

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB CCWP 09-03 Florida College System
SPONSOR(S): State & Community Colleges & Workforce Policy Committee
TIED BILLS: **IDEN./SIM. BILLS:**

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	State & Community Colleges & Workforce Policy Committee		White	White
1)				
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SUMMARY ANALYSIS

The Proposed Committee Bill (bill) addresses recommendations made by the State College Pilot Project and Florida College System Task Force, which were created by the 2008 Legislature to make recommendations relating to the transition of community colleges to baccalaureate-degree-granting institutions. The bill:

- Revises statute to reflect the 2008 creation of the Florida College System by redesignating “community colleges” as “Florida colleges” and the “Division of Community Colleges” as the “Division of Florida Colleges.”
- Permits a Florida college to use the name “state college” when it has been authorized to offer baccalaureate degree programs and has received Level II accreditation from the Commission on Colleges of the Southern Association of Colleges (SACS).
- Specifies that the primary mission of a Florida college includes the award of baccalaureate degrees as authorized by law and provides that students who graduate from a Florida college with an Associate in Arts degree are guaranteed admission to the upper division of a Florida college, as well as a state university.
- Provides for the continuation of baccalaureate degree programs authorized by law prior to the bill’s effective date of July 1, 2009. After the bill’s effective date, each first or subsequent baccalaureate degree program proposed by a Florida college must be approved by the State Board Education (SBE), except as follows:
 - The bill permits St. Petersburg College’s Board of Trustees to continue, as in current law, to authorize Bachelor in Applied Science degree programs based on workforce need. Additionally, the Board of Trustees, after considering specified factors and receiving the approval of its coordinating board, may continue, as in current law, to authorize other baccalaureate degree programs.
 - The bill affords other Florida colleges the opportunity to be authorized in the future to grant baccalaureate degrees without first obtaining SBE approval. Under the bill, a Florida college, seven years after it has been authorized to grant a baccalaureate degree and has received Level II accreditation from SACS, may request that the SBE review its programs for purposes of determining whether the college should be exempted from future SBE-approval requirements. The SBE is required to provide that recommendation to the Legislature at least 90 days before the next regular session.

The bill does not appear to have a fiscal impact on state or local governments.

The bill takes effect on July 1, 2009

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

BACKGROUND

2008 Legislation – Establishment of the Florida College System: In 2008, the Legislature enacted Senate Bill 1716 to establish the Florida College System (FCS) for purposes of maximizing open access, responding to community needs for postsecondary academic and career degree education, and providing associate and baccalaureate degrees that best meet the state's employment needs. The FCS is comprised of Florida's 28 public junior, community, and state colleges that grant two-year and four-year academic degrees. FCS programs must demonstrate substantial savings to the student and state over the cost of a degree at a state university.¹

The 2008 legislation also created the State College Pilot Project (Pilot Project) and FCS Task Force (Task Force). Participating Pilot Project institutions were: Chipola College, Daytona State College, Edison State College, Indian River State College, Miami Dade College, Northwest Florida State College, Polk College, Santa Fe College, and St. Petersburg College.² The Pilot Project was required to issue a status report and make recommendations relating to the transition of a community college to a state college, including:

- A baccalaureate degree program approval process designed to meet state employment needs.
- The formulation of criteria for the transition of an institution from a community college to a state college.
- The development of a state college funding model.³

The Pilot Project issued its report and recommendations in November 2008.⁴

The Task Force is comprised of the Commissioner of Education and 11 members appointed by the Commissioner. The 11 appointees include seven community college presidents, one state university president, the president of an institution that is eligible to participate in the William L. Boyd, IV, Florida

¹ Section 2, ch. 08-52, L.O.F.; Section 1001.60, F.S.

² Section 1004.875(2), F.S.

³ Section 1004.875(4), F.S.

⁴ State College Pilot Project, *State Colleges in Florida: A Pilot Project Created by the 2008 Florida Legislature* (November 2008) available at <http://www.fldoe.org/CC/pdf/StateCollegePilotProjectFinal.pdf>.

Resident Access Grant Program, the president of a degree-granting institution that is licensed by the Commission for Independent Education, and one member at large.⁵ The Task Force was required to:

- Recommend a baccalaureate degree program approval process.
- Recommend a funding model that supports the provision of associate and baccalaureate degrees in a cost-effective manner.
- Identify geographic and academic areas where increased baccalaureate degree graduates are necessary to meet regional and statewide workforce needs.
- Monitor Pilot Project implementation.
- Recommend priorities and criteria for baccalaureate degree programs that may be offered without specific State Board of Education (SBE) approval.⁶

The Task Force issued its report and recommendations in December 2008, and is scheduled to be dissolved on June 30, 2010.⁷

Recommendations: The following topically summarizes the Pilot Project's and Task Force's non-fiscal policy recommendations that required statutory amendment and that are currently addressed by the bill.

1. Designation of System, Colleges, and Service Districts

- Update statute to reflect the new "Florida College System" designation provided in the 2008 legislation.
- Permit a FCS institution to use the designation "state college" when it has been authorized by the SBE for at least one baccalaureate degree program and has earned Level II accreditation from the Commission on Colleges of the Southern Association of Colleges and Schools (SACS).
- Amend statute to specify the county or counties served by each FCS institution.

2. Mission

- Maintain the historical community college mission and specify that the primary mission of community colleges includes the award of baccalaureate degrees.

3. Articulation

- Preserve and strengthen articulation for admission and transfer. Specifically include FCS upper division programs in 2+2 transfer/admission guarantees.

4. Baccalaureate Degree Approval Process

- Retain current process requiring SBE approval for the initial transition to a baccalaureate degree granting institution. For subsequent BA programs and after an institution has received Level II SACS accreditation, the Pilot Project recommends authorizing each BOT to approve the baccalaureate degree program, while the Task Force recommends requiring SBE approval for all (first and subsequent) baccalaureate degree programs.
- Permit FCS institutions to submit proposals for new baccalaureate programs throughout the year.
- Permit baccalaureate degree programs to be proposed for purposes of serving local, regional, or statewide workforce needs.

5. Uniform Application of Statutory Baccalaureate Program Authority

- Statutorily provide one legal framework governing all FCS institutions. Currently, St. Petersburg College has unique statutory authority that allows it to establish baccalaureate degree programs without SBE approval.

⁵ Section 1004.87(2), F.S.

⁶ Section 1004.87(3), F.S.

⁷ Section 1004.87(8), F.S.; The Florida College System Task Force, *The Florida College System: Assuring Postsecondary Access That Supports Florida's Future* (December 2008) available at <http://www.fldoe.org/CC/pdf/CollegeSystemFinalReport.pdf>.

EFFECT OF PROPOSED CHANGES

1. Designation of System, Colleges, and Service Districts

As discussed above, the 2008 legislation created s. 1001.60, F.S., to establish the FCS, previously known as the community college system. The FCS is comprised of Florida's 28 FCS institutions, which are regionally organized to serve one or more counties.⁸ Statute does not currently specify the counties to be served by each institution.

The 2008 legislation also permitted the BOT of a FCS institution to change its name from "junior college" or "community college":

- To "college" if authorized to grant one or more grant baccalaureate degrees, or if not authorized, when approved by the SBE.
- To "state college" if it was one of the 10 participants in the pilot project.⁹

Eleven of the 28 FCS institutions currently use the designation "college" or "state college." These institutions are: Broward College, Chipola College, Daytona State College, Edison State College, Florida State College at Jacksonville, Indian River State College, Miami Dade College, Northwest Florida State College, Polk College, St. Petersburg College, and Santa Fe College.¹⁰

Effect of bill: To conform statute to the 2008 creation of the FCS, the bill amends:

- *Section 20.15(3)(a), F.S., to redesignate the "Division of Community Colleges" as the "Division of Florida Colleges."*
- *Section 1000.21(3), F.S., to:*
 - *Define the term "Florida college" or "community college" as meaning the 28 FCS institutions.*
 - *Specify the county or counties each Florida college serves.*
 - *Revise the statutory designations of Florida colleges that changed their names to "college" or "state college."*

Additionally, the bill amends s. 1001.60(2)(b) and (c), F.S., which set forth the current requirements for a FCS institution name change, so that a BOT may change the institution's name to:

- *"College" if approved by the SBE for the name change;¹¹ or*
- *"State College" if authorized to grant one or more baccalaureate degrees and if it has been Level II SAC's accredited.*

In either case, the bill requires the BOT to seek statutory codification of such name change in the next regular legislative session.

Finally, the bill amends s. 1004.65(2), F.S., to provide that each Florida college district consists of the county or counties it serves pursuant to s. 1001.21(3), F.S.

2. Mission

Statute states that the primary mission of community colleges is to: (1) provide lower-level undergraduate and associate degree instruction; (2) provide career degree and certificate instruction; (3) provide student development services; (4) promote local economic development; and (5) provide

⁸ Section 1004.65(2), F.S.

⁹ Sections 1001.60(2)(b)3. & 1004.875(2)(b), F.S.

¹⁰ Florida Department of Education, Community College Directory,

<http://data.fldoe.org/workforce/contacts/default.cfm?action=showList&ListID=52> (last visited February 23, 2009).

¹¹ The bill also requires the institution to enter into an agreement with the SBE specifying that it will: (a) maintain as its primary mission responsibility for responding to community needs for postsecondary academic education and career degree education; (b) maintain an open-door admissions policy for associate-level degree programs and workforce education programs; (c) continue to provide outreach to underserved populations and remedial education; and (d) comply with the statewide articulation agreement

dual enrollment instruction.¹² Baccalaureate degree programs, adult education, non-academic community services, and recreational and leisure services are a secondary mission for such institutions.¹³

Effect of Bill: The bill amends s. 1004.65, F.S., to:

- *Provide that the primary mission of Florida colleges includes upper level instruction and the award of baccalaureate degrees as authorized by law; and*
- *Specify that Florida colleges must maintain their open-door admission policy for lower division programs.*

3. Articulation

Statute directs the SBE and Board of Governors to enter into a statewide articulation agreement establishing a system of “2+2” articulation. The system requires students who earn associate in arts (AA) degrees from FCS institutions to: (a) be granted admission to the upper division of a state university, except for certain limited access programs; and (b) receive priority for admission to a state university over out-of-state students. Admission to a student’s preferred university is not guaranteed.¹⁴ The statutory guarantees of admission and priority over out-of-state students must be included in orientation programs and student handbooks.¹⁵

Effect of Bill: The bill amends s. 1007.23(2), F.S., to add that students who receive an AA degree from a Florida college are required to be admitted to the upper division of a Florida college and to receive priority over out-of-state students for admission to a Florida college. The bill further provides that the statutory guarantees of admission and priority over out-of-state students must be included in the orientation programs, catalogs, and student handbooks of both Florida colleges and state universities for purposes of expanding student notice of these provisions.

4. Baccalaureate Degree Program Approval Process

With the exception of St. Petersburg College which has unique statutory authority to offer specified baccalaureate degree programs,¹⁶ FCS institutions have been statutorily authorized since 2001, to independently offer baccalaureate degree programs when approved by the SBE. Such programs must either address local workforce needs or prepare graduates to enter a math or science teaching position.¹⁷

Currently, the approval process requires a FCS institution that wishes to propose the delivery of a *first or subsequent* baccalaureate degree program to submit to the SBE a notice of its intent for such proposal by June 1st. The notice must include a brief description of the program and an estimated timeframe for implementation. The SBE must then advise state universities and regionally accredited private colleges and universities in this state of the notice of intent. State universities have 60 days to submit an alternative proposal to offer the baccalaureate degree program on the FCS institution’s campus. If a state university proposal is not received or is denied, the SBE must provide regionally accredited private colleges and universities 30 days to submit an alternative proposal.¹⁸

By September 1st, but no earlier than 90 days following the submission of its notice of intent, the FCS institution must submit a proposal to the SBE documenting: (a) demand for the proposed baccalaureate degree program and unmet need for graduates of the program; and (b) adequate resources to deliver the program. If approved by the SBE, the institution must pursue SACSC Level II accreditation. The SBE

¹² Section 1004.65(6), F.S.

¹³ Section 1004.65(8), F.S.

¹⁴ Rule 6A-10.024(4), F.A.C.

¹⁵ Section 1007.23(2), F.S.

¹⁶ Section 1004.73, F.S.

¹⁷ Section 1007.33(3), F.S.; Florida Department of Education, Division of Community Colleges, *Baccalaureate Program Proposal Approval Process Flowchart* (June 2007) available at http://www.fldoe.org/cc/Educators/pdf/cc_bach_approval_chart.pdf.

¹⁸ *Id.*

typically reviews and makes a decision regarding a proposal at its March or May meeting of the year following submission of the proposal.¹⁹

As of January 2009, 12 FCS institutions have been approved by the SBE to offer baccalaureate degree programs. These institutions are: Broward College, Chipola College, Daytona State College, Edison State College, Florida Community College at Jacksonville, Indian River State College, Miami Dade College, Northwest Florida State College, Palm Beach Community College, Polk Community College, Santa Fe College, and Seminole Community College.²⁰

Effect of Bill: The bill amends s. 1007.33, F.S., to provide authority for the continuation of baccalaureate degree programs authorized by law prior to July 1, 2009. Thereafter, the bill requires SBE approval for all first or subsequent baccalaureate degree programs, except for St. Petersburg College, which is discussed below in the section entitled, "5. Uniform Application of Statutory Baccalaureate Program Authority."

The proposal and SBE review process set forth in the bill:

- *Expedites the current review process (approximately 10 to 12 months) by allowing a Florida college to propose a new baccalaureate degree program at any time during the year and requiring the SBE to make a decision on a completed proposal at its next meeting (approximately five to six months).*
- *Permits proposed baccalaureate degree programs to serve district, regional, or statewide workforce needs, rather than local workforce needs only as in current law, if the Florida college can establish demand and unmet need for the program for the relevant geographic area.*
- *Provides that alternative proposals by state universities or private colleges may propose delivery of a program at a location other than the Florida college's campus, so long as the program will serve the needs and students identified in the Florida college's proposal.*
- *Expands the requirements for a baccalaureate degree program proposal so that it must also include a description of: the planning process; admission requirements; curriculum; faculty credentials; student-to-teacher ratios; accreditation plan; enrollment projections; funding requirements; and the action plan if the program is terminated.*
- *Adds a requirement for the Division of Florida Colleges to review proposals when received, as it does in current practice, and to notify the institution of any deficiencies within 15 days.*
- *Adds a requirement for the Commissioner of Education to recommend to the SBE whether to approve or disapprove the proposal.*
- *Adds a requirement for the SBE to provide reasons in writing to an institution if it disapproves the proposal.*

If a proposal is approved, the bill requires the Florida college to obtain: (a) SACS accreditation as a baccalaureate-degree-granting institution if it's the institution's first baccalaureate degree program; or (b) SACS accreditation approval for a subsequent program.

The bill further specifies that any Florida college that offers one or more baccalaureate degree programs must:

- *Maintain, as its primary mission: responsibility for responding to community needs for postsecondary academic education and career degree education; and the provision of associate degrees that provide access to a university.*
- *Maintain an open-door admissions policy for associate-level degree programs and workforce education programs.*
- *Continue to provide remedial education and outreach to underserved populations.*

¹⁹ *Id.*

²⁰ House State & Community Colleges and Workforce Policy Committee, Meeting Packet for February 4, 2009, Division of Community Colleges Presentation on the Florida College System available at [http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeed=2464&Session=2009&DocumentType=Meeting Packets&FileName=SCCWPC_02_04_09_online.pdf](http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&Committeed=2464&Session=2009&DocumentType=Meeting%20Packets&FileName=SCCWPC_02_04_09_online.pdf).

- Comply with all provisions of the statewide articulation agreement.
- Not award graduate credit or participate in intercollegiate athletics beyond the 2-year level.

Finally, the bill requires the SBE to adopt rules that prescribe format and content requirements and submission procedures for notices of intent, proposals, and alternative proposals.

5. Uniform Application of Statutory Baccalaureate Program Authority

Since 2001, a unique process for baccalaureate degree program approval has applied to St. Petersburg College. In that year, the Legislature created s. 1004.73, F.S., to authorize the college to independently offer specified baccalaureate degrees in nursing and education, as well as a baccalaureate in applied science (BAS) degrees in fields selected by its board of trustees based on workforce need. The college currently offers BAS degrees in the following areas: banking, dental hygiene, international business, orthotics and prosthetics, paralegal studies, public safety administration, technology management, and veterinary technology.²¹

Additionally, St. Petersburg College is authorized, when approved by its coordinating board and board of trustees, to establish other baccalaureate degree programs. The coordinating board for the college consists of the President of the University of South Florida, the President of St. Petersburg College, the President of Pasco-Hernando Community College, and the chairs of the boards of trustees of those institutions.²² To date, St. Petersburg College has not established any baccalaureate degree programs that required the approval of its coordinating board.

St. Petersburg College is also specifically authorized to offer baccalaureate and higher degree programs at its University Center. Four-year postsecondary institutions conduct such programs at the center via partnership agreements with the college.²³ Although statute does not specifically authorize university centers for the other 27 FCS institutions, these institutions are permitted to offer upper-division-level coursework on their campuses through concurrent or joint-use partnerships (partnerships) with four-year state universities or independent colleges. Partnerships are contractual in nature and do not require SBE approval.²⁴

Effect of bill: The bill repeals s. 1004.73, F.S., relating to St. Petersburg College. The bill amends s. 1007.33(2)(b), F.S., to continue to provide St. Petersburg College with authority to approve baccalaureate degree programs without SBE approval under specified circumstances. Under the bill, St. Petersburg College, as in current law, may establish BAS degree programs based on an analysis of workforce need in the following counties: Pinellas, Pasco, Hernando, and other counties approved by the Department of Education. Further, the board of trustees of St. Petersburg College is authorized to approve additional baccalaureate degree programs if it: (a) determines that the program is warranted and feasible based on the same factors that must be addressed in other Florida college proposals for a baccalaureate degree program; and (b) receives the approval of its coordinating board.

For other Florida colleges, the bill provides that a college, seven years following its authorization to establish one or more baccalaureate degree programs and receipt of Level II SACS accreditation, may request that the State Board of Education review its baccalaureate degree program or programs for purposes of determining whether its board of trustees should be statutorily exempted from the requirement of State Board of Education approval of future baccalaureate degree programs. After conducting such review, the State Board of Education is required to provide to the Legislature a written recommendation indicating whether such exemption is warranted. The recommendation must be submitted to the Legislature at least 90 days before its next regular session.

²¹ Section 1004.73(4), F.S.

²² Section 1004.73(5)(d) and (e), F.S.

²³ Section 1004.73(2), F.S.

²⁴ Section 1007.22(1), F.S.; See § 2, ch. 95-243, L.O.F.

Miscellaneous -- Pilot Project Repeal

The 2008 legislation created s. 1004.875, F.S., to establish the Pilot Project. The Pilot Project was required to issue its final report and recommendations by January 1, 2009. It issued its report in November, 2008.²⁵

Effect of Bill: The bill repeals s. 1004.875, F.S., creating the Pilot Project, as its purposes have been completed.

B. SECTION DIRECTORY:

Section 1.: Amending s. 20.15, F.S.; redesignating the “Division of Community Colleges” as the “Division of Florida Colleges.”

Section 2.: Amending s. 1000.21, F.S.; defining the terms “Florida college” and “community college”; specifying the counties served by Florida colleges; and redesignating the names of specified Florida colleges.

Section 3.: Amending s. 1001.60, F.S.; revising a board of trustee’s authority to change the name of a Florida college; and conforming provisions to changes made by the act.

Section 4.: Amending s. 1004.65, F.S.; revising the definition of a “Florida college district”; requiring a Florida college’s open-door admission policy to apply to its lower division; specifying that the primary mission of a Florida college includes upper level instruction and the award of baccalaureate degrees as provided by law; and conforming provisions to changes made by the act.

Section 5.: Repealing s. 1004.73, F.S., relating to St. Petersburg College.

Section 6.: Repealing s. 1004.875, F.S., relating to the State College Pilot Program.

Section 7.: Amending s. 1007.23, F.S.; providing that certain graduates must be guaranteed admission to the upper division of a Florida college and state university; providing priority for admission to certain students; requiring Florida college and state university programs, catalogs, and handbooks to provide specified information; and conforming provisions to changes made by the act.

Section 8.: Amending s. 1007.33, F.S.; revising the authority for Florida college baccalaureate degree programs; revising the SBE approval process for such degree programs; providing an exemption from SBE approval requirements for the St. Petersburg College; providing a process by which other Florida colleges may obtain an exemption from the SBE approval requirements; revising the requirements for a Florida college that has been authorized to grant baccalaureate degrees; requiring the SBE to adopt rules; and conforming provisions to changes made by the act.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill does not appear to have a state fiscal impact as its amendments codify the current baccalaureate degree approval process authorized by statute and implemented in practice by the Department of Education.

²⁵ See supra note 4.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not appear to require counties or municipalities to spend funds or take an action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of a state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the SBE to adopt rules that prescribe format and content requirements and submission procedures for notices of intent, proposals, and alternative proposals.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES