

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 770

INTRODUCER: Education Committee and Senators Hutson and Perry

SUBJECT: Education

DATE: March 20, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Fav/CS
2.			IT	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 770 promotes career education and readiness opportunities for students in public schools. The bill creates an alternative pathway, namely the career and technical education (CTE) graduation pathway option, for students to earn a standard high school diploma, and specifies related requirements. Additionally, the bill provides responsibilities for district school boards and the Department of Education (DOE) regarding career education opportunities, specifies options for students to substitute computer science credit for certain credits required for high school graduation, and revises requirements related to CAPE Digital Tool Certificates and adjunct educator certification.

Specifically, the bill:

- Requires students to successfully complete at least 18 credits to receive a standard high school diploma under the CTE graduation pathway option, and exempts a charter school that exclusively offers the CTE pathway option from application requirements related to district school boards but specifies that such charter schools must comply with the application requirements relating to the DOE.
- Modifies the 24-credit pathway for earning a standard high school diploma by revising computer science credit substitution for mathematics or science credits, and creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement.

- Revises the acceleration mechanism component for the school grade calculation for high schools by specifying that dual enrollment courses include career clock-hour dual enrollment courses.
- Creates the Florida Pathways to Career Opportunities Grant Program to enable high school and Florida College System institutions to offer applied learning opportunities for students in high-demand career pathways linked to occupations that will provide students with middle-level and high-level wages.
- Increases from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually.
- Restores middle grades career education and planning course requirements which were eliminated in 2017, with some modifications.
- Requires district school boards to also declare a “College and Career Decision Day” to recognize high school seniors and encourage them to prepare for college and pursue advanced career pathways.
- Requires the DOE to provide assistance to specified entities in notifying students, parents, and members of the community about apprenticeship and preapprenticeship opportunities.
- Authorizes school districts to issue an adjunct teaching certificate for a full-time teaching position, but specifies that such certificates are valid for a period of three years and are not renewable. The bill also specifies reporting requirements for school districts.

The bill takes effect July 1, 2019.

II. Present Situation:

The present situation for the relevant portions of the bill is discussed under the Effect of Proposed Changes of this bill analysis.

III. Effect of Proposed Changes:

The Legislature has made policy and funding investments to provide students access to career education and readiness opportunities in public schools.

Standard High School Diploma Requirements

To graduate from high school with a standard high school diploma, a student must successfully complete 24 credits or 18 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.¹

Present Situation

24-Credit Requirement

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. A student must pass the

¹ Sections 1002.3105(5) and 1003.4282(1)(a), F.S.

² Section 1003.4282(3), F.S.

statewide, standardized grade 10 ELA assessment, or earn a concordant score, in order to earn a standard high school diploma.

- Four credits in mathematics, including one each in Algebra I and Geometry. A student's performance on the statewide, standardized Algebra I end-of-course (EOC) assessment and Geometry EOC assessment each constitute 30 percent of the student's final course grade. A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, to earn a standard high school diploma. A student who earns an industry certification³ for which there is a statewide college credit articulation agreement approved by the State Board of Education (state board or SBE) may substitute the certification for one mathematics credit. Substitution may occur 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 The Biology I EOC assessment constitutes 30 percent of the student's final course grade. A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the state board 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; 0.5 credit in economics, which must include financial literacy; and 0.5 credit in United States Government. The United States History EOC assessment constitutes 30 percent of the student's final course grade.
- One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
- One credit in physical education that must include the integration of health.
- Eight credits in electives. School districts are required to develop and offer coordinated electives to enable a student to develop knowledge and skills in his or her area of interest and 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.

Florida law specifies that at least 1 of the 24 credits required for earning a standard high school diploma must be completed through online learning.⁵ Finally, to earn a standard high school diploma, students must also earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale.⁶

18-Credit Requirement

Students may also earn a standard high school diploma after completing 18 credits under the Academically Challenging Curriculum to Enhance Learning (ACCEL) option.⁷ ACCEL options

³ Industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and must be at least one of the following: within an industry that addresses a critical local or statewide economic need; linked to an occupation that is included in the workforce system's targeted occupation list; or linked to an occupation that is identified as emerging. Section 1003.492(2), F.S.

⁴ Two of the three required science credits must have a laboratory component. Section 1003.4282(3)(c), F.S.

⁵ Section 1003.4282(4), F.S.

⁶ *Id.*, (6)(a).

⁷ Section 1002.3105(5), F.S.

are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.⁸

At a minimum, each school must offer the following ACCEL options: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program.⁹ Additional ACCEL options may include, but are not limited to, enriched science, technology, engineering, and mathematics coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; rigorous industry certifications that are articulated to college credit and approved in accordance with the law;¹⁰ work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.¹¹

Under the ACCEL option, students need to earn fewer elective credits (i.e., 3 credits in electives instead of the required 8 credits under the 24-credit standard high school diploma pathway) and students are not required to earn one credit in physical education.¹² Additionally, similar to the requirements specified in law for the 24-credit pathway for earning a standard high school diploma, under the ACCEL option, students must earn a cumulative GPA of 2.0 on a 4.0 scale.¹³

Exceptions to the Credit Requirements to Earn a Standard High School Diploma

An adult student in an adult general education program¹⁴ must be awarded a standard high school diploma if the student meets the specified requirements for the 24-credit pathway or the 18-credit ACCEL option, except that:¹⁵

- One elective credit may be substituted for the 1 credit requirement in fine or performing arts, speech and debate, or practical arts.
- The requirement that two of the science credits include a laboratory component may be waived by the district school board.
- The one credit in physical education may be substituted with an elective credit.

Effect of Proposed Changes

24-Credit Requirement

The bill modifies the 24-credit pathway for earning a standard high school diploma by modifying the mathematics and science credit requirements in the following ways:

- A student who earns a computer science credit may substitute the credit for up to one credit of the mathematics requirement, with the exception of Algebra I and Geometry, if the

⁸ Section 1002.3105(1)(a), F.S.

⁹ *Id.*, at (1)(b). The Credit Acceleration Program is created to allow a student to earn high school credit in courses required for high school graduation through passage of a statewide, standardized end-of-course (EOC) assessment, an Advanced Placement (AP) Examination, or a College Level Examination Program (CLEP). A school district must award course credit to a student who is not enrolled in the course, or who has not completed the course, if the student attains a passing score on the corresponding EOC assessment, AP Examination, or CLEP. Section 1003.4295(3), F.S.

¹⁰ Sections 1003.492 and 1008.44, F.S.

¹¹ Section 1002.3105(1)(b), F.S.

¹² *Id.*, at (5).

¹³ Sections 1002.3105(5) and 1003.4282(6)(a), F.S.

¹⁴ Section 1004.93, F.S.

¹⁵ Section 1003.4282(6)(b), F.S.

commissioner identifies the computer science credit as being equivalent in rigor to the mathematics credit. A student who earns an industry certification in 3D rapid prototype printing may satisfy up to two credits of the mathematics requirement, with the exception of Algebra I, if the commissioner identifies the certification as being equivalent in rigor to the mathematics credit or credits.

- A student who earns a computer science credit may substitute the credit for up to one credit of the science requirement, with the exception of Biology I, if the commissioner identifies the computer science credit as being equivalent in rigor to the science credit.
- An identified computer science credit may not be used to substitute for both a mathematics credit and a science credit.

The bill provisions are similar to computer science and computer technology credit substitutions that are authorized in law.¹⁶ However, current law authorizes mathematics or science credit substitutions for students who earn at least one credit in computer science and also earn a related industry certification.¹⁷ The bill does not require the earning of an industry certification for the computer science credit substitution for mathematics credit or science credit.

In contrast to the Algebra I credit exception specified for computer science credit substitution for one mathematics credit, the bill creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement. Specifically, the bill modifies the state board's responsibilities regarding the determination of academic standards for career education courses that warrant the award of academic credit by requiring the state board to make such determination at least biennially and include credit for Algebra I in the determination. The bill specifies that a student who earns a credit for a course through a career education course based on the state board's determination regarding the award of academic credit, must still take and pass the Algebra I EOC assessment and grade 10 ELA assessment to fulfill the requirements to earn a standard high school diploma.

At least 18 Credit-Career and Technical Education Graduation Pathway Option

The bill also creates an alternative pathway, as an option, for students to earn a standard high school diploma. The bill specifies that, beginning with the 2019-2020 school year, a student is eligible to complete an alternative pathway to earning a standard high school diploma through the Career and Technical Education (CTE) pathway option.

Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least 18 credits. The bill specifies that a student completing the CTE pathway option must earn at least a cumulative GPA of 2.0 on a 4.0 scale. This GPA requirement is consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma.¹⁸

Under the CTE pathway option, the bill establishes high school credit requirements that are different from the 24-credit and 18-credit options but maintains the assessment requirements which are specified in law. The bill also allows for industry certification substitution for

¹⁶ Section 1007.2616(6)(a), F.S.

¹⁷ *Id.*

¹⁸ Section 1002.3105(5) and 1002.4282(6)(a), F.S.

mathematics or science credits if a student earns the industry certifications for which there is a statewide college credit articulation agreement approved by the state board. In 2017-2018, students earned 63,520 certifications for which there are statewide articulation agreements.¹⁹

The bill specifies that a student must be awarded a standard high school diploma if the student:

- Completes four credits in ELA I, II, III, and IV, consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma. The bill:
 - Specifies that a student may substitute up to four credits in ELA honors, AP, AICE, IB, or dual enrollment courses for the required ELA credits.
 - Authorizes a student to complete the ELA courses online and complete two or more ELA credits in a single year.

The bill maintains the existing ELA assessment requirement by specifying that a student must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, to earn a standard high school diploma.

- Completes four credits in mathematics, consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma. Additionally, consistent with the existing 24-credit and 18-credit requirements, the bill specifies the following:
 - A student must earn one credit each in Algebra I and Geometry.
 - A student's performance on the statewide, standardized Algebra I EOC assessment and Geometry EOC assessment, each constitute 30 percent of the student's final course grade.
 - A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score, to earn a standard high school diploma.
 - A student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the state board may substitute the certification for one mathematics credit, except for Algebra I and Geometry.
- Completes three credits in science, which is consistent with the existing 24-credit and 18-credit requirements for earning a standard high school diploma. Additionally, consistent with the existing 24-credit and 18-credit requirements, the bill specifies that:
 - Two of the three required science credits must have a laboratory component.
 - A student must earn one credit in Biology I and two credits in equally rigorous courses.
 - The Biology I EOC assessment constitutes 30 percent of the student's final course grade.

However, in contrast to the existing 24-credit and 18-credit requirements, a student who earns an industry certification for which there is a statewide college credit articulation agreement approved by the state board may substitute the certification for two science credits, except for Biology I. The existing 24-credit and 18-credit requirements authorize industry certification substitution for one science credit that is not Biology I.²⁰
- Completes three credits in social studies, which is similar to the existing 24-credit and 18-credit requirements for earning a standard high school diploma. Specifically, the bill requires that:
 - A student earn one credit each in United States History and World History, 0.5 credit in United States Government, and 0.5 credit in economics.
 - The United States History EOC assessment constitutes 30 percent of the student's final course grade.

¹⁹ Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 5.

²⁰ Sections 1002.3105(5) and 1003.4282(3)(c), F.S.

The bill does not specify the financial literacy credit requirement under the social studies credit requirements. Currently, financial literacy is a component of the 0.5 credit in economics, under the social studies credit requirements.²¹

- Completes 0.5 credit in financial literacy. Accordingly, in contrast to the existing 24-credit and 18-credit requirements for earning a standard high school diploma, the bill creates a separate 0.5 credit in financial literacy under the CTE graduation pathway option.
- Completes two credits in CTE, which is not a specified requirement under the existing 24-credit and 18-credit requirements for earning a standard high school diploma. The bill specifies that the courses must result in a program completion and an industry certification.
 - The bill does not specify the number of CTE courses that students must take to complete a program and earn an industry certification. Current law requires the state board to adopt rules to implement the requirements associated with the award of a standard high school diploma.²² Accordingly, the state board has the authority to specify the courses that students may take to complete relevant programs and earn the three credits in CTE.
- Completes 1.5 credits in work-based learning programs, which is not a specified requirement under the existing 24-credit and 18-credit requirements for earning a standard high school diploma. The bill specifies that a student must earn 1.5 credits through work-based learning program courses. A student may substitute up to 1.5 credits of electives for work-based learning program courses to fulfill this requirement. The state board may need to modify existing rules to identify work-based learning programs that students may participate in to generate the 1.5 credits toward earning a standard high school diploma.
 - According to the DOE, the CTE frameworks include a variety of courses (contained in the course code directory) that could qualify as work-based learning.²³ In addition to the CTE courses, section 3 of the course code directory²⁴ includes four Executive Internship courses that could be classified as work-based learning.²⁵
- Sits for the statewide, standardized Geometry EOC assessment, Biology EOC assessment, and United States History EOC assessment.

In contrast to the existing 24-credit requirement for earning a standard high school diploma,²⁶ the CTE graduation pathway option does not require students to:

- Earn:
 - One credit in fine or performing arts, speech and debate, or practical arts that incorporates artistic content and techniques of creativity, interpretation, and imagination.
 - One credit in physical education that must include the integration of health.²⁷

²¹ Section 1003.4282(3)(d), F.S.

²² *Id.*, at (11).

²³ Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

²⁴ The Course Code Directory (CCD) lists all public preK-12 and postsecondary career and technical education courses that are available for use by school districts. 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. 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. The CCD provides course information to schools, districts, and the state. Rule 6A-1.09441, F.A.C.

²⁵ Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

²⁶ Section 1003.4282(3), F.S.

²⁷ The Academically Challenging Curriculum to Enhance Learning (ACCEL) option does not require students to earn 1 credit in physical education. Section 1002.3105(5), F.S.

- Eight credits in electives.²⁸ However, the bill authorizes a student to substitute up to 1.5 credits of electives to fulfill the work-based learning program requirement.
- Complete 1 of the 24 credits through online learning.

The bill also provides requirements for principals and district school boards. Specifically, the bill requires:

- Each principal or the principal's faculty designee, who must be designated as an academic advisor, to:
 - Inform parents and students about the CTE graduation pathway option available at the school and the related requirements;
 - Establish a process by which a parent may request student participation in the CTE graduation pathway option. The student must be provided the opportunity to participate in the CTE graduation pathway option;
 - Establish a process to verify a student's progress and completion of the CTE graduation pathway option; and
 - Meet with any student who has a cumulative GPA that falls below 2.0 during the first semester in which his or her GPA falls below 2.0, and any subsequent semester in which his or her GPA remains below 2.0, to discuss CTE pathway options.
- Each district school board to incorporate the CTE graduation pathway option in the district's student progression plan.

The bill promotes career and technical education and training opportunities for high school students, which may prepare students with the knowledge, skills, and credentials to enter the workforce. The CTE graduation pathway option does not specify any credits in electives which could potentially include 2 credits in foreign language that are required for admission into an undergraduate degree program at a state university in Florida.²⁹

The bill also specifies that adjunct educators, who are certified in accordance with the law,³⁰ may administer courses in the CTE pathway option. Additionally, the bill indicates an alternative application process for charter schools that exclusively offer the CTE pathway option.

Charter School Application Process

Present Situation

Under current law, a district school board may sponsor a charter school in the county over which the district school board has jurisdiction.³¹ Additionally, a state university may grant a charter to

²⁸ The ACCEL option requires students to earn 3 credits in electives. Section 1002.3105(5), F.S.

²⁹ Board of Governors, Regulation 6.002(2)(a).

³⁰ Florida law requires district school boards to adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10), F.S., and who has expertise in the subject area to be taught. An applicant must be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. The adjunct teaching certificate must be used for part-time teaching positions. Section 1012.57, F.S. The requirements specified in law for adjunct teacher certification does not include the requirement to demonstrate mastery of general knowledge. *Id.*

³¹ Section 1002.33(5)(a)1., F.S.

a developmental research (laboratory) school³² and must be considered to be the school's sponsor.³³ Such school must be considered a charter lab school.³⁴

A sponsor receives and reviews all charter school applications³⁵ and, within 90 calendar days of receipt, must approve or deny the application.³⁶ All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education (DOE or department), which:³⁷

- Demonstrates how the school will use the guiding principles and meet the statutorily defined purpose of a charter school.
- Provides a detailed curriculum plan that illustrates how students will be provided services to attain the Sunshine State Standards.
- Contains goals and objectives for improving student learning and measuring that improvement. These goals and objectives must indicate how much academic improvement students are expected to show each year, how success will be evaluated, and the specific results to be attained through instruction.
- Describes the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. A sponsor must deny an application if the school does not propose a reading curriculum that is consistent with effective teaching strategies that are grounded in scientifically based reading research.
- Contains an annual financial plan for each year requested by the charter for operation of the school for up to 5 years. This plan must contain anticipated fund balances based on revenue projections, a spending plan based on projected revenues and expenses, and a description of controls that will safeguard finances and projected enrollment trends.
- Discloses the name of each applicant, governing board member, and all proposed education services providers; the name and sponsor of any charter school operated by each applicant, each governing board member, and each proposed education services provider that has closed and the reasons for the closure; and the academic and financial history of such charter schools, which the sponsor must consider in deciding whether to approve or deny the application.
- Contains additional information a sponsor may require, which must be attached as an addendum to the charter school application described in this paragraph.
- For the establishment of a virtual charter school, documents that the applicant has contracted with a provider of virtual instruction services in accordance with the law.³⁸

If a sponsor denies an application submitted by a high-performing charter school or a high-performing charter school system, the sponsor must provide specific written reasons for the denial within 10 calendar days after such denial.³⁹ An applicant may appeal any denial of that applicant's application or failure to act on an application to the SBE no later than 30 calendar

³² Section 1002.32, F.S.

³³ Section 1002.33(5)(a)2., F.S.

³⁴ *Id.*

³⁵ Section 1002.33(6)(b), F.S.

³⁶ *Id.* at 3.a.

³⁷ Section 1002.33(6)(a), F.S.

³⁸ Section 1002.45(1)(d), F.S.

³⁹ Section 1002.33(6)(b)3.c., F.S.

days after receipt of the sponsor's decision or failure to act and must notify the sponsor of its appeal.⁴⁰ Any response of the sponsor must be submitted to the state board within 30 calendar days after notification of the appeal.⁴¹

Upon receipt of notification from the state board that a charter school applicant is filing an appeal, the Commissioner of Education (commissioner) must convene a meeting of the Charter School Appeal Commission (commission) to study and make recommendations to the SBE regarding its pending decision about the appeal.⁴² The commission must forward its recommendation to the state board at least 7 calendar days before the date on which the appeal is to be heard.⁴³ The state board's decision is a final action subject to judicial review in the district court of appeal.⁴⁴

Effect of Proposed Changes

The bill exempts a charter school that exclusively offers the CTE pathway option from application requirements related to district school boards but specifies that such charter schools must comply with the application requirements relating to the department. Current law does not provide for an alternative to the charter school application process that is specified in law.

School Grading System

Present Situation

Florida law specifies the components of the school grading system, with each component worth 100 points.⁴⁵ For a school comprised of grades 9, 10, 11, and 12, or grades 10, 11, and 12, the school's grade must also be based on the following components, each worth 100 points:⁴⁶

- The 4-year high school graduation rate of the school as defined by state board rule.
- The percentage of students who were eligible to earn college and career credit through College Board Advanced Placement examinations, International Baccalaureate examinations, dual enrollment courses, or Advanced International Certificate of Education examinations; or who, at any time during high school, earned national industry certification identified in the CAPE Industry Certification Funding List, pursuant to rules adopted by the state board.

Effect of Proposed Changes

The bill elevates the importance of career education by revising a school grade component for high schools to specify that dual enrollment courses include career clock-hour dual enrollment courses, beginning with the 2019-2020 school year.

⁴⁰ Section 1002.33(6)(c)1, F.S.

⁴¹ *Id.*

⁴² Section 1002.33(6)(c)1., F.S.

⁴³ *Id.*

⁴⁴ *Id.* at (d).

⁴⁵ Section 1008.34(3)(b)1., F.S.

⁴⁶ *Id.* at 2.

Career Education Opportunities

Present Situation

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.⁴⁷ The state board must adopt, by rule, standards of basic skill mastery for completion of certificate career education programs.⁴⁸ Each school district and Florida College System (FCS) institution that conducts programs that confer career and technical certificates must provide applied academics instruction through which students receive the basic skills instruction.⁴⁹

The CTE Programs section within the Division of Career and Adult Education, DOE, is responsible for developing and maintaining educational programs that prepare individuals for occupations important to Florida's economic development.⁵⁰ Each CTE program is aligned to a career cluster and is detailed in curriculum frameworks adopted by the state board.⁵¹ The programs and courses adopted range from middle grades through associate in science degree level. With the help of educators, business and industry representatives, and trade associations, CTE programs are aligned with the skill requirements needed in today's workforce. For 2018-19, the following total K-12 programs are approved:⁵²

- 88 Middle School Programs.
- 194 High School Programs.
- 81 Practical Arts/single course offerings.

The Legislature enacted the Florida Career and Professional Education (CAPE) Act to provide a statewide planning partnership between the business and education communities to attract, expand, and retain targeted, high-value industry and to sustain a strong, knowledge-based economy.⁵³ The primary purpose of the CAPE Act is to:⁵⁴

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and lead to industry certification;
- Support local and regional economic development;
- Respond to Florida's critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Florida's job market is growing, but 1.7 million more jobs will be needed by 2030.⁵⁵ Sixty-four percent of Florida jobs in 2025 will require a postsecondary degree or certificate (postsecondary

⁴⁷ Section 1004.92(1), F.S.

⁴⁸ Section 1004.91(1), F.S.

⁴⁹ *Id.*

⁵⁰ Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

⁵¹ *Id.*

⁵² *Id.*

⁵³ Section 1003.491, F.S.

⁵⁴ *Id.* at (1).

⁵⁵ Florida Department of Education, *Presentation to Florida House of Representatives Education Committee* (Feb. 5, 2019), available at

vocational, associate, bachelor's, master's or higher).⁵⁶ Currently, 48 percent of working age Floridians have a high quality credential or degree.⁵⁷ Florida ranks 21st in the nation for percentage of adults with education and high-quality workforce credentials.⁵⁸

Effect of Proposed Changes

The bill creates the Florida Pathways to Career Opportunities Grant (grant) Program to enable high school and FCS institutions to offer applied learning opportunities for students in high-demand career pathways linked to occupations that will provide students with middle-level and high-level wages.

The bill specifies that the Legislature intends for the grant program fund to provide individual grants statewide to serve students in grades 9-12 and students within the first 60 hours of college coursework who enter a career pathway that enables them to master the skills they need to graduate with a career certificate or a 2-year technical degree to secure an entry-level position in an industry. Additionally, the bill:

- Authorizes school districts, charter schools, and FCS institutions to apply for grant funding, and requires the applicants to agree to provide information specified in the bill to the commissioner timely.
- Requires selected institutions to provide students with opportunities to earn industry certifications, 60 hours of college credit, or an associate of arts degree by the time they graduate from high school, and the opportunity to gain valuable work experience through internships, externships, apprenticeships, or other job training programs.
- Requires each grant application to include the expertise of public institutions and the participation of one secondary partner and one or more postsecondary and industry partners.
- Requires the commissioner to establish an application process for allocated grants under the grant program.
- Specifies that priority for grants must be given to grant proposals that increase opportunities for underrepresented students such as minority, low-income, or rural students, or girls in computer science courses.
- Requires the commissioner to annually report, by December 1, to the Governor, President of the Senate, and Speaker of the House of Representatives, information specified in the bill about participating students and their outcomes, student demographics, identification of high-demand career pathways linked to occupations that provide students with middle-level and high-level wages, as reflected by labor market demand.
- Requires the state board to adopt rules to implement the grant program.

In addition, the bill specifies the following information that grant proposals must address:

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2996&Session=2019&DocumentType=Meeting%20Packets&FileName=edc%202-5-19.pdf>, at 27 of 77.

⁵⁶ Florida Department of Economic Opportunity, *Florida Strategic Plan for Economic Development*, available at <http://www.floridajobs.org/docs/default-source/division-of-strategic-business-development/fl5yrplan/fl-strategic-plan-booklet-2.pdf?sfvrsn=6>, at 13.

⁵⁷ Lumina Foundation, *Presentation to Florida House of Representatives Higher Education & Career Readiness Subcommittee* (Feb. 7, 2019), available at

<https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2019&DocumentType=Meeting%20Packets&FileName=hec%202-7-19.pdf%20>, at 8 of 58.

⁵⁸ *Id.*

- Give students opportunities to earn the following:
 - Industry certifications, associate degrees, postsecondary certificates, or college credit aligned to high-demand workforce needs of the state, region, or local area and linked to occupations that provide a middle wage or high wage within 6 years; and
 - Applied learning experiences through internships, externships, apprenticeships, or other job training programs;
- Provide students with mentorship or career counseling informed by labor market demand;
- Provide industry and employer partner memoranda of understanding to ensure the program is aligned to in-demand skills and which show the nature of the industry and employer partnership;
- Identify how the proposal will address opportunities for underrepresented students such as minority, low-income, or rural students, or girls in computer science courses;
- Identify how the school district, charter school, or FCS institution will use the grant funding and leverage other available funds to provide continued support for the program;
- Provide the training and academic preparation at no cost to students; and
- Identify the postsecondary partners to ensure appropriate articulation and dual enrollment opportunities and provide memoranda of understanding that show the nature of the postsecondary partnership.

In effect, the bill provides incentives to school districts, charter schools, and FCS institutions to expand student access to career education opportunities.

CAPE Digital Tool Certificates

Present Situation

The DOE must identify, by June 15 of each year, CAPE Digital Tool certificates that indicate a student's digital skills.⁵⁹ The department must notify each school district when the certificates are available.⁶⁰ The certificates must be made available to all public elementary and middle grades students.⁶¹ It is the intent of the Legislature that by July 1, 2018, on an annual basis, at least 75 percent of public middle grades students earn at least one CAPE Digital Tool certificate.⁶² During the 2017-2018 school year, students earned 40,953 CAPE Digital Tool certificates.⁶³

Current law limits CAPE Digital Tool certificates to no more than 15 annually, limited to the areas of word processing; spreadsheets; sound, motion, and color presentations; digital arts; cybersecurity; and coding that do not articulate for college credit.⁶⁴ Such certificates must be annually identified on the CAPE Industry Certification Funding List and updated solely by the Chancellor of Career and Adult Education.⁶⁵ The certificates must be made available to students

⁵⁹ Section 1003.4203(3), F.S.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*, at (c).

⁶³ Florida Department of Education, *Industry Certifications Earned by Certification – 2013-14 to 2017-18*, available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/ic-earned1314-1718.xls>.

⁶⁴ Section 1008.44(1)(b), F.S.

⁶⁵ *Id.*

in elementary school and middle school grades and, if earned by a student, must be eligible for additional 0.025 full-time equivalent membership in accordance with the law.⁶⁶

Effect of Proposed Changes

The bill promotes career education opportunities for students in elementary and middle schools by increasing from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually. As a result, the bill increases the number of certificates that may be available to students, which may result in the school districts receiving additional bonus funds for each of such certificates earned by students.

Career and Education Planning Course

Present Situation

Florida law specifies the general requirements for middle grades promotion.⁶⁷ Accordingly, students must successfully complete the specified courses to be promoted to high school.⁶⁸ In 2006, the Legislature created the requirements for middle grades promotion, which included one course in career and education planning.⁶⁹ In 2017, the requirement for students to complete the career and education planning course was eliminated.⁷⁰

Effect of Proposed Changes

The bill restores successful completion of the career education and planning course, with some modifications, as a requirement for students to be promoted to high school. The bill reinstates the career education and planning course requirements that were eliminated in 2017, except that the bill:

- Clarifies that the required academic and career plan must include information about the requirements for each type⁷¹ of Florida Bright Futures Scholarship.
- Requires the course to emphasize employability skills.
- Requires that upon completion of the career and education planning course, a student's personalized academic and career plan must be sent to the student's academic advisor who must inform the student about the CTE graduation pathway option.
- Does not require the course to emphasize technology or the application of technology in career fields.
- Does not specify the requirements for:
 - Schools to inform parents about the course curriculum and activities;
 - Each student to complete a personal education plan that must be signed by the student and the student's parent;
 - The DOE to develop course frameworks and professional development materials for the course; and

⁶⁶ Sections 1008.44(1)(b) and 1011.62(1)(o)1., F.S.

⁶⁷ Section 1003.4156(1), F.S.

⁶⁸ *Id.*

⁶⁹ Section 21, ch. 2006-74, L.O.F.

⁷⁰ Section 60, ch. 2017-116, L.O.F.

⁷¹ The Florida Bright Futures Scholarship Program consists of the following types of awards: Florida Academic Scholarship, Florida Medallion Scholarship, Florida Gold Seal Vocational Scholarship, and Florida Gold Seal CAPE Scholarship. Section 1009.53(2) and 1009.536, F.S.

- The commissioner to collect longitudinal high school course enrollment data by student ethnicity to analyze course-taking patterns.

Recognition of Academic and Workforce Achievement

Present Situation

District school boards are authorized to exercise powers and duties in accordance with the law or SBE rule.⁷² For instance, a district school board is encouraged to adopt policies and procedures to provide for a student “Academic Scholarship Signing Day” by declaring the third Tuesday in April each year as “Academic Scholarship Signing Day.” The “Academic Scholarship Signing Day” must recognize the outstanding academic achievement of high school seniors who sign a letter of intent to accept an academic scholarship offered to the student by a postsecondary educational institution.⁷³

District school board policies and procedures may include events in which students offered academic scholarships assemble and sign actual or ceremonial documents accepting those scholarships.⁷⁴

Effect of Proposed Changes

The bill maintains district school boards’ authority to recognize students’ academic achievement, but specifies that a district school board must adopt policies and procedures to declare a “College and Career Decision Day” to recognize high school seniors for their postsecondary education plans and to encourage:

- Early preparation for college, and
- Students to pursue advanced career pathways through the attainment of industry certifications for which there are statewide college credit articulation agreements.

Accordingly, the bill provides a mechanism for acknowledging workforce education and readiness of students.

Apprenticeship and Preapprenticeship Programs

The Florida Legislature has established educational opportunities for young people in the state to be trained for trades, occupations, and professions suited to their abilities.⁷⁵

Present Situation

The National Apprenticeship Act (Act) of 1937 authorized the Department of Labor to formulate and promote the furtherance of labor 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

⁷² Section 1001.43, F.S.

⁷³ *Id.* at (14)(b).

⁷⁴ *Id.*

⁷⁵ Chapter 446, F.S.

standards of apprenticeship.⁷⁶

Nationally, registered apprenticeship programs increased by 56 percent between 2013 and 2018.⁷⁷ There are over 585,000 apprentices currently obtaining the skills they need to succeed while earning the wages they need to build financial security.⁷⁸ Over 71,000 participants graduated from apprenticeship programs in fiscal year 2018, and over 47,000 veterans nationwide are participating in an apprenticeship program.⁷⁹

Apprenticeship Programs

An apprenticeship program is an organized course of instruction, registered and approved by the DOE,⁸⁰ which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices⁸¹ including such matters as the requirements for a written apprenticeship agreement.⁸² The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs.⁸³ Florida law specifies general duties of the DOE for apprenticeship training.⁸⁴ Presently, there are 223 registered apprenticeship programs and 11,879 active registered apprentices located statewide.⁸⁵

Preapprenticeship Programs

A preapprenticeship program is an organized course of instruction in the public school system or elsewhere, which is designed to prepare a person 16 years of age or older to become an apprentice⁸⁶ and is approved by and registered with the DOE and sponsored by a registered apprenticeship program.⁸⁷ The DOE, under regulations established by the state board, may

⁷⁶ United States Department of Labor, *Apprenticeship Programs, Labor Standards for Registration, Amendment of Regulations*, Federal Register, Vol. 73, No. 210, amending 29 CFR Part 29, available at <https://doleta.gov/OA/pdf/FinalRule29CFRPart29.pdf>. See also 29 U.S.C. s. 50 (1937), as amended.

⁷⁷ United States Department of Labor, *Apprenticeship: Data and Statistics*, https://www.doleta.gov/oa/data_statistics.cfm (last visited March 14, 2019).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ Registration of an apprenticeship program means acceptance and recording of such program by the Department as meeting the basic standards and requirements of the Department for approval of such program. Approval is evidenced by a certificate or other written indicia. Rule 6A-23.002(18), F.A.C. Eligibility and requirements for registration are established in State Board of Education rule. Rule 6A-23.003, F.A.C.

⁸¹ 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.

⁸² 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.

⁸³ Section 446.041, F.S.

⁸⁴ Section 446.032, F.S.

⁸⁵ Email, Florida Department of Education (March 15, 2019).

⁸⁶ A “preapprentice” means any person 16 years of age or over engaged in any course of instruction in the public school system or elsewhere, which course is registered as a preapprenticeship program with the department. Section 446.021(1), F.S.

⁸⁷ Section 446.021(5), F.S.

administer the provisions in law⁸⁸ which relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees.⁸⁹ Additionally, Florida law requires cooperation between district school boards, community college district boards of trustees, and registered program sponsors, and specifies responsibilities for such entities regarding apprenticeship and preapprenticeship programs.⁹⁰ Presently, there are 29 preapprenticeship programs and 647 preapprentices located statewide.⁹¹

Effect of Proposed Changes

The bill promotes apprenticeship and preapprenticeship programs through notification about such programs to students, parents, and members of the community. Specifically, the bill:

- Adds to the DOE's general duties regarding apprenticeship training to require the department to provide assistance to district school boards, FCS institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community of the availability of apprenticeship and preapprenticeship opportunities, including data provided in the economic security report.⁹²
- Updates terms to replace community colleges' responsibilities regarding apprenticeship and preapprenticeship programs with FCS institutions' responsibilities.

Adjunct Educator Certification

Present Situation

It is the intent of the Legislature to allow school districts to tap the wealth of talent and expertise represented in Florida's citizens who may wish to teach part-time in a Florida public school by permitting school districts to issue adjunct certificates to qualified applicants.⁹³

District school boards are required to adopt rules to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements specified in law⁹⁴ and who has expertise in the subject area to be taught.⁹⁵ An applicant must be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test.⁹⁶ The adjunct teaching certificate must be used for part-time teaching positions.⁹⁷

⁸⁸ Sections 446.011-446.092, F.S.

⁸⁹ Section 446.052(2), F.S.

⁹⁰ Section 446.052, F.S.

⁹¹ Email, Florida Department of Education (March 19, 2019).

⁹² Beginning December 31, 2013, and annually thereafter, the Department of Economic Opportunity, in consultation with the Department of Education, is required to prepare, or contract with an entity to prepare, an economic security report of employment and earning outcomes for degrees or certificates earned at public postsecondary educational institutions. Section 445.07, F.S.

⁹³ Section 1012.57(2), F.S.

⁹⁴ An applicant must fulfill the requirements of s. 1012.56(2)(a)-(f) and (10), F.S. The requirements specified in law for adjunct teacher certification does not include the requirement to demonstrate mastery of general knowledge. Section 1012.57(1), F.S.

⁹⁵ Section 1012.57(1), F.S.

⁹⁶ *Id.*

⁹⁷ *Id.*

Effect of Proposed Changes

The bill provides flexibilities to district school boards by expanding the boards' authority regarding the issuance of adjunct educator certificates to permit the issuance of such certificates for full-time teaching positions. However, consistent with the terms of the temporary educator certificate,⁹⁸ the bill specifies that an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three years and is nonrenewable. Additionally, the bill requires each school district to:

- Post on the district's website requirements for issuance of an adjunct teaching certificates, which must specify the subject area test by which an applicant demonstrates subject area mastery.
- Annually report to the DOE the number of adjunct teaching certificates issued for full-time and part-time teaching positions.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

⁹⁸ Section 1012.56(7), F.S.

C. Government Sector Impact:

Increasing the number of CAPE Digital Tool certificates may allow some school districts to generate additional bonus funding through the Florida Education Finance Program. School districts receive bonus funding of approximately \$105 for each CAPE Digital Tool certificate awarded in the 2018-2019 academic year.

VI. Technical Deficiencies:

Although the bill requires a student completing the Career and Technical Education (CTE) pathway option to earn a cumulative GPA of 2.0 on a 4.0 scale, the criteria for awarding a standard high school diploma under the CTE pathway option does not include the GPA requirement.

Additionally, the bill does not require the earning of an industry certification for the computer science credit substitution for mathematics credit or science credit. However, current law authorizes mathematics or science credit substitutions for students who earn at least one credit in computer science and also earn a related industry certification.⁹⁹

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.032, 446.052, 1001.43, 1003.4156, 1003.4282, 1008.34, 1008.44, and 1012.57.

The bill creates section 1009.551 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.)

CS by Education on March 19, 2019:

The committee substitute:

- Modifies the bill provisions regarding the Career and Technical Education (CTE) graduation pathway option in the following ways:
 - Revises the number of English Language Arts (ELA) credits that a student must complete to earn a standard high school diploma from 3 to 4, consistent with the existing 24-credit and 18-credit ACCEL option requirements specified in law.
 - Authorizes a student to complete ELA courses online and complete 2 or more ELA credits in a single year.
 - Revises the number of mathematics credits that a student must complete to earn a standard high school diploma from 3 to 4, consistent with the existing 24-credit and 18-credit ACCEL option requirements specified in law.

⁹⁹ Section 1007.2616(6)(a), F.S.

- Changes the credit requirement for social studies from 3.5 to 3, similar to the existing 24-credit and 18-credit ACCEL option requirements specified in law, with the exception of the financial literacy requirement.
- Specifies a 0.5 credit requirement each in economics and financial literacy under the CTE graduation pathway option to earn a standard high school diploma.
- Revises the number of CTE credits that a student must complete to earn a standard high school diploma from 3 to 2.
- Changes the credit requirements for work-based learning programs from 2.5 to 1.5.
- Adds provisions related to the CTE pathway option that:
 - Exempt a charter school that exclusively offers the CTE pathway option from application requirements related to district school boards but specify that such charter schools must comply with the application requirements relating to the department.
 - Specify that adjunct educators, who are certified in accordance with the law, may administer courses in the CTE pathway option.
- Adds provisions related to career education that:
 - Modify the 24-credit pathway for earning a standard high school diploma by revising computer science credit substitution for mathematics or science credits, and creates a mechanism for the review of the sufficiency of career education course standards to meet the Algebra I credit requirement.
 - Revise the acceleration mechanism component for the school grade calculation for high schools by specifying that dual enrollment courses include career clock-hour dual enrollment courses, and applies the revision to the 2019-2020 school year and thereafter.
 - Create the Florida Pathways to Career Opportunities Grant Program to enable high school and Florida College System (FCS) institutions to offer applied learning opportunities for students in high-demand career pathways linked to occupations that will provide students with middle-level and high-level wages.
 - Increase from 15 to 30, the limit on the number of CAPE Digital Tool Certificates that must be identified annually.
 - Restore middle grades career education and planning course requirements which were eliminated in 2017, with some modifications.
 - Require district school boards to also declare a “College and Career Decision Day” to recognize high school seniors for their postsecondary education plans and to encourage them to pursue college and career pathways.
 - Require the Department of Education to provide assistance to district school boards, FCS institution boards of trustees, program sponsors, and local workforce development boards in notifying students, parents, and members of the community about apprenticeship and preapprenticeship opportunities.
- Adds a provision regarding adjunct educator certification that extends the issuance of the adjunct teaching certificates to full-time teaching positions, and specifies that such certificates are valid for a period of three years and are not renewable. The committee substitute also specifies reporting requirements for school districts.

B. Amendments:

None.

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