

**STORAGE NAME:** h1275.cu.doc  
**DATE:** February 11, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
COMMITTEE ON COLLEGES & UNIVERSITIES  
ANALYSIS**

**BILL #:** HB 1275  
**RELATING TO:** Florida Bright Futures Scholarship Program  
**SPONSOR(S):** Representative Rubio  
**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) COMMITTEE ON COLLEGES & UNIVERSITIES
- (2) EDUCATION APPROPRIATIONS
- (3) COUNCIL FOR LIFELONG LEARNING
- (4)
- (5)

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I. SUMMARY:

THIS DOCUMENT IS NOT INTENDED TO BE USED FOR THE PURPOSE OF CONSTRUING STATUTES, OR TO BE CONSTRUED AS AFFECTING, DEFINING, LIMITING, CONTROLLING, SPECIFYING, CLARIFYING, OR MODIFYING ANY LEGISLATION OR STATUTE.

HB 1275 extends the applicability of the Florida Bright Futures Scholarship Testing Program (Bright Futures Testing Program) to all Bright Futures Scholars and makes the completion of the required exams a condition of eligibility. HB 1275 requires a student to complete at least five approved exams to receive a Florida Bright Futures Scholarship. It appears that a student may not receive a Bright Futures award for any term prior to the completion of five approved exams. HB 1275 removes the requirement that the maximum number of credit hours for which a student is eligible to receive a Bright Futures award is to be reduced by the number of hours for which credit is awarded pursuant to this program. HB 1275 reduces the maximum number of credit hours for which any student may receive an award to a specified number of hours based on the type of program.

HB 1275 removes the requirement for each community college and state university to pay for the College Level Examination Program (CLEP) exams and requires DOE to pay for the required exams from funds appropriated for public schools from the Educational Enhancement Trust Fund. DOE must negotiate with examination providers to provide for examinations and test administration services. HB 1275 requires DOE to administer the program to track and annually report on the effectiveness of the program and to determine eligibility for the scholarship program. DOE must contract for centralized administrative services for the program from funds appropriated from the Educational Enhancement Trust Fund. DOE must provide a \$50 incentive to each student for each required examination that is passed. Incentive funds are to be provided from the Education Enhancement Trust Fund.

The state will experience costs for the following: expansion of the program to include Gold Seal Scholars and students attending institutions other than community colleges and state universities; incentives paid to students who pass the required approved exams; costs to providers for test administration; and contracted administrative services. The state may experience savings from the new caps on the number of hours for which a student may receive an award and from reductions in instructional costs to the extent that students who earn credit pursuant to the testing program choose to graduate early. The effective date of the bill is July 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |   |  |   |
|-----------------------------------|---|--|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

The bill expands required participation in the Bright Futures Testing Program to include Gold Seal Scholars and students attending postsecondary vo-tech centers and students attending independent postsecondary education institutions. Participation in the program is made a condition of receiving an award.

B. PRESENT SITUATION:

See SECTION-BY-SECTION ANALYSIS.

C. EFFECT OF PROPOSED CHANGES:

See SECTION-BY-SECTION ANALYSIS.

D. SECTION-BY-SECTION ANALYSIS:

**Section 1.** Amends s. 240.4015, F.S., relating to the Florida Bright Futures Scholarship Testing Program.

**Present Situation:**

**Acceleration Mechanisms**

Section 240.116(1), F.S., provides legislative intent with regard to the use of articulated acceleration mechanisms by secondary and postsecondary students attending public educational institutions. The Legislature intends for articulated acceleration 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. Articulated acceleration mechanisms include the College Board Advanced Placement (AP) Program, the International Baccalaureate (IB) Program, the credit by examination program, and dual enrollment.

Section 240.116(2), F.S., provides that dual enrollment is the enrollment of an eligible secondary student in a postsecondary course creditable toward a vocational certificate or an associate or baccalaureate degree. Students who enroll in dual enrollment courses are exempt from the payment of registration, matriculation, and lab fees.

Section 240.116(4), F.S., provides that postsecondary credit for an Advanced Placement course must be limited to students who score a minimum of three on a five point scale on the corresponding Advance Placement Examination. The specific courses for which students receive credit are determined by the community college or university that accepts the student for admission. Students enrolled in Advanced Placement courses are exempt from the payment of any fees for the administration of the examination.

Section 240.116, (5) F.S., provides for credit by examination as the program through which secondary and postsecondary students generate postsecondary credit based on the receipt of a specified minimum score on a nationally standardized general or subject-area examinations. For the purpose of statewide application, such examinations and the corresponding minimum scores required for an award of credit must be delineated by the State Board of Education in the statewide articulation agreement. The maximum credit generated by a student must be mitigated by any related postsecondary credit earned by the student prior to the administration of the exam.

Section 240.116(6), F.S., requires the State Board of Education to specify the cut-off scores and International Baccalaureate exams that will be used to grant postsecondary credit. The specific course for which a student receives credit is to be determined by the community college or university that accepts the student for admission. Students enrolled in the IB Program are exempt from the payment of any fees for administration of the exams.

### **The Florida Bright Futures Scholarship Testing Program**

Section 240.4015(1), F.S., the Florida Bright Futures Scholarship Testing Program, <sup>1</sup>requires the Articulation Coordinating Committee (ACC) to identify minimum scores, maximum credit, and course or courses for which credit is to be awarded for each CLEP general exam, CLEP subject exam, AP Program exam, and IB exam. In addition the ACC must identify courses in the general education core curriculum of each state university and community college for which credit may be awarded by virtue of a certain score on one of the aforementioned exams.<sup>2</sup>

Section 240.4015, F.S., further requires that beginning with initial award recipients for the 2002-2003 academic year, eligible Academic Scholar award recipients and eligible Merit Scholar award recipients who enroll in a public postsecondary institution must complete at least five exams (CLEP, AP, or IB), one each in the following areas: English; humanities; mathematics; natural sciences; and social sciences. The exams must be taken prior to registering for any course for which credit could be awarded through a CLEP exam and must be taken no later than registration for the student's second term. Successful completion of dual enrollment courses, AP and IB examinations taken prior to high school graduation may be used to satisfy this requirement. The Articulation Coordinating Committee must identify the examinations that satisfy each component of this requirement.

Each community college and state university must award credit for each specific course for which competency has been demonstrated by successful passage of one of these examinations. Credit awarded by exam may not duplicate other credit already awarded. This requirement applies to all students, not just Bright Futures recipients.

Each community college and state university must pay for the CLEP examinations required pursuant to this program from funds appropriated from the Education Enhancement Trust Fund.

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<sup>1</sup> Chapter 2001-170, L.O.F.

<sup>2</sup> On September 19, 2001, the ACC adopted the list of credit-by-exam equivalents required by s. 240.4015, F.S. The list includes credit-by-exam equivalents for AP, CLEP, and IB exams, as required, as well as DANTES/DSST and Excelsior College exam equivalents. November 14, 2001, the ACC adopted Credit-By-Exam Guidelines for Postsecondary Institutions.

Institutions are prohibited from paying more than \$46 per examination for the program, including access to a student guide to prepare for the test. The Department of Education (DOE) is required to negotiate with the College Board for a reduced rate for examinations. Institutions are not to charge students for preparation and administration for the test, access to a student guide for preparation for the test, or record keeping and reporting of each student's test results to DOE. There is currently a process in place for Florida Academic Scholars and Florida Merit Scholars to be reimbursed for CLEP examination fees under the Bright Futures Testing Program by the public postsecondary institution in which the student enrolls.

The credit awarded by exam pursuant to this program must apply toward the 120 hours of college credit required pursuant to s. 240.115(6), F.S. The maximum number of credit hours for which a student is eligible to receive a Bright Futures award is to be reduced by the number of hours for which credit is awarded pursuant to this program.

DOE is required to track and annually report on the effectiveness of the program including the following information: the number of students participating in the program; the CLEP exams taken and the passage rate of Florida Academic Scholars and Florida Merit Scholars; the use of AP exams, IB exams, and dual enrollment to satisfy the requirements of the program; and the course credit provided. The first annual report is to begin with data related to the 2002-2003 award recipients.

**Effect of Proposed Changes:**

HB 1275 removes the requirement for the ACC to identify credit awarded for each CLEP exam. In addition to identifying credit that is to be awarded for IB and AP exams, the ACC must also identify credit to be awarded for each "other examination approved by a state university or community college." It is unclear what exams may be included in this new category. It is also unclear why CLEP is removed from the list of exams. It is unclear whether CLEP exams will remain approved exams to satisfy the Bright Futures Testing Program requirement. CLEP credit-by-exam equivalents have already been identified by the ACC.

HB 1275 provides that if a student successfully completes five examinations as approved by the ACC, the student must receive credits equivalent to successfully completing the equivalent courses of study for those five subjects in a state university or community college.

Currently, participation in the program is only required of Florida Academic Scholars and Florida Merit Scholars but not of Florida Gold Seal Vocational Scholars who attend a public community college or a state university. The program does not currently apply to students who receive a Gold Seal award or to students who enroll in a postsecondary vocational technical center or an independent postsecondary education institution. HB 1275 makes the Bright Futures Testing Program applicable to all Bright Futures Scholars. HB 1275 provides that in order to receive a Florida Bright Futures scholarship, a student must complete at least five exams in any of the following areas: English; humanities; mathematics; natural sciences; and social sciences. It is unclear whether a student may take multiple approved exams in the same area. The exams must be completed before a student may register for any course for which credit may be earned through an approved exam. The exams must also be completed no later than the registration of the second term. It appears that a student may not receive a Bright Futures award for any term prior to the completion of five approved exams.

HB 1275 provides that successful completion of dual enrollment courses, AP exams, and IB exams in these areas may satisfy the testing requirement of the program. HB 1275 removes the provision that references the completion of these exams and courses prior to high school graduation.

HB 1275 deletes obsolete language permitting initial Florida Academic Scholars and Florida Merit Scholars for 2001-2002 academic year to participate in the Bright Futures Testing Program.

HB 1275 removes the requirement for each community college and state university to pay for the CLEP exams. HB 1275 removes the \$46 per exam cap on the amount that institutions may pay for an exam. HB 1275 removes the requirement for DOE to negotiate with the College Board for a reduced rate for the CLEP. The bill provides instead that DOE pay for the approved exams required pursuant to the program from funds appropriated for public schools from the Educational Enhancement Trust Fund. DOE is further required to negotiate with "examination providers to provide for examinations and test administration services on a cost effective, lowest cost per test available."

HB 1275 requires DOE to provide a \$50 incentive to each student for each approved examination passed that is required by the program. The bonuses would be limited to passage of the "approved examinations" and would not be provided for successful completion of dual enrollment courses, Advanced Placement examinations, or International Baccalaureate examinations. Incentive funds are to be provided from the Education Enhancement Trust Fund.

HB 1275 removes the requirement that the maximum number of credit hours for which a student is eligible to receive a Bright Futures award is to be reduced by the number of hours for which credit is awarded pursuant to this program.

HB 1275 requires DOE to administer the program for all students in the state in order to track and annually report on the effectiveness of the program and in order to determine eligibility for the scholarship program. It is unclear how a student's eligibility will be determined prior to the beginning of the student's second term, which is the deadline for a student to have completed five approved tests. The annual reporting must include information on the number of students participating in the program; the number of approved examinations taken and the passage rate of Florida Academic Scholars, Florida Merit Scholars, and Florida Gold Seal Vocational Scholars; the use of AP exams, IB exams, and dual enrollment to satisfy the requirements of the program; and the course credit provided.

HB 1275 requires DOE to contract for centralized administrative services for the program from funds appropriated from the Educational Enhancement Trust Fund. The contracted administrative services must include a website with appropriate links for student registration; delivery of on-line test preparation, study guides, and practice tests; record keeping; and technical support.

**Section 2.** Amends s. 240.40203(2), F.S., relating to the Florida Bright Futures Scholarship Program; student eligibility requirements for renewal awards.

### **Present Situation:**

Section 240.40203, F.S., provides that a student who is enrolled in a program that terminates in an associate degree or baccalaureate degree may receive an award for a maximum of 110 percent of the number of credit hours required to complete the program. A student who is enrolled in a program that terminates in a technical certificate may receive an award for a maximum of 110 percent of the credit hours or clock hours required to complete the program up to 90 credit hours.

### **Effect of Proposed Changes:**

HB 1275 provides that a student who is enrolled in an associate or baccalaureate degree level program that terminates in a baccalaureate degree may not receive an award for more than 120 credit hours. If the number of hours required to complete the program is greater than 120 credit

hours, the student may receive an award up to the maximum number of credit hours required to complete the program. HB 1275 provides that a student who is enrolled in a program that terminates in a technical certificate may receive an award for up to 90 credit hours. HB 1275 does not provide a maximum number of credit hours for which a student may receive an award if the student is enrolled in a program that terminates in an associate degree program.

**Section 3.** Amends s. 240.40205(1), F.S., relating to the Florida Academic Scholars award.

**Present Situation:**

Section 240.40205(1), F.S., sets forth the eligibility criteria for a student to receive a Florida Academic Scholars award. To be considered for a Florida Academic Scholars award, in addition to meeting the general eligibility criteria for a Bright Futures Award and having served 75 hours of community service a student must:

- have achieved a 3.5 weighted GPA using the 15 core credits required for admission to a state university; **and**
- have scored a 1270 SAT or 28 ACT (best composite score); **or**
- have attended a home education program during grades 11 and 12 and scored a 1270 SAT or 28 ACT; **or**
- have completed the IB curriculum and scored a 1270 SAT or 28 ACT; **or**
- be an International Baccalaureate Diploma recipient; **or**
- be a National Merit Scholar or Finalist, National Achievement Scholar or Finalist; **or**
- be a National Hispanic Scholar.

**Effect of Proposed Changes:**

HB 1275 provides that beginning with initial Florida Academic Scholars award recipients in 2002-2003, students who establish eligibility through having achieved a 3.5 weighted GPA using the 15 core credits<sup>3</sup> required for admission to a state university and having scored a 1270 SAT or 28 ACT (best composite score), pursuant to s. 240.40205(1)(a) and (b), F.S., must also have taken five approved examinations or the equivalent as required by the Bright Futures Testing Program. As the bill is currently drafted, Florida Academic Scholars whose eligibility falls under one of the other methods of achieving eligibility - home education students; IB students; National Merit Scholars or Finalists; National Achievement Scholars or Finalists; and National Hispanic Scholars - would not be subject to the five exam requirement of the Bright Futures Testing Program as an initial eligibility requirement. An amendment is recommended to bring the provisions of this section into consistency with the provisions of the bill which require all students, beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, to participate in the testing program to receive a scholarship.

**Section 4.** Amends s. 240.40206(1), F.S., relating to the Florida Merit Scholars award.

**Present Situation:**

Section 240.40206(1), F.S., sets forth the eligibility criteria for a student to receive a Florida Merit Scholars award. To be considered for a Florida Merit Scholars award, in addition to meeting the general eligibility criteria for a Bright Futures Award a student must:

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<sup>3</sup> The 15 core credits on which the GPA calculation is based are as follows: 4 English (3 with substantial writing); 3 Mathematics (Algebra I and above); 3 Natural Science (2 with substantial lab); 3 Social Science (any); 2 Foreign Language (in the same language). A student may use up to four additional credits from courses in the academic areas listed above and/or AP or IB fine arts courses to raise his or her GPA.

- have achieved a 3.0 weighted GPA using the 15 core credits required for admission to a state university; **and**
- have scored a 970 SAT or 20 ACT (best composite score); **or**
- have attended a home education program during grades 11 and 12 and scored a 1070 SAT or 23 ACT; **or**
- have completed the IB curriculum and scored a 970 SAT or 20 ACT.

### **Effect of Proposed Changes:**

HB 1275 provides that beginning with initial Florida Merit Scholars award recipients in 2002-2003, students who establish eligibility through having achieved a 3.0 weighted GPA using the 15 core credits<sup>4</sup> required for admission to a state university and having scored a 970 SAT or 20 ACT (best composite score), pursuant to s. 240.40206(1)(a) and (b), F.S., must also have taken five approved examinations or the equivalent as required by the Bright Futures Testing Program. As the bill is currently drafted, Florida Merit Scholars whose eligibility falls under one of the other methods of achieving eligibility - home education students and certain IB students - would not be subject to the five exam requirement of the Bright Futures Testing Program as an initial eligibility requirement. An amendment is recommended to bring the provisions of this section into consistency with the provisions of the bill which require all students, beginning with initial award recipients for the 2002-2003 academic year and continuing thereafter, to participate in the testing program to receive a scholarship.

**Section 5.** Amends s. 240.40207(1), (4), F.S., relating to the Florida Gold Seal Vocational Scholars award.

### **Present Situation:**

Section 240.40207(1), F.S., sets forth the eligibility criteria for a student to receive a Florida Gold Seal Vocational Scholars award. To be considered for a Florida Gold Seal Vocational Scholars award, in addition to meeting the general eligibility criteria for a Bright Futures Award a student must:

- complete the secondary school portion of a sequential program of studies that requires at least three secondary school vocational credits taken over at least two academic years, and is continued in a planned, related postsecondary education program; **and**
- demonstrate readiness for postsecondary education by achieving a passing score on the Florida College Entry Level Placement Test (or equivalent score on the SAT or ACT); **and**
- achieve a 3.0 weighted GPA using the core credits<sup>5</sup> required for a standard high school diploma; **and**
- achieve a 3.5 unweighted GPA in secondary vocational credits comprising the vocational program; **and**
- complete the requirements of a vocational-ready diploma program, as defined by rules of the State Board of Education.

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<sup>4</sup> The 15 core credits on which the GPA calculation is based are as follows: 4 English (3 with substantial writing); 3 Mathematics (Algebra I and above); 3 Natural Science (2 with substantial lab); 3 Social Science (any); 2 Foreign Language (in the same language). A student may use up to four additional credits from courses in the academic areas listed above and/or AP or IB fine arts courses to raise his or her GPA.

<sup>5</sup> The 15 core credits on which the GPA calculation is based are as follows: 4 English; 3 Mathematics; 3 Natural Science; 3 Social Science; Practical Art or Performing Art or  $\frac{1}{2}$  credit in each;  $\frac{1}{2}$  Life Management Skills;  $\frac{1}{2}$  Personal Fitness. Beginning with 2003 graduates, one full credit of Personal Fitness will be required. For all students who entered high school as a freshman in 1999 or after, one full credit in Personal Fitness is required for graduation.

Section 240.40207(4), F.S., provides that a student may earn a Florida Gold Seal Scholars award for 110 percent of the number of credit hours required to complete the program, up to 90 credit hours or the equivalent.

**Effect of Proposed Changes:**

HB 1275 provides that beginning with initial award recipients in 2002-2003, in addition to current eligibility criteria, students must also have taken five approved examinations or the equivalent as required by the Bright Futures Testing Program to be eligible for the Florida Gold Seal Vocational Scholars award.

HB 1275 removes language permitting a Florida Gold Seal Vocational Scholar to earn an award for 110 percent of the number for credit hours required to complete the program. A Florida Gold Seal Vocational Scholar may still earn an award for up to 90 credit hours or the equivalent.

**Section 6.** Provides an effective date of July 1, 2002.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See fiscal comments.

2. Expenditures:

See fiscal comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private test providers may benefit to the extent that the Department of Education is able to negotiate a cost-effective agreement with a given provider. A private organization may benefit if awarded the DOE contract to provide administrative services. Individual students of Florida may benefit from monetary incentives to the extent that required approved exams are passed. Students and their families may benefit from reduced costs to obtain an undergraduate degree to the extent that students use any credit earned through the program to shorten their time to earn a degree.

D. FISCAL COMMENTS:

The fiscal impact of HB 1275 is indeterminate. The Office of Economic and Demographic Research projects 39,930 initial award recipients for the Florida Bright Futures Scholarship Program for the 2002-2003 academic year. Estimates regarding the dual enrollment credit, AP exam credit, and IB

exam credit that these students may have earned while in high school is not available. Consequently, the extent to which these students may need to take all five exams required by the program is not known. The projected pass rate of these students on the required exams is not known. The reported pass rate for students who choose to take a CLEP exam is 51 percent.

The state will experience costs for the following: expansion of the Bright Futures Testing Program to all Bright Futures award recipients beginning with the initial award recipients for the 2002-2003 academic year; incentives paid to students who pass required approved exams that are required by the Bright Futures Testing Program; costs to providers for test administration and contracted administrative services.

The state may experience savings from the reduction in the maximum number of hours for which an award may be provided and reduced instructional costs at public postsecondary educational institutions to the extent that students who earn credit pursuant to the Bright Futures Testing Program choose to graduate early.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

HB 1275 does not appear to violate any constitutional provisions.

B. RULE-MAKING AUTHORITY:

HB 1275 does not provide any additional or repeal any existing rule-making authority.

C. OTHER COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

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VII. SIGNATURES:

COMMITTEE ON COMMITTEE ON COLLEGES & UNIVERSITIES:

Prepared by:

Staff Director:

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Maria L. Eckard

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Betty H. Tilton, Ph.D.