

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: CS/SB 52

INTRODUCER: Education Committee and Senators Rodrigues and Baxley

SUBJECT: Postsecondary Education

DATE: March 10, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Westmark</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Underhill</u>	<u>Elwell</u>	<u>AED</u>	Recommend: Fav/CS
3.	<u>Underhill</u>	<u>Sadberry</u>	<u>AP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 52 contains provisions to help postsecondary institutions provide certain educational and financial benefits and support to students and employees. Specifically, the bill:

- Clarifies that postsecondary tuition and fee exemptions apply to a student who is currently in the custody of the Department of Children and Families or a specified relative or nonrelative, or who was at the time he or she reached 18 years of age.
- Establishes the Dual Enrollment Scholarship Program to reimburse eligible postsecondary institutions for tuition and related costs for dual enrollment courses taken by certain students, and specifies reporting deadlines.
- Authorizes a university board of trustees, subject to approval by the Board of Governors, to target certain employees for bonuses by implementing a bonus scheme based on awards for work performance or employee recruitment and retention.

For the 2021-2022 fiscal year, the Dual Enrollment Scholarship Program is estimated to cost \$28.5 million.

The bill takes effect July 1, 2021.

II. Present Situation:

Fee Waivers and Exemptions

All students in workforce education programs, Florida College System (FCS) institutions, and state universities must be charged fees unless a fee waiver or exemption applies.¹ Tuition and fee exemptions can be distinguished from fee waivers or educational benefits. An exemption is “provided for certain students who are, by statutory definition, exempt from the payment of tuition and fees, including lab fees” and may generally include students who are in dual enrollment, apprenticeship programs, welfare transition, and in the custody of a relative, among other categories. In contrast, waivers transpire when students have their fees waived or forgiven by an institution. Examples of waivers include those related to state employees, college employees and their dependents, Purple Heart recipients, and certain classroom teachers.²

A student who is or was at the time he or she reached 18 years of age in the custody of the Department of Children and Families (DCF) or in the custody of a relative or nonrelative specified in law,³ is exempt from the payment of tuition and fees at a state university, FCS institution, or Florida school district that provides workforce education programs. Such exemption includes fees associated with enrollment in applied academics for adult education instruction and remains valid until the student reaches 28 years of age.⁴ Such exemptions are outlined by year in the following tables:

State University System DCF Specified Fee Exemptions by Academic Year⁵

	2017-18		2018-19		2019-20	
	Headcount	Amount	Headcount	Amount	Headcount	Amount
Adopted	1,156	\$3,204,829	1,485	\$4,076,209	1,704	\$4,836,057
Foster Care/State Custody	1,035	\$2,911,275	811	\$2,444,456	801	\$2,477,687
Non-State Custody	127	\$365,738	449	\$1,118,653	488	\$1,255,052
Total	2,318	\$6,481,842	2,745	\$7,639,318	2,993	\$8,568,796

¹ Sections 1009.22, 1009.23, and 1009.24, F.S., respectively.

² The Florida College System, *Exemptions and Waivers in The Florida College System* (March 2012), available at <http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf> at 1.

³ Section 39.5085, F.S., or s. 39.6225, F.S.

⁴Section 1009.25(1)(c) and (d), F.S..

⁵ Florida Board of Governors (BOG) ODA Analysis (Nov. 9, 2020), Email, Troy Miller, Deputy Chief Data Officer, BOG (Nov. 10, 2020) (on file with the Senate Committee on Education).

Florida College System DCF Specified Fee Exemptions by Academic Year⁶

	2017-18		2018-19		2019-20	
	Headcount ⁷	Amount	Headcount	Amount	Headcount	Amount
Adopted from DCF Services	1,459	\$2,459,399	1,735	\$2,972,262	1,833	\$3,207,602
Custody of DCF	2,459	\$4,281,744	2,464	\$4,280,172	2,325	\$4,040,160
Custody of a Relative	283	\$501,827	318	\$588,870	324	\$573,952
Total	4,201	\$7,242,970	4,517	\$7,841,304	4,482	\$7,821,714

It is unclear to what extent all postsecondary institutions apply the tuition and fee exemptions to students who qualify for the exemption and begin postsecondary education before the age of 18.⁸

Dual Enrollment

Students in secondary schools are required to have access to advanced coursework, which is intended to shorten the time necessary for students to complete the requirements associated with conferring a high school diploma and a postsecondary degree, broaden the scope of curricular options available to students, or increase the depth of study available for a particular subject.⁹

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward both a high school diploma and a career certificate or an associate or baccalaureate degree.¹⁰ To be eligible for dual enrollment a student must be enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law¹¹ and provides a secondary curriculum pursuant to law.¹² Students who meet the eligibility requirements and who participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.¹³

⁶ The Florida College System, *Summary of Student Fee Exemptions and Waivers For the 2017-2018 Fiscal Year* (2018), version 1, available at <http://www.fldoe.org/core/fileparse.php/19874/urlt/1718ExemptWaiverSS.PDF> at 1; The Florida College System, *Summary of Student Fee Exemptions and Waivers For the 2018-2019 Fiscal Year* (2019), version 1, available at <http://www.fldoe.org/core/fileparse.php/19874/urlt/1819ExemptWaiverSS.PDF> at 1; and The Florida College System, *Summary of Student Fee Exemptions and Waivers For the 2019-2020 Fiscal Year* (2020), version 1, available at <http://www.fldoe.org/core/fileparse.php/19874/urlt/1920ExemptWaiveresSS.pdf> at 1.

⁷ Numbers reflect unduplicated headcount.

⁸ Email, Alan F. Abramowitz, Executive Director, Florida Statewide Guardian ad Litem Office (Oct. 1, 2020) (on file with the Senate Committee on Education); see also *DCF Fee Exemptions in the Florida College System, FAQ*, The Florida College System, available at <http://www.fldoe.org/core/fileparse.php/7480/urlt/0082785-faqscdfexemption.pdf> (last visited Jan. 6, 2021).

⁹ Section 1007.27(1), F.S.

¹⁰ Section 1007.271(1), F.S.

¹¹ Section 1002.42, F.S., provides the following requirements: private schools must comply with statutory database requirements including the type, name, address, and telephone number of the institution; the names of administrative officers; the enrollment by grade or special group; the number of graduates; the number of instructional and administrative personnel; the number of days the school is in session; and background checks. A private school must comply with requirements regarding retention of records, attendance records and reports, school-entry health examinations, and immunizations, in addition to the annual private school survey.

¹² Section 1007.271(2), F.S.

¹³ Section 1007.271(16), F.S. However, s. 1011.62(1)(i), F.S., specifies that the provisions of law which exempt dual enrolled and early admission students from payment for instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. An eligible independent institution is an independent college or university, which is not-for-profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02. *Id.*

A growing body of research suggests that participation in dual enrollment leads to improved academic outcomes, especially for students from low-income backgrounds and first-generation college students. Research suggests that participation in dual enrollment leads to better grades in high school, increased enrollment in college following high school, higher rates of persistence in college, greater credit accumulation, and increased rates of credential attainment.¹⁴ In addition, research indicates that allowing students in high school to complete even a single college class may significantly increase their chances of attending college and eventually graduating.¹⁵ For example, students who had completed college algebra for dual enrollment had associate degree attainment rates that were 23 percentage points higher and bachelor’s degree attainment rates 24 percentage points higher than students with no such experience.¹⁶

The following table shows the 2019-2020 academic year dual enrollment participation by public and private school and home education program students at FCS institutions,¹⁷ state universities,¹⁸ and for the 2018-2019 academic year students at eligible private colleges and universities.

	FCS Institutions	State Universities	Private Colleges and Universities
Public School	75,778	10,235	6,908
Private School	2,590	539	
Home Education	3,941	204	

Generally, about three times more students take dual enrollment courses at an FCS institution during the fall and spring terms than in the summer term.¹⁹ More than 15 times as many students take dual enrollment courses at a state university in the fall and spring compared to the summer term.²⁰

Eligibility Criteria

Student eligibility requirements for initial enrollment in college credit dual enrollment courses include a 3.0 unweighted high school grade point average (GPA) and obtaining at least the minimum score on a common placement test,²¹ which is adopted by the State Board of Education

¹⁴ United States Department of Education, *FACT SHEET: Expanding College Access Through the Dual Enrollment Pell Experiment* (May 16, 2016), <https://www.ed.gov/news/press-releases/fact-sheet-expanding-college-access-through-dual-enrollment-pell-experiment> (last visited Jan. 6, 2021).

¹⁵ Jobs for the Future, *Taking College Courses in High School: A Strategy for College Readiness* (Oct. 2012), available at https://jfforg-prod-prime.s3.amazonaws.com/media/documents/TakingCollegeCourses_101712.pdf.

¹⁶ *Id.*

¹⁷ Email, Alexis Calatayud, Legislative Affairs Director, DOE (Jan. 22, 2021) (on file with the Senate Committee on Education).

¹⁸ Email, Jason Jones, Chief Data Officer, BOG (Jan. 21, 2021) (on file with the Senate Committee on Education).

¹⁹ Email, Alexis Calatayud, Legislative Affairs Director, DOE (Jan. 22, 2021) (on file with the Senate Committee on Education).

²⁰ Email, Jason Jones, Chief Data Officer, BOG (Jan. 21, 2021) (on file with the Senate Committee on Education).

²¹ The Postsecondary Education Readiness Test (PERT) is Florida's customized common placement test. Florida Department of Education, *Common Placement Testing*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/common-placement-testing.stml> (last visited Jan. 6, 2021). The placement testing requirement for student eligibility for dual enrollment for courses taken through December 31, 2020 was suspended pursuant to DOE emergency order 2020-EO-02. State of Florida

(SBE) and indicates that the student is ready for college-level coursework. For continued enrollment in college credit dual enrollment courses, students must maintain a 3.0 unweighted high school GPA and the minimum postsecondary GPA established by the postsecondary institution. For initial and continued enrollment in career certificate dual enrollment courses, students must have a 2.0 unweighted high school GPA. Exceptions to the required GPA and additional eligibility criteria authorized in law must be included in the dual enrollment articulation agreement.²²

Dual Enrollment Articulation Agreements

A dual enrollment articulation agreement establishes the guidelines for implementing the program for eligible students.²³ Specifically, Florida law requires:

- Each district school superintendent and each public postsecondary institution president to develop a comprehensive dual enrollment articulation agreement for the respective school district and postsecondary institution. District school boards may not refuse to enter into a dual enrollment articulation agreement with a local FCS institution if that institution has the capacity to offer dual enrollment courses.
- Each public postsecondary institution to enter into a home education articulation agreement with each home education student seeking enrollment in a dual enrollment course and such student's parent.
- Each public postsecondary institution to 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.²⁴

In addition, district school boards and FCS institutions may enter into dual enrollment articulation agreements with state universities, and school districts may also enter into dual enrollment articulation agreements with eligible independent colleges and universities.²⁵

Instructional Materials

Instructional materials assigned for use within dual enrollment courses must be made available free of charge to dual enrollment students from Florida public high schools.²⁶ Florida law neither prohibits nor requires an FCS institution to provide free instructional materials to a home education student or a student from a private school.²⁷ Instructional materials purchased by a

Department of Education, *DOE Order No. 2020-EO-02* (May 13, 2020), available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEEmergencyOrder2020-EO-02.pdf>, at 7.

²² Section 1007.271(3), F.S.

²³ DOE, *Dual Enrollment Frequently Asked Questions*, available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf>, at 13.

²⁴ Section 1007.271, F.S.

²⁵ *Id.*

²⁶ Section 1007.271(17), F.S. The 2020 General Appropriations Act provided \$10,590,529 to public school districts for the provision of dual enrollment instructional materials. Specific Appropriation 92, ch. 2020-111, L.O.F.

²⁷ The private school articulation agreement must include a provision concerning the student's responsibilities for providing his or her own instructional materials. Section 1007.271(24)(a), F.S. The 2020 General Appropriations Act provided \$550,000 to Florida College System institutions for dual enrollment instructional materials. Specific Appropriation 132, ch. 2020-111, L.O.F.

district school board or FCS institution board of trustees on behalf of dual enrollment students remain the property of the board against which the purchase is charged.²⁸

Funding for Dual Enrollment

The dual enrollment articulation agreement between a district school superintendent and a public postsecondary institution president must address specified information including a funding provision that delineates costs incurred by each entity in the following manner:

- School districts are required to pay public postsecondary institutions the standard tuition rate²⁹ per credit hour from funds provided in the Florida Education Finance Program (FEFP)³⁰ when dual enrollment course instruction takes place on the postsecondary institution's campus and the course is taken during the fall or spring term.
- When dual enrollment is provided on the high school site by postsecondary institution faculty, the school district must reimburse the costs associated with the postsecondary institution's proportion of salary and benefits to provide the instruction.
- 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.³¹

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.³²

Subject to annual appropriation in the General Appropriations Act, a public postsecondary institution must receive an amount of funding equivalent to the standard tuition rate per credit hour for each dual enrollment course taken by a student during the summer term.³³

Extra Compensation - Bonus Schemes

In 2011, section 215.425, F.S., 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.³⁴

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

- Base the award of a bonus on work performance;

²⁸ Section 1007.271(17), F.S.

²⁹ The standard in-state tuition rate is set by law at \$2.33 per contract hour for programs leading to a career certificate or an applied technology diploma. Section 1009.22(3)(c), F.S. The standard tuition for lower-division courses at a FCS institution is \$71.98 per credit hour. Section 1009.23(3)(a), F.S. The standard undergraduate tuition rate at a state university is \$105.07 per credit hour. Section 1009.24(4)(a), F.S.

³⁰ The FEFP is the primary mechanism for funding the operating costs of Florida school districts. *See generally* Florida DOE, *2020-21 Funding for Florida School Districts (2020)*, available at <http://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

³¹ Section 1007.271(21)(n), F.S.

³² The private school articulation agreement must include a provision that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student. Section 1007.271(24)(b)5., F.S.

³³ Section 1007.271(21)(n)2., F.S.

³⁴ Chapter 2011-143, L.O.F.

- 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.³⁵

III. Effect of Proposed Changes:

Fee Exemptions

The bill amends s. 1009.25, F.S., to clarify that tuition and fee exemptions apply to a student who is currently in the custody of the Department of Children and Families (DCF) or in the custody of a relative or nonrelative defined in law, or was so at the time he or she reached 18 years of age. Therefore, the bill may reduce confusion in the identification of students under DCF custody who are eligible for a tuition and fee exemption, specifically those students who enroll at a postsecondary institution prior to the age of 18.

Dual Enrollment Scholarship Program

The bill creates s. 1009.30, F.S., to establish 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 goal of the Program is to support postsecondary institutions in providing dual enrollment.

The bill establishes the following requirements for reimbursements to postsecondary institutions for students participating in dual enrollment:

- Beginning in the 2021 fall term, the Program reimburses 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 reimburses 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 the following reimbursement rates, which provide:

- Florida College System institutions the in-state resident tuition rate established in s. 1009.23(3)(a), F.S.
- State University System institutions and independent postsecondary institutions the standard tuition rate established in s. 1009.24(4)(a), F.S.
- All eligible postsecondary institutions instructional materials costs based on a rate specified in the General Appropriations Act (GAA).

The Program requires a student participating in a dual enrollment program to meet minimum eligibility requirements specified in law³⁶ for the institution to receive reimbursement.

³⁵ Section 215.425(3), F.S.

³⁶ Section 1007.271, F.S.

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.
- For each dual enrollment course in which the student is enrolled, the report must include a unique student identifier,³⁷ the postsecondary institution name, the postsecondary course number, the postsecondary course name, and the number of postsecondary course credits earned by the student.

The bill specifies that reimbursement is contingent upon an appropriation in the GAA each year. If the statewide reimbursement amount 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.

The establishment of a dedicated funding source to help defray the costs of dual enrollment for postsecondary institutions and private secondary schools may enhance student access to dual enrollment courses. The Program may also reduce the cost of dual enrollment for private school and home education students through providing additional funds for instructional materials.

Bonus for State University System Employees

The bill creates s. 1012.978, F.S., to authorize a university board of trustees to implement a bonus scheme based on awards for work performance or employee recruitment and retention. Therefore, the bill expands the purpose in current law for a bonus scheme to include not only work performance, but also employee recruitment and retention, and allows the university to target certain employees for a bonus.

The bill requires the board of trustees to submit to the Board of Governors (BOG) the bonus scheme, including the evaluation criteria by which a bonus will be awarded, and requires the BOG to approve any such bonus scheme prior to implementation.

The bill takes effect July 1, 2021.

³⁷ The bill requires postsecondary institutions to assign unique student identifiers for private school and home school program students. BOG, *Senate Bill 52 Agency Bill Analysis* (Jan 5, 2021) (on file with the Senate Appropriations Subcommittee Committee on Education). Public school students are assigned a Florida student identification number by the school district. Section 1008.386, 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:

CS/SB 52 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.

C. Government Sector Impact:

For the 2021-2022 fiscal year, the Dual Enrollment Scholarship Program is estimated to cost \$28.5 million. The estimate is based on tuition and instructional materials costs for the estimated number of private school and home education program students participating in dual enrollment in the fall and spring terms, and all dual enrollment students in the summer term.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill requires each participating institution to report annually by March 15th to the DOE any eligible secondary students from private schools or home education programs enrolled during the previous fall or spring terms and by July 15th for summer terms. According to the BOG, it is unclear if all student data will be available by such dates.³⁸

VIII. Statutes Affected:

This bill substantially amends section 1009.25 of the Florida Statutes.

This bill creates the following sections of the Florida Statutes: 1009.30 and 1012.978.

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 Education on January 26, 2021:

The committee substitute authorizes appropriate flexibility to universities for bonus award criteria, to expand the criteria for award of a bonus to include not only work performance but also targeted recruitment and retention.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

³⁸ BOG, *Senate Bill 52 Agency Bill Analysis* (Jan 5, 2021) (on file with the Senate Appropriations Subcommittee Committee on Education).