

Andy Tuck, *Chair*
Marva Johnson, *Vice Chair*
Members
Monesia Brown
Ben Gibson
Tom Grady
Ryan Petty
Joe York

DFC Memorandum Number: 2021-04

Contact: Carrie Henderson


Carrie.Henderson@fldoe.org

Contact: Caleb Hawkes

Caleb.Hawkes@fldoe.org

MEMORANDUM

TO: Florida College System Presidents

FROM: Kathryn S. Hebda 

DATE: July 2, 2021

SUBJECT: 2021 Academic Affairs-Related Legislation Affecting the Florida College System

The 2021 Florida Legislature passed legislation that will have implications for Florida College System (FCS) institutions related to academic affairs. A summary of action required of FCS institutions is provided below and in Appendix A.

On Tuesday, July 27, 2021, from 9:00 – 10:15 a.m. EDT, we will be holding a webinar to provide an overview of the academic affairs-related legislation and answer related implementation questions. You may register for the webinar at <https://attendee.gotowebinar.com/register/957246234299920653>.

To assist institutions in understanding and implementing the provisions, the Division of Florida Colleges plans to issue multiple memos that group bills according to the topics of academic, student and finance/business affairs. Because many of the bills cross multiple divisions and functions, we encourage everyone at our institutions to read the bills themselves and every memo closely.

Intellectual Freedom and Viewpoint Diversity Survey

House Bill (HB) 233 amends sections (ss.) 1001.03 and 1001.706, Florida Statutes (F.S.), to define the terms “intellectual freedom and viewpoint diversity” and “shield.” The bill also adds a requirement for FCS and State University System (SUS) institutions to conduct an annual assessment of intellectual freedom and viewpoint diversity. The annual survey is required to be objective, nonpartisan and statistically valid. The instrument should assess the extent to which students, faculty and staff feel free to express their beliefs and viewpoints on campus and that competing ideas are presented on campus.

Freedom of speech is an essential building block of our freedom as Americans. As publicly funded entities, postsecondary institutions’ primary focus should be on academic rigor and preparing students to be critical thinkers and learners. This survey will be thorough and thoughtful, and the results will provide state leaders with data and information about the extent to which students and faculty actually feel like they can express their opinion on a campus.

The State Board of Education (SBOE) will select or create an assessment and create a plan for the survey to be administered at FCS institutions during the 2021-22 academic year. FCS institutions will

KATHRYN S. HEBDA
FLORIDA COLLEGE SYSTEM CHANCELLOR

receive additional guidance and reporting deadlines. The Florida Department of Education (FDOE) will compile and report the results annually, with the first report of the survey results published by September 1, 2022.

Right to Free Speech Activities

HB 233 amends s. 1004.097, F.S., to prohibit FCS institutions from shielding students', faculty members' and staff members' access to, or observation of, ideas and opinions they may find uncomfortable, unwelcome, disagreeable or offensive. The bill added the following to the list of protected expressive activities: faculty research, lectures, writings and commentary, whether published or unpublished. It also specifies that defamatory speech is not protected.

Additionally, HB 233 provides the conditions under which a student may record video or audio of class lectures. In accordance with federal and state privacy laws and regulations (including the Family Educational Rights and 130 Privacy Act of 1974, 20 U.S.C. s. 1232g and ss. 1002.22 and 1002.225, F.S.), students may record class lectures:

- For their own personal educational use;
- In connection with a complaint to the public institution of higher education where the recording was made; or
- As evidence in, or in preparation for, a criminal or civil proceeding.

The lecturer must consent to recorded lectures being published. HB 233 also provides a cause of action for declaratory and injunctive relief, damages and reasonable attorney fees and court costs for those harmed by a violation of the bill's provisions. The bill takes effect on July 1, 2021.

Mathematics Pathways

SB 366 modifies s. 1007.23, F.S., to require the Statewide Articulation Agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors and careers. The bill stipulates a representative committee composed of SUS, FCS and career center faculty shall collaborate to identify the three pathways and the mathematics course sequence within each pathway.

The Florida Student Success Center (center) will facilitate implementation of this provision, building on the work of the Florida Mathematics Re-Design Initiative. In collaboration with the Division of Florida Colleges, Office of Articulation, Division of Career and Adult Education, and Office of the Board of Governors for the SUS, the center will solicit membership for the committee that will identify the recommended pathways and course sequences. FCS institutions will be kept updated on progress of the committee.

Our preliminary goal is for the SBOE to consider the rule no later than fall 2022 for implementation in the 2023-2024 academic year. When the pathways are established in the Statewide Articulation Agreement, FCS institutions may need to modify curriculum, advising manuals, program maps, etc. to align programs to the three mathematics pathways.

Alternative Methods to Assess College-Level Computation and Communication

SB 366 amends multiple Florida Statutes to expand the mechanisms institutions may use to assess readiness for college-level work. In addition to identifying approved common placement tests, SB

366 requires the SBOE to adopt rules to develop and implement alternative methods for assessing communication and computation skills.

- *College Credit Admissions Counseling*: SB 366 amends s. 1007.263, F.S., to add alternative methods for measuring achievement in college-level computation and communication for admissions counseling in college credit programs. The bill specifies that career education program advising must measure achievement in basic skills pursuant to s. 1004.91, F.S.
- *College Credit Dual Enrollment Eligibility*: SB 366 amends s. 1007.271, F.S., revising eligibility requirements to specify that students must demonstrate achievement in college-level communication and computation as provided in s. 1008.30, F.S. In effect, this revision allows approved alternative methods to be used in eligibility determinations. The usage of alternative methods includes public, private and home education students.
- *Developmental Education and Meta-Majors*: SB 366 amends s. 1008.30, F.S., authorizing FCS institutions to use alternative methods to assess student readiness as it relates to meta-majors and developmental education placement. Also related to developmental education, SB 366 eliminates annual developmental education accountability reporting requirements.

FDOE will engage in rule development in fall 2021 to involve institutions in the identification of possible alternative methods. By January 31, 2022, the SBOE will adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills.

Once the rule is effective, FDOE will provide additional technical assistance and guidance. After that point, FCS institutions may need to update existing policies and/or create new policies related to admissions counseling, dual enrollment eligibility, developmental education placement and meta-major advising.

Healthcare and Nursing Education Study

HB 1507 modifies s. 1004.015, F.S., to require the Florida Talent Development Council (TDC) to coordinate, facilitate and communicate statewide efforts to meet supply and demand needs for the state's healthcare workforce. To support these efforts, the bill requires the Board of Governors (BOG) and SBOE to conduct biennial gap analyses of supply and demand of healthcare workers and to develop a survey to collect 10-year trend data related to nursing education programs including, but not limited to, admissions information, program outcomes, graduate employment and student demographic information.

The FDOE is working in partnership with BOG and the Department of Economic Opportunity, the entity that houses the TDC, to develop a timeline, methodology and data collection and analysis. The FDOE may reach out to FCS institutions to provide data required for this study that are not readily available through state reporting. The TDC will report on implementation by December 1, 2021.

Money Back Guarantee Program

HB 1507 creates s. 1011.803, F.S., to require each FCS institution to create a money-back guarantee program that will refund tuition to students who are unable to find employment in their field of study within six months of completion of certain workforce education programs.

The Labor Market Estimating Conference (LMEC) created in s. 216.136, F.S., will identify a statewide needs list that includes programs leading to in-demand and middle-level to high-level wage occupations. FCS institutions will need to create money-back guarantee for:

- A minimum of three workforce education programs on the LMEC statewide needs list, or at least 50 percent of workforce education programs if the institution offers six or fewer programs.
- All workforce education programs that are not on the LMEC statewide needs list but are established to meet a critical local economic industry need.

FCS institutions will need to review their program offerings against the statewide needs list to determine the programs that will be offered with a money-back guarantee. Additionally, FCS institutions must establish student eligibility requirements, including student attendance, career service attendance, participation in internships or work-study, job search documentation and development of a student career plan.

The money-back guarantee program begins in the 2022-2023 academic year. By July 1, 2022, each institution must notify the SBOE of the money-back guarantee programs they offer and include information about these programs on their respective website(s). Annually, colleges will be required to report performance results to FDOE. FDOE will provide institutions with additional information regarding the LMEC's list and reporting requirements as soon as available.

Associate in Science General Education

HB 1507 modifies s. 1007.25, F.S., to amend the general education degree requirements for students completing a technical degree, which is defined in s. 1004.02(13), F.S., as a course of study that leads to an Associate in Science/Associate in Applied Science (AS/AAS) degree. Beginning in the 2022-2023 academic year and thereafter, students entering an AS/AAS program 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.

The provisions in this amendment will take effect for students entering an AS/AAS program at the start of the 2022-2023 academic year. In August 2021, FDOE will begin rule development to specify that students in AS/AAS programs must complete at least one (1) course from each of the general education subject areas listed in Rule 6A-14.0303, F.A.C.

FCS institutions will need to redesign program maps and course sequencing, as well as update degree audit software, websites, catalogs and other student-facing resources to reflect the new general education requirements for AS/AAS programs.

Career Readiness Digital Credential

HB 1507 modifies s. 1007.25, F.S., to require all public postsecondary institutions to award students a nationally recognized digital credential upon completion of general education core courses that demonstrate career readiness, beginning with students who initially enter an FCS institution in the 2022-2023 academic year.

The FDOE, in partnership with the Board of Governors, will develop guidance and an implementation plan, and will communicate with colleges once information is available. Once in effect, FCS institutions will be required to update institutional catalogs to reflect which general education core courses are linked to earning a digital credential. HB 1507 takes effect on July 1, 2021; however, the provisions in this amendment will take effect for students initially entering an FCS institution in the 2022-2023 academic year.

Civic Literacy

SB 1108 amends s. 1007.25, F.S., to require students initially entering an FCS institution in 2021-22 and thereafter to complete a course and pass an assessment to demonstrate competency in civic literacy. Rule 6A-10.02413, F.A.C., identifies a listing of currently approved courses and assessments for first-time-in-college associate in arts and baccalaureate degree seeking students.

The bill specifies credits earned through authorized acceleration mechanisms in s. 1007.27, F.S., will count toward the civic literacy requirement. In other words, credit received for courses in Rule 6A-10.02413, F.A.C., (AMHX020 and POSX041) via [credit-by-exam](#) will count toward meeting the course requirement. If the exam used as the basis of awarding of credit is in Rule 6A-10.02413, F.A.C., (e.g., AP and CLEP) the student would be considered as having met both the course and the assessment of civic literacy competency. If the exam used as the basis of awarding of credit is not in rule (e.g., AICE and IB), the student would be considered as having met only the course requirement. These students would need to be assessed using an approved assessment in rule.

SB 1108 adds a requirement that high school students in U.S. Government must take a civic literacy assessment. The bill specifies that high school students who pass the civic literacy assessment will be exempt from the civic literacy competency assessment requirement when they matriculate to postsecondary.

In fall 2021, FDOE will begin rule development to align the current rule with the new provisions in SB 1108. While these updates are made to the rule, AA and baccalaureate students who are entering this fall, who must complete both a course and a test for civic literacy, may select their courses and assessments from those identified in the current rule. FCS institutions may need to redesign program maps and course sequencing, as well as update degree audit software, websites, catalogs and other student-facing resources to reflect the civic literacy requirement. The bill takes effect on July 1, 2021.

Charter School Sponsorship

SB 1028 modifies s. 1002.33(5), F.S., to authorize FCS institutions to solicit applications and sponsor a charter school, upon approval from FDOE. If approved, an FCS institution may sponsor a charter school within its service district with the purpose of meeting workforce demands and may offer postsecondary programs leading to industry certifications. FCS institutions may not enter into a sponsorship with an existing charter school until the school's current charter with the local school district has expired.

FDOE will work with charter school sponsors and operators to develop a sponsor evaluation framework that must address: the sponsor's strategic vision, policies and practices, and the academic and financial performance. Additional information regarding the process for institutions to sponsor charter schools will be forthcoming. The bill takes effect on July 1, 2021.

School Community Professional Development Act

SB 52 modifies s. 1012.98(6), F.S., to expand the organizations included in the School Community Professional Development Act. Public or private colleges or universities with a teacher preparation program approved pursuant to s. 1004.04, F.S., are now permitted to develop a professional development system, subject to SBOE and Commissioner of Education approval. The bill takes effect on July 1, 2021.

Collegiate High School/Early College Programs

SB 52 modifies s. 1007.273, F.S., to amend the name, requirements and agreements of collegiate high school programs. First, the bill changes the term “collegiate high school program” to “early college program” and requires the prioritization of courses applicable to general education core courses for an associate degree or baccalaureate degree. The bill also eliminates the requirement that early college programs provide the option for enrolled students to earn CAPE industry certifications as well as the successful completion of 30 credit hours. Lastly, the bill allows charter schools to execute a contract directly with an FCS institution to establish an early college program. The bill takes effect on July 1, 2021. FDOE will be providing additional information on this bill.

Dual Enrollment Scholarship Program

SB 52 creates s. 1009.30, F.S., to reimburse postsecondary institutions for tuition and related instructional materials for dual enrolled students beginning in fall 2021. The appropriation provides \$15.5 million to public postsecondary institutions for private and home education students in the fall or spring terms and all dual enrolled students during the summer term. The bill also requires biannual reporting by the institutions for FDOE to reimburse by the bill’s deadline. FDOE will open the rule for development and continue to provide technical assistance on the implementation of this section. The bill takes effect on July 1, 2021.

Educator Preparation

HB 1159 modifies s. 1004.04, F.S., to remove the requirement that an applicant for a teacher preparation program pass the general knowledge test (GKT). Under the new provision, participants in teacher preparation programs must now complete the GKT requirement prior to graduation from the program. Accordingly, the bill removes the authority for teacher preparation programs to waive admission requirements. The bill also specifies core curricula of teacher preparation programs and Educator Preparation Institute (EPI) competency-based certification programs and adds a new area of instruction that an EPI may provide, namely, instruction and professional development for non-degreeed teachers of career programs. The bill takes effect on July 1, 2021. FDOE’s Division of Public Schools will be providing additional information on this bill.

Other Topics of Interest

- HB 233 amends s. 1006.60, F.S., to require FCS institutions to adopt codes of conduct and appropriate penalties for violations of codes for students and student organizations.
- SB 1028 creates s. 1006.205, F.S., to maintain fairness for women as it relates to participation in interscholastic, intercollegiate, intramural or club athletic teams or sports.
- SB 366 amends s. 1007.263, F.S., revising the requirements for admission to associate degree programs. The amendment allows for acceptance of a high school equivalency diploma that is issued by another state, is recognized as equivalent by SBOE rule and is based on an assessment recognized by the U.S. Department of Education.
- HB 1507 creates s. 1006.75, F.S., to require each FCS institution ensure their respective student career centers offer use certain career planning services.
- HB 1507 creates s. 1009.895, F.S., to establish the Open Door Grant Program which will provide funds to support student completion of short-term, high-demand credit and non-credit CTE programs at FCS institutions and school district career centers.

July 2, 2021

- HB 847 amends s. 1006.73, F.S., by directing the Board of Governors and SBOE to oversee the chosen host entity who will deliver the services of the postsecondary library network, statewide internet-based catalog of distance learning courses and online student advising services.

We will continue to provide technical assistance in the implementation of these bills. Additionally, other divisions within FDOE will be issuing guidance on other topics that relate to the FCS (e.g., teacher preparation, workforce education, charter schools, financial aid, etc.). We will forward those memos as they are disseminated.

If you have questions regarding the ongoing implementation of this legislation, please contact Dr. Carrie Henderson, Executive Vice Chancellor, at Carrie.Henderson@fldoe.org or Caleb Hawkes, Director of External and Governmental Affairs, at Caleb.Hawkes@fldoe.org.

KH/chh

Attachment

cc: Dr. Eric Hall, Florida Department of Education
Bethany Swanson, Florida Department of Education
Henry Mack, Florida Department of Education
Dr. Carrie Henderson, Florida Department of Education
Jon Manalo, Florida Department of Education
Lisa Cook, Florida Department of Education
Caleb Hawkes, Florida Department of Education
FCS Council of Academic Affairs
FCS Council of Student Affairs
FCS Council of Business Affairs
FCS Reports Coordinators
FCS Testing Administrators
FCS Registrars
FCS Financial Aid Directors
FCS General Counsels

Appendix A: FCS Institution Actions Following 2021 Legislative Session

Bill Number	Bill Section	Topic	Florida Statutes	May require review of local policy and/or procedure	May require data or information to be submitted to the state
HB 233	1	Intellectual Freedom and Viewpoint Diversity Survey	s. 1001.03	Not anticipated	Yes
HB 233	3	Right to Free Speech Activities	s. 1004.097	Yes	Not anticipated
SB 366	3	Mathematics Pathways	s. 1007.23	Yes	Possibly
SB 366	4	Alternative Methods	s. 1007.263	Yes	Yes
HB 1507	26	Healthcare and Nursing Education Study	s. 1004.015	Not anticipated	Yes
HB 1507	38	Money Back Guarantee Program	s. 1011.803	Yes	Yes
HB 1507	29	Associate in Science General Education	s. 1007.25	Yes	Not anticipated
HB 1507	29	Career Readiness Digital Credential	s. 1007.25	Yes	Yes
SB 1108	7	Civic Literacy	s.1007.25	Yes	Not anticipated
SB 1028	4	Charter School Sponsorship	s. 1002.33	If applicable	If applicable
SB 52	8	School Community Professional Development Act	s. 1012.98	If applicable	If applicable
SB 52	2	Collegiate High School/Early College Programs	s. 1007.273	Possibly	Possibly
SB 52	4	Dual Enrollment Scholarship Program	s. 1009.30	Yes	Yes
HB 1159	3	Educator Preparation	s. 1004.04	Yes	Possibly