

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/CS/CS/HB 189 Postsecondary Education for Secondary Students

SPONSOR(S): Education Committee, Higher Education Appropriations Subcommittee, PreK-12 Innovation Subcommittee, Zika, Valdes and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/SB 1342

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	13 Y, 0 N, As CS	D'Souza	Brink
2) Higher Education Appropriations Subcommittee	10 Y, 0 N, As CS	Butler	Lloyd
3) Education Committee	15 Y, 0 N, As CS	D'Souza	Hassell

SUMMARY ANALYSIS

The bill renames "collegiate high school programs" as "early college acceleration programs" and expands the programs from 1 to 2 years.

The bill requires the programs be made available to students in grades 11 and 12 and specifies that they must include an option for a student to graduate from high school with an associate degree. District school boards and Florida College System (FCS) institutions are prohibited from limiting the number of eligible students who may enroll in dual enrollment programs, including early college programs, unless a 1-year waiver is granted by the Commissioner of Education.

The bill deletes the requirement for a separate early college program contract and requires each dual enrollment articulation agreement between a FCS institution and a school district to establish an early college program.

The bill authorizes district school boards to establish an early college program with a state university or an eligible institution and authorizes charter and private schools to establish an early college program with a state college, state university, or other eligible postsecondary institution.

The bill requires each district school board, by September 1, 2020, and annually thereafter, to post on its website information regarding earning college credit through the early college program and the associated cost savings.

By November 30, 2020, and annually thereafter, the Department of Education (DOE) must post on its website information regarding the status of early college programs.

Beginning September 1, 2020, and annually thereafter, each postsecondary institution must report information regarding each dual enrollment articulation agreement it has entered into during the previous year to the Commissioner of Education.

The bill requires dual enrollment instructional materials be provided to home education and private school students at no cost. An articulation agreement between a public postsecondary institution and a private school must express that costs associated with tuition and fees, including registration and laboratory fees, and instructional materials will not be passed along to the student's private school of enrollment.

The bill requires the dual enrollment transfer guarantees statement developed by DOE to include English and mathematics courses that require a grade of C or higher to measure student achievement in college-level communication and computation skills, pursuant to state board rule.

The bill will have an indeterminate, potentially significant fiscal impact. See Fiscal Comments, *infra*.

The bill provides an effective date of July 1, 2019.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0189d.EDC

DATE: 4/12/2019

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Dual Enrollment

The dual enrollment program is an acceleration mechanism that allows an eligible secondary¹ or home education student to enroll in a postsecondary course creditable toward high school completion and an associate or baccalaureate degree or career certificate.² Upon successful completion of a dual enrollment course, the student simultaneously receives high school and college, university, or career certificate credit. College credit earned prior to high school graduation may reduce the average time-to-degree and increase the likelihood of completion of a postsecondary degree.³ Eligible students are permitted to enroll in dual enrollment courses conducted during and after school hours and during the summer term.⁴ Eleven of Florida's 12 state universities and all 28 Florida College System (FCS) institutions currently participate in dual enrollment.

Students must meet the following eligibility criteria for initial enrollment in college credit dual enrollment courses:⁵

- be enrolled as a student in any of grades 6 through 12 in a Florida public school or in a Florida private school, or in a home education program;
- not be scheduled to graduate from high school prior to the completion of the dual enrollment course;
- have a 3.0 unweighted high school GPA to enroll in college credits, or a 2.0 unweighted high school GPA to enroll in career certificate dual enrollment courses;
- achieve a minimum score on a common placement test adopted by the State Board of Education (SBE); and
- meet any additional eligibility criteria specified by the postsecondary institution in the dual enrollment articulation agreement.

A student enrolled as a dual enrollment student is exempt from the payment of registration, tuition, and laboratory fees.⁶ Instructional materials assigned for use within dual enrollment courses are available to dual enrollment students from public high schools at no cost. A FCS institution may provide instructional materials at no cost to dual enrollment students from home education programs or private schools.⁷ To facilitate FCS institutions in covering this cost, the Legislature appropriated \$550,000 in recurring funds from the General Revenue Fund in 2018.⁸

The law was revised in 2018 to provide that the dual enrollment articulation agreement for a home education student is not required to specify the student's responsibilities for providing their own instructional materials.⁹

¹ For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

² Section 1007.271(1), F.S.

³ Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions* (revised June 2016), available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>.

⁴ Section 1007.271(2), F.S.

⁵ Section 1007.271(3), F.S.

⁶ Section 1007.271(2), F.S.

⁷ Section 1007.271(17), F.S.

⁸ See s. 46, ch. 2018-6, L.O.F.

⁹ See s. 27, ch. 2018-6, L.O.F.

The DOE is required develop a statement on transfer guarantees to inform students and their parents, prior to enrollment in a dual enrollment course, of the potential for the dual enrollment course to articulate as an elective or a general education course into a postsecondary education certificate or degree program.¹⁰ The statement must be provided to each district school superintendent, who must include the statement in the information provided to all secondary students and their parents as required pursuant to this subsection.¹¹ The statement may also include additional information, including, but not limited to, dual enrollment options, guarantees, privileges, and responsibilities.¹²

Articulation Agreements between Public Postsecondary Institutions and School Districts

Each public postsecondary institution and school district in its service area is required to jointly develop and implement a comprehensive dual enrollment articulation agreement.¹³ The dual enrollment articulation agreement must be submitted annually to the Department of Education (DOE) on or before August 1 and must include, but is not limited to, the following components:

- The available dual enrollment courses and programs.¹⁴
- A description of the processes by which students and parents are informed about and exercise options to participate in dual enrollment, including registration.¹⁵
- The type of high school credit earned for completion of a dual enrollment course.¹⁶
- A listing of any additional student eligibility criteria.¹⁷
- Each institution's responsibilities for student screening and performance monitoring, transmission of grades, program costs including instructional materials, and student transportation.¹⁸

Funding for dual enrollment programs is provided to school districts through the Florida Education Finance Program (FEFP). Students who enroll in these programs are included in their school districts' full-time equivalent (FTE) student count and districts receive allocations based on their FTE enrollment. Payment provisions between school districts and public postsecondary institutions for dually enrolled public school students require that the standard tuition rate per credit hour be paid 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.¹⁹ Students who participate in dual enrollment programs with an FCS institution or state universities are also included in the FCS institution's or university's FTE count for funding purposes.

Articulation Agreements between Public Postsecondary Institutions and Private Schools

Each public postsecondary institution eligible to participate in the dual enrollment program must enter into a private school articulation agreement with each eligible private school in its geographic service

¹⁰ Florida Department of Education, *Dual Enrollment Transfer Guarantees* (August 2012), <https://info.fldoe.org/docushare/dsweb/Get/Document-6472/hb7059tapb.pdf>.

¹¹ *Id.*

¹² *Id.*

¹³ Section 1007.271(21), F.S.

¹⁴ Section 1007.271(21)(c), F.S.

¹⁵ Section 1007.271(21)(b), (d), and (i), F.S. Career centers, FCS institutions, and state universities must also delineate courses and programs for dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time. Section 1007.271(13)(b)1., F.S.

¹⁶ Section 1007.271(21)(f), F.S.

¹⁷ Section 1007.271(21)(e), F.S. Career centers, FCS institutions, and state universities must also identify eligibility criteria for home education student participation, not to exceed those required of other dually enrolled students. Section 1007.271(13)(b)2., F.S. Exceptions to the required grade point average may be granted on an individual student basis. Section 1007.271(21)(h), F.S.

¹⁸ Section 1007.271(21)(l), (m), (n), and (o), F.S.

¹⁹ Section 1009.23(3)(a), F.S., for Florida College System institutions; Section 1009.24(4)(a), F.S., for State University System institutions.

area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the Department of Education.²⁰ The private school articulation agreement must include, at a minimum:

- A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time. The available dual enrollment courses and programs.²¹
- The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students. The type of high school credit earned for completion of a dual enrollment course.²²
- The student's responsibilities for providing his or her own instructional materials and transportation.²³
- A provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.²⁴
- A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.²⁵

Currently, there are no structured payment provisions related to students attending private secondary institutions; however, some articulation agreements with private secondary schools have mirrored the payment provisions set forth for school districts. In 2018, the Legislature eliminated a provision in statute requiring articulation agreements to include a provision 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.²⁶

While private secondary students who participate in dual enrollment programs at FCS institutions and state universities are included in the FTE counts for total enrollment, funds appropriated in the General Appropriations Act are not tied directly to FTE. A base student allocation is not provided for each student as it is for public school students in the FEFP. Additionally, funds are not specifically provided to colleges and universities to make up for these tuition and fees which account for approximately 40% of the cost of education a student at a FCS institution, and 47% at a state university.

The Collegiate High School Program

The Collegiate High School Program offers public school students the opportunity to complete 30 credit hours through a dual enrollment program toward the first year of college for an associate degree or baccalaureate degree. The collegiate high school program must, at a minimum, include an option for public school students in grade 12 to participate for one full school year and earn CAPE industry certifications.²⁷

Each FCS institution is required to execute a contract with each district school board in its designated service area to establish one or more collegiate high school programs at a mutually agreed upon location or locations. The contract must:

- identify the grade levels to be included, but at a minimum, include grade 12;
- describe the collegiate high school program, including:
- delineation of courses and industry
 - certifications offered;

²⁰ Section 1007.271(24)(b), F.S.

²¹ Section 1007.271(24),

²² Section 1007.271(21)(f), F.S.

²³ Section 1007.271(21)(f), F.S.

²⁴ Section 1007.271(21)(f), F.S.

²⁵ Section 1007.271(21)(f), F.S.

²⁶ See sec. 27, Chapter 2018-9, L.O.F, section 27, amending s. 1009-271(24)6., F.S.

²⁷ Section 1007.273(2), F.S.

- high school and college credits earned (including online) for each postsecondary course completed and industry certification earned;
- student eligibility criteria; and
- the enrollment process and relevant deadlines;
- describe the methods, medium, and process by which students and their parents are annually informed about the program;
- identify delivery methods for instruction, instructors, student advising services, progress monitoring mechanisms, and terms of funding arrangements to implement the program; and
- establish a program review and reporting mechanism for student performance outcomes.²⁸

Each student participating in the program must enter into a student performance contract that must be signed by the student, the parent, and a representative of the school district and FCS institution, state university or other participating institution.²⁹ A district school board may also execute a contract to establish a collegiate high school program with a state university or an eligible institution.³⁰

Funding for collegiate high school programs is based on the funding mechanism for dual enrollment.³¹

Effect of Proposed Changes

Dual Enrollment

Beginning September 1, 2020, and annually thereafter, the bill requires each postsecondary institution to report to the Commissioner of Education the following information regarding each dual enrollment articulation agreement it has entered into during the previous year:

- The number of students who enrolled in a dual enrollment course under each articulation agreement, including students enrolled in an early college program.
- The total and average number of dual enrollment courses completed, clock hours earned, high school and college credits earned, standard high school diplomas and associate and baccalaureate degrees awarded, and industry certifications attained, if any, by the students who enrolled in each dual enrollment program or early college program.
- The projected student enrollment in each dual enrollment program and early college program during the next school year.
- Any barriers to entering into an agreement to establish one or more early college programs.

The bill deletes the requirement that an early college program be established under a separate contract and requires each dual enrollment articulation agreement between an FCS institution and school district to include a provision to establish at least one early college program. The provision must:

- Identify the grade levels to be included in the early college program.
- Describe the early college program, including:
 - a list of the approved meta-major academic pathways that are available to participating students through the partner FCS institution or other eligible participating partner postsecondary institution;
 - a delineation of courses that must, at a minimum, include general education core courses and common prerequisite courses, as well as industry certifications offered, including online course availability;
 - high school and college credits earned for each postsecondary course completed and industry certification earned;

²⁸ Section 1007.273(3), F.S.

²⁹ Section 1007.273(4), F.S.

³⁰ Section 1007.273(5), F.S. A district school board may execute a contract to establish a collegiate high school program with a state university or 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.

³¹ Section 1007.273(6), F.S.

- student eligibility criteria; and
- the enrollment process and relevant deadlines.
- Describe the methods, medium, and process by which students and their parents are annually informed about the availability of the early college program, the return on investment associated with participation in the early college program, and the relevant information listed above.
- Identify the delivery methods for instruction and the instructors for all courses.
- Identify student advising services and progress monitoring mechanisms.
- Establish a program review and reporting mechanism regarding student performance outcomes.
- Describe the terms of funding arrangements to implement the early college program.

The bill specifies that dual enrollment instructional materials must be provided at no cost to students from home education programs and private schools.

The bill also requires that an articulation agreement between a public postsecondary institution and a private school must include a provision expressing that costs associated with tuition and fees, including registration fees, laboratory fees, and instructional materials will not be passed along to the student's private school of enrollment.

Additionally, the bill prohibits district school boards and FCS institutions from limiting the number of eligible students who may enroll in dual enrollment programs, including early college programs. However, the bill authorizes district school boards and FCS institutions to request a 1-year waiver from the prohibition, subject to approval by the Commissioner of Education. The waiver request must describe the existing capacity issues, and specific courses or programs impacted by such issues; and include suggested solutions and a timeline for achieving capacity to accommodate student demand.

The bill requires the statement developed by DOE regarding dual enrollment transfer guarantees to include the English and mathematics courses that require a grade of C or higher to measure student achievement in college-level communication and computation skills, pursuant to state board rule.

Collegiate High School Program

The bill renames "collegiate high school programs" as "early college acceleration programs." The bill requires the programs to be made available to students in grade 11 and specifies that the programs must last up to two full school years and allow students to graduate from high school with an associate's degree. Early college programs must prioritize dual enrollment courses applicable to the general education core requirements and common prerequisite courses over elective courses.

The bill revises the requirements for a student performance contract to specify the applicability of dual enrollment courses provided in an early college program to an associate degree or baccalaureate degree.

The bill authorizes district school boards to establish an early college program with a state university or other eligible institution. The bill also authorizes charter and private schools to enter into an agreement with their local FCS institution or another eligible postsecondary institution consistent with the terms of the articulation agreements between FCS institutions and school districts to establish an early college program.

The bill requires each district school board, by September 1, 2020, and annually thereafter, to post on its website the following information:

- The methods for earning college credit through participation in the early college program with links to:
 - the dual enrollment course equivalency list approved by the SBE;
 - the common degree program prerequisite requirements published by the Articulation Coordinating Committee;
 - the industry certification articulation agreements adopted by the SBE in rule; and

- the approved meta-major academic pathways of the partner FCS institutions or other eligible participating partner postsecondary institution.
- The estimated cost savings to students and their families resulting from students successfully completing 30 credit hours and 60 credit hours applicable toward the general education core requirement or common prerequisite courses before graduating from high school versus the cost of student earning such credit hours after graduating from high school.

The bill requires the DOE, by November 30, 2020, and annually thereafter, to post on its website 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 program statewide.

B. SECTION DIRECTORY:

Section 1. Amends s. 1007.27, F.S., establishing reporting requirements for postsecondary institutions participating in dual enrollment programs.

Section 2. Amends s. 1007.271, F.S., prohibiting district school boards and FCS institutions from limiting participation in dual enrollment programs; providing an exemption from such prohibition; requiring a certain statement to include specified postsecondary course information; requiring, rather than authorizing, instructional materials to be made available to certain dual enrollment students free of charge; requiring the inclusion of provisions relating to the establishment of early college programs in an articulation agreement; and requiring private school articulation agreements to prohibit certain costs from being passed along to private school students and private schools.

Section 3. Amends s. 1007.273, F.S., providing additional options for students participating in an early college program; revising the requirements for an early college program; prohibiting certain entities from limiting the number of students who may participate in an early college program; revising early college program student performance contract requirements; requiring each district school board to post specified information on its website about the early college program; and authorizing a charter school or a private school to establish an early college program.

Section 4. Provides an effective date of July 1, 2019.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The Legislature appropriated \$550,000 in recurring general revenue funding in the Fiscal Year 2018-19 for colleges to provide dual enrollment instructional materials specifically for home education students. The bill requires dual enrollment instructional materials for private school students be made available to private school students free of charge and that the costs associated with such materials are not passed along to the students' private schools. The bill does not specifically state the entity responsible for paying the cost associated with the instructional materials.

There may be costs to these postsecondary institutions associated with reporting requirements included in the bill, but can likely be absorbed within existing appropriations.

The requirement that articulation agreements between public postsecondary institutions and private secondary schools include a provision expressing that costs associated with tuition and fees, including registration, laboratory fees, and instructional materials will not be passed along to the student's private school of enrollment could impact FCS institutions and state universities, which would absorb these costs within existing resources. In August 2018, the estimated number of dual enrolled students from private schools was 3,500 (Colleges 2,900 and Universities 600). The impact is indeterminate because current articulation agreements between private schools and colleges or universities are individually negotiated and the rates could range from zero cost to the private school to standard tuition rates. If the agreements included the standard tuition rates, the cost per credit hour would range from \$71.98 for FCS institution and \$105.07 for a state university. The amount of credit hours taken by these students may also fluctuate. The potential costs to each college or university is indeterminate. Public postsecondary institutions may also be impacted if enrollment in the programs increases.

The bill allows a private school to enter into an agreement with a state university, or other specified postsecondary to establish an early college program and requires the agreement to be consistent with s. 1007.273, F.S, and s. 1007.271(21)(p), F.S. However, these sections of Florida Statutes pertain exclusively to public schools and postsecondary institutions and their agreements for dual enrollment courses and programs. Since collegiate high school programs are currently funded, it is unclear if there would be a fiscal impact to the FEFP.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

To address the uncertainty of a potential fiscal impact to the FEFP, the provision of the bill allowing a private school to enter into an agreement with a state university, or other specific postsecondary institution, to establish an early college program should be included in s. 1007.271(24), F.S.

While the bill specifically states that private schools and private school students are not responsible for the costs associated with dual enrollment tuition, fees, and instructional materials, it does not identify the entity who is responsible for these costs. This clarification is recommended.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On April 1, 2019, the Higher Education Appropriations Subcommittee adopted one amendment and reported the bill favorably with a committee substitute. The amendment provides that the articulation agreement between a public postsecondary institution and a private school must include a provision stating that the costs associated with tuition and fees, including registration, and laboratory fees will, in addition to not being passed along to the student, also will not be passed along to the student's private school of enrollment.

On April 9, 2019, the Education Committee adopted four amendments and reported the bill favorably as a committee substitute. The amendments:

- Authorize private schools, in addition to charter schools, to establish an early college program with a state college, state university, or other eligible postsecondary institution.
- Require instructional materials be made available to private school dual enrollment students, in addition to public school and home education dual enrollment students, free of charge.
- Require the dual enrollment articulation agreement between a public postsecondary institution and a private school to include a provision expressing that costs associated with instructional materials will not be passed along to the student's private school of enrollment.
- Require each postsecondary institution to report to the Commissioner of Education the total and average number of career dual enrollment clock hours and certificates earned for each dual enrollment articulation agreement it entered into during the previous year.
- Authorize district school boards and FCS institutions to request a 1-year waiver from the prohibition on limiting student participation in dual enrollment programs, subject to approval by the Commissioner of Education.
- Require the waiver request to describe the existing capacity issues, and specific courses or programs impacted by such issues; and include suggested solutions and a timeline for achieving capacity to accommodate student demand.
- Require the statement developed by DOE regarding dual enrollment transfer guarantees to include the English and mathematics courses that require a grade of C or higher to measure student achievement in college-level communication and computation skills, pursuant to state board rule.

The analysis is drafted to the committee substitute passed by the Education Committee.