

**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.)

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Prepared By: The Professional Staff of the Committee on Innovation, Industry, and Technology

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BILL: CS/CS/SB 770

INTRODUCER: Innovation, Industry, and Technology Committee; Education Committee and Senator Hutson and others

SUBJECT: Education

DATE: April 10, 2019

REVISED: \_\_\_\_\_

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

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/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.
- 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 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 when 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.
- Creates the “Strengthening Alignment between Industry and Learning to 60” Initiative and establishing a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030.
- Creates the Florida Apprenticeship Grant Program to provide competitive grants to expand and enhance apprenticeship and preapprenticeship programs.
- Requires the Department of Business and Professional Regulation, in consultation with the DOE, to submit a report by December 31, 2019, regarding apprenticeship programs that may be substituted for the educational and experience training otherwise required for licensure.

The bill takes effect July 1, 2019, except as otherwise provided.

## **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 (Sections 15, 13, and 26)**

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.<sup>1</sup>

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<sup>1</sup> Sections 1002.3105(5) and 1003.4282(1)(a), F.S.

## *Present Situation*

### 24-Credit Requirement

A student must successfully complete 24 credits in the following subject areas:<sup>2</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV. A student must pass the 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 certification<sup>3</sup> 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.<sup>4</sup> 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 one of the 24 credits required for earning a standard high school diploma must be completed through online learning.<sup>5</sup> Finally, to earn a standard high

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<sup>2</sup> Section 1003.4282(3), F.S.

<sup>3</sup> 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.

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

<sup>5</sup> Section 1003.4282(4), F.S.

school diploma, students must also earn a cumulative grade point average (GPA) of 2.0 on a 4.0 scale.<sup>6</sup>

### 18-Credit ACCEL Requirement

Students may also earn a standard high school diploma after completing 18 credits under the Academically Challenging Curriculum to Enhance Learning (ACCEL) option.<sup>7</sup> ACCEL options are educational options that provide academically challenging curriculum or accelerated instruction to eligible public school students in kindergarten through grade 12.<sup>8</sup>

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.<sup>9</sup> 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;<sup>10</sup> work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.<sup>11</sup>

Under the ACCEL option, students need to earn fewer elective credits (i.e., 3 credits in electives instead of the required eight credits under the 24-credit standard high school diploma pathway) and students are not required to earn one credit in physical education.<sup>12</sup> 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.<sup>13</sup>

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

An adult student in an adult general education program<sup>14</sup> 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:<sup>15</sup>

- One elective credit may be substituted for the one-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.

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<sup>6</sup> *Id.*, (6)(a).

<sup>7</sup> Section 1002.3105(5), F.S.

<sup>8</sup> Section 1002.3105(1)(a), F.S.

<sup>9</sup> Section 1002.3105(1)(b), F.S. 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.

<sup>10</sup> Sections 1003.492 and 1008.44, F.S.

<sup>11</sup> Section 1002.3105(1)(b), F.S.

<sup>12</sup> Section 1002.3105(5), F.S.

<sup>13</sup> Sections 1002.3105(5) and 1003.4282(6)(a), F.S.

<sup>14</sup> Section 1004.93, F.S.

<sup>15</sup> Section 1003.4282(6)(b), F.S.

### Certificate of Completion

A student who earns the required 24 credits, or the required 18 credits, but fails to pass the required assessments or achieve a 2.0 GPA must be awarded a certificate of completion in a form prescribed by the State Board of Education. However, a student who is otherwise entitled to a certificate of completion may elect to remain in high school either as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy his or her identified deficiencies.<sup>16</sup>

### *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 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 authorizes a student to earn two mathematics credits by successfully completing Algebra I through two full-year courses. Currently, Algebra 1A and 1B satisfy a total of one credit of mathematics core for state university system admission purposes.<sup>17</sup>

The bill provisions are similar to computer science and computer technology credit substitutions that are authorized in law.<sup>18</sup> 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.<sup>19</sup> 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

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<sup>16</sup> Section 1003.4282(6)(c), F.S.

<sup>17</sup> Florida Department of Education, *Florida Counseling for Future Education Handbook* (2018-2019), available at <https://dls.fvc.org/documents/210036/217302/Florida+Counseling+for+Future+Education+Handbook.pdf/8e147e5f-857c-490e-be68-f145b084fc12>, at 47 and 57; see also Board of Governors of the State University System of Florida, Regulation 6.002.

<sup>18</sup> Section 1007.2616(6)(a), F.S.

<sup>19</sup> *Id.*

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.

### 18-Credit ACCEL Requirement

The bill authorizes the required three electives under the ACCEL graduation pathway to include credits in work-based learning and career and technical education resulting in program completion and an industry certification.

### 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.<sup>20</sup>

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 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.<sup>21</sup>

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.

<sup>20</sup> Sections 1002.3105(5) and 1002.4282(6)(a), F.S.

<sup>21</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 5.

- 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.<sup>22</sup>
- Completes three and one-half 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, 0.5 credit in economics, and 0.5 credit financial literacy.
  - The United States History EOC assessment constitutes 30 percent of the student's final course grade.

Currently, financial literacy is a component of the 0.5 credit in economics, under the social studies credit requirements.<sup>23</sup>
- 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.<sup>24</sup> 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.

<sup>22</sup> Sections 1002.3105(5) and 1003.4282(3)(c), F.S.

<sup>23</sup> Section 1003.4282(3)(d), F.S.

<sup>24</sup> Section 1003.4282(11), F.S.

- 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.<sup>25</sup> In addition to the CTE courses, section 3 of the course code directory<sup>26</sup> includes four Executive Internship courses that could be classified as work-based learning.<sup>27</sup>
- 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,<sup>28</sup> 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.<sup>29</sup>
  - Eight credits in electives.<sup>30</sup> 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

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

<sup>26</sup> 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. Fla. Admin. Code R. 6A-1.09441 (2019).

<sup>27</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

<sup>28</sup> Section 1003.4282(3), F.S.

<sup>29</sup> 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.

<sup>30</sup> The ACCEL option requires students to earn 3 credits in electives. Section 1002.3105(5), F.S.



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.<sup>31</sup>

### Certificate of Completion

Under the bill, a student who earns any industry certification and the required 24 credits, or the required 18 credits, but fails to pass the required assessments or achieve to a 2.0 GPA must be awarded a certificate of completion in a form prescribed by the DOE. The certificate of completion must specify that the student is workforce-ready in any field in which he or she has earned an industry certification. However, the student may elect to remain in high school as a full-time student or a part-time student for up to one additional year and receive special instruction designed to remedy the student's identified deficiencies. The bill requires the DOE to adopt rules to administer these provisions.

Additionally, the bill provides 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.<sup>32</sup> Additionally, a state university may grant a charter to a developmental research (laboratory) school<sup>33</sup> and must be considered to be the school's sponsor.<sup>34</sup> Such school must be considered a charter lab school.<sup>35</sup>

A sponsor receives and reviews all charter school applications<sup>36</sup> and, within 90 calendar days of receipt, must approve or deny the application.<sup>37</sup> All charter applicants must prepare and submit an application on a standard application form prepared by the Department of Education (DOE or department), which:<sup>38</sup>

- 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.

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<sup>31</sup> Board of Governors, Regulation 6.002(2)(a).

<sup>32</sup> Section 1002.33(5)(a)1., F.S.

<sup>33</sup> Section 1002.32, F.S.

<sup>34</sup> Section 1002.33(5)(a)2., F.S.

<sup>35</sup> *Id.*

<sup>36</sup> Section 1002.33(6)(b), F.S.

<sup>37</sup> *Id.* at 3.a.

<sup>38</sup> Section 1002.33(6)(a), F.S.

- 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.<sup>39</sup>

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.<sup>40</sup> 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 days after receipt of the sponsor's decision or failure to act and must notify the sponsor of its appeal.<sup>41</sup> Any response of the sponsor must be submitted to the state board within 30 calendar days after notification of the appeal.<sup>42</sup>

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.<sup>43</sup> 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.<sup>44</sup> The state board's decision is a final action subject to judicial review in the district court of appeal.<sup>45</sup>

### ***Effect of Proposed Changes***

The bill requires that a charter school that expands its scope to include additional pathways to graduation to comply with the charter school application requirements specified in law. The bill

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<sup>39</sup> Section 1002.45(1)(d), F.S.

<sup>40</sup> Section 1002.33(6)(b)3.c., F.S.

<sup>41</sup> Section 1002.33(6)(c)1, F.S.

<sup>42</sup> *Id.*

<sup>43</sup> Section 1002.33(6)(c)1., F.S.

<sup>44</sup> *Id.*

<sup>45</sup> Section 1002.33(6)(d), F.S.

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.

### **Standard High School Diploma Designation (Section 16)**

#### ***Present Situation***

Florida law specifies the academic requirements for a student to earn a “Scholar” designation on the standard high school diploma, including a requirement that the student earn one credit in Algebra II and one credit in statistics or an equally rigorous course.<sup>46</sup>

#### ***Effect of Proposed Changes***

Effective upon becoming law, the bill revises the requirements for a student to earn a “Scholar” designation by permitting the one credit in Algebra II to be substituted with one credit in another equally rigorous course.

### **School Grading System (Section 28)**

#### ***Present Situation***

Florida law specifies the components of the school grading system, with each component worth 100 points.<sup>47</sup> 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:<sup>48</sup>

- 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 totaling 450 or more hours, beginning with the 2019-2020 school year.

### **Career Education Opportunities (Section 17, 18, and 22)**

#### ***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.<sup>49</sup> The state board must adopt, by

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<sup>46</sup> Section 1002.4285(1)(a), F.S.

<sup>47</sup> Section 1008.34(3)(b)1., F.S.

<sup>48</sup> Section 1008.34(3)(b)2., F.S.

<sup>49</sup> Section 1004.92(1), F.S.

rule, standards of basic skill mastery for completion of certificate career education programs.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup> Each CTE program is aligned to a career cluster and is detailed in curriculum frameworks adopted by the state board.<sup>53</sup> 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:<sup>54</sup>

- 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.<sup>55</sup> The primary purpose of the CAPE Act is to:<sup>56</sup>

- 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.<sup>57</sup> Sixty-four percent of Florida jobs in 2025 will require a postsecondary degree or certificate (postsecondary vocational, associate, bachelor's, master's or higher).<sup>58</sup> Currently, 48 percent of working age

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<sup>50</sup> Section 1004.91(1), F.S.

<sup>51</sup> *Id.*

<sup>52</sup> Florida Department of Education, *2019 Agency Legislative Bill Analysis for HB 661* (March 14, 2019), at 4.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> Section 1003.491, F.S.

<sup>56</sup> *Id.* at (1).

<sup>57</sup> Florida Department of Education, *Presentation to Florida House of Representatives Education Committee* (Feb. 5, 2019), available at

<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. (Last visited Mar. 27, 2019).

<sup>58</sup> Florida Department of Economic Opportunity, *Florida Strategic Plan for Economic Development*, at 13, available at <http://www.floridajobs.org/docs/default-source/division-of-strategic-business-development/fl5yrplan/fl-strategic-plan-booklet-2.pdf?sfvrsn=6>, (Last visited Mar. 27, 2019).

Floridians have a high quality credential or degree.<sup>59</sup> Florida ranks 21<sup>st</sup> in the nation for percentage of adults with education and high-quality workforce credentials.<sup>60</sup>

District school boards are required to provide transportation for students to and from school. District school boards may also use motor vehicles other than school buses to transport students to and from other education sites, including to and from specialized education programs and agriculture education sites.<sup>61</sup>

### *Effect of Proposed Changes*

The bill amends the Career and Professional Education Act<sup>62</sup> to require that each school board's strategic three-year plan include a provision for school boards to provide opportunities for students whose cumulative GPA drops below a 2.0 to enroll in career-themed courses or participate in career and professional academies. Such students must be provided in-person academic advising that includes information on career education programs by a certified school counselor or the school principal or his or her designee during any semester the student is at risk of dropping out or has a cumulative GPA below a 2.0.

The bill also requires the commissioner to conduct an annual review of K-12 and postsecondary career and technical education offerings, in consultation with the Department of Economic Opportunity, CareerSource Florida, Inc., leaders of business and industry, the Board of Governors of the State University System of Florida (BOG), the FCS, school districts, and other education stakeholders, to determine the alignment of existing offerings with employer demand, postsecondary degree or certificate programs, and professional industry certifications. The review must identify career and technical education offerings that are linked to occupations that are in high-demand by employers, require high-level skills, and provide middle- and high-level wages.

Using the findings from the annual review, the commissioner must phase out career and technical education programs that are not aligned with the needs of employers or do not provide those who complete such programs with a middle- or high-wage occupation. The bill encourages school districts and FCS institutions to offer programs that are not offered currently.

The bill establishes the “Strengthening Alignment between Industry and Learning (SAIL) to 60” Initiative. The SAIL to 60 Initiative sets a statewide attainment goal to increase the percentage of working-age adults who hold a high-value postsecondary certificate, degree, or training experience to 60 percent by the year 2030. The initiative also requires the SBE and the BOG to work collaboratively to carry out the following duties:

- Increase awareness and the use of the following:

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<sup>59</sup> Lumina Foundation, *Presentation to Florida House of Representatives Higher Education & Career Readiness Subcommittee* (Feb. 7, 2019), at 8 of 58, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=3016&Session=2019&DocumentType=Meeting%20Packets&FileName=hec%20-7-19.pdf%20>, (Last visited Mar. 27, 2019).

<sup>60</sup> *Id.*

<sup>61</sup> Section 1006.22(1)(a), F.S.

<sup>62</sup> Ch. 2007-216, L.O.F.

- The K-20 statewide computer-assisted student advising system.
- The Complete Florida Degree Initiative that facilitates degree completion for adult learners. The Chancellor of the State University System and the Chancellor of the FCS must consult with the Complete Florida Degree Initiative to identify barriers to program expansion and develop recommendations to increase the number of participating institutions and students served by the program. Recommendations must consider, at a minimum, methods for increasing outreach efforts and a strategy for creating and implementing a “Last Mile” scholarship program that provides financial assistance to students who are within 12 credit hours of completing their first associate or baccalaureate degree. Recommendations must be submitted to the BOG, the SBE, and the Governor no later than October 1, 2019.
- The summer bridge programs at state universities and FCS institutions that help students transition to postsecondary education.
- Support and publicize the efforts of the Florida College Access Network to:
  - Increase the number of high school seniors who submit at least one completed postsecondary education application.
  - Increase the number of high school seniors who submit a completed Free Application for Federal Student Aid to receive financial aid to help pay for their postsecondary education expenses.
  - Recognize and celebrate high school seniors for their postsecondary education and career plans and encourage early preparation for college.
  - Conduct regional meetings with postsecondary educational institutions, business leaders, and community organizations to solve community-specific issues related to attainment of postsecondary certificates, associate degrees, and baccalaureate degrees.
- Facilitate a reverse transfer agreement between the SBE and BOG to award postsecondary education credentials to students who have earned them.
- Facilitate the establishment of career pathways agreements between career centers and FCS institutions.
- Develop a systematic, cross-sector approach to awarding credit for prior learning.

The bill provides incentives to school districts, charter schools, and FCS institutions to expand student access to career education opportunities. The bill permits district school boards to use motor vehicles other than school buses to transport students to and from a career education program that is not offered at the high school in which a student is enrolled, provided that those vehicles are not used for customary transportation between a student’s residence and such sites.

### **CAPE Digital Tool Certificates (Section 30)**

#### ***Present Situation***

The DOE must identify, by June 15 of each year, CAPE Digital Tool certificates that indicate a student’s digital skills.<sup>63</sup> The department must notify each school district when the certificates are available.<sup>64</sup> The certificates must be made available to all public elementary and middle grades students.<sup>65</sup> It is the intent of the Legislature that by July 1, 2018, on an annual basis, at

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<sup>63</sup> Section 1003.4203(3), F.S.

<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

least 75 percent of public middle grades students earn at least one CAPE Digital Tool certificate.<sup>66</sup> During the 2017-2018 school year, students earned 40,953 CAPE Digital Tool certificates.<sup>67</sup>

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.<sup>68</sup> Such certificates must be annually identified on the CAPE Industry Certification Funding List and updated solely by the Chancellor of Career and Adult Education.<sup>69</sup> The certificates must be made available to students 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.<sup>70</sup>

### ***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.

### **Articulation Agreements and Degree Requirements (Sections 23, 24, 25, and 27)**

#### ***Present Situation***

##### Dual Enrollment

Dual enrollment is the enrollment of an eligible secondary student or home education student in a postsecondary course creditable toward high school completion and a career certificate or an associate or baccalaureate degree.<sup>71</sup> A student who is enrolled in postsecondary instruction that is not creditable toward a high school diploma may not be classified as a dual enrollment student.<sup>72</sup>

An eligible secondary student is a student who is enrolled in any of grades 6 through 12 in a Florida public school or in a Florida private school that is in compliance with the requirements specified in law<sup>73</sup> and provides a secondary curriculum pursuant to the law.<sup>74</sup> Students who meet the eligibility requirements specified in law and who choose to participate in dual enrollment programs are exempt from the payment of registration, tuition, and laboratory fees.<sup>75</sup>

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<sup>66</sup> *Id.*, at (c).

<sup>67</sup> 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> (Last visited Apr. 10, 2019).

<sup>68</sup> Section 1008.44(1)(b), F.S.

<sup>69</sup> *Id.*

<sup>70</sup> Sections 1008.44(1)(b) and 1011.62(1)(o)1., F.S.

<sup>71</sup> Section 1007.271(1), F.S.

<sup>72</sup> *Id.*

<sup>73</sup> Section 1002.42(2), F.S.

<sup>74</sup> Section 1007.271(2), F.S.

<sup>75</sup> Section 1007.271(16), F.S. Florida law specifies that the provisions of law which exempt dual enrolled and early admission students from payment of instructional materials and tuition and fees, including laboratory fees, do not apply to students who select the option of enrolling in an eligible independent institution. Section 1011.62(1)(i), F.S. An eligible independent

Student eligibility requirements for initial enrollment in college credit dual enrollment courses must include a 3.0 unweighted high school grade point average (GPA) and the minimum score on a common placement test<sup>76</sup> adopted by the State Board of Education (state board) which indicates that the student is ready for college-level coursework.<sup>77</sup> For continued enrollment in college credit dual enrollment courses, students must maintain a 3.0 unweighted high school GPA and the minimum postsecondary GPA established by the postsecondary institution.<sup>78</sup> For initial and continued enrollment in career certificate dual enrollment courses, students must have a 2.0 unweighted high school GPA.<sup>79</sup> Exceptions to the required GPA may be granted on an individual student basis if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement.<sup>80</sup> Students are required to provide their own transportation, unless provided for in the articulation agreement.<sup>81</sup>

Career dual enrollment includes courses offered through career certificate clock hour programs and career associate degree (college credit) programs that lead to an industry certification.<sup>82</sup> For career certificate dual enrollment courses, the DOE awards a one-half credit in an equivalent high school course for each 75 hours in the career certificate course, rounded down to the nearest one-half credit.<sup>83</sup>

### Statewide Articulation Agreement

Current law requires that the SBE and the BOG enter into a statewide articulation agreement, which must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across Florida's educational entities.<sup>84</sup> This articulation agreement must provide that every associate in arts graduate from a Florida College System (FCS) institution must have met all the general education requirements and must be granted admission to a state university or an FCS institution if the institution offers baccalaureate degree programs, except for a limited access or teacher certification program or a major program requiring an audition.<sup>85</sup>

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institution is an independent college or university, which is not for profit, is accredited by a regional or national accrediting agency recognized by the United States Department of Education, and confers degrees as defined in s. 1005.02. *Id.*

<sup>76</sup> The Postsecondary Education Readiness Test (PERT) is Florida's customized common placement test. The purpose of the PERT is to determine accurate course placement based on the student's skills and abilities. The PERT is aligned with the Postsecondary Readiness Competencies identified by Florida faculty as necessary for success in entry-level college credit coursework. The PERT assessment system includes Placement and Diagnostic tests in mathematics, reading and writing. Rule 6A-10.0315, F.A.C. establishes the test scores used to determine whether a student is ready for college level coursework. Florida Department of Education, *Common Placement Testing*, <http://www.fldoe.org/schools/higher-ed/fl-college-system/common-placement-testing.shtml> (last visited April 2, 2019). As an alternative to PERT, students may take the ACCUPLACER, SAT, and ACT to demonstrate readiness to perform college-level work. Rule 6A-10.0315(2), F.A.C.; *see also* Rule 6A-14.064(1)(b), F.A.C.

<sup>77</sup> Section 1007.271(3), F.S.

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> Section 1007.271(13)(b)3., (21)(o), and (24)(a)2., F.S.

<sup>82</sup> Florida Department of Education, 2019-2020 Dual Enrollment Course-High School Subject Area Equivalency List (Feb. 2019), available at: <http://www.fldoe.org/core/fileparse.php/7744/urlt/22719-AgendaPacket-C-Career.pdf>.

<sup>83</sup> *Id.*

<sup>84</sup> Section 1007.23(1), F.S.

<sup>85</sup> Section 1007.23(2)(a)1-2, F.S.



The articulation agreement must also guarantee the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions.<sup>86</sup> Students who complete designated career education programs can articulate credits into related associate in science (AS) and associate in applied science (AAS) degree programs. Currently, there are 46 statewide articulation agreements between career certificate programs and AS and AAS degree programs.<sup>87</sup>

### *Effect of Proposed Changes*

#### Career Dual Enrollment

The bill requires each career center operated by a district school board to enter into an agreement with each high school in any school district it serves. Beginning with the 2019-2020 school year, the agreement must be completed annually and submitted by the career center to the DOE by August 1. The agreement must:

- Identify the courses and programs that are available to students through career dual enrollment and the clock hour credits that students will earn upon completion of each course and program.
- Delineate the high school credit earned for the completion of each career dual enrollment course.
- Identify any college credit articulation agreements associated with each clock hour program.
- Describe how students and parents will be informed of career dual enrollment opportunities and related workforce demand, how students can apply to participate in a career dual enrollment program and register for courses through his or her high school, and the postsecondary career education expectations for participating students.
- Establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students.
- Delineate costs to be incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.

#### Reverse Transfer Agreement

The bill requires that the statewide articulation agreement between the SBE and BOG provide for a reverse transfer agreement for FCS associate in arts (AA) degree-seeking students who transfer to a state university before earning their associate in arts degree.

The bill:

- Specifies that if a student has earned more than 30 credit hours toward an associate in arts degree from an FCS institution, the student must be awarded an AA degree by the FCS institution upon completion of the degree requirements at the state university.
- Requires state universities to:

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<sup>86</sup> Section 1007.33(4), F.S.

<sup>87</sup> Florida Department of Education, Career and Adult Education, *PSAV to AAS/AS Degree*, <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.shtml> (last visited Apr. 11, 2019)

- Identify the transfer students from FCS institutions who have completed the requirements for an AA degree and transfer credits earned at the state university back to the FCS institution so that the AA degree may be awarded by that FCS institution.
- Notify students of the criteria and process for requesting an AA certificate during orientation and provide additional notification to students upon completion of the AA degree requirements by the students.

### Regional Career Pathways Agreement

The bill also requires that each career center and FCS institution with overlapping service areas execute a regional career pathways agreement for each certificate program offered by the career center that is aligned with an associate degree offered by the FCS institution in the service area. These agreements must guarantee college credit toward an aligned associate degree program for students who graduate with a career and technical certificate from a career center and meet specified requirements. Regional agreements may not award less credit than the amount guaranteed through the existing statewide articulation agreement.

Each career pathway agreement must outline certificate program completion requirements and any licenses or industry certifications that must be earned prior to enrolling in an FCS associate degree program. Articulated college credit must be awarded in accordance with the agreement upon a student's initial enrollment in the associate degree program. Each regional career pathways agreement must be annually submitted to the DOE no later than May 1.

### **Career and Education Planning Course (Section 14)**

#### *Present Situation*

Florida law specifies the general requirements for middle grades promotion.<sup>88</sup> Accordingly, students must successfully complete the specified courses to be promoted to high school.<sup>89</sup> In 2006, the Legislature created the requirements for middle grades promotion, which included one course in career and education planning.<sup>90</sup> In 2017, the requirement for students to complete the career and education planning course was eliminated.<sup>91</sup>

#### *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 type<sup>92</sup> of Florida Bright Futures Scholarship.

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<sup>88</sup> Section 1003.4156(1), F.S.

<sup>89</sup> *Id.*

<sup>90</sup> Section 21, ch. 2006-74, L.O.F.

<sup>91</sup> Section 60, ch. 2017-116, L.O.F.

<sup>92</sup> 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.

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

### **Recognition of Academic and Workforce Achievement (Section 11)**

#### ***Present Situation***

District school boards are authorized to exercise powers and duties in accordance with the law or SBE rule.<sup>93</sup> 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.<sup>94</sup>

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.<sup>95</sup>

#### ***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.

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<sup>93</sup> Section 1001.43, F.S.

<sup>94</sup> *Id.* at (14)(b).

<sup>95</sup> *Id.*

## **Workforce Education Funding (Sections 21 and 32)**

### ***Present Situation***

Funds provided for career and charter technical centers are appropriated separately from other K-12 programs in the General Appropriations Act (GAA). Proviso language included in the GAA specifies that the funds appropriated shall not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits of these institutions.<sup>96</sup> As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and management information systems; transportation for limited high school students; and utilities.

By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn, charge their center(s) associated indirect and administrative fees for usage. Currently, the DOE's financial data system does not separate secondary expenditures from postsecondary expenditures. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

### ***Effect of Proposed Changes***

Subject to appropriation, the bill creates the Florida Apprenticeship Grant (FLAG) Program to provide grants to high schools, career centers, charter technical career centers, FCS institutions, and other entities authorized to sponsor apprenticeship or preapprenticeship programs for the purpose of expanding existing programs and establishing new apprenticeship or preapprenticeship programs. The bill:

- Requires program applications to contain projected enrollment and cost data for new and expanded apprenticeship program.
- Requires the DOE to give priority to apprenticeship programs with demonstrated regional demand.
- Specifies that grant funds:
  - May be used for instructional equipment, supplies, personnel, student services, and other expenses associated with the creation or expansion of an apprenticeship program.
  - May not be used for recurring instructional costs or indirect costs.
- Requires grant recipients to submit quarterly reports in a format prescribed by the DOE.
- Authorizes the state board to adopt rules to administer the FLAG Program.

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<sup>96</sup> Ch. 2015-232, Laws of Fla., *see* Specific Appropriation 118 proviso referencing Specific Appropriations 10, 116, and 118.

The bill requires each school district and FCS institution receiving state appropriations for workforce education programs to maintain adequate and accurate records, including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures. These records must be submitted to the DOE in accordance with rules of the SBE.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

### **Apprenticeship and Preapprenticeship Programs (Sections 1 through 9, and 33)**

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.<sup>97</sup>

#### ***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 standards of apprenticeship.<sup>98</sup>

Nationally, registered apprenticeship programs increased by 56 percent between 2013 and 2018.<sup>99</sup> There are over 585,000 apprentices currently obtaining the skills they need to succeed while earning the wages they need to build financial security.<sup>100</sup> Over 71,000 participants graduated from apprenticeship programs in fiscal year 2018, and over 47,000 veterans nationwide are participating in an apprenticeship program.<sup>101</sup>

#### **Apprenticeship Programs**

An apprenticeship program is an organized course of instruction, registered and approved by the DOE,<sup>102</sup> which contains all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>103</sup> including such matters as the requirements for a

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<sup>97</sup> Chapter 446, F.S.

<sup>98</sup> 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> (Last visited Mar. 27, 2019). See also 29 U.S.C. s. 50 (1937), as amended.

<sup>99</sup> United States Department of Labor, *Apprenticeship: Data and Statistics*, [https://www.doleta.gov/oa/data\\_statistics.cfm](https://www.doleta.gov/oa/data_statistics.cfm) (last visited March 27, 2019).

<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> 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. Fla. Admin. Code R. 6A-23.002(18) (2019) Eligibility and requirements for registration are established in State Board of Education rule. Fla. Admin. Code R. 6A-23.003 (2019).

<sup>103</sup> 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

written apprenticeship agreement.<sup>104</sup> The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs.<sup>105</sup> Florida law specifies general duties of the DOE for apprenticeship training.<sup>106</sup> Presently, there are 223 registered apprenticeship programs and 11,879 active registered apprentices located statewide.<sup>107</sup>

### 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 apprentice<sup>108</sup> and is approved by and registered with the DOE and sponsored by a registered apprenticeship program.<sup>109</sup> The DOE, under regulations established by the state board, may administer the provisions in law<sup>110</sup> which relate to preapprenticeship programs in cooperation with district school boards and community college district boards of trustees.<sup>111</sup> 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.<sup>112</sup> Presently, there are 29 preapprenticeship programs and 647 preapprentices located statewide.<sup>113</sup>

### State Apprenticeship Advisory Council

The State Apprenticeship Advisory Council advises DOE on matters relating to apprenticeship. The council may not establish policy, adopt rules, or consider whether particular apprenticeship programs should be approved by DOE. The council is composed of 10 voting members appointed by the Governor and two ex officio nonvoting members.<sup>114</sup>

The Commissioner of Education or the commissioner's designee must serve ex officio as chair of the State Apprenticeship Advisory Council, but may not vote. The state director of the USDOL must serve ex officio as a nonvoting member of the council. The Governor is required to appoint to the council four members representing employee organizations and four members representing employer organizations. Each of these eight members must represent industries that have registered apprenticeship programs. The Governor must also appoint two public members who

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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.  
<sup>104</sup> 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.

<sup>105</sup> Section 446.041, F.S.

<sup>106</sup> Section 446.032, F.S.

<sup>107</sup> Email, Florida Department of Education (March 15, 2019).

<sup>108</sup> 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.

<sup>109</sup> Section 446.021(5), F.S.

<sup>110</sup> Sections 446.011-446.092, F.S.

<sup>111</sup> Section 446.052(2), F.S.

<sup>112</sup> Section 446.052, F.S.

<sup>113</sup> Email, Florida Department of Education (March 19, 2019).

<sup>114</sup> Section 446.045(2)(a)-(b), F.S.

are knowledgeable about registered apprenticeship and apprenticeable occupations, one of whom must be recommended by joint organizations, and one of whom must be recommended by nonjoint organizations.

### *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.<sup>115</sup>
- Updates terms to replace community colleges’ responsibilities regarding apprenticeship and preapprenticeship programs with FCS institutions’ responsibilities. Updates the term “journeyman” to “journeyworker.”
- Modifies the requirements for the two public members appointed to the State Apprenticeship Advisory Council by the Governor to require that these members must be independent of any joint or non-joint organization.

The bill requires the Department of Business and Professional Regulation (DBPR), in consultation with the applicable board and the DOE, to outline potential apprenticeship programs or conduct a review of existing registered apprenticeship programs to determine which, if completed by an applicant, could substitute for the required educational training otherwise required for licensure. The DBPR must submit its findings and recommendations to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2019.

### **Adjunct Educator Certification (Sections 15 and 34)**

#### *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.<sup>116</sup>

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 law<sup>117</sup> and who has expertise in the subject area to be taught.<sup>118</sup> An applicant must be considered to have expertise in

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<sup>115</sup> 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.

<sup>116</sup> Section 1012.57(2), F.S.

<sup>117</sup> An applicant must fulfill the requirements of ss. 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.

<sup>118</sup> Section 1012.57(1), F.S.

the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test.<sup>119</sup> The adjunct teaching certificate must be used for part-time teaching positions.<sup>120</sup>

### ***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,<sup>121</sup> 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 also specifies that adjunct educators, who are certified in accordance with the law,<sup>122</sup> may administer courses in the CTE pathway option.

### **Higher Education Coordinating Council (Section 10, 12, 19, 20, and 31)**

#### ***Present Situation***

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs; facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers; and facilitating solutions to data issues identified by the Articulation Coordinating Committee.<sup>123</sup> The HECC is comprised of eleven members:

- One member of the BOG.
- One member of the SBE.
- Chancellor of the State University System.
- Chancellor of the Florida College System.
- Executive Director of the Florida Association of Postsecondary Schools and Colleges.
- President of the Independent Colleges and Universities of Florida.
- President of Workforce Florida, Inc.
- President of Enterprise Florida, Inc.

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<sup>119</sup> *Id.*

<sup>120</sup> *Id.*

<sup>121</sup> Section 1012.56(7), F.S.

<sup>122</sup> 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.*

<sup>123</sup> Section 1004.015, F.S.



- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.<sup>124</sup>

The Office of K-20 Articulation, in collaboration with the Board of Governors and the Division of Florida Colleges provides administrative support for the council.<sup>125</sup>

### *Effect of Proposed Changes*

The bill reconstitutes the HECC as the Florida Talent Development Council for the purpose of developing a data-driven, statewide approach to meeting Florida's need for a 21<sup>st</sup> century workforce, which utilizes the in-state talent supply system. The DOE must provide support for the council.

The membership of the council is revised to include the following:

- One member, appointed by the Governor, to serve as the chair.
- One member of the Florida Senate, appointed by the President of the Senate.
- One member of the Florida House of Representatives, appointed by the Speaker of the House.
- The President of CareerSource Florida, Inc.
- The President of Enterprise Florida, Inc.
- The Executive Director of the Department of Economic Opportunity.
- The Commissioner of Education.
- The President of the Florida Council of 100.
- The President of the Florida Chamber of Commerce.
- One member of the SBE, appointed by the chair of the SBE.
- One member of the BOG, appointed by the chair of the BOG.

The membership of the council must also include the following members serving as ex officio nonvoting members of the council:

- The Chancellor of the State University System.
- The Chancellor of the FCS.
- The Chancellor of Career and Adult Education.
- The President of the Independent Colleges and Universities of Florida.
- The Executive Director of the Florida Association of Postsecondary Schools and Colleges.

The bill requires the council to develop a strategic plan for talent development to accomplish the goal of 60 percent of working age adults with a high-value postsecondary credential by 2030, to be submitted to the Governor, the President of the Senate, the Speaker of the House of Representatives, the BOG, and the SBE by December 31, 2019.

The bill specifies that the strategic plan must, at a minimum:

- Identify Florida's fastest-growing industry sectors and the postsecondary credentials required for employment in those industries.

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<sup>124</sup> *Id.*

<sup>125</sup> *Id.*

- Assess whether postsecondary degrees, certificates, and other credentials awarded by Florida's postsecondary institutions align with high demand employment needs and job replacement rates.
- Identify strategies to deepen and expand cross-sector collaboration to align higher education programs with targeted industry needs.
- Establish targeted strategies to increase certifications and degrees for all populations with attention to closing equity gaps for underserved populations and incumbent workers requiring an upgrade of skills.
- Assess the role of apprenticeship programs in meeting targeted workforce needs and identification of any barriers to program expansion.
- Identify common metrics and benchmarks to demonstrate progress toward the 60 percent goal and how the SAIL to 60 Initiative can provide coordinated cross-sector support for the strategic plan.
- Recommend improvements to the consistency of workforce education data collected and reported by the FCS institutions and school districts, including the establishment of common elements and definitions for any data that is used for state and federal funding and program accountability.
- Establish a timeline for regularly updating the strategic plan and the established goals.

## **Postsecondary Feedback of Information to High Schools**

### ***Present Situation***

Florida law requires the Commissioner of Education to annually report, by high school, to the SBE, the BOG, and the Legislature, by November 30, the number of prior year Florida high school graduates who enrolled for the first time in public postsecondary education in this state during the previous summer, fall, or spring term, indicating the number of students whose scores on the common placement test indicated the need for developmental education<sup>126</sup> or for applied academics<sup>127</sup> for adult education.<sup>128</sup>

### ***Effect of Proposed Changes***

The bill revises the deadline from November 30 to April 30 for the annual reporting of postsecondary feedback information by the commissioner to specified entities. The change in the

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<sup>126</sup> Developmental education means instruction through which a high school graduate who applies for any college credit program may attain the communication and computation skills necessary to successfully complete college credit instruction. Developmental education may be delivered through a variety of accelerated and corequisite strategies and includes any of the following: (a) modularized instruction that is customized and targeted to address specific skills gaps, (b) compressed course structures that accelerate student progression from developmental instruction to college-level coursework, (c) contextualized developmental instruction that is related to meta-majors, and (d) corequisite developmental instruction or tutoring that supplements credit instruction while a student is concurrently enrolled in a credit-bearing course. Section 1008.02(1), F.S. Meta-major means a collection of programs of study or academic discipline groupings that share common foundational skills. Florida Department of Education, *Florida's Public High School Graduates*, <https://app2.fldoe.org/publicapps/articulation/perfCPT/default.asp> (last visited Apr. 10, 2019).

<sup>127</sup> Any student found to lack the required level of basic skills for such program must be referred to applied academics instruction or another adult general education program for a structured program of basic skills instruction. Section 1004.91(2), F.S.

<sup>128</sup> Section 1008.37(2), F.S.

reporting deadline for the postsecondary feedback information will allow the DOE to use the data that are provided by the postsecondary education institutions by March of each year.

Additionally, the bill amends s. 1003.4282(7), F.S., relating to uniform transfer of high school credits, to update an outdated reference to the Elementary and Secondary Education Act (ESEA) to reflect the current federal law as amended by the Every Student Succeeds Act of 2015 (ESSA).

#### **Effective Date**

The bill takes effect July 1, 2019, except as otherwise provided.

#### **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:

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.

**VII. Related Issues:**

The bill creates paragraph (6)(d) of s. 1003.4282, F.S., to require the Department of Education (DOE or department) to adopt rules to implement the provisions specified in the bill regarding the award of a certificate of completion to a student who earns the number of credits required for high school graduation and industry certification but who fails to pass the required assessments specified in law. Additionally, the bill authorizes the DOE to adopt rules regarding the application requirements for charter schools that expand their scope to include additional pathways to graduation and that exclusively offer the Career and Technical Education pathway option.

The State Board of Education (SBE) is the agency authorized to adopt rules to implement provisions of law conferring duties upon it for the improvement of the state system of K-20 public education, except for the State University System.<sup>129</sup> The SBE may delegate its general powers to the Commissioner of Education or the directors of the divisions of the department.<sup>130</sup>

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 446.011, 446.021, 446.032, 446.045, 446.052, 446.081, 446.091, 446.092, 445.213, 1001.02, 1001.43, 1001.706, 1002.3105, 1003.4156, 1003.4156, 1003.4282, 1003.4285, 1003.491, 1004.015, 1004.6495, 1004.935, 1006.22, 1007.23, 1007.25, 1007.2616, 1007.271, 1008.34, 1008.37, 1008.44, 1009.21, 1011.80, and 1012.57.

The bill creates the following sections of the Florida Statutes: 1004.013, 1007.233, and 1011.802.

**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 Innovation, Industry, and Technology on April 10, 2019:**

The committee substitute:

- Changes the title of the bill from “education” to “workforce education.”
- Revises terminology, including the terms community college district (to “Florida College System institution”) and “journeyman” (to “journeyworker”).

<sup>129</sup> Section 1001.02(1), F.S.

<sup>130</sup> *Id.*

- Requires the DOE to provide assistance to certain entities relating to notify specified persons of apprenticeship and preapprenticeship opportunities.
- Revises the membership criteria for certain appointments to the State Apprenticeship Advisory Council.
- Limits the applicability of state apprenticeship and job-training program requirements to provisions for veterans, minority persons, and women.
- Requires the DBPR to consult with the DOE to evaluate certain apprenticeship programs to determine potential substitutions for certain licensure requirements.
- Specifies that certain career education credits may be used to satisfy elective credit requirements for the accelerated high school graduation option.
- Revises the credit requirements for students who earn an industry certification.
- Corrects a cross-reference to the Every Student Succeeds Act.
- Revises the financial literacy requirement for the CTE graduation pathway.
- Revises the requirements to earn the scholar designation on a standard high school diploma.
- Requires the Commissioner of Education to annually review career and technical offerings in consultation with certain entities, and to phase out certain career and technical education offerings.
- Creates the “SAIL to 60 Initiative” for specified purposes and the SBE responsibilities relating to the initiative.
- Renames the Higher Education Coordinating Council as the Florida Talent Development Council, revises the membership of the council, revises the duties and responsibilities of the council; and requires the council to submit a strategic plan to the Governor and Legislature by a specified date.
- Authorizes district school boards to use motor vehicles to transport students to and from career education programs.
- Provides requirements for the statewide articulation agreements.
- Requires career centers and FCS institutions to submit a career pathways agreement to the DOE by a specified date, and provides requirements for such agreements.
- Requires state universities to notify students of the criteria and process for requesting an associate in arts certificate at specified times.
- Requires career centers to enter into agreements with specified high schools to offer certain courses to high school students, and provides requirements for such agreements.
- Modifies the date by which the Commissioner of Education is annually required to report certain information to the SBE, the BOG, and the Legislature.
- Requires certain school districts and FCS institutions to maintain certain records, and revises the calculation method for funds and fees for certain workforce education programs.
- Creates the Florida Apprenticeship Grant (FLAG) and authorizes the DOE to adopt rules.
- Revises requirements relating to adjunct teaching certificates.

**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.
  - 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.