

## Process for Approval of New State University Branch Campuses and Instructional Centers

Revised 11/13/06

There exists in statute and rule requirements and criteria for establishing new branch campuses and instructional centers. Although there are some obvious glitches in the various policies due to the transitions in governance, the requirements and process have not changed substantively from when it was under the authority of the Board of Regents. A key component of the process is the analysis of academic program need in the geographic area to be served by the new campus or center.

Except as noted, the following statutes and rules were adopted by the Board of Governors by resolution in 2003 and serve as the authority and approval criteria.

- Chapter 1001.02 (7) (e) FS requires that the State Board of Education (now BOG) establish criteria for the establishment of additional centers and campuses.
- Chapter 1001.74 (27) FS requires that university boards submit for State Board of Education (now BOG) approval all new campuses and instructional centers.
- Chapter 1001.705 (b) FS outlines the constitutional authority and responsibilities of the BOG. Subsections 3 and 4 speak to the responsibility to ensure well-planned coordination and operation of the State University System, and to avoid wasteful duplication of facilities and programs. (Statute created after adoption by BOG)
- Rule 6C-8.009 defines the various types of branch campuses, centers, and instructional sites and provides the criteria for establishing them.
- Chapter 1013.52 FS outlines the process and criteria for establishing Joint Use Facilities with a community college. These criteria include a formal assessment of the academic program need and a need to build a new facility to house the programs.
- Chapter 1001.74 (5) FS provides authority for the university board of trustees to acquire real property. This language was lifted from similar statute that was in place for the Board of Regents in 2001 and placed within the powers and duties of the university boards in 2002.
- In its request for authority to establish a new branch campus, a university shall submit a report regarding the long-term requirements for programs and

facilities relating to its mission statement and course offerings, including a three-year PECO project priority list and a plan for long-term facilities needs.

- Establishment of new centers and special purpose centers which entail the expenditure of state funds for facilities requires an assessment of long-term needs for facilities and approval by the Board of the three-year PECO project priority list. In submitting its request for authority to establish a Center, a university shall submit a report regarding the long-term requirements for programs and facilities relating to the mission statement and course offerings.
- Universities shall retain the ability to establish instructional sites and special purpose sites to meet demonstrated needs without the necessity for approval of the Board.

### **Relevant Statutes and Rules**

#### **1001.02 General powers of State Board of Education. —**

(7) The State Board of Education shall:

(e) Establish criteria for making recommendations concerning all proposals for the establishment of additional centers or campuses for community colleges and state universities.

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#### **1001.705 Responsibility for the State University System under s. 7, Art. IX of the State Constitution; legislative finding and intent. —**

(b) *Constitutional duties of the Board of Governors of the State University System.*--In accordance with s. 7, Art. IX of the State Constitution, the Board of Governors of the State University System has the duty to operate, regulate, control, and be fully responsible for the management of the whole publicly funded State University System and the board, or the board's designee, has responsibility for:

3. Ensuring the well-planned coordination and operation of the State University System.

4. Avoiding wasteful duplication of facilities or programs within the State University System.

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#### **1001.74 Powers and duties of university boards of trustees. —**

(27) Each board of trustees shall submit to the State Board of Education, for approval, all new campuses and instructional centers.

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#### **RULE 6C-8.009 Definition and Process for Establishing Educational Sites.**

(1) The following definitions and processes for establishment shall apply to educational locations of public universities within the state:

(a) Main campus is defined as the focal point of university educational and administrative activities, authorized by Section 240.2011, F.S. Lower-division courses are offered only on the main campus of each university unless the university receives specific Board of Regents approval to offer lower-division courses at a branch campus, center or site. Approval will be based on a consideration of the following: the university's mission; an assessment of student demand; availability of necessary facilities, equipment and faculty; discussion with the educational institutions impacted by the proposed course offerings; and PEPC's review of those course offerings. The Board of Regents approval is subject to review and action by the State Board of Education if the request for review and action occurs within 30 days of the Board of Regents decision. If no request for review is made by a member of the State Board of Education, then the Board of Regents determination shall automatically become effective 30 days from the date of the Board of Regents decision to approve.

(b) Branch campus is defined as an instructional and administrative unit of a university that offers students upper-division and graduate programs as well as a wide range of support services. Distance learning techniques may be used to complement on-site instruction at all types of campuses. Branch campuses may be of various types to meet the particular needs of a region:

1. Type I Branch Campus is defined as a major university operation which provides a broad range of instruction, numerous full and partial degree programs, research, and a full complement of student services in university administered facilities, which are mostly university owned or shared with a public community college. For efficiency of operation and provision of an adequate range of programs these campuses should obtain a funded enrollment level of 2,000 FTE.

2. Type II Branch Campus is a large university operation, providing a range of instructional programs, many of which lead to a degree at the branch campus, some research, and full support services in university controlled facilities. Funded enrollment is between 1,000 and 2,000 FTE.

3. Type III Branch Campus provides instruction in high demand disciplines, as well as necessary support services. Instructional and administrative functions are provided in facilities which may or may not be controlled by the university. Distance learning techniques may be used to provide a significant portion of the instructional program. Funded enrollment is between 300 and 1,000 FTE.

(c) Establishment of a new branch campus requires approval by the Board of Regents. In its request for authority to establish a new branch campus, a university shall submit a report regarding the long-term requirements for programs and facilities relating to its mission statement and course offerings, including a three-year PECO project priority list and a plan for long-term facilities needs. In addition, the Postsecondary Education

Planning Commission must recommend establishment of the campus to the State Board of Education under the provisions of Subsection 240.147(7), F.S., and the Legislature must appropriate funds for its establishment.

(d) Center is defined as an instructional unit of a university or universities that offers a limited range of instructional programs or courses. Funded enrollment at a center will be fewer than 300 FTE.

(e) Special purpose center is defined as a unit of a university that provides certain special, clearly defined programs or services, such as research, cooperative extension, or public service apart from the main campus, branch campus, or center.

(f) Establishment of new centers and special purpose centers which entail the expenditure of state funds for facilities requires an assessment of long-term needs for facilities and approval by the Board of the three-year PECO project priority list. In submitting its request for authority to establish a Center, a university shall submit a report regarding the long-term requirements for programs and facilities relating to the mission statement and course offerings.

(g) Instructional site is defined as an instructional unit of a university that offers a very limited range of instructional programs or courses, generally of short duration, in facilities not owned by the institution. Universities shall retain the ability to establish instructional sites to meet demonstrated needs without the necessity for approval of the Board.

(h) Special purpose site is defined as a unit of a state university that provides services of an educational nature that are other than instruction, research or administration. Universities shall retain the ability to establish special purpose sites to meet demonstrated needs without the necessity for approval of the Board.

(2) All new campuses, centers, and special purpose centers approved by the Board shall be submitted, along with the required review by the Postsecondary Education Planning Commission, to the State Board of Education for approval.

(3) The Board will review these definitions and processes periodically to determine whether changes are necessary.

Specific Authority 240.209(1), (3)(o) FS. Law Implemented 240.209(1), (3)(o), 240.2011 FS. History-New 4-9-87, Amended 6-8-92, 2-15-94, 12-2-99.

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**1013.52 Cooperative development and joint use of facilities by two or more boards.--**

(1) Two or more boards, including district school boards, community college boards of trustees, the Board of Trustees for the Florida School for the Deaf and the Blind, and university boards of trustees, desiring to cooperatively establish a common educational facility to accommodate students shall:

(a) Jointly request a formal assessment by the Commissioner of Education of the academic program need and the need to build new joint-use facilities to house approved programs. Completion of the assessment and approval of the project by the State Board of Education or the Commissioner of Education, as appropriate, should be done prior to conducting an educational facilities survey.

(b) Demonstrate the need for construction of new joint-use facilities involving postsecondary institutions by those institutions presenting evidence of the presence of sufficient actual full-time equivalent enrollments in the locale in leased, rented, or borrowed spaces to justify the requested facility for the programs identified in the formal assessment rather than using projected or anticipated future full-time equivalent enrollments as justification. If the decision is made to construct new facilities to meet this demonstrated need, then building plans should consider full-time equivalent enrollment growth facilitated by this new construction and subsequent new program offerings made possible by the existence of the new facilities.

(c) Adopt and submit to the commissioner a joint resolution of the participating boards indicating their commitment to the utilization of the requested facility and designating the locale of the proposed facility. The joint resolution shall contain a statement of determination by the participating boards that alternate options, including the use of leased, rented, or borrowed space, were considered and found less appropriate than construction of the proposed facility. The joint resolution shall contain assurance that the development of the proposed facility has been examined in conjunction with the programs offered by neighboring public educational facilities offering instruction at the same level. The joint resolution also shall contain assurance that each participating board shall provide for continuity of educational progression. All joint resolutions shall be submitted to the commissioner by August 1 for consideration of funding by the subsequent Legislature.

(d) Submit requests for funding of joint-use facilities projects involving state universities and community colleges for approval by the Commissioner of Education. The Commissioner of Education shall determine the priority for funding these projects in relation to the priority of all other capital outlay projects under their consideration. To be eligible for funding from the Public Education Capital Outlay and Debt Service Trust Fund under the provisions of this section, projects involving both state universities and community colleges shall appear on the 3-year capital outlay priority

lists of community colleges and of universities required by s. 1013.64. Projects involving a state university, community college, and a public school, and in which the larger share of the proposed facility is for the use of the state university or the community college, shall appear on the 3-year capital outlay priority lists of the community colleges or of the universities, as applicable.

(e) Include in their joint resolution for the joint-use facilities, comprehensive plans for the operation and management of the facility upon completion. Institutional responsibilities for specific functions shall be identified, including designation of one participating board as sole owner of the facility. Operational funding arrangements shall be clearly defined.

(2) An educational plant survey must be conducted within 90 days after submission of the joint resolution and substantiating data describing the benefits to be obtained, the programs to be offered, and the estimated cost of the proposed project. Upon completion of the educational plant survey, the participating boards may include the recommended projects in their plan as provided in s. 1013.31. Upon approval of the project by the commissioner, 25 percent of the total cost of the project, or the pro rata share based on space utilization of 25 percent of the cost, must be included in the department's legislative capital outlay budget request as provided in s. 1013.60 for educational plants. The participating boards must include in their joint resolution a commitment to finance the remaining funds necessary to complete the planning, construction, and equipping of the facility. Funds from the Public Education Capital Outlay and Debt Service Trust Fund may not be expended on any project unless specifically authorized by the Legislature.

(3) Included in all proposals for joint-use facilities must be documentation that the proposed new campus or new joint-use facility has been reviewed by the State Board of Education and has been formally requested for authorization by the Legislature.

(4) No district school board, community college, or state university shall receive funding for more than one approved joint-use facility per campus in any 3-year period.

**History.**--s. 853, ch. 2002-387.