

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 171 Postsecondary Education for Certain Military Personnel

**SPONSOR(S):** Higher Education & Career Readiness Subcommittee, Ponder, Hattersley and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 372

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Higher Education & Career Readiness Subcommittee	11 Y, 0 N, As CS	D'Souza	Bishop
2) Higher Education Appropriations Subcommittee	10 Y, 0 N	Peters	Butler
3) Education Committee			

### SUMMARY ANALYSIS

The bill requires the Board of Governors (BOG) to adopt regulations and the State Board of Education (SBE) to adopt rules to create a process that enables servicemembers and veterans of the United States Armed Forces to earn uniform postsecondary credit or career education clock hours across all Florida public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules must be developed in consultation with the Department of Veterans' Affairs and include procedures for credential evaluation and the uniform award of postsecondary credit or career education clock hours, including, but not limited to, equivalency and alignment of military coursework with appropriate postsecondary courses and course descriptions.

The bill requires the Articulation Coordinating Committee (ACC) to:

- convene a workgroup to develop a process for determining when courses taken and occupations held by individuals during their service in the military is appropriate for postsecondary credit or career education clock hours;
- provide recommendations to the BOG and the SBE regarding a process for determining postsecondary course equivalencies; and
- approve a list of postsecondary course equivalencies and the minimum credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military.

The bill requires the BOG and the SBE to adopt the list approved by the ACC. State universities, Florida College System (FCS) institutions, and career centers must award postsecondary credit or career education clock hours based on the list adopted by the BOG and the SBE, provided the credit is applicable toward the student's degree or certificate.

The bill authorizes institutions to award additional postsecondary credit or career education clock hours, if appropriate, and guarantees credit and career education clock hours awarded in accordance with minimum credit and clock hour requirements to transfer to other state universities, FCS institutions, and career centers as if the credit or clock hours were earned at the receiving institution.

State universities, FCS institutions, and career centers must waive the transcript fee for active duty members and honorably discharged veterans of the Armed Forces of the United States, and their spouses and dependents.

The bill would have an indeterminate fiscal impact on state colleges, universities, and career centers. See Fiscal Comments.

The bill takes effect upon becoming law.

**This document does not reflect the intent or official position of the bill sponsor or House of Representatives.**

**STORAGE NAME:** h0171c.HEA

**DATE:** 1/15/2020

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### **Present Situation**

##### Postsecondary Credit

The Articulation Coordinating Committee (ACC) is a K-20 advisory body appointed by the Commissioner of Education.<sup>1</sup> It is comprised of representatives from all levels of public and private education: the State University System, the Florida College System (FCS), independent postsecondary institutions, public schools, nonpublic schools, and career centers. There is also an additional member representing students. The ACC exists to coordinate ways to help students move easily from institution to institution and from one level of education to the next.

In 2012, the Legislature required the Board of Governors (BOG) and the State Board of Education (SBE) to adopt regulations and rules to enable members of the Armed Forces of the United States to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.<sup>2</sup> The regulations and rules include procedures for credential evaluation and the award of academic college credit, including, but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.<sup>3</sup>

In 2016, the Legislature broadened the statute to also include veterans of the Armed Forces of the United States.<sup>4</sup> The BOG and SBE have adopted and amended their own separate and respective regulations and rules to fulfil this statutory duty.<sup>5</sup>

##### Fee Waivers

Currently, active duty members of the Armed Forces of the United States are reimbursed for tuition through the US Department of Defense (DOD) Military Tuition Assistance (MTA) program.<sup>6</sup> The DOD MTA program expressly prohibits the payment of fees, which are defined as any charge not directly related to course instruction.

In 2018, the Legislature authorized FCS institutions to waive any portion of specified fees that are not covered under the DOD MTA program so active duty servicemembers using the DOD MTA program would no longer incur out of pocket costs when they are enrolled in a FCS institution that elects to implement the fee waiver.<sup>7</sup> These fees include the student activity and service fee, financial aid fee, technology fee, capital improvement fee, and any other fees authorized in s. 1009.23, F.S. Each FCS institution must report to the SBE the number and value of all fee waivers granted annually.

#### **Effect of Proposed Changes**

##### Postsecondary Credit

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<sup>1</sup> Florida Department of Education, *Articulation Coordinating Committee*, <http://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/meetings.stml> (last visited October 28, 2019).

<sup>2</sup> Chapter 2012-169, L.O.F.

<sup>3</sup> Section 1004.096, F.S.

<sup>4</sup> Chapter 2016-142, L.O.F.

<sup>5</sup> Rule 6A-14.0302, F.A.C., available at <https://www.flrules.org/gateway/ruleNo.asp?id=6A-14.0302> and Florida Board of Governors Regulation 6.013, available at <https://www.flbog.edu/wp-content/uploads/FINAL-6.013-Military-Veterans-and-Active-Duty.pdf>.

<sup>6</sup> 38 USC Ch. 33: Post-9/11 EDUCATIONAL ASSISTANCE.

<sup>7</sup> Chapter 2018-8, L.O.F.

The bill requires the BOG to adopt regulations and the SBE to adopt rules to create a process that enables servicemembers and veterans of the Armed Forces of the United States to earn uniform postsecondary credit across all Florida public postsecondary educational institutions for college-level training and education acquired in the military. The regulations and rules must be developed in consultation with the Department of Veterans' Affairs and include procedures for credential evaluation and the uniform award of postsecondary credit or career education clock hours, including, but not limited to, equivalency and alignment of military coursework with appropriate postsecondary courses and course descriptions.

The bill requires the ACC to convene a workgroup by July 15, 2020 to develop a process for determining when military experience is appropriate for postsecondary credit. The workgroup must be composed of the following 13 members:

- The chair of the ACC, or is or her designee, who shall serve as chair.
- Four members representing academic affairs administrators and faculty from state universities, appointed by the chair of the BOG.
- Four members representing academic affairs administrators and faculty from FCS institutions, appointed by the chair of the SBE.
- Two members representing faculty from career centers, appointed by the chair of the SBE.
- Two members representing veterans, appointed by the executive director of the Department of Veterans' Affairs.

The bill requires the workgroup to establish a process for prioritizing and determining postsecondary course equivalencies and the minimum credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military. The workgroup must provide recommendations to the BOG and the SBE by December 1, 2020, for approval at the next meeting of each board which allows for adequate public notice. The Office of K-20 Articulation must provide administrative support for the workgroup.

Upon approval of the workgroup's recommendations by the BOG and SBE, the bill requires the ACC to facilitate the review of courses taken and occupations held by individuals during their service in the military for postsecondary course equivalencies and the amount of credit or career education clock hours that must be awarded, in accordance with the approved process. The ACC must approve a list of postsecondary course equivalencies and the minimum credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military within one year after the approval of the workgroup's recommendations by the BOG and the SBE, and annually thereafter. The BOG and the SBE must timely adopt the list approved by the ACC at the next meeting of each board which allows for adequate public notice.

For the purpose of statewide application, the bill requires postsecondary course equivalencies and the minimum credit or career education clock hours that must be awarded for courses taken and occupations held by individuals during their service in the military to be delineated by the SBE and the BOG in the statewide articulation agreement.

The bill requires state universities, FCS institutions, and career centers to award postsecondary credit or career education clock hours based on the list adopted by the BOG and the SBE, provided the credit is applicable toward the student's degree or certificate. Institutions may award additional postsecondary credit or career education clock hours if appropriate. Credit and career education clock hours awarded in accordance with minimum credit and clock hour requirements are guaranteed to transfer to other state universities, FCS institutions, and career centers as if the credit or clock hours were earned at the receiving institution.

### Fee Waivers

The bill requires state universities, FCS institutions, career centers operated by a school district, and charter career centers to waive the transcript fee for active duty members and honorably discharged

veterans of the United States Armed Forces, and their spouses and dependents. Additionally, institutions must annually report to the BOG and the SBE the number and value of fee waivers granted.

**B. SECTION DIRECTORY:**

**Section 1.** Amends s. 1004.096, F.S., requiring the BOG and SBE, in consultation with the Department of Veterans' Affairs, to create a process for the award of uniform postsecondary credit or career education clock hours to certain servicemembers and veterans of the United States Armed Forces; requiring the ACC to convene a workgroup by a specified date; providing membership and duties of the workgroup; providing administrative support for the workgroup; requiring the workgroup to provide recommendations to the BOG and the SBE by a specified date; requiring the BOG and the SBE to approve such recommendations; requiring the ACC to review courses taken and occupations held by individuals during their service in the military for postsecondary credit or career education clock hours; requiring the ACC to approve and the BOG and the SBE to adopt a specified list within a specified timeframe; requiring certain postsecondary institutions to award uniform credit or career education clock hours for specified courses taken and occupations held by individuals during their service in the military; authorizing the award of additional credits or career education clock hours; and requiring certain credits and career education clock hours to transfer between specified postsecondary institutions.

**Section 2.** Amends s. 1009.26, F.S., requiring specified postsecondary institutions to waive the transcript fee for active duty members of the United States Armed Forces, certain veterans, and their spouses and dependents; providing reporting requirements; and providing for rules and regulations.

**Section 3.** Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Postsecondary credit or career education clock hours awarded for military experience and credentials could reduce the educational costs to students in tuition costs. Additionally, active duty members and honorably discharged veterans of the United States Armed Forces, their spouses and dependents, will

no longer be assessed a transcript fee from a state university, FCS institution, career center operated by a school district, or a charter career center.

#### D. FISCAL COMMENTS:

State universities, FCS institutions, career centers operated by a school district, and charter career centers will no longer charge and receive transcript fee revenues from active duty members, honorably discharged veterans of the United States Armed Forces, as well as from their spouses and dependents. Since the current and future population is unknown, particularly for spouses and dependents, the cost to institutions is indeterminate. In addition, with students taking fewer credit, or clock hours, tuition revenues to institutions will also decrease.

The transcript fee at state universities is limited to \$10. Based on current population data from 2017-18, approximately 8,000 veterans or active duty members were in state universities.<sup>8</sup> The transcript fee at FCS institutions ranges between \$3 and \$15. The FCS, which has a larger share of veteran students, reported 20,000 military students were enrolled at FCS institutions in 2017-18. Florida's veteran population is the third largest in the nation with an estimated 1.5 million veterans residing here.<sup>9</sup>

In general, the ability of postsecondary institutions to collect tuition and/or fees to pay for associated operating costs decreases the need for additional state funding. The fiscal impact on state funding pertaining to students taking fewer credit, or clock hours is indeterminate.

### III. COMMENTS

#### A. CONSTITUTIONAL ISSUES:

##### 1. Applicability of Municipality/County Mandates Provision:

None.

##### 2. Other:

None.

#### B. RULE-MAKING AUTHORITY:

The bill authorizes the BOG and SBE to adopt regulations and rules to waive the transcript fee for active duty members and honorably discharged veterans of the United States Armed Forces, their spouses, and dependents.

#### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On November 14, 2019, the Higher Education and Career Readiness Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Changes "military experience and credentials" terminology to "courses taken and occupations held by individuals during their service in the military."
- Requires the ACC to convene a workgroup by July 15, 2020, instead of August 31, 2020.
- Requires the ACC to facilitate the review of courses taken and occupations held by individuals during their service in the military upon approval of the workgroup's recommendations by the BOG and the SBE, instead of beginning by January 1, 2021.

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<sup>8</sup> Board of Governors, *2020 Legislative Bill Analysis of HB 171* (Nov. 6, 2019), at 9.

<sup>9</sup> The Florida College System 2017-18 Annual Report <https://indd.adobe.com/view/30202178-8522-47fd-9e89-4d9a4f6eb786>

- Requires the ACC to approve the list of postsecondary course equivalencies and the minimum credit or career education clock hours that must be awarded within one year after approval of the workgroup's recommendations by the BOG and the SBE, instead of by November 30, 2021.
- Requires the delineation of postsecondary course equivalencies and the amount of credit or career education clock hours that must be awarded by the SBE and the BOG in the statewide articulation agreement for the purpose of statewide application.

The analysis is drafted to the committee substitute passed by the Higher Education and Career Readiness Subcommittee.