



Council for Education Policy, Research and Improvement

Council Meeting
August 13, 2003
Ft. Myers, Florida



Multi-Year Contracts

- **One Legislature can not bind a future Legislature**
- **Due to the separation of powers, the executive branch can not bind the legislature in funding executive agreements**
- **Contracts must contain funding contingency statement**
- **Constitution can bind the Legislature**



Contract

- **Contract Template – p. 3**
- **Contract Specifications – p. 5**
- **Process – p. 17**



Contract Template

- **Parties to the Contract: University and...**
 - **Legislature?**
 - **Board of Governors?**
 - **State Board of Education?**
 - **Governor?**
- **Staff Recommendation:**
 - **Contract should be between the University and the Board of Governors**

Proposed Contracting Process



- **CEPRI Submits Report Nov. 1, 2003**
- **BOG Recommends Process to Legislature**
- **Legislature Statutorily Authorizes Process**
- **BOG Develops Process within Legislative Framework**
- **University Develops Proposal**
- **CEPRI Recommends Criteria for BOG to Use in Evaluating University Proposals**
- **BOG & Univ. Negotiate & Sign Contract**
- **University Implements Contract**
- **BOG Submits Annual Reports**
- **CEPRI Reviews after Three Years**



Contract Template

- **Consideration**
 - **Appropriate?**
 - **Recommend?**
 - **Request?**
- **Staff Recommendation:**
 - **“Request” (for Board of Governors)**



Contract Template

- **Point of Contact for *First Party***
 - Chancellor?
 - Commissioner?
 - Governor's staff?
 - Legislative staff?
- **Staff Recommendation**
 - Chancellor (for Board of Governors)



Contract Template

- **Point of Contact for University:**
 - **President?**
 - **Provost?**

- **Staff Recommendation:**
 - **President or his/her designee**



Contract Template

- **Term of Contract: Effective Date**
 - **Immediately?**
 - **July 1 of subsequent fiscal year?**
- **Staff Recommendation:**
 - **July 1 of subsequent fiscal year**



Contract Template

- **Term of Contract: Ending Date**
 - **June 30th of first fiscal year?**
 - **June 30th of fifth fiscal year?**
 - **June 30th of tenth fiscal year?**
- **Staff Recommendation:**
 - **June 30th of fifth fiscal year**



Contract Template

- **Resolution of Disputes:**
 - **Mandatory arbitration?**
 - **State Board of Education?**
 - **The court system?**
- **Staff Recommendation:**
 - **Mandatory arbitration**



Contract Template

- **Execution by the *First Party*:**
 - Chair of Board of Governors?
 - Chancellor?
 - Commissioner?
 - Chair of State Board of Education?
 - President & Speaker?
 - Governor?
- **Staff Recommendation:**
 - Chair of Board of Governors **AND** Chancellor, upon approval of BOG



Contract Template

- **Execution by the University:**
 - **Chair of Board of Trustees?**
 - **President?**
- **Staff Recommendation:**
 - **Chair of Board of Trustees AND President – upon approval of Board of Trustees**



Contract Specifications

- **Performance Expectations:**
 - **Programs and Services** – Aug. & Sept.
 - **Customer Satisfaction** - September
- **Fiscal Specifications:**
 - **Tuition Flexibility** – July, August & Sept.
 - **Financial Aid** – July, August & September
 - **Base Appropriations** - September
 - **Funding Increases** - September
 - **Fixed Capital Outlay** - September
- **Incentives and Penalties** - September