

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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

BILL: SB 240

INTRODUCER: Senator Hutson

SUBJECT: Education

DATE: March 13, 2023

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brick	Bouck	ED	<b>Pre-meeting</b>
2.			CM	
3.			FP	

**I. Summary:**

SB 240 provides supports for district school boards, Florida College System institutions (state colleges), and other stakeholders in Florida’s workforce development system to provide students with high-quality career and technical education (CTE) and other workforce education programs.

The bill supports CTE for middle and high school students. Specifically, the bill:

- Provides \$100 million for district school boards and colleges to fund some or all of the costs associated with the creation or expansion of CTE programs that serve secondary students.
- Authorizes secondary CTE programs to be funded according to the cost of the programs.
- Removes limitations on bonus funding for middle school students in CTE programs.
- Provides additional bonus funding within the Florida Education Finance Program for select achievements in CTE.

The bill supports CTE pathways for students. Specifically, the bill:

- Adds continuity through controlled open enrollment for middle school students to continue their CTE programs in high school.
- Enhances career and academic plans by requiring them to be updated and requiring parents to be provided information about CTE opportunities and benefits for students.
- Expands options for students to earn credit through extracurricular participation in career and technical student organizations.

The bill strengthens opportunities for students to engage in work-based learning by:

- Establishing regional education and industry consortia to meet and report to local workforce development boards the most effective ways to grow, retain, and attract talent.
- Requiring each district school board to provide all students enrolled in grades 9 through 12 with at least one work-based learning opportunity.

The bill provides flexibility for district school boards in recruiting CTE teachers. The bill:

- Provides discretion to district school boards to certify instructors to teach CTE programs.
- Requires school boards to give teachers credit toward continuing education requirements for supporting students in extracurricular CTE activities.

The bill provides flexibility in the administration of workforce development by:

- Restoring decision-making authority to the Department of Economic Opportunity to seek waivers as necessary and also to establish minimum requirements for eligible training providers of workforce development programs.
- Restoring to district school boards and state colleges the responsibility for approving workforce education programs that have a statewide curriculum framework developed by the Department of Education.

The bill provides flexibility for the Credentials Review Committee (Committee) in designating credentials of value. The bill:

- Authorizes the Committee to consider both information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and long-term data of the Labor Market Estimating Conference as factors in the development of the criteria for identifying credentials of value.
- Removes the requirement for the Committee to develop a returned-value performance funding formula for colleges and career centers.

The bill enhances the CAPE Industry Certification Funding List (Funding List), which is used to incent credentials of value for CTE programs. The bill:

- Provides flexibility to CTE programs to choose the courses in which students may earn industry certifications identified in the Funding List.
- Requires the State Board of Education to adopt three funding tiers for postsecondary certifications on the Funding List according to anticipated wages.

The bill also provides flexibility in the administration of certain state financial aid and grant programs.

The bill takes effect July 1, 2023.

## II. Present Situation:

### **Workforce Innovation and Opportunity Act of 2014**

In 2014, Congress passed the Workforce Innovation and Opportunity Act (WIOA), which superseded the Workforce Investment Act of 1998.<sup>1</sup> WIOA requires each state to develop a single, unified plan for aligning workforce services through the identification and evaluation of core workforce programs.<sup>2</sup>

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<sup>1</sup> Workforce Innovation and Opportunity Act, 29 U.S.C. s. 3101 et seq. (2014).

<sup>2</sup> See 29 U.S.C. s. 3112(a).

WIOA identifies four core programs that coordinate and complement each other to ensure job seekers have access to needed resources.<sup>3</sup> The core programs are:

- Adult, Dislocated Worker and Youth Programs;
- Adult Education and Literacy Activities;
- Employment Services under the Wagner-Peyser Act;<sup>4</sup> and
- Vocational Rehabilitation Services.<sup>5</sup>

WIOA establishes minimum performance accountability measures for the evaluation of core programs in each state and performance reports to be provided at the state, local, and training provider levels.<sup>6</sup> Performance measures that apply across all core programs include:<sup>7</sup>

- The percentage of participants in unsubsidized employment during second quarter after exit.
- The percentage of participants in unsubsidized employment during fourth quarter after exit.
- The median earnings of participants during second quarter after exit.
- The percentage of participants who obtain a postsecondary credential or secondary school diploma within 1 year after exit.
- The achievement of measureable skill gains toward credentials or employment; and
- The effectiveness in serving employers.

### **State Administration of Workforce Development**

WIOA requires the Governor to establish a State Workforce Development Board (state board) to assist the Governor in carrying out the duties and responsibilities required by WIOA.<sup>8</sup>

CareerSource Florida, Inc., implements the policy directives of the state board and administers state workforce development programs.<sup>9</sup> CareerSource Florida, Inc., provides administrative support to the state board, the principal workforce policy organization for the state.<sup>10</sup> In Fiscal Year 2021-2022, CareerSource allocated \$245 million in funding<sup>11</sup> and assisted 86,503 job seekers in obtaining employment.<sup>12</sup>

WIOA requires states to designate local workforce development areas in the state. The local workforce development areas must be consistent with labor market areas and regional economic development areas in the state and have available federal and non-federal resources necessary to effectively administer workforce development services.<sup>13</sup> Within each area, a local workforce

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<sup>3</sup> See 29 U.S.C. s. 3102(13).

<sup>4</sup> See 29 U.S.C. s. 49 et seq.

<sup>5</sup> See 29 U.S.C. s. 720 et. seq.

<sup>6</sup> See 29 U.S.C. s. 3141.

<sup>7</sup> *Id.*

<sup>8</sup> 29 U.S.C. s. 3111.

<sup>9</sup> Section 445.004(2), F.S.

<sup>10</sup> Section 445.004(2)-(3), F.S.

<sup>11</sup> CareerSource Florida, *Strategic Policy and Performance Council Meeting* (Feb. 16, 2022), available at <https://careersourceflorida.com/wp-content/uploads/2022/08/2022-02-16-Closer-Look-Fed-Funding-State-Board-Initiatives.pdf>, at 5.

<sup>12</sup> CareerSource Florida, *CareerSource Florida Celebrates 2022 Workforce Development Accomplishments*, <https://careersourceflorida.com/2022/12/29/careersource-florida-celebrates-2022-workforce-development-accomplishments/> (last visited Mar. 11, 2023).

<sup>13</sup> See 29 U.S.C. s. 3121.

development board must be established.<sup>14</sup> Each local workforce development board is required to coordinate planning and service delivery strategies within the local workforce development area and submit to the Governor a 4-year local plan for the delivery of workforce development services.<sup>15</sup>

The Department of Economic Opportunity (DEO) serves as Florida's lead workforce agency.<sup>16</sup> DEO is responsible for the fiscal and administrative affairs of the workforce development system.<sup>17</sup> DEO receives and distributes federal funds for employment-related programs to the local workforce development boards.<sup>18</sup> Under the direction of CareerSource, the DEO is required to annually meet with each local workforce development board to review the board's performance and to certify that the board is in compliance with applicable state and federal laws.<sup>19</sup> Within the DEO, the Labor Market Statistics Center of the Bureau of Workforce Statistics and Economic Research produces, analyzes, and delivers timely and reliable labor statistics to improve economic decision-making.<sup>20</sup>

The REACH Office coordinates workforce development in Florida across the various agencies that participate in the workforce development system. In implementing its various duties, the REACH Office is required to maximize the use of available federal and private funds for the development and initial operation of the workforce opportunity portal.<sup>21</sup>

### ***WIOA Waivers***

WIOA grants the Governor broad oversight authority of both the state and local level workforce development programs. Specifically related to local workforce development boards, the Governor is responsible for designating the local workforce areas,<sup>22</sup> certifying the local workforce development boards,<sup>23</sup> and negotiating the performance measures required by WIOA.<sup>24</sup> The Governor has the additional authority to decertify a local workforce development board, and require its reorganization, for fraud, abuse, or failure to carry out its statutory duties.<sup>25</sup> If a local workforce development board fails to meet its agreed upon performance measures in two consecutive program years, the Governor must decertify the local workforce development board and implement a reorganization plan.<sup>26</sup> The Governor, after consultation with CareerSource Florida, may reallocate youth, adult, and dislocated worker funds among local areas within the State.<sup>27</sup>

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<sup>14</sup> 29 U.S.C. s. 3122.

<sup>15</sup> See 29 U.S.C. ss. 3122 and 3123.

<sup>16</sup> Primarily through the Division of Workforce Services. See s. 20.60, F.S.

<sup>17</sup> See s. 20.60(5)(c), F.S. and s. 445.009(3)(c), F.S.

<sup>18</sup> See s. 20.60(5)(c), F.S. and s. 445.003, F.S.

<sup>19</sup> See s. 445.007(3), F.S.

<sup>20</sup> Department of Economic Opportunity, *Workforce Statistics*, <https://floridajobs.org/workforce-statistics> (last visited Mar. 12, 2023).

<sup>21</sup> Section 14.36, F.S.

<sup>22</sup> See 29 U.S.C. s. 3121(b).

<sup>23</sup> See 29 U.S.C. s. 3122(a).

<sup>24</sup> See 29 U.S.C. s. 3121(c).

<sup>25</sup> See 29 U.S.C. s. 3122(c).

<sup>26</sup> See 29 U.S.C. s. 3141(g).

<sup>27</sup> 20 C.F.R. s. 683.140.

WIOA authorizes the US Secretary of Labor to waive specific WIOA requirements to grant states additional flexibility to meet their workforce needs and achieve better outcomes for job seekers and employers.<sup>28</sup> The Secretary may waive any of the federal requirements for workforce investment activities except for requirements relating to wage and labor standards, including nondisplacement protections, worker rights, participation and protection of workers and participants, grievance procedures and judicial review, nondiscrimination, allocation of funds to local areas, eligibility of providers or participants, the establishment and functions of local areas and local boards, the funding of infrastructure costs for one-stop centers, and procedures for review and approval of plans, and other requirements relating to the basic purposes of WIOA.<sup>29</sup>

The Department of Economic Opportunity is required under state law to prepare a federal waiver to be submitted by the Governor to the United States Department of Labor that:<sup>30</sup>

- Allows the state board to fulfill the roles and responsibilities of local workforce development boards or that reduces the number of local workforce development boards based on population size and commuting patterns.
- Allows the Governor to reallocate funds among local areas that have a demonstrated need for additional funding and programmatic outcomes that will maximize the use of the additional funds to serve low-income individuals, public assistance recipients, dislocated workers, and unemployment insurance claimants.

On December 6, 2022, the United States Department of Labor granted the Governor a waiver request made by the Department of Economic Opportunity's allowing Florida to consider additional factors in determining local workforce development area eligibility for reallocation of recaptured funds.<sup>31</sup>

On January 18, 2023, the Department of Economic Opportunity submitted two requests to the US Department of Labor to waive WIOA requirements related to the percentage of expenditures between out-of-school youth and in-school youth so that Florida may better serve youth who are in school but at risk of dropping out.<sup>32</sup>

### **Career and Technical Education**

The \$1.3 billion Carl D. Perkins Career and Technical Education Act of 2006, as amended by the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), assists states and outlying areas in expanding and improving career and technical education (CTE) in

<sup>28</sup> 29 U.S.C. s. 3249(i)(3).

<sup>29</sup> 29 U.S.C. s. 3249(i)(3).

<sup>30</sup> Section 445.006(4), F.S.

<sup>31</sup> U.S. Department of Labor, Employment and Training Administration, *Letter from Assistant Secretary Brent Parton to Governor Ron DeSantis* (Dec. 6, 2022), available at [https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/FL%20waiver%20response%20signed\\_12.06.22.pdf](https://www.dol.gov/sites/dolgov/files/ETA/wioa/pdfs/FL%20waiver%20response%20signed_12.06.22.pdf).

<sup>32</sup> See Department of Economic Opportunity, *Letter from Secretary Meredith Ivey to Secretary Martin J. Walsh* (Jan. 18, 2023), available at <https://careersourceflorida.com/wp-content/uploads/2023/01/Cover-Letter-for-WIOA-OSY-and-ISY-Waiver.pdf>; and see Department of Economic Opportunity, *Letter from Secretary Meredith Ivey to Secretary Martin J. Walsh* (Jan. 18, 2023), available at <https://careersourceflorida.com/wp-content/uploads/2023/01/Cover-Letter-for-WIOA-OSY-and-ISY-Waiver.pdf>.

secondary schools, technical schools, and community colleges.<sup>33</sup> The term “career and technical education” means organized educational activities that:<sup>34</sup>

- Offer a sequence of courses that provides individuals with rigorous academic content and relevant technical knowledge and skills needed to prepare for further education and careers.
- Include competency-based, work-based, or other applied learning that supports the development of academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, employability skills, technical skills, and occupation-specific skills, and knowledge of all aspects of an industry, including entrepreneurship, of an individual.
- To the extent practicable, coordinate between secondary and postsecondary education programs through programs of study that provide postsecondary credit or advanced standing.
- May include career exploration at the high school level or as early as the middle grades.

The purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency. Perkins V defines a CTE concentrator as a student at the secondary school level who has completed at least 2 courses in a single CTE program or program of study.<sup>35</sup> CTE program administrators are accountable for:<sup>36</sup>

- Student demonstration of the academic skills necessary to enter an occupation.
- Student preparation to enter an occupation in an entry-level position or continue postsecondary study.
- Career program articulation with other corresponding postsecondary programs and job training experiences.
- Employer satisfaction with the performance of students who complete career education or reach occupational completion points.
- Student completion, placement, and retention rates.

The criteria for qualification of individual courses for inclusion in the classification of secondary career education programs and workforce development education programs are annually adopted by the State Board of Education and published by the commissioner in the curriculum frameworks.<sup>37</sup> The approved curriculum frameworks are aligned with the following career clusters:<sup>38</sup>

- Agriculture, Food & Natural Resources
- Architecture & Construction
- Arts, A/V Technology & Communication
- Business, Management & Administration
- Education & Training
- Energy
- Engineering & Technology Education
- Finance
- Government & Public Administration

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<sup>33</sup> 20 U.S.C. s. 2301 et seq.

<sup>34</sup> 20 U.S.C. s. 2302(5).

<sup>35</sup> 20 U.S.C. s. 2302(12).

<sup>36</sup> Section 1004.92, F.S.

<sup>37</sup> Rule 6A-6.0571, F.A.C.

<sup>38</sup> FLDOE, *Curriculum Frameworks*, <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2022-23-frameworks/> (last visited Mar. 8, 2023).

- Health Science
- Hospitality & Tourism
- Human Services
- Information Technology
- Law, Public Safety & Security
- Manufacturing
- Marketing, Sales & Service
- Transportation, Distribution & Logistics
- Additional CTE programs and courses, including diversified education, instructional support services, and high school apprenticeship and preapprenticeship.

Career and technical student organizations (CTE student organizations) are a key component of Florida's plan under Perkins V to strengthen the employability skills of students.<sup>39</sup> A CTE student organization is an organization for students enrolled in a CTE program that engages in CTE activities as an integral part of the instructional program.<sup>40</sup> These organizations are aligned with a respective career cluster and provide a unique program of career and leadership development, motivation, and recognition for middle, secondary and post-secondary students.<sup>41</sup>

A CTE student organization is eligible to receive funds from the state's Perkins V allocation through the Department of Education (DOE) if the organization submits a request to the DOE and has, for one year:<sup>42</sup>

- Been incorporated as a 501(c)(3) not-for-profit corporation in the United States, with an established constitution & bylaws and a board of directors having majority representation from CTE educators or administrators.
- Been organized into state geographic units and affiliated organizations.
- Included 150 or more student members organized into chapters in middle, secondary or postsecondary institutions, with a formalized process for selection of student leaders at the local and state levels.
- Served students and teachers in one or more of the 17 career clusters.
- Included 10 or more middle, secondary or postsecondary chapters.
- Offered at least one statewide leadership development event and competitions event aligned with CTE program standards and curricula.
- Included an identified, participating and employed state executive director or equivalent.
- Supported the integration of arts and design skills and support for hands-on learning, particularly for students who are members of groups underrepresented in such subject fields, such as female students, minority students, and students who are members of special populations.
- At least one business partner outreach activity.
- Included an established operating budget

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<sup>39</sup> Florida Department of Education, *Perkins V: Florida's State Plan for the Strengthening Career and Technical Education For the 21st Century Act (Perkins V)*, available at <https://www.fldoe.org/core/fileparse.php/18815/urlt/FloridaStatePlanPerkinsV.pdf>, at 28.

<sup>40</sup> 20 USC s. 2302(5).

<sup>41</sup> Florida Department of Education, *Career and Technical Education Student Organization (CTSO) Request Form*, available at <https://www.fldoe.org/academics/career-adult-edu/perkins/>.

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



- Increased the participation of students in nontraditional fields and students who are members of special populations.

There are eleven registered CTE student organizations in Florida,<sup>43</sup> including the Florida Future Educators of America, which is facilitated by the DOE.<sup>44</sup> State CTE student organizations may be associated with nationally recognized CTE student organizations.

The Florida Future Farmers of America (FFA) is an association of the Future Farmers of America, which is a federally-chartered national and patriotic organization.<sup>45</sup> A core component of FFA participation is the supervised agricultural experience. A supervised agricultural experience is an entrepreneurial or work-based learning experience related to the student's career interests and goals.<sup>46</sup> It is year-round, led by the student, and supervised by the agricultural education instructor. A supervised agricultural experience consists of projects or enterprises within the Agriculture, Food and Natural Resources career pathways where the student applies agricultural skills and knowledge taught in the classroom to real-world experiences. A supervised agricultural experience is one component of a CTE credit in Agriscience Foundations 1.<sup>47</sup> There are six types of supervised agricultural experiences:<sup>48</sup>

- Foundational supervised agricultural experience, in which students shadow a worker in an agricultural career and start learning personal financial management and planning and how to safely live and work in agriculture.
- Ownership/Entrepreneurship, in which students own and operate an agriculture-related business or enterprise providing goods or services.
- Placement/internship, in which students gain experience through working for an agricultural employer.
- Research-based supervised agricultural experience, in which students use the scientific process to discover new agricultural knowledge or validate current knowledge and research.
- School-based enterprise, in which students start or continue a business owned and managed by students using school facilities. It must take place outside of teacher-directed class instruction time and must provide goods or services that meet the needs of an identified market.
- Service-learning, in which students complete a service-learning project that is pre-approved by a local review committee that includes the agricultural education teacher and community stakeholders. It must be a stand-alone project, not part of an ongoing chapter project or community fundraiser. The project must align to the Agriculture, Food and Natural Resources Technical Standards and CareerReady Practices.

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<sup>43</sup> Florida Department of Education, *Career and Technical Student Organizations*, available at <https://www.fldoe.org/core/fileparse.php/7515/urlt/CareerTechStudentOrg.pdf>.

<sup>44</sup> Florida Department of Education, *Florida Future Educators of America*, <https://www.fldoe.org/teaching/recruitment/fl-future-educators-of-america/index.stml> (last visited Mar. 12, 2023).

<sup>45</sup> 20 U.S.C. s. 70901.

<sup>46</sup> Future Farmers of America, *2022-2023 Official FFA Manual*, available at <https://ffa.app.box.com/s/z6bkjdmqd7e329a58a27e5xn1fzcqeqq>, at 11.

<sup>47</sup> Florida Department of Education, *Student Performance Standards: Agriscience Foundations 1, Course Number 8106810*, as adopted in Florida Department of Education, *2012-2022 Course Code Directory, Section 5: CTE*, available at <https://www.fldoe.org/policy/articulation/ccd/2021-2022-course-directory.stml>.

<sup>48</sup> Future Farmers of America, *2022-2023 Official FFA Manual*, available at <https://ffa.app.box.com/s/z6bkjdmqd7e329a58a27e5xn1fzcqeqq>, at 11.



Each of the recognized CTE student organizations provides similar meaningful opportunities for students to participate in extracurricular CTE activities that provide employability skills and enhance student interest in education.

### ***Career and Education Planning***

In order for a student to be promoted to high school from a middle school, a student must complete a course in career and education planning, which may be taught by any member of the instructional staff. The course may be implemented as a stand-alone course or integrated into another course or courses and must:<sup>49</sup>

- Be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals.
- Result in a completed personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school.
- Emphasize the importance of entrepreneurship and employability skills.
- Include information from the DEO's economic security report and other state career planning resources.

In addition, the course must inform students of:<sup>50</sup>

- High school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation;
- The requirements for each scholarship in the Florida Bright Futures Scholarship Program; state university and state college admission requirements;
- Available opportunities to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses, including career-themed courses, preapprenticeship and apprenticeship programs, and course sequences that lead to industry certification.

At the beginning of each school year, district school boards are required to notify parents of students in or entering high school of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, dual enrollment, and Florida Virtual School courses and options for early graduation.<sup>51</sup>

### ***Work-Based Learning***

Work-based learning is featured prominently in Perkins V as a strategy for preparing CTE students for further learning and careers.<sup>52</sup> The term “work-based learning opportunity” means an interaction with industry or community professionals that occurs in a workplace setting, to the extent possible, or a simulated environment at an educational institution that allows firsthand

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<sup>49</sup> Section 1003.4156(7)(e), F.S.

<sup>50</sup> Section 1003.4156(7)(e), F.S.

<sup>51</sup> Section 1003.02(1)(i), F.S.

<sup>52</sup> US Department of Education, Office of Career, Technical, and Adult Education, *Expanding Work-Based Learning Opportunities for Youth: Insights from the Field* (Jan. 19, 2021), available at <https://s3.amazonaws.com/PCRN/file/WBL-RFI-Comments-Summary.pdf>, at 1.

experience with tasks required in a given career field, is aligned with curriculum and instruction, and is provided in partnership with an educational institution.<sup>53</sup>

A work-based learning opportunity must:<sup>54</sup>

- Be developmentally appropriate.
- Identify learning objectives for the term of experience.
- Explore multiple aspects of an industry.
- Develop workplace skills and competencies.
- Assess performance.
- Provide opportunities for work-based reflection.
- Link to next steps in career planning and preparation in a student's chosen career pathway.
- Be provided in an equal and fair manner.
- Be documented and reported in compliance with state and federal labor laws.

The State Board of Education establishes uniform minimum standards and guidelines for determining student eligibility, obligations of employers, and requirements of institutions that offer work-based learning opportunities.<sup>55</sup> The standards require participating employers, schools, and students, or the parent of a student, to execute a training agreement that includes the names and contact information of the participants and:<sup>56</sup>

- The start and end dates of the work-based learning opportunity;
- The number of hours to be worked per week by the student and the student's work schedule, if available;
- Whether the work-based learning opportunity is paid or unpaid;
- A description of the work-based learning opportunity, including, but not limited to, the student's specific job responsibilities;
- The employability and technical skills to be learned by the student during the work-based learning opportunity;
- A description of how the student's performance will be assessed by the employer supervisor and instructor.

A work-based learning opportunity should prioritize paid experiences, such as apprenticeship and preapprenticeship programs.<sup>57</sup> Diversified education also offers a program of structured work-based learning. Diversified education is a cooperative education program for Middle and High School students that offers career guidance, occupational work experience and coursework in employability skills. It utilizes a cooperative partnership between schools, businesses and parents to prepare students for future employment and careers.<sup>58</sup>

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<sup>53</sup> Section 446.0915(1), F.S.

<sup>54</sup> Section 446.0915(2), F.S.

<sup>55</sup> Section 446.0915(3), F.S.

<sup>56</sup> Rule 6A-23.0042, F.A.C.

<sup>57</sup> Section 446.0915(2), F.S.

<sup>58</sup> Florida Department of Education, *Additional CTE Programs/Courses: Diversified Education*, <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/additional-cte-programs-courses/diversified-edu.stml> (last visited Mar. 11, 2023).

The benefits of work-based learning opportunities for students are recognized by the Florida Talent Development Council. The Legislature created the Florida Talent Development Council to develop a coordinated, data-driven, statewide approach to meeting Florida's needs for a 21st century workforce that employers and educators use as part of Florida's talent supply system.<sup>59</sup> The strategic plan formulated by the Florida Talent Development Council for strengthening Florida's workforce includes building partnerships among K-12, postsecondary education, technical education, adult education, industry, apprenticeships, specialty training and other partners to facilitate earlier engagement in career exploration and work-based learning opportunities for all student populations.<sup>60</sup>

### Workers' Compensation Reimbursement Program

Business are authorized to employ students in work-based learning opportunities, and a state program exists to reimburse employers for the workers' compensation insurance premiums associated with the employment. Employers subject to the requirements of Florida's Workers' Compensation Law are required to secure the payment of workers' compensation for their employees.<sup>61</sup> A student 18 years of age or younger who is in a paid work-based learning opportunity must be covered by the workers' compensation insurance of his or her employer. A student 18 years of age or younger who is providing unpaid services under a work-based learning opportunity provided by a school district or state college is considered to be employed by the school district or state college.<sup>62</sup>

The DOE is authorized to reimburse employers, including school districts and state college, for the proportionate cost of workers' compensation insurance premiums for students in work-based learning opportunities in accordance with DOE rules.<sup>63</sup> The DOE reviews requests to ensure that each request for reimbursement is limited to an increase in the employer's workers compensation premiums attributable to the inclusion of a student participating in a work-based learning opportunity.<sup>64</sup>

### ***CTE Teachers***

Each district school board is required to establish the minimal qualifications for part-time and full-time nondegreed teachers of career programs. The qualifications for such teachers must require the filing of a complete set of fingerprints for background screening and documentation of:<sup>65</sup>

- A high school diploma or the equivalent.
- Completion of 6 years of full-time successful occupational experience or the equivalent of part-time experience in the teaching specialization area. The district school board may

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<sup>59</sup> Section 1004.015(1), F.S.

<sup>60</sup> Florida Talent Development Council, *Strategic Plan: 2020-2030*, available at [https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0\\_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions](https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions), at 8.

<sup>61</sup> Section 440.10(1), F.S.

<sup>62</sup> Section 446.54, F.S.

<sup>63</sup> Section 446.54, F.S.

<sup>64</sup> Rule 6A-6.05732(4), F.A.C.

<sup>65</sup> Section 1012.39(1)(c), F.S.

establish alternative qualifications for teachers with an industry certification in the career area in which they teach.

- Completion of career education training conducted through the local school district inservice master plan or through an educator preparation institute approved by the Department of Education pursuant to s. 1004.85.
- For full-time teachers, completion of professional education training in teaching methods, course construction, lesson planning and evaluation, and teaching special needs students. This training may be completed through coursework from an accredited or approved institution or an approved district teacher education program.
- Demonstration of successful teaching performance.
- Documentation of industry certification when state or national industry certifications are available and applicable.

District school boards are required to issue an adjunct teaching certificate to any applicant who meets background screening requirements and who has expertise in the subject area to be taught as evidenced by passage of a subject area test.<sup>66</sup>

Teachers have continuing education requirements to renew their certificates.<sup>67</sup> To renew a professional certificate, an applicant must earn a minimum of 6 college credits or 120 inservice points or a combination thereof. Renewal of subject area specializations also requires specific college credits or inservice points.<sup>68</sup> For each area of specialization to be retained on a certificate, the applicant must earn at least 3 of the required credit hours or equivalent inservice points in the specialization area. Training that may be applied toward any specialization includes:<sup>69</sup>

- Education in “clinical educator” training.
- Participation in mentorship and induction activities.
- Training in the area of literacy and reading instruction, implementing multisensory intervention strategies, computational skills acquisition, exceptional student education, normal child development, and the disorders of development.

### **Controlled Open Enrollment**

“Controlled open enrollment” is a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational choice as a significant factor. Controlled open enrollment is only available if the desired school of attendance has capacity to receive the student. A middle grades student who desires to continue a CTE pathway only offered in a high school outside of the student's zone is not included in the list of students that receive preferential treatment for enrollment.<sup>70</sup>

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<sup>66</sup> Section 1012.57(1), F.S.

<sup>67</sup> Section 1012.585, F.S.

<sup>68</sup> Section 1012.585(3), F.S.

<sup>69</sup> Section 1012.585(3)(a), F.S.

<sup>70</sup> Section 1002.31(2)(c), F.S.

## Standard High School Diploma Requirements

A student must complete 24 credits to earn a standard high school diploma. The 24 required credits include:<sup>71</sup>

- Four credits in English Language Arts (ELA) I, II, III, and IV.
- Four credits in mathematics, including one in Algebra I and one in Geometry.
- Three credits in science, two of which must have a laboratory component and one of which must include Biology I.
- Three credits in social studies including one credit in United States History, one credit in World History, one-half credit in economics, and one-half credit in United States Government.
- One credit in fine or performing arts, speech and debate, or practical arts.
- One credit in physical education which includes the integration of health.
- 7.5 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.
- One-half credit in financial literacy.

A student may earn a ‘merit designation’ on a standard high school diploma by attaining at least one industry certification identified on the CAPE Industry Certification Funding List.<sup>72</sup>

The DOE is required to develop multiple additional CTE courses or programs that allow students to earn credit in both the career education course and courses required for high school graduation. The State Board of Education is required to determine at least biennially if sufficient academic standards are covered in CTE courses to warrant the award of academic credit, including satisfaction of assessment requirements.<sup>73</sup> There are 543 CTE courses that do not satisfy the practical arts requirement.<sup>74</sup>

A student who earns credit upon completion of a registered apprenticeship or preapprenticeship program may use the credit to satisfy the high school graduation credit requirements in an elective or fine or performing arts, speech and debate, or practical arts.<sup>75</sup> In addition, approximately 280 CTE courses meet the practical arts requirement.<sup>76</sup>

## Articulation

The State Board of Education and the Board of Governors of the State University System of Florida (Board of Governors) are required to enter into a statewide articulation agreement that helps to facilitate the seamless transition of students across and among Florida’s educational

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<sup>71</sup> Section 1003.4282(3)(a)-(g), F.S.

<sup>72</sup> Section 1003.4285(1)(b), F.S.

<sup>73</sup> Section 1003.4282(8)(a), F.S.

<sup>74</sup> Email, Florida Department of Education (Mar. 3, 2023).

<sup>75</sup> Section 1003.4282(8)(a)3., F.S.

<sup>76</sup> Florida Department of Education, *CTE Courses that meet the Practical Arts High School Graduation Requirement*, available at <https://www.fldoe.org/core/fileparse.php/7746/urlt/2122PACourses.pdf>.

entities.<sup>77</sup> Statewide agreements to articulate career certificate and industry certifications into college credit include:<sup>78</sup>

- Career certificate to associate degree agreements that allow students who complete designated programs to articulate credits into related Associate in Science and Associate in Applied Science degree programs.
- Florida's Gold Standard Career Pathways Articulation Agreements, which guarantee the award of an identified number of college credits to students who have earned a specified industry certification and are enrolled in a designated Associate in Science and Associate in Applied Science degree program.<sup>79</sup>

In addition, the statewide articulation agreement requires the identification of three mathematics pathways, which are aligned to programs, meta-majors, and careers.<sup>80</sup> The three pathways adopted in the statewide articulation agreement include:<sup>81</sup>

- Algebra through Calculus.
- Statistical Reasoning.
- Mathematical Thinking in Context.

## Credentials of Value

### *Labor Market Estimating Conference*

The Florida Talent Development Council noted the importance of identifying high-demand employment needs in its strategic plan.<sup>82</sup> In this regard, the Labor Market Estimating Conference is required to develop official information with respect to real-time supply and demand in Florida's statewide, regional, and local labor markets as the conference determines is needed by the state planning and budgeting system. Such information must include labor supply by education level, analyses of labor demand by occupational groups and occupations compared to labor supply, a ranking of critical areas of concern, and identification of in-demand, high-skill, middle-level to high-level wage occupations prioritized by level of statewide or regional shortages.<sup>83</sup>

All state agencies must provide the Office of Economic and Demographic Research with the necessary data to accomplish the goals of the conference. State agencies are required to ensure that any related work product regarding labor demand and supply is consistent with the official information developed by the Labor Market Estimating Conference.<sup>84</sup> The labor market demand data informs the development of a state Master Credentials List. State agencies and the judicial

<sup>77</sup> Section 1007.23, F.S.

<sup>78</sup> Section 1007.23, F.S.

<sup>79</sup> Rule 6A-10.0401, F.A.C.

<sup>80</sup> Section 1007.23(3), F.S.

<sup>81</sup> Rule 6A-10.024(16), F.A.C.; State Board of Education, *Math Pathways List – 6A-10.024* (Feb. 2023), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-15154>.

<sup>82</sup> Florida Talent Development Council, *Strategic Plan: 2020-2030*, available at [https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0\\_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions](https://www.floridajobs.org/docs/default-source/communicationsfiles/florida-talent-development-council/ftdc-plan.pdf?sfvrsn=4eae40b0_2#:~:text=GOAL%3A,training%20experience%20to%2060%20percent.&text=Identify%20the%20postsecondary%20degrees%2C%20certificates,awarded%20by%20Florida%27s%20postsecondary%20institutions), at 6.

<sup>83</sup> Section 216.136(7), F.S.

<sup>84</sup> Section 216.136(7)(a), F.S.

branch are required to use the official information developed by each of the consensus estimating conferences in carrying out their duties under the state planning and budgeting system.<sup>85</sup>

### ***Master Credentials List***

The state workforce development board is required to appoint a Credentials Review Committee, which includes the director of the REACH Office, to identify nondegree credentials and degree credentials of value for approval by the state board and inclusion in the Master Credentials List.<sup>86</sup> The Master Credentials List must, at a minimum, identify:

- Nondegree credentials and degree programs determined to be of value for the CAPE Industry Certification Funding List, which identifies credentials that are eligible for bonus funding within the Florida Education Finance Program;
- If the credential or degree program meets statewide, regional, or local level demand;
- The type of certificate, credential, or degree; and
- The primary standard occupation classification code.

The credentials must include registered apprenticeship programs, industry certifications, licenses, advanced technical certificates, college credit certificates, career certificates, applied technology diplomas, associate degrees, baccalaureate degrees, and graduate degrees. The Department of Agriculture and Consumer Services, in cooperation with the Institute of Food and Agricultural Sciences at the University of Florida and the College of Agriculture and Food Sciences at the Florida Agricultural and Mechanical University, submits industry certifications for agriculture occupations to the Credentials Review Committee to be considered for placement on the Master Credentials List.<sup>87</sup>

The Credentials Review Committee is required to establish a definition for credentials of value and create a framework of quality. The framework is required to align with federally funded workforce accountability requirements and undergo biennial review. The Credentials Review Committee is required to establish a process for prioritizing nondegree credentials and degree programs based on critical statewide or regional shortages.<sup>88</sup>

The Credentials Review Committee adopted the framework of quality for determining credentials of value December 7, 2022.<sup>89</sup> The framework of quality aligns with statutory guidelines. The criteria to determine value for nondegree credentials should, at a minimum, require:<sup>90</sup>

- Evidence that the credential meets labor market demand as identified by the Labor Market Estimating Conference or meets local demand as identified in the criteria adopted by the Credentials Review Committee. Evidence must include employer information on present credential use or emerging opportunities.

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<sup>85</sup> Section 216.135, F.S.

<sup>86</sup> The law requires the Credentials Review Committee to include certain members representing different components of the workforce development system but does not identify the chair of the committee. Section 445.004(4)(h)1., F.S.

<sup>87</sup> Section 570.07(43), F.S.

<sup>88</sup> Section 445.004(4)(h)6., F.S.

<sup>89</sup> Florida Credentials Review Committee, *December 2022 Meeting Minutes*, available at [https://careersourceflorida.com/wp-content/uploads/2023/02/230209\\_CRCAGendaPacket.pdf](https://careersourceflorida.com/wp-content/uploads/2023/02/230209_CRCAGendaPacket.pdf), at 4.

<sup>90</sup> Section 445.004(4)(h)3.-4., F.S.



- Evidence that the competencies mastered upon completion of the credential are aligned with labor market demand.
- Evidence of the employment and earnings outcomes for individuals after obtaining the credential. Earnings outcomes must provide middle-level to high-level wages with preference given to credentials generating high-level wages. Credentials that do not meet the earnings outcomes criteria must be part of a sequence of credentials that are required for the next level occupation that does meet the earnings outcomes criteria in order to be identified as a credential of value. For new credentials, this criteria may be met with conditional eligibility until measurable labor market outcomes are obtained.

The Credentials Review Committee is also required to establish the criteria to determine value for degree programs. This criteria must include evidence that the program meets the labor market demand as identified by the Labor Market Estimating Conference or meets local demand as determined by the committee.<sup>91</sup>

The Credentials Review Committee must also establish a process for:<sup>92</sup>

- At a minimum, quarterly review and approval of credential applications. Approved credentials of value shall be used by the committee to develop the Master Credentials List.
- Annual review of the Master Credentials List.
- Phasing out credentials on the Master Credentials List that no longer meet the framework of quality.
- Designating performance funding eligibility for district school boards and state colleges, based upon the highest available certification for postsecondary students.
- Submitting the Master Credentials List to the State Board of Education.

On February 9, 2023, the Credentials Review Committee approved the Master Credentials List for the 2023-2024 fiscal year.<sup>93</sup> The list included 275 degree credentials, 1,446 non-degree credentials, and 33 digital tools. A provisional status of one year was conferred on 10 degree programs, 78 industry certifications, 85 apprenticeships, and 136 non-degree programs of study.<sup>94</sup> However, no baccalaureate and graduate degrees were included in the Master Credentials List.<sup>95</sup>

All information pertaining to the Credentials Review Committee, the process for the approval of credentials of value, and the Master Credentials List is required to be made available and be easily accessible to the public on all relevant state agency websites.<sup>96</sup>

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<sup>91</sup> Section 445.004(4)(h)5., F.S.

<sup>92</sup> Section 445.004(4)(h)7., F.S.

<sup>93</sup> Florida Credentials Review Committee, *Credentials Review Committee Meeting* (Feb. 9, 2023), <https://careersourceflorida.com/event/crc-feb-2023/> (last visited Mar. 10, 2023).

<sup>94</sup> Florida Credentials Review Committee, *Florida Credentials Review Committee* (Feb. 9, 2023), available at [https://careersourceflorida.com/wp-content/uploads/2023/02/230209\\_CRCMeetingPresentation.pdf](https://careersourceflorida.com/wp-content/uploads/2023/02/230209_CRCMeetingPresentation.pdf), at 11.

<sup>95</sup> CareerSource FL, *Master Credentials List: 2023-2024 Master Credentials List*, <https://careersourceflorida.com/boardroom/florida-credentials-review-committee/master-credentials-list/> (last visited Mar. 10, 2023).

<sup>96</sup> Section 445.004(4)(h)2., F.S.

### ***CAPE Industry Certification Funding List***

The Master Credentials List is submitted to the State Board of Education for the adoption of the CAPE Industry Certification Funding List. The State Board of Education is required to adopt, at least annually, based on recommendations by the Commissioner of Education, the CAPE Industry Certification Funding List that assigns additional full-time equivalent membership to certifications identified in the Master Credentials List that meet a statewide, regional, or local demand, and courses that lead to such certifications. Additional full-time equivalent membership funding for regional and local demand certifications and courses that lead to such certifications may only be earned in those areas with regional or local demand as identified by the Credentials Review Committee.

Industry certification is a process where students demonstrate knowledge, skills, and competencies and earn a credential that is nationally recognized and is:

- 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.<sup>97</sup>

The CAPE Industry Certification Funding List may include the following certificates, certifications, and courses:<sup>98</sup>

- CAPE industry certifications identified as credentials of value that meet the framework of quality. The CAPE Industry Certification Funding List must incorporate by reference the industry certifications on the career pathways list approved for the Florida Gold Seal CAPE Scholars award.
- CAPE Digital Tool certificates.
- CAPE ESE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications for students with disabilities.
- CAPE Innovation Courses that combine academic and career performance outcomes with embedded industry certifications.
- CAPE Acceleration Industry Certifications that articulate for 15 or more college credit hours.

Certifications included on the CAPE Industry Certification Funding List:<sup>99</sup>

- Require at least 150 hours of instruction and
- Can be earned in middle and high school.
- Usually require passage of a subject area examination and some combination of work experience, educational attainment, or on-the-job training.

### **CAPE Digital Tools**

Each district school board is required to make available digital materials, CAPE Digital Tool certificates, and CAPE industry certifications for students in prekindergarten through grade 12 in order to enable students to attain digital skills.<sup>100</sup> The DOE is required to identify in the CAPE

<sup>97</sup> Section 1003.492(2), F.S.

<sup>98</sup> Section 1008.44(1), F.S.

<sup>99</sup> Rule 6A-6.0576(5)-(6), F.S.

<sup>100</sup> Section 1003.4203(1), F.S.

Industry Certification Funding List CAPE Digital Tool certificates that indicate a student's digital skills and notify each school district when the certificates are available. The DOE must make the certificates available to all public elementary and middle grades students, but the Commissioner of Education may limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades based on formal recommendations by providers of CAPE industry certifications and CAPE Digital Tool certificates.<sup>101</sup>

Each district school board is also required to make available digital and instructional materials, including software applications, to students with disabilities who are in prekindergarten through grade 12. Digital materials may include CAPE Digital Tool certificates, workplace industry certifications, and OSHA industry certifications for students with disabilities; and each student's individual educational plan for students with disabilities must identify the CAPE Digital Tool certificates and CAPE industry certifications the student seeks to attain before high school graduation.<sup>102</sup>

Courses identified in the CAPE Industry Certification Funding List that combine academic and career content and performance outcome expectations and articulate for college credit are eligible for additional full-time equivalent membership. Such approved courses must incorporate at least two third-party assessments that, if successfully completed by a student, articulate for college credit. At least one of the two third-party assessments must be associated with an industry certification that is identified on the CAPE Industry Certification Funding List. Each course that is approved by the commissioner must be specifically identified in the Course Code Directory as a CAPE Innovation Course.<sup>103</sup> The 2022-2023 CAPE Industry Certification Funding List does not include any CAPE Innovation courses.<sup>104</sup>

#### Florida Education Finance Program

The additional FTE for CAPE programs is provided through the Florida Education Finance Program (FEFP), which is the primary mechanism for funding the operating costs of Florida school districts. To equalize educational opportunities, the FEFP formula recognizes varying local property tax bases, education program costs, costs of living, and costs for equivalent educational programs due to sparsity and dispersion of the student population.<sup>105</sup>

Cost factors based on desired relative cost differences between programs are established in the annual General Appropriations Act. Nationwide, it is estimated that CTE costs may be between 20 and 40 percent higher than those for general academic instruction.<sup>106</sup> The cost factor for

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<sup>101</sup> Section 1008.44(4)(b), F.S.

<sup>102</sup> Section 1003.4203(2), F.S.

<sup>103</sup> Section 1003.4203(5)(a), F.S.

<sup>104</sup> Florida Department of Education, *2022-2023 CAPE Industry Certification Funding List*, available at <https://www.fldoe.org/core/fileparse.php/8904/urlt/2223CAPECertFundList.pdf>.

<sup>105</sup> OPPAGA, *Florida Education Finance Program*, <https://oppaga.fl.gov/ProgramSummary/BackPageDetail?programNumber=2002&backPageNumber=01> (last visited Mar. 9, 2023).

<sup>106</sup> Education Commission of the State, *State Approaches to Secondary CTE Funding* (Apr. 8, 2020), <https://ednote.ecs.org/state-approaches-to-secondary-cte-funding/> (last visited Mar. 11, 2023).

secondary CTE programs in Florida, however, is required to be the same as for basic programs grade 9 through 12.<sup>107</sup>

The FEFP incents various instructional programs by providing weighted full-time equivalent student membership for students who attain a specified level of performance in the programs. CAPE industry certifications issued to middle school and high school students are eligible for additional full-time equivalent membership.<sup>108</sup> School districts earn bonus funding of 0.025 FTE for students who complete a CAPE Digital Tool Certificate and 0.1 FTE for each student who completes a career-themed course or a course embedded with a CAPE industry certification. This bonus funding is limited to 0.1 FTE for a middle school student each year. High school students are not subject to the same limit and are able to generate for the school district:<sup>109</sup>

- A value of 0.2 FTE for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education.
- A value of 0.3 FTE for student completion of the courses and the embedded certifications for CAPE Innovation courses.
- A value of 0.5 FTE for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 FTE for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours.

There is also bonus funding for teachers who provide the instruction for students who earn one of these digital tools or industry certifications. The bonuses range from \$25 for each student who earns a credential weighted at 0.1 FTE up to \$100 for each student who successfully completes a CAPE Acceleration Industry Certification weighted at 1.0 FTE.<sup>110</sup>

In the 2020-2021 school year, 99,043 students in secondary grades earned at least one industry certification.<sup>111</sup> Each district must allocate at least 80 percent of the funds provided for CAPE industry certification to the program that generated the funds.<sup>112</sup>

The Commissioner of Education was required to conduct a review of the methodology used to determine additional full-time equivalent membership weights assigned in the Florida Education Finance Program and, if necessary, recommend revised weights. The weights must factor in the prioritization of critical shortages of labor market demand and middle-level to high-level wage earning outcomes as identified by the Credentials Review Committee. The results of the review and the commissioner's recommendations were required to be submitted to the Governor, the President of the Senate, and the Speaker of the House of Representatives no later than December 1, 2021.<sup>113</sup> The commissioner was unable to conduct the review because the Labor Market Estimating Conference had not identified the list of occupations that are in demand.<sup>114</sup>

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<sup>107</sup> Section 1011.62(1)(c), F.S.

<sup>108</sup> Section 1003.4203(4), F.S.

<sup>109</sup> Section 1011.61(1)(o)1., F.S.

<sup>110</sup> Section 1011.62(1)(o)3., F.S.

<sup>111</sup> Florida Department of Education, *State Secondary: Career, Technical, and Adult Education 2020-2021 Summary*, available at <https://www.fldoe.org/core/fileparse.php/9904/urlt/2021secondarycte.pdf>, at 3.

<sup>112</sup> Section 1011.62(1)(o)2., F.S.

<sup>113</sup> Section 1008.44(1)(f), F.S.

<sup>114</sup> Florida Department of Education, *Memorandum re: CAPE Weights from Commissioner Richard Corcoran to Governor Ron DeSantis, Speaker of the House Chris Sprowls, and Senate President Wilton Simpson* (Dec. 1, 2021).

### Dual Enrollment

Incentives are also provided to encourage students to participate in dual enrollment. The 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.

Students enrolled in dual enrollment instruction may be included in calculations of full-time equivalent student memberships for basic programs for grades 9 through 12 by a district school board. Dual enrollment full-time equivalent student membership is calculated in an amount equal to the hours of instruction that would be necessary to earn the full-time equivalent student membership for an equivalent course if it were taught in the school district. Students enrolled in dual enrollment instruction are exempt from the payment of tuition and fees, including laboratory fees.<sup>115</sup>

District school boards receive additional full-time equivalent student membership for students who meet specified standards in dual enrollment courses. A value of 0.16 full-time equivalent student membership for secondary students enrolled full time in a technical or state college, and a value of 0.08 full-time equivalent student membership for other students, who complete a general education core course through the dual enrollment program with a grade of “A.” In addition, a value of 0.3 full-time equivalent student membership is calculated for any student who receives an associate degree through the dual enrollment program with a 3.0 grade point average or better.<sup>116</sup> Each school district is required to allocate at least 50 percent of the funds received from the dual enrollment bonus FTE funding to the schools that generated the funds to support student academic guidance and postsecondary readiness.<sup>117</sup>

School districts received approximately 10,564 weighted full-time equivalent student membership related to dual enrollment performance in the 2021-2022 fiscal year.<sup>118</sup>

### **Postsecondary Workforce Education**

At the postsecondary level, the terms “workforce education” and “workforce education program” include:<sup>119</sup>

- Adult general education programs designed to improve the employability skills of the state’s workforce.<sup>120</sup>
- Career certificate programs, which are defined as a course of study that leads to one completion point.<sup>121</sup>
- Applied technology diploma programs.
- Continuing workforce education courses.

<sup>115</sup> Section 1011.62(1)(i)1., F.S.

<sup>116</sup> Section 1011.62(1)(i)2., F.S.

<sup>117</sup> Section 1011.62(1)(i)2., F.S.

<sup>118</sup> Florida Department of Education, *2021-22 FEFP Final Calculation*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/2122FEFPFinalcalc.pdf>, at 16.

<sup>119</sup> Section 1011.80(1), F.S.

<sup>120</sup> Section 1011.80(1), F.S.

<sup>121</sup> Section 1004.02(20), F.S.

- Degree career education programs.
- Apprenticeship and preapprenticeship programs.

### ***Postsecondary Workforce Education Performance Funding***

Annual performance funding distributions to district school boards and state colleges are based on student attainment of the credentials included in the CAPE Industry Certification Funding List.<sup>122</sup> Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act.<sup>123</sup>

Prior to the 2022-2023 fiscal year, each school district and state college was to be provided \$1,000 for each industry certification earned by a workforce education student, or prorated if funds were insufficient to fully fund the calculated total award. Beginning with the 2022-2023 fiscal year, the Credentials Review Committee is required to develop a returned-value funding formula to allocate school district performance funds that rewards student job placements and wages for students earning industry certifications, with a focus on increasing the economic mobility of underserved populations.

One-third of the performance funds under the formula must be allocated based on student job placements. The remaining two-thirds must be allocated using a tiered weighted system based on aggregate student wages that exceed minimum wage, with the highest weight applied to the highest wage tier, with additional weight for underserved populations. Student wages above minimum wage are considered to be the value added by the institution's training. At a minimum, the formula must take into account variables such as differences in population and wages across school districts.<sup>124</sup>

Challenges to the development of the returned-value funding formula have been employment tracking, lack of access to out-of-state placement, wage information for state incentive fund calculations, and a lag between behavior and employment activity.<sup>125</sup>

### ***Operation of Postsecondary Workforce Education Programs***

District school boards and state colleges may only conduct workforce education programs with approval by the State Board of Education. Only state colleges may award college credit in an associate in applied science or an associate in science degree, except that district school boards may conduct any portion of the degree program that contains within it an occupational completion point that confers a certificate or an applied technology diploma. Any instruction designed to articulate to a degree program is subject to guidelines and standards adopted by the State Board of Education.<sup>126</sup>

The State Board of Education is required to establish criteria, based on the framework of quality established by the Credentials Review Committee, for review and approval of new workforce

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<sup>122</sup> Section 1008.44(2), F.S.

<sup>123</sup> Section 1011.80(7)(b), F.S.

<sup>124</sup> Sections 1011.80(7)(b) and 1011.81(2), F.S.

<sup>125</sup> Florida Credentials Review Committee, *June 2022 Meeting Minutes*, available at <https://careersourceflorida.com/wp-content/uploads/2022/10/2022-10-31-CRC-Agenda.pdf>, at 3.

<sup>126</sup> Section 1011.80(2), F.S.

education programs by an state college or a school district that are not included in the statewide curriculum framework.<sup>127</sup>

A state college or school district offering a new workforce education program that is in the statewide curriculum framework may not receive performance funding and additional full-time equivalent membership funding until the workforce education program is reviewed, through an expedited review process, and approved by the State Board of Education based on criteria that must include, but is not limited to, the following:<sup>128</sup>

- A description of the new workforce education program that includes all of the following:
  - An analysis of workforce demand and unmet need for graduates of the program on a district, regional, or statewide basis, as appropriate, including evidence from entities independent of the technical center or institution.
  - The geographic region to be served.
- Documentation of collaboration among technical centers and institutions serving the same students in a geographical or service area that enhances program offerings and prevents program duplication that exceeds workforce need. Unnecessary duplication of programs offered by public and private institutions must be avoided.
- Alignment of program offerings with credentials or degree programs identified on the Master Credentials List.
- Articulation agreements between technical centers and state colleges for the enrollment of graduates in related workforce education programs.
- Documentation of alignment between the exit requirements of a technical center and the admissions requirements of a state college into which students typically transfer.
- Performance and compliance indicators that will be used in determining the program's success.

### ***State University System Programs***

For each university in the State University System of Florida, the Board of Governors is responsible for cost-effective policy decisions appropriate to the university's mission, the implementation and maintenance of high-quality education programs, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.<sup>129</sup>

The Board of Governors is required to develop a strategic plan specifying goals and objectives for the State University System and each constituent university, including each university's contribution to overall system goals and objectives. The strategic plan is required to:<sup>130</sup>

- Include performance metrics and standards common for all institutions and metrics and standards unique to institutions.
- Consider reports and recommendations of the Florida Talent Development Council and the Articulation Coordinating Committee.
- Include student enrollment and performance data delineated by method of instruction, including, but not limited to, traditional, online, and distance learning instruction.

<sup>127</sup> Section 1011.80(2)(a), F.S.

<sup>128</sup> Section 1011.80(2)(b), F.S.

<sup>129</sup> Section 1001.706(1), F.S.

<sup>130</sup> Section 1001.706(5), F.S.



- Include criteria for designating baccalaureate degree and master's degree programs at specified universities as high-demand programs of emphasis, using the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee. The Board of Governors must review designated programs of emphasis, at a minimum, every 3 years to ensure alignment with the prioritization of degree credentials and degree programs identified by the Credentials Review Committee.

### **State Financial Aid and Grants**

The general requirements for eligibility of students for state financial aid awards and tuition assistance grants consist of the following:<sup>131</sup>

- Achievement of the academic requirements of and acceptance at a state university or state college; a nursing diploma school approved by the Florida Board of Nursing; a Florida college or university which is accredited by an accrediting agency recognized by the State Board of Education; a Florida institution the credits of which are acceptable for transfer to state universities; a career center; or a private career institution accredited by an accrediting agency recognized by the State Board of Education.
- Residency in this state for no less than one year preceding the award of aid or a tuition assistance grant.<sup>132</sup> Residency in this state must be for purposes other than to obtain an education.
- Submission of certification attesting to the accuracy, completeness, and correctness of information provided to demonstrate a student's eligibility to receive state financial aid awards or tuition assistance grants.

### ***Money-Back Guarantee Program***

The Money-back Guarantee Program requires each district school board and state college to refund the cost of tuition to students who are not able to find a job in the field in which the student was trained within six months of successful completion of select workforce education programs that prepare students for in-demand, middle-level to high-level wage occupations.<sup>133</sup>

Each district school board and state college is required to establish a money-back guarantee program to:<sup>134</sup>

- Offer a money-back guarantee on at least three programs that prepare individuals to enter in-demand, middle-level to high-level wage occupations identified by the Labor Market Estimating Conference. School districts or state colleges must offer a money-back guarantee on at least 50 percent of workforce education programs if they offer six or fewer programs.
- Offer a money-back guarantee for all workforce education programs that are established to meet a critical local economic industry need, but are not linked to the statewide needs list as identified by the Labor Market Estimating Conference.
- Establish student eligibility criteria for the money-back guarantee program that includes:
  - Student attendance.

<sup>131</sup> Section 1009.40(1)(a), F.S.

<sup>132</sup> The residency requirement is specific to awards under ss. 1009.50, 1009.505, 1009.51, 1009.52, 1009.53, 1009.60, 1009.62, 1009.72, 1009.73, 1009.75, 1009.77, 1009.89, and 1009.894, F.S.

<sup>133</sup> Section 1011.803(1), F.S.

<sup>134</sup> Section 1011.803(2), F.S.

- Student program performance.
- Career Service or Career Day attendance.
- Participation in internship or work-study programs.
- Job search documentation.
- Development of a student career plan with the institution's career services department.

By November 1 of each year, the DOE is required to report performance results by school district, state college, and program to the Governor, the President of the Senate, and the Speaker of the House of Representatives.<sup>135</sup>

### ***Open Door Grant Program***

Under the Open Door Grant Program, grants are provided to district school boards and state colleges to cover up to two-thirds of the cost of short-term high-demand programs for eligible students upon successful completion and award of a credential of value. The grant program provides short-term training for high-demand programs in Florida. The Open Door Grant Program allows grant funds to be used to cover the cost of a program, which includes tuition and fees, examination, books, and materials.<sup>136</sup>

A student who does not receive state or federal aid at the time of enrollment is responsible for paying one-third of the cost of the program and signing an agreement to either complete the program or pay an additional one-third of the program cost in the event of non-completion. Grant funds may be used to cover the student's one-third of the cost of the program for students in integrated education and training programs and students who do not have a high school diploma and meet requirements established by the DOE. A student who does receive state or federal aid may be awarded a grant to cover the unmet need after all eligible aid is accounted for.<sup>137</sup>

The DOE is required to prioritize funding for integrated education and training programs in which institutions establish partnerships with local workforce development boards to provide basic skills instruction contextually and concurrently with workforce training that results in the award of credentials on the Master Credentials List. One-quarter of the appropriated grant funds must prioritize students attending rural institutions. No more than one-quarter of funds may be disbursed annually to any one eligible institution.<sup>138</sup>

The DOE may not reimburse any institution more than \$3,000 per completed workforce training program by an eligible student.<sup>139</sup>

The State Board of Education is required to adopt rules for the DOE to administer the grant by:

- Requiring eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients;
- Undertaking periodic assessments of the overall success of the grant program and recommend modifications, interventions, and other actions based on such assessments;

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<sup>135</sup> Section 1011.803(4), F.S.

<sup>136</sup> Section 1009.895, F.S.

<sup>137</sup> Section 1009.895(4), F.S.

<sup>138</sup> Section 1009.895(3), F.S.

<sup>139</sup> Section 1009.895(5), F.S.

- Establishing the procedure by which eligible institutions shall notify the department when eligible students enroll in eligible programs; and
- Requiring each eligible institution to submit a report with data from the previous fiscal year on program completion and credential attainment by students participating in the grant program.<sup>140</sup>

The DOE must provide an annual report to the State Board of Education on program completion, attainment, and participant wage and demographics categorized by credential name and relevant occupation.<sup>141</sup>

As of March 1, 2023, the DOE disbursed to institutions \$3,772,008 for the Open Door Grant Program in the 2022-2023 fiscal year.<sup>142</sup>

### ***Florida Pathways to Career Opportunities Grant Program***

The Florida Pathways to Career Opportunities Grant Program provides grants to high schools, district school boards and state colleges, and other apprenticeship and preapprenticeship program sponsors, on a competitive basis, to establish or expand apprenticeship or preapprenticeship programs programs. The Department of Education is authorized to use up to \$200,000 of the total amount allocated to administer the grant program.<sup>143</sup>

Applications are required to include projected enrollment and projected costs for the new or expanded apprenticeship program. The department is required to award grants for preapprenticeship or apprenticeship programs with demonstrated regional demand that:

- Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference and are industry sectors not adequately represented throughout the state, such as health care;
- Address a critical statewide or regional shortage as identified by the Labor Market Estimating Conference; or
- Expand existing programs that exceed the median completion rate and employment rate one year after completion of similar programs in the region, or the state if there are no similar programs in the region.<sup>144</sup>

Grant funds may be used for instructional equipment, supplies, instructional personnel, student services, and other direct expenses associated with the creation or expansion of an apprenticeship program. Grant recipients must submit quarterly reports in a format prescribed by the Department of Education, which annually publishes a report on its website.<sup>145</sup>

<sup>140</sup> Section 1009.895(6) and (8), F.S.

<sup>141</sup> Section 1009.895(7), F.S.

<sup>142</sup> Email, Department of Education (Mar. 3, 2023).

<sup>143</sup> Section 1011.802(5), F.S.

<sup>144</sup> Sections 1011.802(2) and (3), F.S.

<sup>145</sup> Sections 1011.802(3) and (4).

For the 2022-2023 program year, the Legislature appropriated \$15 Million, and reappropriated approximately \$2.9 Million, for the Florida Pathways to Career Opportunities Grant Program.<sup>146</sup> As of December 5, 2022, the Department of Education has provided \$16.5 Million in grants to 50 district school boards, state colleges, and registered apprenticeship programs.<sup>147</sup>

### ***Workforce Development Capitalization Incentive Grant Program***

The Workforce Development Capitalization Incentive Grant Program is a program to provide grants to school districts and state colleges on a competitive basis to fund some or all of the costs associated with the creation or expansion of workforce development programs that serve specific employment workforce needs. The State Board of Education is required to give highest priority to programs that train people to enter high-skill, high-wage occupations identified by the Labor Market Estimating Conference and other programs approved by the State Board of Education, programs that train people to enter occupations under the welfare transition program, or programs that train for the workforce adults who are eligible for public assistance, economically disadvantaged, disabled, not proficient in English, or dislocated workers.<sup>148</sup> The grant was not funded in the 2022 fiscal year.<sup>149</sup>

### **Workforce Training**

The one-stop delivery system is the state's primary customer-service strategy for offering every Floridian access, through service sites or telephone or computer networks, to the following services:<sup>150</sup>

- Job search, referral, and placement assistance.
- Career counseling and educational planning.
- Consumer reports on service providers.
- Recruitment and eligibility determination.
- Support services, including child care and transportation assistance to gain employment.
- Employability skills training.
- Adult education and basic skills training.
- Technical training leading to a certification and degree.
- Claim filing for reemployment assistance services.
- Temporary income, health, nutritional, and housing assistance.
- Other appropriate and available workforce development services.

Intensive services and training provided pursuant to WIOA are required to be provided to individuals through Intensive Service Accounts and Individual Training Accounts. The state workforce development board is required to develop criteria for use of these accounts.<sup>151</sup>

<sup>146</sup> Transparency Florida, *2022-2023 Operating Budget in Ledger Format*, <http://www.transparencyflorida.gov/OperatingBudget/Ledger.aspx?FY=22&BE=48250800&AC=051310&Fund=1000&LI=123&OB=Y&SC=F>, (last visited Feb. 27, 2023).

<sup>147</sup> Florida Department of Education, *Pathways to Career Opportunities Grant Program*, PCOG Prioritized Funding List (Statewide Competition), <https://www.fldoe.org/core/fileparse.php/18794/urlt/22-23PCOG-PFLStatewide.pdf>, and PCOG Prioritized Funding List (Space Coast Competition) (last visited Feb. 27, 2023).

<sup>148</sup> Section 1011.801, F.S.

<sup>149</sup> Chapter 2022-156, Laws of Fla.

<sup>150</sup> Section 445.009(1), F.S.

<sup>151</sup> Section 445.009(7), F.S.

Individual Training Accounts must be expended on programs that prepare people to enter occupations identified by the Labor Market Estimating Conference and on other programs recommended and approved by the state board following a review by the DEO to determine the program's compliance with federal law.<sup>152</sup> For each approved training program, local workforce development boards, in consultation with training providers, must establish a fair-market purchase price to be paid through an Individual Training Account. Training services provided through Individual Training Accounts must be performance-based, with successful job placement triggering final payment of at least 10 percent.<sup>153</sup>

Typical training services for adults and dislocated workers include, but are not limited to occupational skills training, on-the-job training and related instruction, incumbent worker training, job readiness training, entrepreneurship, adult literacy, and employer-specific training.<sup>154</sup>:

An eligible training provider is the only type of entity that may receive funding for providing these services.<sup>155</sup> An eligible training provider must be included on the state list of eligible training providers and must:<sup>156</sup>

- Provide a program of higher education which leads to a recognized postsecondary credential;
- Be a registered apprenticeship or pre-apprenticeship program; or
- Provide other training services, including adult education and literacy activities provided in combination with other eligible training services.

Training provided by an eligible training provider must lead to:<sup>157</sup>

- A certificate, an associate degree, baccalaureate degree, or
- The skills or competencies needed for a specific job or jobs, an occupation, occupational group, or generally, for many types of jobs or occupations, as recognized by employers and determined prior to training.

The DEO is responsible for establishing standards for eligible training providers of workforce development programs funded through WIOA. The DEO is required to establish initial and subsequent eligibility criteria, based on input from the state board, local workforce development boards, the DOE, and other stakeholders, for the WIOA eligible training provider list. The list directs training resources to programs leading to employment in high-demand and high-priority occupations that provide economic security, particularly those occupations facing a shortage of skilled workers. A training provider who offers training to obtain a credential on the Master Credentials List may not be included on a state or local eligible training provider list if the provider fails to submit the required information or fails to meet initial or subsequent eligibility criteria. Subsequent eligibility criteria must use the performance and outcome measures defined and reported under the Workforce Development Information System maintained by the DOE, to determine whether each program offered by a training provider is qualified to remain on the list. Nationally, 54 percent of WIOA participants who complete a training program of an eligible

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<sup>152</sup> Section 445.009(8)(a), F.S.

<sup>153</sup> Section 445.009(8)(e), F.S.

<sup>154</sup> 20 C.F.R. s. 680.200.

<sup>155</sup> 20 C.F.R. s. 680.410.

<sup>156</sup> 20 C.F.R. s. 680.410.

<sup>157</sup> 20 C.F.R. s. 663.508.

training provider find employment.<sup>158</sup> Every program offered by a training provider in Florida is required to demonstrate:<sup>159</sup>

- That income earnings for all individuals who complete the program are equivalent to or above the state's minimum wage in a calendar quarter.
- An employment rate of at least 75 percent for all individuals. For programs linked to an occupation, the employment rate is calculated based on obtaining employment in the field in which the participant was trained.
- A completion rate of at least 75 percent for all individuals, beginning with the 2023-2024 program year.

### III. Effect of Proposed Changes:

SB 240 provides supports for district school boards, Florida College System institutions (state colleges), and other stakeholders in Florida's workforce development system to provide students with high-quality career and technical education (CTE) and other workforce education programs.

#### State Administration of Workforce Development

SB 240 amends s. 14.36, F.S., to require the REACH Office, in consultation with the Department of Economic Opportunity and CareerSource Florida, Inc., to provide information to the public which allows consumers of the state's workforce system to be notified of performance and accountability measures and return on investment for each local workforce development board. The bill requires that the information be provided to the public in a manner that displays the improvement by each local workforce development board in the long-term self-sufficiency of participants. Such information must include the assignment of a letter grade for each workforce board, but the bill removes the requirement that the criteria for assigning letter grades to local workforce development boards be based in part on local workforce development board performance accountability measures and return on investment. The bill authorizes the REACH Office to also develop criteria and display public information that will assist the public in making informed decisions when deciding to access the local workforce board or one-stop career center.

The bill shifts the requirement for the REACH Office to maximize the use of federal and private funds to instead require the maximum use of appropriated funds for the development of the consumer-first workforce system.

The bill renames the workforce opportunity portal to the consumer-first workforce system.

The bill modifies s. 445.006, F.S., to repeal the requirement for the Department of Economic Opportunity to prepare a federal waiver to be submitted by the Governor to the United States Department of Labor regarding replacement or consolidation of local workforce development boards and reallocation of local areas funds by the Governor.

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<sup>158</sup> USDOL, Employment and Training Administration, *Finding the Right Training*, <https://www.trainingproviderresults.gov/#!/about>, (last visited Mar. 11, 2023).

<sup>159</sup> Section 445.003(7)(b), F.S.

## **Career and Technical Education**

### ***Career and Education Planning***

The bill amends s. 1003.4156, F.S., to modify the middle school course in career and education planning to require, instead of authorize, updating the academic and career plan for a student at least annually as the student progresses through middle school and high school.

The bill amends s. 1014.05, F.S., to require district school board policies to include procedures for a parent or guardian to learn about workforce education options for students, such as apprenticeships and preapprenticeships, diversified education, CTE courses and programs, career and technical student organizations (CTE student organizations), and industry certifications, and the costs and benefits of CTE in comparison to other postsecondary pathways.

### ***Work-Based Learning***

The bill establishes regional education and industry consortia and requires meetings and reports to the local workforce development board. The bill creates in s. 445.007, F.S., the requirement for each local workforce development board to create an education and industry consortium composed of representatives of educational entities and businesses in the designated service delivery area. Each consortium is required to provide quarterly reports to the applicable local board that provide community-based information related to educational programs and industry needs to assist the local board in making decisions on programs, services, and partnerships in the service delivery area. The bill requires the local board to consider the information obtained from the consortium to determine the most effective ways to grow, retain, and attract talent to the service delivery area.

The bill requires the chair of the local workforce development board to appoint the consortium members. The bill prohibits a member of a local workforce development board from serving as a member of the consortium. The bill provides that consortium members are appointed for 2-year terms beginning on January 1 of the year of appointment, and any vacancy on the consortium must be filled for the remainder of the unexpired term in the same manner as the original appointment.

The bill requires in s. 1004.015, F.S., the Florida Talent Development Council identify barriers and best practices in the facilitation of work-based learning opportunities for students in middle and high school. The bill requires the Florida Talent Development Council, by December 1, 2023, to submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives recommendations on best practices for collaboration between district school boards, local workforce development boards, and local businesses and business groups. The recommendations must include any necessary legislative action to facilitate work-based learning opportunities for students in middle and high school, including the identification of potential targeted financial incentives that may help to facilitate work-based learning opportunities for students.

The bill specifies that work-based learning should prioritize diversified education, which adds to current law that encourages apprenticeship and preapprenticeship opportunities. The bill



modifies s. 446.071, F.S., to authorize an educational institution, a local workforce board, a community or faith-based organization, or an association to be an apprenticeship sponsor.

Additionally, the bill modifies s. 446.0915, F.S., to require each district school board to provide all students enrolled in grades 9 through 12 with at least one work-based learning opportunity.

#### Workers' Compensation Reimbursement Program

The bill modifies s. 446.54, F.S., to shift the administration of reimbursements for workers' compensation insurance costs of work-based learners from the Department of Education to the Department of Financial Services (DFS) and clarifies that reimbursements are for workers' compensation insurance premiums paid during the previous state fiscal year.

The bill requires an application for reimbursement to include:

- The number of students participating in work-based learning opportunities with the employer, including the number of those who are participating in paid and unpaid work-based learning opportunities with the employer;
- An attestation of information specified in law regarding student eligibility and details of the employer request for reimbursement.

The bill requires DFS to process applications within 45 days and coordinate with the educational institution to verify student and employer information. Reimbursements must be made on a first-come, first-served basis.

The bill defines an "educational institution" to include a school operated by a district school board, a charter school, a career center operated by a district school board, a charter technical career center operated by a district school board, or a state college.

The bill provides \$2 million in nonrecurring funds to the DFS to make reimbursements for workers-compensation premiums for students in work-based learning programs.

#### ***CTE Teachers***

The bill modifies s. 1012.39, F.S., to provide flexibility from certification requirements for school boards in hiring non-degree CTE teachers by removing the 6-year experience and specified training requirements, and removing the requirement for demonstrating successful teaching performance.

As an alternative to the requirement of passing a subject area exam, the bill authorizes a person who holds an industry certification in a subject matter area to serve as an adjunct teacher.

The bill modifies s. 1012.585, F.S. to require district school boards to include in inservice plans a process for teachers to earn inservice hours toward renewal of a professional certificate through involvement in extracurricular CTE activities, such as serving as an advisor for a CTE student organization.

### **Controlled Open Enrollment**

The bill modifies s. 1002.31, F.S., to require each district school board to enable a student who, in middle school, completed a CTE course or an industry certification included in the CAPE Industry Certification Funding List to continue a sequential program of CTE in the same concentration, if a high school in the district offers the program.

### **Standard High School Diploma**

The bill amends s. 1003.4282, F.S., to modify the options for a student to complete required credits to earn a standard high school diploma. The bill replaces the practical arts option in the required credit in fine or performing arts, speech and debate, or practical arts with the option to complete one credit in CTE to satisfy the required credit.

The bill adds graduation and university admissions requirements to the required biennial study by the State Board of Education on the sufficiency of academic standards of CTE courses. In addition, the bill requires the Department of Education (DOE) to convene a workgroup to:

- Identify best practices in CTE pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.
- Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers. The bill requires the workgroup 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, postsecondary education, and careers.

The bill modifies s. 1003.4285, F.S., to rebrand the merit designation on a standard high school diploma as the "Industry Scholar" designation.

### **Articulation**

The bill requires the Office of Program Policy Analysis and Government Accountability to conduct a review of approved career statewide articulation agreements that include:

- Industry certification, career certificate, and applied technology diploma programs that articulate to associate in science or associate in applied science degrees.
- Early childhood education programs.
- Associate in science to baccalaureate degree programs.

The bill requires the review to include:

- The number of CAPE industry certifications on the Master Credentials List which are included in a statewide articulation agreement.
- The number of career programs or degrees offered by career centers and state colleges compared to the number of such certifications or programs included in a statewide articulation agreement.
- The extent to which articulated programs included in a statewide articulation agreement are offered in a region or service area.

- The number and percentage of students in an articulated career program who transfer to and then complete the linked program specified in the statewide articulation agreement.
- Recommendations to strengthen the process of developing statewide articulation agreements, and on the role of such agreements in a Florida stackable credential framework.

The bill requires the office to report its findings to the President of the Senate and the Speaker of the House of Representatives by December 31, 2023.

## **Credentials of Value**

### ***Labor Market Estimating Conference***

The bill amends s. 216.135, F.S., to require state agencies to ensure that any related work product is consistent with the official information developed by the Economic Estimating Conference, the Demographic Estimating Conference, and the Labor Market Estimating Conference, including, but not limited to, work product related to non-farm employment, civilian labor force, labor force participation rate, civilian employment rate, unemployed, civilian unemployment rate, labor demand, or labor supply.

The bill modifies in s. 216.136, F.S., the duties of the Labor Market Estimating Conference, to remove the requirement for the Labor Market Estimating Conference to:

- Develop real-time supply and demand data in Florida's local labor markets but maintain the requirement to develop information with respect to supply and demand in Florida's statewide and regional labor markets, and specifies the obligation is with respect to the state's near- and long-term planning and budgeting needs.
- Identify in-demand, high-skill, middle-level to high-level wage occupations.

### ***Master Credentials List***

The bill modifies the requirements for the Master Credentials List. The bill amends s. 445.004, F.S., to:

- Specifically provide that industry certifications for agricultural occupations are eligible for inclusion on the Master Credentials List.
- Limit the Master Credentials List to credentials up to and including associate degrees, and exclude baccalaureate and graduate degrees.
- Specify that the REACH Office Director serves as chair of the Credentials Review Committee.
- Provide flexibility to the Credentials Review Committee to adopt criteria for determining whether nondegree credentials meet labor market demand instead of relying on the Labor Market Estimating Conference for the determination.
- Require the Credentials Review Committee to consider information provided by Labor Market Statistics Center within the Department of Economic Opportunity (DEO) as a factor in the evidence for determining whether a nondegree credential meets labor market demand. The bill makes conforming changes throughout to authorize agencies to consider labor information provided by the Labor Market Statistics Center.
- Require the Credentials Review Committee to consider both information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to

short-term demand and long-term data of the Labor Market Estimating Conference as factors in the development of the criteria to determine whether to include degree programs on the Master Credentials List.

- Remove the requirement that the Master Credentials List and the Labor Market Estimating Conference be used to designate state university Programs of Strategic Emphasis.
- Requires a minimum phase-out period of at least one year after being marked for removal for credentials on the Master Credentials List; which provides stability and predictability in creating programs.
- Specify that the Master Credentials List is used for the development of the CAPE Industry Certification Funding List.

### ***CAPE Industry Certification Funding List***

In order to provide flexibility to align the CAPE Industry Certification Funding List with CTE pathways instead of individual courses, the bill modifies s. 1008.44, F.S., to remove the requirement that courses that lead to certifications identified in the Master Credentials List be included in the CAPE Industry Certification Funding List.

### **CAPE Digital Tools**

The bill removes from the CAPE Industry Certification Funding List requirements for inclusion of CAPE ESE digital tools and CAPE Innovation credentials and their associated incentives.

The bill specifies that the DOE selects the CAPE digital tool certificates that are included on the CAPE Industry Certification Funding List and requires the DOE to annually review available assessments that meet the requirements for inclusion on the list. The bill also authorizes the DOE to limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades without receiving formal recommendations from the providers of the certificate.

### **Florida Education Finance Program**

The bill modifies s. 1011.62, F.S., to require in the Florida Education Finance Program the cost factor for secondary CTE programs to be higher than the cost factor basic programs grade 9 through 12.

The bill removes the limitation of 0.1 additional FTE membership for an elementary or middle grades student for certificates earned within the same year and authorizes middle school digital tool certificates to partially satisfy sequential industry certification requirements for FTE bonus funding.

The bill provides an incentive for CTE concentrators by providing additional FTE to students who complete at least three courses and an industry certification in a single CTE program or program of study.

The bill maintains the current requirement that 80 percent of bonus funds remain with the CTE program, but also specifies that the remaining 20 percent must be reserved for district CTE programs.

The bill extends the deadline for the commissioner to review whether the weights for additional FTE for CTE programs should be revised to prioritize valuable certifications.

### Dual Enrollment

The bill adds to the options for district school boards to generate additional full-time equivalent student membership through the dual enrollment program. The bill provides that a value of 0.08 full-time equivalent student membership must be calculated for each student who completes a career course through the dual enrollment program with a grade of “A” in a pathway that leads to an industry certification that is included on the CAPE Industry Certification Funding List.

### **Postsecondary Workforce Education**

#### ***Postsecondary Workforce Education Performance Funding***

The bill modifies s. 445.004, F.S., to remove the requirement for the Credentials Review Committee to develop a returned-value performance funding formula for performance funding for district school boards and state colleges.

The bill modifies ss. 1011.80(7) and 1011.81(2), to create tiered performance funding for district school boards and state colleges by providing a higher incentive for certifications with higher anticipated wages, rather than the current returned-value funding formula or \$1,000 for all certifications. The bill requires the State Board of Education to adopt the tiers for each earned industry certification based upon the anticipated average wages of the highest earning occupation to which the certification is linked on the Master Credentials List. The amount awarded for each tier must be specified in the GAA.

#### ***Operation of Postsecondary Workforce Education Programs***

The bill amends s. 1011.80, F.S., to modify the approval process for state colleges and school districts to conduct workforce education programs. The bill:

- Maintains the requirement that state colleges and district school boards obtain approval of new workforce education programs that are not included in the statewide curriculum framework.
- Shifts from the State Board of Education to the local college board of trustees or district school board the responsibility for approval of new workforce education programs that are in the statewide curriculum framework.
- Specifies that state colleges and district school boards may offer continuing workforce education courses or programs without prior State Board of Education approval but requires keeping adequate and accurate records of instructional activity and reporting continuing workforce education instructional activity in a format prescribed by the DOE. The bill specifies that continuing workforce education courses and programs are exempt from the requirements for approval by the State Board of Education, state college board of trustees, or district school board, and are ineligible for performance funding.

The bill also removes the prohibition on the awarding by district school boards of college credit in associate in applied science and associate in science degrees.

### ***State University System Programs***

The bill provides flexibility to the Board of Governors of the State University System of Florida by removing in s. 1001.706, F.S., the requirement to adopt the criteria to determine value for and prioritization of degree credentials and degree programs established by the Credentials Review Committee for designating high-demand programs of emphasis.

The bill requires the strategic plan for the Board of Governors to consider information provided by the Labor Market Statistics Center within the Department of Economic Opportunity related to short-term demand and the long-term data of the Labor Market Estimating Conference.

### **State Financial Aid and Grants**

#### ***Money-Back Guarantee Program***

The bill modifies s. 1011.803, F.S., to provide flexibility for institutions to determine the three programs for which the institution offers a money-back guarantee, by removing the requirement that the programs be linked to preparing students for in-demand, middle-level to high-level wage occupations identified by the Labor Market Estimating Conference. The bill also removes the requirement that all programs offered to meet local workforce demand include a money-back guarantee for employment.

#### ***Open Door Grant Program***

The bill modifies s. 1009.895, F.S., to convert the Open Door Grant Program to a financial aid program for students of a state college or technical center to incentivize current and future workers to enroll in CTE that leads to a credential, certificate, or degree. The bill requires participating postsecondary institutions to administer the grant program in accordance with rules of the State Board of Education.

Under the bill, in order to be eligible for the program, a student must:

- Be a resident of Florida for tuition purposes and attest to the accuracy, completeness, and correctness of information provided to demonstrate the student's eligibility to receive state financial aid awards or tuition assistance grants;
- Be enrolled in a workforce education program; and
- Be enrolled at a school district postsecondary technical career center, a state college, or a charter technical career center.

An institution is prohibited by the bill from imposing additional criteria to determine a student's eligibility to receive a grant.

Under the bill, a student is eligible to receive an award equal to the amount needed to cover 100 percent of the cost for the eligible workforce education program after all other federal and state financial aid is applied. These costs may include, but are not limited to, tuition and fees, exam or assessment costs, books, materials, or other college-related expenses such as personal computers, housing, or transportation. The awards are subject to availability of funding. The bill requires institutions to give returning students priority over new students.

The bill provides a timetable for funding the grant program. Pursuant to the bill:

- For the 2023-2024 fiscal year, funding for eligible institutions must consist of a base amount provided for in the General Appropriations Act plus each institution's proportionate share of full-time equivalent students enrolled in CTE programs.
- Beginning in fiscal year 2024-2025, the funds appropriated for the Open Door Grant Program must be distributed to eligible institutions in accordance with a formula approved by the State Board of Education. The formula must consider at least the prior year's distribution of funds and the number of eligible applicants who did not receive awards.

The bill requires, subject to the appropriation of funds by the Legislature, the Department of Education to transmit payment of grants to the institution in advance of the registration period and institutions to notify students of the amount of their awards.

The bill requires institutions to determine the eligibility status of each student to receive a disbursement as of the end of its regular registration period, inclusive of a drop-add period and proscribes any requirement for institutions to subsequently reevaluate a student's eligibility status.

The bill requires institutions to certify to the DOE within 30 days after the end of the regular registration period of each term the amount of funds disbursed to each student. Institutions are required under the bill to remit to the DOE any undisbursed advances for the fall, spring, and summer terms within 30 days after the end of the summer term.

The bill requires each institution to report to the DOE by the established date:

- The number of students eligible for the program for each academic term.
- Any necessary demographic and eligibility data for students;
- The information from the currently required report that includes data from the previous fiscal year on program completion and credential attainment by students participating in the grant program. The bill removes the requirement that the report include the average cost per workforce credential attained, categorized by credential name and relevant occupation.

The bill maintains the requirement for the DOE to compile the data and provide a report to the State Board of Education but removes the requirements for the report to include information on the average wage, age, gender, race, ethnicity, veteran status, and other relevant information, of students who have completed workforce training programs categorized by credential name and relevant occupation.

The bill maintains the requirement for the State Board of Education to adopt rules to implement the program.

### ***Pathways to Career Opportunities Grant Program***

The bill modifies s. 1011.802, F.S., to provide flexibility for the administration of the Pathways to Career Opportunities Grant Program. Specifically, the bill:

- Removes the requirement that the grant be awarded on a competitive basis.
- Enables the DOE to consider, in the approval of grant awards, information in addition to the findings of the Labor Market Estimating Conference related to labor market demand,



including short-term data of the Labor Market Statistics Center within the Department of Economic Opportunity (DEO).

- Authorizes awards to address K-12 teacher shortages through advancement of the registered apprenticeship model as an alternative pathway to certify and train the future educator workforce.
- Incentivizes programs to work together to share program resources.
- Doubles to \$400,000 the amount the DOE may use to administer the program.

The bill prohibits any individual applicant from receiving more than ten percent of the total amount appropriated.

### ***Workforce Development Capitalization Incentive Grant Program***

The bill amends s. 1011.801, F.S., to modify the purpose and administration of the Workforce Development Capitalization Incentive Grant Program. The bill:

- Removes the requirement that the grant be administered on a competitive basis.
- Shifts the focus of the workforce development grant to serving secondary students in CTE programs.
- Requires the Department of Education to administer the workforce development capitalization incentive grant program and authorizes the state board of education to adopt rules.
- Provides \$100 million for the Workforce Development Capitalization Incentive Grant Program.

### **Workforce Training**

The bill maintains the requirement in s. 445.009, F.S., that training services provided through WIOA individual training accounts be performance-based but removes the specified final payment of at least 10 percent for job placement.

The bill modifies s. 445.003, F.S., to repeal the minimum completion, employment, and earnings requirements for eligible training providers and authorizes the Department of Economic Opportunity to establish the initial and subsequent eligibility criteria for eligible training providers based on input from the state board, local workforce development boards, the Department of Education, and other WIOA stakeholders.

The bill restores an annual nursing study. The bill modifies s. 464.0195, F.S., to require the Florida Center for Nursing to convene various groups representative of nurses, other health care providers, business and industry, consumers, lawmakers, and educators to:

- Review and comment on data analysis prepared for the center;
- Recommend systemic changes, including strategies for implementation of recommended changes; and
- Evaluate and report the results of these efforts to the Legislature and others.
- No later than each January 10, submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives providing details of its activities during the preceding calendar year in pursuit of its goals and in the execution of its duties.

The bill takes effect July 1, 2023.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill will have a significant impact on state revenues and expenditures. The bill requires an appropriation of \$100 million to support career and technical education for students in secondary grades and an appropriation of \$2 million to reimburse employers providing work-based learning opportunities for students.

The provisions of the bill adjusting the cost factor and weighted funding for students in career and technical education programs may reallocate funds within the Florida Education Finance Program to school districts with relatively more students enrolled in career and technical education programs.

The bill doubles to \$400,000 the amount the Department of Education may retain for administering the Pathways to Career Opportunities Grant Program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends ss. 14.36, 216.135, 216.136, 445.003, 445.004, 445.006, 445.007, 445.009, 445.038, 446.071, 446.0915, 446.54, 464.0195, 1001.706, 1002.31, 1003.4156, 1003.4203, 1003.4282, 1003.4285, 1003.491, 1004.013, 1004.015, 1008.41, 1008.44, 1009.895, 1011.62, 1011.80, 1011.801, 1011.802, 1011.803, 1011.81, 1012.39, 1012.57, 1012.585, and 1014.05.

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

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

None.

**B. Amendments:**

None.