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MEMORANDUM

TO: School District Superintendents
School District Secondary Career and Technical Education Directors

FROM: Kevin O'Farrell, Ph.D.

DATE: September 6, 2023

SUBJECT: 2023 Legislation Affecting K-12 Career, Technical and Adult Education Partners

The 2023 Florida Legislature passed legislation that will have implications for school district K-12 career and technical education (CTE) programs and the implementation of the Florida Career and Professional Education (CAPE) Act. A summary of action required of school districts is provided below and in the appendix. Because many of the bills cross multiple offices and functions, we encourage everyone at our institutions to read the bills themselves and pay close attention to each section.

APPROPRIATIONS

Florida Education Finance Program (FEFP) - Career Education 9-12 Course Funding (Senate Bill (SB) 240/SB 2500)

- Section, (s.) 1011.62, Florida Statutes, (F.S.), is amended to require that the cost factor for secondary career education programs must be higher than the cost factor for basic programs for 9-12.
- In the 2023 General Appropriation Act (SB 2500), the cost factor for Career Education (9-12) is established as 1.072, compared to .988 for 9-12 basic cost factor.

FEFP – New Additional FTE for Dual Enrollment in Career Courses (SB240)

New additional student membership category of 0.08 full-time equivalent (FTE) is created for each student who completes a career course through the dual enrollment program with a grade of “A” in a pathway that leads to an industry certification that is included on the CAPE Industry Certification Funding List.

Districts will have additional reporting in Student Additional Funding format in Survey 5. The Department of Education (FDOE) will identify a list of career courses that satisfy the requirements in statute. Additional guidance and data collection from agencies on dual enrollment offerings will occur during the 2023-24 program year.

FEFP - Additional CAPE FTE membership of 0.3 FTE for Career Pathway with Related Industry Certification (SB 240)

New additional student membership of 0.3 FTE is created for student completion of at least three courses and an industry certification in a single career and technical education program or program of study. This new FTE will be calculated at the end of the 2023-24 reporting year and will be included in the 2024-25 FEFP calculation.

The Department will amend Rule 6A-6.0576, Florida Administrative Code (F.A.C.), in the Spring of 2024 to include the career pathway course and industry certification linkages which will be used for this calculation. Districts will have a window in the fall to request program to certification linkages for use in this calculation.

Additional Amendments to Industry Certification Related Funds (SB 240)

Several textual changes were made to the CAPE FEFP funding section that include the following:

- Elimination of CAPE Innovation Courses and related funding in the FEFP;
- Removal of all references in the statute of CAPE ESE Digital tools;
- Removal of the middle grades funding cap of 0.1 FTE per student per fiscal year; and
- Additional clarifying language that specifies that the 20 percent of CAPE industry certification funds that are not provided to the program generating the certification must be provided must be provided for school district career and technical education programs.

These changes will take effect for the 2023-24 fiscal year, effective July 1.

Workforce Development Capitalization Incentive Grant Program (SB 240)

The bill amends s. 1011.801, F.S., to modify the purpose and administration of the Workforce Development Capitalization Incentive Grant Program. The bill amendments include the following:

- Removes the requirement that the grant be administered on a competitive basis.
- Shifts the focus of the workforce development grant to serving secondary students in CTE programs that lead to industry certifications on the CAPE Industry Certification Funding List.
- Requires FDOE to administer the workforce development capitalization incentive grant program and authorizes the State Board of Education (SBOE) to adopt rules.
- Provides \$100 million for the Workforce Development Capitalization Incentive Grant Program.

FDOE will release additional information regarding the operation of this program as details related to the process for requesting funds are finalized.

FLORIDA CAREER AND PROFESSIONAL EDUCATION ACT

Three-year CAPE Strategic Plan (SB 240)

Section 1003.491, F.S., is amended to include labor projections identified by the Labor Market Statistics Center within the Department of Economic Opportunity (DEO). Note that additional legislation changes in HB 5 that change the name of DEO to the Department of Commerce.

As districts are updating their three-year strategic plans, this labor projection source may be used as well as the Labor Market Estimating Conference.

CAPE Industry Certification Funding List (SB 240)

In addition to the changes which eliminated CAPE Innovation Courses and CAPE ESE Digital Tools, s. 1008.44, F.S., is amended to remove the requirement for FDOE to approve a course to industry certification linkage for use in the FEFP funding calculation for industry certifications. Districts are still required to register career-themed courses annually for the funding calculation based on compliance with the requirements in statute. The Commissioner of Education is authorized to limit CAPE industry certifications and CAPE Digital Tool certificates to students in certain grades levels.

CAREER EDUCATION AND PLANNING

Practical Arts Course Requirement for High School Graduation (SB 240)

Section 1003.4282(3)(e), F.S., is amended to modify the options for a student to complete required credits to earn a standard high school diploma. The bill replaces the practical arts option in the required credit in fine or performing arts, speech and debate, or practical arts with the option to complete one credit in CTE to satisfy the required credit. For 2023-24 year, any 9-12 CTE course can fulfill “one credit in fine or performing arts, speech and debate, or career and technical education.” The statute does maintain references to practical arts and requires that practical arts courses be identified in the course code directory.

Division staff are working with the Office of Articulation, who serves as the entity responsible for the Course Code Directory, to make necessary high school graduation subject area requirement updates to the 2023-24 Course Code Directory.

Work-Based Learning or Elective Credit for Career and Technical Student Organizations (CTSO) Activities (SB 240)

Section 1003.4282, F.S., is amended to require the SBOE to establish a process that enables a student to receive work-based learning or credit in electives for completing a threshold level of demonstrable participation in extracurricular activities associated with career and technical student organizations.

As a result, for example, a student who completes a supervised agricultural experience through the Florida Future Farmers of America would receive a work-based learning credit or elective credit. The bill prohibits eligibility for work-based learning credit or credit in electives for extracurricular activities or supervised agricultural experiences to be limited by grade level.

DOE will notice rule development in fall 2023 and issue additional technical assistance to districts.

CTE Pathways Workgroup (SB 240)

In addition, the bill requires FDOE to convene a workgroup to:

- Identify best practices in CTE pathways from middle school to high school to aid middle school students in career planning and facilitate their transition to high school programs. The career pathway must be linked to postsecondary programs.
- Establish three mathematics pathways for students enrolled in secondary grades by aligning mathematics courses to programs, postsecondary education, and careers.

The workgroup is required to identify the three mathematics pathways and the mathematics course sequence within each pathway which align to the mathematics skills needed for success in the corresponding academic programs, postsecondary education and careers.

Further guidance and consultation with school districts will be released at a later date and districts along with higher education institutions will have an opportunity to volunteer for participation in the workgroup.

Controlled Open Enrollment (SB 240)

Section 1002.31, F.S., is amended to add a new requirement to the district approved process for controlled open enrollment. This process must enable a middle school student who completed a career and technical education course or an industry certification on the CAPE list to continue a sequential program in the same concentration if the high school offers the program.

Districts should evaluate the opportunities for middle school students to take future courses, if they are taking high school level CTE courses while in middle school.

High School Work-Based Learning Access (SB 240)

Section 446.0915, F.S., is amended to mandate district school boards ensure that each student in grades 9 through 12 has access to at least one work-based learning opportunity. Work-based learning is defined in this same section of statute and implementation resources are available on the [FDOE Work-Based Learning resource site](#).

Reimbursement for Workers' Compensation Insurance Premiums (SB 240)

The Department of Financial Services (DFS) is now responsible for reimbursing expenses related to workers' compensation insurance premiums associated with eligible work-based learning opportunities. Businesses, in addition to school districts and Florida College Institutions, will apply directly to DFS for reimbursement. To be eligible, students must be 18 years of age or younger and the experience must be operated by a school district school, charter school, technical college or center, charter technical college or center, or a FCS institution. The application criteria and reimbursement period are now defined in statute. For questions or feedback, contact Greg Jenkins, Policy Coordinator for the Division of Workers' Compensation, at (850) 413-1630 or Greg.Jenkins@myfloridacfo.com.

Yearly High School Career Fairs for Juniors and Seniors (SB 240)

Section 1001.43, F.S., is amended to add language on the recognition of career achievement and career scholars to this section of law. In addition, a requirement that, starting in the 2023-24 school year, all district high schools must host a career fair, either individually or as a collaboration between multiple high schools and/or districts was added to the statute. The career fair must be during the school day, held on the campus of the high school or within reasonable driving distance, cater to grades 11 and 12, and allow students to meet or interview with potential employers. The event may integrate Florida's online career planning and work-based learning system, [Xello](#).

Districts are encouraged to collaboratively support the coordination of career fairs across their district in collaboration with local chambers of commerce, CareerSource, economic development agencies, technical colleges, Florida College System institutions, and universities. Visit [Xello's blog on SB240](#) to read guidance on how to incorporate the Xello system into the local implementation of career fairs.

Student and Parental Notification of Career Education and Planning Options (SB 240 & 196)

Section 1003.02, F.S., is amended to require that students and parents are notified at the beginning of each school year of local career and professional academies, career-themed courses, options to complete the Career and Technical Education Graduation Pathway under s. 1003.4282(10), F.S., work-based learning opportunities, and the Florida Ready to Work training and credentialing program under s. 445.06, F.S., which can be accessed at FloridaReadytoWork.com/school-districts. In addition, students and parents must yearly be given information on how to contact a certified school counselor and how to access Florida's online career planning and work-based learning coordination system, which at this time is [Xello](#).

District CTE directors should consult with your [district's Xello Success Manager](#) as well as visit [Xello's Florida landing page](#), [educator resource page](#), and [blog on SB 240](#) to learn more about student and parent system access.

Middle School Career Planning Course Requirements (SB 240)

Section 1003.4156, F.S., is amended to require that students enrolled in a middle school career and education planning course must use, when available, Florida’s online career planning and work-based learning coordination system, [Xello](#). Additional changes to the mandatory middle school career and education planning course include teaching students: how to access and update their personalized academic and career plan yearly in middle and high school, earn an accelerated high school diploma under the [CTE Graduation Pathway](#) pursuant to s. 1003.4182(10), F.S., and engage in work-based learning opportunities, such as internships, preapprenticeships and apprenticeships. Visit the FDOE's recently updated [College and Career Planning site](#) to access resources on this topic. Contact Damara Hopkins, Florida Department of Education’s School Counseling Consultant for Elementary and Middle School, at Damera.Hopkins@fldoe.org with questions on middle school counseling.

Industry Scholar Designation (SB 240)

Section 1003.4285, F.S., for standard high school diploma designation is amended to rename the Merit designation for industry certification attainment to the Industry Scholar designation. Districts should review documentation and update communications to students and parents as needed.

TEACHER CERTIFICATION AND PREPARATION

Non-degreed Teachers of Career Programs (SB 240)

Section 1012.39, F.S., is amended to lower the number of required years of occupational experience for teachers of career programs from 6 years to 3 years. District school boards may still establish alternative qualifications when the teacher holds an industry certification related to the career area in which they teach. The amendment also clarifies that only full-time teachers of career programs are required to receive certification-related training. Training from an educator preparation institute was removed from the list of training options for teachers of career programs. Demonstration of successful teaching practice was also removed from the list of district-issued teacher certification requirements. District and school personnel administrators shall update hiring and certification policies and practices to reflect these amendments.

Adjunct Teaching Certificate (SB 240)

Section 1012.57, F.S., is amended to recognize industry certification attainment in the subject area to be taught as a valid means of demonstrating subject area mastery for adjunct teaching certification. District and school personnel administrators shall be notified of this change and ensure hiring and certification policies and practices are updated.

Teacher Inservice Hours for CTE Activities (SB 240)

Section 1012.585, F.S., is amended to require that district school boards include in their in-service master plan the ability for teachers to receive in-service points for supporting students in or receiving training related to career and technical education activities that extend outside of regular school hours, such as career and technical student organization activities. In-service master plans should be updated to reflect this change for the 2023-24 school year.

Thank you for implementing these important changes.

KO/es

Appendix – School District Actions for K-12 CTE Programs Following the 2023 Legislative Session

Issue (Bill)	May require local policy and/or procedures review	May require data or information to be submitted to the state
FEFP – Change in base weight for career education courses.	Yes. The district will be required to review finance procedures for disbursement of funds within the district.	None expected.
FEFP – New 0.08 FTE for career courses through dual enrollment	Yes. The district will be required to review finance procedures for disbursement of funds within the district.	Yes. Survey 5 reporting of additional student membership FTE will be required for 2023-24 for funding in the 2024-25 fiscal year.
FEFP – 0.3 FTE for three courses plus industry certification in a single career pathway	Yes. The district will be required to develop procedures to disburse funds and any related teacher bonuses.	No additional reporting required.
Additional amendments to Industry Certification Related Funds (SB 240)	Yes, the district will need to review policies and procedures.	None expected.
Workforce Development Capitalization Incentive Grant Program (SB 240)	None expected.	Dependent on the grant.
Three-year CAPE Strategic Plan (SB 240)	None expected.	None expected.
CAPE Industry Certification Funding List (SB 240)	Yes. The district will be required to review finance procedures for disbursement of funds within the district.	None expected.

Issue (Bill)	May require local policy and/or procedures review	May require data or information to be submitted to the state
Practical Arts Course Requirement for High School Graduation (SB 240)	Yes, revising policies and procedures.	None expected.
Work-based Learning or Elective Credit for Career and Technical Student Organizations (CTSO) Activities (SB 240)	Yes, revising policies and procedures.	Yes, district will be required to report credits awarded to FDOE.
CTE Pathways Workgroup (SB 240)	None expected.	None expected.
Controlled Open Enrollment (SB 240)	Yes, revising policies and procedures.	None expected.
High School Work-Based Learning Access (SB 240)	Yes.	None expected.
Reimbursement for Workers' Compensation Insurance Premiums (SB 240)	Yes.	None expected by FDOE.
Yearly High School Career Fairs for Juniors and Seniors (SB 240)	Yes.	None expected.
Student and Parental Notification of Career Education and Planning Options (SB 240 & 196)	Yes.	None expected.
Middle School Career Planning Course Requirements (SB 240)	Yes.	None expected.
Industry Scholar Designation (SB 240)	Yes.	None expected.
Non-degreed Teachers of Career Programs (SB 240)	Yes.	None expected.

Adjunct Teaching Certificate (SB 240)	Yes, updating hiring practices.	None expected.
Teacher Inservice Hours for CTE Activities (SB 240)	Yes, updating inservice master plans.	None expected.