

STATE BOARD OF EDUCATION
Consent Item
October 25, 2018

SUBJECT: Amendment to Rule 6A-6.0573, Industry Certification Process

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Sections 1003.492(2), 1008.44, Florida Statutes

EXECUTIVE SUMMARY

The purpose of this amendment includes revisions to the rule and documents incorporated by reference as follows:

1. Adoption by reference of the 2018-2019 CAPE Industry Certification Funding List;
2. Adoption by reference of the industry certification recommendations from CareerSource Florida and the Florida Department of Agriculture and Consumer Services;
3. Adoption of required forms;
4. Updates to the process of registering career-themed courses;
5. Teacher and proctor conduct;
6. Local test administration procedures and training for industry certification exams;
7. Reporting requirements for violations; and
8. Technical wording changes.

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Supporting Documentation Included: Proposed Rule 6A-6.0573, F.A.C. 2018-2019 CAPE Industry Certification Funding List; 2018-2019 CareerSource Florida Recommendations; Form FCAPEA-03, Career and Professional Education Act Career-Themed Course Registration Form; Form FCAPEA-04, Florida Career and Professional Education Act Industry Certification Test Administration and Security Agreement (under separate cover)

Facilitator/Presenter: Rod Duckworth, Chancellor, Division of Career and Adult Education

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) through (g) No change.

(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) through (j) No change.

(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.

(3) Adoption of the 2018-2019 ~~2017-2018~~ CareerSource Florida Recommendations. CareerSource Florida's list of recommended industry certifications (<https://www.flrules.org/Gateway/reference.asp?No=Ref-08701>), 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) No change.

(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 "2018-2019 ~~2017-2018~~ CAPE Industry Certification Funding List, ~~updated,~~" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09424>) 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) and (7) No change.

(8) Grade level limitations for industry certifications. No later than ~~August 1~~ ~~March 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) through (12) No change.

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

(a) through (b) No change.

(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. through 4. No change.

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. No change.

(14) Registration of career and professional academies ~~and career-themed courses~~. 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, and career-themed courses.

(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 ~~on or after July 15~~ and close on September 15, ~~and shall remain open for a minimum of thirty (30) days~~. 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/>~~ ~~<https://app1.fldoe.org/workforce/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/> <https://app1.fldoe.org/workforce/CAPE>.

(15) Registration of career-themed courses eligible for funding as specified in s. 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 August 1 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 s. 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 s. 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 s. 1003.493(1)(b) and s. 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) (c) For career-themed courses, school districts shall annually submit up-to-date information on each career-themed course by school during an initial registration period from October 16 to November 30, and shall be allowed to submit updates after the initial registration period during the subsequent period of February 1 to March 1 and August 1 to August 10. Form FCAPEA-03, Florida Career and Professional Education Act Career-Themed Course Registration Form, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-08703>) is hereby incorporated by reference in this rule to become effective ~~October 2017~~ 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/> ~~<https://app1.fldoe.org/workforce/CAPE>~~.

(16) 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, except as specified in paragraph (13)(c) of this rule.
4. Administer an industry certification exam to themselves or other staff members in the district, if they provide direct instruction to students for the certification.

5. Administer any industry certification exam to a family member.
 6. Preview active exam content, even in the presence of a monitor or assigned proctor.
 7. Access any testing materials, either computer-based or paper-based, unless assigned as the only available proctor as specified in paragraph (13)(c) of this rule.
 8. Reveal, print, copy, screen capture or otherwise reproduce test questions that are part of an active version of an industry certification exam.
 9. Take any industry certification exam using any name other than their own legal name.
 10. Allow or entice another person to take an exam for a test candidate.
 11. Interfere in any way that jeopardizes the integrity of the test with persons assigned to administer or proctor industry certification exams.
 12. Provide answer keys to any student before, during or after test administration.
 13. 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.

(17) 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. 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 sign Form FCAPEA-04, Florida Career and Professional Education Act Industry Certification Test Administration and Security Agreement (*dos link*), 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.

(18) Reporting requirements for violations of industry certification test administration provisions. In those situations where provisions of subsection (16) 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.

Rulemaking Authority 1001.02, 1003.4203(9), 1003.492(3), 1008.44, 1011.62(1), F.S. Law Implemented 1003.4203, 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1), 1012.796 F.S. 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.