

**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 Education

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BILL: SB 1064

INTRODUCER: Senator Baxley

SUBJECT: Dual Enrollment Programs

DATE: January 26, 2018

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	<b>Pre-meeting</b>
2.			AHE	
3.			AP	

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**I. Summary:**

SB 1064 modifies provisions in the dual enrollment articulation agreement between an eligible postsecondary education institution and an eligible private secondary school to specify that tuition and fees for dual enrollment may not be passed along to the private school that the student attends.

The bill takes effect July 1, 2018.

**II. Present Situation:**

The dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.<sup>1</sup>

**Student Eligibility for Dual Enrollment**

An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school.<sup>2</sup> Students who are eligible for dual

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

<sup>2</sup> Section 1002.271(3), F.S. 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 Department of Education maintains a list of private schools in Florida that meet requirements specified in law. Section 1002.42(2), F.S.

enrollment may enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.<sup>3</sup> However, if the student is projected to graduate from high school before the scheduled completion date of a postsecondary course, the student may not register for that course through dual enrollment.<sup>4</sup>

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.<sup>5</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>6</sup> adopted by the State Board of Education.<sup>7</sup> To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.<sup>8</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>9</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>10</sup>

To participate in the dual enrollment program, an eligible private school student must:<sup>11</sup>

- Provide proof of enrollment in a private school that meets requirements specified in law.<sup>12</sup>
- Be responsible for his or her own instructional materials and transportation unless provided for in the articulation agreement.
- Sign a private school articulation agreement specified in law.<sup>13</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 eligible postsecondary institution<sup>14</sup> regarding participation in dual enrollment courses.<sup>15</sup> The Department of Education is required to receive and review each articulation agreement.<sup>16</sup>

<sup>3</sup> Section 1007.271(2), F.S.

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

<sup>5</sup> Section 1007.271(3), F.S.

<sup>6</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>7</sup> Section 1007.271(3), F.S.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Section 1007.271(24(a)), F.S.

<sup>12</sup> Section 1007.271(2), F.S.

<sup>13</sup> Section 1007.271(24)(b), F.S.

<sup>14</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>15</sup> Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs* (Revised July 1, 2016), available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 3.

<sup>16</sup> Section 1007.271(22), F.S. Dual enrollment articulation agreements are maintained on the DOE website, at <http://fldoe.org/policy/articulation/dual-enrollment-agreements.stml> (last visited Jan. 26, 2018).

### ***Private School Dual Enrollment Articulation Agreement***

Each postsecondary institution eligible to participate in dual enrollment must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students.<sup>17</sup> The private school articulation agreement governs available courses and programs, student responsibilities, and costs, which includes a provision:<sup>18</sup>

- Expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.
- Stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.

### **Tuition and Fees**

Students from public schools, home education programs, and private schools who participate in dual enrollment are exempt from the payment of registration, tuition, and laboratory fees.<sup>19</sup>

Florida law requires school districts to pay public postsecondary institutions the standard tuition rate per credit hour<sup>20</sup> from funds provided in the Florida Education Finance Program when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term.<sup>21</sup> When dual enrollment is provided at the high school site by postsecondary institution faculty, the school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction.<sup>22</sup> When dual enrollment course instruction is provided at the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.<sup>23</sup>

A public postsecondary institution must enter into a dual enrollment articulation agreement with a private secondary school and may, but is not required to, negotiate for payment from the private secondary school for students eligible to participate in dual enrollment.<sup>24</sup>

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

SB 1064 modifies provisions in the dual enrollment articulation agreement between an eligible postsecondary education institution and an eligible private secondary school to specify that tuition and fees for dual enrollment may not be passed along to the private school that the student attends.

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<sup>17</sup> Section 1007.271(24)(b), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 1007.271(16), F.S. *See also* 1009.25(1)(a), F.S., which clarifies the exemption is for tuition and fees.

<sup>20</sup> Standard tuition is \$2.33 per contact hour for career certificate courses or an applied technology diploma. Section 1009.22(3)(c), F.S. Standard tuition is \$71.98 per credit hour at a Florida College System institution. Section 1009.23(3)(a), F.S. Standard tuition is \$105.07 per credit hour at a state university. Section 1009.24(4)(a), F.S.

<sup>21</sup> Section 1007.271(21)(n)1., F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Florida Department of Education, *Dual Enrollment FAQs* (Revised July 1, 2016), available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 10.

Accordingly, the bill also removes from the articulation agreement the provision regarding whether a private school will compensate a postsecondary institution for dual enrollment instruction provided by the postsecondary institution to the private school students. The bill may increase participation of private school students in dual enrollment instruction.

The bill takes effect July 1, 2018.

#### **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:

SB 1064 specifically requires the articulation agreement between the private school and postsecondary institution to express that the costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to the private school. This may represent a cost savings to private schools executing dual enrollment articulation agreements with eligible postsecondary institutions if the private schools were required by the postsecondary institutions to compensate such institutions for the standard tuition rate per credit hour associated with dual enrollment instruction. The average tuition and fees per credit hour at a state university is \$198.11,<sup>25</sup> and is \$106.74<sup>26</sup> for lower-level courses at a Florida College System institution.

C. Government Sector Impact:

The bill may have an indeterminate fiscal impact in terms of a loss of revenue for the public postsecondary institutions providing dual enrollment instruction. In 2016-2017, there were more than 3,000 students from private schools participating in dual enrollment

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<sup>25</sup> Board of Governors, *State University System of Florida, Tuition and Required Fees, 2017-2018*, available at [http://www.flbog.edu/board/office/budget/\\_doc/tuition/2017-18-SUS-Tuition-and-Fee-for-New-Students-at-Main-Campus-by-level.pdf](http://www.flbog.edu/board/office/budget/_doc/tuition/2017-18-SUS-Tuition-and-Fee-for-New-Students-at-Main-Campus-by-level.pdf), at 1.

<sup>26</sup> Florida Department of Education, *The Fact Book, Report for the Florida College System* (2016), available at <http://www.fldoe.org/core/fileparse.php/15267/urlt/FactBook2016.pdf>, at 7.8T.

at a Florida College System institution, generating over 27,000 college credits.<sup>27</sup> However, due to the uncertainty in the number of eligible students participating in dual enrollment at all postsecondary institutions, and whether such institutions required compensation for the standard tuition rate per credit hour associated with dual enrollment instruction, the potential loss of revenue for such postsecondary institutions is currently indeterminate.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 1007.271 of the Florida Statutes.

**IX. Additional Information:**

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

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

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>27</sup> Email, Florida Department of Education (Sept. 15, 2017).