

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1301 Student Achievement  
**SPONSOR(S):** Quinones  
**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2184

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Education K-20	26 Y, 0 N	Hatfield	Bohannon
2) Education Appropriations (Sub)	17 Y, 0 N	Mizereck	Mizereck
3) Appropriations		Mizereck	Baker
4)			
5)			

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### SUMMARY ANALYSIS

HB 1301 creates the "Florida Partnership for Minority and Underrepresented Student Achievement Act," which codifies a contract between a not-for-profit membership association and the state. The bill puts into law the existing partnership between the Department of Education and the College Board.

The bill appears to follow the existing Partnership relationship except for the requirement that all 10<sup>th</sup> grade students take the PSAT/NMQST and that the state must fund this testing.

The bill provides:

- Legislative intent,
- PSAT mandatory 10<sup>th</sup> grade testing and funding of the testing,
- Purposes and duties of the Partnership,
- Duties of the DOE and the College Board,
- Evaluation reports by the Partnership to the DOE, and
- Funding of the Partnership.

The bill also provides rulemaking authority to the State Board of Education.

The bill appears to have a fiscal impact on state expenditures. The bill requires *all* students in the 10<sup>th</sup> grade to take the PSAT and requires funding for the PSAT/NMSQT for all 10<sup>th</sup> grade students. The funding shall be provided annually in the General Appropriations Act (GAA). *Currently the state pays for 10<sup>th</sup> grade students to take the PSAT or the PLAN, but it is not mandatory. 62.6% of grade 10 students take the PSAT or the PLAN.* Please see Fiscal Comments.

The bill provides an effective date of July 1, 2004.

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

**STORAGE NAME:** h1301c.ap.doc  
**DATE:** April 12, 2004

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |  |   |
|--------------------------------------|------------------------------|--|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | 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 requires all students to take the grade 10 PSAT and requires the state to fund the testing.

#### B. EFFECT OF PROPOSED CHANGES:

##### Background

Beginning in 2000-01 a partnership was formed between the Department of Education (DOE) and the College Board to improve the college readiness of all students. The goal of the initiative is to provide all Florida students with more opportunities to prepare for and succeed in college. The Legislature has appropriated funds to the Florida Partnership since the 2000-01 fiscal year with the College Board matching at least one-third of any appropriation for the College Board Florida Partnership in materials and services.

##### Bill Provisions

HB 1301 creates the “Florida Partnership for Minority and Underrepresented Student Achievement Act,” which codifies a contract between a not-for-profit membership association and the state. The bill puts into law the existing partnership between the Department of Education and the College Board.

The bill appears to follow the existing Partnership relationship except for the requirement that all 10<sup>th</sup> grade students take the PSAT/NMQST and that the state must fund this testing.

The bill establishes the intent of the Legislature:

- that every student enrolled in a public secondary school has access to high-quality, rigorous academics, with a particular focus on access to College Board Advanced Placement (AP) Courses;
- to provide assistance to all public secondary schools, with a primary focus on low-performing middle and high schools; and
- that the partnership accomplish its mission primarily through strengthening the content knowledge of teachers and providing instructional resources, including materials and strategies, which enable teachers to provide instruction to students who have diverse learning styles.

The bill gives the Partnership the mission to prepare, inspire, and connect students to college success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education. The bill also provides for annual funding of the Partnership in the General Appropriations Act (GAA). The bill continues the requirement that the College Board match at least one-third of the allocation in materials and services to the program.

##### PSAT/NMSQT

The bill requires each public school district to ensure that each of its high schools, including alternative sites and centers of the Department of Juvenile Justice, administer the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) to all enrolled 10<sup>th</sup> grade students. The exam must be administered on the national administration date set by the College Board and the National Merit

Scholarship Corporation. The bill also requires that by October 2005 districts that offer fall breaks must schedule those breaks around the testing date so not to coincide.

The bill requires test results to be in the form of a database of student assessment data which guidance counselors will use to identify students who are prepared or who need additional preparation to enroll and be successful in AP courses or other higher-level college-preparatory high school courses.

The bill also requires *all* students in the 10<sup>th</sup> grade to take the PSAT and requires funding for the PSAT/NMSQT for all 10<sup>th</sup> grade students. The funding shall be provided annually in the General Appropriations Act (GAA).

*Currently the state pays for 10<sup>th</sup> grade students to take the PSAT or the PLAN, but it is not mandatory. Based on the chart below, 62.6% of grade 10 students take the PSAT or the PLAN.*

**Number of Grade 10 Students Taking the PSAT and/or the PLAN in Florida Public Schools<sup>1</sup>**

	<b>Number of Grade 10 Students</b>	<b>Number taking PSAT</b>	<b>Percentage of 10<sup>th</sup> Graders taking PSAT</b>	<b>Number taking PLAN</b>	<b>Percentage of 10<sup>th</sup> Graders taking PLAN</b>
<b>Fall 1999</b>	177,234	36,682	20.7	6,725	3.8
<b>Fall 2000</b>	170,385	77,773	45.6	24,020	14.1
<b>Fall 2001</b>	172,870	87,684	50.7	17,831	10.3
<b>Fall 2002</b>	184,264	99,922	54.2	15,561	8.4

### **The Partnership**

The bill requires the Partnership to:

- Provide teacher training and professional development to enable teachers of AP courses to have the necessary content knowledge and instructional skills to prepare students for success on AP examinations and mastery of college course content. All professional development for this purpose must be endorsed by the College Board.
- Provide middle school teachers and administrators professional development that will enable them to educate middle school students at the level necessary to prepare the students to enter high school ready to participate in advanced courses. This professional development must also be endorsed by the College Board.
- Provide teacher training and materials that are aligned with the Sunshine Standards and are consistent with best theory and practice regarding multiple learning styles and research on learning, instructional design, and classroom assignment. Curriculum materials must be based on current, accepted, and essential academic knowledge. Materials for prerequisite courses should, at a minimum, address the skills assessed on the Florida Comprehensive Assessment Test (FCAT).
- Provide assessment of individual strengths and weaknesses as related to potential success in AP courses and readiness for college.
- Provide SAT preparation through a variety of means that may include, but are not limited to, training teachers to provide courses at community centers, faith-based organizations, and businesses; and providing on-line courses. All courses must use materials endorsed by the College Board.
- Consider ways to incorporate community colleges in the mission of preparing all students for success in college.
- Provide a plan for communication and coordination of efforts with the Florida Virtual School's provision of on-line AP courses.
- Provide a plan of communication and marketing which includes, but need not be limited to, the dissemination to parents of materials that emphasize the importance of AP courses to a student's

<sup>1</sup> Florida Department of Education.

ability to gain access and succeed in college and of materials that emphasize the importance of the PSAT/NMSQT, which provides diagnostic feedback on skills and relates student scores to the probability of success on AP examinations, and also the dissemination of such information to students, teachers, counselors, administrators, districts, community colleges, and state universities. The department shall assist the partnership in communicating opportunities and priorities to administrators, teachers, and counselors whenever possible.

## **DOE**

The bill requires DOE to approve a plan of delivery of services by May 31 of each year for the subsequent academic year. The bill also requires the Partnership to submit to DOE by September 30 of every year, an annual report that contains an evaluation of the effectiveness of the delivered services and activities. Factors to be evaluated are:

- Effectiveness of the services in raising student achievement and increasing the number of AP examinations in low-performing middle and high schools,
- Number of middle and high school teachers trained and the effectiveness of the training,
- Measures of college readiness of the students affected by the program,
- Levels of participation in the 10<sup>th</sup>-grade PSAT/NMQST testing, and
- Measures of the student, parent, and teacher awareness of and satisfaction with the services of the Partnership.

The bill also requires DOE to contribute to the evaluation process by providing access to student and teacher information necessary to match against databases containing teacher professional development data and databases containing assessment data for the PSAT/NMQST, SAT, and AP exams. The DOE also must provide student-level data, if it is available, on student progress from middle school through high school and into college and the workforce, in order to support longitudinal data.

The bill provides the State Board of Education with the authority to adopt rules to administer this program. The bill also provides an effective date of July 1, 2004.

### **C. SECTION DIRECTORY:**

Section 1: Creates s. 1007.35, F.S., codifying the existing partnership relationship between the DOE and the College Board; naming the bill the "Florida Partnership for Minority and Underrepresented Student Achievement Act;" providing purposes and duties of the Partnership; providing duties of the DOE and the College Board; requiring an annual evaluation report; providing funding for the Partnership; and authorizing the SBE to adopt rules.

Section 2: Provides an effective date of July 1, 2004.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

#### **1. Revenues:**

The bill does not appear to have a fiscal impact on state revenues.

#### **2. Expenditures:**

Please see Fiscal Comments.

### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill may have a direct economic impact on the private sector to the extent that it competes with existing private programs preparing students for college entrance tests.

D. FISCAL COMMENTS:

The bill may not bind future legislatures to take any action, such as requiring funding of the Partnership and the PSAT testing.

According to the contract between the College Board and the Department of Education, in 2000 the Legislature appropriated \$8.2 million to fund the partnership; in 2001 it appropriated \$5 million and in 2002 and 2003 it appropriated \$5.5 million.

In the current proposed budget, the Legislature has appropriated \$5.5 million to fund the partnership (SA 9A).

In 2003-2004, the Legislature appropriated \$1.6 million for administration of the PSAT or PLAN (pre-ACT) to any 10<sup>th</sup> grade student (SA 109, SB-2A).

It is unclear how much the bill will cost with respect to the teacher training and promotional requirements, but the cost of the mandatory PSAT will turn on the amount paid to the College Board (currently \$10.85 per student) and the number of students who are in 10<sup>th</sup> grade. *Currently the state pays for 10<sup>th</sup> grade students to take the PSAT or the PLAN, but it is not mandatory. 62.6% of grade 10 students take the PSAT or the PLAN.* There are 192,445 10<sup>th</sup> grade students as of fall 2003. Assuming a 100% participation rate, the cost would be \$2,088,028. It is unclear whether this amount is contained in the existing budget proposal.

### III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

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

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Authorizes the State Board of Education to adopt rules to implement the bill's provisions.

C. DRAFTING ISSUES OR OTHER COMMENTS:

By naming the bill as the "Florida Partnership for Minority and Underrepresented Student Achievement," it could be construed to focus primarily on minority students, raising a possible equal protection issue.

The bill requires DOE to provide student information to the Partnership for purposes of assessment. This must be consistent with the Family Educational Rights and Privacy Act (20 U.S.C. s. 1232(g)) and s. 1002.22, F.S.

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**

On April 2, 2004, the Subcommittee on Education Appropriations favorably recommended HB1301 with a strike-all amendment that contains the following provisions:

- Names the act the “Florida Partnership for Minority and Underrepresented Student Achievement Act;”
- Provides Legislative intent;
- Creates the Florida Partnership for Minority and Underrepresented Student Achievement; allows the Department of Education to contract for the operation of the partnership;
- Establishes the mission of the Partnership;
- Requires each public high school to provide for the administration of the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) or Preliminary ACT (PLAN); provides for parents to exempt their student from the test; allows guidance counselors to use the test results for course counseling; requires each district to choose the PSAT/NMSQT or PLAN;
- Provides the duties of the Partnership as professional development; assessment of students’ individual strengths and weaknesses; entrance examination preparation; coordination with the Florida Virtual School; communication and outreach to parents, guidance counselors, teachers, administrators, and other interested parties;
- Requires the Department of Education to annually approve a plan for delivery of services;
- Requires a evaluation of the effectiveness of the services;
- Requires the participating partner, if there is one, to match state appropriations with a one-third match in materials and services; and
- Authorizes the State Board of Education to make rules.