

**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 1342

INTRODUCER: Senator Stargel

SUBJECT: Postsecondary Education for Secondary Students

DATE: March 25, 2019

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

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

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**I. Summary:**

SB 1342 expands secondary student access to advanced coursework through dual enrollment and early college programs. Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
  - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student’s private school of enrollment.
  - Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools.
- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education.

The bill takes effect July 1, 2019.

**II. Present Situation:**

Florida law provides students in secondary schools access to advanced coursework.<sup>1</sup> Such coursework is intended to shorten the time necessary for a student to complete the requirements associated with the conference of a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.<sup>2</sup>

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<sup>1</sup> Section 1007.27, F.S.

<sup>2</sup> *Id.*, at (1).

## Dual Enrollment

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>3</sup> A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.<sup>4</sup>

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 that is in compliance with the requirements specified in law<sup>5</sup> and provides a secondary curriculum pursuant to the law.<sup>6</sup> Students who meet the eligibility requirements specified in law and who choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.<sup>7</sup>

Each year, more than 60,000 students participate in Florida's dual enrollment program, and the number is growing.<sup>8</sup> During the 2017-2018 school year, 72,465 students<sup>9</sup> participated in dual enrollment at Florida College System (FCS) institutions.<sup>10</sup> Specifically, 66,472 students from public high schools, 2,934 students from private high schools, and 3,381 students from home education programs participated in dual enrollment during the 2017-2018 school year.<sup>11</sup>

### *Dual Enrollment Articulation Agreement*

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.<sup>12</sup> Specifically, Florida law requires:

- Each district school superintendent and each public postsecondary institution president to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution.<sup>13</sup>
- Each public postsecondary institution eligible to participate in the dual enrollment program to enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent.<sup>14</sup>

<sup>3</sup> Section 1007.271(1), F.S.

<sup>4</sup> *Id.*

<sup>5</sup> Section 1002.42(2), F.S.

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

<sup>7</sup> Section 1007.271(16), F.S. Florida law specifies that the provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. Section 1011.62(1)(i), F.S. An eligible independent institution is an independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02. *Id.*

<sup>8</sup> Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 1 of 15.

<sup>9</sup> The total number of students who participated in dual enrollment reflects an unduplicated headcount of students who may have enrolled in more than one dual enrollment course, which includes credit hour dual enrollment courses and clock hour career dual enrollment courses. Email, Florida Department of Education (March 22, 2019).

<sup>10</sup> Email, Florida Department of Education (March 22, 2019).

<sup>11</sup> *Id.*

<sup>12</sup> Florida Department of Education, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 13 of 15.

<sup>13</sup> Section 1007.271(21), F.S.

<sup>14</sup> *Id.*, at (13).

- Each public postsecondary institution eligible to participate in the dual enrollment program to 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>15</sup>

Additionally, district school boards and FCS institutions may enter into additional dual enrollment articulation agreements with state universities, and school districts may also enter into dual enrollment articulation agreements with eligible independent colleges and universities.<sup>16</sup>

The dual enrollment articulation agreements are developed locally by the entities specified in law. Florida law specifies the information that must be addressed in the dual enrollment articulation agreements.<sup>17</sup> Such agreements must be submitted to the Florida Department of Education (DOE) by August 1 of each year.<sup>18</sup>

### Funding

The dual enrollment articulation agreement between a district school superintendent and a public postsecondary institution president must address specified information including a funding provision that delineates costs incurred by each entity.<sup>19</sup>

School districts are required to pay public postsecondary institutions the standard tuition rate per credit hour from funds provided in the Florida Education Finance Program (FEFP) 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>20</sup> When dual enrollment is provided on 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>21</sup> When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.<sup>22</sup> Florida law authorizes a postsecondary institution to enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the postsecondary institution.<sup>23</sup> Florida law does not specify a similar funding provision for private schools to pay public postsecondary education institutions for the dual enrollment instruction that such institutions provide to the private school students who participate in dual enrollment.

Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution must receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.<sup>24</sup>

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<sup>15</sup> Section 1007.271(24), F.S.

<sup>16</sup> *Id.*, at (23).

<sup>17</sup> *Id.*, at (13), (21), and (24).

<sup>18</sup> *Id.*, at (13), (21), (23), and (24).

<sup>19</sup> Section 1007.271(21)(n), F.S.

<sup>20</sup> *Id.*, at 1.

<sup>21</sup> *Id.*

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

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

<sup>24</sup> *Id.*, at 2.

### ***Instructional Materials***

Instructional materials assigned for use within dual enrollment courses must be made available to dual enrollment students from Florida public high schools free of charge.<sup>25</sup> Florida law does not prohibit an FCS institution from providing instructional materials at no cost to a home education student or student from a private school.<sup>26</sup> Instructional materials purchased by a district school board or FCS institution board of trustees on behalf of dual enrollment students must be the property of the board against which the purchase is charged.<sup>27</sup>

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.<sup>28</sup>

### **Collegiate High School Program**

In 2014, the Legislature codified the collegiate high school program and specified related requirements.<sup>29</sup> Florida law requires each FCS institution to work with each district school board in its designated service area<sup>30</sup> to establish one or more collegiate high school programs.<sup>31</sup>

#### ***Purpose***

At a minimum, collegiate high school programs must include an option for public school students in grade 11 or grade 12 participating in the program, for at least 1 full school year, to earn CAPE industry certifications and to successfully complete 30 credit hours through dual enrollment toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.<sup>32</sup>

In the fall of 2018, FCS institutions enrolled an estimated 11,179 students in collegiate high school programs.<sup>33</sup> During the 2017-2018 school year:<sup>34</sup>

- 3,215 students graduated from FCS Collegiate and Charter High Schools.
- 2,997 graduates accumulated at least 30 college credits.
- 2,256 students earned associate degrees.
- 104 students earned industry certifications.

#### ***Program Contract***

Each district school board and its local FCS institution must execute a contract to establish one or more collegiate high school programs at a mutually agreed upon location or locations.<sup>35</sup> If the FCS institution does not establish a program with a district school board in its designated service

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<sup>25</sup> Section 1007.271(17), F.S.

<sup>26</sup> *Id.*

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

<sup>28</sup> Section 46, ch. 2018-6, L.O.F.

<sup>29</sup> Section 10, ch. 2014-184, L.O.F.

<sup>30</sup> Section 1000.21(3), F.S.

<sup>31</sup> Section 1007.273(1), F.S.

<sup>32</sup> *Id.*, at (2).

<sup>33</sup> Email. Florida Department of Education (March 9, 2019).

<sup>34</sup> *Id.*

<sup>35</sup> Section 1007.273(3), F.S.

area, another FCS institution may execute a contract with that district school board to establish the program.<sup>36</sup>

In addition to executing a contract with the local FCS institution, Florida law authorizes a district school board to execute a contract to establish a collegiate high school program with a state university or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.<sup>37</sup>

Florida law specifies the information that must be addressed in the contract which must be executed by January 1 of each school year for implementation of the program during the next school year.<sup>38</sup>

### ***Student Performance Contract***

Each student participating in a collegiate high school program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the school district and the applicable FCS institution, state university, or independent college or university.<sup>39</sup> The performance contract must include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

### ***Funding***

The collegiate high school program must be funded in accordance with the funding for dual enrollment and through the FEFP.<sup>40</sup> The State Board of Education must enforce compliance with the law regarding the collegiate high school program by withholding the transfer of funds for the school districts and the FCS institutions.<sup>41</sup>

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

SB 1342 expands secondary student access to advanced coursework through dual enrollment and early college programs. Specifically, the bill:

- Revises dual enrollment provisions in the following ways:
  - Requires private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment.
  - Specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and

<sup>36</sup> Section 1007.273(3), F.S.

<sup>37</sup> *Id.*, at (5).

<sup>38</sup> *Id.*, at (3).

<sup>39</sup> *Id.*, at (4). To participate in a collegiate high school program, an independent college or university must be an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. *Id.*, at (5).

<sup>40</sup> Section 1007.273(6), F.S.

<sup>41</sup> *Id.*

private schools.

- Reframes the collegiate high school program as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the Commissioner of Education (commissioner).

### **Dual Enrollment**

The bill revises Florida law regarding private school dual enrollment articulation agreements and the provision of instructional materials to students participating in dual enrollment.

#### ***Dual Enrollment Articulation Agreement***

The bill requires the private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment. Current law requires school districts to reimburse public postsecondary education institutions for dual enrollment instruction provided by such institutions.<sup>42</sup>

#### ***Instructional Materials***

The bill specifies that instructional materials assigned for use within dual enrollment courses must be made available free of charge to students in home education programs and private schools. Current law provides for free dual enrollment instructional materials for public high school students.<sup>43</sup> However, the bill does not limit the provision of free dual enrollment instructional materials for private school and home education program students to only those students who are enrolled in grades 9 through 12 at private schools or the equivalent of such grades for home education programs.

### **Collegiate High School Program**

The bill reframes the collegiate high school program (CHS) as an early college acceleration program and revises related requirements, creates a mechanism for awarding bonus funding if certain conditions are met, and specifies reporting requirements for district school superintendents and the commissioner.

Specifically, the bill revises current law to require each FCS institution to work with each district school board in its designated service area to establish one or more early college programs, including, but not limited to, collegiate high school programs. Accordingly, the bill expands opportunities for secondary students to access to advanced coursework through early college programs. The bill defines the early college program to mean a structured high school acceleration program.

#### ***Purpose***

In comparison to the requirements for the CHS program, the bill expands the number of years

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<sup>42</sup> Section 1007.271(21)(n), F.S.

<sup>43</sup> *Id.*, at (17).

that early college programs must be made available to students and the opportunities that must be provided to students to earn college credit through dual enrollment. Specifically, the bill requires that the early college programs:

- Include an option for public school students in grades 11 and 12 to participate in such programs for at least 2 full school years, and
- Provide students opportunities to earn at least 60 credit hours through dual enrollment.

The bill maintains the opportunities for students to earn CAPE industry certifications under the early college programs, consistent with the CHS program. The bill requires early college programs to prioritize dual enrollment courses applicable as general education core courses<sup>44</sup> or common prerequisite courses<sup>45</sup> for an associate degree<sup>46</sup> or a baccalaureate degree<sup>47</sup> over dual enrollment courses applicable as electives. Accordingly, the bill promotes purposeful utilization and application of dual enrollment credits toward postsecondary education, which may result in cost savings for students if the students complete the general education core and common prerequisite course requirements before graduating from high school. Statewide articulation agreements<sup>48</sup> govern articulation between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities.<sup>49</sup>

The bill authorizes private school students and home education students in grades 11 and 12 to enroll in early college programs, and prohibits district school boards and FCS institutions from limiting the number of eligible students who may enroll in such early college programs.

### ***Program Contract***

The bill reframes the CHS program contract provisions as early college program contract provisions, with some additional requirements. Specifically, the bill revises the program contract provisions related to the:

- Program description by requiring that the description also include a list of the meta-major academic pathways approved in accordance with the law,<sup>50</sup> which are available to participating students through the partner FCS institution, state university, or nonprofit independent college or university that is located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and

<sup>44</sup> General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The course options are identified by faculty committees that are jointly appointed by the chair of the State Board of Education (state board) and the chair of the Board of Governors (BOG). Section 1007.25(3), F.S.; *see also* Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

<sup>45</sup> The Department of Education is required to identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites must be offered and accepted by all state universities and Florida College System (FCS) institutions, except in cases approved by the state board for the FCS institutions and the BOG for the state universities. Section 1007.25(6), F.S.

<sup>46</sup> Typically, an associate in arts degree requires 60 semester hours of college credit and include 36 semester hours of general education coursework. Section 1007.25(8), F.S.

<sup>47</sup> A baccalaureate degree program usually requires 120 semester credit hours and include 36 semester hours of general education coursework, unless prior approval has been granted by the BOG for baccalaureate degree programs offered by state universities and by the state board for baccalaureate degrees offered by FCS institutions. Section 1007.25(8), F.S.

<sup>48</sup> The state board and the BOG are required to enter into a statewide articulation agreement, providing for the transfer and application of credits earned by students in high school or in postsecondary programs of study. Section 1007.23(1), F.S.

<sup>49</sup> Section 1007.23(1)(a), F.S.

<sup>50</sup> Section 1008.30(4), F.S.

Schools to grant baccalaureate degrees.

- Delineation of courses by requiring that the courses must, at a minimum, include general education core courses and common prerequisite courses.

Additionally, the bill applies the January 1 deadline for executing the CHS program contracts to the early college program contracts, beginning with the 2020-2021 school year.

The bill applies to the early college program the existing authority of a district school board to execute a contract, under the CHS program, with a state university or a nonprofit independent college or university that is eligible to participate in the program,<sup>51</sup> in addition to the contract that the district executes with the local FCS institution. Additionally, the bill authorizes a charter school to execute a program contract directly with the local FCS institution, state university, or eligible independent college or university to establish an early college program at a mutually agreed upon location. Accordingly, the bill expands student access to advanced coursework through early college programs.

### ***Student Performance Contract***

The bill reframes the CHS program student performance contract provisions as early college program student performance contract provisions, with a few additional requirements. The bill requires the student performance contract to:

- Specify the applicability of courses taken by students under the early college program to an associate or a baccalaureate degree.
- Require each district school board to notify, by September 1, 2020, and annually thereafter, each public school student, each home education program student, and each private school with students in grades 9, 10, 11, and 12 about the following early college program information:
  - The method for earning college credit through participation in the early college program. The bill requires that the notification include Internet websites to the dual enrollment course equivalency list<sup>52</sup> approved by the state board; the common degree program prerequisite requirements<sup>53</sup> published by the Articulation Coordinating Committee;<sup>54</sup> the industry certification articulation agreements<sup>55</sup> adopted by the state board in rule; and the

<sup>51</sup> An eligible independent college or university is an institution that is eligible to participate in the William L. Boyd, IV, 1Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Section 1007.273(5), F.S.

<sup>52</sup> The dual enrollment course-to-high school subject area equivalency list specifies postsecondary courses that when completed earn both high school and college credit. Florida Department of Education, *2018-2019 Dual Enrollment Course—High School Subject Area Equivalency List*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078394-delist.pdf>.

<sup>53</sup> The common prerequisite requirements are published in the Common Prerequisite Manual, which is available on Florida Virtual Campus (FLVC) website. FloridaShines, Common Prerequisites Manuals 2018-2019, <https://dlss.flvc.org/admin-tools/common-prerequisites-manuals/2018-2019-manual> (last visited March 21, 2019).

<sup>54</sup> Florida law requires the Commissioner of Education, in consultation with the Chancellor of the State University System, to establish the Articulation Coordinating Committee, which must make recommendations related to statewide articulation policies and issues regarding access, quality, and reporting of data maintained by the Florida Department of Education's K-20 data warehouse, to the Higher Education Coordination Council, the state board, and the BOG. Section 1007.01(3), F.S.

<sup>55</sup> The SBE has approved several Statewide Career and Technical Education Articulation Agreements which are based on industry certification. Such agreements are intended to be a minimum guarantee of articulated credit and do not preclude



- approved meta-major academic pathways of the partner FCS institution, state university, or an eligible independent college or university.
- The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours and 60 credit hours applicable toward general education core courses or common prerequisite courses before graduating from high school versus the cost of students earning such credit hours after graduating from high school.

### ***Funding***

The bill specifies that consistent with Florida law regarding dual enrollment, a home education student, a private school student, and private school, for participating students from the private school, are not responsible for the costs associated with instructional materials, tuition, and fees, including registration and laboratory fees.

In addition, the bill creates a mechanism for awarding bonus funding if certain conditions are met. The bill specifies that a student who enrolls in the early college program and successfully completes an associate degree or at least 60 college credit hours toward fulfilling the requirements for a baccalaureate degree pursuant to the student performance contract before graduating from high school generates a 1.0 full-time equivalent (FTE) bonus.

The bill:

- Requires each district school board that is a contractual partner with an FCS institution, a state university, or an eligible independent college or university, to report to the commissioner the total FTE bonus for each early college program student from that school district.
- Requires the total FTE bonus to be added to each school district's total weighted FTE for funding in the subsequent fiscal year.
- Specifies that for any industry certification earned by a student under the early college program, the FTE bonus must be calculated and awarded in accordance with the funding for industry certifications specified in the Florida Education Finance Program.<sup>56</sup>

### ***Reporting***

The bill creates reporting requirements to specify that:

- Beginning September 1, 2020, and annually thereafter, each district school superintendent must report to the commissioner, at a minimum, the following information on each early college program administered during the previous school year:
  - The number of students in public schools, private schools, and home education programs within the school district who enrolled in the early college program and the partnering postsecondary institutions.
  - The total and average number of dual enrollment courses completed, high school and college credits earned, standard high school diplomas and associate and baccalaureate

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institutions from granting additional credit based on local agreements. Florida Department of Education, *Industry Certification*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/industry-certification.stml> (last visited March 21, 2019).

<sup>56</sup> Section 1011.62(1)(o), F.S.

- degrees awarded, and industry certifications attained, if any, by the students who enrolled in the early college program.
- The projected student enrollment in the early college program during the next school year.
  - Any barriers to executing contracts to establish one or more early college programs.
  - By November 30, 2020, and annually thereafter, the commissioner must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the status of early college programs, including, at a minimum, a summary of student enrollment and completion information; barriers, if any, to establishing such programs; and recommendations for expanding access to such programs statewide.

Accordingly, the bill creates a mechanism for monitoring the status of early college programs and making program improvements, as needed.

The bill takes effect July 1, 2019.

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

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

##### E. Other Constitutional Issues:

None.

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

##### A. Tax/Fee Issues:

None.

##### B. Private Sector Impact:

None.

**C. Government Sector Impact:**

The bill requires the private school dual enrollment articulation agreements to include a provision expressing that costs associated with tuition and fees, including registration and laboratory fees, will not be passed along to a student's private school of enrollment. This may result in a loss of revenue for a public postsecondary institution that enters into an agreement with a private school to provide dual enrollment.

In 2018, the Legislature appropriated \$550,000 for instructional materials for home education program students participating in dual enrollment.<sup>57</sup> The bill does not provide appropriations for instructional materials for home education program students and private school students who participate in dual enrollment.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1007.271 and 1007.273.

**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>57</sup> Section 46, ch. 2018-6, L.O.F.