

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.)

Prepared By: The Professional Staff of the Committee on Appropriations

BILL: SB 62
 INTRODUCER: Senator Stargel
 SUBJECT: K-12 Education
 DATE: February 4, 2020 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Sagues, Bouck, Brick	Sikes	ED	Favorable
2.	Underhill	Elwell	AED	Recommend: Fav/CS
3.	Underhill	Kynoch	AP	Pre-meeting

I. Summary:

SB 62 renames the “collegiate high school” program to the “early college” program and modifies a number of provisions related to education funding. Specifically, the bill:

- Specifies that the resolution required for voters to approve the levy of a discretionary sales surtax for school capital outlay must include a statement that the revenues collected will be shared with charter schools based on their proportionate share of the total school district enrollment.
- Expands the Florida Education Finance Program (FEFP) funding to incentivize school districts to offer secondary students access to advanced coursework through dual enrollment and early college programs. The bill:
 - Provides bonus full-time equivalent (FTE) funding to public school districts for each dual enrollment general education core course with an earned grade of “C” or better:
 - Students enrolled in an early college program generate a 0.16 FTE student membership bonus.
 - Students not enrolled in an early college program generate a 0.08 FTE student membership bonus.
 - Provides bonus funding of 0.3 FTE student membership for each student who completes an associate degree through the dual enrollment program with at least a 3.0 grade point average.
 - Requires school districts to allocate at least 50 percent of the bonus funds for dual enrollment and early college programs to the schools that generated the funds to support academic guidance and postsecondary related activities.
- Provides bonus funding in the FEFP of 0.3 FTE for each student who receives an Advanced Placement (AP) Capstone Diploma in addition to a standard high school diploma.
- Adds new requirements to the mental health plans that school districts and charter schools must submit in order to receive the mental health assistance allocation in the FEFP.

- Removes the July 1, 2020, expiration date for the funding compression allocation within the FEFP.

The bill does not require appropriation of additional state funds, but it may provide additional FEFP funds to those school districts with more students successfully completing dual enrollment coursework and school districts that offer the AP Capstone Diploma. See Section V.

The bill takes effect on July 1, 2020.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

School Capital Outlay Surtax

Present Situation

The law authorizes school districts to levy discretionary sales surtaxes for school capital outlay. Each county school board may levy, pursuant to approval by a majority vote of the electors of the county voting in a referendum, a discretionary sales surtax at a rate not to exceed 0.5 percent.¹

The resolution must include a statement that provides a brief and general description of the school capital outlay projects to be funded by the surtax.² The resolution must include a plan for the use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses that have a useful life expectancy of five or more years, and any land acquisition, land improvement, design, and related engineering costs.³ The plan must also include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district.⁴ Surtax revenues may be used for the purpose of servicing bond indebtedness to finance authorized projects, and any interest accrued may be held in trust to finance the projects.⁵

The Department of Revenue collects the surtax revenues and is required by law to distribute them to the district school board imposing the tax.⁶ There is currently no provision in law requiring school districts to share the capital outlay surtax funds with charter schools.

Effect of Proposed Changes

The bill establishes an additional requirement for the resolution that is required for voters to approve the levy of a discretionary sales surtax at a rate that may not exceed 0.5 percent.

¹ Section 212.055, F.S.

² Section 212.055(6)(b), F.S.

³ Section 212.055(6)(c), F.S.

⁴ *Id.*

⁵ *Id.*

⁶ Section 212.055(6)(d), F.S.

Specifically, such resolution must include a statement that the revenues collected shall be shared with charter schools based on their proportionate share of the total school district enrollment.

The bill also requires that charter schools expend the surtax funds in a manner consistent with the plan specified in law that requires the school board set forth a surtax fund plan for fixed capital expenditures or fixed capital costs.

Collegiate High School Program

Present Situation

In 2014, the Legislature codified the collegiate high school program and specified related requirements.⁷ Florida law requires each Florida College System (FCS) institution to work with each district school board in its designated service area⁸ to establish one or more collegiate high school programs.⁹ In fall 2018, there were 11,146 students enrolled in a collegiate high school or collegiate high school program.¹⁰

Purpose

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

Program Contract

Each district school board and its local FCS institution must execute a contract to establish one or more collegiate high school programs at a mutually agreed upon location or locations. If the FCS institution does not establish a program with a district school board in its designated service area, another FCS institution may execute a contract with that district school board to establish the program.¹²

In addition to executing a contract with the local FCS institution, Florida law authorizes a district school board to execute a contract to establish a collegiate high school program with a state university or an independent college or university that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is nonprofit and located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.¹³

⁷ Section 10, ch. 2014-184, L.O.F.

⁸ Section 1000.21(3), F.S.

⁹ Section 1007.273(1), F.S.

¹⁰ Email, Florida Department of Education (Jan. 8, 2020).

¹¹ Section 1007.273(2), F.S.

¹² Section 1007.273(3), F.S.

¹³ Section 1007.273(5), F.S.

Florida law specifies the information that must be addressed in the contract that must be executed by January 1 of each school year for implementation of the program during the next school year.¹⁴

Student Performance Contract

Each student participating in a collegiate high school 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 the applicable FCS institution, state university, or independent college or university.¹⁵ The performance contract must include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and course grade requirements.

Effect of Proposed Changes

The bill modifies s. 1007.273, F.S., and changes the name of the collegiate high school program to the early college program. In addition, the bill:

- Changes the purpose of the program to remove specified grade levels and credit thresholds to specify that an early college program means a structured high school acceleration program in which a cohort of students is enrolled full-time in postsecondary courses toward an associate degree. The bill requires that the early college program prioritize courses applicable as general education core courses¹⁶ for an associate degree or a baccalaureate degree.
- Specifies that the early college program contract between a district school board and the local FCS institution, which includes a delineation of dual enrollment courses available, must include general education core courses.¹⁷
- Requires the student performance contract for the early college program include a provision describing the applicability of dual enrollment courses in the program to an associate degree or a baccalaureate degree.
- Specifies that a charter school may execute a contract directly with the local FCS institution or another institution to establish an early college program at a mutually agreed upon location.

The bill establishes a reporting requirement relating to early college programs. Specifically, by November 30, 2021, and annually thereafter, the commissioner of education must report to the Governor, President of the Senate, and the Speaker of the House of Representatives the status of

¹⁴ Section 1007.273(3), F.S.

¹⁵ Section 1007.273(4), F.S. To participate in a collegiate high school program, an independent college or university must be an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees. Section 1007.273(5), F.S.

¹⁶ Section 1007.25, F.S. and Rule 6A-14.0303, F.A.C.

¹⁷ General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. Beginning with students initially entering an FCS institution or state university in 2015-2016 and thereafter, each student must complete at least one identified core course in each subject area as part of the general education course requirements. The general education core course options must be adopted in rule by the State Board of Education (SBE) and in regulation by the Board of Governors. Section 1007.25(3), F.S. See also Rule 6A-10.0303 and BOG Regulation 8.005.

early college programs, including, at a minimum, a summary of student enrollment and completion at public and private postsecondary institutions.

In addition, the bill includes a conforming provision to change the name of the collegiate high school program to the early college program related to the requirements for a standard high school diploma for students with disabilities.¹⁸

Florida Education Finance Program (FEFP)

The Florida Education Finance Program (FEFP) is the primary mechanism for funding the operating costs of Florida school districts. Under the FEFP, financial support for education is based on the full-time equivalent (FTE) student membership in public schools.¹⁹ The number of FTE students in each of the funded education programs is multiplied by cost factors²⁰ relative to each program to obtain weighted FTE student values.²¹ The base student allocation from state and local funds is determined annually by the Legislature in the General Appropriations Act (GAA) and is a component in the calculation of each school district's base funding.²² In addition to the base funding, the Legislature may appropriate categorical funding for specified programs, activities or purposes, such as for mental health assistance, and funding compression.²³ School districts may also earn supplemental FTE funding through the FEFP for programs based on performance, such as College Board Advanced Placement bonus funding.²⁴

Incentive Funding for Acceleration Programs

Present Situation

Dual enrollment funding for public schools is included in the calculation of FTE students within the FEFP.²⁵ There is no provision in law to allow for additional performance funding for students earning dual enrollment credit.

Florida schools offer high school acceleration programs such as Advanced Placement (AP), International Baccalaureate (IB), and Advanced International Certificate of Education (AICE) to shorten the time necessary for a student to earn a high school diploma and a postsecondary degree, broaden the scope of curricular options available, and increase the depth of study available for a particular subject.²⁶ The law provides the following benefits to schools and students engaged in these programs:

¹⁸ Section 1003.4282(10)(c)2., F.S.

¹⁹ Section 1011.62, F.S.

²⁰ Program cost factors are based on desired relative cost differences between the following programs as established in the annual General Appropriations Act: grades K-3; 4-8; 9-12; two program cost factors for exceptional students; secondary career education programs; and English for Speakers of Other Languages. Section 1011.62(1)(c), F.S.

²¹ Section 1011.62, F.S.; Department of Education, *2019-20 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 1.

²² Department of Education, *2019-20 Funding for Florida School Districts* available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 17.

²³ Section 1011.62(6) F.S.

²⁴ Section 1011.62(1) F.S.

²⁵ Department of Education, *2019-20 Funding for Florida School Districts*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf> at 11.

²⁶ Section 1007.27(1), F.S.

- Successful completion of a course examination in any of these programs qualifies for college credit.²⁷
- The percentage of a school's students eligible to earn college credit through any of these programs has a positive effect on the school's grade.²⁸
- A grade earned in any of these programs is assigned additional weight for determining student eligibility for a Bright Futures Scholarship.²⁹

The FEFP also provides a funding incentive for school districts with students in AP, IB, AICE courses who successfully complete AP, IB, and AICE examinations or earn an IB or AICE diploma.³⁰ The additional FTE is calculated as follows:

- A value of 0.16 FTE student membership is calculated for each student in each AP course who receives a score of 3 or higher on the College Board AP examination.³¹
- A value of 0.16 FTE student membership is calculated for each student enrolled in an IB course who receives a score of 4 or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an IB diploma.³²
- A value of 0.16 FTE student membership is calculated for each student enrolled in a full-credit AICE course, and 0.08 FTE student membership for each student enrolled in a half-credit AICE course, for each student who receives a score of E or higher on a subject examination. A value of 0.3 FTE student membership is calculated for each student who receives an AICE diploma.³³

In addition, classroom teachers may receive bonus funds for the performance of their students on AP, IB, and AICE examinations. School districts must use the additional FTE funds for purposes specified in law.³⁴

The AP Program enables students to pursue college-level studies while still in high school.³⁵ The program consists of college-level courses developed by the AP Program that high schools can choose to offer, and corresponding exams that are administered once a year.³⁶ A student must score a '3' or higher, on a 5-point scale, to earn postsecondary credit through the AP Program.³⁷

AP Capstone is a diploma granted to students who earn a score of '3' or higher in AP Seminar and AP Research and on four additional AP exams chosen by the student. The program is based on the AP Seminar and AP Research courses, which are yearlong AP courses.³⁸ These courses

²⁷ Section 1003.4295, F.S.

²⁸ Section 1008.34(3)(b)2.b., F.S.

²⁹ Section 1009.531(3)(a), F.S.

³⁰ Section 1011.62, F.S. Accelerated mechanisms include, but are not limited to, dual enrollment and early admission, advanced placement, credit by examination, the International Baccalaureate Program, and the Advanced International Certificate of Education Program. Section 1007.27(1), F.S.

³¹ Section 1011.62(1)(n), F.S.

³² Section 1011.62(1)(l), F.S.

³³ Section 1011.62(1)(m), F.S.

³⁴ Section 1011.62(1)(l)-(n), F.S.

³⁵ College Board, AP Central, *AP at a Glance*, <https://apcentral.collegeboard.org/about-ap/ap-a-glance> (last visited Mar. 20, 2019).

³⁶ *Id.*

³⁷ See ss. 1007.27(5) and 1007.23(1), F.S.

³⁸ College Board, AP Capstone Diploma Program, *How it Works*,

are designed to complement the other AP courses that the AP Capstone student must take.³⁹ AP Seminar and AP Research use an interdisciplinary approach to develop skills students need for college-level work.⁴⁰ In the 2018-2019 academic year, 1,402 students in 228 high schools in Florida earned an AP Capstone Diploma.⁴¹

The IB Diploma is only awarded to students who complete the following elements over the course of a two-year program of study:⁴²

- Six subjects chosen from six subject groups, which include:
 - Studies in language and literature
 - Language acquisition
 - Individuals and societies
 - Sciences
 - Mathematics
 - The arts
- An extended essay with a prescribed limit of 4,000 words.
- A theory of knowledge course exploring the nature of knowledge across all disciplines.
- At least three hours each week in creativity, action, and service, which includes participation in the arts, individual and team sports or expeditions or projects, and community and social service activities.

To earn the AICE Diploma, students must achieve seven credits within a 25-month period, including at least one credit in:⁴³

- A Cambridge International Global Perspectives & Research course;
- Mathematics and science;
- Languages; and
- Arts and humanities.

Successful completion of an IB or AICE curriculum satisfies the credit requirement for receipt of a standard high school diploma,⁴⁴ but no similar recognition exists for completion of an AP Capstone Diploma.

Effect of Proposed Changes

The bill adds new provisions for FEFP funding for students enrolled in dual enrollment courses and early college programs that are similar to FTE student membership incentives districts earn for students who complete of AP, IB, and AICE examinations. Specifically, for the 2020-2021 school year and thereafter, the bill:

<https://apcentral.collegeboard.org/courses/ap-capstone/how-ap-capstone-works#awards> (last visited Mar. 20, 2019).

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Email, College Board (Jan. 6, 2020).

⁴² International Baccalaureate, *The IB Diploma Programme*,

<https://web.archive.org/web/20100703000358/http://www.ibo.org/diploma/> (last visited Jan. 8, 2020).

⁴³ Cambridge Assessment International Education, *Cambridge AICE Diploma*,

<https://www.cambridgeinternational.org/programmes-and-qualifications/cambridge-advanced/cambridge-aice-diploma/> (last visited Jan. 8, 2020). Students may also complete up to two credits in Interdisciplinary subjects.

⁴⁴ Section 1003.4282(1)(a), F.S.

- Provides bonus FTE funding to public school districts for any student who completes a general education core course through dual enrollment with an earned grade of “C” or better. Specifically:
 - Students enrolled in an early college program generate a 0.16 FTE student membership bonus.
 - Students not enrolled in an early college program generate a 0.08 FTE student membership bonus.
- Provides bonus FTE funding for each associate degree earned through the dual enrollment program with 3.0 GPA or better. Students earning an associate degree with the required GPA generate a 0.3 FTE student membership bonus. Courses taken prior to 2020-2021 may be included in the associate degree.
- Specifies that bonus funding will be added to the total FTE student membership in basic programs for grades 9-12 in the subsequent fiscal year and requires school districts to allocate at least 50 percent of the bonus funds to the schools that generated the funds to support academic guidance and postsecondary readiness.

Adding performance funding incentives for students taking dual enrollment core courses may incentivize school districts to increase the number of students enrolled in dual enrollment core courses in both dual enrollment and early college programs.

The bill also provides for school districts to receive additional funding through the FEFP for each student who receives an AP Capstone Diploma and meets the requirements for a standard high school diploma. The additional value is assigned to the full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year.

In effect, the bill provides the same additional FTE funding of 0.3 FTE for each student who receives an AP Capstone Diploma as a student who receives an IB or AICE diploma. This change may result in more districts offering, and more students earning, AP Capstone Diplomas.

Mental Health Assistance Allocation

Present Situation

The mental health assistance allocation is a categorical fund established to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services.⁴⁵ Each school district must receive at least \$100,000 through the appropriation, and any remaining balance is distributed based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.⁴⁶ A total of \$75 million was appropriated to school districts through the mental health assistance allocation for the 2019-2020 school year.⁴⁷ In order to receive the allocation, a school district must develop and submit a plan outlining the local program and planned expenditures to the district school board for approval. A

⁴⁵ Section 1011.62(16), F.S.

⁴⁶ Section 1011.62(16), F.S.

⁴⁷ Specific Appropriation 93, s. 2, ch. 2019-115, L.O.F.

charter school may develop and submit a plan outlining the local program and planned expenditures to its governing board for approval.⁴⁸

The plans must be focused on a multi-tiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with mental health or substance abuse diagnoses and to students at high risk of such diagnoses. The plans must include:⁴⁹

- Direct employment of school based mental health service providers, including certified school counselors, school psychologists, school social workers and other licensed mental health professionals.
- Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools.
- Policies and procedures to ensure that students who are referred to school-based or community-based mental health services are assessed within 15 days of the referral.
- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health programs, depression, anxiety disorders, suicidal tendencies, or substance use disorders.
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders, to improve the provision of early intervention services, and to assist students in dealing with trauma and violence.

Effect of Proposed Changes

The bill adds new requirements to the mental health plans that must be submitted by school districts and charter schools in order to receive the mental health assistance allocation. In addition to existing requirements, the bill requires plans to include input from school and community stakeholders, which is informed by a needs assessment, and to include mental health policies and procedures that consist of:

- Universal supports to promote psychological well-being, and safe and supportive school environments.
- Policies and procedures for responding to a student with suicidal ideation, including suicide risk assessment, guidelines for informing parents of suicide risk, and school board policies for initiating involuntary examination of students with suicide risk.
- A school crisis response plan that includes strategies to prevent, prepare for, respond to, and recover from a range of school crises and the establishment of district-level and school-level response teams, including, but not limited to, administration and school-based mental health service providers.

The bill also modifies district reporting requirements to the Department of Education (DOE). Specifically, the bill adds to the current requirement that each school district report program outcomes and expenditures for the previous fiscal year, and requires each school district report to include:

⁴⁸ Section 1011.62(16), F.S.

⁴⁹ Section 1011.62(16)2.(b), F.S.

- Program outcomes and expenditures for all public schools in the district, including charter schools that submitted a separate plan.
- The number of students who receive screenings or assessments.
- The number of students who are referred to either school-based or community-based providers for services or assistance.
- The number of students who receive either school-based and community-based interventions, services, or assistance.
- The number of school-based and community-based mental health providers, including licensure type, paid for from the funds provided through the allocation.
- The number and ratio of school social workers, school psychologists, and certified school counselors employed by the district or charter school and the total number of licensed mental health professionals employed directly by the district or charter school.

The bill also requires that the amount of mental health assistance allocation funds appropriated subsequent to the 2019-2020 fiscal year that are in excess of the amount appropriated in the 2019-2020 fiscal year must be used exclusively to fund additional providers of school-based mental health services.

Funding Compression Allocation

Present Situation

The funding compression allocation is a categorical fund established to provide additional funding to school districts and developmental research schools whose total funds per FTE in the prior year were less than the statewide average.⁵⁰ Florida law specifies that the Legislature may provide an annual funding compression allocation in the GAA.⁵¹ In 2019, the Legislature appropriated \$54,190,616⁵² for a funding compression allocation to school districts and developmental research schools whose total funds per FTE in the prior school year were less than the statewide average.⁵³ A district's allocation must not be greater than \$100 per FTE.⁵⁴ The funding compression allocation is scheduled to expire July 1, 2020.⁵⁵

Effect of Proposed Changes

The bill removes the July 1, 2020 expiration date for the funding compression allocation within the FEFP.

The bill takes effect on July 1, 2020.

⁵⁰ Section 1011.62(17), F.S.

⁵¹ Section 1011.62(17), F.S.

⁵² Florida Department of Education, *2019-20 FEFP Second Calculation, Prekindergarten through Grade 12 Funding Summary-Page 3* (July 19, 2019), available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/Fefpdist.pdf>, at 6.

⁵³ Specific appropriation 93, ch. 2019-115, L.O.F.

⁵⁴ *Id.*

⁵⁵ Section 1011.62(17), F.S.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The financial supports for the dual enrollment, early college, and Advanced Placement (AP) Capstone programs may increase opportunities for Florida secondary students to take college-credit courses that will count toward an associate or baccalaureate degree while still in high school, which may reduce costs for students and families.

C. Government Sector Impact:

The bill does not require the appropriation of additional state funds. However, the bill may reallocate funds within the Florida Education Finance Program (FEFP) to those school districts with relatively more students successfully completing dual enrollment coursework and earning the AP Capstone Diploma. Based on 2018-2019 data, dual enrollment bonus funding within the FEFP is estimated to be \$61.3 million, and based on the number of 2019 AP Capstone Diploma recipients, AP Capstone Diploma bonus funding is estimated to be \$1.8 million.⁵⁶

⁵⁶ \$1,290 multiplied by 1402 AP Capstone Diploma recipients in 2019. College Board, *Building on Advanced Placement (AP) Capstone Success in Florida*, 2019.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.055, 1007.273, 1011.62, and 1003.4282.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.