/index.aspx>, (last visited Mar. 9, 2019).

<sup>37</sup> *Id.*

<sup>38</sup> University of Central Florida, *Direct Connect to UCF*, <http://directconnectoucf.com/>, (last visited Mar. 9, 2019).

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill does not have an impact on state revenues or expenditures. The changes within the bill expand upon existing initiatives.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1007.23, and 1007.27.

**IX. Additional Information:**

## A. Committee Substitute – Statement of Changes:

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

None.

## B. Amendments:

None.