

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 347 College Credit for Military Training and Education Courses

**SPONSOR(S):** Harrell and others

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 532

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Innovation Subcommittee	11 Y, 0 N	Thomas	Sherry
2) Rulemaking & Regulation Subcommittee		Miller	Rubottom
3) Higher Education Appropriations Subcommittee			
4) Education Committee			

### SUMMARY ANALYSIS

The bill requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.

The bill requires that 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 course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

The bill does not appear to have a fiscal impact.

The bill provides an effective date of July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

Currently, the Board of Governors and State Board of Education are not required to adopt regulations or rules to enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military. However, all public postsecondary institutions have established procedures to evaluate how military training and experience may be awarded for equivalent college credit. Florida's public postsecondary institutions consult with the American Council on Education (ACE) and Servicemembers Opportunity Colleges (SOC) when evaluating and awarding academic credit for military training and experience.<sup>1</sup>

##### **American Council on Education (ACE)**

Since 1945, the American Council on Education (ACE) has provided a collaborative link between the U.S. Department of Defense and higher education through the review of military training and experiences for the award of equivalent college credits for members of the U.S. Armed Forces.<sup>2</sup> ACE has established a rigid process in evaluating military services courses to determine the appropriate amount and level of academic credit that should be awarded by postsecondary institutions. ACE maintains the *Guide to the Evaluation of Educational Experiences in the Armed Services* which has been the standard reference for recognizing learning acquired in the military. ACE provides guidance to servicemembers, civilians, military education centers, and colleges and universities interpreting military transcripts and documents.<sup>3</sup>

More than 2,300 colleges and universities recognize these ACE endorsed transcripts as official documentation of military experience and accurate records of applicable ACE credit recommendations.<sup>4</sup>

According to the Board of Governors, institutions consult with and follow the ACE Military Guide Online<sup>5</sup> to determine how military training and experience might be awarded for equivalent course credit. Military courses that are recommended by the ACE Military Guide for college credit would be considered first to determine if they meet degree requirements, and second to determine if they can fulfill any electives. Some types of military training, such as the Advanced Helicopter Pilot Training 1 course, may not be accepted at a state university because there is no equivalent course and it is more vocational in nature than academic credit.<sup>6</sup>

Each branch of service provides transcripts for current and former servicemembers as an official record of military education, training, and experience. Postsecondary institutions using the ACE Military Guide evaluate an individual's military transcript according to the ACE standard for recommended college credit. The following is a breakdown of the service-specific transcripts available to current and former servicemembers:

- **U.S. Army:** Army/American Council on Education Registry Transcript System (AARTS)
- **U.S. Navy/U.S. Marine Corps:** Sailor/Marine American Council on Education Registry Transcript (SMART)

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<sup>1</sup> Board of Governors, *Legislative Bill Analysis for HB 347* (2011), Department of Education, *Legislative Bill Analysis for SB 532* (2011).

<sup>2</sup> American Council on Education, *ACE Military Programs*, available at [http://www.acenet.edu/AM/Template.cfm?Section=Military\\_Programs](http://www.acenet.edu/AM/Template.cfm?Section=Military_Programs) (last visited Dec. 8, 2011).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> American Council on Education, *ACE Military Guide Online*, available at <http://militaryguides.acenet.edu>, (last visited Jan. 19, 2012).

<sup>6</sup> Board of Governors, *Legislative Bill Analysis for HB 347* (2011).

- **U.S Air Force:** Community College of the Air Force (CCAF)
- **U.S. Coast Guard:** U.S. Coast Guard Institute (CGI)<sup>7</sup>

### Servicemembers Opportunity Colleges (SOC)

The organization known as Servicemembers Opportunity Colleges (SOC) was created in 1972 to provide educational opportunities to servicemembers who, because they frequently moved from place to place, had trouble completing college degrees. SOC functions in cooperation with 15 higher education associations, the Department of Defense, and Active and Reserve Components of the Military Services to expand and improve voluntary postsecondary education opportunities for servicemembers worldwide.<sup>8</sup> SOC supports a consortium of approximately 1,900 colleges and universities that have pledged to support the higher education needs of military personnel. SOC works with civilian and military educators to overcome obstacles associated with obtaining a college education when pursued through traditional means.

Among the SOC Consortium key goals is the award of credit for military training and experience. All SOC Consortium institutions provide processes to determine credit awards and learning acquired for specialized military training and occupational experience when applicable to a servicemember's degree program. In doing so, SOC Consortium members recognize and use the ACE Military Guide to evaluate and award academic credit for military training and experience. Other key features of the SOC Consortium include:

- Reasonable Transfer of Credit;
- Reduced Academic Residency; and
- Credit for Nationally-Recognized Testing Programs.<sup>9</sup>

Florida has high representation within the SOC Consortium in that 25 of the 28 Florida College System institutions and 9 of the 11 State University System institutions are members.<sup>10</sup>

### **Effect of Proposed Changes**

Currently, each Florida public postsecondary institution evaluates college-level training and education for United States Armed Forces servicemembers on an individual basis, using American Council on Education (ACE) or Servicemembers Opportunity Colleges (SOC) as a guideline in determining the amount of college credit to award. By requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules, the bill may result in a more uniform approach to evaluating and awarding college credit across institutions.

The bill requires that 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 course work with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.

The bill provides an effective date of July 1, 2012.

#### **B. SECTION DIRECTORY:**

**Section 1.** Creates s. 1004.096, F.S., relating to college credit for military training and education courses – requiring the Board of Governors of the State University System and the State Board of Education to adopt regulations and rules, respectively, that enable United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military.

**Section 2.** Provides an effective date of July 1, 2012.

<sup>7</sup> American Council on Education, *A Transfer Guide: Understanding Your Military Transcript and ACE Credit Recommendations*, available at [http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/MilitaryPrograms/TransferGuide\\_Updated2011.pdf](http://www.acenet.edu/Content/NavigationMenu/ProgramsServices/MilitaryPrograms/TransferGuide_Updated2011.pdf).

<sup>8</sup> Services Opportunity Colleges, <http://www.soc.aascu.org> (last visited Dec. 8, 2011).

<sup>9</sup> Services Opportunity Colleges, <http://www.soc.aascu.org/socconsortium/Default.html> (last visited Dec. 8, 2011).

<sup>10</sup> *Id.*

## 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:

By requiring the Board of Governors to adopt regulations and the State Board of Education to adopt rules to enable United States Armed Forces servicemembers to earn college credit for college-level training and education, the bill could decrease the amount of time and cost for servicemembers to receive a postsecondary degree.

### D. FISCAL COMMENTS:

According to the Board of Governors and the State Board of Education, the bill has no fiscal impact to the State University System or the Florida College System.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires the Board of Governors to adopt regulations and the State Board of Education to adopt rules that enable the United States Armed Forces servicemembers to earn college credit for college-level training and education acquired in the military.

A rule is an agency statement of general applicability which interprets, implements, or prescribes law or policy, including the procedure and practice requirements of an agency, as well as certain types of forms.<sup>11</sup> Rulemaking authority is delegated by the Legislature<sup>12</sup> through statute and authorizes an

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<sup>11</sup> Section 120.52(16), F.S.; *Florida Department of Financial Services v. Capital Collateral Regional Counsel-Middle Region*, 969 So. 2d 527, 530 (Fla. 1<sup>st</sup> DCA 2007).

<sup>12</sup> *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So. 2d 594 (Fla. 1<sup>st</sup> DCA 2000).

agency to “adopt, develop, establish, or otherwise create”<sup>13</sup> a rule. Agencies do not have discretion whether to engage in rulemaking.<sup>14</sup> To adopt a rule an agency must have an express grant of authority to implement a specific law by rulemaking.<sup>15</sup> The grant of rulemaking authority itself need not be detailed.<sup>16</sup> The specific statute being interpreted or implemented through rulemaking must provide specific standards and guidelines to preclude the administrative agency from exercising unbridled discretion in creating policy or applying the law.<sup>17</sup>

The State Board of Education is authorized to adopt rules implementing its duties conferred by statute.<sup>18</sup> The Board of Governors must follow the rulemaking requirements of the APA<sup>19</sup> when adopting rules to implement powers conferred by statute.<sup>20</sup> The bill identifies specific issues required to be included in the rules to be adopted. This specificity appears to provide sufficient standards and guidelines for rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.

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<sup>13</sup> Section 120.52(17), F.S.

<sup>14</sup> Section 120.54(1)(a), F.S.

<sup>15</sup> Section 120.52(8) & s. 120.536(1), F.S.

<sup>16</sup> *Save the Manatee Club, Inc.*, supra at 599.

<sup>17</sup> *Sloban v. Florida Board of Pharmacy*, 982 So. 2d 26, 29-30 (Fla. 1<sup>st</sup> DCA 2008); *Board of Trustees of the Internal Improvement Trust Fund v. Day Cruise Association, Inc.*, 794 So. 2d 696, 704 (Fla. 1<sup>st</sup> DCA 2001).

<sup>18</sup> Section 1001.02(1), F.S.

<sup>19</sup> Section 120.54, F.S.

<sup>20</sup> Section 1001.706(2), F.S.