

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 791 Workforce and Postsecondary Education

SPONSOR(S): Secondary Education & Career Development Subcommittee, Harding

TIED BILLS: None **IDEN./SIM. BILLS:** None

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Secondary Education & Career Development Subcommittee	17 Y, 0 N, As CS	Sleap	Sanchez
2) Post-Secondary Education & Lifelong Learning Subcommittee	16 Y, 0 N	Sleap	Kiner
3) Appropriations Committee			
4) Education & Employment Committee			

SUMMARY ANALYSIS

To increase access to and articulation in postsecondary education, the bill:

- Requires the State Board of Education (SBE), by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a Florida College System (FCS) institution.
- Authorizes FCS institutions to use the SBE approved alternative methods in lieu of common placement tests to assess student readiness for college-level work in communication and computation and for student admission counseling.
- Revises student eligibility for initial enrollment in college credit dual enrollment to include a demonstrated level of achievement of college-level communication and computation skills as determined by a common placement test or an alternative method of assessment.
- Authorizes FCS institutions to accept for admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by the SBE and is based on an assessment recognized by the United States Department of Education.
- Requires the statewide articulation agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers and requires a representative committee consisting of faculty from the state university system, the FCS, and school district career centers to collaborate to identify the mathematics pathways.
- Authorizes the SBE and the Board of Governors to adopt regulations regarding documentation and procedures to implement the exemption of tuition and fees for students experiencing homelessness.

The fiscal impact is indeterminate. See Fiscal Comments.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Florida College System Institution Admissions

Present Situation

Each Florida College System (FCS) institution board of trustees is authorized to adopt rules governing admissions of students subject to requirements provided in law and rules of the State Board of Education (SBE).¹

Admissions counseling must be provided to all students entering college or career credit programs.² Unless a student is otherwise exempt,³ counseling must use tests to measure achievement of college-level communication and computation competencies by students entering college credit programs or tests to measure achievement of basic skills for students entering career education programs.⁴ Counseling includes providing developmental education⁵ options for students whose assessment results indicate that they need to improve communication or computation skills that are essential to perform college-level work.⁶

Each FCS institution board of trustees is required to develop a plan to implement developmental education strategies through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction.⁷ Each plan must include certain minimum requirements that are specified in law.⁸

FCS institutions are also required to annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.⁹

Admission to an associate degree program at a FCS institution is subject to minimum standards adopted by the SBE and requires:

- A standard high school diploma, a high school equivalency diploma as prescribed in law,¹⁰ previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program according to the requirements specified in law.¹¹ Students who are enrolled in a dual enrollment or early admission program are exempt from this requirement.
- A demonstrated level of achievement of college-level communication and computation skills.
- Any other requirements established by the FCS institution's board of trustees (BOT).¹²

¹ Section 1007.263, F.S.

² Section 1007.263(1), F.S.

³ Section 1008.30(3)(a), F.S.

⁴ *Id.*

⁵ Developmental education means instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction. Developmental education may be delivered through a variety of accelerated and co-requisite strategies. Section 1008.02(1), F.S.

⁶ Section 1007.263(1), F.S.

⁷ Section 1008.30(5)(a), FS.

⁸ *Id.* at (5)(a)1.-5.

⁹ *Id.* at (5)(b).

¹⁰ Section 1003.435, F.S.

¹¹ Section 1002.41, F.S.

¹² Section 1007.263(2)(a)-(c), F.S.

Student Eligibility for Dual Enrollment Programs

A dual enrollment program is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.¹³ An eligible secondary student is a student who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that provides a secondary curriculum.¹⁴

A student must meet initial eligibility requirements for enrollment in college credit dual enrollment courses. The student must have a 3.0 unweighted high school grade point average (GPA) and the minimum score on a common placement test adopted by the SBE which indicates that the student is ready for college-level coursework.¹⁵ A student must maintain a 3.0 unweighted high school GPA and the minimum postsecondary GPA established by the postsecondary institution to continue to enroll in college credit dual enrollment. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school GPA.¹⁶ A FCS institution BOT may establish additional initial student eligibility requirements, which must be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction.¹⁷

DOE Emergency Order-02 suspended the common placement initial testing requirement for dual enrollment eligibility through December 31, 2020 implementing use of alternate methods to measure student readiness for college level coursework.¹⁸

Common Placement Testing for Public Postsecondary Education

The SBE, in conjunction with the Board of Governors (BOG), implemented common placement testing requirements¹⁹ for the purpose of assessing the basic communication and computation skills of students who intend to enter a degree program at any public postsecondary educational institution.²⁰ The common placement testing program must include the capacity to diagnose the basic competencies in the areas of English, reading, and mathematics that are essential for success in meta-majors²¹ and the capacity to provide test information to students on the specific skills the student needs to attain.²²

DOE Emergency Order-02 suspended, through fall 2020, the requirement for admissions counseling to use tests to measure achievement of college-level communication and computation competencies by students entering college credit programs. In addition to or in lieu of tests, the emergency order permitted college credit programs to use alternative methods selected by the college for placement into developmental education, where applicable.²³

Assessment of Career Education Program Basic Skills

¹³ Section 1007.271(1), F.S.

¹⁴ Section 1007.271(2), F.S.

¹⁵ Section 1007.271(3), F.S. *See also* rule 6A-10.0315, F.A.C.

¹⁶ *Id.* Exceptions to the required grade point average may be granted on an individual bases if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement developed by the district school superintendent and the public postsecondary institution. s. 1007.21(21)(h), F.S.

¹⁷ Section 1007.271(3), F.S.

¹⁸ Florida Department of Education, *Emergency Order No. 2020-EO-2*, at 7, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEEmergencyOrder2020-EO-02.pdf> (last visited March 30, 2021).

¹⁹ The state board of education has adopted ruled 6A-14.064 and 6A-10.0315, F.A.C., to govern assessment requirements for determining initial student eligibility for dual enrollment programs.

²⁰ Section 1008.30(1), F.S.

²¹ Eight meta-majors are identified as academic pathways for advising FCS associate degree seeking students of the courses which are aligned with the intended academic and career goals. 6A-14.065, F.A.C.

²² Section 1008.30(2), F.S.

²³ Florida Department of Education, *Emergency Order No. 2020-EO-2*, at 7, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEEmergencyOrder2020-EO-02.pdf> (last visited March 30, 2021).

The SBE is required to adopt standards of basic skill mastery for completion of certificate career education programs and to designate examinations to assess mastery.²⁴ Students who enroll in a program offered for career credit of 450 hours or more must complete an entry-level examination within the first six weeks after admission into the program. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.²⁵ Certain students are exempted from this requirement.²⁶

Effect of Proposed Changes

Admissions Requirements for FCS Institutions

The bill provides flexibility to FCS institutions in their admissions requirements for students by authorizing FCS institutions to accept:

- Alternate methods of assessment, to be approved by the SBE, to measure achievement of college level communication and computation competencies by students entering college credit programs.
- For admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by SBE rule and is based on an assessment recognized by the United States Department of Education.²⁷

The bill requires admissions counseling at FCS institutions to measure achievement of basic skills for career education programs, which may direct a student to developmental education to improve communication and computation skills.

Common Placement Testing for Public Postsecondary Education

The bill requires the SBE, by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a FCS institution. The bill authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in communication and computation. The bill authorizes FCS institutions to use placement test results or alternative methods established by the SBE to determine student readiness for his or her chosen meta-major. The bill also specifies that students who are currently exempt from common placement testing requirements are also exempt from the college readiness assessment established in the bill.

The bill makes conforming changes as a result of authorizing alternative methods of assessment.

The bill removes the requirement that the common placement testing program include the capacity to diagnose certain basic competencies in the areas of English, reading, and mathematics. The bill also removes outdated language related to a requirement that FCS institutions develop and submit a developmental education plan to the Chancellor of the FCS. In addition, the bill also removes the requirement for the FCS to annually prepare an accountability report that includes student success data relating to each developmental education strategy and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.

Student Eligibility for Dual Enrollment Programs

²⁴ Section 1004.91(2), F.S.

²⁵ *Id.*

²⁶ Section 1004.91(3), F.S.

²⁷ The United States Department of Education recognizes the General Educational Development Certificate (GED) as one of the recognized equivalents of a high school diploma in 34 CFR 600.2, but additionally, a state certificate received by a student after the student has passed a State-authorized examination that the state recognizes as the equivalent of a high school diploma is also included as one of the recognized equivalents of a high school diploma in 34 CFR 600.2. Two examples of State-authorized examinations, in addition to the GED test, are the High School Equivalency Test (HiSET) and the Test Assessing Secondary Completion (TASC). United States Department of Education, *Dear Colleague Letter GEN-14-06 Recognized Equivalent of a High School Diploma* (April 2014), available at <https://ifap.ed.gov/dear-colleague-letters/04-11-2014-gen-14-06-subject-recognized-equivalent-high-school-diploma>.

The bill revises student eligibility for initial enrollment in college credit dual enrollment to include a demonstrated level of achievement of college-level communication and computation skills as determined by a common placement test or an alternative method of assessment.

Statewide Articulation

Present Situation

Statewide Articulation Agreement

The SBE and the BOG are required to enter into a statewide articulation agreement.²⁸ The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities.²⁹ The agreement requires each state university board of trustees, FCS board of trustees, and district school board, to plan and adopt policies and procedures to provide articulated programs so students can proceed toward their educational objectives as quickly as their circumstances permit.³⁰ The Articulation Coordinating Committee (ACC), a K-20 advisory board appointed by the Commissioner of Education, exists to coordinate ways to help students move easily from institution to institution and from one level of education to the next.³¹

Academic Pathways

In 2013, the SBE, in consultation with the BOG, approved a series of meta-majors and the academic pathways which identify the gateway courses associated with each meta-major.³² FCS institutions must use placement test results to determine the extent to which each student demonstrates sufficient communication and computation skills to indicate readiness for his or her chosen meta-major.³³ FCS institutions are required to counsel students into college credit courses as quickly as possible, with developmental education limited to the content needed for success in the meta-major.³⁴

The purpose of meta-major academic pathways is to advise FCS associate degree seeking students of the gateway courses that are aligned with their intended academic and career goals. The meta-major academic pathways in SBE rule are established in the following areas:

- Arts, humanities, communication and design.
- Business.
- Education.
- Health sciences.
- Industry/manufacturing and construction.
- Public Safety.
- Science, technology, engineering, and mathematics.
- Social and behavioral sciences and human services.³⁵

English Composition I is the gateway course for all meta-major academic pathways. The gateway courses for mathematics are aligned with the meta-major academic pathway and are as follows:

- The gateway courses for business are College Algebra or Elementary Statistics.
- The gateway courses for science, technology, engineering, and mathematics is College Algebra.

²⁸ Section 1007.23(1), F.S.

²⁹ *Id.*

³⁰ Rule 6A-10.024, F.A.C.

³¹ Florida Department of Education, *Articulation Coordinating Committee-Oversight Committee*, <http://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/meetings.stml> (last visited March 30, 2021).

³² Section 1008.30(4), F.S.

³³ *Id.*

³⁴ *Id.*

³⁵ Rule 6A-14.065(1)(a)-(h), F.A.C.

- The gateway courses for all other meta-major academic pathways identified are College Algebra, Liberal Arts Mathematics I, Liberal Arts Mathematics II, or Elementary Statistics.³⁶

Mathematics Pathways

In 2018, the Florida Student Success Center³⁷ established three inter-connected workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education system.³⁸ More than 90 mathematics faculty, administrators, and key stakeholders from Florida's K-12 system, FCS, and state university system (SUS) served as members of the workgroups.

One of the recommendations of the workgroup called for the creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.³⁹ The workgroup found that many institutions still use the College Algebra pathway as the primary pathway for students, even if the Liberal Arts mathematics or statistics pathway is more appropriate for the student's degree.⁴⁰

Effect of Proposed Changes

The bill requires the statewide articulation agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers. The bill requires a representative committee consisting of faculty from the SUS, the FCS, and school district career centers to collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs and careers.

Postsecondary Education Fee Exemptions and Fee Waivers

Present Situation

Florida law authorizes school district career centers, FCS institutions, and state universities to grant fee exemptions⁴¹ and fee waivers⁴² to qualified students that meet specified criteria. Current law exempts from the payment of tuition and fees a student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.⁴³ The exemption from tuition and fees includes a student who would otherwise meet these requirements, as determined by a college or university, but for his or her residence in college or university dormitory housing.⁴⁴

There is a limitation on the number of student fee exemptions from all fees adopted by the SBE and the FCS BOT for up to 54 full-time equivalent students or one percent of the institution's total full-time enrollment, whichever is greater, at each institution.⁴⁵

³⁶ Rule 6A-14.065(2)(a)-(b), F.A.C.

³⁷ The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, *Florida Student Success Center*, <https://www.floridacollegesystemfoundation.org/florida-student-success-center-home> (last visited March 30, 2021).

³⁸ Florida Student Success Center, *Florida Mathematics Re-Design*, at ii, available at https://b31b7c6e-44f1-4aae-a1f2-eb65756e6f27.filesusr.com/ugd/005c49_419c44c62097410996a6eb8064ef4893.pdf (last visited March 30, 2021).

³⁹ *Id.* at 12.

⁴⁰ *Id.*

⁴¹ Section 1009.25, F.S.

⁴² Section 1009.26, F.S.

⁴³ Section 1009.25(1)(f), F.S.

⁴⁴ *Id.*

⁴⁵ Section 1009.25(2), F.S.

Effect of Proposed Changes

To provide guidance to institutions on determining student eligibility, the bill authorizes the SBE to adopt rules and the BOG to adopt regulations regarding documentation and procedures to implement the exemption of tuition and fees for students experiencing homelessness.

B. SECTION DIRECTORY:

- Section 1.** Amends s. 1007.23, F.S.; requiring the statewide articulation agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers; requiring a representative committee composed of certain entities to identify such pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success.
- Section 2.** Amends s. 1007.263, F.S.; requiring admissions counseling to use certain tests to measure achievement of college-level communication and computation competencies by students entering college programs; requiring that such counseling measure achievement of certain basic skills; revising requirements for admission to associate degree programs.
- Section 3.** Amends s. 1007.271, F.S.; revising eligibility requirements for initial enrollment in college credit dual enrollment courses; revising requirements for home education students seeking dual enrollment in certain postsecondary institutions.
- Section 4.** Amends s. 1008.30, F.S.; requiring the State Board of Education to adopt, by a specified date, rules establishing alternative methods for assessing specified skills of certain students; authorizing Florida College System institutions to use such alternative methods in lieu of the common placement test to assess a student's readiness to perform college-level work in communication and computation; providing that certain students do not need to be assessed; deleting obsolete provisions; requiring Florida College System institutions to determine the extent to which certain students demonstrate specific skills to indicate readiness for their meta-major; requiring Florida College System institutions to counsel and place certain students in specified college courses; providing that students' developmental education must include only that content needed for success in their meta-major; conforming provisions to changes made by the act.
- Section 5.** Amends s. 1009.25, F.S.; authorizing the State Board of Education to adopt specified rules and the Board of Governors to adopt specified regulations.
- Section 6.** 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:
See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Individuals may have greater access to postsecondary education by authorizing the use of alternative methods for assessing basic communication and computation skills of students who intend to enter a degree program at a Florida College System or to obtain initial eligibility in college credit dual enrollment courses.

D. FISCAL COMMENTS:

The fiscal impact is indeterminate as the number of institutions who select to use alternative methods and the number of students who may now be eligible to enroll in college credit dual enrollment courses via alternative methods is unknown.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill requires the State Board of Education, by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a Florida College System institution.

The bill authorizes the State Board of Education to adopt rules and the Board of Governors to adopt regulations to implement the exemption of tuition and fees for students experiencing homelessness.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 17, 2021, the Secondary Education & Career Development Subcommittee adopted a proposed committee substitute (PCS) and reported the bill favorably as a committee substitute. The PCS removed provisions from HB 791, except for the following:

- requires the State Board of Education (SBE), by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a Florida College System (FCS) institution;
- authorizes a FCS institution to use adopted alternative methods in lieu of common placement tests to assess student readiness for college-level work in computation and communication;
- specifies that students who are currently exempt from common placement testing requirements are also exempt from the college readiness assessment established in the bill;
- revises student eligibility for initial enrollment in college credit dual enrollment to include a demonstrated level of achievement of college-level communication and computation skills as determined by a common placement test or an alternative method of assessment;

- authorizes a high school equivalency diploma issued by another state which is recognized as equivalent by SBE rule and is based on an assessment recognized by the United States Department of Education to be accepted for admission to associate degree programs at FCS institutions;
- requires admissions counseling at FCS institutions to measure achievement of basic skills for career education programs;
- removes outdated language on the development of a developmental education plan by a FCS institution and the requirement for an annual accountability report on developmental education;
- requires Florida's statewide articulation agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers;
- requires a representative committee of faculty from the State University System, the FCS, and school district career centers to collaborate to identify the three mathematics pathways and the mathematics course sequence; and
- authorizes the SBE to adopt rules and the Board of Governors to adopt regulations regarding documentation and procedures to implement the exemption of tuition and fees for students experiencing homelessness.

The bill analysis is drafted to the committee substitute adopted by the Secondary Education & Career Development Subcommittee.