

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

BILL: CS/SB 978

INTRODUCER: Education Committee and Senator Powell

SUBJECT: High School Graduation Requirements

DATE: March 28, 2017

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Bouck	Graf	ED	Fav/CS
2.			AED	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 978 allows a student to use credit earned upon completion of a registered apprenticeship or preapprenticeship program registered with the Department of Education to satisfy certain high school credit requirements for graduation with a standard diploma. Specifically, the bill:

- Authorizes the use of credit earned upon completion of a registered apprenticeship or preapprenticeship program to satisfy up to one credit in fine or performing arts, speech and debate, or practical arts; or electives.
- Requires the State Board of Education (SBE) to approve and identify in the Course Code Directory (CCD) the registered apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

The bill takes effect on July 1, 2017.

II. Present Situation:

The Legislature has provided educational opportunities for young people to benefit from on-the-job training combined with academic-related classroom experiences so that such individuals can be trained for trades, occupations, and professions suited to their abilities.¹

¹ Section 446.011(1), F.S.

High School Graduation Requirements

In order to graduate from high school with a Florida standard high school diploma, a student must successfully complete 24 credits in the following subject areas:²

- 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 certifications³ 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.⁴ Industry certifications⁵ earned by students may substitute for one science credit, except for Biology I.
- 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.⁶
- One credit in physical education.⁷
- Eight credits in electives.⁸

Career Education Courses to Meet High School Credit Requirements

Career education includes, but is not limited to, 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.⁹

² Section 1003.4282(1)(a) and (3), F.S.

³ Eligible industry certifications are those for which there is a statewide college credit articulation agreement approved by the State Board of Education. *Id.* at (3)(b).

⁴ Two of the three science credits must have a laboratory component. *Id.* at (3)(c).

⁵ Eligible industry certifications are those for which there is a statewide college credit articulation agreement approved by the State Board of Education. *Id.* at (3)(c).

⁶ Practical arts courses are identified in the Course Code Directory, and must incorporate artistic content and techniques of creativity, interpretation, and imagination. *Id.* at (3)(e). The “Career and Technical Education Courses that meet the Practical Arts High School Graduation Requirement” list contains 325 courses that meet the practical arts requirement. Email, Florida Department of Education (March 20, 2017), Florida Department of Education, *2017 Agency Bill Analysis for SB 978*, at 2.

⁷ Physical education must include the integration of health. Section 1003.4282(3)(f), F.S.

⁸ 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. *Id.* at (3)(g). 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.*

⁹ Section 1003.01(4), F.S. Career education courses fall 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 courses that may result in college credit. *Id.*

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 high school junior or senior year work-related internships or apprenticeships.¹⁰ The instructional methodologies used in these courses must be comprised of authentic projects, problems, and activities for contextually learning the academics.¹¹

Each school district is encouraged to partner with local workforce boards, business and industry leaders, and postsecondary institutions to create career education courses that meet the goals and requirements of career and professional academies¹² and career-themed courses.¹³ School districts or regional consortium service organizations must submit such career education courses to the Department of Education (DOE) for State Board of Education (SBE) approval¹⁴ that include, but are not limited to:¹⁵

- Preparing graduating high school students to make appropriate choices relative to employment and future educational experiences.¹⁶
- Raising student aspiration and commitment to academic achievement and work ethics through relevant coursework.¹⁷
- Supporting the state's economy by meeting industry needs for skilled employees in high-skill, high-wage, and high-demand occupations.¹⁸
- Promoting learning by doing through application and adaptation.¹⁹
- Requiring the course leads to an industry certification or college credit.²⁰

The courses approved by the SBE must allow students to earn credit in both the career education course and courses required for high school graduation.²¹ The SBE must determine if sufficient academic standards are covered to warrant the award of academic credit.²²

¹⁰ Section 1003.4282(8)(a)2., F.S.

¹¹ *Id.*

¹² A career and professional academy is defined in s. 1003.493(1)(a), F.S. Career and professional academies are required for public schools and school districts, and encouraged for the Florida Virtual School. Section 1003.493(1)(a), F.S.

¹³ *Id.* at (8)(b).

¹⁴ 1003.4982(8)(b) and (c), F.S.

¹⁵ 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.

¹⁶ Section 1003.493(2)(b).

¹⁷ *Id.* at (d).

¹⁸ *Id.* at (f).

¹⁹ *Id.* at (4)(a).

²⁰ *Id.* at (5).

²¹ Section 1008.4282(8)(a), F.S.

²² *Id.* at 1.

Course Code Directory

The Course Code Directory (CCD) is the listing of all public Pre-K-12 courses available for use by school districts²³ and identifies courses including, but not limited to, the courses that meet subject-area high school graduation requirements, and specifies course level and length.²⁴ The CCD programs and courses that are funded through the Florida Education Finance Program and courses or programs for which students may earn credit toward high school graduation must be listed in the CCD.²⁵ The CCD maintains course listings for administration and service assignments, K-12 education, exceptional student education, career and technical education, and adult education, with details regarding appropriate teacher certification levels.²⁶

Apprenticeship and Preapprenticeship Programs

Federal Law

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald) in 1937.²⁷ In 2008, revised regulations were issued by the Department of Labor that increase program flexibility to better serve the needs of today's apprentices and program sponsors.²⁸

²³ Rule 6A-1.09441, F.A.C.

²⁴ Florida Department of Education, *2016-2017 Course Directory: Section 1-Narrative Section*, at 10-11, <http://www.fldoe.org/core/fileparse.php/7746/urlt/CCDNarrative1617.pdf> (last visited March 24, 2017). Level 1 courses are basic courses for which students may not earn credit towards a standard diploma; level 2 courses are regular, mainstreamed courses; and level 3 courses include honors, AP, IB, AICE, advanced college-preparatory courses, and other courses containing rigorous academic curriculum and performance standards. *Id.*

²⁵ Rule 6A-1.09441(4), F.A.C.

²⁶ Florida Department of Education, *2015-2016 Course Code Directory* <http://www.fldoe.org/policy/articulation/ccd/2016-2017-course-directory.stml> (last visited March 24, 2017).

²⁷ U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited March 24, 2017). See 29 U.S.C. s. 50 (1937), as amended. The Fitzgerald Act authorized the U.S. Department of Labor (DOL) to formulate and promote the furtherance of standards necessary to safeguard the welfare of apprentices, to extend the application of such standards by encouraging their inclusion in contracts of apprenticeship, to bring together employers and labor for the formulation of programs of apprenticeship, and to cooperate with state agencies engaged in the formulation and promotion of standards of apprenticeship. Department of Labor, *29 CFR Part 29, Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations; Final Rule*, Federal Register, Vol. 73, No. 210 (October 29, 2008), at 64402.

²⁸ U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited March 24, 2017). 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. *Id.*

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)²⁹ identify the minimum qualifications to apply to their apprenticeship programs.³⁰

State Law

In Florida, the DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs,³¹ 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.

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 apprentices³⁴ including such matters as the

²⁹ 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 United Parcel Service, 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 March 24, 2017).

³⁰ *Id.* 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.*

³¹ States have the authority to register apprenticeship programs through federally recognized “State Apprenticeship Agencies.”³¹ 29 C.F.R. ss. 29.1 and 29.13.

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.stml> (last visited March 24, 2017).

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 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

requirements for a written apprenticeship agreement.”³⁵ 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 DOE and sponsored by a registered apprenticeship program.”³⁶

An apprenticeable occupation is a skilled trade that:³⁷

- Is customarily learned in a practical way through a structured, systematic program of on-the-job, supervised training.
- Is commonly recognized throughout the industry or recognized with a positive view towards changing technology.
- Involves 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.
- Requires related instruction to supplement on-the-job training. Such instruction may be given in a classroom or through correspondence courses.
- Involves the development of skill sufficiently broad to be applicable in like occupations throughout an industry, rather than of restricted application to the products or services of any one company.

Additionally, the DOE, district school boards, and Florida College System institution boards of trustees must work together with existing apprenticeship programs so that individuals completing the preapprenticeship program may be able to receive credit towards completing a registered apprenticeship program.³⁸

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 free.³⁹ 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

may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S.

³⁵ 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.

³⁶ Section 446.021(5), F.S. 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.stml> (last visited March 24, 2017). As of December 2015, there were approximately 110 high school participants in 13 preapprenticeship programs located throughout the state. Email, Florida Department of Education (March 20, 2017), Florida Department of Education, *2017 Agency Bill Analysis for SB 978*, at 3.

³⁷ Section 446.092, F.S.

³⁸ Section 446.052(3), F.S.

³⁹ 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>.

programs, an FCS institution, or a state university, including students enrolled in approved apprenticeship programs.⁴⁰

III. Effect of Proposed Changes:

CS/SB 978 allows a student to use credit earned upon completion of a registered apprenticeship or preapprenticeship program registered with the Department of Education to satisfy certain high school credit requirements for graduation with a standard diploma. Specifically, the bill:

- Authorizes the use of credit earned upon completion of a registered apprenticeship or preapprenticeship program to satisfy up to one credit in fine or performing arts, speech and debate, or practical arts; or electives.
- Requires the State Board of Education (SBE) to approve and identify in the Course Code Directory (CCD) the registered apprenticeship and preapprenticeship programs from which a student may use earned credit to satisfy such course credit requirements.

As a result, the bill may encourage students to participate in registered apprenticeship and preapprenticeship programs. Accordingly, students may be able to acquire on-the-job training for occupations, which may better prepare the students for college and career success.

The bill takes effect on July 1, 2017.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

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.

⁴⁰ Section 1009.25(1)(b), F.S. Direct costs to the registered apprentice are for tools, books, consumables, and materials required by the employer. Email, Florida Department of Education (March 20, 2017), Florida Department of Education, *2017 Agency Bill Analysis for SB 978*, at 3.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends 1003.4282 of the Florida Statutes.

IX. Additional Information:

- A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Education on March 27, 2017:

The committee substitute maintains the intent of SB 978 with some clarifications:

- Authorizes the application of credit earned upon completion of a registered apprenticeship or preapprenticeship program towards either fine or performing arts, speech and debate, or practical arts; or electives.
- Specifies that such application of credit may be for up to one credit in either fine or performing arts, speech and debate, or practical arts; or electives.

- B. Amendments:

None.