

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 7151      PCB KINS 11-02      Postsecondary Education  
**SPONSOR(S):** Education Committee, K-20 Innovation Subcommittee, Stargel  
**TIED BILLS:**      **IDEN./SIM. BILLS:** CS/CS/CS/SB 1194 & CS/CS/SB 1732

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee	13 Y, 0 N	Thomas	Sherry
1) Education Committee	12 Y, 3 N, As CS	Thomas	Klebacha

### SUMMARY ANALYSIS

The bill requires the Higher Education Coordinating Council (HECC) to make detailed recommendations to the Governor, the President of the Senate, the Speaker of the House, the Board of Governors, and the State Board of Education relating to:

- The primary core mission of public and nonpublic postsecondary education institutions;
- Performance outputs and outcomes designed to meet annual and long-term state goals;
- Florida's articulation policies and practices;
- A plan to align school district and Florida College System (FCS) workforce development education programs and improve the consistency of workforce education data collection and reporting; and
- Baccalaureate degree authorization and production.

The HECC is required to submit a report by December 31, 2011, that specifically includes recommendations for legislative consideration during the 2012 Legislative Session. The Department of Education (DOE), in addition to the Board of Governors, must provide administrative support to the HECC.

Additionally, the bill:

- Repeals the provision governing the approval process for additional baccalaureate degrees at FCS institutions offering baccalaureate degree programs for 3 or more years;
- Establishes the Articulation Coordinating Committee with responsibilities;
- Requires DOE to utilize student performance data in subsequent coursework to determine appropriate AP, CLEP, IB, and AICE examination scores for the receipt of college credit;
- Repeals the exemption from the state university system summer term enrollment requirement for students who have earned 9 or more credits through acceleration mechanisms;
- Requires FCS institutions to advise students who have accumulated 12 college credit hours but who have not yet demonstrated proficiency in the basic competency areas in writing of the requirements for associate degree completion and state university admission;
- Requires State Board of Education to establish by rule provisions for alternative remediation opportunities and retesting policies;
- Authorizes DOE to approve community service hours for home education students to be eligible for the Bright Futures Academic Scholars award;
- Authorizes FCS boards of trustees to request from the Commissioner of Education an investigation of a college president by DOE's inspector general in specified circumstances;
- Provides access to postsecondary education for individuals with intellectual disabilities;
- Removes obsolete references to the CLAST; and
- Repeals the Florida Business and Education Collaborative.

The fiscal impact of the bill is indeterminate. (See FISCAL COMMENTS).

The effective date of this bill is July 1, 2011.

## **FULL ANALYSIS**

### **I. SUBSTANTIVE ANALYSIS**

#### **A. EFFECT OF PROPOSED CHANGES:**

The bill effects several provisions of law pertaining to Florida's higher education system.

#### **Higher Education Coordinating Council (HECC)**

The Higher Education Coordinating Council was created by the Legislature in 2010 to identify unmet needs and to facilitate solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers. The Board of Governors (BOG) provides administrative support for the HECC.<sup>1</sup>

The HECC is required to act as an advisory board to the Legislature, the State Board of Education (SBE) and the BOG. Recommendations of the HECC must be consistent with the following guiding principles:

- To achieve within existing resources a seamless academic educational system that fosters an integrated continuum of kindergarten through graduate school education for Florida's students;
- To promote consistent education policy across all educational delivery systems, focusing on students;
- To promote substantially improved articulation across all educational delivery systems;
- To promote a system that maximizes educational access and allows the opportunity for a high-quality education for all Floridians; and
- To promote a system of coordinated and consistent transfer of credit and data collection for improved accountability purposes between the educational delivery systems.<sup>2</sup>

HECC is comprised of the following members: the Commissioner of Education; the Chancellor of the State University System of Florida; the Chancellor of the Florida College System; the Executive Director of the Commission for Independent Education; the Executive Director of the Independent Colleges and Universities of Florida; and two members representing the business community, one appointed by the President of the Senate and one appointed by the Speaker of the House of Representatives.<sup>3</sup>

#### **Articulation**

Articulation among secondary and postsecondary education institutions and the provision of access to postsecondary education policies are governed by ch. 1007, F.S., and by rules of the SBE and regulations of the BOG.

The intent of the Legislature is to facilitate articulation and seamless integration of the K-20 education system by building and sustaining relationships among K-20 public organizations, between public and private organizations, and between the education system as a whole and Florida's communities. The purpose of building and sustaining these relationships is to provide for the efficient and effective progression and transfer of students within the education system and allow students to proceed toward their educational objectives as rapidly as their circumstances permit.<sup>4</sup>

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<sup>1</sup> Section 1004.015(1), F.S.

<sup>2</sup> Section 1004.015(3), F.S.

<sup>3</sup> Section 1004.015(2), F.S.

<sup>4</sup> Section 1007.01(1), F.S.

## **Workforce Education**

Workforce education<sup>5</sup> programs in Florida are designed to assist individuals in attaining skills necessary for economic self-sufficiency and provide training to meet local and state workforce needs. These programs include both adult general education and career education programs and may be offered by school districts and Florida College System (FCS) institutions.<sup>6</sup> State agency oversight for workforce education is provided by the Division of Career and Adult Education within the DOE.<sup>7</sup> While both school districts and FCS institutions are authorized to provide workforce education programs, only FCS institutions are permitted to award college credits.<sup>8</sup>

In 2010, the Legislature directed the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of public workforce education programs for the purpose of identifying and analyzing the positive and negative aspects of merging school district programs with FCS institution programs. OPPAGA found that school districts and FCS institutions locally determine the workforce education programs that are provided in their service areas and which entities are responsible for those programs. This results in a varied delivery system across the state. However, the entities tend to offer different types of workforce education programs and typically avoid duplicating programs within individual counties. OPPAGA suggested that consolidating workforce education could produce benefits. It could help provide more consistent policies and practices for workforce education programs, provide better alignment and articulation of postsecondary career education programs, and make it easier for some students to access financial aid. Consolidating adult education under school districts could help their efforts to address dropout prevention and recovery.<sup>9</sup>

## **Florida College System (FCS) Access to Baccalaureate Degrees**

### **Concurrent or Joint-Use Partnership Baccalaureate Degree Programs**

FCS institutions are statutorily authorized to offer baccalaureate or higher degree course work on their campuses through concurrent or joint-use partnerships with SUS institutions or independent colleges or universities. Partnerships are contractual in nature and do not require SBE approval. Such partnerships enable students to earn a baccalaureate degree or higher from a four-year postsecondary institution while taking all or most of the course work on the FCS institution's campus or via distance learning. Twenty-seven of Florida's 28 colleges currently offer upper-level courses through concurrent-use or joint-use partnerships. These partnerships have provided access to 409 upper-level baccalaureate programs, 134 masters programs, 5 specialist programs, 11 doctoral programs and 6 professional programs at FCS institutions or shared facilities.<sup>10</sup>

### **Expanding the Mission of Florida's College System**

In 1998-99, the State Board of Community Colleges,<sup>11</sup> the Postsecondary Education Planning Commission [*renamed Council for Education Policy Research and Improvement*], and the Senate Education Committee<sup>12</sup> identified access to baccalaureate programs as a major issue in Florida, and recognized community colleges as a potential option for addressing that need.

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<sup>5</sup> Section 1004.02(26), F.S. (providing that "workforce education" means "adult general education or career education and may consist of a continuing workforce education course or a program of study leading to an occupational completion point, a career certificate, an applied technology program, or a career degree.").

<sup>6</sup> Sections 1004.02(3) and (26), 1004.92(1), 1004.93, and 1011.80(1) and (2), F.S.

<sup>7</sup> Section 20.15(3)(c), F.S.

<sup>8</sup> Section 1011.80(2), F.S.

<sup>9</sup> Office of Program Policy Analysis and Government Accountability, *School Districts and Colleges Share Responsibility for Workforce Education; Duplication is Minimal*, Report No. 10-61 (Dec. 2010).

<sup>10</sup> Department of Education, Florida College System, *Access to Baccalaureate Degrees* (July 2010).

<sup>11</sup> The State Board of Community Colleges was dissolved and repealed in 2001.

<sup>12</sup> HB 765, Committee on Colleges and Universities, bill analysis (1999).

In 1999, the Legislature authorized community colleges to seek State Board of Education approval to provide upper division coursework and award baccalaureate degrees.<sup>13</sup> In 2001, the Legislature, reestablished St. Petersburg Junior College as St. Petersburg College and authorized St. Petersburg College to offer baccalaureate degrees in applied science, nursing, and education. Four years after first receiving accreditation to offer baccalaureate degrees, the college was also authorized to offer additional baccalaureate degree programs contingent upon approval by local stakeholders based on community needs and economic opportunities.<sup>14</sup>

In April 2005, OPPAGA released Report No. 05-20 *Authorizing Community Colleges to Award Baccalaureate Degrees Is One of Several Options to Expand Access to Higher Education*. The report stated that community colleges with baccalaureate programs could be at risk for “mission creep” as the number of community college baccalaureate programs and student enrollment in them increases. Within the higher education community, institutions that offer four-year degrees are often held in higher esteem than institutions that offer two-year degrees. Focusing on four-year degree programs could weaken the community colleges’ statutorily mandated focus on associate degree, certificate, and adult education programs.

In 2007, the Pappas Consulting Group presented the BOG with the results of its fall 2006 analysis of the structure of the university system and made recommendations for improvements. In the final report, “*Proposing a Blueprint for Higher Education in Florida: Outlining the Way to a Long-term Master Plan for Higher Education in Florida*,” the Pappas Group reported that Florida, by far, has the largest number of community colleges that offered baccalaureate programs in the United States which may dilute emphasis on the traditional community college mission.<sup>15</sup>

#### Independently offered Baccalaureate Degree Programs

FCS institutions are authorized to independently offer baccalaureate degree programs with approval by the SBE<sup>16</sup> or in the case of St. Petersburg College, when approved by the college’s board of trustees.<sup>17</sup> The FCS has continued to expand its baccalaureate program offerings since 2001.

Currently, a total of 121 baccalaureate degree programs have been approved at 19 FCS institutions.<sup>18</sup> FCS baccalaureate degree enrollment has increased from 2,834 in 2006 to 8,155 in 2009, an increase of 188%.<sup>19</sup>

#### Notice of Intent to Offer a Baccalaureate Degree Program

A FCS institution proposing to offer a baccalaureate degree must notify the Division of Florida Colleges (Division) of its intent to propose a degree program at least 100 days before submitting its proposal to the Division. The notice must describe the program, workforce demand and unmet need for graduates of the program, region served, and timeframe for implementation. Within 10 days of receipt of the notice, the Division must forward the notice to the chancellor of the State University System (SUS), the executive director of the Independent Colleges and Universities of Florida, and the executive director of the Commission for Independent Education. The state universities have 60 days following receipt of the notice to submit an alternative proposal to offer the baccalaureate degree. If the SUS does not submit

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<sup>13</sup> Section 1007.33, F.S. (formerly s. 240.3836, F.S.)

<sup>14</sup> Section 1007.33(4)(c), F.S. (formerly ss. 240.5278, F.S. & 1004.73, F.S.)

<sup>15</sup> Pappas Consulting Group, *Proposing a Blueprint for Higher Education in Florida: Outlining the Way to a long-term Master Plan for Higher Education in Florida* (2007).

<sup>16</sup> Section 1007.33, F.S.

<sup>17</sup> Section 1007.33(4), F.S.

<sup>18</sup> The 19 FCS institutions that offer baccalaureate degrees are: Broward College; College of Central Florida; Chipola College; Daytona State College; Edison State College; Florida State College at Jacksonville; Gulf Coast Community College; Indian River State College; State College of Florida, Manatee-Sarasota; Miami-Dade College; Northwest Florida State College; Palm Beach State College; Pensacola State College; Polk State College; Santa Fe College; Seminole State College of Florida; St. John’s River State College; St. Petersburg College; and Valencia Community College. *see* Florida Department of Education, *Florida Colleges Bachelor’s Degree Programs*, [http://www.fldoe.org/cc/students/bach\\_degree.asp](http://www.fldoe.org/cc/students/bach_degree.asp) (last visited April 22, 2011).

<sup>19</sup> Department of Education, Florida College System, *Baccalaureate Program Trends and Accountability*, 2010-02 (April 2010).

an alternative proposal within the 60 day period, the SBE must provide regionally accredited private colleges and universities 30 days to submit an alternative proposal.<sup>20</sup>

## **Effect of Bill**

The bill requires the HECC to make detailed recommendations relating to:

- The primary core mission of public and nonpublic postsecondary education institutions;
- Performance outputs and outcomes designed to meet annual and long-term state goals;
- Florida's articulation policies and practices;
- A plan to align school district and FCS workforce development education programs and improve the consistency of workforce education data collection and reporting by colleges and school districts; and
- A plan for addressing baccalaureate degree authorization and production. The plan shall include:
  - An assessment of the potential need to establish comprehensive undergraduate institutions;
  - Recommendations regarding a threshold for student enrollment in upper division programs that could trigger changes in governance structure; and
  - State funding options and strategies.

The bill requires the HECC to submit a report by December 31, 2011, that specifically includes recommendations for legislative consideration during the 2012 Legislative Session. The bill requires the DOE, in addition to the BOG, to provide administrative support to the HECC. Currently, administrative support is provided only by the BOG.

The bill repeals section 1007.33 (6), F.S., governing the approval process for additional baccalaureate degrees at FCS institutions offering baccalaureate degree programs for 3 or more years. Currently, an institution that has been authorized to offer baccalaureate degrees, received Level 2 accreditation from the Southern Association of Colleges and Schools, and has offered baccalaureate degrees for at least 3 years, can request an exemption from the State Board of Education approval process. According to DOE, the FCS institutions that would qualify for this exemption are Chipola College, Miami Dade College, Edison State College, Northwest Florida State College, Daytona State College, Florida State College at Jacksonville, and Indian River State College. Two additional colleges, Broward College and Palm Beach College would become eligible later in 2012. There are no colleges currently applying for the exemption.<sup>21</sup>

## **Articulation Coordinating Committee**

### **Current Law**

The Articulation Coordinating Committee (ACC) serves as an advisory board to the SBE and BOG on postsecondary transition issues. The ACC was once codified in law, but was removed in 2003 during the School Code rewrite. Currently, it is established in Rule 6A-10.024 of the Florida Administrative Code and BOG Resolution. The ACC consists of 18 members and reports to the Commissioner of Education (Commissioner). The members are as follows:

- Four from the Department of Education (DOE or department);
- Fourteen appointed by the Commissioner for two year terms;
  - Three representing the State University System (SUS);
  - Three representing the Florida College System (FCS);
  - One representing career education;
  - Three representing public schools;
  - Two representing non-public postsecondary institutions;
  - One representing non-public secondary education; and
  - One representing students.

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<sup>20</sup> Section 1007.33(5), F.S.

<sup>21</sup> Telephone Conversation with Department of Education Staff (March 18, 2011).

## **Effect of Bill**

The bill reestablishes statutory authorization for the Articulation Coordinating Committee (ACC) to make recommendations related to statewide articulation policies to the HECC, the SBE, and the BOG. The ACC provides a unique K-20 forum for cross-sector collaboration that informs the policy decisions of the SBE and the BOG regarding the implementation of the statewide articulation agreement.<sup>22</sup> The duties of the ACC include: monitoring the alignment between exit and admission requirements between institutions; proposing guidelines for interinstitutional agreements between institutions; recommending dual enrollment course and high school subject area equivalencies for approval by SBE and BOG; reviewing the statewide articulation agreement and making recommendations for revisions; reviewing the statewide course numbering system; publishing a list of courses that meet common general education and common degree program prerequisite requirements at public postsecondary institutions; examining statewide data regarding articulation to identify issues and make recommendations to improve articulation; and recommending roles and responsibilities of public education entities in interfacing with the single, statewide computer-assisted student advising system.

## **Articulated Acceleration Mechanisms**

### **Current Law**

The DOE establishes minimum scores, maximum credit, and postsecondary courses for which credit is awarded for College-Level Examination Program (CLEP), Advanced Placement (AP), Advanced International Certificate of Education (AICE), and International Baccalaureate (IB) examinations. Faculty discipline committees review each examination based upon established criteria and make recommendations for appropriate scores and courses for which credit should be awarded.<sup>23</sup>

Under BOG regulations all students entering SUS with less than 60 credit hours must enroll in a minimum of 9 credit hours of coursework during one or more summer sessions. However, current law provides an exception from this requirement for students who earn 9 or more credits from one or more acceleration mechanisms, such as dual enrollment, early admission, advanced placement, and credit by examination.<sup>24</sup>

### **Effect of Bill**

The bill requires the DOE to utilize student performance data in subsequent postsecondary coursework in determining appropriate Advanced Placement (AP), College-Level Examination Program (CLEP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) examination scores for the receipt of college credit. The DOE must annually identify and publish the minimum scores, maximum credit, and course or courses for which credit is to be awarded. Currently, the DOE regularly solicits input from postsecondary faculty committees representing both the FCS and the SUS in this process. Committees are arranged so that faculty with expertise in each academic discipline area have an opportunity to review each examination and recommend the appropriate examination score and college course for which students should receive credit. The bill requires this process to take place on an annual basis and requires the utilization of student performance data to inform faculty decisions regarding equivalent credit.

The bill repeals the exemption from the state university system summer term enrollment requirement for students who have earned nine or more credits through acceleration mechanisms. The bill allows a state university to require all students to attend at least one summer term regardless of whether they earned nine or more credits from the acceleration mechanisms. Universities have increased the use of facilities and faculty during the summer term due to increasing access demands and greater competition. This change will provide state universities with more flexibility regarding course

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<sup>22</sup> Section 1007.23, F.S.

<sup>23</sup> Section 1007.27(2), F.S.

<sup>24</sup> Regulation 6.016 Summer Session Enrollment, Board of Governors and Board of Governors, Frequently Asked Questions, <http://www.flbog.org/forstudents/faq/#6> (last visited March 18, 2011).

scheduling. Increasing summer term enrollment may shorten the time it takes for students to complete their degrees, which will create more openings for prospective students.<sup>25</sup>

## **Common Placement Testing**

### **Current Law**

The SBE, in conjunction with the BOG is required to develop and implement a common placement testing program to assess the basic computation and communication skills of students who intend to enter a degree program at any public FCS or SUS institution.

Minimum college placement test scores are currently established in Rule 6A-10.0315 of the Florida Administrative Code. FCS institutions have the flexibility to establish higher college placement scores. As a result, based on test scores a student may be eligible for college-level coursework at one college but not at another college.<sup>26</sup>

According to the DOE, there is no statewide consistency in remediation policies. Remediation courses have been approved for high schools on the basis of the highest level of developmental education (i.e., remediation) offered at FCS institutions. Currently, the implementation of the high school remediation courses and student enrollment in those courses are voluntary. For high schools offering remediation courses, students who enroll and pass a remediation course with a grade of “C” or better and pass the Basic Skills Exit Test are guaranteed entry to college credit course work without additional testing or remediation upon admission to a Florida college. Colleges may offer students alternative remediation opportunities and retest.

Students may not accumulate more than 12 college credits hours without demonstrating readiness in mathematics, reading, or writing, unless they are co-enrolled in developmental education. The FCS has recently developed statewide developmental education competencies and established common course numbers that will be implemented in Fall 2011.<sup>27</sup>

### **Effect of Bill**

The bill requires colleges to advise students who have accumulated 12 college credit hours, but have not yet demonstrated proficiency in the basic competency areas, in writing of the requirements for associate degree completion and state university admission. By requiring colleges to inform students of the possible implications of amassing college credit prior to successful completion of developmental education, students will have the necessary information to make informed decisions when registering for courses.

The bill also requires the SBE to establish by rule provisions for alternative remediation opportunities and retesting policies.

## **Bright Futures Community Service Hours**

### **Current Law**

Home school students must complete community service hours to be eligible for a Florida Academic Scholars award.<sup>28</sup> Currently, the Office of Student Financial Assistance, within DOE, certifies home education students’ community service hours for the purpose of determining Bright Futures Scholarship initial eligibility.

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<sup>25</sup> Interview with Board of Governors Staff (March 18, 2011).

<sup>26</sup> Department of Education analysis of SB 1194 (Feb. 18, 2011).

<sup>27</sup> *Id.*

<sup>28</sup> Section 1009.534(1), F.S.

## **Effect of Bill**

The bill provides explicit authority for DOE to approve community service hours for home education students to be eligible for the Bright Futures Academic Scholars award.

## **Powers of College Boards of Trustees**

### **Current Law**

A college board of trustees has the power to take action without a recommendation from the president and requires the president to deliver to the board of trustees all information it requires in the performance of its duties. However, current law is unclear regarding a course of action for a board to follow if it discovers that action by the college president merits an investigation.<sup>29</sup>

### **Effect of Bill**

The bill authorizes a FCS board of trustees to request (from the Commissioner of Education) an investigation by DOE's inspector general of the college president's actions, if the board of trustees considers such investigation necessary. The bill requires the inspector general to issue a detailed report and to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or another appropriate authority.

## **Higher Education Opportunity Act**

### **Current Law**

The federal Higher Education Opportunity Act reauthorization creates incentives for states to provide transition to postsecondary education programs for students with intellectual disabilities (defined under the Individuals with Disabilities Act as students with mental retardation or a cognitive impairment characterized by significant limitation in intellectual and cognitive functioning who are or were provided a free and appropriate public education.)<sup>30</sup> Three Florida institutions – the University of South Florida, St. Petersburg (USFSP); University of North Florida (UNF); and Lynn University have received a grant, funded for \$421,000 a year for five years, to oversee the following grant activities:<sup>31</sup>

- Expansion of the quality and depth of the current transition program on the campuses of USFSP, UNF, and Lynn University;
- Support for other existing transition program for students with intellectual disabilities at institutions of higher education across the State of Florida; and
- Expansion of the transition program in these institutions across Florida.

While students with disabilities<sup>32</sup> are eligible for reasonable substitutions for requirements for graduation, admission to a postsecondary program, or entry into the upper division of a postsecondary program, students who have been documented as having an intellectual disability are specifically excluded.<sup>33</sup>

### **Effect of Bill**

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<sup>29</sup> Section 1001.64(3), F.S.

<sup>30</sup> Council for Exceptional Children, Higher Education Opportunity Act Reauthorization P.L. 110-315, August 2008.

<sup>31</sup> The Florida Consortium on Postsecondary Education Transition Programs and Intellectual Disabilities.

<sup>32</sup> Section 1007.02(2), F.S., defines a 'student with a disability' as a student "who is documented as having an intellectual disability' a hearing impairment, including deafness; a speech or language impairment; a visual impairment, including blindness; an emotional or behavioral disability; an orthopedic or other health impairment; an autism spectrum disorder; a traumatic brain injury; or specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia."

<sup>33</sup> See ss. 1007.264 and 1007.265, F.S.



The bill provides access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for admission to a program of study, and graduation requirements, provided they do not constitute a fundamental alteration in the nature of the program. The proposed changes align Florida law with the Higher Education Opportunities Act and facilitate activities to help students with intellectual disabilities prepare for gainful employment.

## **College-Level Academic Skills Test**

### **Current Law**

Public postsecondary institutions are currently following the requirements established in s. 1007.25, F.S., relating to the mastery of college-level communication and computation skills. The College-Level Academic Skills Test (CLAST) was administered from October 1982 to June 2009 to students seeking associate in arts (AA), bachelor of arts (BA), or bachelor of science (BS) degrees from a Florida public college or university. The CLAST consisted of four subtests: essay, English language skills, reading, and mathematics.

From 1982 to 2002, the CLAST was also used as the basic skills test for teacher certification purposes. On July 1, 2002, the General Knowledge (GK) test of the Florida Teacher Certification Examinations replaced the CLAST for purposes of teacher certification. Currently, any teacher certification candidate may use his or her CLAST scores prior to 2002 in lieu of the corresponding GK test.

In 2009, the Legislature repealed the use of the CLAST to measure student proficiency and as a degree requirement for undergraduates seeking an AA, BA, or BS in Florida's public colleges or universities. However, the Legislature maintained the requirements that a student obtain a certain score, to be determined by the SBE, on a nationally standardized examination, or demonstrate successful remediation of any academic deficiencies and achieve a cumulative grade point average of 2.5 or above, on a 4.0 scale, in certain postsecondary-level coursework to obtain an associate in arts or baccalaureate degree. In addition, the Legislature authorized a waiver of these requirements under certain circumstances.<sup>34</sup>

### **Effect of Bill**

The bill repeals the waiver provisions and removes obsolete references to the CLAST examination.

The bill repeals the criteria a student in a public postsecondary educational institution must meet to obtain an associate in arts or a baccalaureate degree and the waivers associated with these requirements. A student will no longer be required, by statute, to achieve a minimum score on a nationally standardized examination or demonstrate successful remediation and achieve a certain grade point average. However, an institution may continue to require similar criteria to ensure a student has met the necessary learning outcomes in accordance with its accreditation process.

## **Florida Business and Education Collaborative**

### **Current Law**

In 2007, the Business and Education Collaborative was established to serve as a state-level advisory group to the Governor, the Legislature, the State Board of Education, the Board of Governors, and other interested parties.<sup>35</sup> Members of the collaborative were to be appointed by the Governor and represent state business leaders, legislative members, leaders of state and non-public postsecondary institutions, and national education and economic development policy leaders.<sup>36</sup> The law does not provide for a specific number of members.<sup>37</sup>

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<sup>34</sup> Section 1007.25(12), F.S.; *see also* s. 20, ch. 2009-59, L.O.F.

<sup>35</sup> Section 3, ch. 2007-246, L.O.F.; *see also* s. 1000.07, F.S.

<sup>36</sup> Section 1000.07(2)(a), F.S.

<sup>37</sup> Section 1000.07, F.S.

The responsibilities of the collaborative were to: assess the degree of alignment between postsecondary program offerings and state economic development goals; provide recommendations concerning the measurement of performance outcomes; provide recommendations concerning funding approaches; and submit an annual report of findings and recommendations to the Governor, the Legislature, the State Board of Education and the Board of Governors.<sup>38</sup>

The Governor never made any member appointments to the collaborative; therefore, the collaborative never met and no annual report was ever produced.

However, an additional advisory board was established in 2010 with a similar purpose and member composition. The Higher Education Coordinating Council is an operational body and has already met several times. The council includes representatives from all higher education sectors as well as from the business community. The business community representatives were appointed by the Speaker of the House of Representatives and the President of the Senate and currently serve as co-chairs.<sup>39</sup>

## **Effect of Bill**

The bill repeals s. 1000.07, establishing the Florida Business and Education Collaborative.

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

- Section 1.** Amending s. 467.009, F.S., deleting a reference to the College-Level Academic Skills Test (CLAST).
- Section 2.** Repealing s. 1000.07, F.S., relating to the Florida Business and Education Collaborative.
- Section 3.** Amending s. 1001.64, F.S., requiring a Florida College System institution board of trustees to ask the Commissioner of Education to authorize an investigation of a college president by the Department of Education's inspector general in specified circumstances; requiring a report and recommendations; requiring the inspector general to refer potential legal violations to the Commission on Ethics, the Department of Law Enforcement, the Attorney General, or other appropriate authorities.
- Section 4.** Amending s. 1004.015, F.S., requiring the Higher Education Coordinating Council to make recommendations and submit a report on the core mission of postsecondary education institutions, performance outputs and outcomes, articulation policies workforce development education, and baccalaureate degree authorization.
- Section 5.** Amending s. 1004.04, F.S., deleting provisions relating to the CLAST.
- Section 6.** Amending s. 1004.68, F.S., deleting provisions relating to the use of test scores for assessment of college-level communication and computation skills.
- Section 7.** Amending s. 1007.01, F.S., providing legislative intent and requirements relating to articulation; establishing the Articulation Coordinating Committee and providing its responsibilities.
- Section 8.** Amending s. 1007.25, F.S., deleting provisions that require an examination or demonstration of remediation of academic deficiencies to obtain a postsecondary degree.
- Section 9.** Amending s. 1007.264, F.S., deleting provisions that exclude students with intellectual disabilities for eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution.

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<sup>38</sup> Section 1000.07(2)(c) and (d), F.S.

<sup>39</sup> Section 13, ch. 2010-78, L.O.F.; *see also* s. 1004.015, F.S.

- Section 10.** Amending s. 1007.265, F.S., deleting provisions that exclude students with intellectual disabilities for eligibility for substitute requirements for admission to or graduation from a public postsecondary educational institution.
- Section 11.** Amending s. 1007.27, F.S., requiring the Department of Education to use student performance data to determine appropriate credit-by-examination scores and courses; deleting an exemption from summer-term enrollment in a public postsecondary education institution for students earning accelerated credits.
- Section 12.** Amending s. 1007.33, F.S., deleting an exemption from provisions governing the approval process for baccalaureate degrees.
- Section 13.** Amending s. 1008.30, F.S. relating to common placement testing for public postsecondary education; deleting a reference to the CLAST; requiring rules for remediation opportunities, retesting policies and academic competencies; requiring that students be advised of academic requirements, financial aid eligibility, and certain costs.
- Section 14.** Amending s. 1008.345, F.S., deleting Department of Education duties relating to tests and assessment procedures that measure student achievement of college-level communication and computation skills.
- Section 15.** Amending s. 1008.38, F.S., revising and conforming provisions relating to the articulation accountability process.
- Section 16.** Amending s. 1009.534, F.S., revising provisions relating to approval of community service work for eligibility for the Florida Academic Scholars award.
- Section 17.** Providing an effective date of July 1, 2011.

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

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

#### **1. Revenues:**

None.

#### **2. Expenditures:**

See FISCAL COMMENTS.

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

#### **1. Revenues:**

None.

#### **2. Expenditures:**

None.

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

None.

### **D. FISCAL COMMENTS:**

The State Board of Education must provide administrative support for the Higher Education Coordinating Council along with the Board of Governors, which may result in additional costs to DOE's administrative budget. The exact costs are indeterminate, but likely insignificant.

Recipients of a Bright Futures Scholarship who may have previously been exempt from enrolling in the summer term by virtue of earning 9 credits via acceleration mechanisms may be required to pay for classes during the summer term unless funds are appropriated by the Legislature for summer enrollment.

The DOE reimburses Florida Colleges for common placement tests provided to high school students who are evaluated for college readiness. To the extent this bill increases the number of high school students taking such test, the cost for reimbursements may increase.

According to DOE, the colleges may incur additional expenses relating to the notice requirements for students who accumulate 12 college credit hours with developmental education coursework remaining. The exact cost is indeterminate, but is likely to be insignificant.

To the extent that the revisions made by the bill to the disability-related statutes result in an increase in the number of students enrolling in colleges, those schools may collect additional tuition and fees revenue.

### **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:**

None.

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

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On April 13, 2011, the Education Committee adopted two amendments to HB 7151 and reported the bill favorably as a Committee Substitute. Amendments included a strike-all amendment and an amendment to the strike-all amendment. The amendment to the strike all amendment required the Higher Education Coordinating Council to include a proposal to facilitate and ensure institutional compliance of articulation policies in the Council's recommendations.

The strike all amendment included the following new provisions:

- Authorized FCS boards of trustees to request from the Commissioner of Education an investigation of a college president by DOE's inspector general in specified circumstances. The inspector general must report findings, make recommendations, and refer any potential legal violation to the authorities.
- Removed obsolete references to the CLAST.
- Established the ACC and provided responsibilities.

- Provided access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for admission to a program of study and graduation requirements (does not constitute a fundamental alteration in the nature of the program).
- Required the SBE to specify by rule provisions for alternative remediation opportunities and retesting policies.
- Required that a student who has accumulated 12 college credit hours, but who has not yet demonstrated proficiency in the basic competency areas, must be advised in writing of the requirements for associate degree completion and state university admission, and the potential cost of accumulating excess college credit hours.
- Authorized DOE to approve community service hours for home education students to be eligible for the Bright Futures Academic Scholars award.
- Removed exemption from the state university summer enrollment requirement for students who have earned 9 or more credits through acceleration mechanisms.

The strike all amendment removed the requirement that 4-year doctor of medicine degree programs at state universities receive a uniform base level of state support, as determined annually in the General Appropriations Act.