

**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 Appropriations

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BILL: CS/SB 874

INTRODUCER: Appropriations Committee and Senator Stargel

SUBJECT: Dual Enrollment Program

DATE: April 20, 2015

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	<b>Favorable</b>
2.	Sikes	Elwell	AED	<b>Favorable</b>
3.	Sikes	Kynoch	AP	<b>Fav/CS</b>

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 874 modifies public and private dual enrollment articulation agreements to expand benefits for home education program and private school students and establishes August 1 as the annual deadline for submitting such agreements to the Florida Department of Education.

Specifically, the bill:

- Clarifies that the provision of instructional materials and transportation for home education program and private school students will be addressed in the articulation agreement with the postsecondary institution.
- Specifies dual enrollment articulation agreement provisions and requirements for agreements with private school students, similar to current law for home education program students.
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.

The bill has an indeterminate fiscal impact in terms of a loss of revenue for postsecondary institutions. The requirement for all eligible postsecondary institutions to enter into dual enrollment articulation agreements with private and home education program students, who are exempt from payment of tuition and fees, will result in a loss of revenue for the state's postsecondary institutions. However, due to the uncertainty in the number of eligible students, the potential loss of revenue is not known at this time. Postsecondary institutions may also need to increase administrative staff to implement the required dual enrollment policies, provide additional oversight over the admission and retention of dual enrollment students, and maintain additional academic records.

Dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2014-2015, the average technology fee was \$5.23 per credit hour at state universities and \$3.90 per credit hour at Florida College System institutions.

The bill provides an effective date of July 1, 2015.

## II. Present Situation:

Each year, more than 50,000 students participate in Florida's dual enrollment program and participation is continuing to grow.<sup>1</sup> Dual enrollment is an acceleration mechanism that allows a student, who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school<sup>2</sup> or who is a home education<sup>3</sup> student, to enroll in a postsecondary course that is creditable toward high school completion and a career certificate, an associate degree, or a baccalaureate degree.<sup>4</sup> A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma must not be classified as a dual enrollment student.<sup>5</sup> Eligible students are authorized to enroll in dual enrollment courses conducted during school hours, after school hours, and during the summer term.<sup>6</sup> If, however, a student is projected to graduate from high school before the scheduled completion date for a postsecondary course, the student must not register for that course through dual enrollment.<sup>7</sup>

### *Student Eligibility Requirements*

To enroll in a postsecondary course through dual enrollment, a student must demonstrate readiness to perform college-level work.<sup>8</sup> To demonstrate readiness for college-credit dual enrollment courses, students must attain a 3.0 unweighted high school grade point average

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<sup>1</sup> Florida Department of Education, *Dual Enrollment FAQs*, available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 1 of 12.

<sup>2</sup> A private school is "a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the intent of s. 1003.01(13) or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41." Section 1002.01(2), F.S. The Florida Department of Education (DOE) maintains a database of private schools that meet the specified requirements in law. Section 1002.42(2), F.S.

<sup>3</sup> A home education program means "the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of ss. 1002.41, 1003.01(13), and 1003.21(1)." Section 1002.01(1), F.S. A parent must notify the district school superintendent of the county in which the parent resides of his or her intent to establish and maintain a home education program. The notice must be in writing, signed by the parent, and must include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice must be filed in the district school superintendent's office within 30 days of the establishment of the home education program. Section 1002.41(1)(a), F.S.

<sup>4</sup> Section 1007.271(1)-(2), F.S.

<sup>5</sup> Section 1007.271(1), F.S.

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

<sup>7</sup> *Id.*

<sup>8</sup> Section 1007.271(3), F.S.

(GPA) and the minimum required score on a common placement test<sup>9</sup> adopted by the State Board of Education.<sup>10</sup> To enroll in a career dual enrollment course, students must attain a 2.0 unweighted high school GPA.<sup>11</sup> Florida College System (FCS) institution boards of trustees may establish additional initial student eligibility requirements which must be specified in dual enrollment articulation agreements.<sup>12</sup> However, such requirements must not “arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.”<sup>13</sup>

### ***Dual Enrollment Articulation Agreements***

Dual enrollment articulation agreements (articulation agreement) are locally-developed agreements between a school district, a home education parent, or a private school and an eligible postsecondary education institution<sup>14</sup> regarding participation in dual enrollment courses.<sup>15</sup> The articulation agreement between each school district and public postsecondary institution are mandatory and must be submitted to the Florida Department of Education (DOE or department) annually by August 1.<sup>16</sup> However, articulation agreements between postsecondary education institutions and private secondary schools are optional and not submitted to the department.<sup>17</sup> In addition, articulation agreements between a home education parent and the partnering postsecondary education institution are not required to be submitted to the department.<sup>18</sup> Consequently, DOE does not annually collect information on articulation agreements for private school and home education program students.

Currently, two of Florida’s 12 state universities and all 28 FCS institutions participate in dual enrollment.<sup>19</sup>

### ***Tuition, Fees, and Other Costs***

A student who enrolls in a postsecondary course through dual enrollment is exempt from the payment of registration, tuition, and laboratory fees.<sup>20</sup>

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<sup>9</sup> A student may take the Florida Postsecondary Education Readiness Test (PERT), Accuplacer, SAT, or Enhanced ACT to demonstrate reading, writing, and mathematics proficiency, by meeting specified minimum test scores, to perform college-level work. Rule 61-10.0315, F.A.C.

<sup>10</sup> Section 1007.271(3), F.S.

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

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> An eligible postsecondary education institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

<sup>15</sup> Section 1007.271, F.S.; Florida Department of Education, *Dual Enrollment FAQs*, available at <http://www.fldoe.org/core/fileparse.php/5423/urlt/DualEnrollmentFAQ.pdf>, at 3 of 12.

<sup>16</sup> Section 1007.271(21), F.S.

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

<sup>18</sup> Section 1007.271(13), F.S.

<sup>19</sup> Email, Florida Department of Education (March 13, 2015), on file with the Committee on Education Pre-K – 12 staff; Florida Department of Education, *2014-15 Dual Enrollment Agreements*, <http://www.fldoe.org/policy/articulation/1415dual-enrollment-agreements.stml> (last visited March 13, 2015).

<sup>20</sup> Section 1007.271(2), F.S.

Instructional materials assigned for dual enrollment courses must be provided to dual enrollment students from Florida public high schools free of charge.<sup>21</sup> This requirement does not prohibit a FCS institution from providing instructional materials at no cost to a home education program or a private school student.<sup>22</sup> Instructional materials purchased by a district school board or a FCS institution board of trustees on behalf of dual enrollment students must be the property of the board that purchased the instructional materials.<sup>23</sup>

### III. Effect of Proposed Changes:

The bill modifies public and private dual enrollment articulation agreements to expand benefits for home education program and private school students and establishes August 1 as the annual deadline for submitting such agreements to the Florida Department of Education (DOE).

Specifically, the bill:

- Clarifies that the provision of instructional materials and transportation for home education program and private school students will be addressed in the articulation agreement with the postsecondary institution.<sup>24</sup>
- Specifies dual enrollment articulation agreement provisions and requirements for agreements with private school students, similar to current law for home education program students.<sup>25</sup>
- Adds technology fees to the existing fees that public and private school students and home education program students are exempt from paying for dual enrollment courses.

#### *Dual Enrollment Articulation Agreements*

The bill:

- Clarifies that public and private postsecondary institutions that are eligible to receive funding for participation in dual enrollment,<sup>26</sup> must enter into a home education articulation agreement with each home education program student seeking enrollment in dual enrollment courses.
  - Requires public and private postsecondary institutions that enter into articulation agreements with home education program students, to complete and submit the articulation agreements annually to the DOE by August 1. This provision will allow the department to compile information on locally-developed articulation agreements between home education program student and eligible postsecondary institutions.
  - Requires that the articulation agreement include a provision expressing whether the student or the postsecondary institution is responsible for providing instructional materials and transportation.
- Requires district school boards and FCS institutions that enter into articulation agreements with state universities or eligible private postsecondary education institutions, to complete and submit the articulation agreements annually to the DOE by August 1. This provision will

<sup>21</sup> Section 1007.271(17), F.S.

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

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

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

<sup>25</sup> Section 1007.271(13), F.S.

<sup>26</sup> An eligible postsecondary education institution is a state university, a Florida College System (FCS) institution, or “an independent college or university which is located and chartered in Florida, is not for profit, is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools or the Accrediting Council for Independent Colleges and Schools, and confers degrees as defined in s. 1005.02” Sections 1007.271 and 1011.62(1)(i), F.S.

allow the department to compile information on locally-developed school district and FCS institution articulation agreements with eligible postsecondary institutions.

- Requires each eligible postsecondary education institution to enter into an articulation agreement with each private school student seeking to participate in dual enrollment courses that are creditable toward a career certificate, an associate degree, or a baccalaureate degree, in effect, aligning this provision to the articulation agreement requirements for home education program students.
  - Specifies information that must be included in the articulation agreements with private school students similar to information that must be included in articulation agreements with home education program students (i.e., delineation of available courses and programs, initial and continued student eligibility requirements which must not exceed the requirements for other dual enrollment students, whether the student or postsecondary institution is responsible for providing instructional materials and transportation, and a copy of transfer guarantees developed by the DOE to inform students and parents about transferability of credits earned through dual enrollment toward elective or general education requirement).
  - Requires the postsecondary education institutions to complete and submit the articulation agreements annually to the DOE by August 1.
- Requires the electronic submission system for submitting dual enrollment articulation agreements between public postsecondary education institutions and school districts to also be used for the submission of articulation agreements with home education program and private school students. This provision may streamline the process for submitting the articulation agreements with home education program and private school students which will assist with compiling relevant information.
  - Requires the DOE to review, for compliance, articulation agreements with home education program and private school students, in effect, aligning this provision with the department's oversight responsibility for articulation agreements between public postsecondary education institutions and school districts.

#### ***Tuition, Fees, and Other Costs***

The bill requires that, in addition to registration, tuition, and laboratory fees, all dual enrollment students will also be exempt from technology fees.

The bill provides an effective date of July 1, 2015.

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

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

None.

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

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 874, dual enrollment students will be exempt from technology fees for dual enrollment courses. In 2014-2015, the average technology fee was \$5.23 per credit hour at state universities and \$3.90 per credit hour at Florida College System institutions.

C. Government Sector Impact:

According to the Board of Governors (BOG), the requirement for state universities to enter into dual enrollment articulation agreements with private and home education program students, who are exempt from payment of tuition and fees, will result in a loss of revenue for the state universities. However, due to the uncertainty in the number of eligible students, the potential loss in revenues to the universities is indeterminable at this time. Universities may also need to increase administrative staff to implement the required dual enrollment policies, provide additional oversight over the admission and retention of dual enrollment students, and maintain additional academic records.<sup>27</sup>

Florida College System institutions should experience a similar, yet also indeterminate, loss of revenue and need to increase administrative staff to implement the required dual enrollment policies.

The bill requires electronic submission of dual enrollment articulation agreements for home education program and private school students to the Department of Education and requires the department to review each agreement for compliance. According to the department, this will require modifications to the existing electronic submission system and additional staff to review each of these agreements at a cost of \$100,000.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

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<sup>27</sup>Board of Governors, *2015 Legislative Bill Analysis for SB 874*, on file with Appropriations Subcommittee on Education staff.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1002.20, 1007.271, and 1011.62.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Appropriations on April 16, 2015:**

The committee substitute clarifies that provision of instructional materials and transportation for home education program and private school students will be addressed in the articulation agreement with the postsecondary institution.

- B. **Amendments:**

None.