

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill requires each district school board to annually discuss, at a board meeting, the number of students who have taken two or more AP courses by their eleventh grade year.

Safeguard Individual Liberty-- The bill creates a council to identify and recruit qualified minority and underrepresented students for participation in AP courses.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

The Department of Education (DOE) administers several programs aimed at promoting access to postsecondary education for all students. These programs are conducted within the DOE, and through partnerships with community and professional organizations and Florida postsecondary institutions. Some of these programs specifically target minority and underrepresented students for participation in AP and postsecondary education opportunities.

Minority Participation in Advanced Placement

Participation in Advanced Placement (AP) courses is a major predictor of student's likelihood of completing a bachelor's degree in four years. Overall participation in AP courses by Florida public school students has steadily increased since 2000, including increases in AP participation by minority and underrepresented students. The number of students completing high school having successfully completed at least one AP course has increased from 13.5% in 2000 to 19.6% in 2006.¹ AP participation by African-American students has increased by 20.9% between 2005 and 2006.² Approximately 21% of Florida public school students are Hispanic. This group comprises 24% percent of AP exam takers.³

	1999	2000	2001	2002	2003	2004	2005	2006
African American	2595	3124	3648	4468	5613	6038	7270	8788
Hispanic	6181	6998	7952	9889	12,466	14,710	17,233	20,421

The College Reach Out Program

The CROP is designed to prepare educationally disadvantaged and low-income students for success in postsecondary education. The CROP serves students who otherwise would be unlikely to seek admission to a postsecondary institution without special support and recruitment efforts. Students are selected for participation in the CROP based on a variety of factors, including the student's family

¹ The College Board, Florida Partnership, Advanced Placement Report to the Nation, Florida Public Schools *available at* http://www.collegeboard.com/prod_downloads/floridapartnership/FloridaStateReport.pdf.

² Florida Department of Education, Information on Advanced Placement Program: Florida and the Nation, August 2006, *available at* http://www.firn.edu/doe/evaluation/pdf/ap_2006.pdf.

³ Florida Department of Education, 2007 Bill Analysis for House Bill 403.

⁴ Florida Department of Education, Rising Participation and Performance: AP, PSAT/NMSQT, SAT, September 2006, *available at* http://www.firn.edu/doe/evaluation/pdf/ap_psat_sat_2006.pdf.

income, family's receipt of public assistance, cumulative grade point average, state assessment scores, enrollment in math and science courses, and participation in a dropout prevention program.⁵

The CROP served eight thousand ninety-five students in 2004-2005. Approximately 72% of these students were African-American, 12% were white, and 12% were Hispanic. Sixty-two percent of students served were female. Thirty-eight percent were males.⁶

Postsecondary institutions seeking to participate in the CROP must submit a proposal to the DOE. The State Board of Education reviews each proposal and determines which proposals to implement. Participating postsecondary institutions select eligible students for participation and maintain continuous contact with selected students until they enroll in a postsecondary institution.⁷ In 2004-2005, nine state universities, twenty-five community colleges, and four independent postsecondary institutions participated in the CROP.⁸

The 2006 Legislature appropriated \$3,399,990 to fund the CROP for 2006-2007.⁹

The Florida Partnership for Minority and Underrepresented Student Achievement Act

The Partnership is established in law "to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority and underrepresented students."¹⁰ The DOE currently contracts with the College Board to carry out the duties of the Partnership.¹¹ The Partnership is required to:

- Provide training to enable AP teachers to prepare students for success in AP or other advanced courses;
- Provide training to middle school teachers and administrators that enables them to groom middle school students so that they are prepared for participation in advanced courses by the time they enter high school;
- Provide training and materials that are aligned to the Sunshine State Standards and the FCAT;
- Assess student strengths and weaknesses as related to potential success in AP courses and readiness for postsecondary education;
- Provide college entrance examination preparation through schools, community centers, businesses, faith-based organizations, or on-line means; and
- Develop plans for disseminating information regarding postsecondary readiness and opportunities to take advanced courses to parents.¹²

The Partnership must submit an annual report to the DOE. The report must include an evaluation of the effectiveness of Partnership activities. In addition, the report must include the number of teachers and administrators trained and the effectiveness of such training, measurement of postsecondary readiness for students served by the program, student participation levels for the PSAT/NMSQT and PLAN, and teacher awareness and satisfaction with partnership services. Florida law grants the Partnership access to DOE data on professional development, PSAT/NMSQT, PLAN, AP and other data necessary to support longitudinal studies.¹³

Florida law requires each school district to make participation in the PSAT/NMSQT or the PLAN available to all tenth grade students. School districts are required to maintain a database of student

⁵ Section 1007.34, F.S.

⁶ Data provided by the Florida Department of Education, Office of Equity and Access.

⁷ Section 1007.34, F.S.

⁸ Data provided by the Florida Department of Education, Office of Equity and Access.

⁹ Specific Appropriation 107 of the Conference Committee Report on HB 5001, Enrolled Chapter 2006-25, Laws of Florida.

¹⁰ Section 1007.35, F.S.

¹¹ The College Board, Florida Partnership *available at* <http://www.collegeboard.com/floridapartnership/index.html>.

¹² Section 1007.35, F.S.

¹³ *Id.*

test results. School guidance counselors can then use test results to identify students who are prepared for AP courses.¹⁴

The 2006 Legislature appropriated \$7,125,480 to fund the Partnership for 2006-2007.¹⁵

Effect of Proposed Changes

House Bill 403 establishes the Minority and Underrepresented Student Achievement Council (Council) for the purpose of identifying and recruiting minority and underrepresented high school students for participation in AP courses. The bill provides that the Council will consist of the following members:

- The Commissioner of Education (Commissioner);
- One public high school teacher;
- One community-based representative;
- One representative from a school district, community college, and university; and
- One parent.

The bill requires the President of the Senate and the Speaker of the House of Representatives to jointly appoint Council members. The bill requires that four of the seven Council members be of African-American or Hispanic origin. Council members will serve without compensation. The bill requires the Council to meet quarterly, and provides that the initial meeting must be held by August 1, 2007.

The bill designates the Commissioner as presiding officer of the Council. The Commissioner is required to notify each member of the Council of the time, date, and location of the initial meeting. The DOE is required to provide staff and administrative support to the Council.

Council Duties

The bill requires the Council to perform the following duties:

- Recruit students for AP courses based on their potential to earn a bachelor's degree as demonstrated by grades, SAT or ACT scores, or performance on assessments;
- Identify each minority or underrepresented student who earns a grade of "A" or "B" in the majority of their first semester ninth grade courses and notify their parents of the student's eligibility to take AP courses; and
- Examine the best practices of high performing public high schools as they relate to narrowing the achievement gap between minority and underrepresented students and nonminority students.

The Council must submit an annual report on its activities to the Governor, the President of the Senate, and the Speaker of the Florida House of Representatives. This report must be placed on the DOE website.

The bill also requires each district school board to annually discuss at a board meeting, the number of students who have taken two or more AP courses by their eleventh grade year. Such discussion must identify student participation in AP by ethnicity, gender, and zip code.

The bill requests an appropriation of \$50,000 from general revenues.

C. SECTION DIRECTORY:

Section 1.: Creates an unnumbered section of law; establishes the Minority and Underrepresented Student Achievement Council; provides for appointment and composition of Council members; prescribes Council duties; provides DOE duties.

¹⁴ *Id.*

¹⁵ Specific Appropriation 105 of the Conference Committee Report on HB 5001, Enrolled Chapter 2006-25, Laws of Florida.

- Section 2.:** Creates an unnumbered section of law; requires district school boards to discuss AP participation by minority and underrepresented students annually at a board meeting.
- Section 3.:** Provides for an appropriation.
- Section 4.:** Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill requests an appropriation of \$50,000 from general revenues.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

The bill requests an appropriation of \$50,000 from general revenues to fund the Council. The 2006 Legislature appropriated \$3,399,990 to fund the CROP¹⁶ and \$7,125,480 to fund the Partnership¹⁷ for 2006-2007.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds. This bill does not appear to reduce the authority that counties or municipalities have to raise revenue in the aggregate. This bill does not appear to reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

¹⁶ Specific Appropriation 107 of the Conference Committee Report on HB 5001, Enrolled Chapter 2006-25, Laws of Florida.

¹⁷ Specific Appropriation 105 of the Conference Committee Report on HB 5001, Enrolled Chapter 2006-25, Laws of Florida.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority. According to the DOE, rules governing the Council will have to be promulgated.¹⁸

C. DRAFTING ISSUES OR OTHER COMMENTS:

The CROP and the Partnership are two initiatives administered by the DOE for the purpose of promoting student's access to postsecondary education. Postsecondary institutions participating in the CROP are required to select eligible minority and underrepresented students and maintain continuous contact with these students until they enroll in a postsecondary institution.¹⁹

The Partnership is required to conduct teacher training activities to assist teachers in preparing students for participation in AP and other advanced courses. The Partnership is also required to assess student strengths and weaknesses as they relate to potential success in AP courses and readiness for postsecondary education. Additional Partnership duties include providing college entrance examination preparation and developing plans for disseminating information regarding postsecondary readiness and AP opportunities to parents.²⁰

Some of the duties of the proposed Council may overlap with those conducted by existing programs.²¹ However, the bill specifically requires the Council to recruit minority and underrepresented students for AP courses, identify each minority or underrepresented student who is eligible to take AP courses, and to examine existing practices related to narrowing the achievement gap between minority and underrepresented students and nonminority students. There are no express provisions in current law that require existing programs such as CROP or the Partnership to perform this function.

Current Florida law requires each school district to use PSAT/NMSQT or PLAN test results to identify students who are prepared for AP courses.²² In contrast, the bill states that the Council must use student grades, SAT scores, ACT scores, or assessment scores to identify students who are prepared for AP courses. It does not specifically mention the PSAT/NMSQT or PLAN.

Consideration might be given to conforming the bill to current law requiring school districts to administer the PSAT/NMSQT or PLAN for the purpose of identifying students for AP courses by allowing the Council to consider these scores as well. This would broaden the list of measures that could be used to identify students for AP courses. Because students generally take the SAT or ACT later in their high school careers, the Council will not be able to use these scores to identify younger high school students for AP courses. Allowing the Council to use the PSAT/NMSQT or PLAN may facilitate earlier identification of students because these tests are generally administered to students earlier in their high school careers.

D. STATEMENT OF THE SPONSOR

¹⁸ *Id.*

¹⁹ Section 1007.34, F.S.

²⁰ Section 1007.35, F.S.

²¹ Florida Department of Education, 2007 Bill Analysis on House Bill 403.

²² Section 1007.35, F.S.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 27, 2007, the Committee on K-12 adopted a strike everything amendment and reported the bill favorably, as amended.

The strike everything amendment amends s. 1007.35, F.S., to require the Partnership to:

- Work with school districts to identify minority and underrepresented students for participation in AP and other advanced courses;
- Work with school districts to provide information to students and parents regarding opportunities to take AP and other advanced courses. Such information must explain enrollment procedures and the benefits of taking these course as related to preparing and accessing postsecondary education and qualifying for scholarships and other financial aid;
- Provide information to students regarding opportunities to take the PSAT/NMSQT or PLAN. Such information must explain that participation in the test is open to all tenth grade students and provide testing times and dates. It must also explain the value of these tests as related to assessing student skills and predicting success in AP or other advanced courses; and
- Cooperate with the DOE to provide information about partnership activities to administrators, teachers, and counselors.

The strike everything amendment also deletes provisions:

- Establishing the Council;
- Requiring each district school board to discuss minority and underrepresented student's participation in AP courses annually at a board meeting; and
- Requesting an appropriation of \$50,000.