

**Constitution Revision Commission
Education Committee
Proposal Analysis**

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

Proposal #: P 25

Relating to: EDUCATION, creates s. 8

Introducer(s): Commissioner Plymale

Article/Section affected: Article IX, new section

Date: January 17, 2018

	REFERENCE	ACTION
1.	<u>ED</u>	<u>Pre-meeting</u>
2.	<u> </u>	<u> </u>

I. SUMMARY:

The proposal amends Article IX to create a new section, Section 8, State College System. The new section:

- Sets forth purposes of the state college system;
- Provides that there shall be a single state college system with a board of trustees administering each individually governed college and the board of directors of the college system overseeing the system;
- Sets forth requirements for the local boards of trustees, including a residency requirement, and provides that each member shall be appointed by the governor and confirmed by the senate; and
- Creates a statewide board of directors to “operate, regulate, control, and be fully responsible for the management of the whole college system”; and
- Sets forth requirements for and responsibilities of the statewide board of directors.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Overview of Florida College System

The Florida College System (FCS) is comprised of the 28 FCS institutions.¹ These institutions have received numerous recognitions including:

- #1 State in the country for higher education;
- #1 producer of associate degrees and certifications among southern states;
- #4 community college system;

¹ FCS institutions are outlined in s. 1000.21(3), F.S. For a full list of FCS institutions see <http://www.fldoe.org/schools/higher-ed/fl-college-system/colleges/>

- 14 Florida colleges are in Aspen's top 150.²

The FCS serves 801,023 students with an average age of 25.³ Three out of 5 standard high school recipients in 2012-13 enrolled in Florida higher education in 2013-14. Of those students, 65.7 percent enrolled in a FCS institution.⁴ Fifty-seven percent of FCS students are between 18 and 24, 33 percent are 25 or over, and only 10 percent are under 18. Over half, 65 percent, of FCS student are enrolled full time.⁵ Nine out of 10 FCS graduates are continuing education or employed in Florida.⁶

History of the Florida College System

The history of the FCS highlights its local community roots. While the first college was founded in 1927 as a private two-year institution. At their inception universities were governed at the state level, colleges were distinct because they existed exclusively at the local level.⁷ In 1939, the Florida Legislature authorized the SBE to approve the establishment of junior colleges in communities with populations over 50,000. The administration and oversight of those institutions themselves were delegated to local boards.⁸ As a result of The Community Junior College in Florida's Future report, the Legislature adopted a master plan for Florida's community colleges that would provide 28 colleges located within a commuting distance of 30 miles for 99 percent of the state's population.⁹

Governance

In keeping with the community based roots of the FCS, and as outlined in current law, the Florida College System's (FCS) purpose is to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will meet the state's employment needs.¹⁰

² FCS presentation, Florida Senate Education Committee, 10-23-17,

http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, slide 4

³ FCS presentation, Florida Senate Education Committee, 10-23-17,

http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, slide 3

⁴ FCS presentation, Florida Senate Education Committee, 10-23-17,

http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, slide 6

⁵ FCS presentation, Florida Senate Education Committee, 10-23-17,

http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, slide 5

⁶ FCS presentation, Florida Senate Education Committee, 10-23-17,

http://www.flsenate.gov/PublishedContent/Committees/2016-2018/ED/MeetingRecords/MeetingPacket_3977_2.pdf, slide 7

⁷ *Tough Choices Facing Florida's Government; Meeting the Needs of Florida: The Florida College System Past and Future*, LeRoy Collins Institute, September 2016.

http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book_WEB%208-16_0.pdf, page 5

⁸ *Id.*

⁹ <http://www.myafchome.org/assets/site/the%20florida%20community%20college%20system%20history%20with%20update.pdf>, page 2 and http://collinsinstitute.fsu.edu/sites/default/files/Tough%20Choices%20Higher%20Ed%20Book_WEB%208-16_0.pdf, page 6

¹⁰ Section 1001.60(1), F.S.

FCS institutions are governed by a local board of trustees (BOT).¹¹ These local BOT are responsible for cost-effective policy decisions appropriate to the FCS institution's mission, the implementation and maintenance of high-quality education programs within law and rules of the State Board of Education, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.¹²

In 1979 the Florida Legislature established the State Community College Coordinating Board, and in 1983 replaced that board with the State Board of Community Colleges.¹³ In 2001, the statute that established the State Board of Community Colleges was repealed and the Florida college system was placed under the jurisdiction of the Florida Board of Education.¹⁴

To ensure collaboration and articulation between K-12 and the Florida College System institution, the state board of education provides an additional layer of oversight for the system. Currently, the Constitution provides that the state board of education (SBE) "shall be a body corporate and have supervision of the system of free public education".¹⁵ As such, the state board is authorized to adopt rules to implement the provisions of law conferring duties upon the SBE to improve the state system of K-20 Public education, except for the state university system.¹⁶

The SBE is responsible for all oversight of the FCS including:

- Adopting uniform associated with successful performance and progression through the baccalaureate level.¹⁷
- Addressing FCS future growth issues,¹⁸ including criteria for modifying district boundary lines for FCS institutions¹⁹ or establishing new centers or campuses²⁰.
- Adopting a strategic plan that specifies goals and objectives for the state's public schools and Florida College System institutions.²¹
- Providing FCS institutions with educational training and service programs designed to meet the needs of both students and communities served.²²
- Adopting rules used by the FCS intuition BOTS for annual evaluations of presidents and review the BOT evaluations of their president.²³
- Examining the annual administrative review of each Florida College System institution.²⁴

¹¹ Sections 1001.60(3), 1001.61(1), and 1004.65(1), F.S.

¹² Section 1001.64(1), F.S.

¹³ The Florida College System Fact Book, 2016 <http://www.fldoe.org/core/fileparse.php/15267/urlt/FactBook2016.pdf>

¹⁴ Ch. 2000-321, L.O.F. <http://laws.flrules.org/2000/321>

¹⁵ Article IX, Section 2 Fl. Const.

¹⁶ Section 1001.02(1), F.S.

¹⁷ Section 1001.02(2)(d), F.S.

¹⁸ Section 1001.02(2)(u), F.S.

¹⁹ Section 1001.02(4)(d), F.S.

²⁰ Section 1001.02(4)(e), F.S.

²¹ Section 1001.02(3)(a), F.S.

²² Section 1001.02(4)(a), F.S.

²³ Section 1001.02(4)(b), F.S.

²⁴ Section 1001.02(4)(f), F.S.

- Reviewing and administering the FCS funding formula²⁵
- Prescribing minimum standards, definitions, and guidelines for FCS institutions that will ensure the quality of education, coordination among the Florida College System institutions and state universities, and efficient progress toward accomplishing the FCS institution mission.²⁶ Additional specifics are outlined in law.²⁷
- Providing cyclic review of all academic programs in FCS institutions²⁸ and reviewing and approving proposals by FCS intuitions to offer baccalaureate degree programs.²⁹
- Identifying performance metrics for the FCS and developing a plan that specifies goals and objectives for each FCS institution.³⁰

B. EFFECT OF PROPOSED CHANGES:

The proposal revises Article IX to create a new section, Section 8, State College System.

The proposal establishes a new governance structure for the State College System. The new section:

- Sets forth purposes of the state college system;
- Establishes that there shall be a single state college system comprised of all public community and state colleges;
- Sets forth requirements for the local BOT
- Creates a statewide board of directors to “operate, regulate, control, and be fully responsible for the management of the whole college system”; and
- Sets forth requirements for and responsibilities of the statewide board of directors.

The proposal outlines the powers and duties of the local board of trustees at constituent colleges. A member of the BOT must be a resident of the service delivery area of the college and each member shall be appointed by the governor and confirmed by the senate.

The proposal details the powers and membership of the Board of Directors of the State College System. The proposed Board of Directors would be compromised of seventeen members. The governor shall appoint sixteen citizens to the board which shall include a state college faculty member and a student of the state college system. These appointed members shall be confirmed by the senate and serve staggered terms of five years, except for the faculty member and student. The faculty member shall serve a two-year term and the student member shall serve a one-year term as provided by law. The commissioner of education shall also be a member of the board.

²⁵ Section 1001.02(5), F.S.

²⁶ Section 1001.02(6)

²⁷ Section 1001.02(6)(a)-(i), F.S.

²⁸ Section 1001.03(13), F.S.

²⁹ Section 1001.03(15), F.S.

³⁰ Section 1001.03(16), F.S.

The proposed Board of Directors shall operate, regulate, control, and be fully responsible for the management of the whole college system. The proposal provides that the board's management shall be subject to the legislature's power to appropriate for the expenditure of funds and that the board shall account for such expenditures as provided by law.

If adopted, the proposal would transfer the oversight of the state colleges from the SBE to the newly created Board of Directors. This would mimic the current structure for the State University System in Florida. There is the potential for a decrease in coordination between the secondary educational system and colleges with the removal of colleges from the SBE. The FCS has been widely recognized as one of the best in the nation, which is due in part to its integration with the secondary educational system.

C. FISCAL IMPACT:

The fiscal impact is indeterminate. There will likely be new costs associated with the establishment of the State College System and creation of a new board of directors. Leading up to and after the effective date, staff time of the new State College System would be employed to support the process of onboarding new board members. There would be a large emphasis on legal and administrative expertise to articulate the powers and duties of the new board, how to employ them and logistical support.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.