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April 26, 2021

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Senate Passes Legislation to Expand School Choice Options for Florida Families

HB 7045 expands eligibility, maximizes parental choice in K-12 scholarship programs

Tallahassee — The Florida Senate today passed House Bill 7045, School Choice, sponsored in the Senate by Senator Manny Diaz, Jr. (R-Hialeah). The legislation maximizes parental choice by expanding eligibility and streamlining key school choice scholarship programs for students with unique abilities and students from lower income families.

“I’m pleased to see the Senate stand with Florida parents who overwhelmingly support expanding eligibility for these popular school choice programs. We know that parents are their children’s first and best educators, a fact that has certainly been highlighted over the last year,” said Senate President Wilton Simpson (R-Trilby). “We want school choice to be an option for every family. This important legislation further streamlines our existing school choice scholarships, and expands eligibility for lower income families, families of students with unique abilities, adopted children, and children whose parents serve in our military.”

The legislation expands school choice to allow a family of four earning less than \$100,000 to receive full funding of K-12 education costs at a school of their choice under an expansion of the Family Empowerment Scholarship Program. Eligibility is expanded to students who are not enrolled in a public school, students of parents serving in the military, and students who are in foster care or adopted.

“We do not want Florida families, who are already paying taxes that fund our K-12 education system, to have to choose between furthering their professional careers and qualifying for school choice scholarships. This legislation increases household income eligibility for our scholarship programs to ensure more Florida families have access to these options,” said Senator Diaz.

Family Empowerment Scholarship

The bill specifies that the FES will serve both low-income students and students with unique abilities. The two categories each have their own eligibility standards, enrollment caps, priority funding lists, scholarship amounts, and authorized spending uses.

The FES will be funded through the Florida Education Finance Program (FEFP) to ensure scholarship stability. The scholarship award is increased from 95% in current law to 100% of the funding a student is assigned through the FEFP based on the grade level and school district.

FES for Students with Unique Abilities

HB 7045 transfers the McKay Scholarship Program for Students with Disabilities and the Gardiner Scholarship Program into the Family Empowerment Scholarship (FES). The FES funds for students with unique abilities will operate as an Education Savings Account (ESA), with the allowable expenses under current law.

The bill increases funding for students with unique abilities in Levels IV and V, and students in Levels I, II, and III will receive a scholarship equal to the average amount for these service levels. Existing Gardiner and McKay Scholarship students will receive the calculated amount under current law or the new law, whichever is greater, for the remainder of their time in the program.

Current scholarship eligibility requirements for students with unique abilities are retained under HB 7045, and include students turning three or four years old before September 1 and K-12 students with a diagnosis of a defined disability, or an Individual Education Plan. The scholarship remains in effect until the student graduates or turns 22.

The legislation modifies the participation cap to 20,000 students, with several exemptions to the cap, and maintains the annual growth rate of 1% of the total public school exceptional student population, not including gifted students. Under these provisions approximately 4,000 more scholarships will be available for students with unique abilities in the coming school year.

The cap excludes students who are in foster care, adopted, or are dependents of members of the U.S. Armed Forces, received specialized services in VPK and are eligible for Kindergarten, attended public school the year prior, or received a McKay Scholarship in the 2021-2022 school year.

The legislation requires school districts to notify a student's parent or guardian of available options under FES within 10 days after an Individual Education Plan (IEP) meeting and also requires the physician or psychologist who issued the diagnosis or IEP to determine if standardized testing is appropriate.

FES for low-income students

The FES funds for low-income students will continue to be used for tuition and fees at eligible private schools as under current law. Students on the direct certification list or below 185% of the federal poverty level also have the option for up to \$750 in transportation costs to a public school other than the one assigned to the student and lab schools that do not provide transportation.

The bill removes the eligibility requirement that students be enrolled in public school the year prior and expands eligibility to include dependents of members of the U.S. Armed Forces. Additionally, HB 7045 increases the initial eligible household income from 300% to 375% of the federal poverty level and maintains the current participation cap with an annual growth rate of 1% of the total public school enrollment.

There are exceptions to the cap, including students who received an FTC scholarship the previous year and did not receive a renewal due to lack of funds available under FTC or Hope Scholarships (this option is subject to a sub-cap of 15,000 students per year). Students who are in foster care, adopted, or a dependent of a member of the U.S. Armed Forces are also outside of the cap, as are those who attended public school the year prior and are on the direct certification list, or have a household income below 185% of the federal poverty level. The bill also modifies the date that school districts must notify Floridians about the FES scholarship from April to January.