

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB KINS 12-02 Student Acceleration Options in Public Education

**SPONSOR(S):** K-20 Innovation Subcommittee

**TIED BILLS:** **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: K-20 Innovation Subcommittee		Valenstein	Sherry

### SUMMARY ANALYSIS

The bill amends various provisions of the law related to acceleration options in public education and establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options and an opportunity for students to graduate early from high school. More specifically, the bill:

**ACCEL Options:** Establishes ACCEL options as educational options that provide academically challenging curriculum or accelerated instruction to eligible students in kindergarten through grade 12; requires principals and school districts to establish eligibility requirements for ACCEL options and a process for a parent to request student participation in an ACCEL option; and requires a school district's student progression plan to include information about ACCEL options, early and accelerated graduation options, and dual enrollment courses included in the dual enrollment articulation agreement.

**Early Graduation:** Provides a student the option to graduate from high school early once a student has completed at least 24 credits and met the standard graduation requirements; authorizes eligible students who graduate from high school midyear to receive a Bright Futures Scholarship award during the spring term; authorizes school districts to receive funding for unpaid credits delivered to students who graduate at least one semester early; defines unpaid credits as credits earned by the student in excess of six credits per year, e.g., credit earned by passing the Algebra I EOC without enrolling in the course; and requires school districts to notify parents and advise students of the options for early and accelerated high school graduation.

**End-of-Course Assessments:** Establishes performance based funding for Algebra I, Biology I, and Geometry end-of-course (EOC) assessments, beginning in the fourth year of administering the EOC and requires the Algebra I EOC to be administered four times annually.

**Advanced Placement Program:** Establishes student eligibility requirements for participation in the AP program. The requirements are the same as those required for dual enrollment, except students may also demonstrate eligibility using FCAT or EOC scores.

**Dual Enrollment Program:** Clarifies student eligibility requirements for dual enrollment; provides faculty and curriculum standards for college credit dual enrollment courses, the faculty and curriculum standards are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in rule; requires superintendents and FCS presidents to establish a dual enrollment articulation agreement instead of a district interinstitutional articulation agreement; repeals s. 1007.235, F.S., District interinstitutional articulation agreements; repeals s. 1007.272, F.S., Joint dual enrollment and advanced placement instruction; and prohibits the practice of "credit in escrow," which allows a student who does not qualify for dual enrollment to enroll in and pay for college courses that do not count toward high school graduation.

See FISCAL COMMENTS.

The bill takes effect July 1, 2012.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: pcb02.KINS

DATE: 1/20/2012

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Present Situation**

##### **Acceleration Options**

###### General Information

The Florida public school system provides numerous ways to teach curriculum content to students at a faster pace, commonly referred to as acceleration. However, the acceleration options offered by school districts vary throughout the state, as does the method of parental notification regarding those options.

Currently, the Department of Education (DOE) must develop guidelines for a parent guide which describes what parents need to know about their child's educational progress including opportunities for parents to learn about rigorous academic programs that may be available such as honors programs, dual enrollment, advanced placement (AP), International Baccalaureate (IB), International General Certificate of Secondary Education (pre-AICE), Advanced International Certificate of Education (AICE), Florida Virtual School courses, and accelerated access to postsecondary education.<sup>1</sup> Each school district must annually disseminate a parent guide that includes information concerning "services, opportunities, choices, academic standards, and student assessment."<sup>2</sup>

A school district may include the acceleration options offered by the district in the district's comprehensive program for student progression, but is not required by law to do so. A district's comprehensive program for student progression, commonly referred to as a student progression plan, is only required to include information related to remediation and retention.<sup>3</sup>

Acceleration options that may be used by school districts for students include flexible class grouping; whole-grade and midyear promotion; single-subject acceleration; enrichment programs; self-paced instruction; curriculum compacting; advanced content instruction; telescoping curriculum; combined classes; grade clustering; and virtual instruction in higher level courses.<sup>4</sup> Additionally, students may participate in the IB Diploma Programs, Middle Years, or Primary Years<sup>5</sup> or the Cambridge AICE program, the Cambridge Secondary 2 Program, the Cambridge Secondary 1 program, or the Cambridge Primary Program.<sup>6</sup> Secondary students may also participate in the AP Program, the dual enrollment program, the early admission program, and the credit acceleration program (CAP).<sup>7</sup> For explanations of these acceleration options, please refer to Appendix A.

Each high school must offer an IB program, an AICE program, or a combination of at least four courses in dual enrollment or AP.<sup>8</sup> Additionally, school districts must allow students to take the statewide, standardized end-of-course (EOC) assessments which a student must pass in order to graduate from

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<sup>1</sup> Section 1002.23(2)(d), F.S.

<sup>2</sup> Section 1002.23(7)(d), F.S.

<sup>3</sup> See s. 1008.25, F.S.

<sup>4</sup> Email, Florida Department of Education, Office of Legislative Affairs (Sept. 30, 2011); Florida Department of Education presentation to the K-20 Innovation Subcommittee of the Education Committee of the Florida House of Representatives, Student Acceleration Options (Nov. 1, 2011).

<sup>5</sup> International Baccalaureate Organization, About the International Baccalaureate, <http://www.ibo.org/general/who.cfm> (last visited Jan. 19, 2012).

<sup>6</sup> University of Cambridge International Examinations, Cambridge AICE Diploma Overview, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 19, 2012).

<sup>7</sup> Sections 1007.27(5) and (6), 1007.271, and 1003.4295(3), F.S.

<sup>8</sup> Section 1003.4295(2), F.S.

high school even if the student is not enrolled in the course - this is known as the CAP program.<sup>9</sup> Other acceleration options are not required to be offered by a school district.<sup>10</sup>

Each elementary school principal is currently required to notify the parents of each student who scores at Level 4 or Level 5 on FCAT Reading or Mathematics of the option for the student to take accelerated courses through the Florida Virtual School.<sup>11</sup> Each high school must advise each student of programs through which a high school student can earn college credit, including AP, IB, AICE, dual enrollment, career academy courses, and courses that lead to national industry certification.<sup>12</sup>

### Advanced Placement Program

The Advanced Placement Program consists of advanced academic courses administered by the College Board.<sup>13</sup> The program includes more than 30 high school courses and nationally standardized examinations in 23 subject areas ranging from art to statistics.<sup>14</sup>

In 2010, 43.5% of Florida seniors had taken an AP exam while in high school. During this same time period, the national average was 28.3%.<sup>15</sup> The difference can likely be attributed to the exemption Florida provides to all public secondary students from the payment of any fees for the administration of an AP examination, regardless of whether the student achieves a passing score.<sup>16</sup>

In addition to providing a fee exemption, there are currently no statewide student eligibility requirements for participation in the AP program. Also, school grade calculations more heavily weighted participation in the course over performance in the course. As a result, the number of students participating in the AP program continues to rise; however, the passage rate has decreased since 1999. In 1999, 59,811 examinations were taken by Florida students and 54.8% scored high enough to qualify for college credit.<sup>17</sup> In 2010, 276,290 examinations were taken by Florida students and 41% scored high enough to qualify for college credit.<sup>18</sup>

The cost of an AP examination in 2012 will be \$87.<sup>19</sup> Using the passage rate and number of tests administered from 2010 as a conservative estimate, the total cost of administering AP examinations could be \$24 million for 41% of students to earn college credit.

The Articulation Coordinating Committee (ACC) identifies, and the State Board of Education (State Board) and the Board of Governors (BOG) approve, the AP examination scores required to obtain college credit. Currently, students are recommended for college credit only if they receive an examination score of three or higher on a 5-point scale.<sup>20</sup> In 2011, the Legislature passed HB 7151, which in part, specifically requires the use of data relating to student performance in subsequent postsecondary courses to determine the appropriate examination scores for which college credit is to

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<sup>9</sup> Section 1003.4295(3), F.S.

<sup>10</sup> See s. 1003.4295, F.S.

<sup>11</sup> Section 1002.37(9), F.S.

<sup>12</sup> Sections 1003.4295(1), and 1003.02(1)(i), F.S.

<sup>13</sup> Section 1007.27(6), F.S.

<sup>14</sup> Florida Department of Education, *2010-11 Florida Counseling for Future Education Handbook*, at 76, available at [http://facts23.facts.org/florida/facts/Home\\_Page/Counselors\\_and\\_Educators/Advising\\_Manuals/Counseling\\_for\\_Future\\_Education\\_Handbook!/ut/p/c5/04\\_SB8K8xLLM9MSSzPy8xBz9CP0os3iDEEtPfx9TQwN3Sz8DA093C38\\_M19\\_A393I6B8JE55izBzArrDQfYBVeAAjgZQeZgJFgEuhkAT3D28DLydDT2NzdDksdiPV95Y388jPzdVvyA3wiDTU9cRANgSS\\_Y!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfMEQ5SU9MNTeWRzLOMDBJRzhPTjZNTzBPRzQ!](http://facts23.facts.org/florida/facts/Home_Page/Counselors_and_Educators/Advising_Manuals/Counseling_for_Future_Education_Handbook!/ut/p/c5/04_SB8K8xLLM9MSSzPy8xBz9CP0os3iDEEtPfx9TQwN3Sz8DA093C38_M19_A393I6B8JE55izBzArrDQfYBVeAAjgZQeZgJFgEuhkAT3D28DLydDT2NzdDksdiPV95Y388jPzdVvyA3wiDTU9cRANgSS_Y!/dl3/d3/L2dJQSEvUUt3QS9ZQnZ3LzZfMEQ5SU9MNTeWRzLOMDBJRzhPTjZNTzBPRzQ!/) (last visited Jan. 19, 2012).

<sup>15</sup> The College Board, *The 7<sup>th</sup> Annual AP Report to the Nation*, at 20 (Feb. 2011), available at <http://apreport.collegeboard.org/?excmpid=CBF13-ED-1-aprtn> (last visited Jan. 19, 2012).

<sup>16</sup> Section 1007.27(6), F.S.

<sup>17</sup> Florida Department of Education, *Advanced Placement Exam Results Florida Public Schools 1999-2005*, at 3 (Jan. 2006), available at <http://www.fldoe.org/evaluation/pdf/aptextprt1999-2005.pdf>.

<sup>18</sup> Florida Department of Education presentation to KINS on Nov. 1, 2011.

<sup>19</sup> College Board, *Exam Fees and Reductions: 2012*, <http://apcentral.collegeboard.com/apc/public/exam/calendar/190165.html> (last visited Jan. 19, 2012).

<sup>20</sup> Section 1007.27(6), F.S.; see also Articulation Coordinating Committee, *Credit by Exam Equivalencies*, available at [www.fldoe.org/articulation/pdf/ACC-CBE.pdf](http://www.fldoe.org/articulation/pdf/ACC-CBE.pdf).

be awarded for AP courses.<sup>21</sup> The ACC is conducting a review and is expected to make its recommendation to the State Board and the BOG by August 2012.<sup>22</sup>

### Dual Enrollment Program

The Dual Enrollment Program is an acceleration option that allows an eligible high school or home education student to enroll in a postsecondary course creditable toward high school graduation and an associate or baccalaureate degree or career certificate.<sup>23</sup> A secondary student must be enrolled in a public secondary school or a private secondary school using a curriculum that satisfies the state's high school graduation requirements.<sup>24</sup> Additionally, a student must have a 3.0 unweighted grade point average to enroll in college-level courses and a 2.0 unweighted grade point average to enroll in career certificate courses. In order for a student to enroll in a college credit course, the student must demonstrate adequate pre-collegiate preparation on a basic computation and communication skills assessment through the common placement examination. Exceptions to the required grade point averages may be granted if the school district and the postsecondary institution agree and the terms of such agreement are contained in a dual enrollment interinstitutional articulation agreement.<sup>25</sup> Florida College System (FCS) institutions may establish additional admissions requirements to ensure student readiness for postsecondary instruction, but such requirements may not arbitrarily prohibit students who have demonstrated the ability to master advanced courses from participating in dual enrollment courses.<sup>26</sup> Eligibility requirements for home education students are identified by each postsecondary institution. The requirements for home education students cannot exceed those required of other dually enrolled students.<sup>27</sup>

### Early Admission

Early admission is a type of dual enrollment that allows students to enroll in postsecondary courses on a full-time basis on a college or technical center campus. As with all dual enrollment programs, students earn both high school and college or career credits for courses completed and are exempt from the payment of registration, tuition, and laboratory fees.<sup>28</sup> Participation in the career early admission program is limited to students who have completed a minimum of six semesters of full-time secondary enrollment, including studies undertaken in the ninth grade.<sup>29</sup> By rule, in order for a student to be considered a full-time dual enrollment early admission student, the student must enroll in a minimum of 12 college credit hours, but may not be required to enroll in more than 15 college credit hours.<sup>30</sup>

## **Student Progression Plans**

Each district school board is required to establish a comprehensive program for student progression, commonly referred to as a student progression plan. A student progression plan must include standards for evaluating each student's performance; specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on statewide assessments as defined by the Commissioner of Education, below which a student must receive remediation, or be retained,<sup>31</sup> and appropriate alternative placement for a student who has been

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<sup>21</sup> Section 11, ch. 2011-177, L.O.F.; s. 1007.27(2), F.S.

<sup>22</sup> Email, Florida Department of Education, Office of Legislative Affairs (Dec. 20, 2011).

<sup>23</sup> Section 1007.271(1), F.S.

<sup>24</sup> Section 1007.271(2), F.S.; *see also* ss. 1002.42(2) and 100.43, F.S. Section 1007.271(2), F.S., references the required curriculum with regard to the courses required for high school graduation under s. 1003.43, F.S., which applies to students entering high school before the 2007-08 academic year. Section 1003.428, F.S., applies to students who entered high school in the 2007-08 year and thereafter. Additionally, s. 1003.429, F.S., provides accelerated graduation options for students who entered high school in the 2006-07 academic year and thereafter.

<sup>25</sup> *See infra* text accompanying notes 60-65 for an explanation of interinstitutional articulation agreements.

<sup>26</sup> Section 1007.271(3), F.S.

<sup>27</sup> Section 1007.271(10)(b), F.S.

<sup>28</sup> Section 1007.271(7) and (8), F.S.

<sup>29</sup> Section 1007.271(8), F.S.

<sup>30</sup> Rule 6A-14.064(1)(g), F.A.C.

<sup>31</sup> If the student is retained, he or she must be placed into an intensive program that is different from the previous year's program and that takes into account the student's learning style. Section 1008.25(2)(b), F.S.

retained two or more years.<sup>32</sup> Additionally, the student progression plans must include the Sunshine State Standards or the Next Generation Sunshine State Standards,<sup>33</sup> as appropriate, for each subject area and all dual enrollment courses contained within the district interinstitutional articulation agreement.<sup>34</sup>

## End-of-Course (EOC) Assessments

An EOC assessment is a subject-specific assessment that is administered at the end of a particular course. All state EOC assessments must be rigorous, statewide, standardized, and developed or approved by the DOE.<sup>35</sup> In 2010, the Legislature required the DOE to implement a statewide, standardized EOC assessment for Algebra I, Geometry, and Biology I at the high school level, and an EOC assessment in Civics Education at the middle school level.<sup>36</sup> Contingent upon funding, the Commissioner of Education is also required to establish an implementation schedule for the development and administration of additional statewide, standardized EOC assessments in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, United States History, and World History.<sup>37</sup> Currently, the DOE is developing an EOC assessment in U.S. History.<sup>38</sup>

Statewide, standardized EOC assessments in Algebra I, Geometry, Biology I, and Civics Education are required to have a one-year baseline administration, in which the student's performance on the EOC assessment constitutes 30 percent of the student's final course grade. After the one-year baseline administration, students must pass the EOC assessment in order to receive credit for the course, and ultimately graduate since these courses are required for high school graduation.<sup>39</sup> The EOC assessment in U.S. History is required to constitute at least 30 percent of the student's final course grade. Likewise, should EOC assessments be developed in English/Language Arts II, Algebra II, Chemistry, Physics, Earth/Space Science, or World History, performance on the EOC assessment will constitute 30 percent of the student's final course grade.<sup>40</sup>

Additionally, the Commissioner of Education is authorized to select one or more nationally developed comprehensive examinations, including, but not limited to, examinations for Advanced Placement, International Baccalaureate, and Advanced International Certificate of Education courses or industry-approved examinations to earn national industry certifications identified in the Industry Certification Funding List for use as EOC assessments.<sup>41</sup>

## High School Graduation

In order to graduate from high school, a student must earn credits in the required high school courses and achieve the required grade point average, with the number of credits, required courses, and required grade point average varying based upon which graduation option the student selects.<sup>42</sup> Students have three graduation options including the traditional 24-credit option, the accelerated 18-credit College Preparatory Program option, and the accelerated 18-credit Career Preparatory Program option. Students must also pass the 10<sup>th</sup> grade FCAT in Reading and Mathematics or attain concordant scores on a different standardized test.<sup>43</sup>

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<sup>32</sup> Section 1008.25(2), F.S.

<sup>33</sup> See s. 1003.41, F.S.

<sup>34</sup> Rule 6A-1.09401(3), F.A.C.; s. 1007.235(4), F.S.; see *infra* text accompanying notes 60-65 for an explanation of interinstitutional articulation agreements.

<sup>35</sup> Section 1008.22(3)(c)2.a., F.S.

<sup>36</sup> Chapter 2010-22, L.O.F.; ss. 1003.4156(1)(a), 1008.22(3)(c)2., F.S.

<sup>37</sup> Section 1008.22(3)(c)2.c., F.S.

<sup>38</sup> Rule 6A-1.09422(3)(e), F.A.C.

<sup>39</sup> Section 1008.22(3)(c)2.a.(I) and (II), F.S. The requirement to pass the EOC assessments in Algebra I, Geometry, and Biology I is not coupled with a student's grade, therefore, a student could receive a grade of "C" in the course but not achieve the necessary credit to graduate if that student did not pass the EOC assessment; s. 1003.428, F.S.

<sup>40</sup> Section 1008.22(3)(c)2.b., F.S.

<sup>41</sup> Section 1008.22(3)(c)2.b., F.S.

<sup>42</sup> Sections 1003.428, 1003.429, and 1003.43, F.S.

<sup>43</sup> Sections 1003.428(4)(b), 1003.429(6)(a), 1003.43(5)(a), and 1008.22(3)(c)6. and (10), F.S.

The following table compares the credit requirements for the graduation options for students entering grade 9 in the 2011-12 academic year.

	<b>Traditional 24-Credit Option</b> <sup>44</sup> (s. 1003.428, F.S.)	<b>Accelerated 18-Credit Options</b>	
		<b>COLLEGE PREPARATORY</b> (s. 1003.429(1)(b), F.S.)	<b>CAREER PREPARATORY</b> (s. 1003.429(1)(c), F.S.)
<b>English</b>	4 credits (with major concentration in composition, reading for information, and literature)	4 credits (with major concentration in composition and literature)	4 credits (with major concentration in composition and literature)
<b>Mathematics</b>	4 credits, including: ❖ 1 credit in Algebra I, the equivalent, or a higher-level mathematics course (must pass EOC) ❖ 1 credit in Geometry or equivalent (performance on an EOC in Geometry constitutes 30 percent of a student's final course grade)	4 credits, including: ❖ 1 credit in Algebra I, or a higher-level mathematics course (must pass EOC) ❖ 1 credit in Geometry or equivalent (performance on an EOC in Geometry constitutes 30 percent of a student's final course grade)	4 credits, including: ❖ 1 credit in Algebra I (performance on an EOC in Algebra I constitutes 30 percent of a student's final course grade) ❖ 1 credit in Geometry or equivalent
<b>Science</b>	3 credits (2 credits must have a laboratory component) including: ❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)	3 credits (2 credits must have a laboratory component) including: ❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)	3 credits (2 credits must have a laboratory component) including: ❖ Biology I (performance on an EOC in Biology I constitutes 30 percent of a student's final course grade)
<b>Social Studies / Social Sciences</b>	3 credits in Social Studies, including: ❖ 1 credit in US History ❖ 1 credit in World History ❖ ½ credit in Economics ❖ ½ credit in US Government	3 credits in Social Sciences, including: ❖ 1 credit in US History ❖ 1 credit in World History ❖ ½ credit in Economics ❖ ½ credit in US Government	3 credits in Social Sciences, including: ❖ 1 credit in US History ❖ 1 credit in World History ❖ ½ credit in Economics ❖ ½ credit in US Government
<b>Second Language</b>	None	2 credits in the same second language	None
<b>Fine or Performing Arts / Speech and Debate / Practical Arts</b>	1 credit (three options): ❖ Fine or Performing Arts; ❖ Speech and Debate; or ❖ An approved Practical Arts Course	None	None
<b>Vocational or Career Education</b>	None	None	Three options: ❖ 3 credits in vocational or career education program; ❖ 3 credits in career and technical certificate dual enrollment courses; or ❖ 5 credits in vocational or career education courses
<b>Physical Education</b>	1 credit (including integration of health)	None	None
<b>Electives</b>	8 credits in Electives	2 credits	1 credit <sup>45</sup>

<sup>44</sup> For the graduation requirements for students who entered high school before the 2007-08 academic year, see s. 1003.43, F.S.

<sup>45</sup> If a student earns 5 credits in vocational or career education courses, no elective credit is required. Section 1003.429(1)(c)6., F.S.

## School Funding through the Florida Education Finance Program

The Florida Education Finance Program (FEFP) is the funding formula adopted by the Legislature in 1973 to allocate funds appropriated to school districts for K-12 public school operations.<sup>46</sup> The FEFP implements the constitutional requirement for a uniform system of free public education<sup>47</sup> and is an allocation model based upon individual student participation in educational programs. The purpose of the funding system is “to guarantee to each student in the “Florida public educational system the availability of programs and services appropriate to his or her educational needs which are substantially equal to those available to any similar student notwithstanding geographic differences and varying local economic factors.”<sup>48</sup>

In order to equalize funding among the school districts, the FEFP takes into account the local property tax base; costs of educational programs; district cost differential; and sparsity of student population.<sup>49</sup>

The FEFP allocates funds to each school district based upon actual student enrollment.<sup>50</sup> The FEFP uses a unit of measurement for each student called a full-time equivalent (FTE). One FTE equals one school year of instruction provided to a student.<sup>51</sup> Generally one FTE equals at least 720 hours of instruction in grades K-3 and at least 900 hours of instruction in grades 4-12.<sup>52</sup> In general, the maximum value for funding a student through the FEFP is one FTE student membership for a school year. A yearlong course (one credit), taken by a student equals 1/6 of an FTE. Funding is capped at six full year courses or 6 credits. A school district does not currently receive additional funding for providing a student an additional course above six credits.<sup>53</sup>

### Bright Futures Scholarship Program

The Bright Futures Scholarship (BFS) Program is a primarily lottery-funded scholarship program created to reward Florida high school graduates who merit recognition for high academic achievement by providing them with scholarships to pursue postsecondary education at eligible public and independent postsecondary institutions in Florida.<sup>54</sup> The BFS Program consists of three scholarship awards, the Florida Academic Scholars Award, the Florida Medallion Scholars Award, and the Florida Gold Seal Vocational Scholars Award.<sup>55</sup> To be considered for any of the BFS awards, a student must apply prior to high school graduation, or the student will forfeit his or her future eligibility for an award.<sup>56</sup>

To be considered for any of the BFS awards, a student must:

- Be a Florida resident;
- Earn a standard Florida high school diploma or its equivalent;
- Be accepted by and enrolled in an eligible Florida public or independent postsecondary education institution for at least six credit hours per semester or the equivalent;
- Not have been found guilty of, or entered a plea of nolo contendere to, a felony charge, unless the student has been granted clemency; and
- Have completed an application for the program prior to high school graduation.<sup>57</sup>

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<sup>46</sup> Chapter 73-345, L.O.F.

<sup>47</sup> Art. IX, s. 1(a), Fla. Const.

<sup>48</sup> Chapter 73-345, L.O.F.

<sup>49</sup> Section 1011.62, F.S.; Florida Department of Education, *Overview of School District Funding* (2011-12), at 1, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

<sup>50</sup> See s. 1011.62(1)(d), F.S.

<sup>51</sup> Section 1011.61(1)(a), F.S.

<sup>52</sup> Section 1011.61(1)(a)1., F.S.

<sup>53</sup> See s. 1011.61(1)(c), F.S.; Florida Department of Education, *Overview of School District Funding* (2011-12) at 10, available at <http://www.fldoe.org/fefp/pdf/fefpdist.pdf>.

<sup>54</sup> Section 1009.53(1), F.S.

<sup>55</sup> Sections 1009.53(2), 1009.534, 1009.535, and 1009.536, F.S.

<sup>56</sup> Sections 1009.53(3) and 1009.531(1)(f) and (2), F.S.

<sup>57</sup> Sections 1009.40(1), 1009.531(1) and (2), F.S.

In addition to the student eligibility requirements above, each BFS award also has specific student eligibility requirements, including, required coursework, grade point averages, test scores, and community service.<sup>58</sup>

The DOE evaluates students twice each year, either after the seventh or eighth semester of high school. However, even if a student qualifies after the seventh semester of high school, the DOE only issues awards for the fall term. Therefore, if a student graduates from high school midyear, the student must wait until the fall term to receive a BFS award.<sup>59</sup>

### **District Interinstitutional Articulation Agreement**

District school superintendents and Florida College System (FCS) institution presidents must jointly develop and implement a comprehensive articulated acceleration program for the students enrolled in their respective school districts and service areas. Each superintendent and president must develop a comprehensive interinstitutional articulation agreement for the school district and FCS institution that serves the school district. An articulation committee must be established by the superintendent and the president to develop the interinstitutional articulation agreement. While not required, each state university president is encouraged to designate a university representative to participate in the development of the interinstitutional articulation agreement. Each interinstitutional articulation agreement must be completed before high school registration for the fall term of the following school year.<sup>60</sup>

The interinstitutional articulation agreements must include various provisions related to dual enrollment such as, a delineation of courses and programs available to students eligible to participate in dual enrollment; a delineation of the process by which students and their parents are informed about opportunities to participate in an articulated acceleration program; a delineation of the process by which students, and their parents, exercise the student's option to participate in a dual enrollment course; a list of postsecondary courses that meet the criteria for inclusion in a district articulated acceleration program to be counted toward meeting graduation requirements; a delineation of institutional responsibilities regarding student screening before enrollment and monitoring student performance after enrollment in dual enrollment courses; and identification of the responsibility of the postsecondary educational institution for assigning letter grades for dual enrollment courses and the responsibility of school districts for posting dual enrollment course grades to the high school transcript as assigned by the postsecondary institution awarding the credit.<sup>61</sup>

In addition to the dual enrollment provisions, the interinstitutional articulation agreements must also include a ratification or modification of all existing articulation agreements; mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates; and mechanisms and strategies for promoting "tech prep" programs of study. Additionally, the interinstitutional articulation agreement must include a plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers.<sup>62</sup>

All dual enrollment courses listed within the interinstitutional articulation agreement must be incorporated, either directly or by reference, into the district school board's student progression plan.<sup>63</sup>

The DOE is required to review each interinstitutional articulation agreement and certify the statewide course number of postsecondary courses that meet each district's graduation requirements.<sup>64</sup>

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<sup>58</sup> Sections 1009.534, 1009.535, and 1009.536, F.S.

<sup>59</sup> Telephone interview with Director, State Scholarship and Grant Programs, Florida Department of Education (Jan. 11, 2011).

<sup>60</sup> Section 1007.235(1) and (2), F.S.

<sup>61</sup> Section 1007.235(2), F.S.

<sup>62</sup> Section 1007.235(2) and (3), F.S.

<sup>63</sup> Section 1007.235(4), F.S.

<sup>64</sup> Section 1007.235(5), F.S.



District school boards and FCS institutions are authorized to enter into additional interinstitutional articulation agreements with state universities. Additionally, district school boards may enter into interinstitutional agreements with eligible independent colleges and universities and state universities and FCS institutions may enter into interinstitutional articulation agreements with eligible nonpublic secondary schools.<sup>65</sup>

### **Admissions Requirements for an FCS Institution**

Florida College System (FCS) institutions do not require a minimum grade point average or test score to enroll; however, in order to be admitted to an associate degree program at a FCS institution a student must have a standard high school diploma or its equivalent; previously demonstrated competency in college credit postsecondary coursework; or for home education students, provide a signed affidavit from the student's parent attesting that the student has completed a home education program pursuant to state law. Students enrolled in the dual enrollment or early admission programs and secondary students enrolled in college-level instruction creditable toward the associate degree, but not toward the high school diploma, are exempt from the high school diploma admissions requirement. This allows institutions to admit otherwise ineligible students into the institution to take and pay for college-level courses, but not provide the student college credit until the student graduates from high school. This process is commonly referred to as "credit in escrow."

An applicant must also have a demonstrated level of achievement of college-level communication and computation skills and any other requirements established by the board of trustees of the institution.<sup>66</sup>

A student who has been awarded a special diploma or a certificate of completion is not eligible to enroll in college credit courses, but may enroll in certificate career education programs. Admission into other programs within an FCS institution includes education requirements established by the institution's board of trustees.<sup>67</sup>

### **Effect of Proposed Changes**

#### **Academically Challenging Curriculum to Enhance Learning (ACCEL) options**

The bill establishes Academically Challenging Curriculum to Enhance Learning (ACCEL) options which are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12. The bill does not create new acceleration options, but allows principals to do so and provides more information about and greater access to existing acceleration options through parental notification and parent initiated student participation.

At a minimum, the bill requires each school to offer whole grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the credit acceleration program<sup>68</sup> (CAP). Schools may also offer other ACCEL options, which may include, but are not limited to, enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; curriculum compacting; advanced-content instruction; and telescoping curriculum.<sup>69</sup>

Each principal must specify the student eligibility requirements for virtual instruction in higher grade level subjects. Principals must also establish eligibility requirements for whole grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school. This allows an elementary principal to establish student eligibility requirements

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<sup>65</sup> Section 1007.235(6) and (7), F.S.

<sup>66</sup> Section 1007.263(2), F.S.

<sup>67</sup> Section 1007.263(3) and (4), F.S.

<sup>68</sup> Section 1003.4295(3), F.S.

<sup>69</sup> For explanations of these acceleration options, please refer to Appendix A.

for a student to be promoted from 4<sup>th</sup> grade to 5<sup>th</sup> grade, but not from 5<sup>th</sup> grade to 6<sup>th</sup> grade, unless the school serves students in 6<sup>th</sup> grade.

For whole grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school, the school district must establish student eligibility requirements and procedural requirements. Therefore, a school district would establish student eligibility requirements and procedural requirements for a student to be promoted from 8<sup>th</sup> grade to 9<sup>th</sup> grade. Examples of procedural requirements a school district may establish include the verification of facility capacity, class size, and transportation availability.

Principals must also establish student eligibility requirements for other ACCEL options offered by the school, including STEM coursework, enrichment programs, flexible grouping, advanced academic courses, combined classes, self-paced instruction, curriculum compacting, advanced-content instruction, telescoping curriculum, or an alternative established by the principal. Neither the principal nor the school district establishes eligibility requirements for the CAP program. The eligibility requirements for the CAP program are those otherwise established in law.

When establishing student eligibility requirements, principals and school districts must consider the student's performance on a locally determined assessment, a statewide assessment, or a statewide, standardized assessment;<sup>70</sup> the student's grade point average, attendance record, and conduct record; a recommendation from a core-curricula teacher; and a recommendation from a guidance counselor, if one is assigned to the school.

Principals currently provide information to parents and students on a variety of educational topics, which may include the availability of acceleration options. For example, on August 30, 2011, one Collier County principal sent parents a letter informing them of the acceleration options available in their child's school.<sup>71</sup> The bill requires principals to inform parents and students of the ACCEL options available at the school and the student eligibility requirements. By requiring parental notification by the principal, all parents will receive information regarding the opportunities provided by the principal for their students to participate in acceleration options.

Each principal must establish a process for a parent to request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; or alternative ACCEL options established by the principal. School districts must also establish a process for a parent to request student participation in ACCEL options, but only for whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school.

If a parent selects an ACCEL option and the student meets the eligibility requirements established by the principal or the eligibility and procedural requirements established by the school district, the student must be provided the opportunity to participate in the ACCEL option. Neither a principal nor a school district can prohibit an eligible student from participating in an ACCEL option, if requested by a parent.

If a student participates in certain ACCEL options pursuant to parental request, a performance contract must be executed by the student, the parent, and the principal, for each ACCEL option in which the student participates. A performance contract is required for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within a

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<sup>70</sup> These assessments include, but are not limited to, the Florida Comprehensive Achievement Test (FCAT), Florida Assessments for Instruction in Reading (FAIR), and end-of-course (EOC) assessments.

<sup>71</sup> Letter to Parents from Sea Gate Elementary School Principal, Collier County, August 30, 2011. The letter stated, in part, "Schools in Collier County are committed to excellence in all educational endeavors. As a part of this commitment, differentiated instruction designed to meet the learning needs of all students is provided in each classroom every day. For students requiring acceleration beyond the typical grade level curriculum, as evidenced by performance both in the classroom and on standardized tests, a variety of options are available: Guided Reading Instruction based on above-grade level materials; Flexible grouping in math to encourage exploration beyond grade level expectations; Pre-Laureate Curriculum focused on developing and enhancing reference, research, writing and presentation skills across the curriculum; and Study Skills Curriculum to promote lifelong organization and planning skills."

principal's school; virtual instruction in higher grade level subjects; or an alternative ACCEL option established by a principal. Performance contracts must require compliance with minimum attendance and conduct requirements and any other ACCEL requirements, which may include participation in extracurricular activities, educational outings, field trips, interscholastic competitions, and other activities related to the ACCEL option selected.

If a parent requests that a student participate in an ACCEL option that requires the school district to establish student eligibility and procedural requirements, the bill does not require a performance contract to be executed. However, the bill does not prevent a school district from including a performance contract in its student eligibility and procedural requirements. Similarly, if a principal initiates participation in an ACCEL option, a performance contract is not required, but may be used at the discretion of the principal. Additionally, if a principal initiates a student's participation in an ACCEL option, the bill requires a principal to notify the student's parent.

To further expand access to accelerated coursework, the bill allows all students, not just secondary students, to participate in the credit acceleration program (CAP program). There have been reports of elementary school students that have been unable to take the Algebra I EOC assessment to earn high school credit because the law limits the CAP program to secondary students. The bill allows elementary school students the opportunity to take an EOC assessment, and if passed earn high school credit.

Additionally, since the bill may result in more students taking accelerated coursework, the bill clarifies that an elementary school student who takes a middle or high school level course must receive a grade of A through F for that course, as is currently required for students in middle and high school.

### **Student Progression Plans**

The bill expands the information a school district's student progression plan must contain. The bill amends the student progression plan to include a list of the eligibility and procedural requirements established by a school district for certain ACCEL options. School districts are only required to establish eligibility and procedural requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration would result in a student attending a different school. The student progression plan must also delineate the school district's process for a parent to request student participation in these ACCEL options.

The bill requires the student progression plan to provide notice to parents and students that additional ACCEL options may be available at the student's school, and the principal should be contacted for additional information, including information regarding the school's process for a parent to request student participation in an ACCEL option. The bill does not require principals to report to the school district each ACCEL option offered, or the eligibility requirements for each ACCEL option offered. However, each principal is required to provide this information to parents. This will promote flexibility at the district and school levels, as necessary.

The student progression plan must also list the early and accelerated graduation options available to students and list, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement.

The bill increases the information to be included in a district's student progression plan in order to provide parents access to additional information regarding the acceleration opportunities available to their children.

### **Early High School Graduation**

The bill authorizes a student to graduate from high school in fewer than four years if the student has completed a minimum of 24 credits and meets the general requirements for graduation. If a student meets the requirements, the district school board cannot prevent the student from graduating early. Early graduation is defined as graduating from high school in less than 8 semesters or the equivalent.

Currently, students often remain in high school even if they have met the general requirements for graduation in fewer than eight semesters. These students remain in high school and accumulate additional credits. Students may be discouraged from graduating early from high school because they are unable to receive an initial Bright Futures Scholarship award midyear.

The bill requires each district school board to adopt a policy providing students the option to graduate early from high school. District school boards must currently notify parents at the beginning of each year of the opportunity and benefits of various acceleration options. The bill expands this notification to include the options for early or accelerated high school graduation. A district school board must also notify the parent of a student who is eligible to graduate early. The bill expands the student advisement currently required for high schools related to acceleration options to include the options for early or accelerated high school graduation.

The bill authorizes a student who graduates early to continue participating in school activities and social events and attend and participate in graduation events with the student's cohort. Additionally, the bill requires a student who graduates early to be included in class ranking, honors, and award determinations for the student's cohort. This, for example, allows a student who graduates early to become valedictorian and attend prom. While a student who graduates early is authorized to participate in school activities and social events, the student must comply with district school board rules and policies regarding access to school facilities and grounds during normal operating hours.

To provide school districts an incentive for facilitating a student's early graduation from high school, the bill authorizes school districts to report "unpaid high school credits." An unpaid high school credit is a high school credit earned in excess of six per school year in courses delivered by the school district. Unpaid high school credits could include credits earned from an optional seventh period, the credit acceleration program, or dual enrollment courses.

A district may report each unpaid high school credit provided to a student who graduates early from high school. For a student who graduates one semester before the student's cohort, a district may receive funding for up to 1/2 FTE for unpaid credits delivered by the district. For a student who graduates one year or more in advance of the student's cohort, the district may receive funding up to 1 FTE for unpaid credits delivered by the district.

### **End-of-Course (EOC) Assessments**

The bill requires the EOC assessment for Algebra I to be administered four times each year, beginning with the 2012-13 school year. As of the 2011-12 academic year, Algebra I is the only must pass EOC assessment. Per current law, Biology I and Geometry EOC assessments will also be must pass beginning in the 2012-13 school year, but the bill does not require four administrations of those EOC assessments. Accordingly, they will only be administered three times per year.

The fourth administration of the Algebra I EOC assessment will provide students taking the course through the Florida Virtual School a shorter time period between the completion of the course and the administration of an EOC assessment.

The bill establishes performance based funding for courses requiring must pass, statewide, standardized EOC assessments. Beginning in the fourth year of administering the EOC assessment, a school district's receipt of FTE funding for the course is contingent upon the student passing the EOC assessment. Therefore, if a student failed the EOC assessment, the school would not receive FTE funding for that course.

The bill also authorizes a school district to report 1/6 FTE for each student who passes an EOC assessment without being enrolled in the corresponding course. This may encourage school districts to increase the number of students participating in the credit acceleration program, since the bill allows a school district to report 1/6 FTE for students even if the student did not take the course, as long as the EOC assessment was passed.

The opportunities for additional FTE are limited to 1 FTE per year, unless a student graduates early from high school. If a student graduates early, the school district may report up to 1/2 FTE for students that graduate one semester early and up to 1 FTE for students that graduate at least one year early for any unpaid credits delivered by the district.

### **Bright Futures Scholarship Program**

The bill authorizes a student who graduates from high school midyear to receive an initial Bright Futures Scholarship award during the spring term following the student's graduation, as long as the student applies for the scholarship award no later than August 31 of the student's graduation year. This date provides the DOE Office of Student Financial Assistance sufficient time to evaluate and distribute scholarship awards.

A student who receives an initial award during the spring term will be evaluated for scholarship renewal after the completion of a full academic year, which begins with the fall term. This provides students who graduate from high school midyear and receive an initial award in the spring term three semesters before they will be evaluated for scholarship renewal.

### **Advanced Placement (AP) Program**

The bill establishes student eligibility requirements for the AP program. In order for a public secondary student to participate in the AP program, the student must be enrolled in a Florida public secondary school, demonstrate readiness for college-level coursework through achievement on a statewide assessment or on a common placement test, and have a 3.0 unweighted grade point average. The eligibility requirements are the same as those required for the dual enrollment program, except an AP student also has the opportunity to demonstrate readiness for college-level coursework through performance on a statewide assessment.

The State Board is required to establish, by rule, the minimum test score a student must receive to demonstrate readiness for college-level coursework. A student may use results from the FCAT, or the EOC assessment in Algebra I, Biology, and Geometry, when available. The student may also use results from a common placement test, including the Postsecondary Education Readiness Test (PERT), the College Placement Test (CPT), the PSAT, the PLAN, the SAT, or the ACT. The eligibility requirements are anticipated to increase the state's return on investment since students that meet the requirements are more likely to earn a score of 3 or higher on the AP examination and therefore, be eligible to earn college credit.

### **Dual Enrollment Program**

#### *Student Eligibility*

The bill clarifies student eligibility requirements for the dual enrollment program. Additionally, if a student is scheduled to graduate from high school before the scheduled completion of a postsecondary course, the student may not register for that course through dual enrollment. However, the student may apply to the postsecondary institution and pay the required registration, tuition, and fees, as long as the student meets the postsecondary institution's admissions requirements.

The bill clarifies that in order to continue enrollment in the dual enrollment program, a student must maintain a 3.0 high school grade point average and the minimum postsecondary grade point average established by the postsecondary institution. Additionally, a student may lose the opportunity to participate in the dual enrollment program if the student is disruptive to the learning process. These requirements are currently required by State Board rule.

Per State Board rule, to be considered a full-time early admission dual enrollment student, a student must enroll in at least 12 college credit hours per semester, but may not be required to enroll in more

than 15 college credit hours per semester.<sup>72</sup> The bill codifies this rule, maintaining the same credit hour requirements.

The bill clarifies the student eligibility requirements for home education students. Home education students that seek enrollment in a dual enrollment course, their parents, and the postsecondary institution must enter into an articulation agreement. The articulation agreement must include, at a minimum, a delineation of courses and programs available for dually enrolled home education students; the initial and continued eligibility requirements for home education student participation; the students' responsibilities for providing his or her own instructional materials and transportation; and a copy of the statement of transfer guarantees, developed by the DOE. Courses and programs available for dually enrolled home education students may be added, revised, or deleted at any time by the postsecondary institution.

### Faculty Standards

The bill codifies current State Board rule to establish faculty standards for each faculty member teaching college credit dual enrollment courses. A faculty member must meet the qualifications required by the entity accrediting the postsecondary institution offering the course; provide the institution offering the dual enrollment course a copy of his or her postsecondary transcript; provide a copy of the current syllabus for each course taught to the discipline chair or department chair of the postsecondary institution before the beginning of each term; adhere to the professional rules, guidelines, and expectations in the postsecondary institution's faculty or adjunct faculty handbook and to those that apply to faculty in the student handbook.

Each president of a postsecondary institution offering a college credit dual enrollment course, or his or her designee, must provide a copy of the institution's current faculty or adjunct faculty handbook and student handbook to all dual enrollment faculty members; designate an individual or individuals to observe all dual enrollment faculty members, regardless of the location of instruction; use the same criteria to evaluate dual enrollment faculty members as used to evaluate all other faculty members; and provide course plans and objectives to all faculty members teaching a dual enrollment course.

The faculty standards established by the bill apply to all dual enrollment faculty members including those teaching a dual enrollment course on a high school campus. Additionally, the faculty standards established in the bill are consistent with those required by the Southern Association of Colleges and Schools (SACS) Commission on Colleges and are currently outlined in State Board rule.<sup>73</sup>

### Curriculum Standards

The bill codifies current State Board rule to establish curriculum standards for college credit dual enrollment courses to help maintain rigor for dual enrollment courses. Dual enrollment courses taught on a high school campus are required to meet the same competencies required for courses taught on a postsecondary institution campus. The postsecondary institution offering the course is responsible for providing a comprehensive, cumulative end-of-course assessment or a series of assessments of all expected learning outcomes, to the faculty member teaching the course in a timely manner. Once the assessments are completed and scored, the assessments must be returned to the postsecondary institution and kept on file for one year.

The bill requires textbooks and instructional materials used in dual enrollment courses to be the same or similar to those used in other postsecondary courses with the same course prefix and number. The postsecondary institution must advise the school district of the instructional materials requirements as soon as the information is available, but no later than one term before the course is offered.

Course requirements, including tests, papers, or other assignments, must be at the same level of rigor or depth as those for all non-dual enrollment postsecondary students. The bill requires all faculty members teaching dual enrollment courses to observe the postsecondary institution's procedures and

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<sup>72</sup> Rule 6A-14.064(1)(g), F.A.C.

<sup>73</sup> Rule 6A-14.064(2), F.A.C.

deadlines for submission of grades in the appropriate format. The bill requires the faculty to be advised of institution-wide grading guidelines before teaching a dual enrollment course.

Additionally, the bill prohibits the combination of dual enrollment courses and other high school courses. This prohibits a school district from offering dual enrollment credit to a portion of students within a class, even though all students are performing the same coursework.

The curriculum standards established in the bill are consistent with those required by the SACS Commission on Colleges and are currently outlined in State Board rule.<sup>74</sup>

#### Dual Enrollment Articulation Agreement

In an effort to streamline the dual enrollment program, the bill repeals s. 1007.235, F.S., related to District Interinstitutional Articulation Agreements and reestablishes the provisions related to dual enrollment in s. 1007.271, F.S.<sup>75</sup> The bill requires each district school superintendent and FCS institution president to develop a comprehensive dual enrollment articulation agreement for their respective school district and FCS institution. As done for developing a district interinstitutional articulation agreement, the superintendent and the president must establish an articulation committee to develop the dual enrollment agreement. State university presidents are authorized to designate a university representative to participate in the development of the dual enrollment articulation agreement.

The bill incorporates current requirements from district interinstitutional articulation agreements and State Board rule into the required elements of a dual enrollment articulation agreement, which at a minimum, must include:

- A ratification or modification of all existing articulation agreements;
- The process by which students and their parents are informed about opportunities to participate in the dual enrollment program;
- A delineation of available dual enrollment courses;
- The process by which students and their parents exercise the option to participate in the dual enrollment program;
- Any additional initial eligibility requirements for student participation in the dual enrollment program;
- A delineation of high school credits earned for completion of each dual enrollment course;
- The process for informing students and parents of college course-level expectations;
- The policies and procedures, if any, for determining exceptions to the grade point average requirements on an individual student basis;
- The policies relating to dual enrollment course withdrawals and repeats as determined by the postsecondary institution;
- Exceptions, if any, to the professional guidelines, rules, and expectations established in the faculty or adjunct faculty handbook for the postsecondary institution;
- Exceptions, if any, to the guidelines, rules, and expectations in the student handbook of the postsecondary institution that apply to faculty;
- The responsibilities of the school district regarding student screening prior to participation in the dual enrollment program and the monitoring of student performance while participating in the dual enrollment program;
- The responsibilities of the FCS institution regarding the transmission of student grades in dual enrollment courses to the school district;
- A funding agreement that delineates costs incurred by each entity;<sup>76</sup> and
- The institutional responsibility for student transportation, if provided.

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<sup>74</sup> Rule 6A-14.064(3), F.A.C.

<sup>75</sup> See *infra* text accompanying notes 77-83 for an explanation of the district interinstitutional articulation agreement elements the bill repeals.

<sup>76</sup> The bill states school districts should share funding to cover instructional and support costs incurred by the postsecondary institution.

The bill clarifies that district school boards may not refuse to enter into a dual enrollment articulation agreement, but a FCS institution may limit dual enrollment participation based upon capacity. Any limitation based upon capacity must be clearly specified in the dual enrollment articulation agreement.

The dual enrollment articulation agreement must be submitted by the FCS institution to the DOE on or before August 1 each year, through the electronic submission system developed by the DOE. The DOE has had an electronic submission system for district interinstitutional articulation agreements since 2009. The bill maintains the requirement that the DOE review, for compliance, each articulation agreement, but also requires the Commissioner of Education to inform the district school superintendent and the FCS institution president if the articulation agreement does not comply with statutory requirements and must submit any articulation agreement with unresolved issues of noncompliance to the State Board. The DOE has annually collected and reviewed district interinstitutional articulation agreements, but never had a defined course of action if the agreements did not comply with the law.

The bill maintains the authority district school boards and FCS institutions have to enter into additional dual enrollment articulation agreements with state universities. Similarly, the bill maintains the authority district school boards have to enter into an articulation agreement with eligible independent colleges and universities and the authority postsecondary institutions have to enter into articulation agreements with nonpublic secondary schools.

#### Other Requirements

The DOE is currently required to develop a statement on transfer guarantees that informs students, prior to enrollment in a dual enrollment course, of the potential for the course to articulate into a postsecondary education certificate or degree program. The bill requires the statement on transfer guarantees to inform both students and their parents.

Currently, district school boards must notify all secondary students of the dual enrollment program and the eligibility requirements. The bill requires parents to also be informed of the dual enrollment eligibility requirements.

District school boards must also annually assess the demand for dual enrollment and provide that information to each partnering postsecondary institution. School districts currently assess this information, along with the demand for other advanced courses, but do not currently provide the information to the partnering postsecondary institutions.

The bill also maintains the requirement that postsecondary institutions assign letter grades to each student enrolled in a dual enrollment course. The grade assigned by the postsecondary institution, must be posted to the student's high school transcript by the school district. This prevents a school district from posting a higher or lower grade than the one earned in the college-level course on a student's high school report card.

#### **Admissions Requirements for an FCS Institution**

The bill eliminates the exemption from FCS admission standards for secondary students taking a college-level course outside of the dual enrollment program. By eliminating this exemption, the bill prohibits the practice of "credit in escrow," which allows a student, who does not qualify for dual enrollment, to enroll in and pay for college courses that do not count toward high school graduation.

#### **District Interinstitutional Articulation Agreements**

The bill repeals s. 1007.235, F.S., related to District Interinstitutional Articulation Agreements. FCS institutions and school districts no longer have to enter into district interinstitutional articulation agreements; however, the bill requires FCS institutions and school districts to annually establish dual enrollment articulation agreements. Although previously included in the district interinstitutional articulation agreements, the dual enrollment articulation agreements are not required to include:



- A process for converting college credit hours earned to high school credit based upon mastery of course outcomes.
  - A committee appointed by the Commissioner of Education establishes the number of postsecondary semester credit hours of instruction and equivalent high school credits earned through dual enrollment.<sup>77</sup> It is unnecessary for a local dual enrollment articulation agreement to include a process established in law.
- Mechanisms and strategies for reducing the incidence of postsecondary remediation in math, reading, and writing for first-time-enrolled recent high school graduates.
  - Florida high schools are required to evaluate, before the beginning of grade 12, the college readiness of each student who scores at Level 2 or 3 on the 10<sup>th</sup> Grade Reading FCAT, or Level 2 through 4 on a standardized state-wide mathematics assessment.<sup>78</sup> These students must take the Postsecondary Education Readiness Test. If a student fails the PERT, the student must complete appropriate postsecondary preparatory instruction before graduating from high school.<sup>79</sup> It is unnecessary for a local dual enrollment articulation agreement to include mechanisms and strategies when state law prescribes heightened requirements to reduce the incidence of postsecondary remediation.
- Mechanisms and strategies for promoting “tech prep” programs of study.
  - Federal legislation addresses “Programs of Study” that were formerly referred to as “tech prep” programs.<sup>80</sup> Similar information is contained within career and professional education programs including the Career and Professional Academies.<sup>81</sup>
- A plan that outlines the mechanisms and strategies for improving the preparation of elementary, middle, and high school teachers.
  - Florida law authorizes postsecondary educator preparation institutes at Florida College System institutions.<sup>82</sup> The purpose of these programs is to provide access to needed elementary, middle and high school teacher preparation for students in each college service area. FCS institutions and school districts work closely together to ensure quality teacher outcomes. Given this collaboration, it is unnecessary to require a plan within the dual enrollment articulation agreement that is unrelated to the dual enrollment program.<sup>83</sup>

### **Joint Dual Enrollment and Advanced Placement Instruction**

The bill repeals s. 1007.272, F.S., related to joint dual enrollment and advanced placement instruction. By repealing this section, school districts may no longer conduct advanced placement instruction within dual enrollment courses. Joint AP and dual enrollment courses have become unnecessary due to the expansion of access to acceleration mechanisms and because students are required to choose which credit they wish to pursue at the beginning of the course.

#### **B. SECTION DIRECTORY:**

**Section 1.** Creates s. 1002.3105, F.S., relating to Academically Challenging Curriculum to Enhance Learning (ACCEL) options; providing eligible public school students educational options that provide academically challenging curriculum or accelerated instruction; providing school principal and school district determined student eligibility and procedural requirements; and requiring a process by which a parent may request student participation, including the execution of a performance contract in certain instances.

<sup>77</sup> Section 1007.271(6), F.S.

<sup>78</sup> Standardized state-wide mathematics assessments currently include Algebra I, and Geometry end-of-course assessments.

<sup>79</sup> Section 1008.30(2), F.S.

<sup>80</sup> 20 U.S.C. s. 2301 et seq.

<sup>81</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 12, 2012); *see* s. 1003.493, F.S.

<sup>82</sup> Section 1004.85, F.S.

<sup>83</sup> *See* email, Florida Department of Education, Legislative Affairs (Jan. 12, 2012).

**Section 2.** Amends s. 1001.64, F.S., relating to Florida College System institution boards of trustees; powers and duties; conforming provisions relating to dual enrollment articulation agreements between Florida College System institutions and school districts.

**Section 3.** Amends s. 1001.65, F.S., relating to Florida College System institution presidents; powers and duties; conforming provisions relating to dual enrollment articulation agreements between Florida College System institutions and school districts.

**Section 4.** Amends s. 1002.20, F.S., relating to K-12 student and parent rights; conforming cross-references.

**Section 5.** Amends s. 1002.41, F.S., relating to home education programs; conforming cross-references.

**Section 6.** Amends s. 1003.02, F.S., relating to district school board operation and control of public K-12 education within the school district; requiring school districts to notify parents of options for early or accelerated high school graduation.

**Section 7.** Amends s. 1003.428, F.S., relating to general requirements for high school graduation; conforming provisions to changes made by the act.

**Section 8.** Creates s. 1003.4281, F.S., relating to early high school graduation; defining the term "early graduation"; requiring that each school district adopt a policy that provides a high school student with the option of graduating early; requiring parental notification of student eligibility; providing for receipt of an initial Florida Bright Futures Scholarship Program award; and providing requirements for funding high school credits.

**Section 9.** Amends s. 1003.4295, F.S., relating to acceleration options; requiring that students be advised of acceleration options; authorizing all students to participate in the Credit Acceleration Program.

**Section 10.** Amends s. 1003.436, F.S., relating to definition of "credit"; conforming provisions to changes made by the act.

**Section 11.** Amends s. 1003.437, F.S., relating to middle and high school grading system; specifying that the middle and high school grading system applies to the course level.

**Section 12.** Repeals s. 1007.235, F.S., relating to district interinstitutional articulation agreements.

**Section 13.** Amends s. 1007.263, F.S., relating to Florida College System institutions, admissions of students; eliminating an exemption from Florida College System admission requirements for certain secondary students.

**Section 14.** Amends s. 1007.27, F.S., relating to articulated acceleration mechanisms; deleting duplicative language relating to early admission; and providing student eligibility requirements for enrollment in advanced placement courses.

**Section 15.** Amends s. 1007.271, F.S., relating to dual enrollment programs; providing student eligibility requirements and restrictions for enrollment and continued enrollment in dual enrollment courses; authorizing a participation limit based upon capacity; providing requirements for faculty members providing instruction in college credit dual enrollment courses; providing curriculum standards for college credit dual enrollment; clarifying district school board duties; establishing a minimum and maximum number of college credit hours for participation in an early admission program; providing home education student eligibility requirements for enrollment in dual enrollment courses; requiring a home education articulation agreement; providing requirements for the development and contents of a school district and Florida College System institution dual enrollment articulation agreement; requiring the Department of Education to develop an electronic submission system for dual enrollment

articulation agreements and to review agreements for compliance; and authorizing dual enrollment articulation agreements with state universities, eligible independent colleges and universities, and private secondary schools.

**Section 16.** Repeals s. 1007.272, F.S., relating to joint dual enrollment and advanced placement instruction.

**Section 17.** Amends s. 1008.22, F.S., relating to student assessment program for public schools; requiring that the end-of-course assessment in Algebra I be administered four times annually.

**Section 18.** Amends s. 1008.25, F.S., relating to public school student progression, remedial instruction, reporting requirements; revising legislative intent relating to public school student progression; requiring the comprehensive student progression plan to include information for students and parents on accelerated educational options; and deleting a technical assistance responsibility of the department.

**Section 19.** Amends s. 1009.25, F.S., relating to fee exemptions; conforming a cross-reference.

**Section 20.** Amends s. 1009.531, F.S., relating to Florida Bright Futures Scholarship Program, student eligibility requirements for initial awards; providing requirements for the evaluation of certain students for initial awards under the Florida Bright Futures Scholarship Program.

**Section 21.** Amends s. 1009.532, F.S., relating to Florida Bright Futures Scholarship Program, student eligibility requirements for renewal awards; providing requirements for the evaluation of certain students for renewal awards under the Florida Bright Futures Scholarship Program.

**Section 22.** Amends s. 1011.61, F.S., relating to definitions; providing reporting requirements for school districts for a full-time equivalent student in courses requiring certain statewide, standardized end-of-course assessments and for a student who passes a statewide, standardized end-of-course assessment without being enrolled in the corresponding course.

**Section 23.** Amends s. 1011.62, F.S., relating to funds for operation of schools; providing a calculation of additional full-time equivalent membership based on early high school graduation.

**Section 24.** Provides an effective date of July 1, 2012.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

See FISCAL COMMENTS.

#### 2. Expenditures:

See FISCAL COMMENTS.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

See FISCAL COMMENTS.

#### 2. Expenditures:

See FISCAL COMMENTS.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See FISCAL COMMENTS.

D. FISCAL COMMENTS:

ACCEL Options

The fiscal impact from the notification requirements for ACCEL options is anticipated to be minimal, if any, since principals and district school boards already notify parents of various requirements and options.

Early High School Graduation

The bill provides students the option to graduate early from high school and authorizes school districts to receive funding for unpaid credits delivered to students who graduate at least one semester early. In order to receive funding for unpaid credits, school districts will need to change the way they track credits. Similarly, DOE will need to change the way it tracks student progression and credits earned. At this time, the fiscal impact is unknown. In order to develop a fiscal impact, DOE reports it would have to conduct a needs analysis of DOE's system and the district systems.<sup>84</sup>

After the upfront programming costs, paying districts for unpaid credits is anticipated to be fiscally neutral and possibly provide cost savings. If a student graduates early, the district can receive funding for unpaid credits provided to the student by the district, however, the amount is capped at 1/2 FTE for students that graduate one semester early and 1 FTE for students that graduate at least one year early.

Additionally, school districts may incur an insignificant fiscal impact due to the expanded advising requirements for students. However, school districts are currently required to advise students of available acceleration options; the bill simply expands the required advisement to include the options of early and accelerated graduation.

End-of-Course (EOC) Assessments

The Algebra I EOC is currently administered three times a year. The bill adds a fourth administration. DOE anticipates to incur a cost of \$750,000, which includes the costs of administration and those associated with increasing the number of test questions in the Algebra I test bank, to maintain test security.

A school district may incur upfront costs in order to report 1/6 FTE for those students who pass an EOC assessment without being enrolled in the course. Excluding upfront costs, the fiscal impact is anticipated to be neutral since the total FTE a school district can earn is capped at 1 FTE.

Due to the performance funding established by the bill, a school district may receive less funding for courses with EOC assessments, beginning in the fourth year of administration, if the school district has students that do not pass the EOC assessment. Additionally, DOE estimates substantial upfront costs for both the DOE and districts to update their data bases to properly capture and report these changes.<sup>85</sup>

Advanced Placement

By establishing the student eligibility requirements for AP courses, the bill may save over \$6.5 million.<sup>86</sup> In 2010, 171,238 students enrolled in AP courses. These students took 276,290 examinations with 41% earning 3 or higher.<sup>87</sup> The cost of an AP examination in 2012 will be \$87.<sup>88</sup> Using the passage rate and number of tests administered from 2010 as a conservative estimate, the total cost of administering AP examinations could be \$24 million for 41% of students to earn college credit.

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<sup>84</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 19, 2012).

<sup>85</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 17, 2012).

<sup>86</sup> See email, Florida Department of Education, Legislative Affairs (Jan. 10, 2012).

<sup>87</sup> Florida Department of Education presentation to KINS on Nov. 1, 2011.

<sup>88</sup> College Board, *Exam Fees and Reductions: 2012*, <http://apcentral.collegeboard.com/apc/public/exam/calendar/190165.html> (last visited Jan. 19, 2012).

According to the DOE, over 77% of students with grade point averages below 3.0 fail to earn college credit on AP examinations.<sup>89</sup>

### Dual Enrollment

The dual enrollment articulation agreement may result in cost savings for the district school boards and FCS institutions, but at minimum, establishing a dual enrollment articulation agreement should be cost neutral for the entities. The bill requires district school superintendents and FCS institution presidents to establish a dual enrollment articulation agreement. The cost savings may result from the elimination of some of the requirements in the district interinstitutional articulation agreement that superintendents and presidents are currently required to establish.

DOE is required to establish an electronic submission system. The DOE has had, since 2009, an electronic system for submission of articulation agreements. The DOE anticipates the submission system will likely need to be modified slightly, but the modifications can be completed in-house with little fiscal impact.<sup>90</sup>

No fiscal impact is anticipated for the faculty and curriculum standards for dual enrollment courses established by the bill, since these standards are currently required by rule.

FCS institutions may incur a minimal, indeterminate fiscal impact due to the required home education articulation agreement. However, the institutions are currently providing home education student most of the items required by the agreement.

### Bright Futures Scholarship Program

By establishing a Bright Futures Scholarship Program application deadline of August 31 for students that will graduate from high school midyear, the DOE anticipates minimal fiscal impacts since the review of the application will be incorporated into the standard review of eighth semester applicants.<sup>91</sup>

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires the State Board to adopt rules establishing minimum scores on a statewide assessment administered pursuant to s. 1008.22, F.S., or on a common placement test administered pursuant to s. 1008.30, F.S., that a student must achieve to demonstrate readiness for college-level coursework.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

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<sup>89</sup> Email, Florida Department of Education, Legislative Affairs (Jan. 10, 2012).

<sup>90</sup> Email, Florida Department of Education, Office of Articulation (Jan. 19, 2012).

<sup>91</sup> Telephone interview with Director, State Scholarship and Grant Programs, Office of Student Financial Assistance, Florida Department of Education (Jan. 11, 2012).

#### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

## APPENDIX A

The following are explanations of acceleration options that may be offered by a school district:

- *Whole Grade Promotion*: Allows a student to be placed one or more grade levels ahead of chronological-age peers.<sup>92</sup>
- *Midyear Promotion*: Allows a student to be promoted one or more grade levels during a school year if the student demonstrates proficiency on the appropriate curriculum standards.<sup>93</sup>
- *Subject-Matter Acceleration*: Allows a student to be placed in classes with older peers for a part of the day in one or more content areas. Subject-matter acceleration may be accomplished by the student either physically moving to a higher-level class for instruction or using higher-level curricular or study materials.<sup>94</sup>
- *Virtual instruction in higher grade level subjects*: Provides a student additional access to subject-matter acceleration.
- *Enrichment Programs*: Provide more depth, breadth, or complexity to the presentation of curriculum content than the general curriculum.<sup>95</sup>
- *Flexible Grouping*: Allows students with similar needs, abilities, or interests to be grouped together.<sup>96</sup>
- *Combined Classes*: Allows a younger student to interact academically and socially with older peers, for example a fourth- and fifth-grade split room. Combined classes do not necessarily result in advanced grade placement.<sup>97</sup>
- *Self-Paced Instruction*: Allows a student to proceed through learning and instructional activities at a self-selected pace. A student has control over all pacing decisions in self paced instruction.<sup>98</sup>
- *Curriculum Compacting*: Reduces the amount of introductory activities, drills, and practice time in the student's instruction. The time gained may be used for more advanced content instruction or to participate in enrichment activities. Curriculum compacting does not necessarily result in advanced grade placement.<sup>99</sup>
- *Telescoping Curriculum*: Reduces the amount of instructional time. For example, a student could complete a one-year course in one semester, or three years of middle school in two years. Telescoping curriculum differs from curriculum compacting in that time saved from telescoping always results in advanced grade placement. Telescoping curriculum is planned to fit a precise time schedule.<sup>100</sup>
- *Credit Acceleration Program (CAP)*: Allows a middle or high school student to earn high school credit in a course that requires a statewide, standardized end-of-course (EOC) assessment if the student attains a score indicating satisfactory performance on the corresponding assessment. A student does not have to be enrolled in or complete the course to take the EOC assessment during the regular administration of the assessment.<sup>101</sup>
- *IB Programs*: Provide an intensive curriculum established by the International Baccalaureate Organization for students aged 3 to 19 years that help develop intellectual, personal, emotional,

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<sup>92</sup> See The Templeton National Report on Acceleration, *A Nation Deceived: How Schools Hold Back America's Brightest Students*, Vol. 2, at 5-6 (Oct. 2004), available at [http://www.accelerationinstitute.org/Nation\\_Deceived/Get\\_Report.aspx](http://www.accelerationinstitute.org/Nation_Deceived/Get_Report.aspx), (last visited Jan. 19, 2012), [hereinafter *A Nation Deceived*].

<sup>93</sup> See s. 1008.25(7)(b)4., F.S.

<sup>94</sup> *A Nation Deceived*, supra note 45.

<sup>95</sup> Florida Department of Education, *Acceleration of Gifted Students* (2003), available at [http://www.fldoe.org/ESE/pdf/gift\\_accel.pdf](http://www.fldoe.org/ESE/pdf/gift_accel.pdf).

<sup>96</sup> See email, Florida Department of Education, Office of Legislative Affairs (Sept. 30, 2011).

<sup>97</sup> See *A Nation Deceived*, supra note 45.

<sup>98</sup> *A Nation Deceived*, supra note 45.

<sup>99</sup> *A Nation Deceived*, supra note 45.

<sup>100</sup> *A Nation Deceived*, supra note 45.

<sup>101</sup> Section 1003.4295(3), F.S.

and social skills.<sup>102</sup> Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding IB examination.<sup>103</sup>

- *Cambridge Programs*: Provide a curriculum established by the University of Cambridge International Examinations for students aged 5 to 19 years. Examples of the programs include the Advanced International Certificate of Education (AICE) and the International General Certificate of Secondary Education.<sup>104</sup> Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding AICE examination.<sup>105</sup>
- *Advanced Placement Program*: A nationwide program administered by the College Board consisting of more than 30 college-level courses and examinations. Students are eligible to receive postsecondary credit if they obtain a passing score on the corresponding AP examination.<sup>106</sup>
- *Dual Enrollment Program*: Allows eligible secondary students to enroll in a postsecondary course that provides credit towards high school graduation and a postsecondary degree or certificate.<sup>107</sup>

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<sup>102</sup> International Baccalaureate Organization, About the International Baccalaureate, <http://www.ibo.org/general/who.cfm> (last visited Jan. 19, 2012).

<sup>103</sup> Section 1007.27(8), F.S.

<sup>104</sup> University of Cambridge International Examinations, Cambridge AICE Diploma Overview, <http://www.cie.org.uk/qualifications/academic/uppersec/aice> (last visited Jan. 19, 2012).

<sup>105</sup> Section 1007.27(9), F.S.

<sup>106</sup> Section 1007.27(6), F.S.; Florida Department of Education, *Advanced Placement Program*, available at <http://www.fldoe.org/flbpso/otherpubschopt/advplacement.asp> (last visited Jan. 19, 2012).

<sup>107</sup> Section 1007.271(1), F.S.