

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Appropriations Subcommittee on Education

BILL: PCS/SB 1638 (698686)

INTRODUCER: Senator Lee

SUBJECT: Postsecondary Education for Veterans

DATE: February 11, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	HE	Favorable
2.	Smith	Elwell	AED	Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 1638 expands education and certification opportunities for members of the United States military. Specifically, the bill:

- Requires the Department of Education to annually, for specified tests, identify and publish minimum scores, maximum credit, and course or courses for which college credit must be awarded.
- Modifies the residency requirements for recipients of a Purple Heart or other combat decoration superior in precedence to qualify for a waiver from tuition for undergraduate college credit programs and career certificate programs.
- Adds new methods for demonstrating mastery of subject area knowledge for educator certification purposes.

The bill has an insignificant impact on state funds. State colleges and universities may generate slightly less in tuition revenue due to the requirements of the bill.

The bill takes effect July 1, 2016.

II. Present Situation:

The Florida Legislature has enacted laws to provide members of the Armed Forces access to public postsecondary education in the state.

College Credit for Military Training and Education Courses

The Board of Governors for the State University System of Florida (BOG) and the State Board of Education (SBE or state board) must adopt rules that enable eligible members of the United States Armed Forces to earn academic college credit at public postsecondary educational institutions for college-level training and education acquired in the military.¹ Such rules must include procedures for credential evaluation and the award of academic college credit, including but not limited to, equivalency and alignment of military coursework with appropriate college courses, course descriptions, type and amount of college credit that may be awarded, and transfer of credit.²

Pursuant to law,³ the BOG and the state board have adopted in regulation and rule, respectively, policies for granting college credit for military training and coursework.⁴ For instance, state university and Florida College System (FCS) institution boards of trustees must grant college credit to students who have received military training or coursework that is recognized by the American Council on Education (ACE) and specify if such training or coursework fulfills general education, major, or degree requirements at the receiving institution.⁵

Fee Waivers

The term “tuition” is defined as “the basic fee charged to a student for instruction provided by a public postsecondary educational institution in this state.”⁶ An “out-of-state fee” is the additional fee for instruction provided by a public postsecondary educational institution charged to a student who does not qualify for the in-state tuition rate.”⁷

A student who is classified as a “resident for tuition purposes” is a student who qualifies for the in-state tuition rate.⁸ A “non-resident for tuition purposes” is defined as a “person who does not qualify for the in-state tuition rate,”⁹ and pays the out-of-state fee in addition to tuition.

Florida law affords exemptions¹⁰ and waivers¹¹ from fees for students who meet specified criteria.

Waivers for Purple Heart or Other Combat Decoration

In accordance with the law, a state university, an FCS institution, a career center operated by a school district, or a charter technical career center must waive tuition for undergraduate college credit programs and career certificate programs for each recipient of a Purple Heart or other

¹ Section 1004.096, F.S.

² *Id.*

³ *Id.*

⁴ Board of Governors Regulation 6.013 and Rule 6A-14.0302, F.A.C.

⁵ *Id.*

⁶ Section 1009.01(1), F.S. Additionally, the definition states that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

⁷ Section 1009.01(2), F.S. Adding that “[a] charge for any other purpose shall not be included within this fee.” *Id.*

⁸ Section 1009.21(1)(g), F.S.

⁹ Section 1009.21(1)(e), F.S.

¹⁰ Section 1009.25, F.S.

¹¹ Section 1009.26, F.S.

combat decoration superior in precedence.¹² To qualify for this fee waiver, the recipient of such combat decoration must:¹³

- Be enrolled as a full-time, part-time, or summer-school student in a program that terminates in an associate or baccalaureate degree, a college credit certificate, or a career certificate.
- Currently, and at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence, be a resident of this state.
- Submit to the university, college, or career center the DD-214 form issued at the time of separation from service as documentation that the student has received the Purple Heart or other combat decoration superior in precedence. If the DD-214 is not available, other documentation may be acceptable if recognized by the United States Department of Defense or the United States Department of Veterans Affairs as documenting the award.

The fee waiver for a Purple Heart recipient or recipient of other combat decoration superior in precedence is applicable for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled.¹⁴

In 2014-2015, 100 students at FCS institutions received a fee waiver as the result of receiving a Purple Heart or other combat decoration superior in precedence.¹⁵ At state universities, 39 students received fee waivers as the result of receiving a Purple Heart or other combat decoration superior in precedence.¹⁶

Educator Certification Requirements

Current law provides for eligibility criteria, mastery of general and subject area knowledge, mastery of professional preparation and education competence, the types and terms of certification, as well as examinations.¹⁷

Specifically, for subject area knowledge, the law specifies the following acceptable means of demonstrating mastery:¹⁸

- For a subject requiring only a baccalaureate degree for which a Florida subject area examination has been developed, achievement of a passing score on the Florida-developed subject area examination specified in state board rule;
- For a subject for which a Florida subject area examination has not been developed, achievement of a passing score on a standardized examination specified in state board rule, including, but not limited to, passing scores on both the oral proficiency and written proficiency examinations administered by the American Council on the Teaching of Foreign Languages;

¹² Section 1009.26(8), F.S. “The U.S. Department of Veterans Affairs indicates that the Purple Heart is ranked immediately behind the bronze star in order of precedence. The Department of Florida, Military Order of the Purple Heart of the United States of America notes that there are over 2,700 members in Florida.” Board of Governors, 2016 Agency Legislative Bill Analysis for SB 1638 (Jan. 20, 2016), at 2.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Email, Florida Department of Education (Jan. 20, 2016), on file with the Committee on Higher Education.

¹⁶ Email, Florida Board of Governors (Jan. 21, 2016), on file with the Committee on Higher Education.

¹⁷ Section 1012.56, F.S.

¹⁸ Section 1012.56(5), F.S.

- For a subject for which a Florida subject area examination has not been developed or a standardized examination has not been specified in state board rule, completion of the subject area specialization requirements specified in state board rule and verification of the attainment of the essential subject matter competencies by the district school superintendent of the employing school district or chief administrative officer of the employing state-supported or private school;
- For a subject requiring a master's or higher degree, completion of the subject area specialization requirements specified in state board rule and achievement of a passing score on the Florida-developed subject area examination or a standardized examination specified in state board rule;
- Documentation of a valid professional standard teaching certificate issued by another state; or
- Documentation of a valid certificate issued by the National Board for Professional Teaching Standards or a national educator credentialing board approved by the State Board of Education.

School districts are encouraged to provide mechanisms for middle grades teachers holding only a K-6 teaching certificate to obtain a subject area coverage for middle grades through postsecondary coursework or district add-on certification.¹⁹

III. Effect of Proposed Changes:

SB 1638 expands education and certification opportunities for members of the United States military. Specifically, the bill:

- Requires the Department of Education to annually, for specified tests, identify and publish minimum scores, maximum credit, and course or courses for which college credit must be awarded.
- Modifies the residency requirements for recipients of a Purple Heart or other combat decoration superior in precedence to qualify for a waiver from tuition for undergraduate college credit programs and career certificate programs.
- Adds new methods for demonstrating mastery of subject area knowledge, for educator certification purposes.

College Credit for Military Training and Education Courses

The bill expands the mechanism through which eligible members of the United States Armed Forces can earn college credit for military experience. Specifically, the bill identifies the following three types of subject tests that members of Armed Forces can take to generate college credit:

- Excelsior College subject examination.
- Defense Activity for Non-Traditional Education Support (DANTES) subject standardized test.²⁰

¹⁹ *Id.*

²⁰ Defense Activity for Non-Traditional Education Support (DANTES) is a division of the Department of Defense that provides educational support to military members. In 2004, the exams were acquired and are now owned and administered by Prometric. Prometric owns and administers DSST exams. DSST, *What is DSST?* http://getcollegecredit.com/what_is_dsst/ (last visited Jan. 20, 2016); *see also* DANTES, *DANTES*, <http://www.dantes.doded.mil/#sthash.nYKTxyfV.dpbs> (last visited

- Defense Language Proficiency Test (DLPT).²¹

The bill requires the Department of Education (department) to annually identify and publish minimum scores, maximum credit, and course or courses for which credit must be awarded for each of the specified examinations. The department must identify such courses in the general education core²² curriculum of each state university and FCS institution. In effect, the bill codifies Excelsior College subject examination, DANTES, and Defense Language Proficiency Tests (DLPT) as authorized tests that students can take to earn college credit by demonstrating subject area competency on such tests.

Current law requires the department to annually identify and publish the minimum scores, maximum credit, and course or courses for which credit must be awarded for each:²³

- College Level Examination Program (CLEP) subject examination,
- College Board Advanced Placement (AP) Program examination,
- Advanced International Certificate of Education (AICE) examination, and the
- International Baccalaureate (IB) examination.

The law does not specify such requirements for Excelsior College subject examination, DANTES, and DLPT. However, the Articulation Coordinating Committee (ACC)²⁴ has established passing scores and course and credit equivalents for the tests that are currently specified in law as well as for DANTES and Excelsior College exam.²⁵ The credit-by-exam equivalencies have been adopted in rule by the State Board of Education (SBE or state board).²⁶ If a student attains a passing score on the AP, AICE, IB, or CLEP exam, state universities and FCS institutions must award the minimum credit for the course or courses specified on the credit-by-exam equivalencies list, even if such institutions do not offer the course or courses.²⁷ The credit-by-exam equivalencies will need to be updated to include DLPT.

Jan. 20, 2016). DSST offers a suite of more than 30 exams in college subject areas such as social sciences, math, applied technology, business, physical sciences, and humanities. DSST, *About DSST*, <http://getcollegecredit.com/about> (last visited Jan. 20, 2016).

²¹ The Language Proficiency Assessment Directorate of the Defense Language Institute Foreign Language Center designs, develops, validates, implements, and monitors Defense Language, Proficiency Tests (DLPTs) to measure proficiency in listening and reading comprehension. Defense Language Institute Foreign Language Center, *Language Proficiency Assessment Directorate*, <http://dliflc.edu/academics/evaluation-standardization/> (last visited Jan. 20, 2016).

²² General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The course options are identified by faculty committees that are jointly appointed by the chair of the State Board of Education and the chair of the Board of Governors. Section 1007.25(3), F.S.; *see also* Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

²³ Section 1007.27(2), F.S.

²⁴ The Articulation Coordinating Committee (ACC) is established by the Commissioner of Education in consultation with the Chancellor of the State University System, to make recommendations related to statewide articulation policies regarding access, quality, and data reporting. The ACC serves as an advisory body to the Higher Education Coordinating Council, the State Board of Education, and the Board of Governors. Section 1007.01(3), F.S.

²⁵ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>.

²⁶ Rule 6A-10.024, F.A.C.

²⁷ Florida Department of Education, *Articulation Coordinating Committee Credit-By-Exam Equivalencies* (Initially adopted Nov. 14, 2001), available at <http://www.fldoe.org/core/fileparse.php/5421/urlt/0078391-acc-cbe.pdf>, at 1.

Additionally, the bill modifies current law to apply the existing mechanisms for generating college credit (based on military training and coursework) to eligible servicemembers and honorably discharged veterans of the United States Armed Forces. As a result, such members and veterans of the United States Armed Forces will also be able to earn college credit at public postsecondary educational institutions through the specified mechanisms.²⁸

Fee Waivers

The bill modifies the residency requirements for recipients of Purple Heart or other combat decoration superior in precedence to qualify for the fee waiver.²⁹

Current eligibility requirements for the fee waiver specify that a student must be both a resident of Florida currently, and must have been a Florida resident at the time of the military action that resulted in the awarding of the Purple Heart or other combat decoration superior in precedence. The bill changes this residency requirement to allow students to qualify for the fee waiver if the student is currently or was at the time of the military action that resulted in the awarding of the combat decoration, a resident of this state, but not both. As a result, additional students will be able to receive the fee waiver to access public postsecondary education in Florida.

Educator Certification Requirements

The bill modifies educator certification requirements by adding new methods for demonstrating mastery of subject area knowledge. Specifically, the bill allows individuals to demonstrate subject area competency through documentation of:

- Successful completion of a United States Defense Language Institute Foreign Language Center program,³⁰ or
- A passing score on the DLPT.

The bill recognizes military training and coursework and specifies that the United States Defense Language Institute Foreign Language Center program and the DLPT are acceptable means to demonstrate mastery of subject area knowledge. As a result, individuals will have additional means to demonstrate such competency.³¹

The bill takes effect July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁸ Board of Governors, 2016 Agency Legislative Bill Analysis for SB 1638 (Jan. 20, 2016), at 3.

²⁹ The waiver amounts to a waiver from tuition for undergraduate college credit programs and career certificate programs for each recipient of a Purple Heart or other combat decoration superior in precedence. Section 1009.26(8), F.S.

³⁰ The Defense Language Institute Foreign Language Center offers courses in many languages for various duration (e.g., 26-weeks long course in French and 64-weeks long course in Arabic – Egyptian). Defense Language Institute Foreign Language Center, *Languages Taught at DLIFLC and Duration of Courses*, <http://dliflc.edu/about/languages-at-dliflc/> (last visited Jan. 20, 2016).

³¹ Board of Governors, 2016 Agency Legislative Bill Analysis for SB 1638 (Jan. 20, 2016), at 5.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

SB 1638 expands the eligibility to receive a tuition waiver for each recipient of a Purple Heart or another combat decoration superior in precedence by allowing to students to either be a Florida resident currently or have been a Florida resident at the time of the military action that resulted in the awarding of the combat decoration. The bill also expands the mechanism through which eligible members of the United States Armed Forces can earn college credit for military experience.

For the State University System, the statutory resident undergraduate tuition rate per credit hour in 2015-2016 is \$105.07.³² Tuition will be waived for each eligible recipient of a Purple Heart or other combat decoration superior in precedence for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled. A student enrolled in a program requiring 120 credit hours could save approximately \$14,000.

For the Florida College System, the statutory resident tuition rate per credit hour in 2015-2016 is \$91.79 for baccalaureate degree programs.³³ Tuition shall be waived for each eligible recipient of a Purple Heart or other combat decoration superior in precedence for 110 percent of the number of required credit hours of the degree or certificate program for which the student is enrolled. A student enrolled in a program requiring 120 credit hours could save approximately \$12,000.

C. Government Sector Impact:

PCS/SB 1638 will have an indeterminable fiscal impact on state universities because the annual loss of tuition revenue under the waiver expansion is contingent upon the number of eligible students for a given year. In 2012-2013, the most recent year for which data is available, there were 46 Purple Heart or other combat decoration fee waivers given to eligible students attending a state university.³⁴ For Fiscal Year 2015-2016, the statutory

³² Section 1009.24(4)(a), F.S.

³³ Section 1009.23(3)(b), F.S.

³⁴ Board of Governors, 2016 Agency Legislative Bill Analysis for SB 1638 (Jan. 20, 2016).

resident undergraduate tuition rate per credit hour is \$105.07.³⁵ Assuming these students attend full-time and take 30 credit hours per year, the state university system would have generated approximately \$145,000 less in tuition revenues in Fiscal Year 2015-2016.

PCS/SB 1638 will have an indeterminable fiscal impact on the Florida College System because the annual loss of tuition revenue under the waiver expansion is contingent upon the number of eligible students for a given year. According to the Department of Education, in 2014-2015, there were 100 Purple Heart or other combat decoration fee waivers given to eligible students attending a Florida College System institution at total amount of \$230,000.³⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1004.096, 1007.27, 1009.26, and 1012.56.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

Recommended CS by Appropriations Subcommittee on Education on February 11, 2016:
The committee substitute:

- Moves the section that specifies the types of subject tests that members of Armed Forces can take to generate college credit from s. 1004.096, F.S. to s. 1007.27, F.S. relating to articulated acceleration mechanisms.
- Changes the residency requirements of s. 1009.26, F.S. to allow students to qualify for the fee waiver if the student is currently, or was at the time of the military action that resulted in the awarding of the combat decoration, a resident of this state, but not both.

B. Amendments:

None.

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

³⁵ Section 1009.24(4)(a), F.S.

³⁶ Email, Florida Department of Education (Feb. 5, 2016), on file with the Appropriations Subcommittee on Education.