

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 4-C

INTRODUCER: Senator Collins

SUBJECT: Family Empowerment Scholarship Program

DATE: November 2, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Siples	Yeatman	FP	Favorable

I. Summary:

SB 4-C modifies the number of students served under the Family Empowerment Scholarship Program for students with disabilities (FES-UA). The bill revises the maximum number of students served for the 2023-2024 school year to be the number determined by the Department of Education and the scholarship funding organizations. Beginning with the 2024-2025 school year, the maximum number of students will increase annually by three percent of the exceptional student education full-time equivalent student membership, not including gifted students.

The change made by the bill does not require an additional appropriation as any additional students will be absorbed by the current Florida Education Finance Program (FEFP) appropriation for the 2023-2024 fiscal year, which includes the \$350 million appropriated for the Educational Enrollment Stabilization Program created pursuant to section 1011.62(18), F.S.

The bill is effective upon becoming a law.

II. Present Situation:

The Family Empowerment Scholarship (FES) program provides children of families in Florida with educational options to achieve success in their education, including children of families with limited financial resources.¹ The scholarship program includes two types of scholarship awards. One award assists eligible students to pay for the tuition and fees associated with attendance at a private school or for transportation to another public school (FES-EO).² The award for students with disabilities (FES-UA) provides access to additional education options for a student with a disability by covering the cost of a variety of approved items, including: contracted services, curriculum, instructional materials, tutoring, specified education programs,

¹ Section 1002.394, F.S.

² Section 1002.394(3)(a), F.S.

and specialized services.³ Each scholarship award has student eligibility requirements, program requirements and responsibilities, award calculation methodologies, and allowable expenditures.⁴

Student Eligibility

A parent of a student may apply for and receive from the state an FES-EO scholarship if the student is a Florida resident and is eligible to enroll in kindergarten through grade 12 in a public school in this state. Priority is given first to students whose household income level does not exceed 185 percent of the federal poverty level or who are in foster care or out-of-home care, then to students whose household income level exceeds 185 percent of the federal poverty level, but does not exceed 400 percent.⁵

For an FES-UA scholarship, an eligible student must be 3 or 4 years old, or eligible to enroll in kindergarten through 12th grade in a public school in Florida, and the subject of an Individualized Education Plan (IEP) or have a diagnosis of a disability from a licensed physician or psychologist. “Disability” means, for a student age 3 through grade 12: autism spectrum disorder; cerebral palsy; Down syndrome; an intellectual disability; Prader-Willi syndrome; Phelan-McDermid syndrome; spina bifida; Williams syndrome; muscular dystrophy; a rare disease; anaphylaxis; hearing impaired; visually impaired; dual sensory impaired; traumatic brain injury; speech, language, orthopedic or other health impairment; emotional-behavioral or specific learning disability; hospital homebound for more than six months; or for a student in kindergarten, being a high-risk child.⁶

Authorized Uses

An FES-EO scholarship for an eligible student may be used for the following expenses:

- Tuition and fees at an eligible private school.
- Transportation to a Florida public school in which the student is enrolled when different from the school the student was assigned.
- Instructional materials, including digital materials and internet resources.
- Curriculum.
- Tuition and fees for full- or part-time enrollment in an eligible postsecondary educational institution, an approved preapprenticeship program, an authorized private tutoring program, a virtual program by an approved online provider, Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations and certain assessments.
- Contracted services provided by a public school or school district.
- Tuition and fees for part-time tutoring services.⁷

³ Section 1002.394(3)(b), F.S.

⁴ Section 1002.394, F.S.

⁵ Florida Department of Education, *Family Empowerment Scholarship-Educational Options (FES-EO) FAQs*, <https://www.fldoe.org/core/fileparse.php/18766/urlt/FES-EO-FAQs.pdf> (last visited October 31, 2023).

⁶ Florida Department of Education, *Family Empowerment Scholarship-Unique Abilities (FES UA) FAQs*, <https://www.fldoe.org/core/fileparse.php/18766/urlt/FES-UA-FAQs.pdf> (last visited October 31, 2023).

⁷ Section 1002.394(4)(a), F.S.

FES-EO scholarship funds awarded to students enrolled full-time in a private school must be used for tuition and fees at the private school prior to any other authorized uses. Parents are responsible for all eligible expenses in excess of the amount of the scholarship.⁸

An FES-UA scholarship for an eligible student with a disability may be used to cover the following expenses:

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
- A complete course of study for a particular content area or grade level, including any required supplemental materials and associated online instruction.
- Specialized services⁹ by approved providers or by a hospital in this state which are selected by the parent.
- Tuition or fees associated with full-time or part-time enrollment in a home education program, an eligible private school, an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, an approved apprenticeship program, an authorized private tutoring program, a virtual program offered by an approved private online provider, the Florida Virtual School as a private paying student, or an approved online course.
- Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
- Contributions to the Stanley G. Tate Florida Prepaid College Program or the Florida College Savings Program for the benefit of the eligible student.
- Contracted services provided by a public school or school district, including classes.
- Tuition and fees for part-time tutoring services.
- Fees for specialized summer education programs or specialized after-school education programs.
- Transition services provided by job coaches.
- Fees for a home education student's annual evaluation of educational progress by a state-certified teacher.
- Tuition and fees associated with a Voluntary Prekindergarten (VPK) or school readiness program.
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.¹⁰

⁸ Florida House of Representatives, *Legislative Bill Analysis for CS/CS/CS/CS/HB1* (May 17, 2023) available at <https://www.flsenate.gov/Session/Bill/2023/1/Analyses/h0001z1.CIS.PDF> (last visited October 31, 2023).

⁹ Specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, or services provided by listening and spoken language specialists.

¹⁰ Section 1002.394(4)(b), F.S.

Student Scholarship Award

The maximum FES-EO scholarship amount for each student is based upon his or her grade level and county of residence calculated in the Florida Education Finance Program. In the 2022-2023 school year, the average award amount was \$7,700.¹¹ Similarly, the amount of a student's FES-UA scholarship is dependent on a number of different factors, including grade level, county of residence, and a student's individual level of need. The average scholarship in the 2022-2023 school year was approximately \$9,700.¹²

Program Capacity

As a result of legislative changes in 2023, the cap for the number of FES-EO students who could be served was removed beginning with the 2023-2024 school year. Therefore, all students who applied by the established deadlines and who met the specified eligibility criteria were eligible to receive an FES-EO scholarship award.¹³

For the 2022-2023 school year, the maximum number of FES-UA scholarships was established at 26,500 students. Beginning with the 2023-2024 school year, and annually thereafter, the maximum number of students participating in the scholarship program annually increases by three percent of the state's total exceptional student education (ESE) FTE student membership, not including gifted students.¹⁴ As adopted at the April 2023 Enrollment Estimating Conference, the maximum number of students for the 2023-2024 school year was set at 40,913.¹⁵

The maximum program capacity for FES-UA does not include the following students:

- Students who received specialized instructional services under the Voluntary Prekindergarten Education Program (VPK) during the previous school year;
- Students who are a dependent child of a law enforcement officer or a member of the United States Armed Forces, a foster child, or an adopted child; or

Students who spent the prior school year in attendance at a Florida public school or received a McKay Scholarship in the 2021-2022 school year.¹⁶

III. Effect of Proposed Changes:

The bill modifies the number of students served under the Family Empowerment Scholarship Program for students with disabilities (FES-UA). The bill revises the maximum number of students served for the 2023-2024 school year to be the number determined by the Department of Education and the scholarship funding organizations. Beginning with the 2024-2025 school year, the maximum number of students will increase annually by three percent of the exceptional student education full-time equivalent student membership, not including gifted students.

¹¹ Florida Department of Education, *Family Empowerment Scholarship-Educational Options (FES-EO) FAQs*, <https://www.fldoe.org/core/fileparse.php/18766/urlt/FES-EO-FAQs.pdf> (last visited October 31, 2023).

¹² Florida Department of Education, *Family Empowerment Scholarship-Unique Abilities (FES UA) FAQs*, <https://www.fldoe.org/core/fileparse.php/18766/urlt/FES-UA-FAQs.pdf> (last visited October 31, 2023).

¹³ Section 5, ch. 2023-16, Laws of Florida.

¹⁴ Section 1002.394(12), F.S.

¹⁵ Three percent of the 480,421 2022-2023 ESE population added 14,413 students to the cap of 26,500 that was set for the 2022-2023 school year. *Education Estimating Conference for PreK-12 Enrollment* (<http://edr.state.fl.us/Content/conferences/publicschools/archives/230414publicschools.pdf>) @ 4th Calc Prlm on page 1 and page 5 (last visited October 31, 2023).

¹⁶ Section 1002.394(12)(b), F.S.

The bill is effective upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The change made by the bill does not require an additional appropriation as any additional students will be absorbed by the current Florida Education Finance Program (FEFP) appropriation for the 2023-2024 fiscal year, which includes the \$350 million appropriated for the Educational Enrollment Stabilization Program created pursuant to s. 1011.62(18), F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends section 1002.394 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
