

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: CS/CS/HB 791 Workforce and Postsecondary Education

SPONSOR(S): Education & Employment Committee and Secondary Education & Career Development Subcommittee, Harding and others

TIED BILLS: None **IDEN./SIM. BILLS:** CS/CS/SB 366

FINAL HOUSE FLOOR ACTION: 116 Y's 0 N's **GOVERNOR'S ACTION:** Approved

SUMMARY ANALYSIS

CS/CS/SB 366 passed the house on April 28, 2021, as amended. The Senate concurred in the House Amendments to the Senate bill and subsequently passed the bill as amended on April 28, 2021. The bill includes portions of CS/HB 1423.

To increase access to postsecondary education and workforce readiness, the bill:

- Renames the Florida Ready to Work Certification Program as the Florida Ready to Work Credential Program (Credential Program) and revises the purpose of the program to enhance the employability skills of Floridians and to better prepare them for successful employment.
- Requires the Department of Economic Opportunity (DEO) and the Department of Education (DOE) to conduct a comprehensive identification of employability skills currently in demand by employers for the Credential Program and provides the award of an employability credential to a participant who successfully completes the program.
- Encourages businesses to offer students work-based learning opportunities by authorizing the DOE to reimburse employers for workers' compensation premiums.
- Requires the State Board of Education (SBE), by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a Florida College System (FCS) institution.
- Authorizes FCS institutions to use the SBE approved alternative methods in lieu of common placement tests to assess student readiness for college-level work in communication and computation and for student admission counseling.
- Revises student eligibility for initial enrollment in college credit dual enrollment to include a demonstrated level of achievement of college-level communication and computation skills as determined by a common placement test or an alternative method of assessment.
- Authorizes FCS institutions to accept for admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by the SBE and is based on an assessment recognized by the United States Department of Education.
- Requires the statewide articulation agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers and requires a representative committee consisting of faculty from the state university system, the FCS, and school district career centers to collaborate to identify the mathematics pathways.
- Authorizes the SBE and the Board of Governors to adopt regulations regarding documentation and procedures to implement the exemption of tuition and fees for students experiencing homelessness.
- Authorizes an aviation maintenance school which meets specified criteria to participate in the Florida Postsecondary Student Assistance Grant Program and full-time certificate seeking students accepted at such school are eligible to receive a grant.

The fiscal impact is indeterminate. See Fiscal Comments.

The bill was approved by the Governor on June 24, 2021, ch. 2021-162, L.O.F., and will become effective on July 1, 2021.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Florida Ready to Work Certification Program

Present Situation

The Florida Ready to Work Certification Program (FRWC Program) was created in 2006 to enhance the workplace skills of Floridians to better prepare them for successful employment in specific occupations.¹ The program requires the Department of Economic Opportunity (DEO) and the Department of Education (DOE) to identify workplace skills for each occupation included in the program.²

A participant in the FRWC Program undergoes a preinstructional assessment which determines the participant's mastery level on specific workplace skills identified for an occupation.³ After the preinstructional assessment, the FRWC Program targets the workplace skills the participant did not demonstrate proficiency in.⁴ The FRWC Program is required to be web-based and customizable to meet the needs of local employers.

A participant who successfully completes the FRWC Program is awarded a Florida Ready to Work Credential (FRWC) and a portfolio which delineates the skills demonstrated by the participant as evidence of their preparation for employment.⁵

A FRWC is awarded to a participant who successfully passes assessments in Reading for Information, Applied Mathematics, and Location Information, or any other assessments of comparable rigor.⁶ The assessment is scored on a scale and the participant receives a FRWC based on the following:

- Bronze level FRWC- the participant achieved a minimum score of three or above on each assessment;
- Silver level FRWC- the participant achieved a minimum score of four or above on each assessment; or
- Gold level FRWC- the participant achieved a minimum score of five or above on each assessment.⁷

The FRWC Program is free of charge to participants⁸ and may be conducted in public middle and high schools, Florida College System (FCS) institutions, school district technical centers, one-stop career centers, vocational rehabilitation centers, and Department of Juvenile Justice educational facilities.⁹

Effect of the Bill

The bill makes a number of changes to the Florida Ready to Work Certification Program. The bill renames the program as the Florida Ready to Work Credential Program (Credential Program) and revises the purpose of the program to enhance the employability skills of Floridians and to better prepare them for successful employment. Additionally, the bill authorizes the Credential Program to be conducted at Florida Department of Corrections facilities.

¹ Section 445.06(1), F.S.

² Section 445.06(3)(a), F.S.

³ Section 445.06(3)(b), F.S.

⁴ Section 445.06(3)(c), F.S.

⁵ Section 445.06(3)(d), F.S.

⁶ Section 445.06(4), F.S.

⁷ Section 445.06(4)(a)-(c), F.S.

⁸ Florida Ready to Work, *Jobseekers*, <https://www.floridareadytowork.com/jobseekers> (last visited May 10, 2021).

⁹ Section 445.06(2), F.S.

The bill requires the DEO and DOE to conduct a comprehensive identification of employability skills currently in demand by employers. The skills may include, but are not limited to, professionalism, time management, communication, problem-solving, collaboration, resilience, digital literacy skills, and academic skills such as mathematics and reading.

The bill requires an employability credential to be awarded to a Credential Program participant who successfully passes assessments which measure the employability skills identified by DEO and DOE. The bill removes the award of scaled level credentials.

The bill requires the DEO to adopt rules to implement the Credential Program and makes conforming changes to reflect the revisions to the program.

Work-based Learning

Present Situation

Work-based learning (WBL) is an educational strategy that connects classroom education with on-the-job experience and is comprised of three key components: the alignment of classroom and workplace learning; application of academic, technical, and employability skills in a work setting; and support from classroom or workplace mentors.¹⁰ Some examples of WBL include preapprenticeship, apprenticeship, on-the-job training, internships, and job shadowing.¹¹

WBL is supported at the federal level through the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), the Every Student Succeeds Act, and the Workforce Innovation and Opportunity Act (WIOA).¹²

Perkins V defines WBL as “sustained interactions with industry or community professionals in real workplace settings, to the extent practicable, or simulated environments at an educational institution that foster in-depth, firsthand engagement with the tasks required in a given career field, that are aligned to curriculum and instruction.”¹³

In Florida’s 2020-2024 Perkins V State Plan, all programs which use Perkins funds must “provide students an opportunity for WBL, career and technical student organizations, or capstone experiences that engage students learning inside or outside the classroom.”¹⁴

In 2019-2020, there were 23,258 students enrolled in secondary on-the-job training, preapprenticeship, work experience, or other WBL courses.¹⁵

Workers’ Compensation

Workers’ compensation is a form of insurance designed to provide wage replacement and medical benefits for employees who are injured in the course of employment, in exchange for giving up the right

¹⁰ RTI International Inc., *Work-based Learning Tool Kit*, <https://cte.ed.gov/wbltoolkit/index.html> (last visited May 10, 2021).

¹¹ Jobs for the Future, *About Work-Based Learning*, <https://www.jff.org/what-we-do/impact-stories/center-for-apprenticeship-and-work-based-learning/about-work-based-learning/> (last visited May 10, 2021).

¹² *Id.*

¹³ 20 U.S.C. s 2302(55).

¹⁴ Florida Department of Education, *Perkins V- Florida’s 2020-2024 State Plan for The Strengthening Career and Technical Education for the 21st Century Act (Perkins V)*, at 36, available at <http://www.fldoe.org/core/fileparse.php/18818/urlt/FloridaDraftStatePlanPerkins V.pdf>. Florida’s Perkins V Four-Year State Plan was approved by the U.S. Department of Education in June of 2020; *See also*, Florida Department of Education, *Florida’s Experiential Learning Framework for Perkins Size, Scope, and Quality*, available at <http://www.fldoe.org/core/fileparse.php/18815/urlt/Perkins V-ExperientialLearningFramework.pdf>.

¹⁵ Email from Jessica Fowler, Legislative Affairs, Florida Department of Education, Re: CTE data request (March 1, 2021).

to sue the employer for negligence.¹⁶ In Florida, workers' compensation is governed by ch. 440, F.S., the "Workers' Compensation Law." The law prescribes coverage requirements, medical and indemnity benefits, the rights and responsibilities of employers, injured employees, medical providers, and carriers, as well as procedures for dispute resolution.

Generally, employers are required to provide medical and indemnity benefits to a worker who is injured due to an accident arising out of and during the course of employment.¹⁷ For such injuries, an employer is responsible for providing medical treatment¹⁸ and compensation in the event of employee disability¹⁹ or death.²⁰ Specific employer coverage requirements are based on the type of industry, number of employees, and entity organization.²¹

Effect of the Bill

To encourage employers to provide WBL experiences for secondary students, the bill provides that a student 18 years of age or younger in a WBL opportunity is covered by:

- The workers' compensation insurance of the employer providing a paid WBL opportunity for the student.
- Covered by the workers' compensation of the school district or FCS institution when the student is in an unpaid WBL opportunity.

The bill authorizes the DOE, subject to appropriation, to reimburse employers for the proportionate cost of workers' compensation premiums for students in WBL opportunities.

Florida College System Institution Admissions

Present Situation

Each FCS institution board of trustees is authorized to adopt rules governing admissions of students subject to requirements provided in law and rules of the State Board of Education (SBE).²²

Admissions counseling must be provided to all students entering college or career credit programs.²³ Unless a student is otherwise exempt,²⁴ counseling must use tests to measure achievement of college-level communication and computation competencies by students entering college credit programs or tests to measure achievement of basic skills for students entering career education programs.²⁵ Counseling includes providing developmental education²⁶ options for students whose assessment results indicate that they need to improve communication or computation skills that are essential to perform college-level work.²⁷

Each FCS institution board of trustees is required to develop a plan to implement developmental education strategies through which a high school graduate who applies for any college credit program

¹⁶ See *Jones v. Martin Elecs., Inc.*, 932 So. 2d 1100, 1108 (Fla. 2006).

¹⁷ Section 440.09(1), F.S.

¹⁸ Section 440.13, F.S.

¹⁹ Section 440.15, F.S.

²⁰ Section 440.16, F.S.

²¹ Florida Department of Financial Services, Division of Workers' Compensation, *Employer Coverage Requirements*, <https://myfloridacfo.com/Division/WC/Employer/coverage.htm> (last visited May 10, 2021).

²² Section 1007.263, F.S.

²³ Section 1007.263(1), F.S.

²⁴ Section 1008.30(3)(a), F.S.

²⁵ *Id.*

²⁶ 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 co-requisite strategies. Section 1008.02(1), F.S.

²⁷ Section 1007.263(1), F.S.

may attain the communication and computation skills necessary to successfully complete college credit instruction.²⁸ Each plan must include certain minimum requirements that are specified in law.²⁹

FCS institutions are also required to annually prepare an accountability report that includes student success data relating to each developmental education strategy implemented by the institution and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.³⁰

Admission to an associate degree program at a FCS institution is subject to minimum standards adopted by the SBE and requires:

- A standard high school diploma, a high school equivalency diploma as prescribed in law,³¹ previously demonstrated competency in college credit postsecondary coursework, or, in the case of a student who is home educated, a signed affidavit submitted by the student's parent or legal guardian attesting that the student has completed a home education program according to the requirements specified in law.³² Students who are enrolled in a dual enrollment or early admission program are exempt from this requirement.
- A demonstrated level of achievement of college-level communication and computation skills.
- Any other requirements established by the FCS institution's board of trustees (BOT).³³

Student Eligibility for Dual Enrollment Programs and Common Placement Testing for Public Postsecondary Education

A dual enrollment program 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.³⁴ An eligible secondary student is a student who is enrolled in grades 6 through 12 in a Florida public school or in a Florida private school that provides a secondary curriculum.³⁵

A student must meet initial eligibility requirements for enrollment in college credit dual enrollment courses. The student must have a 3.0 unweighted high school grade point average (GPA) and the minimum score on a common placement test adopted by the SBE which indicates that the student is ready for college-level coursework.³⁶ A student must maintain a 3.0 unweighted high school GPA and the minimum postsecondary GPA established by the postsecondary institution to continue to enroll in college credit dual enrollment. Student eligibility requirements for initial and continued enrollment in career certificate dual enrollment courses must include a 2.0 unweighted high school GPA.³⁷ A FCS institution BOT may establish additional initial student eligibility requirements, which must be included in the dual enrollment articulation agreement, to ensure student readiness for postsecondary instruction.³⁸

The SBE, in conjunction with the Board of Governors (BOG), implemented common placement testing requirements³⁹ for the purpose of assessing the basic communication and computation skills of

²⁸ Section 1008.30(5)(a), FS.

²⁹ *Id.* at (5)(a)1.-5.

³⁰ *Id.* at (5)(b).

³¹ Section 1003.435, F.S.

³² Section 1002.41, F.S.

³³ Section 1007.263(2)(a)-(c), F.S.

³⁴ Section 1007.271(1), F.S.

³⁵ Section 1007.271(2), F.S.

³⁶ Section 1007.271(3), F.S. *See also* rule 6A-10.0315, F.A.C.

³⁷ *Id.* Exceptions to the required grade point average may be granted on an individual bases if the educational entities agree and the terms of the agreement are contained within the dual enrollment articulation agreement developed by the district school superintendent and the public postsecondary institution. s. 1007.21(21)(h), F.S.

³⁸ Section 1007.271(3), F.S.

³⁹ The state board of education has adopted ruled 6A-14.064 and 6A-10.0315, F.A.C., to govern assessment requirements for determining initial student eligibility for dual enrollment programs.

students who intend to enter a degree program at any public postsecondary educational institution.⁴⁰ The common placement testing program must include the capacity to diagnose the basic competencies in the areas of English, reading, and mathematics that are essential for success in meta-majors⁴¹ and the capacity to provide test information to students on the specific skills the student needs to attain.⁴²

DOE Emergency Order-02 suspended, through fall 2020, the requirement for admissions counseling to use tests to measure achievement of college-level communication and computation competencies by students to determine dual enrollment eligibility and entrance into college credit programs. In addition to or in lieu of tests, the emergency order permitted college credit programs to use alternative methods selected by the college to determine student eligibility for dual enrollment and for placement into developmental education, where applicable.⁴³

Assessment of Career Education Program Basic Skills

The SBE is required to adopt standards of basic skill mastery for completion of certificate career education programs and to designate examinations to assess mastery.⁴⁴ Students who enroll in a program offered for career credit of 450 hours or more must complete an entry-level examination within the first six weeks after admission into the program. A student may not receive a career or technical certificate of completion without first demonstrating the basic skills required in the state curriculum frameworks for the career education program.⁴⁵ Certain students are exempt from this requirement.⁴⁶

Effect of the Bill

Admissions Requirements for FCS Institutions

The bill provides flexibility to FCS institutions in their admissions requirements for students by authorizing FCS institutions to accept:

- Alternate methods of assessment, to be approved by the SBE, to measure achievement of college level communication and computation competencies by students entering college credit programs.
- For admission to associate degree programs, a high school equivalency diploma issued by another state which is recognized as equivalent by SBE rule and is based on an assessment recognized by the United States Department of Education.⁴⁷

The bill requires admission counseling at FCS institutions to measure achievement of basic skills for career education programs, which may direct a student to developmental education to improve communication and computation skills.

⁴⁰ Section 1008.30(1), F.S.

⁴¹ Eight meta-majors are identified as academic pathways for advising FCS associate degree seeking students of the courses which are aligned with the intended academic and career goals. 6A-14.065, F.A.C.

⁴² Section 1008.30(2), F.S.

⁴³ Florida Department of Education, *Emergency Order No. 2020-EO-2*, at 7, available at <http://www.fldoe.org/core/fileparse.php/19861/urlt/DOEEmergencyOrder2020-EO-02.pdf>.

⁴⁴ Section 1004.91(2), F.S.

⁴⁵ *Id.*

⁴⁶ Section 1004.91(3), F.S.

⁴⁷ The United States Department of Education recognizes the General Educational Development Certificate (GED) as one of the recognized equivalents of a high school diploma in 34 CFR 600.2, but additionally, a state certificate received by a student after the student has passed a State-authorized examination that the state recognizes as the equivalent of a high school diploma is also included as one of the recognized equivalents of a high school diploma in 34 CFR 600.2. Two examples of State-authorized examinations, in addition to the GED test, are the High School Equivalency Test (HiSET) and the Test Assessing Secondary Completion (TASC). United States Department of Education, *Dear Colleague Letter GEN-14-06 Recognized Equivalent of a High School Diploma* (April 2014), available at <https://ifap.ed.gov/dear-colleague-letters/04-11-2014-gen-14-06-subject-recognized-equivalent-high-school-diploma>.

The bill requires the SBE, by January 31, 2022, to adopt rules to develop and implement alternative methods for assessing the basic communication and computation skills of students who intend to enter a degree program at a FCS institution. The bill authorizes FCS institutions to use these alternative methods in lieu of common placement tests to assess student readiness for college-level work in communication and computation. The bill authorizes FCS institutions to use placement test results or alternative methods established by the SBE to determine student readiness for his or her chosen meta-major. The bill also specifies that students who are currently exempt from common placement testing requirements are also exempt from the college readiness assessment established in the bill.

The bill makes conforming changes as a result of authorizing alternative methods of assessment.

The bill removes the requirement that the common placement testing program include the capacity to diagnose certain basic competencies in the areas of English, reading, and mathematics. The bill also removes outdated language related to a requirement that FCS institutions develop and submit a developmental education plan to the Chancellor of the FCS. In addition, the bill also removes the requirement for the FCS to annually prepare an accountability report that includes student success data relating to each developmental education strategy and submit the report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the SBE.

Student Eligibility for Dual Enrollment Programs

The bill revises student eligibility for initial enrollment in college credit dual enrollment to include a demonstrated level of achievement of college-level communication and computation skills as determined by a common placement test or an alternative method of assessment.

Statewide Articulation

Present Situation

Statewide Articulation Agreement

The SBE and the BOG are required to enter into a statewide articulation agreement.⁴⁸ The agreement must preserve Florida's "2+2" system of articulation and facilitate the seamless articulation of student credit across and among Florida's educational entities.⁴⁹ The agreement requires each state university board of trustees, FCS board of trustees, and district school board, to plan and adopt policies and procedures to provide articulated programs so students can proceed toward their educational objectives as quickly as their circumstances permit.⁵⁰ The Articulation Coordinating Committee (ACC), a K-20 advisory board appointed by the Commissioner of Education, exists to coordinate ways to help students move easily from institution to institution and from one level of education to the next.⁵¹

Academic Pathways

In 2013, the SBE, in consultation with the BOG, approved a series of meta-majors and the academic pathways which identify the gateway courses associated with each meta-major.⁵² FCS institutions must use placement test results to determine the extent to which each student demonstrates sufficient

⁴⁸ Section 1007.23(1), F.S.

⁴⁹ *Id.*

⁵⁰ Rule 6A-10.024, F.A.C.

⁵¹ Florida Department of Education, *Articulation Coordinating Committee-Oversight Committee*, <http://www.fldoe.org/policy/articulation/committees/articulation-coordinating-committee-ov/meetings.stml> (last visited May 10, 2021).

⁵² Section 1008.30(4), F.S.

communication and computation skills to indicate readiness for his or her chosen meta-major.⁵³ FCS institutions are required to counsel students into college credit courses as quickly as possible, with developmental education limited to the content needed for success in the meta-major.⁵⁴

The purpose of meta-major academic pathways is to advise FCS associate degree seeking students of the gateway courses that are aligned with their intended academic and career goals. The meta-major academic pathways in SBE rule are established in the following areas:

- Arts, humanities, communication and design.
- Business.
- Education.
- Health sciences.
- Industry/manufacturing and construction.
- Public Safety.
- Science, technology, engineering, and mathematics.
- Social and behavioral sciences and human services.⁵⁵

English Composition I is the gateway course for all meta-major academic pathways. The gateway courses for mathematics are aligned with the meta-major academic pathway and are as follows:

- The gateway courses for business are College Algebra or Elementary Statistics.
- The gateway course for science, technology, engineering, and mathematics is College Algebra.
- The gateway courses for all other meta-major academic pathways identified are College Algebra, Liberal Arts Mathematics I, Liberal Arts Mathematics II, or Elementary Statistics.⁵⁶

Mathematics Pathways

In 2018, the Florida Student Success Center⁵⁷ established three inter-connected workgroups to identify current challenges in mathematics pathways and develop policy and practice recommendations to improve student achievement across Florida's education system.⁵⁸ More than 90 mathematics faculty, administrators, and key stakeholders from Florida's K-12 system, FCS, and state university system (SUS) served as members of the workgroups.

One of the recommendations of the workgroup called for the creation of common mathematics pathways by aligning mathematics courses to programs, meta-majors, and careers in Florida.⁵⁹ The workgroup found that many institutions still use the College Algebra pathway as the primary pathway for students, even if the Liberal Arts mathematics or statistics pathway is more appropriate for the student's degree.⁶⁰

Effect of the Bill

The bill requires the statewide articulation agreement to establish three mathematics pathways for students by aligning mathematics courses to programs, meta-majors, and careers. A representative committee consisting of faculty from the SUS, the FCS, and school district career centers must

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Rule 6A-14.065(1)(a)-(h), F.A.C.

⁵⁶ Rule 6A-14.065(2)(a)-(b), F.A.C.

⁵⁷ The Florida Student Success Center is part of the national Student Success Center Network and supports Florida's 28 state and community colleges' efforts to develop student-centered pathways and increase student completion rates. The Florida College System, *Florida Student Success Center*, <https://www.floridacollegesystemfoundation.org/florida-student-success-center-home> (last visited May 10, 2021).

⁵⁸ Florida Student Success Center, *Florida Mathematics Re-Design*, at ii, available at https://b31b7c6e-44f1-4aae-a1f2-eb65756e6f27.filesusr.com/ugd/005c49_419c44c62097410996a6eb8064ef4893.pdf.

⁵⁹ *Id.* at 12.

⁶⁰ *Id.*

collaborate to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs and careers.

Postsecondary Education Fee Exemptions and Fee Waivers

Present Situation

Florida law authorizes school district career centers, FCS institutions, and state universities to grant fee exemptions⁶¹ and fee waivers⁶² to qualified students that meet specified criteria. Current law exempts from the payment of tuition and fees a student who lacks a fixed, regular, and adequate nighttime residence or whose primary nighttime residence is a public or private shelter designed to provide temporary residence, a public or private transitional living program, or a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.⁶³ The exemption from tuition and fees includes a student who would otherwise meet these requirements, as determined by a college or university, but for his or her residence in college or university dormitory housing.⁶⁴

There is a limitation on the number of student fee exemptions from all fees adopted by the SBE and the FCS BOT for up to 54 full-time equivalent students or one percent of the institution's total full-time enrollment, whichever is greater, at each institution.⁶⁵

Effect of the Bill

To provide guidance to institutions on determining student eligibility, the bill authorizes the SBE to adopt rules and the BOG to adopt regulations regarding documentation and procedures to implement the exemption of tuition and fees for students experiencing homelessness.

Florida Student Assistance Grant Program

Present Situation

The Florida Student Assistance Grant (FSAG) Program, created in 1972, is Florida's largest need-based grant program.⁶⁶ The FSAG Program consists of four student financial aid programs:

- FSAG Public;⁶⁷
- FSAG Public Postsecondary Career Education;⁶⁸
- FSAG Private;⁶⁹ and

⁶¹ Section 1009.25, F.S.

⁶² Section 1009.26, F.S.

⁶³ Section 1009.25(1)(f), F.S.

⁶⁴ *Id.*

⁶⁵ Section 1009.25(2), F.S.

⁶⁶ Florida Department of Education, Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19*, at 11, available at <https://www.floridastudentfinancialaids.org/pdf/annualreportcurrent.pdf>; see also Florida Department of Education, Office of Student Financial Assistance, *Florida Student Assistance Grant Fact Sheet (2020-21)* available at, <https://www.floridastudentfinancialaids.org/PDF/factsheets/FSAG.pdf>.

⁶⁷ Section 1009.50, F.S.

⁶⁸ Section 1009.505, F.S.

⁶⁹ Section 1009.51, F.S.

- FSAG Postsecondary.⁷⁰

The FSAG Program is available to degree- and certificate-seeking undergraduate Florida residents who demonstrate substantial financial need and are enrolled in participating postsecondary institutions.⁷¹

A FSAG award, in combination with other financial aid, may not exceed a student's demonstrated financial need.⁷² Financial need is determined by the institutional cost of attendance, less the Expected Family Contribution (EFC)⁷³ as determined by the Free Application for Federal Student Aid (FAFSA), less aid from other sources such as federal grants, state grants and institutional aid (not including loans).⁷⁴ The program is administered by participating institutions in accordance with state board rule.⁷⁵

The FSAG Program provides state student assistance grants to students who meet general eligibility requirements⁷⁶ and qualifications specific to each program.

Florida Postsecondary Student Assistance Grant Program

The Florida Postsecondary Student Assistance Grant Program (FSAG Postsecondary) is available to students who attend eligible independent institutions⁷⁷ that meet the following criteria:

- A private nursing diploma school which is approved by the Florida Board of Nursing, is located in Florida, and administers the Pell Grant;⁷⁸ or
- An independent college or university located in Florida, which is licensed by the Commission for Independent Education (CIE), offers degrees, administers the Pell Grant and does not participate in the FSAG Private grant.⁷⁹

An FSAG Postsecondary grant is only awarded to full-time degree seeking students (enrolled in a minimum of 12 credit hours per term, or the equivalent)⁸⁰ who meet general requirements for student eligibility,⁸¹ are accepted to and attend an eligible institution.⁸² A student applying for an FSAG Postsecondary grant must apply for the Pell Grant, and any federal aid provided is considered when assessing financial resources available to the student.⁸³

⁷⁰ Section 1009.52, F.S.

⁷¹ Sections 1009.50, 1009.505, 1009.51, and 1009.52, F.S.

⁷² Florida Department of Education, Office of Student Financial Assistance, *Annual Report to the Commissioner 2018-19*, at 11, available at <https://www.floridastudentfinancialaids.org/pdf/annualreportcurrent.pdf>.

⁷³ Expected Family Contribution (EFC) is calculated according to a formula established by law which considers a student's family size, number of family members who will attend college or career school during the year, the family's taxed and untaxed income, assets, and benefits, such as unemployment for Social Security. U.S. Department of Education, Federal Student Aid, *How Aid is Calculated*, <https://studentaid.gov/complete-aid-process/how-calculated> (last visited May 10, 2021).

⁷⁴ *Id.*

⁷⁵ Section 1009.50(6), 1009.505(5), 1009.51(6), and 1009.52(7), F.S.; Postsecondary educational administrative responsibilities for state student aid and tuition assistance programs are outlined in rule 6A-20.002, F.A.C.

⁷⁶ Section 1009.40, F.S.

⁷⁷ Section 1009.52(2)(a), F.S.

⁷⁸ *Id.*, see also Florida Department of Education, Office of Student Financial Assistance, *2020-21 Institutional Eligibility Program Requirements for Participation in State Scholarship & Grant Programs*, at 2, available at https://www.floridastudentfinancialaids.org/pdf/Institution_Eligibility_Requirements.pdf.

⁷⁹ *Id.*

⁸⁰ Florida Department of Education, Office of Student Financial Assistance, *Florida Student Assistance Grant Fact Sheet (2020-21)*, at 2, available at, <https://www.floridastudentfinancialaids.org/PDF/factsheets/FSAG.pdf>.

⁸¹ Section 1009.40, F.S. see also 6A-20.033(1), F.A.C.

⁸² Section 1009.52(2)(a), F.S.

⁸³ Section 1009.52(2)(b), F.S.

The total FSAG Postsecondary grant a student receives must be for the amount of demonstrated unmet need for tuition and fees and may not exceed the maximum annual award amount specified in the General Appropriations Act (GAA).⁸⁴ For fiscal year (FY) 2020-2021, the GAA established a maximum award amount of \$3,260 to any student from FSAG Postsecondary.⁸⁵ A student is not eligible for a FSAG Postsecondary grant if demonstrated unmet need is less than \$200.⁸⁶ Priority of grant money may be given to students who are within one semester of completing a degree or certificate program and an institution is prohibited from awarding a grant to a student whose EFC exceeds one and one-half times the maximum Pell Grant-eligible family contribution.⁸⁷

To maintain eligibility in the FSAG Postsecondary grant, a student must have earned a minimum institutional cumulative grade point average (GPA) of 2.0 on a 4.0 scale for 12 credit hours for each term the award was received.⁸⁸ A student is eligible to receive a FSAG Postsecondary grant for nine semesters or 14 quarters of full-time enrollment.⁸⁹

FSAG Postsecondary Reporting and Distribution Requirements

Each participating institution determines an applicant's eligibility and award amount,⁹⁰ and reports to the DOE the students who are eligible for the FSAG Postsecondary for each academic term, including necessary demographic and eligibility date for such students.⁹¹

The funds appropriated for FSAG Postsecondary must be distributed to eligible institutions in accordance with a formula approved by the SBE.⁹² The formula must consider at least the prior year's distribution of funds, the number of eligible applicants who did not receive awards, the standardization of the EFC, and provisions for unused funds. The formula must account for changes in the number of eligible students across all student assistance grant programs.⁹³ Institutions must comply with disbursement and remittance requirements specified in law.⁹⁴

Each institution that receives money through the FSAG Postsecondary must prepare a biennial report, which includes a financial audit of the institution's administration of the program and a complete account of moneys for the program, submitted to the DOE by March 1 every other year.⁹⁵ The DOE may conduct its own annual or biennial audit of an institution's administration of the program and its allocated funds in lieu of the required biennial report and financial audit report.⁹⁶ The DOE may suspend or revoke an institution's eligibility to receive future moneys for the program or request a

⁸⁴ Section 1009.52(2)(a), F.S.

⁸⁵ Specific Appropriations 7 and 74, s. 2, ch. 2020-111, L.O.F.

⁸⁶ Section 1009.52(2)(a), F.S.

⁸⁷ Section 1009.52(2)(c), F.S. An institution may not impose additional criteria to determine a student's eligibility to receive a grant award.

⁸⁸ Section 1009.40(1)(b)1.

⁸⁹ Section 1009.52(2)(a), F.S. Flush left provision.

⁹⁰ Florida Department of Education, Office of Student Financial Assistance, *Florida Student Assistance Grant Fact Sheet (2020-21)*, at 4, available at, <https://www.floridastudentfinancialaids.org/PDF/factsheets/FSAG.pdf>.

⁹¹ Section 1009.52(2)(d), F.S.

⁹² Section 1009.52(4)(a), F.S.

⁹³ *Id.*

⁹⁴ *Id.* at (4)(d).

⁹⁵ *Id.* at (4)(e).

⁹⁶ *Id.*

refund of any moneys overpaid to the institution for the program if the department finds noncompliance.⁹⁷

In FY 2019-2020, the FSAG Postsecondary grant disbursed \$6.1 million dollars to 5,597 students.⁹⁸ The average student award amount was \$1,096.66.⁹⁹

Aviation Maintenance Schools

An Aviation Maintenance Technician School (AMTS) is an educational facility which is certified by the Federal Aviation Administration (FAA) to train aviation maintenance technicians for careers in the airline industry, in aviation maintenance facilities, and in commercial and general aviation.¹⁰⁰ The FAA requires high standards of AMTS to provide the knowledge, skills, and abilities for aviation maintenance technicians.¹⁰¹ The FAA provides minimum standards for facilities, curriculum and teaching levels at an AMTS. An AMTS may be FAA-certificated for the following ratings: airframe, powerplant, or combined airframe and powerplant.¹⁰² The curriculum for an AMTS must be submitted and approved by the FAA initially, and subsequently for any curriculum revisions.¹⁰³ The FAA may, at any time, inspect an AMTS to determine compliance, with an inspection normally occurring once every six months.¹⁰⁴ In Florida, there are a total of 14 FAA-certified AMTS.¹⁰⁵

Under current law, a student attending an AMTS in Florida is not eligible to receive an FSAG Postsecondary grant.

Effect of the Bill

While current law does not require institutions certified by the FAA to be licensed by the Commission for Independent Education, the bill requires such institutions to be licensed and to have a location in Florida in order to participate in the FSAG Postsecondary.

The bill requires FSAG Postsecondary grants awarded by such eligible institutions to be made only to full-time certificate seeking students accepted at the aviation maintenance school and requires a student's eligibility for the renewal of an award to be evaluated at the end of the completion of 900 clock hours.

The bill authorizes a full-time certificate seeking student to be eligible for a FSAG Postsecondary award for up to 110 percent of the number of clock hours required to complete the program in which the student is enrolled.

⁹⁷ *Id.*

⁹⁸ Florida Department of Education, Office of Student Financial Assistance, *End-of-Year Report 2019-20 Florida Student Assistance Grant Postsecondary*, at 1, available at https://www.floridastudentfinancialaidsg.org/PDF/PSI/FSAGPO_2019_2020.pdf.

⁹⁹ *Id.* at 6.

¹⁰⁰ United States Department of Transportation, Federal Aviation Administration Advisory Circular, *Certification and Operation of Aviation Maintenance Technician Schools* (June 5, 2015), at 2, available at https://www.faa.gov/documentLibrary/media/Advisory_Circular/AC_147-3B.pdf. An Aviation Maintenance Technician School must meet the requirements of 14 C.F.R. Part 147.

¹⁰¹ *Id.*

¹⁰² *Id.* at 3. Florida Department of Education Curriculum Frameworks which set the standards and benchmarks for career and technical education programs for public institutions in Florida, lists the Aviation Airframe Mechanic Career Program and the Aviation Powerplant Mechanics Career Program as 1,350 clock hour programs each. Florida Department of Education, 2020-21 CTE Curriculum Frameworks, *Transportation, Distribution & Logistics*, <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2020-21-frames-works/transportation-distribution-logistics.stml> (last visited May 10, 2021).

¹⁰³ *Id.* at 4.

¹⁰⁴ *Id.* at 12.

¹⁰⁵ Federal Aviation Administration, *Maintenance Schools Search-Florida*, <https://av-info.faa.gov/MaintenanceSchool.asp> (last visited May 10, 2021).

The bill makes conforming changes to reflect the authorization of an AMTS program, which is conducted as a clock hour program, to participate in the FSAG Postsecondary.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Additional secondary students may participate in work-based learning opportunities as the bill provides for the reimbursement to businesses for the costs associated with providing workers' compensation insurance for students participating in such opportunities.

Individuals may have greater access to postsecondary education by authorizing the use of alternative methods for assessing basic communication and computation skills of students who intend to enter a degree program at a Florida College System or to obtain initial eligibility in college credit dual enrollment courses.

The bill may provide a cost savings to eligible students enrolled in postsecondary education institutions now authorized to participate in the Florida Postsecondary Student Assistance Grant Program.

D. FISCAL COMMENTS:

For Fiscal Year 2021-2022, \$2 million is appropriated from the General Revenue Fund to the Department of Education for the reimbursement of workers' compensation insurance premiums associated with providing students with work-based learning opportunities.

The fiscal impact of implementing alternative methods is indeterminate as the number of institutions who select to use alternative methods and the number of students who may now be eligible to enroll in college credit dual enrollment courses via alternative methods is unknown.

Expanding eligibility for the Florida Postsecondary Student Assistance Grant Program may affect how funds are allocated across the several Florida student assistance grants,¹⁰⁶ including decreased availability of funds for students already eligible for grants.

¹⁰⁶ Section 1009.52(4)(a), F.S.