

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee o Higher Education Appropriations

**BILL:** CS/CS/SB 1194

**INTRODUCER:** Children, Families, and Elder Affairs Committee, Higher Education Committee, and Senator Oelrich

**SUBJECT:** Postsecondary Education

**DATE:** April 13, 2011      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Daniell</u>	<u>Walsh</u>	<u>CF</u>	<u>Fav/CS</u>
3.	<u>Bryant</u>	<u>Hamon</u>	<u>BHI</u>	<u>Favorable</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

**Please see Section VIII. for Additional Information:**

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

This bill makes changes to several sections of the Florida Statutes relating to postsecondary education. Specifically, the bill:

- Removes obsolete references to the College Level Academic Skills Test;
- Makes college readiness testing uniform;
- Codifies the Articulation Coordinating Committee;
- Removes a barrier to postsecondary education for individuals with intellectual disabilities by allowing them to use reasonable substitutions for admission to postsecondary programs;
- Authorizes the Department of Education to certify community service hours for home education students' Bright Futures Scholarship requirements;
- Deletes requirements for the State Board of Education to approve community college budgets; and
- Abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

This bill amends the following sections of the Florida Statutes: 467.009, 1001.64, 1004.68, 1007.01, 1007.25, 1007.264, 1007.265, 1008.30, 1008.345, 1008.38, 1009.534, and 1011.30.

The bill repeals section 6 of chapter 2006-58, Laws of Florida.

## II. Present Situation:

### College Level Skills

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.<sup>1</sup>

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 in lieu of the corresponding GK test.<sup>2</sup>

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.<sup>3</sup>

### Articulation

The Articulation Coordinating Committee (ACC) serves as an advisory board to the State Board of Education (SBE), Board of Governors, and Higher Education Coordinating Council on postsecondary transition issues. The ACC is no longer codified in law, but rather it is established in Rule 6A-10.024 of the Florida Administrative Code.<sup>4</sup>

The ACC consists of 18 members and reports to the Commissioner of Education (Commissioner). The members shall be 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;
- Three representing the state community college system;
- One representing career education;

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<sup>1</sup> Office of Assessment, Florida Dep't of Education, *College-Level Academic Skills Test (CLAST), CLAST Programs*, <http://www.fldoe.org/asp/clast/default.asp> (last visited Mar. 24, 2011).

<sup>2</sup> Office of Assessment, Florida Dep't of Education, *College-Level Academic Skills Test (CLAST), The Need for CLAST Scores*, <http://www.fldoe.org/asp/clast/clstneed.asp> (last visited Mar. 24, 2011).

<sup>3</sup> Office of Assessment, Florida Dep't of Education, *College-Level Academic Skills Test (CLAST), Passing Scores*, <http://www.fldoe.org/asp/clast/clstpscr.asp> (last visited Mar. 24, 2011).

<sup>4</sup> Section 3, ch. 2002-387, L.O.F., transferred the ACC to the State Board of Education.

- Three representing public schools;
- Two representing non-public postsecondary institutions;
- One representing non-public secondary education; and
- One representing students.<sup>5</sup>

Functions, responsibilities, and duties of the ACC include:

- Acting as the statewide pre-kindergarten through university advisory committee;
- Developing suggested guidelines for interinstitutional agreements between and among public schools, community colleges, and universities;
- Establishing groups of university-community college-school district representatives;
- Conducting a continuing review of the provisions of this rule and making recommendations to the SBE and Board of Governors;
- Reviewing instances of student transfer and admissions difficulties among universities, community colleges, and public schools;
- Examining statewide data regarding articulation, recommending resolutions of issues, and proposing policies and procedures to improve articulation systemwide;
- Recommending the priority to be given research conducted cooperatively by DOE with individual institutions;
- Reviewing and making recommendations to institutions for experimental programs;
- Collecting and disseminating information on successful cooperative programs between educational institutions;
- Establishing and maintaining a standard format to record the performance and credits of postsecondary students;
- Documenting, maintaining, and publishing a current listing of limited access, capstone, and career ladder degree programs;
- Documenting, maintaining, and publishing the statewide associate in science to bachelor of arts or bachelor of science articulation agreements;
- Documenting, maintaining, and publishing statewide applied technology diploma to associate in applied science or associate in science degree articulation agreements;
- Maintaining and reviewing annually the accelerated articulation mechanism examinations, minimum scores guaranteed for transfer, maximum credits guaranteed to transfer, and recommended course equivalencies; and
- Performing other duties as assigned.<sup>6</sup>

### **Students with Intellectual Disabilities**

The federal Higher Education Opportunity Act reauthorization<sup>7</sup> creates incentives for states to provide transition to postsecondary education programs for students with intellectual disabilities – those 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 under the Individuals with Disabilities Education Act. Three Florida

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<sup>5</sup> Rule 6A-10.024(2), F.A.C.

<sup>6</sup> *Id.*

<sup>7</sup> P.L.110-315

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 form a consortium<sup>8</sup> to oversee the following grant activities:

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

While students with disabilities<sup>9</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>10</sup>

### **Common Placement Testing**

Minimum college placement test scores are currently established in Rule 6A-10.0315 of the Florida Administrative Code. Florida College System institutions have flexibility to establish higher college placement scores, so a student could be eligible for college level coursework at one college with a certain score but not at another college. This inconsistency may cause unintended inequities for students seeking a degree. Establishing college placement scores statewide will enable students to transfer test scores from college to college and be eligible for the same course placement.<sup>11</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 Florida College System institutions. The implementation of the high school remediation courses is voluntary and student enrollment is also voluntary. For high schools offering the remediation courses, students who enroll and pass a remediation course with a grade of “C” or better and pass the Basic Skills Exit Test will be guaranteed entry to college credit coursework without additional testing or remediation on admission to a Florida college. Colleges may offer students alternative remediation opportunities and retests.

Students may accumulate more than 12 college credit hours without demonstrating readiness in mathematics, reading, or writing, provided they are co-enrolled in developmental education. The Florida College System has recently developed statewide developmental education competencies

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<sup>8</sup> The Florida Consortium on Postsecondary Education Transition Programs and Intellectual Disabilities.

<sup>9</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 a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia.”

<sup>10</sup> See ss. 1007.264 and 1007.265, F.S.

<sup>11</sup> See Florida Dep’t of Education, *2011 Agency Legislative Bill Analysis, SB 1194* (Feb. 18, 2011) (on file with the Senate Committee on Children, Families, and Elder Affairs).

and established common course numbers that will be implemented in fall 2011. Current law does not fully reflect all provisions to implement the postsecondary readiness testing.

### **Bright Futures Community Service Hours**

Home school students are required to complete community service hours to be eligible for a Florida Academic Scholars award. Currently, the Office of Student Financial Assistance, within DOE, certifies home education students' community service hours for the purpose of Bright Futures Scholarship initial eligibility. However, current law does not explicitly give DOE the authority to approve community service hours for home education students.

### **Review and Approval of Community College Budgets**

Community college boards of trustees are required to submit their budgets to the State Board of Education for approval under ss. 1001.64 and 1011.30, F.S.

### **The 21st Century Technology, Research, and Scholarship Act**

The 21st Century Technology, Research, and Scholarship Act (Act)<sup>12</sup> was created in 2006 to enhance the research infrastructure at state universities. The Act includes the Centers of Excellence Program, the State University Research Commercialization Assistance Grant Program, and the 21st Century World Class Scholars Program.

The state's investment of \$84.5 million in the 11 State University Systems Centers of Excellence has yielded \$251 million in competitive grants and another \$24 million in private sector support. The centers collectively have made 223 invention disclosures, executed 43 licenses or options, received nearly a half million dollars in license revenues, initiated 30 companies, created 745 jobs, and provided over 100 specialized industry training sessions. In addition, the centers have supported 1,110 undergraduate and graduate students, and created collaborations with 508 private industry entities.<sup>13</sup>

The 21st Century World Class Scholars program consists of 16 faculty positions at state universities. Cumulatively, the world class scholars have received nearly \$46 million in external competitive grants and have had 16 patents issued.<sup>14</sup>

The State University Research Commercialization Assistance Grant Program has been instrumental in moving university-based inventions toward commercialization. Grants awarded under this program total \$1.8 million.<sup>15</sup>

Section 1004.226, F.S., will be repealed on July 1, 2011, unless the repeal is abrogated. The Board of Governors states that while these programs represent a small portion of the \$1.3 billion

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<sup>12</sup> Section 1004.226, F.S.

<sup>13</sup> State University System of Florida Board of Governors, *21st Century Technology, Research, and Scholarship Act Programs*, 6-7 (Jan. 2011), available at [http://www.flbog.edu/new\\_florida/docs/PUBLISHED\\_2010\\_21st\\_Century\\_Annual\\_Report.pdf](http://www.flbog.edu/new_florida/docs/PUBLISHED_2010_21st_Century_Annual_Report.pdf) (last visited Mar. 24, 2011).

<sup>14</sup> *Id.* at 14.

<sup>15</sup> *Id.* at 16.

in federal, private, and other research and development contracts and grant awards to Florida in 2008-09, “taken together these 21st Century Act programs represent a significant, focused response to the System’s goal of transforming Florida’s economy to one that relies less on growth, tourism, and agriculture and, instead, aspires to be a national leader in high-wage, high-skill, cutting-edge technology.”<sup>16</sup>

### **III. Effect of Proposed Changes:**

#### **College Level Skills (sections 1, 3, 6, 7, 8, and 12)**

In 2009, the Legislature repealed the use of the College Level Academic Skills Test (CLAST) to measure student proficiency and as a degree requirement for undergraduates Florida’s public colleges or universities. The bill removes obsolete references to the CLAST in ss. 467.009, 1004.68, 1007.25, 1008.30, 1008.345, and 1008.38, since the CLAST is no longer administered for these purposes.

#### **Articulation (section 2)**

The bill provides statutory authorization for the Articulation Coordinating Committee (ACC) to serve as an advisory body that would report to the Commissioner of Education. The ACC would propose policies to coordinate among the education sectors to promote smooth and efficient student educational transitions. The duties of the ACC include monitoring institutional compliance with articulation policy, proposing guidelines for interinstitutional agreements, establishing dual enrollment course and high school subject areas equivalencies, reviewing the statewide course numbering system, and establishing a group of public and nonpublic educational institution representatives to facilitate articulation.

#### **Students with Intellectual Disabilities (sections 4 and 5)**

The bill amends ss. 1007.264 and 1007.265, F.S., to provide access to postsecondary education for individuals with intellectual disabilities by allowing reasonable substitutions for entry, admission to a program of study, and graduation requirements, as is currently provided to other students with disabilities. The proposed changes will align Florida law with the provisions of the Higher Education Opportunities Act and facilitate activities to help students with intellectual disabilities prepare for gainful employment.

#### **Common Placement Testing (section 8)**

The bill authorizes the Department of Education (DOE or department) to establish statewide consistency in the implementation of the common placement requirements. The bill requires the State Board of Education to establish by rule the test scores a student must achieve to demonstrate readiness for postsecondary work, provisions for remediation, and retesting policies.

The bill also requires colleges 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

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<sup>16</sup> *Id.* at 17.

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 provides that a student must demonstrate successful mastery of the required developmental education competencies, as defined in State Board of Education rule, before the student will be considered to have met basic computation and communication skills. By establishing developmental education competencies in rule, there will be consistency in the delivery of developmental education in the Florida College System, as well as high schools. High school teachers would have access to the competencies Florida faculty have identified as necessary for success in entry level college credit courses. Establishing the competencies in rule will result in better informed instruction at the secondary level and better prepared students coming to the Florida colleges.

#### **Bright Futures Community Service Hours (section 9)**

The bill authorizes DOE to approve community service hours for home education students to be eligible for the Bright Futures Florida Academic Scholars award. Current law is silent regarding whether DOE can approve community service hours for home education students.

#### **Review and Approval of Community College Budgets (sections 10 and 11)**

The bill strikes the requirement in current law that DOE review *and approve* community college budgets. Under the bill, DOE will only be required to review the budgets, and the community college boards of trustees would approve the budget.

#### **The 21st Century Technology, Research, and Scholarship Act (section 14)**

The bill repeals s. 6 of ch. 2006-58, Laws of Florida, which provides that s. 1004.226, F.S., shall expire on June 30, 2011. By doing this, the bill abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

#### **Effective Date (section 15)**

The bill provides that it will take effect upon becoming a law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Education (DOE or department), the department 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 tests, the costs for reimbursement may increase.<sup>17</sup>

Additionally, the department stated that colleges may incur additional expenses relating to the notice requirement for students who accumulate 12 college credit hours with developmental education coursework remaining. The exact cost is indeterminate, but is likely to be insignificant.<sup>18</sup>

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 fee revenue.<sup>19</sup>

Finally, the department indicated that it will need to amend or promulgate several rules to address the requirements of the bill.<sup>20</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>17</sup> Florida Dep't of Education, *supra* note 11.

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Children, Families, and Elder Affairs on March 28, 2011:**

The committee substitute:

- Reinstates current law in s. 1012.56, F.S., to retain the reference to the College Level Academic Skills Test (CLAST) in order to allow a teacher who has already taken and passed the CLAST to use it as an option to satisfy the general knowledge requirement for teacher certification; and
- Deletes requirements in s. 1007.25, F.S., related to CLAST exemption criteria to allow institutions to align accreditation and state level requirements through the Southern Association of Colleges and Schools. This change was based on a recommendation in a white paper done on CLAST in May 2010.

**CS by Higher Education on March 14, 2011:**

The committee substitute:

- Leaves a reference to the CLAST exam in a teacher preparation statute to allow those that have already taken and passed the CLAST exam previously to continue to use it as an option to satisfy the general knowledge requirement;
- Adds new duties for the Articulation Coordinating Committee;
- Repeals a requirement for the Department of Education to review and approve community college budgets; and
- Abrogates the repeal of the 21st Century Technology, Research, and Scholarship Act.

- B. **Amendments:**

None.