

The following rule is hereby repealed:

6A-6.0573 Industry Certification Process.

(1) Purpose. The purpose of this rule is to specify the procedures and timelines for implementation of an industry certification process.

(2) Definitions. The following definitions shall be used in this rule and incorporated documents:

(a) "CAPE" means career and professional education.

(b) "CAPE Industry Certification Funding List" means a list of industry certifications, certificates, and courses adopted by the State Board of Education for implementation of the Florida Career and Professional Education Act.

(c) "CAPE Acceleration Industry Certifications" means certifications identified on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(5)(b) and 1008.44(1)(e), F.S. These certifications have statewide articulation agreements for fifteen (15) or more college credits in a related postsecondary associate degree program.

(d) "CAPE Digital Tool Certificates" means certificates identified on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(3) and 1008.44(1)(b), F.S. These certificates assess digital skills that are necessary for a student's academic work and are appropriate for elementary school and middle grades students.

(e) "CAPE Industry Certifications" means certifications identified on the "CAPE Industry Certification Funding List" pursuant to the requirements in Sections 1003.4203(4) and 1008.44(1)(a), F.S. An industry certification is a voluntary process through which students are assessed by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies, resulting in the award of a credential that is nationally recognized, as specified in Section 1003.492(3), F.S., or an industry certification for farm occupations as specified in Sections 570.07(43) and 1003.492(3), F.S. These certifications either do not have a statewide articulation agreement for college credit or have a statewide articulation agreement for no more than fourteen (14) college credits in a related postsecondary associate degree program.

(f) "CAPE Innovation Courses" means courses identified by the Commissioner of Education pursuant to the requirements in Sections 1003.4203(5)(a) and 1008.44(1)(d), F.S. These courses combine academic and career content and include at least two (2) third-party assessments, one (1) of which must be associated with an industry certification identified on the "CAPE Industry Certification Funding List."

(g) "CareerSource Florida Recommendations" is a list of certifications identified by the not-for-profit corporation in Section 445.004, F.S., and adopted by their board of directors.

(h) "Career-themed course" means a course as defined in Section 1003.493(1)(b), F.S., offered in secondary schools which meets the requirements in Section 1003.493(4), F.S. This may be any course available to students in grades 6-12 with career education content related to an industry certification.

(i) "Career and professional academy" means a program as defined in Section 1003.493(1)(a), F.S., offered in secondary schools which meets the requirements in Section 1003.493(4), F.S. An academy is a research-based program with rigorous academic and industry-specific curriculum aligned to the priority workforce needs.

(j) "Farm occupation" means an occupation related to the science, business, marketing or technology of agricultural production.

(k) "Monitor" is the individual assigned to independently observe the administration of an industry certification exam.

(l) "Proctor" is the individual assigned to administer industry certification exams.

(m) "Remote proctoring" is the process of taking an exam while the test taker is in one location and the virtual proctor is in another location.

(n) "Virtual proctor" is a live human who remotely watches the test taker during the exam. This person must see the test candidate and the exam synchronously, as well as the environment in which the test is taken.

(3) Adoption of the 2021-22 CareerSource Florida Recommendations. CareerSource Florida's list of recommended industry certifications (<https://www.flrules.org/Gateway/reference.asp?No=Ref-13499>), is adopted by the State Board of Education and incorporated by reference in this rule. The list may be obtained from the

Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(4) Annual publication date for the “CareerSource Florida Recommendations.” The list of recommended industry certifications shall be published by March 1 of each calendar year for use in development of the “CAPE Industry Certification Funding List” for the subsequent school year.

(5) Adoption of an annual “CAPE Industry Certification Funding List.” The “CAPE Industry Certification Funding List” is composed of industry certifications, certificates, and courses as specified in Sections 1008.44 and 1011.62(1), F.S.

(a) The list includes the following certifications and certificates:

1. “CAPE Industry Certifications;”
2. “CAPE Acceleration Industry Certifications;” and,
3. “CAPE Digital Tool Certificates.”

(b) This list will be known as the “2021-22 CAPE Industry Certification Funding List, Updated” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14159>) published by the Department of Education and is incorporated by reference in this rule. The list may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(6) General requirements for inclusion on the “CAPE Industry Certification Funding List.” All items on the “CAPE Industry Certification Funding List” must include written or performance-based competency exams. All written exams must be third-party developed, scored by the certifying agency, and given in a proctored testing environment. Written exams to earn the certification may not be scored by any school district staff member. Performance-based competency exams must be independently evaluated and may not be performed by an instructor.

(7) Requirements for “CAPE Industry Certifications,” “CAPE Acceleration Industry Certifications,” and “CAPE Digital Tool Certificates” for inclusion on the “CAPE Industry Certification Funding List” through the 2021-22 school year. For “CAPE Industry Certifications” and “CAPE Acceleration Industry Certifications,” the Department of Education shall review the “CareerSource Florida Recommendations” to identify certifications eligible for additional full-time equivalent (FTE) membership funding, pursuant to Section 1011.62(1), F.S., based upon the criteria listed below.

(a) To be included as a “CAPE Industry Certification” on the “CAPE Industry Certification Funding List,” a certification shall:

1. Be on the list of “CareerSource Florida Recommendations;”
2. Be achievable by students in a secondary level program; and,
3. Require a minimum of one hundred fifty (150) hours of instruction.

(b) Pursuant to Section 1008.44, F.S., one (1) industry certification that does not articulate for college credit shall be included on the “CAPE Industry Certification Funding List” where CareerSource Florida submits the following information to the Department of Education no later than June 1 of each year:

1. Certifying agency information including name of the certifying agency, contact information for the agency, and web link for the certification on a site maintained by the certifying agency,
2. The requirements to earn the certification including required written and performance tests, work experience, or any other components of earning the certification; and,
3. Information on the test format and test administration policies and procedures including documentation that the written exams are third-party developed, scored by the certifying agency, and given in a proctored testing environment.

(c) To be included as a “CAPE Acceleration Industry Certification” on the “CAPE Industry Certification Funding List,” a certification shall:

1. Be on the list of “CareerSource Florida Recommendations;”
2. Be achievable by students in a secondary level program,
3. Require a minimum of one hundred fifty (150) hours of instruction; and,
4. Have a statewide articulation agreement approved by the State Board of Education in Rule 6A-10.0401, F.A.C., with fifteen (15) or more college credits.

(d) Requirements for “CAPE Digital Tool Certificates” on the “CAPE Industry Certification Funding List.” To

be included as a “CAPE Digital Tool Certificate” on the “CAPE Industry Certification Funding List,” a certificate shall:

1. Be achievable by elementary school and middle grades students,
2. Assess at least one (1) of the following digital skills: word processing; spreadsheets; presentations including sound, motion, and color; digital arts; cybersecurity; and coding; and,
3. Be part of a career pathway leading to the attainment of a “CAPE Industry Certification” on the “CAPE Industry Certification Funding List.”

(e) Priority for the industry certificates designated as “CAPE Digital Tool Certificates” on the “CAPE Industry Certification Funding List” shall be given to those that assess multiple digital skills.

(8) Grade level limitations for industry certifications. No later than August 1 of each year, the Commissioner shall identify the grade level limitations for the subsequent school year. A list of the grade level limitations will be posted on the Department’s website at the following link: <http://www.fldoe.org/academics/career-adult-edu/cape-secondary>. The grade level limitations shall be specified on the next adoption of the “CAPE Industry Certification Funding List.”

(9) Publication Date for the “CAPE Industry Certification Funding List.” The “CAPE Industry Certification Funding List” for the school year shall be published no later than August 1.

(10) Funding Weights for “CAPE Industry Certifications” and “CAPE Acceleration Industry Certifications.” Pursuant to Section 1011.62(1), F.S., the weight used for “CAPE Industry Certifications” and “CAPE Acceleration Industry Certifications” in the Florida Education Finance Program (FEFP) shall be based on statewide articulation agreements approved by the State Board of Education in Rule 6A-10.0401, F.A.C., which is incorporated herein by reference (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09396>). If an articulation agreement is no longer current and is removed from Rule 6A-10.0401, F.A.C., after the start of the academic year, the funding weight will be updated during the adoption cycle for the following academic year. A copy of Rule 6A-10.0401, F.A.C. may be obtained from the Department of Education, Room 744, Turlington Building, 325 West Gaines Street, Tallahassee, FL 32399.

(11) Conditions for Florida Education Finance Program (FEFP) calculation and reporting.

(a) A school district shall be eligible for additional full-time equivalent (FTE) membership under the following conditions:

1. Middle grades or high school student is enrolled in a registered career-themed course and completes a “CAPE Industry Certification” or “CAPE Acceleration Industry Certification” on the “CAPE Industry Certification Funding List,” or
2. Elementary school or middle grades student completes a “CAPE Digital Tool Certificate” on the “CAPE Industry Certification Funding List,” or
3. Middle grades or high school student is enrolled in a “CAPE Innovation Course” and completes all of the requirements for the “CAPE Innovation Course.”

(b) Pursuant to Section 1011.62(1), F.S., middle grades students who earn additional FTE membership for a CAPE Digital Tool Certificate may not use the previously funded examination to satisfy the requirements for earning a “CAPE Industry Certification,” “CAPE Acceleration Industry Certification,” or “CAPE Innovation Course.” The district shall not report a certification for which a portion of the industry certification exams were previously funded as a “CAPE Digital Tool Certificate.”

(c) In order for the district to report successful attainment of certifications, certificates, and course completion on the “CAPE Industry Certification Funding List,” the following test administration procedures for all examinations associated with earning the industry certification must be followed:

1. The written exam is not proctored by the individual providing the direct instruction for the industry certification or certificate, except if the only individual permitted to be a proctor by the certifying agency is providing direct instruction for the industry certification and only one (1) eligible proctor is approved in a school. In this situation, all written tests are independently monitored by a second individual who does not provide direct instruction for the industry certification to the individuals taking the test(s).
2. The written exam questions are delivered in a secure manner and paper-based tests are not available to the

test proctor for a period of time, other than the time necessary to receive, distribute, and return any written materials to the scoring entity.

3. The exam is scored by the certifying agency for the industry certification or certificate or an approved vendor of the certifying agency and may not be scored by a representative of the school district or the examinee.

4. The exam has been administered in accordance with the test administration procedures specified by the certifying agency; and,

5. The exams leading to the industry certification must not have been administered to a student more than three (3) times during the academic year with a minimum of twenty (20) calendar days between test administrations. If an exam attempt is invalidated by the certifying agency due to a testing irregularity, the district may administer a re-test before the twenty (20) day waiting period has elapsed.

6. If the only requirement for the certification is a performance-based competency exam, then the instructor cannot proctor.

(d) School districts may report students who complete industry certifications during the update period allowed by the Department of Education for survey 5 after an initial submission as specified in Rule 6A-1.0451, F.A.C.

(e) Postsecondary dual enrollment courses must be registered by the district as career-themed courses in order for the "CAPE Industry Certification" or "CAPE Acceleration Industry Certification" earned in these courses to be included in the additional FTE membership calculation, under the conditions specified in Section 1011.62(1)(o)1.b., F.S.

(f) Exams may not be used to satisfy the requirements for more than one industry certification or certificate.

(12) Registration of career and professional academies. The Department of Education shall maintain a website for school districts to register high school career and professional academies and middle grades career and professional academies.

(a) For high school career and professional academies, school districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open no later than August 16 and close on September 15. Form FCAPEA-01, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05821>) is hereby incorporated by reference in this rule to become effective September 2015, and shall be utilized for reporting the information. Form FCAPEA-01 may be found on the Department's website at: <https://web02.fldoe.org/CAPE/>.

(b) For middle grades career and professional academies, school districts shall submit up-to-date information on each career and professional academy through an annual reporting window which shall open on or after September 16 and close on October 15 and shall be open for a minimum of twenty (20) days. Form FCAPEA-02, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-05822>) is hereby incorporated by reference in this rule to become effective October 2016, and shall be utilized for reporting the information. Form FCAPEA-02 may be found on the Department's website at: <https://web02.fldoe.org/CAPE/>.

(13) Registration of career-themed courses eligible for funding as specified in Section 1011.62(1)(o), F.S. The Department of Education shall maintain a web-based application which shall be used by school districts for the annual submission of current information on each career-themed course by school.

(a) Eligible courses must be registered by the school district for an academic year during the following registration windows: October 16 to November 30, February 1 to March 1, and July 15 to August 10.

(b) A course must have students enrolled in the academic year in order to be registered.

(c) The registration system shall include all career education courses approved for grades 6 through 12 in the course code directory as adopted in Rule 6A-1.09441, F.A.C. Other courses available to students in grades 6 through 12 may be added to the registration system if requested by a school district and with documentation that student mastery of at least five (5) core standards are assessed by an industry certification exam adopted on the CAPE Industry Certification Funding List.

(d) Districts will be eligible for the additional FTE membership provided in Section 1011.62(1)(o), F.S., for the industry certifications on the CAPE Industry Certification Funding List which are identified by the school district in the course registration.

(e) A dual enrollment course at a public or private postsecondary institution with which the district has an articulation agreement may be registered as a career-themed course if the course leads to an industry certification on the CAPE Industry Certification Funding List and is not eligible for other performance funds as specified in Section 1011.62(1)(o)1.b., F.S.

(f) The registration system shall include a step for final approval by the district superintendent, which shall certify that the course is being registered in accordance with the statutory definition and requirements for career-themed courses in Sections 1003.493(1)(b) and 1003.493(4), F.S., including that the course is being taught by instructors in the school who hold the industry certifications or higher level industry certifications for which the course is being registered.

(g) Registration of career-themed courses through which students earn CAPE Industry Certifications and CAPE Acceleration Industry Certifications is required for funding in the FEFP.

(h) Form FCAPEA-03, Florida Career and Professional Education Act Career-Themed Course Registration Form, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-10028>) is hereby incorporated by reference in this rule to become effective November 2018, and shall be utilized for reporting the career-themed course information. Form FCAPEA-03 may be found on the Department's website at: <https://web02.fldoe.org/CAPE>.

(14) Teacher and proctor conduct provisions for maintaining the validity of the industry certification credential. Industry certifications are independent, third-party verification of technical skills achieved by students. Any practice that jeopardizes the validity of industry certifications disadvantages the students and prospective employers. Teachers who provide direct instruction leading to industry certification exams and proctors assigned to administer industry certification exams shall not engage in any conduct that jeopardizes the validity of the industry certification exam results. Only authorized proctors may be provided access to testing materials associated with industry certification exams.

(a) Teachers providing instruction leading to industry certification exams shall not:

1. Assist students with answering exam questions during an active test administration.
2. Create any study guide or other document that includes any exam questions that are part of a current test form for the industry certification.
3. Administer an industry certification exam to students to whom they provide direct instruction for the certification, or to any student taking an industry certification exam for which the teacher provides direct instruction, except as specified in subparagraph (11)(c)1. of this rule.
4. Administer an industry certification exam to themselves.
5. Administer an industry certification exam to other staff members, if they provide direct instruction for the certification.
6. Administer any industry certification exam to a family member.
7. Preview active exam content, even in the presence of a monitor or assigned proctor.
8. Access any testing materials, either computer-based or paper-based, unless assigned as the only available proctor as specified in paragraph (11)(c) of this rule.
9. Reveal, print, copy, screen capture or otherwise reproduce test questions that are part of an active version of an industry certification exam.
10. Take any industry certification exam using any name other than their own legal name.
11. Allow or entice another person to take an exam for a test candidate.
12. Interfere in any way that jeopardizes the integrity of the test with persons assigned to administer or proctor industry certification exams.
13. Provide answer keys to any student before, during or after test administration.
14. Assist a certifying agency in reviewing and creating exam questions for an industry certification exam for which they provide direct instruction.
15. Participate in, direct, aid, counsel, assist in, or engage in conduct or activity which could result in inaccurate measurement of student achievement on industry certification exams.

(b) Authorized proctors or monitors for the industry certification exams shall not:

1. Assist students with answering exam questions during an active test administration.

2. Create any study guide or other document that includes any exam questions that are part of a current test form for the industry certification.

3. Reveal, print, copy, screen capture or otherwise reproduce exam questions, unless expressly authorized by the certifying agency for the industry certification.

4. Provide access to an exam to any teacher or other district employee, except as part of any official administration of the exam for the purpose of that teacher or employee obtaining the industry certification.

5. Take any industry certification exam using any name other than their own legal name.

6. Allow or entice another person to take an exam for a test candidate.

7. Provide answer keys to any student before, during, or after test administration.

8. Share credentials provided by the certifying agency for the purpose of administering industry certification exams.

9. Administer any industry certification exam to a family member.

10. Participate in, direct, aid, counsel, assist in, or engage in conduct or activity which could result in inaccurate measurement of student achievement on industry certification exams.

(c) The school district must not report an exam score that is the product of any of the activities set out in paragraphs (14)(a)-(b).

(15) Local test administration procedures and training for industry certification exam administration. School districts shall create and maintain local test administration procedures for the administration of all industry certification exams.

(a) These test administration procedures must include the following:

1. Verification that each responsible teacher or proctor has received training on test security. Teachers and proctors must annually sign a statement of educational integrity which includes the detrimental and negative impact academic dishonesty brings upon a profession, as well as safety and security hazards which may result when candidates have not met the industry standard for acceptable training.

2. Notification of disciplinary actions and consequences for engaging in or allowing testing irregularities and compromises.

3. Notification of disciplinary actions and consequences for failure to abide by all security protocol.

4. Procedures for handling test interruptions, testing irregularities and technical abnormalities that occur during exam administration.

5. Annual training on Florida Statutes and State Board of Education Rules pertaining to industry certification.

(b) All teachers providing instruction, proctors administering industry certification exams, and monitors for industry certification exams must annually sign Form FCAPEA-04, Florida Career and Professional Education Act Industry Certification Test Administration and Security Agreement (<http://www.flrules.org/Gateway/reference.asp?No=Ref-10029>), which is hereby incorporated by reference in this rule to become effective November 2018. Form FCAPEA-04 may be found on the department's website at: <http://fldoe.org/academics/career-adult-edu/cape-secondary/resources.stml>.

(c) School districts shall maintain records and rosters for required training, including signed documents, for a minimum of five (5) years.

(d) In order for students enrolled in career-themed courses to take industry certification exams, the teacher of the career-themed course must annually sign Form FCAPEA-04, Florida Career and Professional Education Act Industry Certification Test Administration and Security Agreement.

(e) In order to proctor an industry certification exam, a proctor must annually sign Form FCAPEA-04, Florida Career and Professional Education Act Industry Certification Test Administration and Security Agreement.

(16) Reporting requirements for violations of industry certification test administration provisions. In those situations, where provisions of subsection (14) of this rule are violated by a teacher or proctor, the district shall prepare a report made to the department and the certifying agency. This notification must occur within five (5) business days, unless the certifying agency has a more stringent requirement. The report shall include a description of the incident, the names of the persons involved in or witness to the incident, and other information as appropriate. Districts shall report to the department using Form FCAPEA-05, Florida Career and Professional Education Act

Testing Violation Report, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11177>) which is hereby incorporated by reference in this rule to become effective October 2019. Form FCAPEA-05 may also be found on the department's website at: <http://fldoe.org/academics/career-adult-edu/cape-secondary/resources.stml>.

(17) For students enrolled in the 2020-21 academic year and beyond, remote proctoring for industry certifications and digital tool certificates. Certifying agencies may elect to offer remotely proctored testing options.

(a) Remotely proctored exams must include:

1. Confirmation of student test taker's identity,
2. Virtual proctor,
3. Secure delivery of electronic exam; and,
4. Process for identifying testing irregularities.

(b) The certifying agency must issue the same credential that would have been earned in the traditional proctoring setting.

(c) Certifications and certificates approved by the Department as meeting this criteria shall be posted on the following webpage: <http://www.fldoe.org/academics/career-adult-edu/cape-secondary/cape-industry-cert-funding-list-current.stml>.

(18) Teacher conduct provisions for maintaining the validity of digital tool certificates. Teachers of digital tool certificates may be authorized by the school district to administer and proctor the exams for digital tool certificates to their own students.

(a) Teachers providing instruction leading to digital tool certificate exams shall not:

1. Assist students with answering exam questions during an active test administration.
2. Create any study guide or other document that includes any exam questions that are part of a current test form for the digital tool certificate.
3. Preview active exam content.
4. Reveal, print, copy, screen capture or otherwise reproduce test questions that are part of an active version of a digital tool certificate exam.
5. Allow or entice another person to take an exam for a test candidate.
6. Provide answer keys to any student before, during or after test administration.
7. Participate in, direct, aid, counsel, assist in, or engage in conduct or activity which could result in inaccurate measurement of student achievement on digital tool certificate exams.

(b) The school district must not report an exam score that is the product of any of the activities set out in paragraph (18)(a).

Rulemaking Authority 1001.02, 1003.4203(9), 1003.492(3), 1008.44, 1011.62(1) FS. Law Implemented 1003.4203, 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1), 1012.796 FS. History—New 10-20-08, Amended 8-18-09, 6-22-10, 6-21-11, 10-25-11, 8-23-12, 3-25-13, 11-3-13, 6-25-14, 11-4-14, 5-19-15, 9-30-15, 7-26-16, 10-30-16, 4-25-17, 10-17-17, 6-19-18, 11-28-18, 2-19-19, 6-25-19, 10-24-19, 6-16-20, 10-27-20, 7-14-21, 9-21-21, 5-3-22, Repealed