

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 7079 PCB CCWP 09-01 Career and Adult Education
SPONSOR(S): State & Community Colleges & Workforce Policy Committee/McKeel
TIED BILLS: **IDEN./SIM. BILLS:** CS/SB 1616

	REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.:	State & Community Colleges & Workforce Policy Committee	12 Y, 0 N	Beagle	White
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SUMMARY ANALYSIS

The bill revises provisions governing career, adult, and continuing workforce education. In 2007, the Legislature established career and professional academy programs leading to industry certification and a high school diploma. Since establishing academy programs, secondary career education has trended toward this program model. The bill repeals statute that provided for comprehensive career education programs, as these programs were never funded or implemented. It also creates a diploma designation signifying completion of an academy industry certification program.

The bill eliminates the requirement that adult secondary students complete one credit in fine or performing arts to achieve a standard high school diploma to address funding and logistical limitations such requirement places on providers.

The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to complete a study by January 15, 2010, of student outcomes in workforce education programs in fields that are not included on Workforce Florida, Inc. or Workforce Estimating Conference lists of high demand occupations.

In addition, the bill makes several technical changes to provisions governing career, continuing workforce, and adult education. The bill:

- Changes the name of the “Division of Workforce Education” to the “Division of Career and Adult Education” to more accurately reflect the division’s duties and functions.
- Removes the Chancellor of the Community College System as the chair of the Seaport Security Officer Qualification, Training, and Standards Coordinating Council and designates the Commissioner of Education or his designee so that the appropriate person responsible for workforce education issues may be appointed to the council.
- Revises the membership of the State Apprenticeship Advisory Council to align it with federal law. Additionally, it deletes member reimbursement for per diem and travel expenses.

The bill does not appear to have a fiscal impact on local government. It may have a minor positive fiscal impact on state government. (SEE

The bill takes effect on July 1, 2009.

HOUSE PRINCIPLES

Members are encouraged to evaluate proposed legislation in light of the following guiding principles of the House of Representatives

- Balance the state budget.
- Create a legal and regulatory environment that fosters economic growth and job creation.
- Lower the tax burden on families and businesses.
- Reverse or restrain the growth of government.
- Promote public safety.
- Promote educational accountability, excellence, and choice.
- Foster respect for the family and for innocent human life.
- Protect Florida's natural beauty.

FULL ANALYSIS I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Division of Workforce Education

The Division of Workforce Education is one of seven divisions of the Department of Education (DOE) that are codified in statute. It provides agency oversight for such programs as secondary and postsecondary career education, the Ready to Work Certification Program, adult general education, and continuing workforce education.¹

Effect of Change: The bill changes the division's name to the Division of Career and Adult Education. This name change more clearly characterizes the duties and functions that it performs.

Seaport Security Training

Florida law establishes the Seaport Security Officer Qualification, Training, and Standards Coordinating Council (SSOC) under the Department of Law Enforcement. The SSOC is tasked with identifying the qualifications, training, and standards for seaport security officer certification. Statute designates the Chancellor of the Community College System as both a member and chair of the SSOC.² In practice, the Chancellor of the Division of Workforce Education serves on the SSOC.

Effect of Change: The bill deletes the Chancellor of the Community College System as member and chair of the SSOC. It assigns these duties to the Commissioner of Education or his designee, to enable him to appoint the appropriate person from the Division of Workforce Education to the SSOC.

Secondary Career Education Programs

In recent years, the Legislature has made substantial revisions to Florida's secondary career education regime. It has established new, more rigorous career education programs designed to prepare students for both postsecondary education and the workplace. It has also established opportunities for students to earn credentials that demonstrate their readiness for employment. The career education certification and career and professional academy industry certification programs are two such initiatives.

Career Education Certification: In 2004, the Legislature established the career education certification diploma designation and established guidelines for comprehensive career education programs. In order to receive the career education certification, student requirements include completing a comprehensive career education program comprised of rigorous academic courses, satisfying high school graduation

¹ Section 20.15(3), F.S.

² Section 311.121(3)(b)1.b. & (d), F.S.

requirements, passing a college entry examination, and participating in work related experiences.³ Such certification signifies readiness for postsecondary education and employment.⁴

School districts are not required to offer the career education certification; however, those that do are eligible for incentive funding as provided by the Legislature in the General Appropriations Act.⁵ Such funds must be expended on the district's comprehensive career education programs.⁶ This incentive was never funded. Consequently, the DOE and school districts never implemented the program.⁷

Industry Certification: In 2007, the Legislature enacted the Florida Career and Professional Education Act, which made significant changes to existing law governing career education.⁸ This legislation required each public school district to have at least one career and professional academy in operation by the 2008-2009 school year.⁹ School districts are eligible to receive additional weighted funding for students enrolled in academy programs that result in industry certification. Although school districts may continue to offer career training programs that do not result in industry certification, this legislation, and the incentive funding it provides, has focused statewide emphasis on academy programs and industry certification.¹⁰

Academies offer a rigorous and relevant curriculum leading to a high school diploma, industry certification, and opportunities for students to simultaneously earn postsecondary credit.¹¹ The academy concept was developed using national standards such as the Career Academy National Standards of Practice and the States Career Clusters Initiative.¹² Okaloosa County School's CHOICE Institutes program was an influential model in expanding this concept statewide.¹³

Research identifies industry certification and a rigorous curriculum as fundamental to the effectiveness of academy programs.¹⁴ All courses offered in an academy must lead to industry certification or college credit.¹⁵ School districts must take measures to ensure that academy courses are: (1) academically rigorous; (2) meet or exceed appropriate state academic standards; and (3) result in industry certification.¹⁶ The SBE must establish a process for reviewing the rigor and relevance of proposed program courses. Such review must be conducted by a curriculum review committee approved by Workforce Florida, Inc. (WFI).¹⁷

The State Board of Education is required to work jointly with WFI and Enterprise Florida, Inc. to develop and adopt rules for implementing an industry certification process.¹⁸ WFI must identify appropriate industry certifications and compile them into a comprehensive list.¹⁹ The DOE must then:

³ Section 1003.431(1), F.S.

⁴ Section 1003.431(2) and (3), F.S.

⁵ Section 1003.431(4), F.S.

⁶ Section 1003.431(5), F.S.

⁷ Telephone interview with staff, Division of Workforce Education (March 2, 2009).

⁸ Section 3, ch. 07-216, L.O.F.

⁹ Section 1003.491(2), F.S.

¹⁰ Section 1011.62(1)(p), F.S.

¹¹ Section 1003.493(1), F.S.

¹² University of California at Berkeley, Career Academy Support Network, Resources, *Career Academy National Standards of Practice*, http://casn.berkeley.edu/resources/national_standards.html (last visited February 26, 2009); National Career Technical Education Foundation, States Career Clusters Initiative, About Us, <http://www.careerclusters.org/aboutus.php> (last visited Feb. 26, 2009).

¹³ Staff of Senate Comm. on Education, Bill Analysis for CS/CS/SB 1232 (2007).

¹⁴ See Staff of Senate Comm. on Education, Interim Project Report 2006-115: High School Reform (September 2005) available at http://www.flsenate.gov/data/Publications/2006/Senate/reports/interim_reports/pdf/2006-115ed.pdf; Southern Regional Education Board, High Schools That Work Project, *Quality Career/Technical Programs Prepare Students to Succeed in a New, More Challenging Economy* (October 2008) available at http://www.sreb.org/publications/2008/newsletters/08V23w_BestPractices_Quality_CT.pdf.

¹⁵ Section 1003.493(5), F.S.

¹⁶ Section 1003.491(3)(f), F.S.

¹⁷ Section 1003.491(4), F.S.

¹⁸ Section 1003.492(2), F.S.; See Rule 6A-6.0573, F.A.C.

¹⁹ Section 1003.492(2), F.S.; Rule 6A-6.0573(1) & (2), F.A.C.; Workforce Florida, Inc's approved list is entitled the "Comprehensive Industry Certification List." It must publish this list by March 1 of each calendar year. See Agency for Workforce Innovation, Career and Professional Development Act of 2007, *2009-2010 Comprehensive Industry Certification List*, <http://www.floridajobs.org/CAPE/cape.html> (last visited Feb. 25, 2009).

- Review the comprehensive list;
- Identify certifications that are academically rigorous, at least 150 hours in length, attainable via a secondary education program, and that have been offered for at least one year in a school district;
- Compile a preliminary list of industry certifications that qualify for additional weighted funding;
- Consider district requests that certifications be added to the approved list; and
- Annually publish a final list.

Academies may only receive weighted funding for industry certifications on the final approved list.²⁰

WFI's comprehensive list includes 383 industry certifications. From this list, the DOE has identified 105 industry certifications in 57 program areas as funding-eligible for the 2008-2009 school year.²¹ Most industry certifications on this list require passage of a subject area examination and some combination of work experience, educational attainment, or on the job supervision and training. Certifying entities include Adobe Systems, Microsoft Corporation, the National Institute for Automotive Service Excellence, the American Welding Society, the Federal Aviation Administration, the DOE, and the Department of Health.²²

Effect of Change: The bill repeals s. 1003.431, F.S., as the Legislature has never funded career education certification and comprehensive career education programs. It amends s. 1003.4285, F.S. to delete the career education certification diploma designation and replaces it with a designation reflecting attainment of an academy industry certification program.

Adult Secondary Education

Adult secondary education is a course of study that enables a student to: (1) earn high school credit leading to a standard high school diploma; or (2) receive preparation to take the GED test. Adult secondary education programs are funded via the Workforce Development Education Fund and the federal Adult Education and Family Literacy Act.²³

Subject to certain exceptions, adult students who pursue a standard high school diploma must earn 24 credits in the same subjects required of traditional secondary students.²⁴ Unlike traditional students, adult students are not required to complete one credit in physical education. An elective credit must be substituted in its place. Adult students must complete one credit in fine or performing arts. Such students may take any DOE-approved arts course to earn this credit.²⁵

Effect of Change: The bill deletes the requirement that adult secondary students complete one credit in fine or performing arts to earn a standard diploma. An elective credit must be substituted in its place to enable the student to earn the full required 24 credits. According to the DOE, adult education providers are not funded or equipped logistically to provide these courses.²⁶

Apprenticeship

The State Apprenticeship Advisory Council (SAAC) advises the DOE on matters relating to apprenticeship. It is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members: the Commissioner of Education and state director of the Bureau of Apprenticeship and Training of the U. S. Department of Labor (USDOL).²⁷

²⁰ Rule 6A-6.0573(3), (4), & (5), F.A.C.

²¹ Florida Department of Education, Industry Certification Lists, <http://www.fldoe.org/workforce/fcpea/default.asp> (last visited Mar. 13, 2009).

²² Agency for Workforce Innovation, Career and Professional Development Act of 2007, *2009-2010 Comprehensive Industry Certification List*, <http://www.floridajobs.org/CAPE/cape.html> (last visited Feb. 25, 2009).

²³ Section 1011.80, F.S.; 20 U.S.C. § 9201 et. seq.

²⁴ See § 1003.43(1)(a)-(k), F.S.

²⁵ Section 1003.43(6), F.S.

²⁶ Telephone interview with staff, Division of Workforce Education (March 2, 2009).

²⁷ Section 446.045(2), F.S. The Commissioner also serves a chair of the SAAC.

Members must represent industries with registered apprenticeship programs. The Governor appoints five members representing joint employee organizations and five members representing nonjoint employer organizations.²⁸ A “joint employee organization” is an apprenticeship sponsor who participates in a collective bargaining agreement and represents employees. A “nonjoint employer organization” is an apprenticeship sponsor without a collective bargaining agreement and represents employers.²⁹ Members serve four-year staggered terms, without compensation, and are reimbursed for per diem and travel expenses.³⁰

Federal law requires each state that receives federal funding for apprenticeship programs to establish such a council. It may serve in either a regulatory or advisory capacity. Each council must be comprised of an equal number of representatives of employer and employee organizations. It must also include members of the public, whose number may not exceed that of either the employer and employee representatives.³¹

In November of 2006, the USDOL notified the DOE that Florida was not in compliance with federal apprenticeship law. Among other things, it indicated that Florida’s SAAC membership scheme was noncompliant because it excludes employer organizations that participate in collective bargaining as well as employee organizations that do not. It also noted that the current membership did not include required members of the general public.³²

Effect of Change: The bill aligns state law governing the SAAC with the requirements of federal law necessary to preserve Florida’s eligibility for federal apprenticeship funding. It replaces the statutory term “joint employee organization” with the term “joint organization” and defines it as “an apprenticeship sponsor who participates in a collective bargaining agreement.” It replaces the term “nonjoint employer organization” with the term “nonjoint organization” and defines it as “an apprenticeship sponsor who does not participate in a collective bargaining agreement.”

The bill requires the Governor to appoint four members each from joint and nonjoint organizations. The Governor must also appoint two members of the public who are considered knowledgeable about apprenticeships. The bill provides that joint and nonjoint organizations must each recommend one of these two members.

The bill provides that SAAC meetings may be held via teleconference or other electronic means. It also deletes SAAC member eligibility for reimbursement of per diem and travel expenses.

Workforce Education Programs

Community colleges and school districts currently offer a wide variety of career degree and certification programs. In some cases, these programs do not prepare a student for an occupation listed on target occupation lists that indicate areas for which there is a high regional or statewide demand. Workforce Florida, Inc (WFI)³³ develops a locally targeted occupations list (TOL) and the Workforce Estimating Conference(WEC) develops a statewide occupational forecasting list.³⁴

Effect of Change: The bill requires the Office of Program Policy Analysis and Government Accountability (OPPAGA) to conduct a review of student outcomes in workforce education degree and certificate programs offered by community colleges, independent institutions, and school districts, which are not included on WFI’s TOL or a WEC forecasting list. OPPAGA must examine successful program completion and employment placement rates. It must survey former students to determine the rate they were employed and the compensation they earned in the program field. Survey responses must be

²⁸ *Id.*

²⁹ Section 446.045(1), F.S.

³⁰ Section 446.045(2), F.S.

³¹ 29 C.F.R. § 29.13.

³² Letter from U.S. Department of Labor to Commissioner of Education (Nov. 2, 2006).

³³ Section 445.004(6)(g), F.S.

³⁴ Section 216.136(7)(b), F.S.

cross-checked against available state data. Such review must also consider the effect of students who became self-employed.

OPPAGA must also:

- Examine the cost-effectiveness of state funding for school district and community college workforce programs versus the provision of state financial assistance to students attending independent institutions. The examination must consider the cost to students for workforce education programs at both public and independent institutions.
- Review, and recommend modifications to, the funding model for school district workforce education programs.

Finally, community colleges and school districts are required to provide information to the OPPAGA on the workforce education programs reviewed regarding the reasons for offering, demand for, and student outcomes of such programs.

B. SECTION DIRECTORY:

Section 1.: Amending s. 20.15(3)(c), F.S.; changing the name of the “Division of Workforce Education” to the “Division of Career and Adult Education.”

Section 2.: Amending s. 311.121(3), F.S.; revising the membership of Seaport Security Officer Qualification, Training, and Standards Coordinating Council.

Section 3.: Amending s. 446.045, F.S.; defining terms; revising the membership of State Apprenticeship Advisory Council; prohibiting receipt of travel and per diem.

Section 4.: Amending s. 1003.4285(3), F.S.; establishing a high school diploma designation.

Section 5.: Amending s. 1003.43(6)(c), F.S.; amending adult high school graduation requirements.

Section 6.: Repealing s. 1003.431, F.S., relating to career education certification.

Section 7.: Requiring OPPAGA review of certain workforce education programs.

Section 8.: Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state revenues.

2. Expenditures:

The bill eliminates reimbursement of SAAC member travel and per diem expenses, which may result in a financial savings to the state. According to the DOE, the SACC expended \$1,141.78 in travel and per diem for Fiscal Year 2007-2008.³⁵

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

³⁵ E-mail correspondence with DOE staff dated March 16, 2009.

This bill does not appear to have a fiscal impact on local revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a direct fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to expend funds or to take any action requiring the expenditure of funds.

The bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

The bill does not reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COUNCIL OR COMMITTEE SUBSTITUTE CHANGES