

Notice of Proposed Rule

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-6.0576 CAPE Industry Certification Funding List

PURPOSE AND EFFECT: To specify the procedures and timelines for implementation of an industry certification process and adoption of the CAPE Industry Certification Funding List changes. This rule amendment will: 1) adopt an updated CAPE Industry Certification Funding list which will impact funding calculations associated with industry certification attainment; 2) adopt an updated Master Credentials List (MCL); 3) adopt the updated Form FCAPE-1: Registration of K-12 Career and Professional Academies; and 4) clarify certification requirements for K-12 instructors.

SUMMARY: Rule 6A-6.0576 specifies the procedures and timelines for implementation of an industry certification process for K-12 and postsecondary institutions and includes adoption of the annual CAPE Industry Certification Funding List for use in funding and accountability calculations. This rule will affect school district (K-12 and postsecondary), and Florida College System institutions. These changes will impact the list of funding eligible industry certifications and implementation procedures for the Florida Career and Professional Education Act.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will not have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has not been prepared by the Agency.

The Agency has determined that the proposed rule is not expected to require legislative ratification based on the statement of estimated regulatory costs or if no SERC is required, the information expressly relied upon and described herein: This is because the rule authorizes industry certifications through which school district technical colleges and FCS institutions earn performance incentive funding. These certifications have been evaluated to be rigorous and tied to the statewide occupational demand in Florida. Based upon the nature of these changes and experience with similar changes in the past, no adverse impact or regulatory cost is expected and certainly none that will exceed any of the criteria of s. 120.541(2)(a), F.S. and will not require legislative ratification.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

RULEMAKING AUTHORITY: 1001.02(1), (2)(n), 1003.4203(9), 1003.491(5)(D), 1011.62(10) FS.

LAW IMPLEMENTED: 1003.4203(9), 1003.491(5)(D), 1003.492, 1003.493, 1003.4935, 1008.44, 1011.62(1), 1012.796, 1011.80, 1011.81 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 19, 2023, 9:00 a.m.

PLACE: Florida State Capitol Complex, 400 S Monroe St, Tallahassee, FL 32399, Cabinet Meeting Room - LL03.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Tara Goodman, Vice Chancellor, Division of Career and Adult Education, (850)245-9001, Tara.Goodman@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-6.0576 CAPE Industry Certification Funding List

(1) through (2) No change.

(3) Adoption of the Master Credentials List. The “2022-2023 Master Credentials List, Updated” submitted to the Department by CareerSource Florida (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14694>) 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) Adoption of the annual Funding List. The Funding List is composed of industry certifications, certificates, and courses as specified in Sections 1008.44 and 1011.62(1), F.S.

(a) through (c) No change.

(d) The “2022-2023 CAPE Industry Certification Funding List, Updated” (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14692>) 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.

(5) through (9) No change.

(10) Registration of K-12 career and professional academies. School districts must annually register career and professional academies offered by the school district. Form FCAPE-01, Florida Career and Professional Education Act Career and Professional Academies, (<http://www.flrules.org/Gateway/reference.asp?No=Ref-14694>) is hereby incorporated by reference in this rule, effective ~~September 2022~~ May 2023, and shall be utilized for reporting the information. Form FCAPE-01 may be found on the Department’s website at <https://www.fldoe.org/academics/career-adult-edu/cape-secondary>. Registration will take place during an annual reporting window which will be open no later than August 16 and close on September 15 or the next business day. After the close of the submission window, districts may submit corrections during an update window from October 1 to the last business day in October. The Department will assign a unique three-digit identifier to be used by school districts for reporting students in academies.

(11) Registration of career-themed courses eligible for funding as specified in Section 1011.62(1), F.S. School districts must annually register each career-themed course offered in their district by school using the web-based application available at <https://web02.fldoe.org/CAPE/login.aspx>.

(a) through (e) No change.

(f) The registration system requires final approval by the district superintendent, which certifies 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. An instructor may hold a higher-level certification in the same pathway from the same certifying agency to satisfy the industry certification requirement.

(g) through (h) No change.

(12) through (16) No change.

Rulemaking Authority 1001.02(1),(2)(n), 1003.4203(9), 1003.491(5)(d), 1008.44, 1011.62(1) FS. Law Implemented 1003.4203, 1003.491, 1003.492, 1003.493, 1003.4935, 1011.80, 1011.81, 1008.44, 1011.62(1) FS. History—New 9-20-22.

NAME OF PERSON ORIGINATING PROPOSED RULE: Tara Goodman, Vice Chancellor, Division of Career and Adult Education.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: March 13, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: January 31, 2023