

THE FLORIDA SENATE
2023 SUMMARY OF LEGISLATION PASSED
Committee on Education Pre-K -12

CS/CS/CS/CS/HB 1 — School Choice

by Education Quality Subcommittee; Education and Employment Committee; PreK-12 Appropriations Subcommittee; Choice and Innovation Subcommittee; and Reps. Tuck, Plasencia, and others (CS/CS/SB 202 by Appropriations Committee; Appropriations Committee on Education; and Senators Simon, Perry, and Collins)

The bill (Chapter 2023-16, L.O.F.) expands educational choice and opportunity for Florida families, supports public schools by reducing state regulations, and benefits teachers by removing barriers to certification.

Expanding Educational Choice

The bill expands eligibility for Florida Tax Credit (FTC) and Family Empowerment Scholarship for Education Options (FES-EO) programs to include any student who is a resident of Florida and is eligible to enroll in kindergarten through grade 12 in a public school. In addition the bill:

- For FTC and FES-EO Scholarships:
 - o Expands through an education savings account the authorized uses of FTC and FES-EO scholarship funds, which must first be used for tuition and fees at a private school, if the student is enrolled in a private school.
 - o Adds a second priority group for students whose household income is between 185 percent and 400 percent of the federal poverty level.
 - o Expands the eligibility for public school transportation scholarships to all students eligible for a scholarship.
 - o Requires FES-EO scholarships be awarded once all FTC scholarships have been funded.
- For FTC Scholarships:
 - o Establishes the personalized education program (PEP) as a parent-directed educational choice option under the FTC scholarship that satisfies mandatory school attendance and provides access to the same programs and services as the home education program.
 - o Provides a schedule for funding the FTC scholarships to eligible students that are enrolled in a PEP, which limits enrollment to 20,000 in the 2023-2024 school year. By the 2027-2028 school year, every PEP student will have access to a scholarship.
 - o Provides students in a PEP, and their parents, the option to work with choice navigators, who assist parents with the selection, application, and enrollment in educational options that address the academic needs of their student.
 - o Updates the parent and student participation responsibilities for the scholarship by requiring the parent to meet with the private school's principal or the principal's designee to review the school's academic programs and policies.
- For the Family Empowerment Scholarship for Students with Unique Abilities (FES-UA):

- o Increases scholarship annual growth from 1 to 3 percent of the state's total exceptional student education student membership, to increase the number of eligible students with disabilities served by the FES-UA.
- o Expands the authorized uses of the FES-UA, and requires that private schools accepting an FES-UA discuss with the parent the school's academic programs and policies, and specialized services which may meet the student's individual needs.
- o Establishes a cap of \$50,000 as the maximum amount an SFO is permitted to maintain in an individual student's empowerment account for an FES-UA.
- For the Department of Education (DOE):
 - o Requires the Department of Education (DOE) to collect and publish specified assessment results for students in a PEP.
 - o Requires the DOE to report all scholarship students for funding, removing this obligation from school districts.
 - o Requires the Commissioner of Education (commissioner) to develop an online portal to help parents choose the best educational option for their student.
- For a Scholarship Funding Organization (SFO):
 - o Establishes a cap of \$24,000 for an individual student's empowerment account for an FES-EO or FTC scholarship.
 - o Requires SFOs to participate in a joint development of agreed-upon purchasing guidelines for all scholarship programs.
- For Private Schools:
 - o Requires a private school to publish that a student with disabilities does not have an individual right to receive some or all of the special education services that the child would receive if enrolled in a public school.
 - o Authorizes the commissioner to deny an owner, officer, or director from operating a private school, and to include such an individual on the disqualification list, if such an individual operated a school that closed during the school year.

Supporting Public Schools by Removing Regulations

The bill requires the State Board of Education to, by November 1, 2023, recommend reductions to the Florida Early Learning-20 education code, and provides immediate reductions to regulations by:

- Providing flexibility for school districts by exempting from the required cost per student station any construction started prior to July 1, 2026.
- Removing the requirement for at least one course within the 24 credits required for a standard diploma to be completed through online learning.
- Adding flexibility for student transportation by allowing vehicles other than school buses to regularly transport students.
- Expressly authorizing any public school, including charter schools, to permit a student to enroll part-time, and provides for proportional funding based on time of attendance.
- Authorizing the commissioner to deny an owner, officer or director to participate in the state school scholarship program if the individual has operated a school that closed during the school year.

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- Extending the timeline to transfer a student record from three to five school days.
- Authorizing the district capital outlay millage to be used for payment of salaries and benefits for employees whose job duties support related activities.

Removing Barriers to Teacher Certification

The bill removes barriers to teacher certifications by adding options to the acceptable means of demonstrating mastery of general knowledge, subject area knowledge, and professional preparation and education competence. The bill also increases the validity period of a nonrenewable temporary teaching certificate from 3 to 5 years.

These provisions were approved by the Governor and take effect July 1, 2023, except as otherwise expressly provided.

Vote: Senate 26-12; House 83-27