

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Education Pre-K - 12

BILL: SB 1678

INTRODUCER: Senator Sachs

SUBJECT: High School Graduation Requirements

DATE: February 1, 2016

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Scott	Klebacha	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1678 allows a high school student participating in a registered apprenticeship with a certified trade association to use credits earned upon completion of the apprenticeship to satisfy the high school graduation credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

The bill provides an effective date of July 1, 2016.

II. Present Situation:

High School Graduation Requirements

In order to graduate from high school with a Florida standard high school diploma, a student must meet certain assessment and course credit requirements.

Credit Requirements to Earn a Standard High School Diploma

A student must successfully complete 24 credits in the following subject areas:¹

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics including one credit each in Algebra I and Geometry. Industry certifications earned by students may substitute for up to two mathematics credits, except for Algebra I and Geometry.
- Three credits in science including one credit in Biology I and two credits in equally rigorous courses.² Industry certifications earned by students may substitute for one science credit, except for Biology I.

¹ Section 1003.4282(1)(a) and (3), F.S.

² Two of the three science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

- Three credits in social studies including one credit each in United States History and World History; one-half credit in economics, which must include financial literacy; and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.³
- One credit in physical education.⁴
- Eight credits in electives.⁵

Career Education Course Credit

Florida law allows students to earn credit in both career education courses and courses required for high school graduation.⁶ Career education provides instruction for the following purposes:⁷

- At the elementary, middle, and high school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations.
- At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.
- At the postsecondary level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.

Career education courses are approved by the State Board of Education (State Board) if the courses meet the criteria and requirements for career-themed⁸ courses which include, but are not limited to:⁹

- Increasing student academic achievement and graduation rates through integrated academic and career curricula.¹⁰

³ The practical arts course must incorporate artistic content and techniques of creativity, interpretation, and imagination. Section 1003.4282(3)(e), F.S. Eligible practical arts courses are identified in the Course Code Directory. *Id.* Many career and technical education courses meet the fine arts or practical arts credit requirements for high school graduation. Florida Department of Education, *2014-2015 Career and Technical Education Courses that Meet the Practical Arts High School Graduation Requirement*, available at <http://www.fldoe.org/core/fileparse.php/7746/urlt/0080266-pacourses1415.pdf>. See also Florida Department of Education, *2015-2016 Course Code Directory and Instructional Personnel Assignments*, available at <https://www.flrules.org/gateway/readRefFile.asp?refId=5432&filename=CCDNarrative1516.pdf>. Rule 6A-1.09441, F.A.C.

⁴ Physical education must include the integration of health. Section 1003.4282(3)(f), F.S.

⁵ School districts must develop and offer coordinated electives so that a student may develop knowledge and skills in his or her area of interest, such as electives with a STEM or liberal arts focus. Section 1003.4282(3)(g), F.S. Such electives must include opportunities for students to earn college credit, including industry-certified career education programs or series of career-themed courses that result in industry certification or articulate into the award of college credit, or career education courses for which there is a statewide or local articulation agreement and which lead to college credit. *Id.*

⁶ Section 1003.4282(8)(a), F.S.

⁷ Section 1003.01(4), F.S. Career education courses all within the definition of “extracurricular courses” which are not defined as “core-curricula courses.” *Id.* at (15). Other extracurricular courses may include, but are not limited to, physical education, fine arts, performing fine arts, and course that may result in college credit. *Id.*

⁸ A “career-themed course” is defined in s. 1003.493(1)(b), F.S.

⁹ Section 1003.4282(8)(a), F.S. Career education courses for purposes of earning high school credit must meet the requirements and criteria set forth in s. 1003.493(2), (4), and (5), F.S., for career and professional academy and career-themed courses.

¹⁰ Section 1003.493(2), F.S.

- Promoting learning by doing through application and adaptation.¹¹
- Including partnerships with postsecondary institutions, businesses, industry, or employers.¹²
- Leading to industry certification or college credit.¹³

Career education courses must include workforce and digital literacy skills and the integration of required course content with practical applications and designated rigorous coursework resulting in one or more industry certifications or clearly articulated credit or advanced standing in a 2-year or 4-year certified or degree program, which may include work-related internships or apprenticeships.¹⁴ The instructional methodologies used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.¹⁵

Each school district is encouraged to partner with local workforce boards, business and industry leaders, and postsecondary institutions to create career education courses.¹⁶ School districts or regional consortium service organizations must submit their recommended career education courses to the Department of Education (DOE) for State Board approval.¹⁷ The State Board must determine if sufficient academic standards are covered to warrant the award of academic credit.¹⁸

Apprenticeship & Preapprenticeship Programs

Federal Program Requirements

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)¹⁹ in 1937.²⁰ Following the passage of the Fitzgerald Act, Registered Apprenticeship (RA) programs consisted mainly of manufacturing, construction, and utilities industries.²¹ In 2008, revised regulations were issued by the U.S. Department of Labor which increase program flexibility to better serve the needs of today's apprentices and program sponsors.²²

For apprentices and program sponsors, the regulations:²³

- Incorporate technology-based learning;

¹¹ *Id.* at (4)(a).

¹² *Id.* at (4)(b).

¹³ *Id.* at (5).

¹⁴ Section 1003.4282(8)(a)2., F.S.

¹⁵ *Id.*

¹⁶ *Id.* at (8)(b).

¹⁷ *Id.* at (8)(b) and (c).

¹⁸ *Id.* at (8)(a)2.

¹⁹ U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), at 2, available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>.

²⁰ U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited January 29, 2016). See 29 U.S.C. s. 50 (1937), as amended.

²¹ *Id.* Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction. *Id.*

²² *Id.* "These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system." U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited January 29, 2016).

²³ U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 1-2, available at http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf.

- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)²⁴ identify the minimum qualifications to apply to their apprenticeship programs.²⁵

State Law Regarding Apprenticeship & Preapprenticeship Programs

While the Federal government works in cooperation with states to oversee the nation's apprenticeship programs, the states have the authority to register apprenticeship programs through federally recognized State Apprenticeship Agencies.²⁶ In Florida, the Division of Career and Adult Education within the DOE serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.²⁷

Florida law provides education and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals in the state for trades, occupations, and professions suited to their abilities.²⁸

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices²⁹ including such matters as the

²⁴ Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 29, 2016).

²⁵ U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 29, 2016). An individual must be at least 16 years of age to be an apprentice. *Id.* In hazardous occupations, individuals must usually be 18 years of age. *Id.* Program sponsors may also identify additional minimum qualifications and credentials to apply (*e.g.*, education, ability to physically perform the essential functions of the occupation, and proof of age). *Id.* All applicants are required to meet the minimum qualifications. *Id.* Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified. *Id.*

²⁶ 29 C.F.R. ss. 29.1 and 29.13 (2008).

²⁷ 29 C.F.R. s. 29.2 (2008).

²⁸ Section 446.011(1), F.S.

²⁹ An “apprentice” means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A “journeyman means” “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves

requirements for a written apprenticeship agreement.”³⁰ A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department [DOE] and sponsored by a registered apprenticeship program.”³¹

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:³²

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring RA programs.
- Investigating complaints regarding failure to meet the standards³³ established by the DOE.
- Canceling registration of programs that fail to comply with DOE standards and policies.

Additionally, the DOE, district school boards, and Florida College System (FCS) institution district boards of trustees must work together with existing apprenticeship programs so that individuals completing preapprenticeship programs may be able to receive credit towards completing registered apprenticeship programs.³⁴

Apprenticeship Program Tuition and Fees

Fee exemptions and waivers are types of financial assistance authorized in statutory law that provide opportunities for many students to attend college at reduced tuition and fee cost or even

manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

³⁰ Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

³¹ Section 446.021(5), F.S. Programs for high school students may begin in the junior year and may include on-the-job training with participating employers. After completing their programs, preapprentices may be granted preference for entry into registered apprenticeship programs, and may receive credit towards the completion of their registered apprenticeship program. Florida Department of Education, *Preapprenticeship*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.shtml> (last visited January 29, 2016).

³² Section 446.041, F.S. Employers may participate within an existing group program through agreements called Participating Employer Agreements or Collective Bargaining Agreements or employers may work with an Apprenticeship Training Representative to develop and directly sponsor a new program. Florida Department of Education, *What is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.shtml> (last visited January 29, 2016).

³³ The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and FCS institution boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum preapprenticeship standards” means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.” Section 446.021(8), F.S.

³⁴ Section 446.052(3), F.S.

free.³⁵ Florida law provides exemptions from the payment of tuition and fees, including lab fees, for several categories of students enrolled at a school district that provides workforce education programs, an FCS institution, or a state university, including students enrolled in approved apprenticeship programs.³⁶ According to the DOE, there are approximately 225 active registered apprenticeship programs throughout the state.³⁷

High school students enrolled in courses in a secondary career education program, which may include an internship or preapprenticeship, are funded through the Florida Education Finance Program.³⁸

III. Effect of Proposed Changes:

SB 1678 allows a high school student participating in a registered apprenticeship with a certified trade association³⁹ to use credits earned upon completion of the apprenticeship to satisfy the high school graduation credit requirements for courses in fine or performing arts, speech and debate, or practical arts; physical education; or electives.

Although current law allows students to earn credit in both general high school courses and career and technical education courses, including through internships and apprenticeships, it does not expressly identify the high school course credit requirements that may be satisfied by earning career and technical education course credits. The bill specifies that the credits awarded upon completion of an apprenticeship with a certified trade association may be used to meet particular high school course credit requirements.

The Course Code Directory, approved by the State Board of Education, identifies courses aligned to the requisite academic standards for which a student may receive elective or required credit toward high school graduation. The bill may allow for the use of credits earned through certain apprenticeships to satisfy specified high school course requirements whether or not the course or courses associated with the apprenticeship have been identified on the Course Code Directory.

The bill provides an effective date of July 1, 2016.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

³⁵ The Florida College System, *Exemptions and Waivers in the Florida College System* (March 2012), available at <http://www.fldoe.org/core/fileparse.php/7724/urlt/0072361-fyi2012-02exemptions.pdf>.

³⁶ Section 1009.25(1)(b), F.S.

³⁷ Florida Department of Education, Division of Career and Adult Education, *What Is Apprenticeship?*, <http://www.fldoe.org/academics/career-adult-edu/apprenticeship-programs/what-is-apprenticeship.stml> (last visited January 29, 2016).

³⁸ Section 1011.62(c)3., F.S. See also Rule 6A-1.09441, F.A.C.

³⁹ Certified trade association is not a statutorily defined term.

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

The bill substantially amends section 1003.4282 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

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

None.

B. Amendments:

None.