

**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.)

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Prepared By: The Professional Staff of the Committee on Education

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BILL: SPB 7044

INTRODUCER: For consideration by the Education Committee

SUBJECT: Postsecondary Education

DATE: February 7, 2022

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Jahnke</u>	<u>Bouck</u>	_____	<b>Pre-meeting</b>

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**I. Summary:**

SPB 7044 modifies requirements related to postsecondary education transparency of course information and student fees, transfer of credit, and accreditation. Specifically the bill:

- Requires additional information about textbooks and instructional materials that Florida College System (FCS) institutions and state universities must post at least 45 days before the first day of class for each term.
- Revises the maintenance requirements and course information that must be included in the statewide course numbering system (SCNS).
- Requires the State Board of Education to adopt rules governing the SCNS procedures, collection of course information, publication of course information, and faculty discipline committee reviews.
- Requires certain postsecondary education institutions receiving general education course credit in transfer to apply the credit to general education core course requirements and other general education requirements before applying as elective credit.
- Establishes transparency requirements for FCS institutions and state universities to prominently post and email to enrolled students all tuition and fees.
- Subjects any FCS institution or state university proposal or action to increase a fee, authorized by law, to an extraordinary vote.
- Prohibits a state college or state university from being accredited by the same accrediting agency or association for consecutive accreditation cycles.
- Provides a cause of action for any postsecondary education institution that is negatively impacted by a retaliatory action by its accrediting agency or association.

The bill has no fiscal impact on state government. See Section V.

The bill is effective July 1, 2022.

## II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

## III. Effect of Proposed Changes:

### Textbooks and Instructional Materials Transparency

#### *Present Situation*

Current law establishes requirements regarding the textbook and instructional materials<sup>1</sup> adoption process at Florida College System (FCS) institutions and state universities.<sup>2</sup> As part of this process, each FCS institution and university is required to post a hyperlink to lists of required and recommended textbooks for at least 95 percent of all courses and course sections offered during the upcoming term.<sup>3</sup> Such lists must be posted as early as is feasible, but at least 45 days before the first day of class for each term.<sup>4</sup> The lists must include the International Standard Book Number (ISBN) for each required textbook or other identifying information, which must include, at a minimum: the title, all authors listed, publishers, edition number, copyright date, published date, and any other relevant information necessary to identify the specific textbooks or instructional materials required and recommended for each course.<sup>5</sup>

Eight of the 12 state universities met the 95 percent threshold for posting of lists of required and recommended textbooks and instructional materials for courses and course sections at least 45 days prior to the start of classes for the Fall 2020 semester.<sup>6</sup> Ten universities met the threshold for the Spring 2021 semester.

Twenty-one of the 28 FCS institutions met the 95 percent threshold for posting of lists of required and recommended textbooks and instructional materials for courses and course sections at least 45 days prior to the start of classes for the Fall 2020 semester.<sup>7</sup>

The State Board of Education (SBE) and the Board of Governors (BOG) are required to adopt textbook and instructional materials affordability policies, procedures, and guidelines for implementation by FCS institutions and state universities, respectively, that further efforts to minimize the cost of textbooks and instructional materials for students attending such institutions while ensuring that the quality of education and academic freedom is maintained.<sup>8</sup>

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<sup>1</sup> Pursuant to s. 1004.085(1), F.S., the term ‘instructional materials’ means “educational materials for use within a course which may be available in printed or digital format.”

<sup>2</sup> Section 1004.085, F.S.

<sup>3</sup> Section 1004.085(5), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Florida Board of Governors, *State University System Textbook & Instructional Materials Affordability Report Fall 2021*, at pg. 7, available at [https://www.flbog.edu/wp-content/uploads/2021/11/2021-Textbook-Instructional-Materials-Report\\_Final.pdf](https://www.flbog.edu/wp-content/uploads/2021/11/2021-Textbook-Instructional-Materials-Report_Final.pdf).

<sup>7</sup> See Florida Department of Education, *College and Textbook Affordability in the Florida College System 2021* (Fall 2021).

<sup>8</sup> Section 1004.085(6), F.S. See also Board of Governors Regulation 8.003 and State Board of Education Rule 6A-14.092, F.A.C.

Further, the board of trustees of each FCS institution and state university is required to submit an annual report by September 30 to the Chancellor of the FCS or the State University System (SUS), respectively.<sup>9</sup> Each FCS institution's and state university's report is required to address the following four components:<sup>10</sup>

- The textbook and instructional materials selection process for high-enrollment courses.
- Specific initiatives of the institution designed to reduce the costs of textbooks and instructional materials.
- Institution policies implemented for the posting of textbook and instructional materials information for students.
- The number of courses and course sections that did not meet the textbook and instructional materials posting deadline in the previous academic year.

### ***Effect of Proposed Changes***

The bill modifies s. 1004.085, F.S., to supplement current law requiring posts of lists of required and recommended textbooks and instructional materials at least 45 days before the first day of class for each term. The bill requires the lists to:

- Remain posted for at least five academic years.
- Be searchable by the course subject, course number, course title, the name of the instructor of the course, the title of each assigned textbook or instructional material, and each author of an assigned textbook or instructional material.
- Be easily downloadable by current and prospective students.

In addition, if a course is a general education core course option, the list must include course syllabi information containing sufficient detail to inform students of all of the following:

- The course curriculum.
- The goals, objectives, and student expectations of the course.
- How student performance will be measured.

### **Articulation**

The Legislature has established policies to facilitate articulation and seamless integration within Florida's education system. The purpose of the State's system of articulation is to provide for the efficient and effective progression and transfer of students within the education system and to allow students to proceed toward their educational objectives as rapidly as their circumstances permit.<sup>11</sup>

### ***Present Situation***

Florida law requires the Department of Education, in conjunction with the BOG, to develop, coordinate, and maintain a statewide course numbering system for postsecondary and dual enrollment education in school districts, public postsecondary educational institutions, and participating nonpublic postsecondary educational institutions that will:<sup>12</sup>

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<sup>9</sup> Section 1004.085(7), F.S.

<sup>10</sup> Section 1004.085(7), F.S.

<sup>11</sup> Section 1007.01(1) and (2), F.S.

<sup>12</sup> Section 1007.24(1), F.S.

- Improve program planning.
- Increase communication among all delivery systems.
- Facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions.

The continuing maintenance of the system must be accomplished with the assistance of appropriate faculty committees representing public and participating nonpublic educational institutions.<sup>13</sup>

All 12 of Florida's state universities, 28 FCS institutions, 38 participating nonpublic postsecondary institutions, and 48 career education centers participate in the statewide course numbering system (SCNS).<sup>14</sup> When transferring institutions, a student's credits are accepted at institutions participating in the SCNS when the two institutions offer the same course, course prefix, and number.<sup>15</sup>

Courses that have the same academic content and are taught by faculty with comparable credentials are given the same prefix and number and are considered equivalent courses.<sup>16</sup> Equivalent courses are guaranteed to transfer to any other institution participating in the SCNS. Credits awarded for equivalent courses must satisfy institutional requirements on the same basis as credits awarded to native students.<sup>17</sup> Courses that are not substantially like any other course in the SCNS are given a unique course number and are not considered equivalent.<sup>18</sup>

Specific types of courses are exempted from the guarantee of transfer for equivalent courses. Exceptions include courses not offered at the receiving institution; special topics, internship, practicum, and dissertation courses, graduate courses; and applied performing arts or skills courses in criminal justice that require demonstration achievement.<sup>19</sup>

### Statewide Articulation Agreement

Florida established a Statewide Articulation Agreement in 1971 to facilitate the seamless articulation of student credits between and among public postsecondary institutions.<sup>20</sup> The "2+2" articulation system provides for the equitable treatment of transfer students.<sup>21</sup> The Articulation

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<sup>13</sup> Section 1007.24(1), F.S.

<sup>14</sup> Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 3, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

<sup>15</sup> *Id.* at 3-4.; See also Section 1007.24(7), F.S. The course number is composed of a three character prefix, a three digit number indicating the course content, and a level digit indicating the level of instruction (non college credit, lower or upper division, or graduate and professional).

<sup>16</sup> Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 4, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

<sup>17</sup> Section 1007.24(7), F.S.

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

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

<sup>20</sup> Section 1007.23, F.S.; Rule 6A-10.024 F.A.C.; Florida Board of Governors Regulations for Articulation; See also Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 14, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

<sup>21</sup> Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 14, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

Coordinating Committee, made up of members representing the SUS, FCS, public career and technical education, K-12 education, and nonpublic postsecondary education oversees the agreement and makes recommendation for continuous improvement.<sup>22</sup>

Under the statewide articulation agreement, a student who graduates from an FCS institution with an associate in arts (AA) degree is guaranteed the following rights:<sup>23</sup>

- Admission to an upper division program at a state university or FCS institution if it offers baccalaureate degree programs, except to limited access programs.<sup>24</sup>
- Acceptance of at least 60 semester hours by the state universities and FCS baccalaureate degree-granting institutions.
- Adherence to the university or college requirements and policies, based on the catalog in effect at the time the student first enters the Florida college, provided the student maintains continuous enrollment.
- Transfer of equivalent courses under the SCNS.
- Acceptance by the state universities and baccalaureate degree-granting FCS institutions of credits earned in accelerated programs (e.g. Dual Enrollment, CLEP, Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education).
- No additional general education core or general education institutional requirements.
- Advance knowledge of selection criteria for limited access programs.
- Equal opportunity with native university students to enter limited access programs.

Some degree programs require specific lower division coursework outside of common prerequisites, thus, depending on a student's course selection, the 60 hours earned in the AA will be accepted; however, not all of the credit may apply towards a student's degree program.<sup>25</sup>

### General Education Courses

Current law requires an AA degree at an FCS or SUS institution to be no more than 60 semester hours of college credit and include 36 semester hours of general education course work.<sup>26</sup> A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the BOG or the SBE, as applicable, and include 36 semester hours of general education coursework.<sup>27</sup>

Students initially entering an FCS or SUS institution in 2015-2016 and thereafter, are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences.<sup>28</sup> All public

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<sup>22</sup> Section 1007.01(3), F.S.

<sup>23</sup> *Id.* See also Rule 6A-10.024, F.A.C. and Florida Board of Governors, *Regulation 8.007 Articulation* (March 23, 2021), available at [https://www.flbog.edu/wp-content/uploads/8\\_007\\_Articulation\\_final\\_3\\_23\\_2021.pdf](https://www.flbog.edu/wp-content/uploads/8_007_Articulation_final_3_23_2021.pdf).

<sup>24</sup> Florida Board of Governors, *Regulation 8.013 Limited Access*, available at [https://www.flbog.edu/wp-content/uploads/8\\_013\\_Limited\\_Access-1.pdf](https://www.flbog.edu/wp-content/uploads/8_013_Limited_Access-1.pdf).

<sup>25</sup> Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

<sup>26</sup> Section 1007.25(9), F.S.

<sup>27</sup> Section 1007.25(10), F.S.

<sup>28</sup> Section 1007.25(3), F.S. Beginning in the 2022-2023 academic year, and thereafter students entering an associated in applied science degree or an associate in science degree must complete at least one identified core course in each subject area as part of the general education course requirements before a degree is awarded.

postsecondary educational institutions are required to accept these courses as meeting general education core course requirements.<sup>29</sup> After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an associate in arts or baccalaureate degree are at the discretion of the FCS or SUS institution.<sup>30</sup>

General education programs in Florida, while consistent at the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses.<sup>31</sup> Students who transfer with an AA or associate in science (AS) degree, or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements.<sup>32</sup> If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.<sup>33</sup>

### *Effect of Proposed Changes*

The bill modifies s. 1007.24, F.S., to largely codify existing practice in the development and maintenance of the SCNS. The bill requires the SCNS to be maintained electronically and regularly updated by the DOE, and in addition to including the courses at the recommended levels, requires the inclusion of course numbers, course titles, credits awarded, and other identifiable information by institution and academic year, as required by SBE rule. The bill further requires such information to be included in the registration process at each state university and FCS institution.

When receiving transfer course credit, the bill requires postsecondary institutions participating in the SCNS to accept and apply general education courses and credit, including credit earned through dual enrollment, course equivalences, and other acceleration mechanisms, as first satisfying general education core course credit requirements and other general education subject area course credit requirements before applying the course credit as elective credit.

Additionally, the bill requires the SBE to adopt rules that provide for the collection of course information from participating institutions, identifiable information required for each course, and the conduct of regularly scheduled faculty committee reviews and recommendations.

Specifically, the rules must address the following:

- Required institutional reporting formats, timelines, and procedures for the timely and uniform collection and publication of course data information.
- Regularly scheduled faculty committee reviews and recommendations to the commissioner for the alignment or realignment of courses, course numbers, course titles, designated levels,

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<sup>29</sup> Section 1007.25(3), F.S.

<sup>30</sup> Florida Board of Governors, *Regulation 8.005 General Education Core Course Options*, available at [https://www.flbog.edu/wp-content/uploads/8\\_005GeneralEducationCore\\_final.pdf](https://www.flbog.edu/wp-content/uploads/8_005GeneralEducationCore_final.pdf) and Rule 6A -14.0303(5), F.A.C.

<sup>31</sup> Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

credits awarded, and other identifiable information for the purpose of facilitating credit transfer and acceptance for substantially similar courses at receiving institutions.

- Regularly scheduled faculty committee reviews and recommendations to the commissioner for the classification or reclassification of courses as satisfying general education, general education core, prerequisite, substitution, equivalency, civic literacy, or other course types, consistent with subject area, course content, programmatic, and other requirements outlined in rule.

## **Accreditation**

In the United States, institutions of higher education are permitted to operate with considerable independence and autonomy. The United States has no Ministry of Education or other centralized federal authority exercising control over the quality of postsecondary educational institutions, and the states assume varying degrees of control over education. As a consequence, American educational institutions can vary widely in the character and quality of their programs. To ensure a basic level of quality, the practice of accreditation arose in the United States as a means of conducting nongovernmental, peer evaluation of educational institutions and programs.<sup>34</sup>

### ***Present Situation***

In order for students to receive federal student aid from the U.S. Department of Education (USDOE) for postsecondary study, the institution must be accredited by a nationally recognized accrediting agency, be authorized by the State in which the institution is located, and receive approval from the USDOE through a program participation agreement.<sup>35</sup>

Federal law requires an accrediting agency to establish standards for the accreditation process, which must be sufficiently rigorous to ensure that the agency is a reliable authority regarding the quality of the education provided by the institution it accredits.<sup>36</sup> While an agency may establish additional accreditation standards it deems appropriate,<sup>37</sup> the agency must establish standards for the following:<sup>38</sup>

- Student success, in relation to the institution's mission, including as applicable, course completion, passage of state licensing examinations, and job placement rates.
- Curriculum.
- Faculty.
- Facilities, equipment, and supplies.
- Fiscal and administrative capacity as appropriate to the specified scale of operations.
- Student support services.
- Recruiting and admissions practices, academic calendars, catalogs, publications, grading, and advertising.

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<sup>34</sup> United States Department of Education, *History and Context of Accreditation in the United States*, [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg2.html#U.S.](https://www2.ed.gov/admins/finaid/accred/accreditation_pg2.html#U.S.) (last visited February 5, 2022).

<sup>35</sup> United States Department of Education, *Overview of Accreditation in the United States*, <https://www2.ed.gov/admins/finaid/accred/accreditation.html> (last visited February 3, 2022).

<sup>36</sup> 34 C.F.R. s. 602.16.

<sup>37</sup> 34 C.F.R. s. 602.16.(f)(2).

<sup>38</sup> 34 C.F.R. s. 602.16.(1)(i)-(x).

- Measures of program length and the objectives of the degrees or credentials offered.
- Record of student complaints received by, or available, to the agency.
- Record of compliance with the institution's responsibilities under title IV of the Higher Education Act of 1965, as amended, based on the most recent loan default data, the results of financial or compliance audits, program reviews, and any other information provided by the USDOE.

For the purposes of determining institution eligibility for Federal Financial Aid programs, the accrediting agency must also establish the following procedures which are required of an institution it accredits:<sup>39</sup>

- Review newly established branch campuses of any of its accredited institutions.
- Perform regular onsite inspections that focus on educational quality and program effectiveness.
- Monitor the expansion of programs at institutions that are experiencing significant enrollment growth.
- Submit a teach-out-plan to the agency for approval in certain circumstances.
- Confirm that the institution or programs they accredit have publicly disclosed transfer of credit policies and make public the criteria established regarding the acceptance of credit earned at another institution.
- Publicly disclose when an institution is considered for accreditation or renewal of accreditation.

To gain or renew accreditation, an institution must be evaluated through a set of procedures established by an accrediting agency.<sup>40</sup> Many of the procedures are guided by federal requirements.

The process typically begins with an institutional self-study, to examine whether the institution meets the basic standards of the accrediting agency.<sup>41</sup> The self-study includes reports which show how the institution meets the agency's standards. The next phase of the process involves a peer review and site visit at the institution.<sup>42</sup> The peer review includes a review of the self-study and an on-site visit to determine whether the standards of the agency are being met, in addition to discussions with faculty, students, staff and administrators regarding issues or questions that may have arisen during the self-study.<sup>43</sup>

Following the visit, the peer review team submits a report to the accrediting agency with recommendations. The decision-making body of an accrediting agency issues a decision on whether to award or deny accreditation or preaccreditation<sup>44</sup> to a new institution; renew or

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<sup>39</sup> 34 C.F.R. s. 602.24.; *See also* Congressional Research Service, *An Overview of Accreditation of Higher Education in the United States* (Oct. 16, 2020), at 13, available at <https://sgp.fas.org/crs/misc/R43826.pdf>.

<sup>40</sup> Congressional Research Service, *An Overview of Accreditation of Higher Education in the United States* (Oct. 16, 2020), at 5, available at <https://sgp.fas.org/crs/misc/R43826.pdf>.

<sup>41</sup> *Id.* at 5.

<sup>42</sup> *Id.* A peer review is comprised of an outside team of primarily higher education faculty and administrators, but also practitioners in specific fields and member of the public.

<sup>43</sup> *Id.*

<sup>44</sup> 34 C.F.R. s. 600.3. defines "preaccreditation" as the status of accreditation and public recognition that a nationally recognized accrediting agency grants to an institution or program for a limited period of time that signifies the agency has

terminate accreditation for an existing institution; or take an intermediate action, such as probationary status.<sup>45</sup> An accrediting agency must provide an institution with the ability to appeal an agency action prior to it becoming final.<sup>46</sup>

A renewal of accreditation must take place at regularly established intervals set by the accrediting agency.<sup>47</sup> Accrediting agencies also monitor institutions between full accreditation reviews and may require annual reporting, interim reviews, or reviews of any substantive changes.<sup>48</sup>

### Council of Regional Accrediting Commissions

The Council of Regional Accrediting Commissions (C-RAC) represents the seven organizations responsible for the accreditation<sup>49</sup> of approximately 3,000 of the nation's colleges and universities:<sup>50</sup>

- Accrediting Commission for Community and Junior Colleges.
- Higher Learning Commission.
- Middle States Commission on Higher Education.
- New England Commission of Higher Education.
- Northwest Commission on Colleges and Universities.
- Southern Association of Colleges and Schools Commission on Colleges (SACSCOC).
- Western Association of Schools and Colleges (WASC) Senior College and University Commission.

The SACSCOC is the body for the accreditation of degree-granting higher education institutions in the Southern states.<sup>51</sup> It serves as the common denominator of shared values and practices primarily among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and certain other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees.<sup>52</sup>

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determined that the institution or program is progressing toward full accreditation and is likely to attain full accreditation before the expiration of that limited period of time.

<sup>45</sup> Congressional Research Service, *An Overview of Accreditation of Higher Education in the United States* (Oct. 16, 2020), at 5-6, available at <https://sgp.fas.org/crs/misc/R43826.pdf>.

<sup>46</sup> 34 C.F.R. s. 602.25.

<sup>47</sup> 34 C.F.R. s. 602.19(a).

<sup>48</sup> 34 C.F.R. s. 602.22. A substantive change could include an institution's change of control, addition of new educational programs that are a significant departure from existing offers, or a new location or branch campus.

<sup>49</sup> Defined as "a process of external review used by the higher education community to assure quality and spur ongoing improvement." Council of Regional Accrediting Commissions, *Accreditation 101*, <https://www.c-rac.org/accreditation-101> (last visited February 4, 2022).

<sup>50</sup> Council of Regional Accrediting Commissions, *Who We Are*, <https://www.c-rac.org/copy-of-about-us> (last visited February 4, 2022).

<sup>51</sup> The Southern Association of Colleges and Schools Commission on Colleges website at <https://sacscoc.org/about-sacscoc/> (last visited February 4, 2022).

<sup>52</sup> *Id.*

SACSCOC accredits 74 Florida public and private colleges and universities,<sup>53</sup> including 12 universities that make up the State University System of Florida, 28 institutions in the Florida College System, and 34 private colleges and universities.

#### Revised Federal Regulations for Accreditation outside Traditional Region

In 2020, the U.S. Department of Education (USDOE) revised federal regulations to remove geographical boundaries on institutions seeking accreditation.<sup>54</sup> The USDOE noted the distinctions between regional and national accreditors are artificial and all accreditors are held to the same USDOE standards.<sup>55</sup> Further under these rules, the USDOE recognizes accreditors based on the following three categories: institutional accreditors, programmatic accreditors, and specialized accreditors, which are programmatic accreditors that also accredit single-program institutions.<sup>56</sup>

The USDOE recognizes 31 non-regional accrediting agencies whose member institutions may establish eligibility to participate in federal financial aid programs.<sup>57</sup>

#### ***Effect of Proposed Changes***

The bill creates section 1008.47, F.S., relating to postsecondary education institution accreditation. The bill defines a “postsecondary education institution” as an FCS institution, state university, or nonpublic postsecondary education institution that receives state funds.

The bill prohibits Florida’s public postsecondary education institutions from being accredited by the same accrediting agency or association for consecutive accreditation cycles. The bill requires in the year following reaffirmation or fifth-year review by their accrediting agencies or associations, public postsecondary education institutions to collaborate to identify accrediting agencies or associations that are recognized by the database created and maintained by the USDOE, other than their current accrediting agencies or associations, from which to seek accreditation and seek and obtain accreditation before their next reaffirmation date.

The bill also provides a cause of action against an accrediting agency or association by a public or private postsecondary education institution that has been negatively impacted by retaliatory action taken against the postsecondary education institution by an accrediting agency or association. The bill provides that if the postsecondary institution prevails, it may recover liquidated damages up to the amount of federal financial aid received by the postsecondary education institution, court costs, and reasonable attorney fees.

These provisions expires December 31, 2032.

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<sup>53</sup> Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List* (July 2021), available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>.

<sup>54</sup> See 84 Federal Register 58917-58918 (amending 34 C.F.R. §§ 602.3, 602.11)

<sup>55</sup> United States Department of Education, *Final Accreditation and State Authorization Regulations*, available at <https://www2.ed.gov/policy/highered/reg/heardulemaking/2018/accredfactsheetfinal.pdf>.

<sup>56</sup> *Id.*

<sup>57</sup> United States Department of Education, *Institutional Accrediting Agencies*, available at [https://www2.ed.gov/admins/finaid/accred/accreditation\\_pg3.html#RegionalInstitutional](https://www2.ed.gov/admins/finaid/accred/accreditation_pg3.html#RegionalInstitutional) (last visited February 5, 2022).

Additionally, the bill directs the Division of Law Revision to prepare a reviser's bill to replace references to the phrases "the Southern Association of Colleges and Schools," "the Commission on Colleges of the Southern Association of Colleges and Schools," and "the Southern Association of Colleges and Schools Commission on Colleges" wherever they occur in Florida Statutes with the phrase "an accrediting agency or association recognized by the database created and maintained by the United States Department of Education."

## **Tuition and Fees**

### *Present Situation*

#### Florida College System

The SBE has adopted a rule related to student fees. The rule authorizes each FCS institution board of trustees to establish, publish, collect, and budget student fees, and establish dates for the payment of such fees.<sup>58</sup>

The standard tuition rate for the FCS is currently set in statute at \$71.98 per credit hour for advanced and professional, postsecondary vocational, developmental education, and educator preparation institute programs, and at \$91.79 per credit hour for resident baccalaureate degree programs.<sup>59</sup> For 2020-2021, the average annual cost for the academic year, taking 30 credit hours was \$3,207.<sup>60</sup>

Each FCS institution is required to publicly notice and notify all enrolled students of any proposal to increase tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must:<sup>61</sup>

- Include the date and time of the meeting at which the proposal will be considered.
- Specifically outline the details of existing tuition and fees, the rationale for the proposed increase, and how the funds from the proposed increase will be used.
- Be posted on the institution's website and used in a press release.

#### State University System

The BOG, or the board's designee, is authorized to establish tuition for graduate and professional programs and out-of-state fees for all programs.<sup>62</sup> The BOG has adopted regulations related to the adoption of tuition and fees at state universities.<sup>63</sup> The regulations authorize undergraduate tuition per credit hour to be charged as established in law and that each university board of trustees set out-of-state fees, graduate fees and myriad other associated student fees.<sup>64</sup>

<sup>58</sup> Rule 6A-14.054, F.A.C.

<sup>59</sup> Section 1009.23(3)(a) and (b), F.S.

<sup>60</sup> See The Florida Department of Education "College and Textbook Affordability in the Florida College System 2021," at pg. 2-3.

<sup>61</sup> Section 1009.23(20), F.S.

<sup>62</sup> Section 1009.24(4)(b), F.S.

<sup>63</sup> Florida Board of Governors, *Active Regulations, Chapter 7*, <https://www.flbog.edu/regulations/active-regulations/> (last visited February 4, 2022).

<sup>64</sup> Florida Board of Governors, *Regulation 7.003 Fees, Fines and Penalties*, available at <https://www.flbog.edu/wp-content/uploads/7-001-tuition-and-associated-fees-regulation.pdf>.

BOG regulation requires the institution board of trustees to authorize all fees assessed to students and that only tuition and fees outlined in the board regulations may be charged.<sup>65</sup>

The resident undergraduate tuition rate for the SUS is currently set in statute at \$105.07 per credit hour.<sup>66</sup> For 2021-2022, the average resident undergraduate, full-time student tuition and fees is \$6,030.26.<sup>67</sup>

Each state university is required to publicly notice and notify all enrolled students of any proposal to change tuition or fees at least 28 days before its consideration at a board of trustees meeting. The notice must:<sup>68</sup>

- Include the date and time of the meeting at which the proposal will be considered.
- Specifically outline the details of existing tuition and fees, the rationale for the proposed change, and how the funds from the proposed change will be used.
- Be posted on the institution's website and used in a press release.

### *Effect of Proposed Changes*

The bill requires each FCS institution and state university to prominently post all tuition and fees, as well as any proposed changes, to their respective websites in an area that is transparent and easily accessible. Additionally, the bill adds to existing notification requirements to require that for any proposal to increase tuition or fees, the institution must email this information to all enrolled students. The bill requires the emailed notification to all enrolled students to also include how existing tuition and fees are expended and the necessity for the proposed change or increase.

The bill subjects any FCS institution or state university proposal or action for a fee increase, authorized by law, to a supermajority vote. Specifically, the bill requires that an FCS institution proposal or action to raise, impose, or authorize any fee, as authorized by law, except for tuition, must be approved by a supermajority of the members of the board of trustees of the institution, if approval by the board of trustees is required by general law, and supermajority vote of the members of the SBE, if approval by the SBE is required by general law, in order to take effect.

The bill codifies s. 7(e), Art. IX of the State Constitution by requiring any state university proposal or action to raise, impose, or authorize any fee, as authorized by law, except for tuition, to be approved by at least nine affirmative votes of the members of the board of trustees of the constituent university (out of a total of 13 members), if approval by the board of trustees is required by general law, and at least 12 affirmative votes of the members of the BOG (out of a total of 17 members), if approval by the BOG is required by general law, in order to take effect.

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<sup>65</sup> Florida Board of Governors *Regulation 7.001 Tuition and Associated Fees*, available at <https://www.flbog.edu/wp-content/uploads/2021/10/7.003-Fees-fines-penalties-regulationOct2021FINAL.pdf>.

<sup>66</sup> Section 1009.24(4)(a), F.S.

<sup>67</sup> Florida Board of Governors, *State University System of Florida, Tuition and Required Fees, 2021-22*, available at <https://www.flbog.edu/wp-content/uploads/2021/07/2021-2022-SUS-Tuition-and-Fees-Report.pdf>.

<sup>68</sup> Section 1009.24(20), F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

The measures designed to improve articulation and credit transfer may allow students to also save money by completing their programs in a more timely fashion.

The provision relating to public postsecondary institutions seeking and obtaining accreditation may have a positive impact on some accrediting agencies or associations while having a negative fiscal impact on others, depending on which accrediting agencies and associations receive applications from Florida's public postsecondary institutions.

## C. Government Sector Impact:

There will be an indeterminate cost to Florida College System institutions and state universities related to the requirement they seek and obtain accreditation from an accrediting agency or association other than their current accreditors.

Costs associated with seeking institutional accreditation vary amongst accreditation agencies, but may include an application fee between \$5,000 to \$12,500; candidacy fee, which is between \$5,000 to \$6,000 for at least two regional accreditors; and costs associated with site visits conducted by the accreditor averaging \$2,500 plus expenses per

evaluator. The candidate institution pays all reasonable and necessary costs per site visit, including travel, lodging, food, and possibly honoraria.

The initial accreditation process requires a substantial financial and time commitment. To the extent the cost of seeking and obtaining accreditation is greater than the costs borne for reaffirmation, there is an indeterminate fiscal impact to Florida College System institutions and state universities.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1004.085, 1007.24, 1009.23, and 1009.24.

This bill creates section 1008.47 of the Florida Statutes.

The bill creates an unnumbered section of Florida law.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.