

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: PCS/SB 824 (230384)

INTRODUCER: Appropriations Committee (Recommended by Appropriations Subcommittee on Education) and Senator Stargel

SUBJECT: Dual Enrollment Program

DATE: March 2, 2016

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Graf</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Fav/CS</b>
3.	<u>Sikes</u>	<u>Kynoch</u>	<u>AP</u>	<b>Pre-meeting</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 824 modifies home education student rights, public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for certain public postsecondary institutions. Specifically, the bill:

- Specifies that a school district may provide exceptional student education services to a home education student with a disability.
- Establishes August 1 as the annual deadline by which the dual enrollment articulation agreements with home education program students, private schools, and state universities or eligible private colleges and universities must be submitted to the Department of Education.
- Clarifies that the provision of instructional materials and transportation for home education program students and private schools must be addressed in the articulation agreement with the partnering postsecondary institution.
- Establishes provisions that must be included in the articulation agreements with private schools.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.
- Specifies funding, subject to annual appropriation in the General Appropriations Act (GAA), for public postsecondary institutions for dual enrollment courses taken by private school students, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill has an indeterminate fiscal impact in terms of a loss of revenue for postsecondary institutions. The requirement for all eligible postsecondary institutions to enter into dual enrollment articulation agreements with home education program students and each private school in its geographic service area seeking to offer dual enrollment courses to its students will result in a loss of revenue for the state's postsecondary institutions. However, due to the uncertainty in the number of eligible students, the potential loss of revenue is not known at this time.

Dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2015-2016, the average technology fee is \$5.23 per credit hour at state universities and \$3.96 per credit hour at Florida College System institutions.

The bill takes effect July 1, 2016.

## II. Present Situation:

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation is continuing to grow.<sup>1</sup> Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school<sup>2</sup> or who is a home education<sup>3</sup> student, to enroll in a postsecondary course that is creditable toward high school completion and a career certificate, an associate degree, or a baccalaureate degree.<sup>4</sup> A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma must not be classified as a dual enrollment student.<sup>5</sup> Eligible students are authorized to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.<sup>6</sup> However, a student who is projected to graduate from high school before the scheduled completion date for a postsecondary course must not register for that course through dual enrollment.<sup>7</sup>

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<sup>1</sup> Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 1.

<sup>2</sup> A private school is "a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41." Section 1002.01(2), F.S. The Florida Department of Education (DOE) maintains a database of private schools that meet the specified requirements in law. Section 1002.42(2), F.S.

<sup>3</sup> A home education program means "the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1)." Section 1002.01(1), F.S. A parent must notify the district school superintendent of the county in which the parent resides of his or her intent to establish and maintain a home education program. The notice must be in writing, signed by the parent, and must include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice must be filed in the district school superintendent's office within 30 days of the establishment of the home education program. Section 1002.41(1)(a), F.S.

<sup>4</sup> Section 1007.271(1)-(2), F.S.

<sup>5</sup> Section 1007.271(1), F.S.

<sup>6</sup> Section 1007.271(2), F.S.

<sup>7</sup> *Id.*

## Home Education Rights and Responsibilities

The law specifies the requirements and rights of parents and students participating in a home education program. These parental requirements include:<sup>8</sup>

- Notification to the district school superintendent of the county in which the parent resides of her or his intent to establish and maintain a home education program.
- Maintaining of a portfolio of records and materials.
- Providing for an annual educational evaluation in which the student's demonstration of educational progress at a level commensurate with her or his ability is documented.

Home education students have the right to:<sup>9</sup>

- Participate in interscholastic extracurricular student activities.
- Participate in the Bright Futures Scholarship Program.
- Participate in dual enrollment programs.
- Gain admission to Florida College System institutions and state universities.
- Receive testing and evaluation services at diagnostic and resource centers.

## Student Eligibility Requirements

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.<sup>10</sup> To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average (GPA) and the minimum required score on a common placement test<sup>11</sup> adopted by the State Board of Education.<sup>12</sup> To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.<sup>13</sup> Florida College System (FCS) institution boards of trustees may establish additional initial student eligibility requirements which must be specified in dual enrollment articulation agreements.<sup>14</sup> However, such requirements must not “arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.”<sup>15</sup>

## Dual Enrollment Articulation Agreements

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an

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<sup>8</sup> Section 1002.41, F.S.

<sup>9</sup> Section 1002.41, F.S.

<sup>10</sup> Section 1007.271(3), F.S.

<sup>11</sup> A student may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate reading, writing, and mathematics proficiency, by meeting specified minimum test scores, to perform college-level work. Rule 6A-10.0315, F.A.C.

<sup>12</sup> Section 1007.271(3), F.S.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

eligible postsecondary institution<sup>16</sup> regarding participation in dual enrollment courses.<sup>17</sup> The articulation agreement between each school district and public postsecondary institution are mandatory and must be submitted to the Florida Department of Education (DOE or department) annually by August 1.<sup>18</sup> However, articulation agreements between postsecondary institutions and private secondary schools are optional and not submitted to the department.<sup>19</sup> In addition, articulation agreements between a home education parent and the partnering postsecondary institution are not required to be submitted to the department.<sup>20</sup> Consequently, DOE does not annually collect information on articulation agreements for private schools and home education program students.

Currently, all state universities and FCS institutions participate in dual enrollment.<sup>21</sup>

### **Tuition, Fees, and Other Costs**

A student who enrolls in a postsecondary course through dual enrollment is exempt from the payment of registration, tuition, and laboratory fees.<sup>22</sup>

Instructional materials assigned for dual enrollment courses must be provided to dual enrollment students from Florida public high schools free of charge.<sup>23</sup> This requirement does not prohibit a FCS institution from providing instructional materials at no cost to a home education program or a private school student.<sup>24</sup> Instructional materials purchased by a district school board or a FCS institution board of trustees on behalf of dual enrollment students must be the property of the board that purchased the instructional materials.<sup>25</sup>

### **III. Effect of Proposed Changes:**

The bill modifies home education student rights, public and private dual enrollment articulation agreement requirements, expands fee exemptions for dually-enrolled students, and specifies funding for certain public postsecondary institutions.

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<sup>16</sup> An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

<sup>17</sup> Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs* (Revised July 26, 2015), available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 3.

<sup>18</sup> Section 1007.271(21), F.S.

<sup>19</sup> Section 1007.271(24), F.S.

<sup>20</sup> Section 1007.271(13), F.S.

<sup>21</sup> Email, Board of Governors (Jan. 28, 2016); Email, Florida Department of Education (Jan. 28, 2016), on file with the Committee on Education Pre-K – 12 staff; see also Florida Department of Education, *2014-15 Dual Enrollment Agreements*, <http://www.fldoe.org/policy/articulation/1415dual-enrollment-agreements.stml> (last visited Jan. 28, 2016).

<sup>22</sup> Section 1007.271(2), F.S.

<sup>23</sup> Section 1007.271(17), F.S.

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

## **Home Education Student Rights**

The bill specifies that a school district may provide exceptional student education services to a home education student with a disability who is eligible for the services and who enrolls in a public school for the purpose of receiving the services. The school district that provides these services will report these students for funding through the Florida Education Finance Program (FEFP).

## **Dual Enrollment Articulation Agreements**

Consistent with the annual deadline for submitting dual enrollment articulation agreements between postsecondary institutions and school districts to the Department of Education (DOE or department), the bill also requires the following dual enrollment articulation agreements to be submitted annually to the department by August 1:

- An agreement between an eligible postsecondary institution<sup>26</sup> and home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- An agreement between an eligible postsecondary institution and a private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to students in the private school.
- An agreement between a district school board or Florida College System (FCS) institution and a state university or an eligible private college or university.

This provision will allow the department to compile information on locally-developed dual enrollment articulation agreements with eligible postsecondary institutions. Additionally, the bill modifies articulation agreements with home education program students and establishes provisions that must be included in the articulation agreements with private schools.

## ***Home Education Program Students***

The bill:

- Modifies an existing provision to clarify that each postsecondary institution that is eligible to receive funding for participation in dual enrollment,<sup>27</sup> must enter into a home education articulation agreement with each home education program student seeking enrollment in a dual enrollment course, and his or her parent.
- Adds a requirement that the home education articulation agreements include a provision expressing whether the postsecondary institution or the student is responsible for providing instructional materials and transportation.

The bill also specifies that home education students may not have additional course or program limitations than other dual enrollment students. The bill also prohibits a postsecondary institution from requiring a high school grade point average for home education students who meet the

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<sup>26</sup> An eligible postsecondary institution is a state university, a Florida College System (FCS) institution, or "an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02" Sections 1007.271 and 1011.62(1)(i), F.S.

<sup>27</sup> *Id.*

minimum score on a common placement test indicating the student is ready for college-level coursework.

### ***Private Schools***

Current law authorizes, but does not require, postsecondary institutions to enter into dual enrollment articulation agreements with private secondary schools. Consequently, consistent with dual enrollment articulation agreements for public school students and home education program students, the bill:

- Requires each eligible postsecondary institution to enter into an articulation agreement with each private school, in the postsecondary institution's geographic service area, seeking to offer dual enrollment courses to its students.
- Establishes provisions that must be included in the articulation agreements with private schools, which includes provisions similar to the information that must be included in the home education articulation agreements (e.g., delineation of available courses and programs, and initial and continued student eligibility requirements which must not exceed the requirements for other dual enrollment students) and additional provisions that:
  - Clarify that the private school will award appropriate credit toward high school completion for the postsecondary course taken through dual enrollment.
  - Express that costs associated with taking dual enrollment courses will not be passed along to the private school students who enroll in such courses.
  - State whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for the dual enrollment courses taken by students enrolled in the private school, or the postsecondary institution will seek compensation from appropriations in the General Appropriations Act (GAA), as specified.

### ***Electronic Submission System for Dual Enrollment Articulation Agreements***

The bill requires the electronic submission system for submitting dual enrollment articulation agreements between public postsecondary institutions and school districts to also be used for the submission of articulation agreements with home education program and private school students. This provision may streamline the process for submitting the articulation agreements with home education program and private school students which will assist with compiling relevant information.

### ***Compliance Review***

The bill requires the department to review, for compliance, articulation agreements with home education program students and private schools, in effect, aligning this provision with the department's oversight responsibility for articulation agreements between public postsecondary institutions and school districts.

### ***Tuition, Fees, and Other Costs***

The bill requires that, in addition to registration, tuition, and laboratory fees, all dual enrollment students will also be exempt from technology fees. In 2015-2016, the average technology fee

was \$5.23 per credit hour at state universities<sup>28</sup> and \$3.96 per credit hour at Florida College System institutions.<sup>29</sup>

Additionally, the bill specifies funding, subject to annual appropriation in the GAA, for public postsecondary institutions for each dual enrollment course taken by a private school student during the prior academic year, except for the private school students for whom such postsecondary institutions are otherwise compensated.

The bill takes effect July 1, 2016.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under PCS/SB 824, dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2015-2016, the average technology fee is \$5.23 per credit hour at state universities and \$3.96 per credit hour at Florida College System institutions.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact in terms of a loss of revenue for postsecondary institutions. The requirement for all eligible postsecondary institutions to enter into dual enrollment articulation agreements home education program students and each private school in its geographic service area seeking to offer dual enrollment courses to its students will result in a loss of revenue for the state's postsecondary institutions. However, due to the uncertainty in the number of eligible students, the potential loss of revenue is not known at this time.

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<sup>28</sup> Email, Board of Governors for the State University System of Florida (Jan. 28, 2016).

<sup>29</sup> Email, Florida Department of Education, Division of Florida Colleges (Jan. 28, 2016).

The bill requires electronic submission of dual enrollment articulation agreements for home education program and private schools to the Department of Education and requires the department to review each agreement for compliance. According to the department, this will require modifications to the existing electronic submission system and additional staff to review each of these agreements at a cost of approximately \$100,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1002.41, 1007.271, and 1011.62.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**Recommended CS by Appropriations Subcommittee on Education on February 24, 2016:**

The committee substitute:

- Specifies that a school district may provide exceptional student education services to home education students, and that the school district that provides those services may report these students for funding through the Florida Education Finance Program.
- Specifies that home education students may not have additional course or program limitations than other dual enrollment students.
- Prohibits a postsecondary institution from requiring a high school grade point average for home education students who meet the minimum score on a common placement test indicating the student is ready for college-level coursework.

**B. Amendments:**

None.