

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SLC 07-05 Post Secondary Education Enhancements
SPONSOR(S): Schools & Learning Council
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Schools & Learning Council		Hassell	Cobb
1) _____	_____	_____	_____
2) _____	_____	_____	_____
3) _____	_____	_____	_____
4) _____	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

PCB SLC 07-05 requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a study of the higher education enrollment forecasting models currently used in the state.

The PCB requires the Department of Education (DOE) to conduct a comprehensive review of the courses listed in the Statewide Course Numbering System (SCNS) and to update the SCNS based on the review.

The PCB requires each nonpublic postsecondary institution, as a condition of initial or continued participation in the SCNS, to identify in all catalogs the specific courses included in the SCNS and offered at that institution. DOE is required to develop and maintain an on-line listing of all courses in the SCNS and the institutions that offer each course. There may be a fiscal impact associated with the development and maintenance of the website, but it is possible that it can be done within existing resources. See FISCAL COMMENTS section of this analysis.

The PCB requires the DOE to review the Excelsior Exams and the Defense Activity of Non-Traditional Support (DANTES) standardized subject area tests and recommend to the Legislature any exams that should be included as one of the articulated acceleration mechanisms identified in current law.

The PCB codifies current practice that permits a student who is a qualified beneficiary of a Prepaid College Plan who has graduated from college and has not used all of his or her contract benefits to receive a refund for the remaining credits or use the credits toward undergraduate, graduate, or professional hours.

The PCB specifies that community colleges may propose to deliver baccalaureate degree programs in teaching and nursing, and to deliver Bachelor of Applied Science workforce-related degrees in high need/high demand majors.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Safeguard individual liberty - The PCB increases the options of individuals to participate in accelerated mechanism programs by including DOE recommended Excelsior Exams and Defense Activity of Non-Traditional Support tests as articulated acceleration mechanisms. Also, the PCB permits students who graduate with credits remaining on their Prepaid contracts to transfer those credits to a graduate or professional level course which increases the options of such students to further their education.

B. EFFECT OF PROPOSED CHANGES:

Background

Higher Education Student Enrollment Projections

Although Florida has a developed comprehensive K-20 education performance accountability system,¹ it has not developed a widely accepted set of projections for the future demand of higher education. Florida will continue to have population growth far in excess of the national average between 2004 and 2014 (19.5% vs. 8.9%), but that growth will be slower than in the last decade (24.6%). The age distribution and the ethnic composition will change dramatically which may have potentially severe impacts on the rate of higher education enrollment growth.²

In 2004, the 18-24 population group was 8.9% of the state's population. By 2015 that is projected to decline to 7.9% and to further decline to 7.6% by 2025. Between 1992 and 2002, the K-12 enrollments grew 28%; however, between 2002 and 2012, the K-12 enrollments are only projected to grow 8%. Thus, substantial growth in the college-age population remains.³ Moreover, in 2006, white students were the majority in K-12 schools, but, by 2018, they will be the minority. Black student enrollment is projected to decline slightly from 20% to 18%, while Hispanic student enrollment is projected to increase from 21% to 36%.⁴ Thus, serious questions arise concerning the higher education participation rates and sector selection by students when analyzing future demographic shifts.

Statewide Course Numbering System

There are 25 nonpublic institutions with courses in the Statewide Course Numbering System (SCNS). These courses are reviewed by the SCNS staff and faculty discipline committees for content and, for nationally accredited institutions, faculty qualifications to determine a proper course number. For a course to be guaranteed transfer it must be assigned an equivalent number to the receiving institution and be taught by faculty who possess comparable credentials as that of the receiving institution. Nonpublic institutions publish the SCNS course numbers in their catalogs, but there is no requirement that these institutions also indicate whether that course is transferable to an academic program at another institution, or how many other institutions offer that course number. Recently, issues regarding students who were not fully informed of these requirements have arisen. Students who thought many

¹ Section 1008.31, F.S., Florida's K-20 education performance accountability system; legislative intent; mission, goals, and systemwide measures; data quality improvements.

² *Proposing a Blueprint for Higher Education in Florida: Outlining the Way to a Long-Term Master Plan for Higher Education in Florida*. Prepared by the Pappas Consulting Group, Inc for the Florida Board of Governors. January 17, 2007 at pg 3.

³ Id.

⁴ Id.

of their courses would transfer to a public institution were later informed that few of their credits would transfer.⁵

The Office of Program Policy and Analysis and Government Accountability (OPPAGA), in response to a legislative request, examined issues associated with students transferring credit from a nonpublic higher education institution using the SCNS.⁶ In March 2007, OPPAGA issued the first of two reports addressing the SCNS.⁷ The following are the report's conclusions:

- Students transferring from nonpublic to public postsecondary institutions may not be able to transfer credit for the courses they have taken.
- Students may not be able to transfer credit because:
 - Many courses offered by nonpublic institutions are not in the SCNS,
 - Students may not be aware of such courses in the SCNS, and
 - Some courses in the SCNS are not guaranteed to transfer.
- Transfer level designations in the SCNS may be inaccurate as a result of institutions not updating information in a timely manner and workload issues.

Excelsior Exams and the Defense Activity of Non-Traditional Support Exams

Currently, the Department of Education (DOE) identifies the minimum scores, maximum credit, and course or courses for which credit is to be awarded for each College Level Examination Program (CLEP) general examination, CLEP subject examination, College Board Advanced Placement Program (AP) examination, and International Baccalaureate (IB) exam.⁸ Each community college and university must award credit for specific courses for which competency has been demonstrated by successful passage of one of these exams unless the award of credit duplicates credit already awarded.⁹ Additionally, each community college and university is required to award credit for Advanced Certificate of Education (AICE) examinations, but the specific course for which a student receives such credit is determined by the community college or university that accepts the student for admission.¹⁰

Excelsior and Defense Activity of Non-Traditional Support (DANTES) examinations are not guaranteed for the initial award of credit. However, Rule 6A-10.024(7), F.A.C., requires that all credit awarded for the completion of all these examinations are guaranteed to transfer. The Articulation Coordinating Committee has, since 2001, reviewed all these examinations and set course and credit equivalencies. These are approved by the State Board of Education (SBE) and the Board of Governors (BOG).

Florida Prepaid College Plan

Florida offers the Florida Prepaid College Plan to assist families in planning and saving for a college education. The plan allows anyone over the age of 18 to purchase prepayment contracts for postsecondary education that lock in many of the costs associated with postsecondary attendance at the time the contract is purchased. Such costs include certain qualified higher education expenses such as registration fees, local fees, and dormitory expenses depending on which contracts are purchased.¹¹

Currently, an account owner can receive a refund under the following conditions:

⁵ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

⁶ *Institutions Do Not Have to Accept Transfer Credit for Many Courses in the Statewide Course Numbering System*. Office of Program Policy Analysis and Government Accountability, Report No. 07-22, March 2007.

⁷ OPPAGA stated that the second report will examine the extent to which students transferring from a nonpublic institution to a public community college receive appropriate transfer credits.

⁸ Section 1007.27(2), F.S.

⁹ Section 1007.27(3), F.S.

¹⁰ Section 1007.27(9), F.S.

¹¹ Part IV, Ch. 1009, F.S. – Prepaid College Board Programs; Subtitle 19B, F.A.C. – Florida Prepaid College Board

- The account owner cancels the plan and withdraws his or her money at any time for any reason;
- The Board cancels the plan for failure to make the required payments;
- Conversion from one contract option within the Prepaid Plan to another;
- Death of the beneficiary;
- Total disability of the beneficiary; or
- The student graduates with credits remaining. The refund is limited to the amount that the account owner paid and does not include interest.

Additionally, Rule 19B-5.002, F.A.C., effective January 1, 2007, provides that the credit hours purchased may be used during any semester of postsecondary enrollment. This rule permits a student that is a qualified beneficiary of a Prepaid College Plan who has graduated from college and has not used all of his or her contract benefits to use the remaining credits toward undergraduate, graduate, or professional hours.

Community College Baccalaureate Degree Programs

Currently, a community college is authorized to develop and submit a proposal to the SBE for the delivery of specified baccalaureate degree programs in its district to meet local workforce needs.¹²

The proposal must include the following information:

- Demand for the degree program is identified by the workforce development board, local businesses and industry, local chambers of commerce, and potential students.
- Unmet need for graduates of the proposed degree program is substantiated.
- The community college has the facilities and academic resources to deliver the program.

The community college is required to pursue regional accreditation by the Commission on Colleges of the Southern Association of Colleges and Schools subsequent to approval by the SBE for the specific degree program or programs. Community colleges must submit a proposal for approval by the SBE for any additional baccalaureate degree programs it wishes to offer.¹³

Currently, all community college baccalaureate degrees are in the areas of teaching, nursing and high-need Bachelor of Applied Science programs.¹⁴

During the course of the lawsuit filed by the Floridians for Constitutional Integrity against the State Board of Education and the Board of Governors, the Court ordered the State Board of Education and the Board of Governors to enter mediation regarding the Board of Governor's contention that the Board of Governors has full authority and supervision over all 4-year degree programs.

According to the Mediation Agreement of November 29, 2005, "The Board of Governors and the State Board of Education agree that Florida's community colleges are positioned and capable of helping to meet a portion of this unmet need in a quality, cost-effective way, both through 2+2 partnerships and by granting baccalaureate degrees. The boards further agree that community colleges should focus on baccalaureate degrees limited to teaching, nursing, and Bachelor of Applied Science (BAS) workforce-oriented degrees in high-need/high-demand majors. The 2+2 and partnership approaches should continue to be supported as the priority routes for most students seeking other degrees."¹⁵

Effects of Proposed Changes

¹² Section 1007.33(3), F.S.

¹³ Id.

¹⁴ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

¹⁵ *The Floridians for Constitutional Integrity vs. The State Board of Education and the Board of Governors*, No. 2004-CA-3040, (2nd Cir. Ct.), Mediation Agreement (January 10, 2007).

Higher Education Student Enrollment Projections

The PCB requires the OPPAGA to conduct a study of the higher education enrollment forecasting models currently used in the state. OPPAGA is required to consult with the Office of Economic and Demographic Research (EDR) during the course of the study. Also, the review is required to specifically examine ways to include Florida's changing demographics in the forecasts. OPPAGA must submit a final report with recommendations to the Legislature by February 1, 2008.

Statewide Course Numbering System

The PCB requires the DOE to conduct a comprehensive review of the courses listed in the Statewide Course Numbering System (SCNS). The DOE must update the SCNS for courses that have not been taught in the previous five years and courses that may have been inappropriately designated as equivalent for purposes of transfer of credit. The DOE must submit a final report with its findings and actions to the Legislature by February 1, 2008. According to the DOE, these activities are ongoing; therefore a report on these efforts would be appropriate.¹⁶

The PCB requires each nonpublic postsecondary institution, as a condition of initial or continued participation in the SCNS, to identify in all catalogs, printed and electronic, the specific courses offered by the institution that are included in the SCNS. It also requires the DOE to develop and maintain an on-line listing of all courses in the SCNS and the institutions that offer each course. The listing of such courses must be available to the public. Additionally, all schools that participate in the SCNS must include the website address in all catalogs and a statement that the website may be used as a resource for information on the transferability of credits to other Florida institutions.

According to the DOE, the website is a student-friendly policy that will provide greater transparency to the process of course equivalency and transfer.¹⁷

Excelsior Exams and the Defense Activity of Non-Traditional Support Exams

The PCB requires the DOE to review the Excelsior Exams and the Defense Activity of Non-Traditional Support (DANTES) standardized subject area tests and recommend to the Legislature any exams that should be included as one of the articulated acceleration mechanisms identified in current law.¹⁸ The DOE must identify the minimum scores, the maximum credit, and the course(s) for which credit is to be awarded for each exam. According to the DOE, the Articulation Coordinating Committee currently reviews these examinations and reports to the SBE and the BOG.¹⁹

Florida Prepaid College Plan

The PCB codifies current practice that permits a student who is a qualified beneficiary of a Prepaid College Plan who has graduated from college and has not used all of his or her contract benefits to use the remaining credits toward undergraduate, graduate, or professional hours.²⁰ If a student chooses to use the credits at a graduate or professional level, the hours taken will be charged at the undergraduate rate. It is possible that this would encourage students to complete credits through an articulated acceleration mechanism because completion of these credits prior to the start of their Prepaid College Plan contract benefits allows them greater flexibility in the later uses of those funds.

Community College Baccalaureate Degree Programs

¹⁶ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

¹⁷ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

¹⁸ Section 1007.27, F.S., Articulated Acceleration Mechanisms

¹⁹ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.

²⁰ Rule 19B-5.002, F.A.C., provides that the credit hours purchased may be used during any semester of postsecondary enrollment.

The PCB codifies the mediation agreement between the SBE and the BOG regarding baccalaureate degrees offered by community colleges. It specifies that community colleges may propose to deliver baccalaureate degree programs in teaching and nursing, and to deliver Bachelor of Applied Science workforce-related degrees in high need/high demand majors. The bill clarifies that the Bachelor of Applied Science degree is a workforce baccalaureate designed primarily for associate in science degree holders desiring career advancement or advance technical training.

The PCB also removes an obsolete reference to the Council for Education Policy Research and Improvement (CEPRI) and the requirement that community colleges submit such proposals for CEPRI's review and comment.

C. SECTION DIRECTORY:

Section 1. Requiring the Office of Program Policy Analysis and Government Accountability to conduct a study of certain enrollment forecasting models; requiring a final report.

Section 2. Requiring the Department of Education to conduct a review of certain courses in the statewide course numbering system; requiring a final report; requiring nonpublic postsecondary institutions that participate in statewide course numbering to provide certain information in their catalogs; requiring the Department of Education to develop and maintain an on-line listing of all courses in the common course numbering system and the institutions that offer each course.

Section 3. Requiring the Department of Education to review certain exams; requiring recommendations regarding articulated acceleration mechanisms.

Section 4. Providing for the use of certain Prepaid contract benefits after graduation.

Section 5. Specifying the areas in which community colleges may propose to deliver baccalaureate degree programs; removing an obsolete reference to Council for Education Policy Research and Improvement.

Section 6. Providing for an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The PCB does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

The PCB does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The PCB does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

The PCB does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

There should be little impact to nonpublic institutions participating in the Statewide Course Numbering System. These institutions are already required to publish information about the SCNS in their catalogs. This will simply extend the catalog information available.²¹

D. FISCAL COMMENTS:

There may be a fiscal impact associated with the development and maintenance of the website for the listing of SCNS courses. However, it is possible that DOE can develop and maintain the website within existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The PCB does not appear to require a city or county to expend funds or to take any action requiring the expenditure of funds.

The PCB does not appear to reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The PCB does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

D. STATEMENT OF THE SPONSOR

None.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

²¹ Department of Education, 2007 Legislative Bill Analysis for PCB SLC 07-05.