

**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: CS/SB 1060

INTRODUCER: Appropriations Committee and Senator Legg

SUBJECT: Career and Adult Education

DATE: February 29, 2016

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

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Scott</u>	<u>Klebacha</u>	<u>ED</u>	<b>Favorable</b>
2.	<u>Sikes</u>	<u>Elwell</u>	<u>AED</u>	<b>Recommend: Favorable</b>
3.	<u>Sikes</u>	<u>Kynoch</u>	<u>AP</u>	<b>Fav/CS</b>

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**I. Summary:**

CS/SB 1060 updates terminology and expands opportunities and requirements related to career and adult education. Specifically, the bill:

- Updates, revises, and expands terminology and criteria to align statutory law to federal guidelines and regulations regarding apprenticeship programs.
- Increases the number of Career and Professional Education (CAPE) Digital Tool certificates that can be earned by elementary and middle school students, and approved annually on the CAPE Industry Certification Funding List.
- Requires school district career centers and charter technical career centers to establish financial aid appeal procedures for students seeking redress of grievances.
- Redefines state funding for workforce education programs and requires more accurate financial reporting.
- Restructures adult education service priorities to bifurcate services that must be provided from services that may be provided at the discretion of the school districts or Florida College System (FCS) institutions.
- Adds the Chancellor of Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Requires each school district and FCS institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.
- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to FCS institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.

The bill also expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:

- Provides for the creation of structured high school acceleration programs (structure programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
- Specifies the purpose of the structured programs.
- Requires the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
- Establishes bonus funding for school districts based on students successfully completing 30 or 60 college credit hours.
- Establishes notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.
- Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

The increase in the number of CAPE Digital Tool certificates made available on the CAPE Industry Certification Funding List may result in an increase in the number of students eligible to generate additional full-time equivalent (FTE) funding to school districts. Each CAPE Digital Tool certificate generates 0.025 FTE, which would generate approximately \$104 in additional funding for each certificate earned in the 2015-2016 fiscal year.

The FLAG Program and Rapid Response Grant Program are subject to appropriation in the General Appropriations Act. SB 2500, the 2016-2017 Senate General Appropriations Bill, appropriates \$20 million for the Rapid Response Grant Program. SB 2500 does not appropriate funds for the FLAG Program.

The bill provides an effective date of July 1, 2016.

## **II. Present Situation:**

### **Apprenticeship Programs**

#### ***Federal Program Requirements***

The United States Congress enacted the National Apprenticeship Act (also known as the Fitzgerald Act in honor of its author, Congressman William J. Fitzgerald)<sup>1</sup> in 1937.<sup>2</sup> Following the passage of the act, Registered Apprenticeship (RA) programs consisted mainly of manufacturing, construction, and utilities industries.<sup>3</sup> In 2008, revised regulations were issued by

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<sup>1</sup> U.S. Department of Labor, *Workforce System Results* (Sep. 30, 2012), at 2, available at <http://www.doleta.gov/Farmworker/pdf/workforceSystemResultsSept2012.pdf>.

<sup>2</sup> U.S. Department of Labor, *History and Fitzgerald Act*, <http://www.doleta.gov/oa/history.cfm> (last visited January 14, 2016). See 29 U.S.C. s. 50 (1937), as amended.

<sup>3</sup> *Id.* Since 1937, RA programs have grown to 24,000 programs providing education and training to approximately 400,000 apprentices in emerging and high-growth sectors such as energy conservation, health care, and information technology, in addition to traditional industries such as manufacturing and construction. *Id.*

the U.S. Department of Labor which increase program flexibility to better serve the needs of today's apprentices and program sponsors.<sup>4</sup>

For apprentices and program sponsors, the regulations:<sup>5</sup>

- Incorporate technology-based learning;
- Provide additional pathways to certification;
- Introduce interim credentials;
- Improve registration and review process;
- Update the reciprocal registration provision; and
- Introduce provisional registration.

For State Apprenticeship Agencies (SAAs), the regulations:<sup>6</sup>

- Increase linkages with the workforce investment system;
- Redefine the roles and responsibilities of SAAs and State Apprenticeship Councils;
- Establish a process for continued recognition; and
- Increase flexibility for location of an SAA.

For the U.S. Department of Labor, the regulations:<sup>7</sup>

- Enhance program accountability; and
- Ensure national conformity with federal apprenticeship legislation and regulations.

Registered apprenticeship program sponsors (*i.e.*, employers, employer associations, and labor management organizations)<sup>8</sup> identify the minimum qualifications to apply to their apprenticeship programs.<sup>9</sup>

### ***State Law Regarding Apprenticeship Programs***

While the Federal government works in cooperation with states to oversee the nation's apprenticeship programs, the states have the authority to register apprenticeship programs

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<sup>4</sup> *Id.* "These revised regulations published, on October 29, 2008, update Title 29 CFR, part 29 and provide a framework that supports an enhanced, modernized apprenticeship system." U.S. Department of Labor, *Regulations*, <http://www.doleta.gov/oa/regulations.cfm> (last visited January 14, 2016).

<sup>5</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 1-2, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf).

<sup>6</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 2-3, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf).

<sup>7</sup> U.S. Department of Labor, *Apprenticeship Final Rule Fact Sheet*, at 3, available at [http://www.doleta.gov/oa/pdf/Apprenticeship\\_Final\\_Fact\\_Sheet.pdf](http://www.doleta.gov/oa/pdf/Apprenticeship_Final_Fact_Sheet.pdf).

<sup>8</sup> Registered Apprenticeship program sponsors vary from small, privately owned businesses to national employer and industry associations. There are nearly 29,000 sponsors representing more than 250,000 employers, such as UPS, the United States Military Apprenticeship Program, Werner Enterprises, and CVS/pharmacy. U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 14, 2016).

<sup>9</sup> U.S. Department of Labor, *Apprentices*, <http://www.doleta.gov/oa/apprentices.cfm> (last visited January 14, 2016). An individual must be at least 16 years of age to be an apprentice. *Id.* In hazardous occupations, individuals must usually be 18 years of age. *Id.* Program sponsors may also identify additional minimum qualifications and credentials to apply (*e.g.*, education, ability to physically perform the essential functions of the occupation, and proof of age). *Id.* All applicants are required to meet the minimum qualifications. *Id.* Based on the selection method utilized by the sponsor, additional qualification standards, such as fair aptitude tests and interviews, school grades, and previous work experience may be identified. *Id.*

through federally recognized SAAs.<sup>10</sup> In Florida, the Department of Education (DOE) serves as the registering entity to ensure compliance with federal and state apprenticeship standards, provide technical assistance, and conduct quality assurance assessments.<sup>11</sup>

Florida law provides education and training opportunities, in the form of apprenticeship and preapprenticeship programs, to prepare individuals for trades, occupations, and professions suited to their abilities.<sup>12</sup>

An apprenticeship program means “an organized course of instruction, registered and approved by the department, which course shall contain all terms and conditions for the qualifications, recruitment, selection, employment, and training of apprentices<sup>13</sup> including such matters as the requirements for a written apprenticeship agreement.”<sup>14</sup> A preapprenticeship program means “an organized course of instruction in the public school system or elsewhere, which course is designed to prepare a person 16 years of age or older to become an apprentice and which course is approved by and registered with the department and sponsored by a registered apprenticeship program.”<sup>15</sup>

The DOE is responsible for administering, facilitating, and supervising registered apprenticeship programs, including, but not limited to:<sup>16</sup>

- Developing and encouraging apprenticeship programs.
- Cooperating with and assisting apprenticeship sponsors to develop apprenticeship standards and training requirements.
- Monitoring RA programs.
- Investigating complaints regarding failure to meet the standards<sup>17</sup> established by the DOE.

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<sup>10</sup> 29 C.F.R. ss. 29.1 and 29.13 (2008).

<sup>11</sup> 29 C.F.R. s. 29.2 (2008).

<sup>12</sup> Section 446.011(1), F.S.

<sup>13</sup> An “apprentice” means “a person at least 16 years of age who is engaged in learning a recognized skilled trade through actual work experience under the supervision of journeyman craftsmen, which training should be combined with properly coordinated studies of technical and supplementary subjects, and who has entered into a written agreement, which may be cited as an apprentice agreement, with a registered apprenticeship sponsor who may be either an employer, an association of employers, or a local joint apprenticeship committee.” Section 446.021(2), F.S. A “journeyman means” “a person working in an apprenticeable occupation who has successfully completed a registered apprenticeship program or who has worked the number of years required by established industry practices for the particular trade or occupation.” Section 446.021(4), F.S. An apprenticeable occupation is a skilled trade which possesses all of the characteristics that are specified in law (*e.g.*, customarily learned in a practical way through a structured, systemic program of on-the-job, supervised training and involves manual, mechanical, or technical skills and knowledge which require a minimum of 2,000 hours of work and training, which hours are excluded from the time spent at related instruction). Section 446.092, F.S.

<sup>14</sup> Section 446.021(6), F.S. An apprenticeship agreement may not operate to invalidate any apprenticeship provision in a collective agreement between employers and employees which establishes higher apprenticeship standards. Section 446.081(1), F.S.

<sup>15</sup> Section 446.021(5), F.S.

<sup>16</sup> Section 446.041, F.S.

<sup>17</sup> The DOE is responsible for developing apprenticeship and preapprenticeship uniform minimum standards for the apprenticeable trades and assisting district school boards and community college district boards of trustees in developing preapprenticeship programs. Sections 446.011(2), 446.032, and 446.052, F.S.; Rule 6A-23.004, F.A.C. “Uniform minimum preapprenticeship standards” means “the minimum requirements established uniformly for each craft under which a preapprenticeship program is administered and includes standards for admission, training goals, training objectives, curriculum outlines, objective standards to measure successful completion of the preapprenticeship program, and the

- Canceling registration of programs that fail to comply with DOE standards and policies.

Additionally, the DOE, district school boards, and Florida College System (FCS) institution district boards of trustees must work together with existing apprenticeship programs so that individuals completing preapprenticeship programs may be able to receive credit towards completing registered apprenticeship programs.<sup>18</sup>

The State Apprenticeship Advisory Council (Council) advises the DOE on matters related to apprenticeship.<sup>19</sup> The Council is comprised of 10 voting members appointed by the Governor and two ex officio nonvoting members.<sup>20</sup> The Commissioner of Education (Commissioner) or the Commissioner's designee must serve ex officio as chair of the Council, but may not vote.<sup>21</sup> Two public members who are knowledgeable about registered apprenticeship and apprenticeable occupations are appointed by the Governor to the Council.<sup>22</sup> One of the public members must be recommended by joint organizations and one must be recommended by nonjoint organizations.<sup>23</sup>

### CAPE Digital Tool Certificates

The DOE annually identifies Career and Professional Education (CAPE) Digital Tool certificates<sup>24</sup> available to school districts to use in their programs for public elementary and middle school students to attain digital skills needed for academic work and future employment.<sup>25</sup> The skills may include, but are not limited to:<sup>26</sup>

- Word processing;
- Spreadsheets;
- Presentations;
- Digital arts;
- Cybersecurity; and
- Coding.

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percentage of credit which may be given to preapprenticeship graduates upon acceptance into the apprenticeship program.”

Section 446.021(8), F.S.

<sup>18</sup> Section 446.052(3), F.S.

<sup>19</sup> Section 446.045(2)(a), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 446.045(2)(b), F.S.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* A “joint organization” means an apprenticeship sponsor who participates in a collective bargaining agreement. Section 446.045(1)(a), F.S. A “nonjoint organization” means an apprenticeship sponsor who does not participate in a collective bargaining agreement. *Id.* at (1)(b).

<sup>24</sup> A certificate is earned through coursework with a specific focus and learning objectives, attainment of which demonstrates knowledge of course content. Certification results from an assessment process demonstrating mastery or competency of a set of standards. American Council for Accredited Certification, National Organization for Competency Assurance (NOCA) Standard 1100: “Certificate” vs. “Certification” available at <http://www.acac.org/forms/otherpdfs/NOCA%20Article%203-09.pdf>.

<sup>25</sup> Section 1003.4203(3), F.S.

<sup>26</sup> *Id.*

The certificates are identified on the CAPE Industry Certification Funding List<sup>27</sup> (list) and solely updated by the Chancellor of Career and Adult Education.<sup>28</sup> Currently, the list includes 15 CAPE Digital Tool certificates, the maximum number allowed.<sup>29</sup> In the 2014-2015 school year, 3,666 students earned a total of 3,953 CAPE Digital Tool certificates in 26 school districts.<sup>30</sup> A student who earns a CAPE Digital Tool certificate generates additional full-time equivalent student membership for purposes of school district funding under the Florida Education Finance Program.<sup>31</sup>

### Career and Technical Education Programs

Florida law states that “[t]he purpose of career education is to enable students who complete career programs to attain and sustain employment and realize economic self-sufficiency.”<sup>32</sup> Public school districts and FCS institutions are responsible for ensuring adherence to accountability standards for career education programs, including, but not limited to:<sup>33</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.
- Student completion, placement, and retention rates.<sup>34</sup>

The DOE is responsible for, among other things, providing timely, accurate technical assistance to schools districts and FCS institutions and developing program standards and industry-driven benchmarks for career, adult, and community education programs.<sup>35</sup>

<sup>27</sup> All items on the list must include written exams that are third-party developed, scored by the certifying agency, and given in a proctored testing environment. Rule 6A-6.0573, F.A.C.

<sup>28</sup> *Id.* To earn an industry certification, a student is assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized and must be: (1) within an industry that addresses a critical local or statewide economic need; (2) linked to an occupation that is included in the workforce system’s targeted occupation list; or (3) linked to an occupation that is identified as emerging. Section 1003.492(2), F.S. *See also*, Florida Department of Education, Industry Certification <http://www.fldoe.org/academics/career-adult-edu/industry-certification> (last visited January 19, 2016). The DOE must also identify other certificates, certifications, and courses on the CAPE Industry Certification Funding List (*e.g.*, CAPE ESE Digital Tool certificates, CAPE Innovation Courses, and CAPE Acceleration Industry Certifications). Section 1008.44(1), F.S.

<sup>29</sup> Section 1008.44(1)(b), F.S. Florida Department of Education, *2015-2016 CAPE Industry Certification Funding List*, at 6, available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/1516icfl.pdf>. A more detailed list is available at <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/cape-industry-cert-funding-list-current.stml> (last visited January 11, 2016).

<sup>30</sup> Florida Department of Education, Email, January 7, 2016.

<sup>31</sup> Section 1008.44(1)(b), F.S. Additional full-time equivalent (FTE) student membership is based on successful completion of a career-themed course, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List. Section 1011.62(1)(o), F.S. An additional 0.025 FTE shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades. *Id.*

<sup>32</sup> Section 1004.92(1), F.S.

<sup>33</sup> *Id.* at (2)(a).

<sup>34</sup> The DOE must develop a system of performance measures in order to evaluate the career education programs which measure program enrollment, completion rates, placement rates, and amount of earnings at the time of placement. Placement and employment information, where applicable, shall contain data relevant to job retention, including retention rates. The State Board of Education must adopt by rule the specific measures and any definitions needed to establish the system of performance measures. Section 1008.43(1)(a), F.S.; Rule 6A-10.0342, F.A.C.

<sup>35</sup> *Id.* at (2)(b).

The president of each state university or FCS institution is responsible for establishing procedures for appeals to redress student grievances related to the award or administration of financial aid at the university or institution.<sup>36</sup> Although Florida law does not expressly require career and technical centers to establish such procedures, federal law does. As student financial aid granting institutions in accordance with Title IV of the Higher Education Act of 1965, career and technical centers must establish and maintain financial aid appeal procedures.<sup>37</sup>

### **Higher Education Coordinating Council**

The Higher Education Coordinating Council (HECC) was created in 2010 for the purpose of identifying unmet needs and facilitating solutions to disputes regarding the creation of new degree programs and the establishment of new institutes, campuses, or centers.<sup>38</sup> The HECC is comprised of eleven members:

- One member of the Board of Governors
- One member of the State Board of Education
- Chancellor of the State University System
- Chancellor of the Florida College System
- Executive Director of the Florida Association of Postsecondary Schools and Colleges
- President of the Independent Colleges and Universities of Florida;
- President of Workforce Florida, Inc.
- President of Enterprise Florida, Inc.
- Three business community representatives, one appointed by the Speaker of the House of Representatives, one appointed by the President of the Senate, and one appointed by the Governor.<sup>39</sup>

### **Adult Education**

Adult general education is 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.
- An educational foundation that will enable them to become more employable, productive, and self-sufficient citizens.<sup>40</sup>

The adult education program must provide academic services to students in the following priority:<sup>41</sup>

- Students who demonstrate skills at less than a fifth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve basic literacy.

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<sup>36</sup> Section 1009.42(2), F.S.

<sup>37</sup> 20 U.S.C. s. 1018, *et seq.* (1965), as amended. According to DOE, career and technical centers currently have student financial aid appeal procedures in place. Florida Department of Education, via conference call, January 7, 2016.

<sup>38</sup> Section 1004.015, F.S.

<sup>39</sup> *Id.*

<sup>40</sup> Section 1004.93, F.S.

<sup>41</sup> *Id.*

- Students who demonstrate skills at the fifth grade level or higher, but below the ninth grade level, as measured by tests approved for this purpose by the State Board of Education, and who are studying to achieve functional literacy.
- Students who are earning credit required for a high school diploma or who are preparing for the high school equivalency examination.
- Students who have earned high school diplomas and require specific improvement in order to:
  - Obtain or maintain employment or benefit from certificate career education programs;
  - Pursue a postsecondary degree; or
  - Develop competence in the English language to qualify for employment.
- Students who enroll in lifelong learning courses or activities that seek to address community social and economic issues that consist of health and human relations, government, parenting, consumer economics, and senior citizens.
- Students who enroll in courses that relate to the recreational or leisure pursuits of the students.

### ***Online delivery of Adult Education Programs***

The Florida Adult and Technical Distance Education Consortium (FATDEC) is a consortium of 30 member institutions. The purpose of the group is to enable public schools, school districts and Florida College System institutions to work together to deliver curriculum in a web-based environment for adult education and career and technical programs in Florida.<sup>42</sup>

### **Workforce Education Funding**

Funds provided for career and charter technical centers are appropriated separately in the General Appropriations Act (GAA) from other K-12 programs. Proviso language included in the GAA specifies that the funds appropriated may not be used to support K-12 programs or district K-12 administrative indirect costs. The Auditor General verifies compliance with this requirement during scheduled audits of these institutions.<sup>43</sup> As part of the school district, career and charter technical centers benefit from the use of school district personnel and services for many activities which may include: payroll/human resources; building maintenance and repair; pest control; lawn care; risk management and liability insurance; marketing; financial and legal services; professional development; school police; technology and MIS; transportation for limited high school students; and utilities. By sharing services, the centers do not have to hire additional full-time staff, or contract for these activities. School districts, in turn, charge their center(s) associated indirect and administrative fees for usage. Currently the DOE financial data system does not separate secondary expenditures from postsecondary expenditures; thus, it has been difficult to obtain data or ascertain how the career education centers' indirect service charges are calculated. The indirect costs charged by school districts to the 48 centers vary in percentage of total allocations.

Postsecondary education, including workforce education programs, once conformed to a calculated percentage of the average cost of instruction funded with 75 percent from state general

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<sup>42</sup>Florida Adult and Technical Education Consortium: Your future, Online, available at [http://fatdec.com/about\\_us.php](http://fatdec.com/about_us.php) (last viewed November 5, 2015)

<sup>43</sup> Chapter 2015-232, L.O.F., see Specific Appropriation 118 proviso referencing Specific Appropriations 10, 116, and 118



revenue and 25 percent from student fees. This ratio is no longer applicable, as tuition and fee revenues currently make up a larger percentage of total funding. Funding for workforce education is currently calculated based on weighted enrollment minus fee revenues generated to offset program operational costs.

### **Collegiate High School Program**

The collegiate high school program was established in 2014,<sup>44</sup> providing a pathway for high school students to earn a full year of college credit while enrolled in high school. The law requires each district school board and its local FCS institution to establish one or more collegiate high school programs at a mutually agreed upon location or locations.<sup>45</sup> A collegiate high school program must, at a minimum, include an option for public school students in grade 11 or grade 12, for at least one full year, to earn CAPE industry certifications and successfully complete 30 credit hours through dual enrollment toward the first year of college (for an associate degree or a baccalaureate degree) while enrolled in the program.<sup>46</sup>

In Fall 2015, FCS institutions were engaged in partnership with 40 collegiate high school programs with a total estimated enrollment of over 7,500 students.<sup>47</sup>

### ***Collegiate High School Program Contracts***

To establish a collegiate high school program (program), each district school board and its local FCS institution must execute a contract, which must be executed by January 1 of each school year for implementation of the program in the next school year.<sup>48</sup> The law specifies the information that must be included in the contract (e.g., identification of grade levels to be included in the program and delineation of courses and industry certifications offered).<sup>49</sup> In addition to executing a program contract with the local FCS institution, a district school board is also authorized to execute a program contract with a state university or an eligible college or university.<sup>50</sup>

### ***Student Performance Contract***

Each student participating in the program must enter into a student performance contract that must be signed by the student, his or her parent, and a representative of the applicable school district and FCS institution, state university, or eligible college or university.<sup>51</sup> The student performance contract must include the schedule of courses by semester, and industry

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<sup>44</sup> Section 10, ch. 2014-184, L.O.F., *codified at* s. 1007.273, F.S.

<sup>45</sup> Section 1007.273(3), F.S.

<sup>46</sup> Section 1007.273(2)-(3), F.S.

<sup>47</sup> Florida Department of Education, *Collegiate High School Program Update*, Presentation to the Florida Senate Committee on Education Pre-K – 12 (Dec. 3, 2015), available at [http://www.flsenate.gov/PublishedContent/Committees/2014-2016/ED/MeetingRecords/MeetingPacket\\_3291.pdf](http://www.flsenate.gov/PublishedContent/Committees/2014-2016/ED/MeetingRecords/MeetingPacket_3291.pdf), at 3.

<sup>48</sup> Section 1007.273(3), F.S.

<sup>49</sup> *Id.*

<sup>50</sup> An eligible college or university means “an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this state, and is accredited by the Commission on Colleges of the Southern Association of Colleges and Schools to grant baccalaureate degrees.” Section 1007.273(5), F.S.

<sup>51</sup> Section 1007.273(4), F.S.

certifications to be taken by the student, student attendance requirements, and course grade requirements.<sup>52</sup>

### ***Funding***

Funding for collegiate high school programs is based on the funding mechanism for dual enrollment.<sup>53</sup> The State Board of Education is required to enforce compliance with the collegiate high school program provisions by withholding the transfer of funds for the school districts and the FCS institutions in accordance with the law.<sup>54</sup>

### **Credit Acceleration Program**

In 2010, the Florida Legislature established the Credit Acceleration Program (CAP) to allow a student to earn high school credit in Algebra I, Algebra II, geometry, United States history, or Biology if the student attains a passing score on the corresponding statewide, standardized assessment without enrolling in or completing the course.<sup>55</sup>

### **Standard High School Diploma Designations**

A student may earn a scholar designation<sup>56</sup> or a merit designation<sup>57</sup> on the standard high school diploma if the student meets specified conditions in addition to fulfilling the requirements to earn the diploma.<sup>58</sup>

### ***Scholar Designation***

A student must satisfy the following requirements:<sup>59</sup>

- Mathematics – earn one credit in Algebra II and one credit in statistics or equally rigorous course. Beginning with students entering grade 9 in 2014-2015 school year, pass the Algebra II and geometry statewide, standardized assessments.
- Science – pass the statewide, standardized Biology I end-of-course (EOC) assessment and earn one credit in chemistry or physics and one credit in a course equally rigorous to chemistry or physics. A student enrolled in the Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) Biology course who takes the respective AP, IB, or AICE assessment and earns the minimum score to generate college credit, in accordance with the law, is not required to take the Biology I EOC assessment.
- Social Studies – pass the statewide, standardized United States History EOC assessment. A student enrolled in the AP, IB, or AICE United States History topics who takes the respective AP, IB, or AICE assessment and earns the minimum score to generate college credit, in accordance with the law, is not required to take the United States History EOC assessment.

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<sup>52</sup> Section 1007.273(4), F.S.

<sup>53</sup> Section 1007.273(6), F.S.

<sup>54</sup> *Id.*

<sup>55</sup> Section 5, ch. 2010-22, L.O.F., *codified at* s. 1003.4295(3), F.S.

<sup>56</sup> Section 1003.4285(1)(a), F.S.

<sup>57</sup> Section 1003.4285(b), F.S.

<sup>58</sup> Section 1003.4282, F.S.

<sup>59</sup> Section 1003.4285(1)(a), F.S.

- Foreign language – earns two credits in the same foreign language.
- Electives – earn at least one credit in AP, IB, AICE, or dual enrollment course.

### *Merit Designation*

A student must attain one or more industry certifications.<sup>60</sup>

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

This bill updates terminology and expands opportunities and requirements related to career and adult education. Specifically, the bill:

- Updates, revises, and expands terminology and criteria to align statutory law to federal guidelines and regulations regarding apprenticeship programs.
- Increases the number of Career and Professional Education (CAPE) Digital Tool certificates that can be earned by elementary and middle school students and approved annually on the CAPE Industry Certification Funding List.
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- Restructures adult education service priorities to bifurcate services that must be provided from services that may be provided at the discretion of the school districts or Florida College System (FCS) institutions.
- Adds the Chancellor of Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Requires each school district and FCS institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.
- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to FCS institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.

The bill also expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:

- Provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
- Specifies the purpose of the structured programs.
- Requires the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
- Establishes bonus funding for school districts based on students successfully completing 30 or 60 college credit hours.

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<sup>60</sup> Section 1003.4285(1)(b), F.S.

- Establishes notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.
- Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

## **Apprenticeships**

### ***Definitions***

The bill changes the term “journeyman” to “journeyworker.” Also, the bill clarifies and expands the definition of the term journeyworker as a worker who has mastered the skills and competencies required for a specific trade or occupation through a formal apprenticeship, attainment of a nationally recognized industry certification, or practical on-the-job experience or formal training. The revised definition aligns the state definition with federal law and recognizes the importance of industry certifications as nationally recognized credentials that demonstrate competency of the student’s knowledge in a specific trade or occupation.

The bill redefines “related instruction” by specifying that such instruction may be given in occupational or industrial courses taught inside or outside the classroom through correspondence courses, electronic media, or other forms of self-study approved by the Department of Education (DOE). The bill expands the definition to broaden the types of courses and options for receiving instruction for such courses, which may benefit preapprentices and apprentices who would not otherwise have the opportunity to receive the instruction in a traditional classroom setting.

### ***Apprenticeable Occupations***

The bill expands the criteria for an apprenticeable occupation as a clearly identified, skilled trade which may be associated with a nationally recognized industry certification and involves skills and knowledge in accordance with the applicable industry standards. By revising the criteria for an apprenticeable occupation, the bill recognizes the importance of industry certifications as nationally recognized credentials that demonstrate competency of the student’s knowledge in a specific trade or occupation.

### ***State Apprenticeship Advisory Council Membership***

The bill authorizes the Governor to appoint two public members to the State Apprenticeship Advisory Council (council) who are independent of, rather than recommended by, joint or nonjoint organizations affiliated with apprenticeship sponsors, which meets the intent of federal law. The bill may provide the Governor more autonomy when appointing council members.

### ***Apprenticeship Agreements***

The bill prohibits apprenticeship programs or agreements from discriminating against or invalidating special provisions for veterans, minority persons, or women. In effect, the bill ensures that such individuals are protected and special provisions are honored in apprenticeship agreements.

### **CAPE Digital Tool Certificates**

The bill increases from 15 to 30 the maximum number of CAPE Digital Tool certificates available for school districts to use in their programs and provides students more options for acquiring digital skills and attaining industry-approved credentials. Also, the bill removes the requirement that the CAPE Digital Tool certificates be updated solely by the Chancellor of Career and Adult Education which may provide the DOE with more flexibility to review, recommend, and update the CAPE Certification Funding List with regard to such certificates.

### **Career and Technical Center Financial Aid Appeals**

The bill requires, consistent with federal law, each district school board operating a career center and each governing board of a charter technical career center to establish procedures for student appeals relating to financial aid grievances. In effect, the bill ensures that students enrolled in career and technical education programs are afforded the same rights relating to student financial aid as students enrolled in state universities and Florida College System institutions.

### **Higher Education Coordinating Council**

The bill adds the Chancellor of Career and Adult Education to the membership of the Higher Education Coordinating Council (HECC) to provide adequate representation of career centers in discussions and recommendations relating to higher education policies.

### **Adult Education**

The bill restructures adult education service priorities to bifurcate services that must be provided from services that may be provided at the discretion of the school districts or FCS institutions. Adult education programs are currently required to provide academic services to students who enroll in lifelong learning courses or activities and students who enroll in courses that relate to recreational or leisure pursuits, the bill provides that these services may only be provided if all students meeting the criteria for required services have been served.

The bill also requires any school district or Florida College System institution that offers an adult education program to provide at least one online option for students to earn a high school diploma or its equivalent no later than July 1, 2017.

### **Workforce Education Funding**

The bill requires each school district and FCS institution receiving state appropriations for workforce education programs to maintain adequate and accurate records including a system to record school district workforce education funding and expenditures in order to maintain separation of postsecondary workforce education expenditures from secondary education expenditures.

The bill revises the calculation methodology for determining state funding for workforce education programs consistent with the current method used to allocate funds, and removes obsolete references for programs that are no longer funded.

The bill clarifies the requirements for workforce performance funding to reward all types of workforce education programs, including those that:

- Prepare people to enter high-skill/high wage occupations;
- Increase student achievement in Adult General Education courses; and
- Award industry certifications

### **Florida Apprenticeship Grant (FLAG) Program**

The bill creates the FLAG Program to provide competitive grants, in an amount provided in the General Appropriations Act (GAA), to FCS institutions for the purpose of establishing new apprenticeship programs and expanding existing apprenticeship programs to meet student and workforce needs. The Division of Career and Adult Education within the DOE is responsible for administering the FLAG Program. An FCS institution must submit its application for the grant which must include projected enrollment and projected costs for the new or expanded apprenticeship programs. The DOE must give priority to apprenticeship programs in the areas of information technology, health, and machining and manufacturing.

The bill prohibits the use of grant funds for recurring instructional costs or for an FCS institution's indirect costs. Grant recipients must submit quarterly reports to the DOE, which may ensure program accountability.

### **Rapid Response Grant Program**

The bill creates the Rapid Response Grant Program to award competitive grants, in an amount provided in the GAA, to FCS institutions for the purpose of expanding or implementing their high-demand postsecondary programs.

To participate, the bill requires an FCS institution to submit its application to the DOE, which must include details regarding program expansion or development, projected enrollment, and projected costs. An FCS institution that is awarded a grant through the Rapid Response Grant Program must submit quarterly reports to the DOE. The use of grant funds is limited to expanding enrollment in existing postsecondary programs or developing new postsecondary programs. The bill prohibits grant recipients from using funds to supplant current funds.

The DOE must conduct an annual analysis and assessment of the effectiveness of the postsecondary programs' effectiveness in meeting labor market demand. The DOE analysis and assessment of the postsecondary programs may ensure program accountability and may further assist FCS institutions in meeting the state's workforce needs.

### **Structured High School Acceleration Programs**

The bill provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs. The bill specifies that district school boards must not limit student enrollment in the structured programs.

### ***Purpose***

The bill specifies the purpose of the structured programs must be to provide students opportunities to complete 30 credit hours toward general education core<sup>61</sup> curriculum or common prerequisite<sup>62</sup> requirements. The credit hours may be earned through articulated acceleration mechanisms, in addition to dual enrollment, including Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), or College Level Examination Program (CLEP). This modification establishes a purposeful organization of the structured programs that assist students in earning meaningful college credits applicable toward general education core curriculum or common prerequisite requirements, leading to an associate degree<sup>63</sup> or a baccalaureate degree.<sup>64</sup> Statewide articulation agreements<sup>65</sup> govern articulation between secondary and postsecondary education to facilitate the seamless articulation of student credit across Florida's educational entities.<sup>66</sup>

### ***Structured High School Acceleration Program Contract***

The bill requires the structured program contract to delineate course offerings that include courses that fulfill general education core curriculum or common prerequisite requirements. Accordingly, students will be afforded information regarding specific courses and credits that may be applied toward fulfilling the requirements for at least the first year of college and ultimately, an associate degree or baccalaureate degree. College credits earned before graduation from high school may result in tuition and fee savings for the students.

### ***Bonus Funding for School Districts***

The bill establishes bonus funding for school districts to reward districts for providing students access to advanced-level instruction through structured programs. Similar to bonus funding authorized for CAPE Acceleration Industry Certifications, the bill provides:

- 0.5 full-time equivalent (FTE) bonus for a student enrolled in the program who successfully completes 30 credit hours toward general education core curriculum or common prerequisite course requirements, which may include attaining one or more industry certifications before graduating from high school; and

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<sup>61</sup> General education core course options consist of a maximum of five courses within each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. The course options are identified by faculty committees that are jointly appointed by the chair of the State Board of Education (state board) and the chair of the Board of Governors (BOG). Section 1007.25(3), F.S.; *see also* Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

<sup>62</sup> The Department of Education is required to identify common prerequisite courses and course substitutions for degree programs across all institutions. Common degree program prerequisites must be offered and accepted by all state universities and Florida College System (FCS) institutions, except in cases approved by the state board for the FCS institutions and the BOG for the state universities. Section 1007.25(5), F.S.

<sup>63</sup> Typically, an associate in arts degree requires 60 semester hours of college credit and include 36 semester hours of general education coursework. Section 1007.25(7), F.S.

<sup>64</sup> A baccalaureate degree program usually requires 120 semester credit hours and include 36 semester hours of general education coursework, unless prior approval has been granted by the BOG for baccalaureate degree programs offered by state universities and by the state board for baccalaureate degrees offered by Florida College System institutions. Section 1009.25(8), F.S.

<sup>65</sup> The state board and the BOG are required to enter into a statewide articulation agreement, providing for the transfer and application of credits earned by students in high school or in postsecondary programs of study. Section 1007.23(1), F.S.

<sup>66</sup> Section 1007.23(1)(a), F.S.

- An additional 0.5 FTE bonus for a student enrolled in the program who successfully completes 60 credit hours towards an associate in arts or associate in science degree, which may include attaining one or more industry certifications before graduating from high school.

The bonus funding incentives may motivate school district participation in the structured programs. Participation in such programs will likely help students gain access to advanced-level instruction and opportunities to earn industry-approved industry certifications, and generate college credit.

### ***Student Performance Contract and Notification***

The bill establishes notification requirements for each district school board to inform students enrolled in grades 9, 10, 11, and 12 about the structured programs, specifying the method for earning college credits and the estimated cost savings to students and their families associated with earning the college credits before graduating from high school. The bill also requires each student's performance contract to specify the applicability of courses to an associate or baccalaureate degree. These requirements will likely increase awareness about structured programs and better inform students regarding the relationship between their high school coursework and postsecondary degree.

### ***Reporting Requirements***

The bill specifies reporting requirements for district school superintendents and the Commissioner of Education (commissioner):

- By September 1 of each school year, each district school superintendent must report to the commissioner information regarding student enrollment and completion, attainment of industry certifications, and barriers to executing structured program contracts.
- By November 30 of each school year, the commissioner must report to the Governor, President of the Senate, and the Speaker of the House of Representatives the status of structured programs and provide recommendations for expanding access to such programs statewide.

The reporting requirements may assist with program improvement efforts at the local and state level.

### **Credit Acceleration Program**

The bill also expands the Credit Acceleration Program (CAP) mechanism for earning high school credit to include Advanced Placement examinations that students may take to fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma. Specifically, the bill allows students to earn high school credit in Algebra I, Algebra II, geometry, United States history, biology, or a course required to earn a scholar or merit designation if such students attain a passing score on the corresponding statewide, standardized assessment or Advanced Placement (AP) examination, without enrolling in or completing the course associated with that assessment or examination. Currently, under the CAP, the



competency-based mechanism for earning high school credit is limited to students passing specified statewide, standardized assessments.<sup>67</sup>

The bill provides an effective date of July 1, 2016.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Under CS/SB 1060, the expansion of structured high school acceleration programs may create more opportunities for students to earn college credit at no cost while enrolled in high school, which may result in tuition and fee savings for these students.

C. Government Sector Impact:

The bonus funding authorized in the bill may increase funding through the Florida Education Finance Program (FEFP) for school districts that develop structured programs which allow students to earn the necessary 30 or 60 college credits.

The increase in the number of CAPE Digital Tool certificates made available on the CAPE Industry Certification Funding List may result in an increase in the number of students eligible to generate additional full-time equivalent (FTE) funding to school districts.<sup>68</sup> Each CAPE Digital Tool certificate generates 0.025 FTE, which would generate approximately \$104 in additional funding for each certificate earned in the 2015-2016 fiscal year.<sup>69</sup>

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<sup>67</sup> Section 1003.4295(3), F.S.

<sup>68</sup> Florida Department of Education, *2016 Agency Legislative Bill Analysis* (SB 1060), at 5, *r'cvd* December 23, 2015 (on file with the staff of the Committee on Education Pre-K – 12).

<sup>69</sup> *Id.*

According to the Department of Education, the mandatory online options for adult high school and high school equivalency programs may cause school districts and colleges to incur expenditures related to online instructional delivery (staffing, technical infrastructure requirements, etc.). Costs for school districts and Florida College System institutions to offer these online options are indeterminable.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 446.021, 446.032, 446.045, 446.081, 446.091, 446.092, 1003.4295, 1004.015, 1004.92, 1004.93, 1007.273, 1008.44, 1009.42, and 1011.80.

The bill creates the following sections of the Florida Statutes: 1011.802 and 1011.803.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

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

**CS by Appropriations on February 25, 2016:**

The committee substitute:

- Expands student access to advanced-level instruction and examinations that students may take to generate high school credit through a performance-based approach. Specifically, the bill:
  - Provides for the creation of structured high school acceleration programs (structured programs) that may include collegiate high school programs, and modifies existing provisions for collegiate high school programs to also apply to the structured programs.
  - Specifies the purpose of the structured programs.
  - Requires the structured program contracts to delineate courses that fulfill general education core curriculum or common prerequisites.
  - Establishes bonus funding for school districts based on students successfully completing 30 or 60 college credit hours.
  - Establishes notification requirements for district school boards, and reporting requirements for district school superintendents and the Commissioner of Education.
  - Expands the Credit Acceleration Program mechanism for earning high school credit to include Advanced Placement examinations that students may take to

fulfill the requirements for earning a standard high school diploma and a scholar or merit designation on the diploma.

- Creates the Florida Apprenticeship Grant (FLAG) Program to award competitive grants to Florida College System (FCS) institutions for the purpose of establishing new or expanding existing apprenticeship programs.
- Creates the Rapid Response Grant Program to award competitive grants to FCS institutions for the purpose of expanding or implementing high-demand postsecondary programs.
- Redefines state funding for workforce education programs and requires more accurate financial reporting.
- Restructures adult education service priorities to bifurcate services that must be provided from services that may be provided at the discretion of the school districts or FCS institutions.
- Adds the Chancellor of Career and Adult Education to the membership of the Higher Education Coordinating Council.
- Requires each school district and FCS institution that offers an adult education program to provide at least one online option that enables students to earn a standard high school diploma or its equivalent.

B. Amendments:

None.