

**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 Appropriations Subcommittee on Education

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BILL: PCS/SB 1366 (259884)

INTRODUCER: Appropriations Subcommittee on Education and Senator Baxley

SUBJECT: Education

DATE: April 16, 2019

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

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

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

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

PCS/SB 1366 promotes options for education in computer science by:

- Providing that a student may substitute one computer science credit for one science credit, excluding Biology I, in order to satisfy the credit requirements to earn a standard high school diploma;
- Including high-quality professional development for teachers to provide instruction in computer science courses to the existing training that a school district or consortium of school districts may apply to the Department of Education for funding to deliver, subject to legislative appropriation; and
- Increasing the number of potential certificates available to elementary and middle school students by doubling the limit on CAPE Digital Tool certificates that may be included on the Industry Certification Funding List.

The bill also:

- Permits a parent to request an exemption for their child from any portion of the comprehensive health education course of study the parent finds objectionable.
- Removes from inclusion in comprehensive health education course of study concepts related to dating violence and abuse and adds concepts related to techniques to respond to child abuse and the warning signs of human trafficking.
- Allows a virtual instruction provider to use learning gains for students in other states as a way to demonstrate success and extends the conditional approval period from one year to two years.

The bill does not have an impact on state revenues or expenditures. However, increasing the number of CAPE Digital Tool certificates may allow some school districts to generate additional bonus funding through the Florida Education Finance Program (FEFP).

The bill takes effect July 1, 2019.

## II. Present Situation:

### Science Credits Required for High School Graduation

Receipt of a standard high school diploma requires successful completion of 24 credits.<sup>1</sup> A student must earn three science credits to earn a standard high school diploma:<sup>2</sup>

- One credit in Biology I; and
- Two credits in equally rigorous courses, one of which a student may satisfy by earning a credit in computer science and the earning of a related industry certification approved for college credit by the State Board of Education.<sup>3</sup> A computer science credit and the earning of a related industry certification may not substitute for a Biology I or higher-level science credit.

Public schools are required to offer courses in computer science to middle school and high school students and to provide all students opportunities for learning computer science in the classroom or through the Florida Virtual School or other means.<sup>4</sup> A teacher with a valid teaching certificate which requires a minimum of a baccalaureate degree can provide instruction in a computer science course.<sup>5</sup> However, only 19 percent of Florida high schools offered a computer science course during the 2017-2018 academic year.<sup>6</sup>

### CAPE Digital Tool Certificates

The Career and Professional Education Act (CAPE)<sup>7</sup> provides multiple options for students to attain digital skills through digital tools and industry certifications.<sup>8</sup> Digital tools are certificates reflecting core computer skills. The Department of Education (DOE) is required to annually identify, and the Commissioner of Education may recommend, up to 15 CAPE Digital Tool certificates for inclusion on a CAPE Industry Certification Funding List.<sup>9</sup> Public schools must make the certificates available to all elementary and middle school students. School districts are eligible for 0.025 full-time equivalent (FTE) bonus funding through the Florida Education

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<sup>1</sup> Section 1003.4282, F.S. A Student may also receive a standard high school diploma by completing the curriculum of an International Baccalaureate, or an Advanced International Certificate of Education.

<sup>2</sup> Section 1003.4282, F.S.

<sup>3</sup> Section 1007.2616(6)(a), F.S.

<sup>4</sup> Section 1007.2616(1) and (3), F.S.

<sup>5</sup> Section 1012.55, F.S.; Rules 6A-1.0503 and 6A-1.09441(5), F.A.C.; Florida Department of Education, *Course Code Directory and Instructional Personnel Assignments 2018-2019* (2018), available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-09272>. Open the pdf titled "CCD1819v2.pdf" (last visited Mar. 15, 2019).

<sup>6</sup> Code.org, *Support K-12 Computer Science Education in Florida* (2018), available at <https://code.org/advocacy/state-facts/FL.pdf>.

<sup>7</sup> Chapter 2007-216, L.O.F.

<sup>8</sup> Section 1003.4203, F.S.

<sup>9</sup> Section 1008.44(1)(b), F.S.

Finance Program (FEFP) for each certificate earned by a student; however, additional FTE may not exceed 0.1 for certificates or certifications earned by an elementary or middle school student within the same fiscal year.<sup>10</sup>

A CAPE Digital Tool certificate may be included on the CAPE Industry Certification Funding List if it:<sup>11</sup>

- Is achievable by elementary and middle school students;
- Assesses skills in word processing, development of spreadsheets, digital arts, cybersecurity, and coding;
- Is part of a career pathway leading to the attainment of a career and professional education industry certification on the career and professional education funding list, and
- Does not articulate for college credit.

Fifteen CAPE Digital Tool certificates are included on the CAPE Industry Certification Funding List for 2018-2019.<sup>12</sup> The bonus funding associated with earning a CAPE Digital Tool certificate is approximately \$105 per certificate earned for the 2018-2019 academic year.<sup>13</sup> During the 2017-18 school year, 33,714 students earned 40,947 CAPE Digital Tool certificates.<sup>14</sup>

### **Parent Rights**

The law provides K-12 students and their parents numerous statutory rights as it pertains to health issues. Although the law expressly states that a parent may request that his or her child be exempted from the teaching of reproductive health, the law does not explicitly authorize parents to request an exemption from the comprehensive health education course of study.<sup>15</sup>

### **Comprehensive Health Education**

The law specifies various prescribed courses of study that instructional staff must provide to students enrolled in public schools. For the prescribed comprehensive health education course of study, curriculum for students in grades 7 through 12 shall include a teen dating violence and abuse component. Current statutory provisions do not specifically address human trafficking.<sup>16</sup>

### **Virtual Instruction Programs**

The Department of Education is required to annually publish a list of providers approved to offer virtual instruction programs. To be included on the approved list, a provider must possess prior

<sup>10</sup> *Id.* and s. 1011.62(1)(o)1., F.S.

<sup>11</sup> *See* s. 1008.44(1)(b), F.S.; Rule 6A-6.0573(7)(d), F.A.C.

<sup>12</sup> Florida Department of Education, *2018-2019 CAPE Industry Funding List, Revised*, at 9 (2018), available at <http://www.fldoe.org/core/fileparse.php/8904/urlt/1819icfl.pdf>.

<sup>13</sup> Florida Department of Education, Career and Adult Education, *Estimated Funding Values by District (Excel)*, <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/resources.stml>. Open the excel file in the “CAPE Implementation Tools” section of the page (last visited Mar. 15, 2019).

<sup>14</sup> Florida Department of Education, Division of Career and Adult Education, *Career and Professional Education Act Enrollment and Performance Report, 2017-18* (2018), available at <http://www.fldoe.org/core/fileparse.php/9904/urlt/1718capepr.pdf>.

<sup>15</sup> Section 1002.20(3), F.S.

<sup>16</sup> Section 1003.42(2)(n), F.S.

successful experience offering online courses to elementary, middle, and high school students. Providers may demonstrate prior success through quantified learning gains for each subject area and grade provided for consideration. A provider that does not have sufficient prior success in offering online courses may be granted conditional approval, valid for one school year.<sup>17</sup>

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

#### **Computer Science Credits**

The bill specifies that a student may substitute one computer science credit for one science credit, excluding Biology I. This may result in more students earning computer science credits.

Additionally, the bill authorizes school districts or a consortium of school districts to apply to the Department of Education for funding, contingent on legislative appropriation, for high-quality professional development for teachers to provide instruction in computer science courses and content. This may increase the number of teachers with the skills necessary to teach computer science courses.

#### **CAPE Digital Tools**

The bill increases the number of potential CAPE Digital Tool certificates available to students by doubling the cap on the certificates that may be included on the Industry Certification Funding List. This may provide more options for school districts to offer CAPE Digital Tool certificates, which may increase the number of students earning CAPE Digital Tool certificates.

#### **Parent Rights**

The bill permits a parent to request an exemption for their child from any portion of the comprehensive health education course of study the parent finds objectionable.

#### **Comprehensive Health Education**

The bill removes from inclusion in comprehensive health education course of study concepts related to dating violence and abuse and adds concepts related to techniques to respond to child abuse and the warning signs of human trafficking.

#### **Virtual Instruction Programs**

The bill specifies that to be a qualifying provider of virtual instruction, success experience can be demonstrated using other statewide assessments, nationally recognized assessments or other third-party pre- and post- assessments for students in other states. In addition, the bill extends the conditional approval timeframe from one year to two years, allowing a provider additional time to demonstrate success.

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<sup>17</sup> Section 1002.45(2)(a)5., F.S.

**IV. Constitutional Issues:**

## A. Municipality/County Mandates Restrictions:

None.

## B. Public Records/Open Meetings Issues:

None.

## C. Trust Funds Restrictions:

None.

## D. State Tax or Fee Increases:

None.

## E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

## A. Tax/Fee Issues:

None.

## B. Private Sector Impact:

None.

## C. Government Sector Impact:

The bill does not have an impact on state revenues or expenditures. Increasing the number of CAPE Digital Tool certificates may allow some school districts to generate additional bonus funding through the Florida Education Finance Program (FEFP). School districts receive bonus funding of approximately \$105 for each CAPE Digital Tool certificate awarded in the 2018-2019 academic year.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 1003.4282, 1007.2616, and 1008.44.

This bill reenacts the following sections of the Florida Statutes: 1002.20, 1002.3105, 1003.4281, 1003.4285, 1003.49, 1004.935, 1006.15, 1007.271, 1008.25, 1009.531, and 1009.893.

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

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

**Recommended CS by Appropriation Subcommittee on Education on April 16, 2019.**

The committee substitute permits a parent to request an exemption for his or her child from any portion of the comprehensive health education course of study the parent finds objectionable.

The committee substitute removes from inclusion in comprehensive health education course of study concepts related to dating violence and abuse and adds concepts related to techniques to respond to child abuse and the warning signs of human trafficking.

The committee substitute allows a virtual instruction provider to use learning gains for students in other states as a way to demonstrate success and extends the conditional approval period from one year to two years.

**B. Amendments:**

None.