

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

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

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Prepared By: The Professional Staff of the Committee on Appropriations

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BILL: SB 7032

INTRODUCER: Education Postsecondary Committee

SUBJECT: Education

DATE: February 21, 2024

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Gray</u>	<u>Bouck</u> <u>Sadberry</u>	<u>AP</u>	<b><u>HE Submitted as Comm. Bill/Fav</u></b> <b><u>Pre-meeting</u></b>

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**I. Summary:**

SB 7032 creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Student Success Incentive Fund. All three programs are aimed at providing high school students the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.

The bill provides eligibility criteria for students to enroll in the GATE Program and defines the career education programs and certificates that can be offered to students enrolled in the GATE Program. The bill exempts students that are enrolled in the GATE program from the payment of tuition and specified fees and the costs of instructional materials.

To assist Florida College System institutions, school districts, and charter technical career centers in administering the GATE Program, the GATE Scholarship Program reimburses participating institutions for the tuition and fees and instructional materials for students enrolled in the GATE program. Additionally, the bill provides incentive funding for institutions through the GATE Student Success Incentive Fund. The incentive funding is provided based on the number of students enrolled in the GATE program who earn a standard high school diploma or equivalent credential and postsecondary industry certifications.

This bill has a significant negative fiscal impact. See Section V., Fiscal Impact Statement.

The bill is effective July 1, 2024.

## II. Present Situation:

### High School Graduation in Florida

#### *Florida's High School Graduation Requirements*

To earn a standard high school diploma a student must complete 24 credits, an International Baccalaureate curriculum, or an Advanced International Certificate of Education curriculum.<sup>1</sup>

All students must pass the statewide, standardized grade 10 ELA assessment, or earn a concordant score, and must pass the statewide, standardized Algebra I end-of-course (EOC) assessment, or earn a comparative score, in order to earn a standard high school diploma.<sup>2</sup> A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns a specified score is not required to take the corresponding EOC assessment.<sup>3</sup>

Students who earn the required credits to graduate, but fail to pass the required assessments or achieve a 2.0 grade point average (GPA) are awarded a certificate of completion in a form prescribed by the State Board of Education (SBE). In the 2021-2022 graduation cohort, 5,818 students earned a certificate of completion.<sup>4</sup>

#### *High School Equivalency Diploma Program*

The high school equivalency diploma offers students who are no longer enrolled in high school an opportunity to earn a high school diploma by successfully passing the standard GED tests. To be eligible for the high school equivalency diploma program students must meet the following criteria:

- At least 16 years old and currently enrolled in a prekindergarten-12 program.
- Enrolled in and attending high school courses that meet high school graduation requirements.
- In jeopardy of not graduating with their kindergarten cohort because they are overage for grade, behind in credits, or have a low GPA.
- Assessed at a seventh grade reading level or higher at the time of selection as documented by the Test of Adult Basic Education (TABE) reading component or other assessment to determine grade level proficiency.<sup>5</sup>

Each school district is required to offer and administer the high school equivalency diploma examinations and the subject area examination to candidates. A candidate for a high school equivalency diploma must be at least 18 years of age on the date of the examination, except that in extraordinary circumstances, as provided for in rules of the district school board of the district in which the candidate resides or attends school, a candidate may take the examination after reaching the age of 16. School districts may not require a student who has reached the age of 16

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<sup>1</sup> Section 1003.4282, F.S.

<sup>2</sup> Section 1003.4282(3), F.S. Section 1008.22(3)(b)6., F.S.

<sup>3</sup> Section 1008.22(3), F.S.

<sup>4</sup> Florida Department of Education, *Florida's High School Cohort 2021-22 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf>, (last visited Feb. 16, 2023).

<sup>5</sup> Rule 6A-6.0212, F.A.C

to take any course before taking the examination unless the student fails to achieve a passing score on the GED practice test.<sup>6</sup>

In 2022-2023, there were 8,888 students enrolled in a school district GED program, of whom 5,330 were 21 years of age or less. During that same time, there were 1,166 students enrolled in a Florida College System (FCS) institution GED program, of whom 552 were 21 years of age or less.<sup>7</sup>

### ***Florida's High School Graduation Rate***

SBE rule provides that the 4-year graduation rate used in the school grades model be based on the “uniform or federal graduation rate” or the four-year adjusted cohort graduation rate outlined in the Elementary and Secondary Education Act (ESEA).<sup>8</sup> The ESEA defines the cohort for graduation in four years is the number of students in the adjusted cohort for the graduating class that formed based on first time ninth graders that entered in the fall four years prior.<sup>9</sup> The following adjustments are made to the graduation cohort over time to:

- Add incoming transfer students based on their grade level and year of entry;
- Remove deceased students; and
- Remove students who withdrew to attend school in another state, private school, or a home-education program.<sup>10</sup>

Each student in the graduation cohort receives a final classification as a graduate, dropout, or non-graduate. Students who earned a GED-based diploma are counted as non-graduates in the high school graduation rate, because the GED-based diploma is not recognized as a standard diploma.<sup>11</sup> In the 2021-2022 graduation cohort, 392 students earned a GED-based diploma and 4,837 were enrolled in an Adult Education program.<sup>12</sup>

### **School Grades**

School grades are used to explain a school's performance in a familiar, easy-to-understand manner for parents and the public.<sup>13</sup> School grades are also used to determine whether a school must select or implement a turnaround option<sup>14</sup> or whether a school is eligible for school recognition funds as appropriated by the Legislature.<sup>15</sup>

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<sup>6</sup> Section 1003.435, F.S.

<sup>7</sup> Email, Florida Department of Education, Governmental Relations (Dec. 8, 2023) (On file with the Senate Appropriations Committee on Education).

<sup>8</sup> State Board of Education rule 6A-1.09981, F.A.C.

<sup>9</sup> Section 8101(25) of the Elementary and Secondary Education Act.

<sup>10</sup> Florida Department of Education, *2021-22 Information Guide for the 4-year Graduation Rate Cohort*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/2122GradRateInfoGuide.pdf>, (last visited Jan. 19, 2023).

<sup>11</sup> Section 8101(43) of ESEA defines a “regular high school diploma” and specifies that it may not be aligned to a State’s alternate academic achievement standards and does not include a general equivalency diploma, certificate of completion, certificate of attendance, or any other similar or lesser credential.

<sup>12</sup> Florida Department of Education, *Florida's High School Cohort 2021-22 Graduation Rate*, <https://www.fldoe.org/core/fileparse.php/7584/urlt/GradRates2122.pdf> (last visited Jan. 19, 2023).

<sup>13</sup> Section 1008.34(1), F.S.

<sup>14</sup> Section 1008.33(4), F.S.

<sup>15</sup> Section 1008.36, F.S.

Each school must receive a school grade based on the school's performance on the following components:

- The percentage of eligible students passing statewide, standardized assessments in ELA, mathematics, science, and social studies.
- The percentage of eligible students who make learning gains in ELA and mathematics as measured by statewide, standardized assessments.
- The percentage of eligible students in the lowest 25 percent in ELA and mathematics, as identified by prior year performance on statewide, standardized assessments, who make learning gains as measured by statewide, standardized ELA assessments.
- For schools comprised of grade levels that include grade 3, the percentage of eligible students who score an achievement level 3 or higher on the grade 3 statewide, standardized ELA assessment.
- For schools comprised of middle grades 6 through 8 or grades 7 and 8, the percentage of eligible students passing high school level statewide, standardized end-of-course assessments or attaining national industry certifications identified in the CAPE Industry Certification Funding List pursuant to SBE rule.<sup>16</sup>

For a school comprised of grades 9-12, or 10-12 the school's grade is based on the following components:

- The 4-year high school graduation rate of the school.
- The percentage of students who were eligible to earn college and career credit in a specified acceleration mechanism, who earn a specified industry certification, or who participate in Junior Reserve Officers' Training Corps courses and earn a qualifying score on the Armed Services Vocational Aptitude Battery.<sup>17</sup>

### **Florida Workforce Education**

At the postsecondary level, the terms "workforce education" and "workforce education program" include:

- Adult general education programs designed to improve the employability skills of the state's workforce.
- Career certificate programs, which are defined as a course of study that leads to one completion point.
- Applied technology diploma programs.
- Continuing workforce education courses.
- Degree career education programs.
- Apprenticeship and preapprenticeship programs.<sup>18</sup>

Adult Education programs in Florida were established to encourage the provision of educational services that will enable adults to acquire:

- The basic skills necessary to attain basic and functional literacy.
- A high school diploma or successfully complete the high school equivalency examination.

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<sup>16</sup> Section 1008.34(3), F.S.

<sup>17</sup> *Id.* and State Board of Education rule 6A-1.09981 defines the four-year high school graduation rate as measured according to 34 CFR §200.19, Other Academic Indicators.

<sup>18</sup> Section 1011.80(1), F.S.

- An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.
- Knowledge and skills they need to enter and succeed in postsecondary education.<sup>19</sup>

“Adult secondary education” is a course through which a person receives high school credit that leads to the award of a high school diploma or a course of instruction through which a student prepares to take the high school equivalency examination.<sup>20</sup>

An “applied technology diploma program” (ATD) is a course of study that is part of a technical degree program consisting of either technical or college credit and leads to employment in a specific occupation.<sup>21</sup> A public school district may offer an ATD program only as technical credit, with college credit awarded to a student upon articulation to an FCS institution. Statewide articulation among public schools and FCS institutions is guaranteed.<sup>22</sup>

To qualify for admission to an ATD program, a student must:<sup>23</sup>

- Have a high school diploma, a high school equivalency diploma, or a certificate of completion; or
- Submit a signed affidavit by the student's parent or legal guardian attesting that the student has completed a home education program that satisfies school attendance requirements.<sup>24</sup>

A “career certificate program” is a course of study that leads to at least one occupational completion point. An “occupational completion point” means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program. The career certificate program may also confer credit that may articulate with a diploma or career degree education program.<sup>25</sup> The DOE has established 29 statewide articulation agreements for career certificate programs to career degree education programs.<sup>26</sup>

### ***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.<sup>27</sup>

Certifications included on the CAPE Industry Certification Funding List:

- Require at least 150 hours of instruction and

<sup>19</sup> Florida Department of Education, *Adult Education*, <https://www.fldoe.org/academics/career-adult-edu/adult-edu/>, (last visited Jan. 10, 2024).

<sup>20</sup> Section 1004.02(4), F.S.

<sup>21</sup> Section 1004.02(7), F.S.

<sup>22</sup> Section 1007.23(5), F.S.

<sup>23</sup> Rule 6A-10.024(7), F.A.C.

<sup>24</sup> Section 1002.41, F.S.

<sup>25</sup> Section 1004.02, F.S.

<sup>26</sup> Florida Department of Education, *Statewide Articulation Agreements: Statewide Career Pathways*, <https://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.stml> (last visited Feb. 16, 2024).

<sup>27</sup> Section 1008.44(1), F.S.

- 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.<sup>28</sup>

### ***Funds for Operation of Workforce Education Programs***

State funding for workforce education programs is calculated based on weighted student enrollment and program costs, minus tuition and fee revenues, and including various supplemental cost factors.<sup>29</sup>

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>30</sup> Performance funding for industry certifications for school district workforce education programs is contingent upon specific appropriation in the General Appropriations Act.<sup>31</sup>

Each district school board or FCS institution is provided \$1,000 for each industry certification earned by a workforce education student, or prorated if funds are insufficient to fully fund the calculated total award.<sup>32</sup>

### ***Workforce Education Tuition and Fees***

For programs leading to a career certificate or an ATD, the standard tuition is \$2.33 per contact hour for residents. A block tuition of \$45 per half year or \$30 per term is assessed for students enrolled in adult general education, which includes adult secondary education programs. Each district school board and FCS institution may adopt tuition that is within the range of five percent below to five percent above the standard tuition. Institutions may also adopt student financial aid, capital improvement, and technology fees for students that are not enrolled in adult general education programs. The student financial aid fee is capped at ten percent of tuition, while the capital improvement and technology fees are capped at five percent of tuition.<sup>33</sup>

FCS institution boards of trustees and district school boards are also authorized to establish fee schedules for the following user fees and fines: laboratory fees; parking fees and fines; library fees and fines; fees and fines relating to facilities and equipment use or damage; access or identification card fees; duplicating, photocopying, binding, or microfilming fees; standardized testing fees; diploma replacement fees; transcript fees; application fees; graduation fees; and late fees related to registration and payment. Such user fees and fines may not exceed the cost of the services provided and may only be charged to persons receiving the service.<sup>34</sup>

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<sup>28</sup> Rule 6A-6.0576(5)-(6), F.S.

<sup>29</sup> Section 1011.80(6)(b), F.S.

<sup>30</sup> Section 1008.44(2), F.S.

<sup>31</sup> Section 1011.80(7), F.S.

<sup>32</sup> *Id.* and 1011.81(2)(b), F.S.

<sup>33</sup> Section 1009.22, F.S. and Florida Department of Education, *State Funding for Districts: 2023-24 District Workforce Education Tuition and Fees (Attachment)*, available at <https://www.fldoe.org/core/fileparse.php/7529/urlt/2023-24-Workforce-Education-Tuition-and-Fees-Attachment.pdf> at 1 (last visited Jan. 21, 2024).

<sup>34</sup> Section 1009.22(10), F.S.

### ***Workforce Education Funding for Co-enrollment***

School districts and FCS institutions are permitted to allow students currently enrolled in high school to co-enroll in their Adult High School program.<sup>35</sup> A student who is coenrolled in a K-12 education program and an adult education program may be reported for purposes of funding in an adult education program. If a student is coenrolled in core curricula courses for credit recovery or dropout prevention purposes and does not have a pattern of excessive absenteeism or habitual truancy or a history of disruptive behavior in school, the student may be reported for funding for up to two courses per year. Such a student is exempt from the payment of the block tuition for adult general education programs. The Department of Education is required to develop a list of courses to be designated as core curricula courses for the purposes of coenrollment.<sup>36</sup>

### ***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:

- 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 SBE; 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 SBE.
- Residency in this state for no less than one year preceding the award of aid or a tuition assistance grant.<sup>37</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.<sup>38</sup>

### **III. Effect of Proposed Changes:**

This bill creates the Graduation Alternative to Traditional Education (GATE) Program, GATE Scholarship Program, and GATE Student Success Incentive Fund. All three programs are aimed at providing high school students the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.

The bill provides eligibility criteria for students to enroll in the GATE Program and defines the career education programs and certificates that can be offered to students enrolled in the GATE Program. The bill exempts students that are enrolled in the GATE program from the payment of tuition and specified fees and the costs of instructional materials.

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<sup>35</sup> Florida Department of Education, *Memorandum: 2022-23 Adult High School Co-Enrollment Program Eligible Course List* (July 12, 2022), available at <https://www.fldoe.org/core/fileparse.php/7671/urlt/2223-AdultHighCoEnroll-Memo.pdf>. (last visited Jan. 21, 2024).

<sup>36</sup> Section 1011.80(10), F.S.

<sup>37</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>38</sup> Section 1009.40, F.S.

To assist Florida College System (FCS) institutions, school districts, and charter technical career centers in administering the GATE Program, the GATE Scholarship Program reimburses participating institutions for the tuition and fees and instructional materials for students enrolled in the GATE program. Additionally, the bill provides incentive funding for institutions through the GATE Student Success Incentive Fund. The incentive funding is provided based on the number of students enrolled in the GATE program who earn a standard high school diploma or equivalent credential and postsecondary industry certifications.

### **Graduation Alternative to Traditional Education (GATE) Program**

The bill creates s. 1004.933, F.S., to establish the Graduation Alternative to Traditional Education (GATE) Program within the Department of Education (DOE). In regards to the GATE Program, the bill specifies the intent of the Legislature:

- For each high school student to have the opportunity to earn postsecondary course credits at no cost to the student while pursuing the completion of a standard high school diploma or equivalent credential.
- That high school students have access to high-quality workforce education programs that can help them build their basic education abilities and attain industry-recognized postsecondary credentials.
- To assist students who may have challenges in completing the requirements for a standard high school diploma in a traditional setting.
- To create an alternative education pathway that supports this state's commitment to educational accessibility for all students by providing additional opportunities for students 16 to 21 years of age who have discontinued enrollment in traditional high school programs.
- To increase the number of students who successfully earn a high school credential in this state.
- To increase the interest and participation of students in career and technical education (CTE) programs.

To be eligible to participate in the GATE Program, the bill specifies that a student must:

- Not have earned a standard high school diploma or a high school equivalency diploma.
- Be a resident of this state for tuition purposes.
- Be concurrently enrolled in an adult secondary education program and a career education program at a FCS institution, a career center, or a charter technical career center.
- Be 16 to 21 years of age at the time of initial enrollment.
- Select the CTE pathway or program of his or her choice at the time of enrollment. The student may not change the requested pathway after enrollment.
- Maintain a 2.0 grade point average (GPA) for CTE coursework.
- Complete the adult secondary education program and the career education program within three years unless the institution determines that an extension is warranted due to extenuating circumstances.

The bill provides that students enrolled in the GATE Program are exempt from the payment of registration, tuition, laboratory, and examination fees to a participating institution. Additionally,

instructional materials assigned for use under the GATE Program must be made available to GATE Program students free of charge. The bill prohibits an institution from:

- Imposing additional criteria to determine a student's eligibility to receive a fee waiver under the GATE Program.
- Requiring students to pay for instructional materials costs that are eligible for reimbursement under the GATE Scholarship Program.

### **GATE Scholarship Program**

The bill creates 1009.711, F.S., to implement the GATE Scholarship Program. The GATE Scholarship Program is created to financially support institutions in providing the GATE Program.

Under the bill, the GATE Scholarship Program will reimburse eligible institutions for registration, tuition, laboratory, and examination fees and related instructional materials costs for students enrolled in the GATE Program. The bill requires the GATE Scholarship Program to reimburse career centers and Florida College System institutions at their respective in-state resident tuition rates.

Each participating institution is required to report to the DOE all students enrolled in the GATE Program during the fall, spring, or summer terms within 30 days after the end of regular registration. For each eligible student, the institution is required to report the total reimbursable expenses by category, which the DOE must consider in determining an institution's GATE Scholarship Program award. The bill requires the DOE to reimburse each participating institution no later than 30 days after the institution has reported enrollment for that term.

The bill provides that reimbursements from the GATE Scholarship Program are contingent upon an annual appropriation in the General Appropriations Act (GAA). If the statewide reimbursement amount is greater than the appropriation, the institutional reimbursement amounts must be prorated among the institutions that have timely reported eligible students.

The bill requires the State Board of Education to adopt rules to implement the GATE Program and the GATE Scholarship Program.

### **GATE Program Student Success Incentive Fund**

The bill creates s. 1011.804, F.S., to establish the GATE Program Student Success Incentive fund to reward school districts and FCS institutions for the documented success of students participating in the GATE Program. Subject to legislative appropriation, each participating institution may receive an allocation based on the performance of students in its GATE Program according to the following metrics:

- The number of students obtaining a standard high school diploma or high school equivalency diploma while participating in the program.
- The number of postsecondary industry certifications or other program completion credentials earned by students participating in the program. Eligible industry certifications must be identified on the CAPE Industry Certification Funding List

The bill requires that unless otherwise specified in the GAA, each institution must be provided:

- An amount of \$750 per student who obtains a standard high school diploma or high school equivalency diploma.
- An amount of \$1,000 per student earning career certificates or credentials.

The bill provides that if funding is insufficient to fully fund the calculated total award, such funds must be prorated among the institutions.

### **Funds for the Operation of Workforce Education**

The bill modifies s. 1011.80, F.S., to increase from two to four the number of courses that may be reported for funding for a student who is coenrolled in a K-12 education program and adult education program. The bill also removes the requirement that the courses funded must be core curricula.

### **High School Equivalency Diploma Program**

The bill modifies s. 1003.435, F.S., to require district school boards to notify each candidate for the high school equivalency diploma of the adult secondary and postsecondary education options available in or near the district. Additionally, the candidate must be informed of the eligibility requirements and any minimum academic requirements for each available option.

### **School Grades**

The bill modifies s. 1008.34, F.S., to provide that students enrolled in high school, who choose to enroll in the GATE Program may not be included in the graduation rate used in the school grades model. By removing high school students who choose to enroll in the GATE program from the graduation rate in the school grades model, high schools will not have their school grade impacted by students enrolling in the GATE program.

The bill is effective July 1, 2024.

## **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 funding for the Graduation Alternative to Traditional Education (GATE) Program, as well as the GATE Scholarship Program and the GATE Program Student Success Incentive is subject to legislative appropriation. SB 2500 provides \$14.7 million to implement the program and fund the scholarship and incentive programs.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.435, 1008.34, and 1011.80.

This bill creates the following sections of the Florida Statutes: 1004.933, 1009.711, and 1011.804.

**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.

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

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