

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 Fiscal Policy

BILL: CS/SB 102

INTRODUCER: Education Pre-K - 12 Committee; and Senators Gaetz and Arrington

SUBJECT: Exceptional Student Education

DATE: March 19, 2025 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|--------------|----------------|------------|--------------------|
| 1. | <u>Bouck</u> | <u>Bouck</u> | <u>ED</u> | <u>Fav/CS</u> |
| 2. | <u>Gray</u> | <u>Elwell</u> | <u>AED</u> | <u>Favorable</u> |
| 3. | <u>Bouck</u> | <u>Siples</u> | <u>FP</u> | <u>Pre-meeting</u> |

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 102 establishes a workforce credential program for students with autism spectrum disorder or students on a modified curriculum to enhance their employment opportunities upon graduation. The program must be developed and implemented by the Florida Department of Education (DOE), in cooperation with the Florida Center for Students with Unique Abilities, by January 31, 2026.

The program allows students to earn badges that signify the acquisition of specific workforce skills aligned with employer needs. Each badge requires students to demonstrate five distinct skills or behaviors, including workplace safety, and must be validated by two instructional staff members specializing in exceptional student education.

To evaluate the program's effectiveness, the bill mandates that the DOE submit an annual report from 2026 through 2030 with participation and outcomes data.

This bill does not have a fiscal impact on state revenues or expenditures. Any costs the Department of Education incur relating to establishing the credential should be absorbed within existing resources. See Section V., Fiscal Impact Statement.

The bill takes effect July 1, 2025.

II. Present Situation:

Exceptional Student Education

The Individuals with Disabilities in Education Act (IDEA)¹ and Florida law² mandate that all students who are between the ages of three to 21 and have a disability have the right to a free, appropriate public education (FAPE). School districts have the responsibility to ensure that students suspected of having a disability are subject to general education intervention procedures.³ Each district school board is required to provide for an appropriate program of special instruction, facilities, and services for exceptional students. Each district program must:

- Provide the necessary professional services for diagnosis and evaluation of exceptional students.
- Provide special instruction, classes, and services, either within the district school system, in cooperation with other district school systems, or through contractual arrangements with approved private schools or community facilities.⁴

Once a child meets IDEA's eligibility criteria, FAPE is implemented through the Individualized Education Program (IEP), which is the plan for providing special education and related services by the local education agency. The IEP is the primary tool for outlining a student's specialized education needs.⁵ The IEP is developed by an IEP team composed of school personnel and the child's parents or guardian.⁶ A student must be properly evaluated and found eligible as an exceptional student before receiving special instruction or services as follows:⁷

- A school district must evaluate a student within 60 days after receiving signed parental consent.⁸
- An IEP team, to include the parents of the affected student, must then review the evaluation and determine the educational needs of the student.⁹

Student Eligibility for Exceptional Student Education (ESE)

The State Board of Education (SBE) determines the procedures for qualifying a student as eligible to receive exceptional student education (ESE).¹⁰ Exceptional students include students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder (ASD or autism); a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual

¹ 34 C.F.R. Part 300.

² Section 1003.5716, F.S.

³ Rule 6A-6.0331, F.A.C.

⁴ Section 1003.57(1), F.S.

⁵ Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9 (last visited Mar. 5, 2025).

⁶ Congressional Research Service, *The Individuals with Disabilities Education Act (IDEA), Part B: Key Statutory and Regulatory Provisions* (August 20, 2024), available at <https://crsreports.congress.gov/product/pdf/R/R41833>, at 2 (last visited Mar. 5, 2025).

⁷ Section 1003.57(1), F.S.

⁸ Rule 6A-6.0331(3), F.A.C.

⁹ Rule 6A-6.0331(6), F.A.C.

¹⁰ Section 1003.57(1), F.S.

sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through five years, or children, ages birth through two years, with a diagnosed physical or mental condition known to have a high probability of resulting in developmental delay.¹¹

Children with autism in Florida are offered a variety of services through the state's 67 school districts and various other organizations operating within the state. The most recent data indicate that there are 66,152 students with ASD enrolled in Florida for the 2024-2025 school year.¹²

Special Education Services Available to Students with ASD

“Special education services” are specially designed instruction and related services necessary for an exceptional student to benefit from education. These services may include transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; services provided by a certified listening and spoken language specialist; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the SBE.¹³

The SBE defines related terms for students with ASD in SBE rule and provides guidance regarding the definition of ASD, evaluation of students, and criteria for eligibility for classification.¹⁴

The IEP team may determine that a student with a significant cognitive disability should follow a modified curriculum aligned with Access Points - Alternate Academic Achievement Standards (AP-AAAS). These access points are designed to provide students access to the general education curriculum at a reduced level of complexity while maintaining alignment with state academic expectations.¹⁵ The IEP must include a statement of measurable annual goals, including academic and functional goals, designed to meet the student's needs resulting from the disability and to enable the student to be involved in and make progress in the general education curriculum.¹⁶

Students with significant cognitive disabilities who are unable to participate in the statewide, standardized assessment program, even with accommodations, may be eligible for the Florida

¹¹ Section 1003.01(9), F.S. *See also* Rule 6A-6.03030, F.A.C.

¹² FLDOE, *PK-12 Public School Data Publications and Reports – Membership in Programs for Exceptional Students, Survey 2, 2024-2025* <https://www.fldoe.org/accountability/data-sys/edu-info-accountability-services/pk-12-public-school-data-pubs-reports/students.stml> (last visited Mar. 5, 2025)

¹³ Section 1003.01(9), F.S.

¹⁴ Rule 6A-6.03023, F.A.C.

¹⁵ Florida Department of Education, *Updates to Access Points - Alternate Academic Achievement Standards (AP-AAAS)*, at 3 (2022), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/Spring22AP-AAAS.pdf> (last visited Mar. 5, 2025).

¹⁶ Rule 6A-6.03028(3), F.A.C.

Standards Alternate Assessment (FSAA).¹⁷ The FSAA is designed to measure student progress in the AP-AAAS and is required for students receiving instruction aligned to access points.¹⁸

The FSAA is reserved for students who require a modified curriculum aligned to access points. Instruction in AP-AAAS may impact a student's postsecondary opportunities. Since these standards modify the depth of academic expectations, they may limit eligibility for certain college or career pathways unless additional transition planning is implemented.¹⁹

Autism and Workforce Challenges

Autism spectrum disorder (ASD) is a developmental disability caused by differences in the brain.²⁰ As individuals with ASD transition to adolescence and adulthood, they may face challenges in developing and maintaining friendships, communicating with peers and adults, or understanding what behaviors are expected in school or on the job.²¹ These challenges can make it difficult to secure and sustain competitive employment, even for those with strong technical skills.²²

Research indicates that employees with ASD have many skills that can contribute a great deal to the workforce. Despite possessing valuable skill sets, individuals with ASD face higher unemployment and underemployment rates compared to the general population.²³ Research suggests that targeted training, employer-recognized credentials, and structured workforce support can significantly enhance employment outcomes for individuals with disabilities, including ASD.²⁴

General Workforce Inclusion Initiatives

The Employment First Act

The Employment First Act prioritizes employment as the preferred outcome for individuals with disabilities by reducing barriers to workforce participation and ensuring access to meaningful employment opportunities.²⁵ To achieve this, the Act promotes:

¹⁷ Section 1008.22(4), F.S.

¹⁸ Florida Department of Education, *Updates to Access Points - Alternate Academic Achievement Standards (AP-AAAS)*, at 4 (2022), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/Spring22AP-AAAS.pdf> (last visited Mar. 5, 2025).

¹⁹ Florida Department of Education, *Updates to Access Points - Alternate Academic Achievement Standards (AP-AAAS)*, at 33 (2022), available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/Spring22AP-AAAS.pdf> (last visited Mar. 5, 2025).

²⁰ Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, <https://www.cdc.gov/autism/about/index.html> (last visited Mar. 5, 2025).

²¹ Centers for Disease Control and Prevention, *About Autism Spectrum Disorder*, <https://www.cdc.gov/autism/about/index.html> (last visited Mar. 5, 2025).

²² Kate Jackson, *Autism in the Technology Workplace*, *Social Work Today*, Vol. 13, No. 6, p. 8 (Nov./Dec. 2013), available at <https://www.socialworktoday.com/archive/111113p8.shtml> (last visited Mar. 5, 2025).

²³ A.J. Griffiths et al., *Developing Employment Environments Where Individuals with ASD Thrive: Using Machine Learning to Explore Employer Policies and Practices*, *Brain Sci.*, Vol. 10, No. 9, p. 632 (Sept. 11, 2020), available at <https://pmc.ncbi.nlm.nih.gov/articles/PMC7564237/> (last visited Mar. 5, 2025).

²⁴ Florida Department of Education, Florida Department of Economic Opportunity, and CareerSource Florida, *2024-2028 WIOA Combined Plan*, available at <https://careersourceflorida.com/wp-content/uploads/2024/02/2024-2028-WIOA-Combined-Plan.pdf>, at 426-507 (last visited Mar. 5, 2025).

²⁵ Section 413.80(2), F.S.

- Integration of individuals with disabilities into the workforce by improving employment systems; and
- A collaborative effort between state agencies and organizations to achieve better employment outcomes for individuals with disabilities.²⁶

Division of Vocational Rehabilitation

Florida's Vocational Rehabilitation (VR) program provides training and employment support for individuals with disabilities, helping them achieve meaningful, competitive employment. Through initiatives like the Workforce Innovation and Opportunity Act (WIOA) of 2014,²⁷ VR emphasizes career pathways and skills-based training, ensuring individuals with disabilities can develop the skills needed to succeed in the workforce.²⁸

Expanding workforce credential programs tailored for students with ASD is a key step in aligning training with employer needs, increasing employment opportunities, and promoting economic independence.²⁹

Florida Center for Students with Unique Abilities

The Florida Center for Students with Unique Abilities (FCSUA) at the University of Central Florida supports postsecondary education and employment opportunities for students with intellectual disabilities. The center's responsibilities include:

- Disseminating information, providing students with disabilities and their families with details on education programs, services, supports, and employment opportunities;
- Coordinating statewide efforts, facilitating implementation, consulting with federal agencies, and aligning programs with national standards;
- Approving programs, establishing timelines and requirements for the approval and renewal of Florida Postsecondary Comprehensive Transition Programs; and
- Providing technical assistance, supporting institutions with program development, transition planning, financial resources, and compliance with federal and state laws.³⁰

Workforce Credentialing and Training Programs

Florida Ready to Work

Florida Ready to Work provides foundational employability skills training in areas such as communication, critical thinking, and problem-solving, which are critical for individuals entering the workforce, including students with autism. The program offers stackable credentials that serve as a recognized measure of work-readiness across multiple industries.³¹

²⁶ Section 413.80(3), F.S.

²⁷ Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, 128 Stat. 1425 (codified at 29 U.S.C. §§ 3101–3361).

²⁸ Florida Department of Education, Division of Vocational Rehabilitation, *About Us*, <https://www.rehabworks.org/about/about-us.html> (last visited Mar. 5, 2025).

²⁹ Golden Steps ABA, *Impact of Autism and Vocational Training*, <https://www.goldenstepsaba.com/resources/autism-and-vocational-training> (last visited Mar. 5, 2025).

³⁰ Section 1004.6495(5), F.S.

³¹ Florida Ready to Work, *Answering Florida Employers' Demands*, <https://www.floridareadytowork.com/> (last visited Mar. 5, 2025).

As a state-supported workforce training initiative, Florida Ready to Work illustrates how targeted skills training can help individuals, including those with disabilities, prepare for competitive employment.³²

Workforce Education

Workforce education includes career and technical training designed to prepare individuals, including adults with disabilities, for employment. Workforce education programs provide opportunities for individuals to gain job-specific skills and increase employability and economic self-sufficiency.³³

Programs that support this goal include:

- Adult general education programs designed to improve the employability skills of the state's workforce.
- Career certificate programs, which offer training in specialized fields leading to occupational credentials.
- Applied technology diploma programs, which provide hands-on technical training.
- Apprenticeship and preapprenticeship programs, which combine classroom instruction with real-world work experience.
- Continuing workforce education courses, which help individuals develop and refine job-related skills.³⁴

Get There Initiative

The Get There initiative, launched by the Florida Department of Education (DOE), promotes short-term, high-value Career and Technical Education (CTE) programs available through Florida College System institutions and technical colleges. These programs offer training in advanced manufacturing, transportation and logistics, healthcare, and information technology.³⁵

One-Stop Delivery System

Florida's one-stop delivery system provides workforce training and employment support services that can help individuals transition into meaningful employment. These services include career counseling, job placement assistance, employability skills training, and technical training leading to industry-recognized certifications.³⁶

Workplace Safety Training and OSHA Outreach Programs

The Occupational Health and Safety Administration (OSHA) within the United States Department of Labor provides an Outreach Training Program to promote workplace safety and health and to make workers more knowledgeable about workplace hazards and their rights. The OSHA Outreach Training Program provides training on the recognition, avoidance, abatement,

³² Florida Ready to Work, *Answering Florida Employers' Demands*, <https://www.floridareadytowork.com/> (last visited Mar. 5, 2025).

³³ Sections 1004.02(3) and (25) and 1004.92(1), F.S.

³⁴ Section 1011.80(1), F.S.

³⁵ Florida Department of Education, *Get There, About Us*, <https://gettherefl.com/about-us/> (last visited Mar. 5, 2025).

³⁶ Section 445.009(1), F.S.

and prevention of workplace hazards. Outreach classes also provide overview information regarding OSHA, including workers' rights, employer responsibilities, and how to file a complaint.³⁷

The 10-hour training program is primarily intended for entry level workers. The 30-hour training program is intended to provide workers with some safety responsibility a greater depth and variety of training. All outreach training is intended to cover an overview of the hazards a worker may encounter on a job site. Training emphasizes hazard identification, avoidance, control and prevention, not OSHA standards.³⁸

Career Education Services for Students with Disabilities

Florida provides career education services for students with disabilities through a structured sequence of courses designed to develop employability skills, technical training, and industry certification opportunities. This program is individualized through a student's Individual Education Plan (IEP)³⁹ or other accommodations plan and allows students to gain the skills necessary for competitive employment in occupations aligned with their training.⁴⁰

The curriculum integrates competency-based applied learning, including instruction in:

- Workplace safety;
- Job-seeking and employability skills;
- Self-advocacy and career planning; and
- Technical skills in industry-specific fields.⁴¹

Students may earn multiple credits as they progress through career education courses, with their achievements documented through the Occupational Completion Point system. Some students may also participate in on-the-job training opportunities.⁴²

III. Effect of Proposed Changes:

The bill creates s. 1003.5717, F.S., establishing a workforce credential program for students with autism spectrum disorder (ASD) or who are on a modified curriculum. The bill requires the Florida Department of Education (DOE) to develop and implement this program, in collaboration with the Florida Center for Students with Unique Abilities, by January 31, 2026, with the goal of assisting students with ASD or students with significant cognitive disabilities in securing employment upon graduation.

³⁷ USDOL, OSHA, *Outreach Training Program: Program Overview*, <https://www.osha.gov/training/outreach/overview> (last visited Mar. 5, 2025).

³⁸ *Id.*

³⁹ The Individual Education Plan is the primary vehicle for communicating the school district's commitment to addressing the unique educational needs of a student with a disability. Florida Department of Education, *Developing Quality Individual Education Plans* (2015), available at <http://www.fldoe.org/core/fileparse.php/7690/urlt/0070122-qualityieps.pdf>, at 9 (last visited Mar. 5, 2025).

⁴⁰ Florida Department of Education, *2024-25 CTE Curriculum Frameworks*, available at <https://www.fldoe.org/academics/career-adult-edu/career-tech-edu/curriculum-frameworks/2024-25-frameworks/additional-cte-programs-courses.shtml>, download "Career Education Services for Students with Disabilities (9603100) (RTF)."

⁴¹ *Id.*

⁴² *Id.*

The program must allow students to earn badges that indicate they have acquired specific skills that meet employer needs. Each badge must require the student to demonstrate five discrete skills or behaviors, including, but not limited to, workplace safety. The bill specifies that the DOE must collaborate with the Occupational Safety and Health Administration to develop a workforce safety badge. Additionally, each badge must be validated by two instructional staff members who specialize in exceptional student education.

Beginning in 2026 and continuing through 2030, the bill requires the DOE to prepare an annual report by January 31 of the following year detailing the program's operations. At a minimum, the report must include:

- The badges offered by the program;
- Data on post-graduation student employment;
- Student participation rates; and
- Any other outcome data deemed necessary by the DOE.

The workforce credential program established by the bill may provide students with ASD or those with significant cognitive disabilities valuable skills that are aligned with employer needs, potentially enhancing their employability upon graduation.

The bill takes effect on July 1, 2025.

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:

This bill does not have a fiscal impact on state revenues or expenditures. Any costs the Department of Education incur relating to establishing the credential should be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 1003.5717 of the Florida Statutes.

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

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

CS by Education Pre-K -12 on February 18, 2025:

The committee substitute:

- Expands eligibility for the workforce credential program to include students on a modified curriculum.
- Directs the Department of Education (DOE) to collaborate with the Florida Center for Students with Unique Abilities at the University of Central Florida on program development and implementation.
- Requires the DOE to work with the Occupational Safety and Health Administration (OSHA) to develop the required workplace safety badge.

B. Amendments:

None.