

**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 Education Pre-K - 12 Committee

**BILL:** CS/CS/SB 1616

**INTRODUCER:** Education Pre-K-12 Appropriations Committee, Education Pre-K-12 Committee and Senator Oelrich

**SUBJECT:** Career and Adult Education

**DATE:** April 15, 2009      **REVISED:** \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carrouth</u>	<u>Matthews</u>	<u>ED</u>	<u>Fav/CS</u>
2.	<u>Armstrong</u>	<u>Hamon</u>	<u>EA</u>	<u>Fav/CS</u>
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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

- |                              |                                     |   |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes        |
| B. AMENDMENTS.....           | <input type="checkbox"/>            | Technical amendments were recommended   |
|                              | <input type="checkbox"/>            | Amendments were recommended             |
|                              | <input type="checkbox"/>            | Significant amendments were recommended |

**I. Summary:**

The bill renames the Division of Workforce Education within the Department of Education as the Division of Career and Adult Education.

The bill authorizes the Commissioner of Education or his or her designee to serve as a member of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council. This council membership currently resides with the Chancellor of Community Colleges.

The bill revises definitions and council membership relative to the State Apprenticeship Advisory Council in order to comply with federal requirements and eliminates provisions to allow for reimbursement of travel expenses for council members.

Additionally, the bill provides for a designation of industry-certified career education on the standard high school diploma for students who complete specific industry certification programs approved by Workforce Florida, Inc.

The bill repeals s. 1003.431, F.S., thus eliminating the more traditional career education practices and instead aligning career education certification to innovative needs of business and industry.

Under the bill, s. 1011.62(1)(o), F.S., is amended to clarify the career and professional academy industry certifications that are eligible for bonus funding through the Florida Education Finance Program (FEFP).

Finally, the bill eliminates the requirement for adult high school students to complete a credit in performing arts for graduation purposes.

This bill substantially amends sections 20.15, 311.121, 446.045, 1003.4285, 1003.43, 1011.62, and 1003.431, and repeals section 1003.431 of the Florida Statutes.

## **II. Present Situation:**

### **Division of Workforce Education**

The Division of Workforce Education within the Department of Education provides technical assistance to school districts and postsecondary institutions in the areas of career and adult education. The Department claims that this division is often mistaken for other outside agencies such as Workforce, Florida, Inc. and the Agency for Workforce Innovation, and division staff must often provide clarification of and distinctions between their roles and responsibilities and those of other workforce entities.<sup>1</sup>

### **Seaport Security Training**

The Seaport Security Officer Qualification, Training, and Standards Coordinating Council was established as part of comprehensive seaport security measures enacted by the Legislature in 2006.<sup>2</sup> Under the leadership of the Florida Department of Law Enforcement, the Chancellor of Community Colleges is one of eleven members selected to serve on the council and to provide curriculum development expertise as appropriate. However, the Division of Workforce Education is currently tasked with workforce related curriculum issues and serves at the direction of the Commissioner of Education, not the Chancellor of Community Colleges.

### **State Apprenticeship Advisory Council**

In August of 2005, the United States Department of Labor (USDOL) conducted a state compliance review of Florida's State Apprenticeship Program and, as a result, requested that the Department of Education take corrective action relative to its State Apprenticeship Advisory Council membership in order to comply with federal regulations.<sup>3</sup> As stated in the compliance review report, failure to follow through on this obligation to conform to federal regulations would result in the Department of Education no longer being recognized as a State Apprenticeship Agency.<sup>4</sup>

Current statute requires council members to serve without compensation but entitles members to per diem and reimbursement for travel expenses.

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<sup>1</sup> Florida Department of Education, bill analysis, February 23, 2009

<sup>2</sup> ch. 2006-193, L.O.F.

<sup>3</sup> 29 C.F.R. s. 29.1 et. seq.

<sup>4</sup> Florida Department of Education, Apprenticeship Office, March 12, 2009

**High School Diploma Designations**

Section 1003.4285, F.S., provides for designations of academic emphasis on the standard high school diploma which may include:

- Major areas of interest;
- Accelerated college credit;
- Career education certification; and
- Florida Ready to Work Credential.

**Career Education Certification**

The career education certification diploma designation outlined in section 1003.4285, F.S., refers to career education certification pursuant to s. 1003.431, F.S. This statute defines career education certification and requires, in part, that the student complete a comprehensive career education program, achieve work readiness skills, attain at least one occupational completion point<sup>5</sup> or two courses in technology education, and be prepared for postsecondary education without the need for remediation.

This career education certification statute differs significantly from the career and professional academies (CAPE)<sup>6</sup> provisions outlined in ss. 1003.491-1003.493, F.S. The CAPE requirements are linked to nationally recognized industry credentials and school districts subsequently receive a bonus weight per FTE for students who obtain industry certification.<sup>7</sup>

**Adult High School Diploma**

Section 1004.02(04), F.S, defines the Adult High School Program as credits awarded upon completion of courses and passing state mandated assessments necessary to qualify for a high school diploma.<sup>8</sup> The Legislature revised the high school standards for adults beginning with students entering their first year of high school in the 2007-2008 school year to be identical to those for secondary students and included completion of one credit in fine or performing arts, speech and debate, or a practical arts course that incorporates artistic content and techniques of creativity, interpretation, and imagination.<sup>9</sup> However, for students currently in adult high school programs, one credit in performing fine arts is required for high school graduation.<sup>10</sup> Any course listed in the Department of Education Course Code Directory in art, dance, drama, or music may be used to satisfy the fine or performing arts credit.<sup>11</sup>

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<sup>5</sup> An Occupational Completion Point (OCP) is associated with a job title in the Dictionary of Occupational Titles provided by the Department of Labor. An OCP may be earned at predetermined points within a Career and Technical Education (CTE) program of study and is based upon successful completion of the student performance standards and/or a specific course or courses. An OCP is an indicator that a student has mastered the skills required for a specific job title. Achievement of OCPs has been used as a measure of program effectiveness and may affect school CTE program funding.

<sup>6</sup> ch. 2007-216, L.O.F.

<sup>7</sup> The bonus funding amount for FY 2008-2009 is \$1255.00 per student.

<sup>8</sup> Florida Department of Education, bill analysis, February 23, 2009

<sup>9</sup> s. 1003.428(2)(a)5., F.S., (s. 7, ch. 2008-235, L.O.F.)

<sup>10</sup> s. 1003.43(6)(c), F.S.

<sup>11</sup> *Id.*

### III. Effect of Proposed Changes:

The bill renames the Division of Workforce Education within the Department of Education as the Division of Career and Adult Education in order to signify the distinction between this division and other outside agencies tasked to provide workforce leadership throughout Florida's business community.

The bill also provides for the Commissioner of Education or his or her designee to serve as a member of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council. The Division of Workforce Education staff report directly to the Commissioner of Education and provide workforce curriculum development, as appropriate. This change may provide a greater nexus between workforce education and council curriculum requirements.

The bill revises definitions and council membership requirements relative to the State Apprenticeship Advisory Council in order to comply with federal regulations. Additionally, the bill eliminates provisions that allow for per diem and reimbursement of travel expenses for council members.

The bill repeals the career education certification under s. 1003.431, F.S., thus eliminating the more traditional career education practices and instead aligning career education certification to the innovative needs of business and industry through industry certifications approved by Workforce Florida, Inc. Industry certifications attained by these students would be included as a designation on the student's standard high school diploma.

Under the bill, s. 1011.62(1)(o), F.S., is amended to clarify the career and professional academy industry certifications that are eligible for bonus funding through the Florida Education Finance Program (FEFP).

The bill deletes the requirement for adult high school students to complete a credit in fine or performing arts for graduation purposes. According to the DOE, some adult high schools are not equipped financially or logistically to fund performing arts courses for these students. However, students who are co-enrolled in both adult education and a standard high school would be exempt from this provision.<sup>12</sup>

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

None.

#### B. Public Records/Open Meetings Issues:

None.

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<sup>12</sup> Florida Department of Education, bill analysis, February 23, 2009

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill distinguishes career education certification from the bonus weight funding associated with the career and professional academies (CAPE); therefore it has no fiscal impact.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Education Pre-K-12 Appropriations on April 15, 2009:**

The committee substitute further adjusts the membership of the State Apprenticeship Advisory Council to conform to federal requirements so that the Department of Education may continue to be recognized as a State Apprenticeship Agency.

**CS by Education Pre-K-12 on March 18, 2009:**

The Committee Substitute:

- Revises the State Apprenticeship Advisory Council to comply with federal law and eliminates authorization to reimburse council members for travel and per diem;
- Repeals career education certification, section 1003.431, F.S. to more closely align career education to the needs of business and industry and to encourage attainment of industry certification credentials; and
- Amends the FEFP bonus provisions for industry certification of career academy students for clarification purposes.

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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