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**HOUSE OF REPRESENTATIVES
COMMITTEE ON
COMMUNITY COLLEGES AND CAREER PREP
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1545 (formerly PCB CCCP 97-03)

RELATING TO: Education (Committee Package)

SPONSOR(S): Committee on Community Colleges & Career Prep and Representatives Sindler, Fasano, and others

STATUTE(S) AFFECTED: Amends ss. 120.545, 120.81, 228.041, 229.551, 229.595, 229.601, 231.1725, 232.246, 233.067, 236.081, 239.105, 239.117, 239.205, 239.213, 239.229, 239.249, 239.301, 239.305, 240.107, 240.1161, 240.1163, 240.117, 240.235, 240.319, 240.321, 240.334, 240.35, 240.36, 240.6045, 414.027 & 414.065, F.S. Creates ss. 232.2466, 240.124, 240.4041, 240.65, and 240.66, F.S. Repeals ss. 240.3575(5), 240.3815(1), and 240.382(5), F.S.

COMPANION BILL(S): SB 1404 by Senator Grant, SB 1702 by Senator Grant, SB 1538 by Senator Kirkpatrick, SB 1604 by Senator Grant, SB 112 by Senator Kirkpatrick, SB 1084 by Senator Rossin, SB 792 by Senator Diaz-Balart, SB 1334 by Senator McKay, and SB 1688 by Senator Horne

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1)	COMMUNITY COLLEGES AND CAREER PREP	YEAS 11	NAYS 0
(2)	EDUCATION APPROPRIATIONS		
(3)			
(4)			
(5)			

I. SUMMARY

This bill is the work product of the Committee on Community Colleges and Career Prep. It contains provisions related to Articulation, Distance Learning, Financial Aid, Paperwork Reduction, Postsecondary Readiness, and Workforce Development.

Financial aid provisions: amend the Florida Academic Improvement Trust Fund for Community Colleges; allow fee exemptions for children adopted from the Department of Children and Families; simplify the application process for the receipt of funds under the Limited Access Competitive Grant Program; and permit part-time students with disabilities to be eligible to receive state financial aid.

Articulation provisions address concerns related to course work in the Associate in Science degree program, dual enrollment, and College-Level Academic Skills Test requirements. The Institute on Public Postsecondary Distance Learning and the Florida Community College Distance Learning Consortium are established in statute. Paperwork reduction provisions modify and revise various sections of statutes to clarify their meaning in regard to noticing requirements, literacy definitions, report preparation, and rule authority. Workforce development provisions amend statutes to address concerns related to job training and education in the context of recent WAGES and Workforce Development legislation.

Postsecondary Readiness provisions require school districts and community colleges to address problems associated with postsecondary remediation, revise testing requirements related to the college placement test, and create the college-ready diploma. The bill also requires an increase in matriculation fee for only those students that repeat the same remedial class, or those community college or state university students that repeat the same college-credit class more than twice.

The total fiscal impact is indeterminate. However, certain provisions could provide the state with a fiscal benefit of over \$20 million annually, with a corresponding fiscal cost to only those students that repeat the same postsecondary remedial class, or those community college or state university students that repeat the same college-credit class more than twice.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

ARTICULATION

Guaranteed articulation between community colleges and state universities

Florida's postsecondary education structure is unique in that it supports a two-plus-two system of advancement. Generally, the majority of graduates from Florida's ten state universities begin as students at one of the state's 28 community colleges. Degree-seeking students study for two years at a community college, and then transfer to one of the state universities to complete the last two years of their baccalaureate degree program. This transfer, or articulation, is guaranteed in s. 240.115, F.S., provided students meet certain requirements.

The College-Level Academic Skills Test (CLAST)

The CLAST is a statewide exam designed to assess basic communication and computation skills which students should have received during their first two years of postsecondary study. Students are required to pass the CLAST in order to receive an Associate in Arts or baccalaureate degree.

The 1995 Legislature passed legislation to provide students with alternatives for demonstrating academic proficiency in college-level communication and computation skills. Students earning an Associate in Arts degree or baccalaureate degree are permitted to either pass the CLAST or satisfy academic proficiency requirements through one of the following alternatives:

1. Achieves a score that meets or exceeds a minimum score on a nationally standardized examination (such as the SAT or the ACT), as established by the Articulation Coordinating Committee (ACC).
2. Achieves a passing score on the college placement test and a cumulative grade point average of 3.0 or above, on a 4.0 scale, in college-preparatory high school course work identified by the ACC.
3. Achieves a passing score on the college placement test and a cumulative grade point average of 2.5 or above, on a 4.0 scale, in postsecondary-level course work identified by the Postsecondary Education Planning Commission (PEPC).

"Time-to-Degree" requirements

The 1995 Legislature passed legislation known as the "Time-To-Degree" bill. The bill had these main components:

1. General Education core requirements were established at 36 semester hours, transferrable between community colleges and state universities. (Requirements within the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.)
2. Associate in Arts (AA) degree programs were established at 60 semester hours and baccalaureate degree programs at 120 semester hours, with exceptions granted by the Board of Regents (for baccalaureate degree programs).
3. Courses were identified by their common course code number as either a lower level or an upper level course -- a process referred to as "course leveling". Provisions did not address situations where courses may be classified as both upper and lower level.
4. Common prerequisites were established in program majors, with some allowances for program individuality through course substitutions.

Dual enrollment courses

In order for community colleges and universities to provide dual enrollment credit for a course of study, they have to acquire agreements from each of the 67 school districts in the state. In addition, students may or may not receive a weighted grade, similar to the practice for honors courses, for a dual enrollment course.

DISTANCE LEARNING

Florida Distance Learning Network (FDLN)

Section 364.509, F.S, creates the Florida Distance Learning Network (FDLN) and authorizes it to be responsible for statewide leadership in coordinating, enhancing, and serving as a resource center for advanced telecommunications services and distance learning in all public education delivery systems, libraries, teaching and rural hospitals. FDLN is governed by a board of directors that is a body corporate. The Commissioner of Education or designee serves as the initial chairperson of the board for a term of four years. The FDLN board is served by an executive director that is appointed by the Commissioner of Education. The board takes official action only by consensus. For the purposes of administration, FDLN has been assigned to Tallahassee Community College in Leon County, Florida.

Institute on Public Postsecondary Distance Learning

In July 1996, the Institute on Public Postsecondary Distance Learning was formally established by a Memorandum of Understanding. This was a joint agreement adopted by the Board of Regents and the State Board of Community Colleges that addresses the purpose, governing board, administrative assignment, and duties of the Institute. The main objective of the Institute is to provide coordination and facilitate collaborative efforts between the State University System and the State Community College system in the development and delivery of distance learning instruction. The Institute is governed by a board of directors. Pursuant to by-laws, the board of directors elects a chairperson to serve a one year term. The board of directors takes official action by consensus only, which is defined in the Memorandum of Understanding as general agreement. For administrative purposes, the Institute is assigned to Florida Gulf Coast University, located in Lee County, Florida.

Florida Community College Distance Learning Consortium

The Florida Community College Distance Learning Consortium was formally established by the State Board of Community Colleges through the promulgation of Rule 6H-1046, F.A.C. This rule was promulgated under the authority of the State Board of Education. The main objective of the Consortium is to provide coordination between the twenty-eight community colleges in the development, delivery, marketing and purchasing or leasing of distance learning instruction. The Consortium serves as an advisory committee to the State Board of Community Colleges. The State Board of Community Colleges appoints the membership of the Consortium.

FINANCIAL AID

Fee Exemptions for Adopted Foster Children

Exemptions to postsecondary fees (non-credit programs, credit programs, activity, service, health and athletic fees) are currently available to children who remain in long-term foster care or independent living. Once adopted, these children lose eligibility for this exemption.

According to the Florida Department of Children and Families, over 60% of adoptive parents are foster parents. The average family size of adoptive families is 4.5 people. The average income is \$33,000. Approximately 60% of the children adopted have multiple special needs and require specialized supports and services, such as ongoing medical treatment, educational support and counseling. The cost to the state is less when children are in adoptive homes rather than in foster care. Including administrative costs, the average state cost per month for an adoptive child is \$342 (includes the maintenance adoption subsidy), compared to the cost of foster care of \$742

per month. According to the Florida Department of Children and Families, there are approximately 1,800 children currently available for adoption.

Academic Improvement Trust Fund

The Academic Improvement Trust Fund was established in 1983, with the purpose of encouraging private contributions for the enhancement of public community colleges by providing them with the opportunity to receive and match challenge grants. Individual community colleges can participate in receiving matching grants from this fund. The foundation for the Community College System at the state level is not authorized to receive matching grants. The expenditure of funds is limited to: scientific and technical equipment, other activities that will benefit students, and scholarships.

State Financial Aid - Students with Disabilities

State statutes require students who receive state financial aid to be enrolled full-time, 12 credits per term or the equivalent, for the number of terms for which aid is received.

After receiving a complaint filed against the State University System, the U.S. Department of Education, Office for Civil Rights, has determined that current state law, and participating institutions, are in violation of Federal requirements, specifically Section 504 of the Rehabilitation Act of 1973 (prohibiting discrimination on the basis of disability in programs and activities that receive Federal financial assistance), and Title II of the Americans with Disabilities Act (ADA) (prohibiting discrimination on the basis of disability by public entities, irrespective of whether they receive Federal financial assistance). The Office for Civil Rights found that in determining eligibility for financial aid, state educational institutions categorically exclude students with disabilities, who are carrying less than a full-time course load as an accommodation for a disability. Failure to change current financial aid requirements could result in the initiation of enforcement actions (withholding Federal funds) by the Office for Civil Rights.

Limited Access Competitive Grant Program

The Limited Access Competitive Grant Program was established in 1995 to provide enrollment opportunities for qualified applicants who are unable to obtain admission to selected state university limited access programs or equivalent academic tracks. Florida residents who are state university students and community college graduates who are denied admission to a state university program directly related to a high priority employment field, because of lack of space, are eligible to receive funds from the Limited Access Competitive Grant Program. High priority employment fields are identified by the Postsecondary Education Planning Commission (PEPC) for the State Board of Education.

Currently, identified high priority employment fields include: Special Education (General); Education (Mentally Handicapped, Emotionally Handicapped, Specific Learning Disabled); Radio/TV; Physical Therapy; Nursing; and Occupational Therapy.

The Limited Access Competitive Grant Program was implemented in 1996 with a \$1 million appropriation from the Legislature. Only \$7,984 was disbursed. The disbursement is low because applicants must be denied access to a state university program before being eligible to receive the grant, and for recruiting purposes, private institutions have difficulty identifying and enrolling students who were denied access at a public university. According to PEPC, the 1996-1997 award amount for the Limited Access Competitive Grant was \$1,995 per student.

PAPERWORK REDUCTION

APA Revisions

The 1996 Legislature passed legislation relating to the Administrative Procedures Act (APA) that amended, enacted, and repealed numerous and varied provisions of the APA. The legislation reorganized the APA as well as required agencies to file a notice of rule development, change rule challenge standards, require adoption of uniform rules and authorize waiver and variance of rules. For the purposes of this legislation, community colleges were considered state agencies. Section 240.317, F.S., however, establishes community colleges as political subdivisions of the State locally governed by district boards of trustees.

Obsolete Provisions

In several sections of the Florida Statutes, outdated definitions exist that do not reflect the current terminology used, especially in regard to definitions used by the federal government. In addition, some reporting requirements exist that produce overlapping or duplicate reports that result in additional paperwork for the Department of Education. Other sections provide for rule making authority that is no longer applicable.

POSTSECONDARY READINESS

Access to Postsecondary Education

Historically, Florida's community colleges have operated under an admissions process that is best described as an "open door" policy. Access to postsecondary education is guaranteed to all citizens through the community college system. Each community college board of trustees is authorized to make rules governing the admission of students. Section 240.321, F.S., establishes minimum requirements for admission to Associate in Arts (AA) and Associate in Science (AS) degree programs at community colleges. Students needing preparation to meet basic communication and computation skills are required to enroll in remedial education but are permitted to take courses concurrently in other curriculum areas for which they are qualified.

Defining "remedial education"

Within Florida's postsecondary educational system, "remedial education" is synonymous with "college-preparatory instruction". Section 239.105, F.S., defines "college-preparatory instruction" as "courses through which a high school graduate who applies for a degree program may attain the communication and computation skills necessary to enroll in college credit instruction." "Vocational-preparatory instruction" is similar in that it means "instruction through which persons attain academic skills at the level of functional literacy or higher so that such persons may pursue certificate career education [previously known as postsecondary adult vocational] or higher-level career education."

To assess communication and computation skills of students who intend to enter a degree program, community colleges and state universities are authorized to administer a college placement test (CPT), as adopted by the State Board of Education. At a minimum, the test includes: the capacity to diagnose basic competencies in the areas of English, reading, and mathematics which are essential to perform college-level work and prerequisite skills which relate to the College Level Academic Skills Test (CLAST). The CPT assesses a wide range of skill levels with minimum passage scores set in rule.

Student preparedness for postsecondary education

Section 240.118, F.S., requires the Commissioner of Education to provide an annual report, based on the results of placement test scores, on the performance of Florida's previous-year public high school graduates who enroll in public postsecondary institutions. The recently published 1995-96 "Readiness for College Report" indicates that the percentage of students ready for college has dropped from 57.1% to 54.1% since the last report. In other words, about 46% of Florida's previous-year public high school graduates who enrolled as degree seeking students for the first time in a Florida public postsecondary institution required at least one course in remedial math, reading, or writing. When analyzed across institutional levels, over 63% of the previous-year

public high school graduates attending a community college, and about 8% of the similar students attending a state university required remediation.

The finding of the Readiness Report corroborates the findings of the 1996 interim study completed by the Committee on Higher Education and the Committee on Education. Through further investigation of the data, the interim study revealed a high correlation between readiness for college and high school course-taking patterns, with students who take algebra, geometry, and college-prep English having a much higher rate of passing the CPT than other students.

Current associate degree program admission requirements

Statutes do not identify curricular, grade point average (GPA), or testing requirements (other than passing scores on college entrance exams) for admission into an AA or AS degree program. Statutes, however, clearly establish admission requirements for the AA and AS degree programs.

Associate in Arts degree program admission requirements include:

- a high school diploma or its equivalent (e.g., General Education Diploma (GED)),
- a demonstrated level of achievement of college-level communication and computation skills, and
- any other requirements established by the board of trustees for admission to an AA degree program.

Educational requirements for admission to an AS program and other programs within a community college are established by each community college's board of trustees.

WORKFORCE DEVELOPMENT

Overview - General Summary of WAGES legislation

The 1996 WAGES law eliminated individual entitlement to public assistance and created the Work and Gain Economic Self-sufficiency (WAGES) Program to replace the Aid to Families with Dependent Children and Job Opportunities and Basic Skills training programs. The WAGES program provides employment assistance, temporary financial assistance, vocational education and training, subsidized child care and Medicaid to low income or one-or-two parent families with minor children. WAGES establishes a 24-month lifetime limit for receipt of public assistance, requires all recipients to work and imposes sanctions for participants who do not comply with program requirements.

Specific issues related to job training and education in proposed bill

Postsecondary student fee exemptions

The WAGES law allows postsecondary student fee exemptions for college credit, and non-credit programs, provided that the WAGES participant applies for and does not receive student financial aid, including Job Training Partnership or Family Support Act funds. Schools and community colleges are required to help participants apply for financial aid, and can not deny such students from program participation in educational activities during the financial aid application process. Such a student may not be required to incur debt within the financial aid package. Public postsecondary institutions are required to provide services to those WAGES participants referred to their institutions, but due to Performance Based Incentive Funding, receive no payment for up-front costs for servicing those participants. Under the current performance based incentive funding plan, incentives are calculated for the enrollment and program completion of students, and the placement of students in a given program.

Contracting for Adult Education Fees

Section 239.301(5)(b), F.S., prohibits public schools and community colleges from charging fees to students who have not earned a high school diploma, or who read below the eighth grade reading level.

Payment Structure

Section 414.027, F.S., establishes a payment structure for the cost of services provided to WAGES participants: 40% of the cost of services prior to placement, 50% percent provided upon employment placement, and 10% if employment is retained for at least 6 months.

Work Activities

Section 414.065, F.S., establishes certain work activities which may be used individually or in combination to satisfy the work requirements for a participant in the WAGES program. Work activities include: unsubsidized employment; subsidized private-sector employment, which addresses work supplementation, on-the-job training, incentive payments, and tax credits; subsidized public-sector employment; community-service work; job-search and job-readiness assistance; vocational education or training, and job-skills directly related to employment.

Work Activity Requirements

Section 414.065(2), F.S., requires that each adult participant in the WAGES program who is not otherwise exempt, must participate in a work activity for the maximum number of hours allowable under federal law, provided that no participant be required to work more than 40 hours per week or less than the minimum number of hours required by federal law. An applicant is referred for employment at the time of application if the applicant is eligible to participate in the WAGES Program.

Small School Districts and Community Colleges Appeal Process

Participation in the performance-based incentive funding program is mandatory for public education institutions providing vocational and technical education programs. According to the Department of Education, some smaller, rural school districts and community colleges would be forced to spend more money than they receive from participation in the performance-based incentive funding program.

B. EFFECT OF PROPOSED CHANGES:

ARTICULATION

Provides flexibility in offering certain courses

A provision in the bill would exempt institutions from the leveling requirement with regard to classes within the Associate in Science degree program. This change would permit students to stay on the community college campus in order to complete Associate in Science degree course work beyond 60 hours of credit.

Removes an alternative to the CLAST

By deleting the alternative to the CLAST related to high school grades, students would be required to either pass the CLAST exam, make certain minimum scores on nationally-standardized exams (such as the ACT or SAT), or achieve a certain grade point average on postsecondary-level courses. Students would not be required to achieve a passing score on the college placement test in order to use the postsecondary-level course alternative.

Authorizes grading limitations and course approvals for dual enrollment

Grade point averages in dual enrollment courses would be calculated in a fashion similar to honors or advanced placement. In addition, the Commissioner of Education would be able to approve limited course offerings for dual enrollment that have statewide appeal and are offered at a single site with multiple county participation (e.g., Girls State or Boys State). This would eliminate the need for approval to be given by the 67 school superintendents before the dual enrollment credit is granted.

DISTANCE LEARNING

Institute on Public Postsecondary Distance Learning

The bill would codify in statute, the July 1996 Memorandum of Understanding, approved by the Board of Regents and the State Board of Community Colleges, that formally established the Institute on Public Postsecondary Distance Learning. Community colleges and state universities would be required by law, rather than agreement, to coordinate distance learning efforts. This would provide greater stability related to the existence and operations of the Institute, rather than the current short-term Memorandum of Understanding.

The bill would require the Commissioner of Education or the commissioner's designee, and the Secretary of State or the secretary's designee, to serve with others already designated to serve on the board of directors. The Board of Directors would take action by consensus only. Consensus would be defined as agreement by the Chancellor of the State University System and the Executive Director of the State Community College System.

The responsibility of the Institute would be developing and recommending policies and procedures, for review and adoption, by the Board of Regents and the State Board of Community Colleges which would include:

- Ensuring cooperation and coordination between the State University System and the State Community College System in the development and delivery of distance learning;

- The cooperative development and distribution of postsecondary distance learning programs and courses;

- Maximizing the most efficient access to courses and programs;

- Addressing the funding and cost of distance learning credit and non-credit courses and programs; including, but not limited to, recommended fees for distance learning courses and programs, subject to Legislative approval;

- Recommendations by the Institute to each respective board, including specific issues to be included in each systems' legislative budget request;

- Specifying that the Board of Regents, the State Board of Community Colleges, and the Institute, will mutually agree on expending funds appropriated by the Legislature, to the State University System, and Community College System, for the specific purpose to support collaborative postsecondary distance learning.

The Institute would monitor the implementation and effectiveness of policies and procedures, and would identify emerging needs and issues in postsecondary education distance learning. The Institute would also evaluate the success of public postsecondary education institutions in meeting system wide and institutional goals and objectives established by FDLN, the Board of Regents, and the State Board of Community Colleges. A report of findings and recommendations would be submitted by the Institute to FDLN, the State Board of Education, the Board of Regents, and the State Board of Community Colleges.

Florida Community College Distance Learning Consortium

The bill would codify a State Board of Community Colleges Rule 6H-1046, F.A.C, which was authorized by the State Board of Education. This rule was adopted in July 1996 to formally establish the Florida Community College Distance Learning Consortium as an advisory committee of the Board. The rule requires membership of the Consortium to be appointed by the State Board of Community Colleges. Duties of the Consortium are provided in the proposed bill. A major function of the Consortium would be to develop plans for the Community College System for distance learning.

FINANCIAL AID

Fee Exemptions for Adopted Foster Children

Postsecondary undergraduate student fee exemptions would be expanded to include those children who are adopted from the Department of Children and Families after December 31, 1997. The fee exemption is an added incentive for families to adopt children, particularly older children, from the Department of Children and Families.

Academic Improvement Trust Fund

The bill would allow the State Board of Community Colleges to participate in receiving matching grants from the Academic Improvement Trust Fund. The amount of matching funds the State Board of Community Colleges could receive would not be more than 15% of the funds appropriated to the trust fund for that fiscal year. Restrictions relating to the expenditure of funds for certain scholarship purposes would be removed, allowing more flexibility in spending funds. The trust fund would be renamed to become the "Dr. Philip Benjamin Academic Improvement Trust Fund for Community Colleges".

State Financial Aid - Students with Disabilities

The bill would permit part-time students with disabilities, as defined by the Americans with Disabilities Act, to be eligible for state financial aid. The disability of a student would be certified by a physician or by the Division of Vocational Rehabilitation. Currently, students with specific learning disabilities, such as dyslexia, would not be identified through this process, because they are tested at educational institutions. Students identified as learning disabled would also need certification from a physician, based on test results.

Limited Access Competitive Grant Program

The application process for the grant would be changed by removing the requirement that an applicant must be denied admission to a limited access program before funds could be secured. The bill would allow public community college students and university students to receive funding to enroll in independent institution programs leading to employment in high priority employment fields, without requiring that they first be denied access to a high priority program at a state university. Students would be eligible for grants equal to 50 percent of the state cost for an undergraduate student. Some students who could have possibly been accepted to a limited access program at a public university, would be able to attend independent institutions. This change would make the Limited Access Competitive Grant Program very similar to the Florida Resident Access Grant Program.

PAPERWORK REDUCTION

APA Revisions

Although required to notice meetings and workshops at the local level, community colleges would not be required to notice on a statewide level. Community colleges

- would not publish, but would provide, the full text of documents when requested to do so;
- would not be required to file documents with the Administrative Procedures Committee;
- would not be required to hold workshops out of their respective districts;

- would be provided with an exemption to s. 120.81(1)(f), F.S., pertaining to fairness and due process in judicial proceedings involving students, which is afforded to the State University System; and
- would be provided with specific authority to adopt rules, procedures, and policies in accordance with and to the extent required by s. 120.536, F.S.

Changes in these APA provisions would eliminate some confusion that exists regarding community colleges' rule making authority, filing requirements, and the applicability of certain sections of law. Changes would also result in reduced paperwork and associated costs for community colleges.

Obsolete Provisions

"Home Economics" would be referred to as "Family and Consumer Sciences". The definitions related to adult education and literacy would be clarified to reflect federal government terminology, thus eliminating conflicting reporting requirements.

The State Board of Education would no longer need to set basic skills standards by rule, but the Department of Education would still be accountable for the development of program standards and industry-driven benchmarks for vocational, adult, and community education.

The changes in reporting requirements would allow local sponsors and the Commissioner of Education more flexibility in reporting information on literacy skills and adult education. Community colleges and school districts would be required to develop and maintain a local adult literacy plan but would not be required to submit it to the commissioner for approval or disapproval.

The repealing of reporting requirements for crime statistics and economic development centers would not reduce the availability of information at the local level, but would eliminate duplicate reports. Currently, the Department of Children and Families regulates child care centers; therefore, community colleges would not need to adopt rules for the same purpose.

POSTSECONDARY READINESS

Establishes a "College-Ready Diploma"

Standards for the "college-ready" diploma would be established. School districts could award a college-ready diploma to students who meet the following criteria:

- among the 24 credits required for graduation, the student must complete courses in algebra, geometry, biology, chemistry, physics, or their equivalents, and foreign language. American sign language or a student's native language, if other than English, could qualify for the foreign language requirement. Applied mathematics or applied technology could qualify for the mathematics and science requirements.
- pass the postsecondary education college placement test, or an equivalent exam, before graduation.

The college-ready diploma would entitle a student to admission into a public associate degree program or a certificate career education program without additional placement testing. This privilege would be valid for two years following high school graduation.

The bill would require the Department of Education to form a task force to identify and create additional incentives for students to strive toward achieving the college-ready diploma.

The opportunity to receive this diploma status may encourage more high school students to participate in high school course work that would prepare them for success in postsecondary education, thus diminishing their potential need for postsecondary remedial education.

Provides flexibility with regard to community college degree program admission requirements and remedial education instruction

Institutionally-developed tests, rather than the re-administration of the CPT as a statewide exam, could be used as "exit" exams from remedial instruction. Consequently, remedial exit standards could vary across institutions. Home-schooled students could be admitted to degree programs without being required to take the GED, provided a parent submits a signed affidavit attesting that the student has completed a home education program. Students that enter postsecondary education within two years of high school graduation with a "college-ready" diploma would be exempted from meeting the communication and computation skills testing portion of the degree program admission requirements. Institutional policies would be developed that would provide students with information about alternatives to traditional college-preparatory instruction as offered by community colleges, including opportunities produced by private providers. Application of the current statutorily-required AA degree program admission requirements to the AS degree program would ensure that AS students are at least as prepared as their AA degree counterparts to enter college-level work.

Requires personal accountability for courses that are repeated

Students who repeat a postsecondary remedial class would be required to pay 100% of the full cost of instruction for continuous enrollment in the same class. Both community college and state university system undergraduate students enrolled in the same college-credit class more than twice would be required to pay 100% of the full cost of instruction. Current law provides for exceptions to the assessment of increased fees for repeated remedial course work, in financial hardship cases. The Board of Regents and the State Board of Community Colleges would identify exceptions to the assessment of increased fees for repeated college-credit courses. In effect, students would no longer receive state funding for continuous enrollment (i.e., more than two times) in the same college-credit class due to previous failures, or attempts to raise grade point averages, without being assessed an increased fee. Opponents to the fee increase provisions claim that the increased financial burden for repeat classes could, in effect, prohibit students that do not have the financial means to cover the full cost of instruction from continuing their postsecondary education. Opponents also claim that this increased fee would disproportionately harm economically-disadvantaged students and students that were never exposed to the course material during high school years. Proponents advocate personal responsibility and savings of taxpayer dollars since the provisions would in no way adversely affect students that succeed in course work or hinder a student's opportunity to try a course for the first time.

Facilitates guidance efforts and encourages collaboration in addressing remedial problems

Within the public school system, students and parents would be notified, through handbooks, manuals, career education instructional materials, and other similar documents, about recommended high school course work that prepares students for success in college-level work. School districts and community colleges would be encouraged to work together to provide accurate and timely information regarding financial aid programs. Such information could provide guidance and direction in planning students' curricular future.

High school students would be assessed in the 10th grade for the purpose of obtaining information useful in counseling and placement purposes, therefore permitting them time to remedy deficiencies while still enrolled in high school and prior to enrollment in postsecondary education. Community colleges would work with public high schools in the development of interinstitutional articulation agreements aimed at reducing the incidence, demands, and costs associated with postsecondary remedial education. Strategies for promoting "tech prep" programs of study would also be developed.

WORKFORCE DEVELOPMENT

Postsecondary student fee exemptions

The bill would maintain postsecondary student fee exemptions (credit and non-credit) for WAGES participants. However, it would allow a local WAGES board that chooses to contract with a public

school district or community college for education and training services, to provide payment for the cost of the fee exemptions.

Contracting for Adult Education Fees

School districts and community colleges would be permitted to contract with a local WAGES board through the jobs and education regional board for funding for specialized services which are beyond what is routinely provided for the general public. Attendance of WAGES participants would be required under any contract with the local WAGES coalition.

Payment Structure

The bill would permit the use of an alternative payment structure for job training services which would provide for the distribution of not more than 40% of the cost of services upon admission, not more than an additional 30% for retention and progress toward completion, with the remaining percent divided between employment retention for at least 6 months and placement, with the majority paid based on placement. This differs from the current payment structure in that it would allow the majority of funds (up to 70%) to be paid prior to placement of the WAGES participant. It would allow flexibility to provide payments for up-front costs of serving a WAGES participant in job training services.

Work Activities

The definition of unsubsidized employment would be expanded to include paid apprenticeship and cooperative education activities.

Subsidized private-sector employment

Educational institutions in cooperation with the employer would be able to provide on-the-job training, and educational institutions on behalf of the employer would be authorized to receive a subsidy to offset the cost of provided training. The bill does not specify who would pay the subsidy.

Subsidized public-sector employment

Work-study would be included in the definition of subsidized public-sector employment.

Community service work experience

Reasons for clients to be placed in community service work would be specified. Placement in this activity would be for those clients who need to increase employability and job retention skills, thus allowing wages clients to maintain a work activity while waiting to be placed in employment or job training.

Work experience

A separate category designed for WAGES clients who have little or no preparation for work (hard-to-place) would be created. Work experience, and specific training and education requirements would be defined. The WAGES Program would be required to pay for supervision of work experience and training activities through a performance-based contract with goals and outcomes that will move the client toward full-time employment.

Job search and job readiness assistance

Instruction in retaining a job, success in the workplace, and career planning would be added as acceptable job-seeking activities.

Vocational education and training (s. 414.065(1)(g)1., F.S.)

Remedial or basic skills instruction would not be included in the 12 month restriction on vocational training for WAGES clients.

Vocational education and training (s. 414.065(1)(g)2., F.S.)

A provider of services would be partially paid when a WAGES client enters and continues education or training, instead of when a client completes education or training.

Currently, the majority of the payment for services is required to be made after the client is employed or is retained for a specific duration. The bill would change that requirement to at least 25% of payment to be made after the client is employed or is retained for a specific duration.

For the purpose of performance-based payments, the Florida Jobs and Education Partnership would include in its identified programs, specially developed programs for the hard-to-place recipients.

Community colleges or school districts would not be required to conform to provisions under s. 239.249, F.S. (performance-based incentive funding for vocational and technical education programs) and s. 240.40685, F.S. (Certified Teacher-Aide Welfare Transition Program). This requirement was changed to conform to section 414.027(g), F.S., of the bill.

Vocational and education training - job skills training (s. 414.065(1)(h), F.S.)

Literacy instruction would be included as a secondary job skills training activity for clients who have a high school diploma or its equivalency but do not have literacy skills for a specific job or job training program.

Work Activity Requirements (ss. 414.065(2)(a), 414.065(2)(b) and 414.065(10)(b), F.S.)

Clients who cannot obtain or retain employment because of lack of basic skills could be required to obtain instruction to increase employability skills, as long as total activities do not exceed 40 hours per week.

WAGES program funds could support those clients who meet work requirements and who wish to obtain more educational instruction beyond that which is required.

Small School Districts and Community Colleges Appeal Process

Smaller or rural school districts and community colleges could take advantage of an appeal process that would be developed by the state Jobs and Education Partnership Board, and implemented by the local Regional Workforce Development Boards. The appeal process would allow those smaller districts or community colleges to be exempt from the mandatory participation in the performance-based incentive funding program. Specific eligibility criteria to be used in the appeal process would be provided.

Task Force for Postsecondary Education and Workforce Development Issues

The Commissioner of Education would be required to appoint a task force to investigate issues associated with the role of postsecondary education in Florida's job training, WAGES, and workforce development activities. Membership of the task force would include, but not be limited to: two members of the Florida House of Representatives as appointed by the Speaker of the House, two members of the Florida Senate as appointed by the President of the Senate, and members representing public schools, community colleges, private postsecondary institutions, workforce development boards, and WAGES boards. Task force duties would include investigating, evaluating, and making recommendations on: restructured governance, reporting, funding, and accountability measures with emphasis on adult and vocational education. The task

force would make substantive and fiscal recommendations to the Governor and the Legislature no later than January 1, 1998.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

Articulation -- Yes. The bill allows the Commission of Education to approve dual enrollment courses for limited course offerings having statewide appeal and conducted at a single site.

Distance Learning -- The Institute on Public Postsecondary Distance Learning would be created to facilitate collaborative efforts, and coordinate issues about distance learning between the State University System and the State Community College System. The Institute would provide policy recommendations to the Board, which is comprised of representatives from both delivery systems. The Board may or may not approve any policy recommendations.

Paperwork Reduction -- Yes, the proposed changes to the APA would benefit the community colleges by authorizing them to continue to make rules and policies as they have done in the past. Changes would also eliminate rule making requirements for the State Board of Education in regard to basic skills standards and for the community colleges in regard to child care centers.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

Articulation -- Yes. Should the Commissioner of Education choose to review and approve any limited dual enrollment courses.

Postsecondary Readiness -- The bill would require local-level community college and public school officials to develop strategies for reducing postsecondary remedial education needs and promoting "tech prep" programs of study.

Workforce Development -- The bill requires the Commissioner of Education to appoint a task force to investigate issues relating to the role of postsecondary education in Florida's job training, WAGES, and workforce development activities.

(3) any entitlement to a government service or benefit?

Financial Aid -- The bill would allow postsecondary fee exemptions for children adopted from the Department of Children and Families after December 31, 1997.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

NA

(2) what is the cost of such responsibility at the new level/agency?

NA

(3) how is the new agency accountable to the people governed?

NA

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

Postsecondary Readiness -- In some arenas, an increase in student fees has been interpreted as an increase in taxes to students. This bill does raise the amount of matriculation fees paid by only those students that repeat the same postsecondary remedial class or those undergraduate students that repeat the same college-credit class more than twice.

b. Does the bill require or authorize an increase in any fees?

Postsecondary Readiness -- As stated above, the bill does authorize an increase in matriculation fees for only those students that repeat the same postsecondary remedial class, or those undergraduate students that repeat the same college-credit class more than twice.

c. Does the bill reduce total taxes, both rates and revenues?

Postsecondary Readiness -- The state would incur an indeterminate fiscal benefit that corresponds with the costs incurred by individual students.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

Postsecondary Readiness -- Community colleges and universities would be authorized to assess students additional costs associated with repeating the same postsecondary remedial or college-credit classes.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

Financial Aid -- The bill would allow postsecondary fee exemptions for children adopted from the Department of Children and Families after December 31, 1997.

Postsecondary Readiness -- The state would no longer contribute funds to support the continuous enrollment of a student after such student repeats the same postsecondary remedial class, or repeats the same college-credit class more than twice. The student would be required to pay 100% of the full cost of instruction in both situations, with no state funding support.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Postsecondary Readiness -- Indeterminate. An indeterminate number of public high school students that desire to earn a "college-ready" diploma may incur the cost of taking the CPT as a prerequisite to receipt of the diploma. Students would be required to pay a higher cost for repeat enrollment in the same postsecondary remedial class, or continuous enrollment in the same college-credit class.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Articulation -- No. Local school districts, community colleges, and state universities would need to follow the policies established by the Commissioner of Education in regard to dual enrollment credit for approved courses.

Distance Learning -- Collaborative efforts from both distance learning entities should increase options for individuals and others to conduct their own affairs by: providing a coordinated effort to increase student access to education through distance learning; allowing more freedom for a student when scheduling courses; reducing time to obtain a degree by allowing students to take courses by distance learning which might not always be available to the student.

Financial Aid -- Provisions in the bill related to the Limited Access Competitive Grant Program might increase the number of students participating in programs offered at eligible independent educational institutions.

According to the Department of Children and Families, adopted children are more likely to attend college due to the encouragement of their adoptive families, particularly children adopted at an early age. The Department also reports that improvements in foster children are often "dramatic" once they are part of a permanent family.

Paperwork Reduction -- Yes, if institutions are considered in the same capacity as individuals. The proposed changes would give local entities more flexibility in their respective individual operations in regard to noticing, rule making, and reporting requirements.

Postsecondary Readiness -- Yes. To facilitate informed decision making efforts, high school students and their parents would be informed about financial aid opportunities and about recommended course work that would prepare a student for success in postsecondary education. Additionally, community colleges would be required to notify students about instructional programs that provide students with alternatives to traditional college-preparatory instruction, including private provider instruction.

Workforce Development -- Provisions in the bill create a separate category of work activities designed to address the needs of WAGES participants with minimal or no employability skills (hard-to-place). These activities provide training and education which would help move the participant toward full-time employment.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

Postsecondary Readiness -- To the contrary, the bill would permit home-schooled students to meet an admission requirement of community college degree programs without requiring said students to submit to General Education Diploma requirements.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

NA

(2) Who makes the decisions?

NA

(3) Are private alternatives permitted?

NA

(4) Are families required to participate in a program?

NA

(5) Are families penalized for not participating in a program?

NA

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

NA

(2) service providers?

NA

(3) government employees/agencies?

NA

D. SECTION-BY-SECTION ANALYSIS:

Sections 1 through 7. Amend and create sections of law related to Financial Aid.

Sections 8 through 11 . Amend sections of law related to Articulation.

Sections 12 through 13. Create sections of law related to Distance Learning.

Sections 14 through 27. Amend and repeal sections of law related to Paperwork Reduction.

Sections 28 through 36. Amend and create sections of law related to Postsecondary Readiness.

Sections 37 through 43. Amend sections of law related to Workforce Development.

Section 44.

Provides that, except as otherwise provided, the act will take effect on July 1, 1997.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Postsecondary Readiness -- The State Board of Community Colleges would realize a minimal cost associated with the development of guidelines related to alternative degree program admission requirements.

Workforce Development -- Minimal fiscal impact due to the establishment and activities of the task force.

2. Recurring Effects:

Paperwork Reduction -- A minimal positive fiscal impact may be realized due to the eliminated need to provide administrative support for the production and maintenance of overlapping or duplicate reports.

Postsecondary Readiness -- According to sources at the Department of Education, there are approximately 135,000 tenth grade students enrolled in the public school system. At \$5/administration/student (as estimated by the Department of Education), the Department would incur an annual cost of approximately \$675,000 for the statewide administration of the exam, until such time as an equivalent statewide exam is developed and correlated to the CPT. According to the Department, an equivalent exam, known as the Florida Comprehensive Assessment Test (FCAT), would be available for full implementation during the spring of 1998.

The state could realize an indeterminate fiscal benefit of over \$20 million, and individual students could realize a corresponding fiscal cost, due to provisions requiring students to pay 100% of the full cost of instruction when the same postsecondary remedial class is repeated or when the same college-credit class is repeated more than twice. With regard to postsecondary remedial instruction, according to the Division of Community Colleges, approximately 15% of the nearly 200,000 students enrolled (*see note in comment section of analysis*) in postsecondary remedial instruction repeat the same class (this equals about 30,000 students, annually). Students currently pay about \$52/credit hour in direct instructional costs out of a total of approximately \$132/credit hour, according to the Division. Under the provisions of this bill, if a student repeats the same remedial class, and the class is three credits, the state could realize an annual savings of about **\$6.4 million** since there would be no state support for the continuous enrollment of those students in the same remedial class (this equals 30,000 students times \$72/credit hour for a three-hour class).

The same principle applies to state savings realized from students paying for the full cost of instruction for continuous enrollment (i.e., more than twice) in the same college-credit class. The state currently contributes about 75% of the full cost of college-credit instruction with the student contributing the remaining 25%. Under the provisions of this bill, both community college and state university students that repeat the same college-credit class more than twice would be required to pay 100% of the full cost of instruction. According to the Division of Community Colleges, approximately 2.2% of the nearly 2 million students enrolled (*see note in comment section of analysis*) in college-credit classes within the community college system repeat the same class more than twice (this equals about 44,000 students at the community college-level, annually). With undergraduate matriculation at about \$30/credit hour at a community college, if students incur the full cost for repeating a class for the third time, the state would potentially

realize an annual savings of about **\$11.8 million** since there would be no state support for the continuous enrollment of those students in the same college credit class beyond the second enrollment (this equals the state's contribution of 75% of \$360 per 3-credit class for about 44,000 students). This estimated savings to the state applies only to community college instruction. Data about university students that repeated college-credit classes were not available at the time this analysis was prepared.

State funds spent on postsecondary remedial courses should be reduced as a result of greater student preparedness required by the college-ready diploma.

Workforce Development -- Indeterminate. The number of hard-to-place WAGES participants that may require special services is unknown.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Workforce Development -- Indeterminate, due to the unknown number of WAGES participants who will require training and educational services.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Articulation -- Community colleges and public schools would realize an indeterminate positive benefit associated with no longer being responsible for analyzing a student's high school transcripts and calculating respective grade point averages.

Postsecondary Readiness -- Community colleges would realize a minimal cost associated with the development of institutional policy with regard to alternative degree program admission requirements. Community colleges would also realize indeterminate costs associated with the development of institutional exams used by students to "exit" remedial instruction.

2. Recurring Effects:

Paperwork Reduction -- Indeterminate. Community colleges may realize a benefit due to the reduction of costs relative to reporting requirements such as noticing and report publication and printing. In addition, the community colleges would reduce their costs to notify citizens and produce additional reports for people outside of their service areas unaffected by their activities.

Postsecondary Readiness -- Community colleges have the responsibility to administer, supervise, and fund the administration of the CPT to high school students that choose to take the exam in the 10th grade (State Board Rule 6A-10.0315). Some community colleges enter into agreements with school boards to establish specifications for implementing the CPT, which may include a small fee per student to cover test and scoring materials. However, if the number of students taking the CPT greatly increases due to the availability of the college ready diploma, it may cause an indeterminate fiscal impact on the community colleges.

Community colleges would be prohibited from claiming students that repeat the same remedial class, and community colleges and universities would be prohibited from claiming students that repeat the same college-credit class more than twice as full-time equivalent enrollments for funding purposes.

Workforce Development -- Indeterminate. At the time this analysis was prepared, there were no WAGES figures available on which to base an estimated cost for serving WAGES participants, since this is a newly-created category of exemptions.

Loss of funds to community colleges due to postsecondary fee exemptions may be offset by contracting with the local WAGES boards for payment of fee exemptions.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

Postsecondary Readiness -- Individual students could realize a fiscal cost due to provisions requiring students to pay 100% of the full cost of instruction when the same postsecondary remedial class is repeated or the same college-credit class is repeated more than twice.

Students repeating a postsecondary remedial course could be expected to pay an additional \$72/credit hour (or \$216 for a three-credit class). The total cost to a student for repeat enrollment in a postsecondary remedial class would then be about \$132/credit hour (\$64 plus \$68), or about \$396 for a three-credit class (compared to \$156 for a three-credit class for first-time enrollment). About 15% of students enrolled in postsecondary remedial education repeat the same class.

Both community college and state university system undergraduate students repeating a college-credit class more than twice could be expected to pay an additional \$90/credit hour (or \$360 for a three-credit class). The total cost to a student for repeating the same college-credit class more than twice would then be about \$120/credit hour (\$30 plus \$90), or about \$360 for a three-credit class (compared to \$90 for a three-credit class for first and second time enrollment). About 2.2% of community college students enrolled in college-credit classes enroll in the same class more than twice.

2. Direct Private Sector Benefits:

Financial Aid -- Provisions in the bill related to the Limited Access Competitive Grant Program may encourage interest and therefore may increase the number of students enrolled in eligible programs at eligible independent educational institutions.

Postsecondary Readiness -- Better-prepared students may realize a cost benefit since they could advance directly to credit-earning course work and avoid spending money on remedial or adult education course work. To the extent that the "college-ready" diploma results in a student population better prepared to enter the workforce, the benefits to the private sector, while indeterminate, could be significant.

Foreign language is not required for high school graduation but is required for admission by state universities. By taking the foreign language courses in high school to earn the college-ready diploma, the student will not have to pay for the courses at the postsecondary level.

Workforce Development -- There may be an increased need for services for the hard-to-place WAGES participant.

3. Effects on Competition, Private Enterprise and Employment Markets:

Financial Aid -- Eliminating the requirement that a student must be denied access in order to participate in the Limited Access Competitive Grant Program would allow the student to attend an eligible independent institution in an eligible program at the beginning of the student's postsecondary educational experience. This might allow more students to complete programs identified as high priority employment, and the supply of graduates in these high priority areas could increase.

Postsecondary Readiness -- Better-prepared students contribute to better-prepared graduates and, consequently, better-prepared workers.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of state tax shared with counties or municipalities.

V. COMMENTS:

This bill is a combination of several committee work products. Specifically, the issues were addressed in committee as PCB 01 (Articulation), PCB 02 (Distance Learning), PCB 03 (Financial Aid), PCB 04 (Paperwork Reduction), PCB 05 (Postsecondary Readiness), and PCB 06 (Workforce Development). This bill analysis is a combination of the components from the bill analyses of each of the PCBs.

Distance Learning -- SB 2870, similar to this bill, was filed and passed in the Senate during the 1996 Legislative Session. SB 2870 died in House messages.

Postsecondary Readiness -- Parts of this analysis are based on information provided in the report "An Analysis of Postsecondary Student Preparedness and Remedial Education Needs" which was published January 8, 1996, as a result of a joint interim project of the House Committee on Higher Education and the House Committee on Education (Legislative Catalog Number: HE-001.0196). Several provisions in this bill passed out of the Committee on Higher Education as part of HB 2673 during the 1996 Legislative Session. The bill died on the House Calendar.

Note on fiscal statements related to Postsecondary Readiness: For the sake of clarity in the fiscal portions of this analysis related to postsecondary readiness, it was assumed that enrollment meant one student participating in one postsecondary remedial or college-credit course. It is likely, however, that one student may have been enrolled in more than one class. For example,

what was presented as 200,000 students enrolled in one class each may actually have been 50,000 students enrolled in four classes each.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON COMMUNITY COLLEGES AND CAREER PREP:
Prepared by: Legislative Research Director:

Kathy Dunnigan

Theresa A. Klebacha, Ph.D.