

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 281 Postsecondary Education Financial Matters

SPONSOR(S): Duggan, Zika and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/CS/SB 52

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	17 Y, 0 N	Wolff	Sanchez
2) Post-Secondary Education & Lifelong Learning Subcommittee	15 Y, 0 N	Wolff	Kiner
3) Appropriations Committee			
4) Education & Employment Committee			

SUMMARY ANALYSIS

The Dual Enrollment Scholarship Program (Program) provides, contingent on an appropriation, reimbursement to eligible postsecondary institutions for tuition and related instructional materials costs associated with students participating in dual enrollment courses. The Program would provide reimbursement, at a specified rate, for eligible private school and home education program students participating in dual enrollment courses during the fall and spring semesters as well as eligible public school, private school, and home education program students participating in dual enrollment courses during the summer semester.

To ensure that all eligible individuals receive the postsecondary fee exemption provided for in law, the bill clarifies when the fee exemptions for individuals in the Road to Independence program and individuals in the custody of a relative caregiver are applicable.

The bill authorizes university boards of trustees to implement certain employee bonus schemes with the approval of the State University System Board of Governors.

The bill will have an indeterminate fiscal impact for the implementation of the Dual Enrollment Scholarship Program and state university bonus schemes. See fiscal comments.

The bill provides an effective date of July 1, 2021.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Postsecondary Tuition Exemptions

Present Situation

Certain persons are statutorily exempt from the payment of tuition and fees for postsecondary courses at school district technical centers, Florida College System (FCS) institutions, and state universities. Section 1009.25, F.S., currently exempts students who are: participating in dual enrollment or an early admission program; in apprenticeship programs; in the Road to Independence program;¹ in the custody of a relative caregiver at the time they reached 18 years of age;² were adopted from the Department of Children and Family Services (DCF) after May 5, 1997; or are homeless. Other statutory exemptions include persons wrongfully incarcerated,³ spouses and children of law enforcement officers⁴ and firefighters⁵ killed in the line of duty.⁶

Section 1009.25(2), F.S., provides FCS institutions fee exemption authority for up to 54 full-time equivalent students, or 1 percent of the institutions full-time equivalent enrollments, whichever is greater, at each institution.⁷

Effect of Proposed Changes

The bill clarifies that the exemptions for individuals in the Road to Independence program and for individuals in the custody of a relative caregiver should be applied to individuals currently in the custody of DCF or a relative caregiver or who were in such custody when they turned 18. The change should resolve any confusion regarding the fee waiver for eligible individuals who enter a postsecondary institution prior to turning 18.

Florida's Dual Enrollment Program

Present Situation

Dual Enrollment

The dual enrollment program is an acceleration mechanism that allows an eligible secondary⁸ or home education student to enroll and earn credit in a postsecondary course creditable toward both high school completion and an associate or baccalaureate degree or career certificate.⁹ College credit earned prior to high school graduation may reduce the average time-to-degree and increase the likelihood of completion of a postsecondary degree.¹⁰ Eligible students are permitted to enroll in dual enrollment courses conducted during and after school hours and during the summer term.¹¹ Seven of

¹ As defined under s. 409.1451, F.S.

² As defined under s. 39.5085, F.S.

³ Section 961.06(1)(b), F.S.

⁴ Section 112.19(3), F.S.

⁵ Section 112.191(3), F.S.

⁶ Section 1009.25(1), F.S.

⁷ Section 1009.26(2), F.S.

⁸ For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

⁹ Section 1007.271(1), F.S.

¹⁰ Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions*, available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf> (last visited March 16, 2021).

¹¹ Section 1007.271(2), F.S.

Florida's 12 state universities and all 28 Florida College System (FCS) institutions currently participate in dual enrollment.¹²

Students must meet the following eligibility criteria for initial enrollment in college credit dual enrollment courses:¹³

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

Students seeking to participate in dual enrollment may be granted an exception to the required college credit dual enrollment GPA or career certificate dual enrollment GPA on an individual basis if the school district and postsecondary institutions agree and the dual enrollment articulation agreement authorizes individual student exceptions to the required GPA.¹⁴

Home education students must meet the following requirements to participate in dual enrollment:¹⁵

- Provide proof of enrollment in a home education program.
- Be responsible for his or her own transportation, unless provided for in the articulation agreement.
- Sign a home education articulation agreement.

Public school, private school, and home education dual enrollment students are exempt from paying registration, tuition, and laboratory fees.¹⁶ For public high school students, there is no cost for dual enrollment instructional materials. While a FCS institution may provide instructional materials at no cost to dual enrollment students from home education programs or private schools, the law does not expressly require a FCS institution to do so.¹⁷ To facilitate FCS institutions in covering the cost of instructional materials for home education students, the Legislature appropriated \$10,590,529 in 2020.¹⁸

The DOE must develop a statement on transfer guarantees to inform students and their parents, before enrollment in a dual enrollment course, of the potential for the dual enrollment course to articulate as an elective or a general education course into a postsecondary education certificate or degree program.¹⁹ The statement must be provided to each district school superintendent, who must include the statement in the information provided to all secondary students and their parents.²⁰ The statement may also include additional information, including, but not limited to, dual enrollment options, guarantees, privileges, and responsibilities.²¹

¹² Florida Department of Education, Public School Dual Enrollment Articulation Agreements, <http://www.fldoe.org/policy/articulation/public-school-dual-enrollment.stml> (last visited March 16, 2021).

¹³ Section 1007.271, F.S.

¹⁴ Section 1007.271(3), F.S.

¹⁵ Section 1007.271(13)(a)1.-3., F.S.

¹⁶ Section 1007.271(2), F.S.

¹⁷ Section 1007.271(17), F.S.

¹⁸ See ss. 8 and 92, ch. 2020-111, L.O.F. The law was revised in 2018 to provide that the dual enrollment articulation agreement for a home education student is not required to specify the student's responsibilities for providing their own instructional materials. See s. 27, ch. 2018-6, L.O.F.

¹⁹ Section 1007.271(15), F.S. See Florida Department of Education, *Dual Enrollment Transfer Guarantee*, available at <https://info.fldoe.org/docushare/dsweb/Get/Document-6472/hb7059tapb.pdf> (last visited March 16, 2021).

²⁰ *Id.*

²¹ *Id.*

Two forms of dual enrollment allow a student to enroll full-time in a postsecondary institution. In an early admission program, eligible high school students enroll in a postsecondary institution on a full-time basis in courses that are creditable toward a high school diploma and an associate or baccalaureate degree.²² A student must enroll in at least 12 college credit hours per semester to participate in an early admission program; however, the student may not enroll in more than 15 credit hours per semester.²³

In a career early admission program, eligible high school students enroll full-time in a career center or FCS institution in postsecondary programs leading to industry certifications as listed in the Career and Professional Education (CAPE) Postsecondary Industry Certification Funding List,²⁴ which are creditable toward a high school diploma and a certificate or associate degree.²⁵ Participation in a career early admission program is limited to students who have completed at least 4 semesters of full-time high school enrollment.²⁶

Students participating in an early admission program or a career early admission program are exempt from the payment of registration, tuition, and laboratory fees.²⁷

In the 2019-20 academic year, 82,309 students participated in dual enrollment at FCS institutions; 6,531 of which were private school or home school students.²⁸ Additionally, 11,021 students participated in dual enrollment at state universities; 765 of which were private school or home school students.²⁹

Articulation Agreements between Public Postsecondary Institutions and School Districts

As used in the Florida K-20 Education Code, “articulation” is the systematic coordination that provides the means by which students proceed toward their educational objectives in as rapid and student-friendly manner as their circumstances permit, from grade level to grade level, from elementary to middle to high school, to and through postsecondary education, and when transferring from one educational institution or program to another.³⁰ “Service area” refers to the county or counties served by each FCS institution.³¹

Each public postsecondary institution and school district in its service area must jointly develop and implement a comprehensive dual enrollment articulation agreement.³² The dual enrollment articulation agreement must be submitted annually to the Department of Education (DOE) on or before August 1 and must include, but is not limited to, the following components:

- The available dual enrollment courses and programs.³³
- A description of the processes by which students and parents are informed about and exercise options to participate in dual enrollment, including registration.³⁴

²² Section 1007.271(10), F.S.

²³ *Id.*

²⁴ Section 1008.44, F.S.

²⁵ Section 1007.271(11), F.S.

²⁶ *Id.*

²⁷ Section 1007.271(10), F.S.; *Id.*

²⁸ Email, Florida Department of Education, Accountability Research and Measurement (March 8, 2021).

²⁹ Florida Board of Governors, *Legislative Bill Analysis for SB 52* (2021), on file with the Secondary Education & Career Development Subcommittee.

³⁰ Section 1000.21(1), F.S.

³¹ Section 1000.21(3)(a)-(bb), F.S.

³² Section 1007.271(21), F.S.

³³ Section 1007.271(21)(c), F.S.

³⁴ Section 1007.271(21)(b), (d), and (i), F.S. Career centers, FCS institutions, and state universities must also delineate courses and programs for dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time. Section 1007.271(13)(b)1., F.S.

- The type of high school credit earned for completion of a dual enrollment course.³⁵
- A listing of any additional student eligibility criteria.³⁶
- Each institution's responsibilities for student screening and performance monitoring, transmission of grades, program costs including instructional materials, and student transportation.³⁷

Articulation Agreements between Public Postsecondary Institutions and Home Education Students

Each public postsecondary institution eligible to participate in the dual enrollment program must enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and the student's parent.³⁸ By August 1 of each year, the eligible postsecondary institution must complete and submit the home education articulation agreement to the DOE.³⁹ The home education articulation agreement must include, at a minimum, the following:⁴⁰

- A delineation of courses and programs available to dually enrolled home education students. Courses and programs may be added, revised, or deleted at any time by the postsecondary institution. Any course or program limitations may not exceed the limitations for other dually enrolled students.
- The initial and continued eligibility requirements for home education student participation, not to exceed those required of other dually enrolled students.
 - A high school GPA may not be required for home education students who meet the minimum score on a common placement test adopted by the SBE which indicates that the student is ready for college-level coursework; however, home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary GPA established by the postsecondary institution.
 - Current law does not prohibit the public postsecondary institution from establishing a higher score on the common placement test for home education students than for other students who meet the GPA requirement.
- The student's responsibilities for providing his or her own transportation.
- A copy of the statement on transfer guarantees developed by the DOE.

Articulation Agreements between Public Postsecondary Institutions and Private Schools

Each public postsecondary institution eligible to participate in the dual enrollment program must enter into a private school articulation agreement with each eligible private school in its geographic service area seeking to offer dual enrollment courses to its students, including, but not limited to, students with disabilities. By August 1 of each year, the eligible postsecondary institution shall complete and submit the private school articulation agreement to the DOE.⁴¹ The private school articulation agreement must include, at a minimum, the following:⁴²

- A delineation of courses and programs available to the private school student. The postsecondary institution may add, revise, or delete courses and programs at any time.
- The initial and continued eligibility requirements for private school student participation, not to exceed those required of other dual enrollment students.
- The type of high school credit earned for completing a dual enrollment course and a provision clarifying that the private school will award appropriate credit toward high school completion for the postsecondary course under the dual enrollment program.

³⁵ Section 1007.271(21)(f), F.S.

³⁶ Section 1007.271(21)(e), F.S. Career centers, FCS institutions, and state universities must also identify eligibility criteria for home education student participation, not to exceed those required of other dually enrolled students. Section 1007.271(13)(b)2., F.S. Exceptions to the required grade point average may be granted on an individual student basis. Section 1007.271(21)(h), F.S.

³⁷ Section 1007.271(21)(l), (m), (n), and (o), F.S.

³⁸ Section 1007.271(13)(b), F.S.

³⁹ *Id.*

⁴⁰ Section 1007.271(13)(b)1.-3., F.S.

⁴¹ Section 1007.271(24)(b), F.S.

⁴² Section 1007.271(24)(b), F.S.

- The student's responsibilities for providing his or her own instructional materials and transportation.
- A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student.

Dual Enrollment Funding for School Districts

When dual enrollment course instruction is provided on the high school site by school district faculty, the school district is not responsible for payment to the postsecondary institution.⁴³ A public postsecondary institution may enter into an agreement with the school district to authorize teachers to teach dual enrollment courses at the high school site or the public postsecondary institution.⁴⁴

Funding for dual enrollment programs is provided to school districts through the Florida Education Finance Program (FEFP). Students who enroll in these programs are included in their school districts' full-time enrollment (FTE) student count and districts receive allocations based on their FTE enrollment. The law⁴⁵ requires school districts to pay public postsecondary institutions the standard tuition rate per credit hour from funds provided for in the FEFP when dual enrollment course instruction takes place on the postsecondary institution's campus during the fall or spring term.⁴⁶ Dual enrollment funding for public postsecondary institutions during the summer term is subject to appropriation in the General Appropriations Act (GAA).⁴⁷ Students who participate in dual enrollment programs with an FCS institution or state university are also included in the FCS institution's or university's FTE count for funding purposes.

In 2020, the Legislature implemented FTE add-on bonus funding amounts in the FEFP to school districts for each student who completes a general education core course or associate degree, with a specified letter grade or grade point average, through dual enrollment.⁴⁸ The law provides for the following FTE bonuses:

- 0.08 FTE for completed dual enrollment course with a grade of "A."
- 0.16 FTE for dual enrollment course completed through an early college program (collegiate high school program) with a grade of "A."
- 0.3 FTE for a high school student who graduates with an associate degree with a 3.0 GPA or higher.⁴⁹

School district must allocate at least 50 percent of the funds received from dual enrollment bonus FTE to school that generated funds to support student academic and postsecondary readiness.⁵⁰

Dual Enrollment Funding for Private Schools

Florida law does not specify a similar funding provision for private schools to pay public postsecondary education institutions for the dual enrollment instruction that such institutions provide to the private school dual enrollment students. However, postsecondary institutions are not prohibited from charging a fee to private schools for the dual enrollment of its students.

The Collegiate High School Program

The collegiate high school program offers public school students the opportunity to complete 30 credit hours through a dual enrollment program toward the first year of college for an associate degree or baccalaureate degree. The collegiate high school program must, at a minimum, include an option for

⁴³ Section 1007.271(21)(n)1., F.S.

⁴⁴ *Id.*

⁴⁵ Section 1007.271(21)(n)1., F.S.

⁴⁶ Section 1009.23(3)(a), F.S., for Florida College System institutions; Section 1009.24(4)(a), F.S., for State University System institutions.

⁴⁷ Section 1007.271(21)(n)2., F.S. The Legislature has never funded the dual enrollment summer term for public schools.

⁴⁸ Section 4, ch. 2020-95, L.O.F.

⁴⁹ Section 1011.62(1)(i)2., F.S.

⁵⁰ *Id.*

public school students in grade 12 to participate for one full school year and earn CAPE industry certifications.⁵¹

Each FCS institution must execute a contract with each district school board in its designated service area to establish one or more collegiate high school programs at a mutually agreed upon location or locations. The contract must:⁵²

- identify the grade levels to be included, in addition to grade 12;
- describe the collegiate high school program, including:
 - a delineation of courses and industry certifications offered;
 - high school and college credits earned (including online) for each postsecondary course completed and industry certification earned;
 - student eligibility criteria; and
 - the enrollment process and relevant deadlines;
- describe the methods, medium, and process by which students and their parents are annually informed about the program;
- identify delivery methods for instruction, instructors, student advising services, progress monitoring mechanisms, and terms of funding arrangements to implement the program; and
- establish a program review and reporting mechanism for student performance outcomes.

A district school board may also execute a contract to establish a collegiate high school program with a state university or other eligible institution.⁵³

Each student participating in the program must enter into a student performance contract that must be signed by the student, the parent, and a representative of the school district and FCS institution, state university, or other participating institution.⁵⁴

Collegiate high school programs are funded in accordance with the funding for dual enrollment through the FEFP.⁵⁵

Effect of Proposed Changes

The bill creates the Dual Enrollment Scholarship Program (Program), administered by the Department of Education (DOE) in accordance with rules adopted by the State Board of Education (SBE). The bill specifies that any reimbursement under the Program is contingent upon an appropriation in the General Appropriations Act (GAA) each year.

The bill provides for the following reimbursements under the Program:

- Beginning in the 2021 fall term, the Program will reimburse eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by private school or home education program secondary students during the fall or spring terms.
- Beginning in the 2022 summer term, the Program will reimburse eligible postsecondary institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, or home education program secondary students during the summer term.

The bill specifies that the reimbursements will be made at the following rate:

- Florida College System institutions the in-state resident tuition rate of \$71.98 per credit hour established in s. 1009.23(3)(a).

⁵¹ Section 1007.273(2), F.S.

⁵² Section 1007.273(3), F.S.

⁵³ Section 1007.273(5), F.S. A district school board may execute a contract to establish a collegiate high school program with a state university or an institution that is eligible to participate in the William L. Boyd, IV, Effective Access to Student Education Grant Program, that is a nonprofit independent college or university located and chartered in this state, and that is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.

⁵⁴ Section 1007.273(4), F.S.

⁵⁵ Section 1007.273(6), F.S.

- State University System institutions and independent postsecondary institutions the standard tuition rate of \$105.07 per credit hour established in s. 1009.24(4)(a).
- All eligible postsecondary institutions instructional materials costs based on a rate specified in the General Appropriations Act (GAA).

For an institution to be eligible to receive reimbursement, the participating student must satisfy the dual enrollment program minimum eligibility requirements provided for in 1007.271.

The bill establishes reporting requirements for participating postsecondary institutions, such that:

- Annually by March 15, each participating institution must report to the DOE any eligible secondary students from private schools or home education programs enrolled during the previous fall or spring terms.
- Annually by July 15, each participating institution must report to the DOE any eligible public school, private school, or home education program students enrolled during the summer term.

The required reports must include, for each dual enrollment course in which the student is enrolled, a unique student identifier, the postsecondary institution name, the postsecondary course number, the postsecondary course name, and the number of postsecondary course credits earned by the student.

If the amount due to postsecondary institutions under the Program is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have reported eligible students to the DOE by the deadlines specified. The bill specifies that dual enrollment courses taken during the following terms shall be reimbursed according to the following deadlines:

- For courses taken during the fall and spring terms, by April 15 of the same year.
- For courses taken during the summer term, by August 15 of the same year, before the beginning of the next academic year.

The bill requires the SBE to adopt rules to implement this section.

Extra Compensation and Bonuses for Public Employees

Present Situation

In 2011,⁵⁶ Florida law⁵⁷ was amended to modify the prohibition on extra compensation made to public employees after the service has been rendered or the contract made to authorize specified bonus plans or severance pay.

Current law requires that any policy, ordinance, rule, or resolution designed to implement a bonus scheme must:⁵⁸

- Base the award of a bonus on work performance;
- Describe the performance standards and evaluation process by which a bonus will be awarded;
- Notify all employees of the policy, ordinance, rule, or resolution before the beginning of the evaluation period on which a bonus will be based; and
- Consider all employees for the bonus.

Effect of Proposed Changes

The bill provides the board of trustees of a state university with the authority to implement, notwithstanding s. 215.425(3)(d), F.S., a bonus scheme based on awards for work performance or employee recruitment and retention. Prior to implementation, the board of trustees of a state university

⁵⁶ Chapter 2011-143, L.O.F.

⁵⁷ Section 215.425, F.S.

⁵⁸ Section 215.425(3), F.S. The language of this subsection does not expressly provide for the entities that are subject to its requirements. Currently, there appears to be no authority that holds that this subsection applies to the Board of Governors and the state universities.

must submit the bonus scheme, including the evaluation criteria by which a bonus will be awarded, to the Board of Governors of the State University System for approval.

B. SECTION DIRECTORY:

Section 1. Amends s. 1009.25, F.S., clarifying fee exemptions for the Department of Children and Families.

Section 2. Creates s. 1009.30, F.S., providing legislative findings; establishing the Dual Enrollment Scholarship Program; providing for the administration of the program; providing for the reimbursement of tuition and costs to eligible postsecondary institutions; requiring students participating in dual enrollment programs to meet specified minimum eligibility requirements in order for institutions to receive reimbursements; requiring participating institutions to annually report specified information to the Department of Education by certain dates; providing a reimbursement schedule for tuition and instructional materials costs; requiring the Department of Education to reimburse institutions by specified dates; providing that reimbursement for dual enrollment courses is contingent upon appropriations; providing for the prorating of reimbursements under certain circumstances; requiring the State Board of Education to adopt rules.

Section 3. Created s. 1012.978, F.S., authorizing university boards of trustees to implement a bonus scheme for state university system employees based on awards for work performance or employee recruitment and retention; requiring a board of trustees to submit the bonus scheme to the Board of Governors; requiring the Board of Governors to approve such bonus scheme before its implementation.

Section 4. Provides an effective date of July 1, 2021.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill will have an indeterminate fiscal impact for the implementation of the Dual Enrollment Scholarship Program and state university bonus schemes. See fiscal comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

The bill may reduce expenses for private schools no longer required to pay costs associated with dual enrollment students. The financial supports for dual enrollment courses 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.

D. FISCAL COMMENTS:

The bill will have a fiscal impact associated with the implementation of the Dual Enrollment Scholarship Program. Because it is unknown how many students would take advantage of this program, the fiscal impact is indeterminate at this time.

The bill allows State University System board of trustees to implement a bonus scheme based on awards for work performance or employee recruitment and retention upon approval by the Board of Governors. The bonus schemes for state university system employees will have an indeterminate fiscal impact on the state universities as it is each university's board of trustees choice to implement.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

Requires the SBE to adopt rules to implement the Dual Enrollment Scholarship Program.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill requires each participating postsecondary institution to report annually by July 15th to the DOE the number of course credits earned by a participating student. The reporting requirement appears to be problematic as students may still be taking courses and the required data would not be available at that time.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.