

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 Committee on Health Policy

BILL: CS/SB 532

INTRODUCER: Education Committee and Senator Burgess

SUBJECT: Workforce Education

DATE: March 16, 2021

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sagues</u>	<u>Bouck</u>	<u>ED</u>	Fav/CS
2.	<u>Smith</u>	<u>Brown</u>	<u>HP</u>	Favorable
3.	<u> </u>	<u> </u>	<u>RC</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 532 authorizes school district career centers to offer an associate in applied science or associate in science degree program in nursing but restricts offering the degree program to graduates of a licensed practical nursing program offered at that same career center.

The bill has no impact on state revenues or expenditures.

The bill provides an effective date of July 1, 2021.

II. Present Situation:

Workforce Education

Workforce education includes adult general education and career education and may consist of a course or a program of study leading to an occupational completion point (OCP),¹ a career certificate, an applied technology diploma, or a career degree.² Specifically, workforce education includes:³

¹ An "occupational completion point" (OCP) means the occupational competencies that qualify a person to enter an occupation that is linked to a career and technical program. *See* s. 1004.02(21), F.S.

² Section 1004.02(25), F.S.

³ Section 1011.80(1), F.S.

- Adult general education programs;⁴
- Career certificate programs;⁵
- Applied technology diploma (ATD) programs;⁶
- Continuing workforce education courses;⁷
- Degree career education programs;⁸ and
- Apprenticeship⁹ and preapprenticeship¹⁰ programs.

Any workforce education program may be conducted by a Florida College System (FCS) institution or a school district, except that college credit in an associate in applied science (AAS) or an associate in science (AS) degree may be awarded only by an FCS institution. However, if an AAS or an AS degree program contains an OCP that confers a certificate or an ATD, that portion of the program may be conducted by a school district career center.¹¹

Career Centers

A district school board may, as a part of the district school system, operate a career center.¹² A career center is an educational institution offering terminal courses of a technical nature and courses for out-of-school youth and adults. A career center is administered by a director responsible through the district school superintendent to the local district school board.¹³

⁴ “Adult general education” means comprehensive instructional programs designed to improve the employability of the state’s workforce through adult basic education, adult secondary education, English for Speakers of Other Languages, applied academics for adult education instruction, and instruction for adults with disabilities. Section 1004.02(3), F.S.

⁵ A “career certificate program” means a course of study that leads to at least one OCP. The program may also confer credit that may articulate with a diploma or career degree education program. Section 1004.02(20), F.S.

⁶ An “applied technology diploma (ATD) program” means a course of study that is part of a technical degree program, is less than 60 credit hours, and leads to employment in a specific occupation. An ATD program may consist of either technical credit or college credit. A public school district may offer an ATD program only as technical credit, with college credit awarded to a student upon articulation to a Florida College System (FCS) institution. Section 1004.02(7), F.S.

⁷ “Continuing workforce education” means instruction that does not result in a technical certificate, diploma, associate in applied science (AAS) degree, or associate in science (AS) degree. Continuing workforce education is for: (1) individuals who are required to have training for licensure renewal or certification renewal by a regulatory agency or credentialing body; (2) new or expanding businesses; (3) business, industry, and government agencies whose products or services are changing so that retraining of employees is necessary or whose employees need training in specific skills to increase efficiency and productivity; or (4) individuals who are enhancing occupational skills necessary to maintain current employment, to cross train, or to upgrade employment. Section 1004.02(12), F.S.

⁸ A “degree career education program” or “technical degree education program” means a course of study that leads to an AAS degree or an AS degree. A technical degree program may contain within it one or more program progression points and may lead to certificates or diplomas within the course of study. Section 1004.02(13), F.S.

⁹ Registered apprenticeship programs enable employers to develop and apply industry standards to training programs for registered apprentices that can increase productivity and improve the quality of the workforce. Apprentices who complete registered apprenticeship programs are accepted by the industry as journey workers. Florida Department of Education, *Apprenticeship Programs*, available at <http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/> (last visited Mar. 12, 2021).

¹⁰ Registered pre-apprenticeship programs provide an avenue for both adults and youth who are at least 16 years old to become qualified to enter registered apprenticeship programs. Pre-apprenticeship programs are sponsored and operated by registered apprenticeship programs in the same trade or trades. Florida Department of Education, *Preapprenticeship*, available at <http://fldoe.org/academics/career-adult-edu/apprenticeship-programs/preapprenticeship.stml> (last visited Mar. 12, 2021).

¹¹ Section 1011.80(2), F.S.

¹² Section 1001.44(1), F.S.

¹³ Section 1001.44(3)(a), F.S.

Currently, there are 48 career centers accredited by the Council on Occupational Education (COE) operating in 32 school districts in Florida.¹⁴ The COE accredits postsecondary occupational institutions that offer career certificate, diploma, or applied associate degree programs. The associate degree includes both an AAS and AS degree.¹⁵ The COE does not accredit institutions that offer credentials above an applied associate degree.¹⁶ The COE is one of the national accrediting agencies recognized by the U.S. Department of Education for eligibility to offer federal student financial aid.¹⁷

Florida College System Institutions

The FCS is composed of 28 colleges and 72 campuses that serve each of Florida's counties.¹⁸ The purpose of the FCS is to maximize open access for students, respond to community needs for postsecondary academic education and career degree education, and provide associate and baccalaureate degrees that will best meet the state's employment needs.¹⁹ The State Board of Education supervises the FCS, and each FCS institution is governed by a local board of trustees.²⁰ Each FCS institution is accredited by the Southern Association of Colleges and Schools Commission on Colleges.²¹

Articulation of Career Education to Degree Programs

Florida law guarantees that students who complete specified career certificate programs or ATDs at a career center or FCS institution are able to articulate the non-college-credit program into a college-credit AAS or AS degree program at an FCS institution.²² There are currently 33 career certificate program to AAS/AS degree articulation agreements, and eight ATD program to

¹⁴ Florida Department of Education, *District Postsecondary Institutions*, available at <http://www.fldoe.org/core/fileparse.php/5398/urlt/DistPSInstMap.pdf> (last visited Mar. 12, 2021).

¹⁵ Council on Occupational Education, *Handbook of Accreditation* (2020), available at https://council.org/wp-content/uploads/2020/07/2020-Handbook-of-Accreditation_Generic_FINAL-w-Covers_7-26-20.pdf, at 58 (last visited Mar. 12, 2021).

¹⁶ Council on Occupational Education, *FAQs*, available at <https://council.org/accreditation-frequently-asked-questions/> (last visited Mar. 12, 2021).

¹⁷ *Id.*

¹⁸ Florida Department of Education, *Division of Florida Colleges*, available at <http://www.fldoe.org/schools/higher-ed/fl-college-system/> (last visited Mar. 12, 2021). Each Florida College System institution is assigned one or more counties as a part of its service delivery area. Section 1000.21(3), F.S.

¹⁹ Section 1001.60(1), F.S.

²⁰ FLA. CONST. art. IX, s. 8.

²¹ The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) is the regional body for the accreditation of degree-granting higher education institutions in the southern states. It serves as the common denominator of shared values and practices among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees. Southern Association of Colleges and Schools Commission on Colleges, available at <http://sacscoc.org/> (last visited Mar. 12, 2021). All FCS institutions except Hillsborough Community College are accredited to the baccalaureate degree level. SACSCOC, *Florida*, available at https://sacscoc.org/institutions/?state=FL&results_per_page=25&curpage=1 (last visited Mar. 12, 2021).

²² Section 1007.23(4), F.S. The statewide articulation agreement guarantees the statewide articulation of appropriate workforce development programs and courses between school districts and FCS institutions and specifically provide that every ATD graduate must be granted the same amount of credit upon admission to an AAS or AS degree program.

AAS/AS degree articulation agreements.²³ The amount of credit applied to the degree program varies by program and is determined by school district career center and FCS institution college faculty. According to the Practical Nursing certificate program articulation agreement, students who complete the 1,350-clock-hour Practical Nursing program are guaranteed 10 college credits upon entrance into the 72-credit AS degree program in Nursing.²⁴ Twenty-eight districts offered licensed practical nursing (LPN) career certificate programs with close to 4,000 students enrolled in 2018-2019.²⁵

Florida Public Postsecondary Nursing Programs

Any educational institution that wishes to conduct a program in Florida for the pre-licensure education of professional or practical nurses must apply to the Department of Health and be approved by the Florida Board of Nursing.²⁶

Each FCS institution offers a 72-credit-hour AS degree in nursing to prepare students for employment as registered nurses (RN).²⁷ FCS institutions enrolled 13,619 students in the AS nursing degree program in 2018-2019.²⁸

Each AS degree must also include a minimum of 15 college credits of general education coursework.²⁹ The standards for all Florida AS degree programs, including nursing, are determined in the curriculum frameworks maintained by the Department of Education (DOE).³⁰ All Florida AS nursing degree programs are accredited by the Accreditation Commission for

²³ Florida Department of Education, *Career Certificate Program to AAS/AS Degree*, available at <http://www.fldoe.org/academics/career-adult-edu/career-technical-edu-agreements/psav-to-aas-as-degree.stml> (last visited Mar. 12, 2021), and *Applied Technology Diploma to Associate in Science or Associate in Applied Science Program Articulation* (Feb. 2020), available at <http://www.fldoe.org/core/fileparse.php/7525/urlt/atd-to-asandaas-articulationagreemts.pdf> (last visited Mar. 12, 2021).

²⁴ Florida Department of Education, *Postsecondary Adult Vocational (PSAV) to AAS/AS Degree Articulation, Statewide Agreement Worksheet Summary* (Feb. 28, 2018), available at <http://www.fldoe.org/core/fileparse.php/7525/urlt/p1-practicalnursing.rtf> (last visited Mar. 12, 2021).

²⁵ Department of Education, *2020 Legislative Bill Analysis of SB 418* (Oct. 8, 2019) at 3.

²⁶ Section 464.019, F.S. The Florida Board of Nursing is a 13-member board within the Department of Health that licenses, monitors, disciplines, educates and, when appropriate, rehabilitates its licensees to assure their fitness and competence in providing health care services for the people of Florida. Section 464.004, F.S., and Florida Board of Nursing, available at <https://floridasnursing.gov/> (last visited Mar. 12, 2021).

²⁷ Twenty-seven FCS institutions are approved to offer the bachelor of science degree for nursing (BSN). In 2018-2019, 6,429 students were enrolled in FCS BSN programs. Department of Education, *2020 Legislative Bill Analysis of SB 418* (Feb 22, 2021) at 3.

²⁸ *Id.*

²⁹ Fla. Admin. Code R. 6A-14.030(4) (2021).

³⁰ The Career & Technical Education (CTE) Programs section in the DOE is responsible for developing and maintaining educational programs that prepare individuals for occupations important to Florida's economic development. These programs are organized into 17 different career clusters and are geared toward middle school, high school, district technical school, and FCS students throughout the state. With the help of partners in education, business and industry, and trade associations, each program includes the academic and technical skills required to be successful in today's economy. Florida Department of Education, *Career & Technical Education*, available at <http://www.fldoe.org/academics/career-adult-edu/career-tech-edu/> (last visited Mar. 12, 2021).

Education in Nursing (ACEN).³¹ There is currently no curriculum framework for an AAS degree in nursing, and no AAS degree programs in nursing are offered by FCS institutions.³²

Occupational Outlook

There were 49,549 LPNs employed in Florida in 2020. By 2028, it is expected that there will be a need for 56,043 LPNs, growing the profession by 13.1 percent.³³ Total job openings over this period is expected to be 38,674.³⁴ It is further estimated that 1,984 practical nursing students will annually complete a program to fill 4,165 LPN job openings through 2027, placing the profession in the “moderate” supply gap category.³⁵

There were 194,146 RNs employed in Florida, in 2020. By 2028, it is expected that there will be a need for 215,063 RNs, growing the profession by 10.8 percent.³⁶ Total job openings over this period is expected to be 108,324.³⁷ It is further estimated that 15,011 professional nursing students will annually complete an educational program to fill 14,094 RN job openings through 2027, placing the profession in the “very low or none” supply gap category.³⁸

III. Effect of Proposed Changes:

CS/SB 532 amends s. 1011.80, F.S., to authorize school district career centers to offer an associate in applied science (AAS) or associate in science (AS) degree program but restricts offering the degree program to graduates of a licensed practical nursing (LPN) program offered at that same career center.

³¹ The purpose of the ACEN is to provide specialized accreditation for all levels of nursing education and transition-to-practice programs. The ACEN accredits nursing education programs in secondary, postsecondary, and hospital-based governing organizations that offer certificates, diplomas, or degrees. The ACEN serves as a Title IV gatekeeper for all types of nursing education programs offered by certain institutions that are eligible to participate in financial aid programs administered by the United States Department of Education or other federal agencies. Accreditation Commission for Education in Nursing, *Mission, Purpose, Goals*, available at <https://www.acenursing.org/about/mission-purpose-goals/> (last visited Mar. 12, 2021).

³² In 2012, Florida nursing programs were leveled at the AS degree level in order to facilitate student transfer to aligned baccalaureate degrees. Florida Department of Education, *2020 Agency Analysis of SB 418* (Oct. 8, 2019).

³³ Florida Department of Economic Opportunity, *Employment Projections*, available at <https://floridajobs.org/workforce-statistics/data-center/statistical-programs/employment-projections> (last visited Mar. 12, 2021).

³⁴ *Id.*

³⁵ The Workforce Potential Supply Gap Analysis groups occupations into categories (high, moderate, low, very low/no potential gaps) based on the relative difference between employment demand and potential supply as provided from Florida educational and training institutions. The annual occupational job opening is the main source of demand and based on the annualized 10-year projections. This number takes into account occupational growth, transfers between occupations, and exits from an occupation. Supply data are based on completion tabulations from programs within the District Postsecondary, Florida College System, Commission for Independent Education, Independent Colleges & Universities of Florida, and the State University System institutions. Supply counts do not represent the total availability of labor for a given occupation. Other sources of labor supply may include individuals currently employed in similar occupations, migration, military separations or others currently outside the labor force. Florida Department of Economic Opportunity, *Supply and Demand*, available at <https://floridajobs.org/workforce-statistics/products-and-services/supply-and-demand> (last visited Mar. 12, 2021).

³⁶ Florida Department of Economic Opportunity, *Employment Projections*, available at <https://floridajobs.org/workforce-statistics/data-center/statistical-programs/employment-projections> (last visited Mar. 12, 2021).

³⁷ *Id.*

³⁸ *Supra* note 36.

The bill may expand the number of institutions that may offer an associate degree in nursing and may therefore increase access to such programs for students. If more students complete such programs and become licensed, the supply of nurses in Florida may also increase. Career centers that implement associate degree programs under the bill will be required to comply with additional requirements related to college credit programs and to institution and program accreditation, as follows.

Associate Degree Program Requirements

Students entering a college-credit nursing program who are not otherwise exempt would be required to complete a common placement test to assess basic mathematics and communication skills.³⁹ In addition, a career center offering an AS nursing degree would be required to include in the program 15 credit hours of general education coursework. This general education coursework requirement would also apply to an AAS nursing program. However, since there is currently no curriculum framework for an AAS degree program in nursing, there is no mechanism to offer an AAS program.

In addition, the career center that offers the college-credit (professional) nursing program would be required to meet faculty qualifications that are more rigorous than those required for a practical nursing program.⁴⁰

Approval and Accreditation

A career center seeking to offer an associate degree in nursing would need approval from the Board of Nursing. In addition, the career center would be required to obtain accreditation for its associate degree (professional) nursing program by a specialized nursing accrediting agency that is nationally recognized by the United States Secretary of Education to accredit nursing education programs.⁴¹ Florida law requires a nursing education program that prepares students for the practice of professional nursing to become an accredited program within five years after the date of enrolling the program's first students.⁴²

A career center would not, however, be required to seek institutional accreditation other than its existing accreditation by the Council on Occupational Education (COE). COE accreditation authorizes member institutions to offer both the AAS and AS degree.

³⁹ *Id.* Section 1008.30, F.S. The State Board of Education, in conjunction with the Board of Governors, is required to develop and implement a common placement test for the purpose of assessing the basic computation and communication skills of students who intend to enter a degree program at any public postsecondary educational institution. A student who entered 9th grade in a Florida public school in the 2003-2004 school year, or any year thereafter, and earned a Florida standard high school diploma or a student who is serving as an active duty member of any branch of the United States Armed Services is not be required to take the common placement test.

⁴⁰ An associate degree program requires the program director and at least 50 percent of the faculty to be registered nurses who have a master's or higher degree in nursing or a bachelor's degree in nursing and a master's or higher degree in a field related to nursing; a practical nursing program requires similar faculty to have bachelor's degrees. Section 464.019(1)(a), F.S.

⁴¹ Sections 464.003(1) and 464.019(11), F.S.

⁴² *Id.*

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:

School district career centers that choose to implement an associate degree nursing program would likely incur expenses related Board of Nursing approval and nursing program accreditation. For example:

- There is a \$1,000 application fee to the Board of Nursing.
- Accreditation Commission for Education in Nursing fees include \$3,500 for candidacy and initial accreditation, plus additional fees for site visits and full accreditation.⁴³

VI. Technical Deficiencies:

None.

⁴³ Accreditation Commission for Education in Nursing, *2020 Schedule of Fees*, available at <https://www.acenursing.org/for-programs/general-resources/2020-schedule-of-fees/> (last visited Mar. 12, 2021).

VII. Related Issues:

Florida law⁴⁴ specifies tuition that applies to students enrolled in workforce education programs who are reported for funding. College credit fees for associate degree programs are determined in law and are specific only to Florida College System (FCS) institutions.⁴⁵ It is unclear if such fees currently applied to FCS institution college-credit programs would be applied to school district career center college-credit degree programs.

VIII. Statutes Affected:

This bill substantially amends section 1011.80 of the Florida Statutes.

IX. Additional Information:

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

CS by Education on March 9, 2021:

The committee substitute makes a technical change and conforms language in the bill to clarify that a career center offering an Associate in Applied Science degree in nursing may offer such degree to graduates of a licensed practical nursing program at that career center.

- B. **Amendments:**

None.

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

⁴⁴

Section 1009.22, F.S. The tuition for programs leading to a career certificate or an ATD is \$2.33 per contact hour for residents and nonresidents and the out-of-state fee is \$6.99 per contact hour. Adult general education programs have a block tuition of \$45 per half year or \$30 per term. Fees are determined by the district school board or FCS institution.