

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 Appropriations Subcommittee on Education

BILL: CS/CS/SB 850

INTRODUCER: Appropriations Subcommittee on Education; Education Committee; and Senator Legg

SUBJECT: Education

DATE: March 18, 2014

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Klebacha	ED	Fav/CS
2.	Sikes	Elwell	AED	Fav/CS
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 850 expands rigorous curricular, instructional, and assessment options available to public elementary, middle, and high school students.

The bill expands options to elementary students, expands options and strengthens requirements for middle school and high school students, creates a new middle grades early warning system to identify at-risk students, expands and strengthens anti-hazing provisions, and requires the Florida College System (FCS) institutions to establish a collegiate high school program for students in every school district in the colleges' designated service area.

Specifically, the bill:

- Clarifies digital skill areas and certificate options for elementary students;
- Expands acceleration options and strengthens accountability requirements for middle grade students;
- Requires any public school that includes any of the middle grades to implement an early warning system to identify students at-risk of not graduating from high school and annually report information and data on the school's early warning system in its school improvement plan;
- Expands anti-hazing provisions to the middle grades and requires each school district to adopt in rule a policy which prohibits hazing and establishes consequences for hazing;
- Specifies professional development requirements for middle grade teachers related to accountability requirements and new digital skills and content available to students;

- Requires that, for the purposes of calculating grade point average, a grade in a course that leads to an industry certification must be weighted the same as a grade in an Honors course.
- Establishes requirements for FCS institutions and school districts to provide a collegiate high school pathway for high school students to earn a full year of college credit while enrolled in high school;
- Provides additional, career-themed options for students in high school grades through new innovation courses and acceleration programs that, if successfully completed, are eligible to earn both high school and college credit; and
- Authorizes industry certification providers to notify students and parents about the college credits earned by the students, and the savings associated with earning the college credits, as a return on the investment of state dollars for the industry certifications earned by the student while in public school.

Additionally, the bill establishes bonus funding for elementary schools and teachers who directly assist students in attaining new digital skills, and expands funding to middle and high schools and teachers who directly assist students in attaining digital skills and industry certifications. Bonus funding is calculated as a component of the Florida Education Finance Program (FEFP).

The bill has a minimal fiscal impact for the 2014-2015 fiscal year because there is a one-year lag between a student earning bonus FTE and funds disbursement for the bonus. Additional bonuses earned in the 2014-2015 fiscal year would not be paid until the 2015-2016 fiscal year. The additional bonus FTE reported for 2015-2016 fiscal year funding would be a discretionary decision on the part of future legislatures whether or not to provide additional funding in the FEFP.

The bill takes effect on July 1, 2014.

II. Present Situation:

Since 2007, the Legislature has established, revised, and expanded options for students to meet curricular, instructional, and assessment requirements necessary to advance through K-12 public education. While many of the traditional acceleration options naturally merged into student progression plans, some acceleration options remain as separate programs available only to the students who know that such acceleration options exist. Since 2012, however, the Legislature has required school districts to expand rigorous options for students to meet middle and high school requirements which are intended to prepare students for success in college and career.

In 2007, the Legislature created the Florida Career and Professional Education (CAPE) Act to:¹

- Improve middle and high school academic performance by providing rigorous and relevant curriculum opportunities;
- Provide rigorous and relevant career-themed courses² that articulate to postsecondary-level coursework and lead to industry certification;

¹ Section 1003.491(1), F.S.

² A “career-themed course” is a course, or a course in a series of courses, that leads to an industry certification identified in the Industry Certification Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Opportunity. Section 1003.493(1)(b), F.S.

- Support local and regional economic development;
- Respond to Florida’s critical workforce needs; and
- Provide state residents with access to high-wage and high-demand careers.

Through third-party assessments called industry certifications, students demonstrate competency to perform specific industry-endorsed and -recognized skills and abilities required to perform particular jobs.

The State Board of Education (SBE) adopts by rule, the list of industry certifications that are eligible for funding through the Florida Education Finance Program (FEFP).³ The list of industry certifications approved by Workforce Florida, Inc., and the Florida Department of Education (DOE), called the Industry Certification Funding List, is updated annually.⁴ Industry certifications on the “Gold Standard Career Pathways” list, which is incorporated by reference in SBE rule,⁵ articulate to Associate in Applied Science and Associate in Science degree programs and are a subset of the Industry Certification Funding List^{6,7}

In 2011, the Legislature authorized district school boards to develop and implement a digital curriculum for students in grades 6 through 12 to enable students’ attainment of competencies in web communications and web design. Pursuant to the 2011 legislation,⁸ the digital curriculum could include web-based skills, web-based core technologies, web design, use of digital technologies and markup language in the digital curriculum to show competency in computer skills, and use of web-based core technologies to design creative, informational, and content standards for web-based digital products that demonstrate proficiency in creating, publishing, testing, monitoring, and maintaining a website. The digital curriculum could be integrated into another subject area or offered as a separate course. The 2011 legislation required the DOE to develop a model digital curriculum to serve as a guide for district school boards in the development of a digital curriculum. To provide district school boards further assistance in providing digital curriculum instruction, district school boards were encouraged to seek partnerships with private businesses and consultants to offer classes and instruction to teachers and students.⁹

In 2012, the Legislature focused on increasing acceleration options for students by requiring public schools to expand curricular, assessment, and instructional options to students. The Academically Challenging Curriculum to Enhance Learning (ACCEL) program was established to require options that provide academically challenging curriculum or accelerated instruction to students in kindergarten through grade 12 through parental notification and parent-initiated student participation. Pursuant to the 2012 legislation,¹⁰ each school must, at a minimum, offer

³ Sections 1008.44 and 1003.492, F.S.

⁴ Section 1003.492(2), F.S.

⁵ Rule 6A-10.0401, F.A.C.

⁶ The Industry Certification Funding List is adopted by State Board of Education Rule. Section 1008.44, F.S.

⁷ Florida Department of Education, *Process for Establishing Gold Standard Career Pathways Industry Certification to AAS/AS Degree Statewide Articulation Agreements*, available at <http://www.fldoe.org/workforce/dwdframe/pdf/GSCPICprocess.pdf>.

⁸ Section 17, ch. 2011-175, L.O.F., *codified at* s. 1003.4203, F.S.

⁹ Section 17, ch. 2011-175, L.O.F., *codified at* s. 1003.4203, F.S.

¹⁰ Section 1, ch. 2012-191, L.O.F., *codified at* s. 1002.3105, F.S.

the following ACCEL options: whole-grade and midyear promotion; subject matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program. Additional ACCEL options may include, but not be limited to, enriched science, technology, engineering, and mathematics (STEM) coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; curriculum compacting; advanced-content instruction; and telescoping curriculum. School principals and school districts establish student eligibility requirements for participation in the ACCEL options. Information about ACCEL options is included in the school district's comprehensive student progression plan.¹¹ The 2012 legislation also clarified rigorous career-themed courses (i.e., courses that lead to industry certifications) as acceleration options that allow students to engage in, and blend, both academic and career-oriented courses as components of their programmatic experiences.

In 2013, the Legislature distinguished between industry certifications that are eligible to articulate for college credit and industry certifications that do not articulate for college credit, and provided additional weighted funding for industry certifications eligible to articulate for college credit. The legislation¹² also provided options for high school students to substitute rigorous industry certifications (those eligible to articulate for college credit) for math and science credits required for high school graduation, and provided bonus funding not only to the school districts, but also to the teachers directly associated with instruction to students who earn industry certifications.¹³ The bonus funding model for earning industry certifications is similar to the bonus funding for earning college credits through Advanced Placement, and is part of the calculated funding associated with the FEFP. The bonus funding model for earning industry certifications under the FEFP is currently capped at \$60 million annually.¹⁴

The SBE has adopted a rule which requires that programs and courses funded through the FEFP and courses or programs for which students may earn credit toward high school graduation be listed in the Course Code Directory and Instructional Personnel Assignments (Course Code Directory).¹⁵ Courses are classified in the Course Code Directory as follows:

- Level 1 – Basic courses.
- Level 2 – Regular, mainstream courses.
- Level 3 – Honors, Advanced Placement (AP), International Baccalaureate (IB), Advanced International Certificate of Education (AICE), advanced college-preparatory courses, and other courses containing rigorous academic curriculum and performance standards. In addition, numerous career and technical education courses are designated as Level 3.¹⁶

For the purposes of calculating grade point average additional weights may be assigned to certain grades in Advanced Placement (AP), dual enrollment, Honors, International Baccalaureate (IB),

¹¹ Section 1, ch. 2012-191, L.O.F., *codified at* s. 1002.3105, F.S.

¹² Chapter 2013-27, L.O.F.

¹³ Section 1011.62, F.S.

¹⁴ Section 1011.62(1)(o)2, F.S.

¹⁵ Rule 6A-1.09441, F.A.C.

¹⁶ Florida Department of Education, *2014-2015 Course Code Directory and Instructional Personnel Assignments*, available at <http://www.fldoe.org/articulation/CCD/files/CCDNarrative1415.pdf>.

Advanced International Certificate of Education (AICE), and other advanced courses.¹⁷ Career and technical education courses classified as Level 3 courses in the Course Code Directory may receive the same weighting as Honor courses.

III. Effect of Proposed Changes:

This bill expands rigorous curricular, instructional, and assessment options available to public elementary, middle, and high school students.

The bill expands options to elementary students, expands options and strengthens requirements for middle school and high school students, creates a new middle grades early warning system to identify at-risk students, expands and strengthens anti-hazing provisions, and requires Florida College System (FCS) institutions to establish collegiate high school program for students in every school district in the colleges' designated service area.

Elementary Grades

The bill revises the 2011 legislation¹⁸ that created digital curriculum, and deletes unimplemented 2013 legislation¹⁹ that created "recognitions," to instead identify acceleration options and bonus funding opportunities for schools and teachers of students who attain skill sets identified on a funding list annually identified by the state.

Specifically, the bill strikes reference to Florida Cyber Security Recognition, Florida Digital Arts Recognition, and Florida Tools Certificate and re-establishes a focus on CAPE Digital Tool certificates and skill sets. The bill also provides additional bonus funding in the FEFP for every student who earns a certificate and bonus funding for every teacher directly associated with that student's accomplishment.

Middle School Grades

The bill builds on the 2012 ACCEL legislation²⁰ by expanding access to acceleration options for students in middle grades, and strengthening middle grades accountability and professional development requirements.

The bill expands acceleration options and bonus funding opportunities for schools and teachers of middle grade students who attain skill sets identified on a funding list annually identified by the state. Specifically, the bill provides additional bonus funding in the FEFP for every student who earns a CAPE Digital Tool certificate or industry certification and bonus funding for every teacher directly associated with that student's accomplishment.

¹⁷ Florida Department of Education, *Florida Counseling for Future Education Handbook 2013-2014*, available at <http://files.flvc.org/pdfDocuments/manuals/Florida%20Counseling%20for%20Future%20Education%20Handbook%202013-14%20Final.pdf>.

¹⁸ Section 17, ch. 2011-175, L.O.F., *codified at* s. 1003.4203, F.S.

¹⁹ Chapter 2013-27, L.O.F.

²⁰ Section 1, ch. 2012-191, L.O.F., *codified at* s. 1002.3105, F.S.

Additionally, the bill strengthens accountability requirements in middle grades by requiring schools that include grades 6, 7, or 8, to implement an early warning system to identify students who are at-risk of not graduating from high school, including some indicators specified in the bill. The bill also extends anti-hazing provisions into grades 6 through 8, and requires school districts to adopt anti-hazing policies and consequences for violation of such policies. Such early warning systems and anti-hazing policies are intended to mitigate student dropout and truancy issues in school so that students feel protected and have access to the educational opportunities, including acceleration options, provided by the state.

The bill also specifies professional development requirements for middle grades instructional personnel and administrators regarding accountability requirements, integrated digital instruction, and new digital skills and content available to students. Equipping teachers and administrators with the necessary knowledge, skills, and strategies will likely result in improved student performance outcomes.

High School Grades

The bill establishes requirements for FCS institutions and school districts to provide a collegiate high school pathway for high school students to earn a full year of college credit while enrolled in high school. Specifically, the bill:

- Requires FCS institutions and school districts to establish a collegiate high school program that provides bonus funding to school districts for assisting 11th or 12th grade students, enrolled in the collegiate high school program, who successfully complete 30 credit hours, and limits funding to FCS institutions that do not establish a collegiate high school program.
- Provides options for students in high school grades through new innovative courses and acceleration programs that, when accomplished, are eligible to earn both high school and college credit; and,
- Authorizes industry certification providers to notify students and parents of the college credits earned by the students and the savings associated with earning the college credits, as a return on the investment of state dollars for the industry certification earned by the student.

The bill provides that, for the purposes of calculating grade point average, a grade in a course that leads to an industry certification must be weighted the same as a grade in an Honors course. This may result in grades in additional career and technical education courses, not currently classified as Level 3 courses, receiving the same weighting as grades in Honors courses for purposes of calculating grade point average.

The bill repeals the \$60 million annual cap for industry certification bonus funding. An estimated \$43 million will be spent on industry certification bonus funding in the 2013-2014 fiscal year. Removing the bonus funding cap may result in industry certification bonus funding exceeding \$60 million in the future.

The bill takes effect on July 1, 2014.

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:

A student who completes the one year of college and earns industry certifications before high school graduation, as afforded by the rigorous acceleration options in CS/CS/SB 850, will benefit from a significant savings on the costs associated with college education and earning industry certifications after high school graduation.

C. Government Sector Impact:

Expanded weighted funding provided through this bill for CAPE Digital Tool certificates and industry certifications, including bonus funding for teachers, is calculated within the FEFP. The bill eliminates the existing, statutory \$60 million cap on bonus funding in the FEFP for earning industry certifications.

The bill will have a minimal fiscal impact for the 2014-2015 fiscal year because there is a one-year lag between a student earning bonus FTE and funds disbursement for the bonus. Additional bonuses earned in the 2014-2015 fiscal year would not be paid until the 2015-2016 fiscal year. The additional bonus FTE reported for 2015-2016 fiscal year funding would be a discretionary decision on the part of future legislatures whether or not to provide additional funding in the FEFP.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.42, 1003.42, 1003.4203, 1003.4281, 1003.4285, 1003.4935, 1003.53, 1006.135, 1008.44, 1011.62, and 1012.98.

This bill creates the following sections of the Florida Statutes: 1003.4298 and 1007.273.

IX. Additional Information:

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

Recommended CS/CS by Appropriations Subcommittee on Education on March 18, 2014:

The committee substitute:

- Clarifies that the collegiate high school program, at a minimum, must include an option for 11th or 12th grade students in public schools to participate in the collegiate high school program for at least one school year, earn industry certifications, and complete at least the first year of college towards an associate degree or baccalaureate degree.
- Requires that for the purposes of calculating grade point average, a grade in a course that leads to an industry certification must be weighted the same as a grade in an Honors level course.
- Clarifies some of the CAPE funding provisions:
 - The additional FTE for an elementary or middle grades student must not exceed 0.1 additional FTE for certificates or certifications earned within the same fiscal year.
 - The \$50 bonus for teachers whose students earn industry certifications applies to CAPE Innovation Courses and CAPE Acceleration Industry Certifications. The \$60 million appropriation cap regarding additional FTE funding for CAPE industry certifications is repealed.

CS by Education on March 4, 2014:

The committee substitute differs from SB 850 in the following ways:

- Maintains the original substance of SB 850 with modifications that:
 - Require each school district to contract with the local Florida College System institution to establish the collegiate high school program.
 - Clarify a 1.0 FTE bonus funding is generated for each student in grade 12 who enrolls in the collegiate high school program and successfully completes 30 credit hours through the dual enrollment program toward general education courses or common prerequisites.
- Adds new acceleration provisions that:
 - Expand rigorous acceleration course, instructional, and assessment options for students in kindergarten through grade 12.

- Extend funding through the Florida Education Finance Program to schools and teachers of students who earn industry certificates and certifications.
- Create CAPE Innovation Courses that merge academic and career content, include at least two third-party assessments, and articulate for college credit if successfully completed.
- Create CAPE Acceleration Industry Certifications that articulate for 15 or more college credits if successfully completed.
- Adds new middle grades accountability provisions that:
 - Require public schools to implement an early warning system to identify students who are at-risk of not graduating from high school.
 - Require school districts to adopt anti-hazing policies and consequences for violation of such policies.
 - Require the Florida Department of Education to provide web-based professional development to school districts to help teachers integrate digital instruction into their classrooms.
- Clarifies that the statewide, standardized assessment is the assessment associated with earning a Scholar designation on the standard high school diploma.

B. Amendments:

None.