

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB EDC 12-03 Postsecondary Education

SPONSOR(S): Education Committee

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

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee		Thomas	Klebacha

SUMMARY ANALYSIS

The bill amends provisions of law relating to the State University System (SUS), the Florida College System (FCS), general education requirements, and various other provisions.

The bill requires that the strategic plan adopted by the BOG address, not only goals and objectives for the State University System (SUS) and each constituent university, but also each university's contribution to overall system goals and objectives. The BOG may consider waiving its regulations to reduce barriers and support attainment of goals identified in institutional plans as necessary for advancing system and unique institutional priorities.

The bill directs the State Board of Education (SBE) to clarify the mission statements of each Florida College System (FCS) institution and its role within the system as a whole. More specifically, the bill requires the SBE to identify the role of each institution in baccalaureate degree production and establish criteria for service delivery areas of "state colleges."

The bill requires a FCS institution notice of intent to propose a baccalaureate degree program, to include independently-determined workforce demand and unmet need data. The bill repeals the unused provision allowing FCS institutions to bypass SBE approval for additional baccalaureate degrees and requires each FCS institution offering baccalaureate degree programs to annually report its status using specific performance and compliance indicators.

The bill revises provisions related to general education by reducing the requirement from 36 semester credit hours to 30 semester credit hours for an associate or baccalaureate degree. The bill also requires an additional 8 semester hours of college credit in one foreign language for an associate in arts degree, if two high school credits in one foreign language are not earned in high school. The Chancellor of the FCS and the Chancellor of the SUS are required to jointly convene faculty committees to identify 15 to 18 statewide general education core course requirements.

The bill requires the SBE, in consultation with the Board of Governors (BOG) and the Department of Economic Opportunity (DEO) to adopt a unified state plan for Science, Technology, Engineering, and Mathematics (STEM).

The bill requires boards of trustees of FCS institutions and boards of trustees at state universities to consider the extent to which presidents are serving both institutional and system goals when evaluating the performance of presidents.

The Commission for Independent Education (CIE) is required to collect, and institutions under its jurisdiction to report, student-level data for all respective institutions that receive state funds.

The bill shall take effect upon becoming law.

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

STORAGE NAME: pcb03.EDC

DATE: 2/21/2012

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

State Board of Education

Present Situation

As set forth in the Florida Constitution, the State Board of Education (SBE) is responsible for supervising the system of free public education as provided by law and serves as the head of the Department of Education (DOE).¹ The SBE is the chief implementing and coordinating body of public education in Florida, except for the State University System (SUS).² The SBE, in conjunction with the Board of Governors (BOG), is required to develop and periodically review a 5-year plan for postsecondary enrollment and annually submit the plan to the Legislature.

Current law requires SBE to adopt a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions (FCS). The plan must be formulated in conjunction with plans of the BOG in order to provide for the roles of the universities and FCS institutions to be coordinated to best meet state needs and reflect cost-effective use of state resources.³

The SBE is required to specify, by rule, procedures for use by FCS institution boards of trustees in annual evaluation of college presidents and must review the evaluation of each president by their board of trustees.

Effect of Proposed Changes

In order to strengthen the oversight function of the SBE in relation to the FCS institutions, the bill requires the SBE to:

- Clarify the mission statements of each FCS institution and the system as a whole as part of its strategic plan. The strategic plan must consider reports and recommendations of the Higher Education Coordinating Council (HECC) and the Articulation Coordinating Committee (ACC).
- In conjunction with the Board of Governors, identify enrollment and graduation expectations by baccalaureate degree program as part of the required 5-year plan to be submitted to the Legislature as part of its legislative budget request (LBR).
- Adopt a definition of STEM and STEM-related programs pursuant to recommendations of the HECC.
- Adopt a unified state plan to improve K-20 education and prepare students for high skill, high wage, and high-demand employment in STEM and STEM-related fields in conjunction with the BOG and the DEO. The unified plan must advise school districts, FCS institutions, and state universities of requirements to inform, advise, and recruit students into said programs and employment opportunities.
- Include procedures used to evaluate the extent to which college presidents serve both institutional and system goals. The SBE may also require boards of trustees to consider recommendations of the chancellor when evaluating the performance of the president.

¹ Art. IX, s. 2, Fla Const.

² Section 1001.02, F.S.

³ Section 1001.02(3)(a), F.S.

State University System Accountability

Present Situation

Current law requires an accountability process be implemented that provides for the systematic, ongoing evaluation of quality and effectiveness of state universities. This accountability process is required to monitor performance at the system level in each of the major areas of instruction, research, and public service, while recognizing the differing mission of each of the state universities. The accountability process provides for the adoption of system-wide performance standards and performance goals for each standard identified through a collaborative effort involving state universities, the BOG, the Legislature, and the Governor's office. These standards and goals must be consistent with and maintain congruity with the performance based budgeting process. This process requires that university accountability reports reflect measures defined through performance based budgeting. The performance based budgeting measures must also reflect the elements of teaching, research, and service inherent in the mission of the state universities.⁴

The BOG must submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives, providing information on the SUS's performance on quality and effectiveness indicators in the areas of instruction, research, and public service.⁵ Each board of trustees must submit to the BOG a university annual report that describes progress regarding articulated goals and summarizes other key data, with accompanying narrative to highlight or explain information. Each university's annual report must include, at a minimum, the following:

- An executive summary that captures key performance data required by the BOG;
- The university's mission and vision;
- Summary information on budgets, enrollments, and other core resources;
- Reports on undergraduate education, graduate education, and research and economic development, as appropriate to the university's mission, including narrative to provide context and perspective on key goals, data trends, and university performance on metrics specified by the BOG; and
- Any other specific performance information requested by the BOG in advance of the submission deadline.⁶

Effect of Proposed Changes

In order to ensure that the BOG and all institutions within the SUS System are working together to provide the best quality education, the bill requires the BOG to include as part of the strategic plan each university's contribution to overall system goals and objectives. The strategic plan must include performance metrics and standards common for all institutions, and metrics and standards unique to institutions depending on institutional core missions, including:

- Student admission requirements
- Graduation
- Retention
- Employment
- Continuing education
- Licensure passage
- Excess hours
- Student loan burden and default rates
- Faculty awards
- State and federal research funding

⁴ Section 1008.46, F.S.

⁵ Section 1008.46(1) F.S.

⁶ Florida Board of Governors Regulation 2.002; *see also* s. 1008.46, F.S.

- Patents
- Licenses and royalties
- Intellectual property
- Start-up companies
- Annual giving
- Endowments
- Well-known, highly-respected national rankings for institutional and program achievements.

The bill also requires the BOG strategic plan to consider reports and recommendations of the Higher Education Coordinating Council and the Articulation Coordinating Committee and include student enrollment and performance data, delineated by traditional, online, or distance learning credits.

Tuition differential

Present Situation

Current law and BOG regulation authorizes each university board of trustees to establish a tuition differential for undergraduate courses upon approval from the BOG. The combination of base tuition and tuition differential cannot increase more than 15 percent over the prior year, or exceed the national average. Seventy percent of the revenues from the tuition differential must be expended for the purposes of enhancing undergraduate education. The remaining 30 percent of the tuition differential must be used to provide financial assistance to undergraduate students who exhibit financial need. Universities that have met the entire tuition and fee costs of all students who exhibit financial need are allowed to expend the excess portion of the 30 percent in the same manner as required for the other seventy percent of the tuition differential revenues.⁷

Effect of Proposed Changes

In order to reduce barriers and support attainment of goals identified in institutional plans necessary for advancing system and unique institutional priorities, the bill provides flexibility to the BOG to waive regulations and request from the Legislature a waiver or modification of specific statutory requirements, including percentage and dollar amount limitations relating to state university student fees. Regulatory or statutory flexibilities authorized or sought by the BOG related to waiving or modifying tuition differential must be disclosed in the accountability plan.

The Commission for Independent Education

Present Situation

The Commission for Independent Education (CIE) regulates independent postsecondary education institutions, which are postsecondary educational institutions that operate or make application to operate in Florida and that are not provided, operated, and supported by the State of Florida, its political subdivisions, or the Federal Government.⁸ For these institutions, the CIE is responsible for matters concerning licensure, consumer protection, and program improvement.⁹ Independent postsecondary educational institutions may not grant diplomas or degrees until they have been licensed by the CIE.¹⁰

Currently, the CIE has jurisdiction over 377 degree-granting independent postsecondary educational institutions. During FY 2010-11, these institutions enrolled 264,491 students and reported 55,651 graduates. The CIE also has jurisdiction over 567 non-degree-granting independent postsecondary

⁷ Section 1009.24(16(a), F.S.; Florida board of Governors Regulation 7.001 (Feb. 20, 2012).

⁸ Section 1005.02(11), F.S.

⁹ Section 1005.21(2), F.S.

¹⁰ Section 1005.21(1), F.S.

educational institutions. During 2010-11 these institutions enrolled 73,500 students and reported 44,531 graduates.¹¹

The CIE requires all licensed institutions to report enrollment, graduation, and placement outcomes using CIE Annual Data Collection forms¹² and institutions may volunteer to participate in the Florida Education and Training Placement Information Program (FETPIP), which is required for those licensed institutions that are Workforce Development training providers.¹³

Effect of Proposed Changes

The bill requires the CIE to collect, and institutions licensed by the commission to report, student-level data for all respective institutions that receive state funds. Data must be reported annually and include retention rates, transfer rates, completion rates, graduation rates, employment and placement rates, and earning of graduates.

General Education

Present Situation

To meet regional accreditation requirements, each institution must require in each undergraduate degree program, “the successful completion of a general education component at the collegiate level that (1) is a substantial component of each undergraduate degree, (2) ensures breadth of knowledge, and (3) is based on a coherent rationale.”¹⁴ For baccalaureate degree programs, the general education component constitutes a minimum of thirty semester hours or the equivalent. These credit hours must be drawn from and include at least one course from each of the following areas: humanities/fine arts, social/behavioral sciences, and natural science/mathematics.¹⁵

The DOE is required to identify courses that meet general education requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. Such courses must be identified by their statewide course code number using the statewide course numbering system. All public postsecondary educational institutions are required to accept the general education courses.¹⁶ In Florida, the general education component for undergraduate degree programs constitutes a total of thirty-six semester hours.¹⁷

Effect of Proposed Changes

In order to provide institutions the flexibility in developing a solid foundation for students entering their undergraduate programs, the bill revises provisions related to general education by requiring 30 semester credit hours of general education rather than 36 semester credit hours. The bill also requires students to complete 8 semester hours of college credit in one foreign language for an associate in arts degree if two credits in one foreign language in high school are not met. The SBE and BOG are required to jointly convene faculty committees to identify statewide general education core course requirements.

¹¹ Florida Department of Education, Commission for Independent Education, <http://www.fldoe.org/cie> (last visited Feb. 21, 2012).

¹² Florida Department of Education, Commission for Independent Education, Chapter 6E, Florida Administrative Code, http://www.fldoe.org/cie/pdf/chapter6E_rules.pdf (last visited Feb. 21, 2012).

¹³ Section 1008.39, F.S.

¹⁴ Southern Association of Colleges and Schools Commission on Colleges, *Foundations for Quality Enhancement*, at 19 (2012), available at <http://sacscoc.org/principles.asp> (last visited Feb. 15, 2012).

¹⁵ Southern Association of Colleges and Schools Commission on Colleges, *Foundations for Quality Enhancement*, at 19 (2012), available at <http://sacscoc.org/principles.asp> (last visited Feb. 15, 2012).

¹⁶ Section 1007.25 (3), F.S.

¹⁷ Rule 6A-10.024, F.A.C.

Site-determined baccalaureate degree access¹⁸

Present Situation

Section 1007.33(6), F.S., effective July 1, 2010, allows eligible FCS institutions to apply for an exemption from the existing State Board of Education approval process for offering subsequent baccalaureate degree programs. To qualify for this exemption, and bypass State Board of Education approval for new baccalaureate degrees, a FCS institution must have received a Level 2 accreditation from the Southern Association of Colleges and Schools and must have been a baccalaureate-degree-granting institution that has offered baccalaureate degree programs at their institution for 3 years or more. According to DOE, the FCS institutions that would qualify for this 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. Broward College and Palm Beach College will become eligible later in 2012.¹⁹

Effect of Proposed Changes

The bill removes section 1007.33 (6), F.S., governing the approval process for subsequent 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. To date no colleges have applied for the exemption.²⁰ The repeal of this section does not prohibit FCS institutions from adding baccalaureate degree programs for which a need is demonstrated and approval is received by the SBE.

The bill also includes as part of the approval process for baccalaureate degree programs that the FCS institutions annually and upon the request of the State Board of Education, Commissioner of Education, Chancellor of the Florida College System, or Legislature, report on the status using the following performance and compliance indicators:

- Obtaining and maintaining appropriate Southern Association of Colleges and Schools accreditation;
- Maintaining qualified faculty and institutional resources;
- Maintaining enrollment projections in previously approved programs;
- Managing fiscal resources appropriately;
- Complying with primary mission and responsibility requirements;
- Submitting the institution's annual performance accountability report timely;
- Other indicators of success, including program completers, placements, and survey of students and employers.

The bill authorizes the SBE, upon review of the performance and compliance indicators, to require a Florida College System institution's board of trustees, to modify or terminate a baccalaureate degree program.

B. SECTION DIRECTORY:

Section 1. Amends s. 1001.02, F.S., relating to general powers of State Board of Education; to provide duties of the State Board of Education relating to the 5-year plan for postsecondary enrollment and the strategic plan that specifies goals and objectives for public schools and Florida College System institutions; provide powers and duties of the state board relating to the evaluation of Florida College System presidents, institution service delivery areas, and credit hour requirements.

¹⁸ Section 1007.33(6), F.S.

¹⁹ Staff of the Florida Department of Education, Division of Florida Colleges, *Agency Legislative Bill Analysis for SB 492* (2012).

²⁰ Telephone Conversation with Department of Education Staff (March 18, 2011).

Section 2. Amends s. 1001.03, F.S., relating to specific powers of State Board of Education; to require the state board to adopt a unified state plan for STEM and STEM-related programs.

Section 3. Amends s. 1001.64, F.S., relating to Florida College System institution boards of trustees; powers and duties; to conform provisions.

Section 4. Amends s. 1001.706, F.S., relating to powers and duties of the Board of Governors; to provide requirements for the strategic plan and the accountability plan specifying goals and objectives for the State University System and its institutions developed by the Board of Governors; authorize the Board of Governors to waive or modify certain fee requirements; provide requirements relating to state university presidential selection and reappointment; authorize the Board of Governors to revoke or modify certain powers or duties.

Section 5. Amends s. 1005.22, F.S., relating to powers and duties of commission; to require the Commission for Independent Education to collect certain student data.

Section 6. Amends s. 1007.25, F.S., relating to general education courses; common prerequisites; other degree requirements; to revise provisions relating to general education course and associate and baccalaureate degree requirements.

Section 7. Amends 1007.33, F.S., relating to site-determined baccalaureate degree access; to require a Florida College System institution offering a baccalaureate degree program to report its status using specified performance and compliance standards; delete provisions relating to exemption from state board approval of certain baccalaureate degree programs.

Section 8. Amends 1008.46, F.S., relating to state university accountability process; to conform provisions.

Section 9. Provides an effective date of upon becoming law.

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:

None.

D. FISCAL COMMENTS:

None.

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

Not applicable.