

By Senator McClain

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1 A bill to be entitled
2 An act relating to educational choice; amending s.
3 1002.394, F.S.; requiring, rather than authorizing, a
4 school district to use specified reports and plans of
5 care to complete a matrix of services for a nonpublic
6 school student without an individual education plan;
7 amending s. 1002.395, F.S.; defining the term "home
8 education instructional program"; revising the
9 instructional materials for which Florida Tax Credit
10 Scholarship Program funds may be used; providing
11 requirements for a home education instructional
12 program; revising the tutoring programs for which such
13 scholarship program funds may be used; revising a date
14 by which parents may apply to renew their students'
15 scholarships; providing that a parent is responsible
16 for customizing the home education instructional
17 program for his or her student; revising dates by
18 which an eligible nonprofit scholarship-funding
19 organization must make certain payments; providing an
20 effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

23
24 Section 1. Paragraph (b) of subsection (7) of section
25 1002.394, Florida Statutes, is amended to read:

26 1002.394 The Family Empowerment Scholarship Program.—

27 (7) SCHOOL DISTRICT OBLIGATIONS.—

28 (b)1. The parent of a student with a disability who does
29 not have an IEP in accordance with subparagraph (3)(b)4. or who

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30 seeks a reevaluation of an existing IEP may request an IEP
31 meeting and evaluation from the school district in order to
32 obtain or revise a matrix of services. The school district shall
33 notify a parent who has made a request for an IEP that the
34 district is required to complete the IEP and matrix of services
35 within 30 days after receiving notice of the parent's request.
36 The school district shall conduct a meeting and develop an IEP
37 and a matrix of services within 30 days after receipt of the
38 parent's request in accordance with State Board of Education
39 rules. The school district shall ~~must~~ accept the diagnosis and
40 consider the service plan of the licensed professional providing
41 the diagnosis pursuant to subparagraph (3)(b)4. The school
42 district shall ~~must~~ complete a matrix that assigns the student
43 to one of the levels of service as they existed before the 2000-
44 2001 school year. For a nonpublic school student without an IEP,
45 the school district shall ~~is authorized to use~~ the evaluation
46 reports and plans of care developed by the licensed
47 professionals under subparagraph (4)(b)3. to complete the matrix
48 of services.

49 2.a. The school district shall ~~must~~ provide the student's
50 parent and the department with the student's matrix level within
51 10 calendar days after its completion.

52 b. The department shall notify the parent and the
53 organization of the amount of the funds awarded within 10 days
54 after receiving the school district's notification of the
55 student's matrix level.

56 c. A school district may change a matrix of services only
57 if the change is a result of an IEP reevaluation or to correct a
58 technical, typographical, or calculation error.

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59 Section 2. Present paragraphs (j) through (p) of subsection
60 (2) of section 1002.395, Florida Statutes, are redesignated as
61 paragraphs (k) through (q), respectively, a new paragraph (j) is
62 added to that subsection, and paragraphs (d) and (e) of
63 subsection (6), paragraph (a) of subsection (7), and paragraph
64 (d) of subsection (11) of that section are amended, to read:

65 1002.395 Florida Tax Credit Scholarship Program.—

66 (2) DEFINITIONS.—As used in this section, the term:

67 (j) “Home education instructional program” means a business
68 entity registered with the Division of Corporations of the
69 Department of State which offers classes and activities at a
70 nonresidential location for parents to supplement and enhance
71 their child’s home education program.

72 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
73 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
74 organization:

75 (d)1. For the 2023-2024 school year, may fund no more than
76 20,000 scholarships for students who are enrolled pursuant to
77 paragraph (7)(b). The number of scholarships funded for such
78 students may increase by 40,000 in each subsequent school year.
79 This subparagraph is repealed July 1, 2027.

80 2. Shall establish a process for parents who are in
81 compliance with paragraph (7)(a) to renew their students’
82 scholarships. Renewal applications for the 2025-2026 school year
83 and thereafter must provide for a renewal timeline beginning
84 February 1 of the prior school year and ending April 30 of the
85 prior school year. A student’s renewal is contingent upon an
86 eligible private school providing confirmation of admission
87 pursuant to subsection (8). The process must require that

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88 parents confirm that the scholarship is being renewed or
89 declined by May 31.

90 3. Shall establish a process that allows a parent to apply
91 for a new scholarship. The process must be in a manner that
92 creates a written or electronic record of the application
93 request and the date of receipt of the application request. The
94 process must require that parents confirm that the scholarship
95 is being accepted or declined by a date set by the organization.

96 4. Shall ~~Must~~ establish and maintain separate scholarship
97 accounts from eligible contributions for each eligible student.
98 For each account, the organization shall ~~must~~ maintain a record
99 of accrued interest retained in the student's account. The
100 organization shall ~~must~~ verify that scholarship funds are used
101 for:

102 a. Tuition and fees for full-time or part-time enrollment
103 in an eligible private school.

104 b. Instructional materials, including digital materials,
105 digital devices, peripheral devices needed to access materials,
106 and Internet resources.

107 c. Curriculum as defined in s. 1002.394(2).

108 d. Tuition and fees associated with full-time or part-time
109 enrollment in a home education instructional program that meets
110 the following requirements:

111 (I) Is a program selected by parents as a part of their
112 student's parent-directed instruction. Programs do not include
113 private schools, virtual schools, and public or charter schools.

114 (II) Provides courses and activities that enhance or enrich
115 the student's home education program or personalized education
116 program.

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117 (III) Has publicly available and reviewable program
118 descriptions of courses and activities.

119 (IV) Has a published tuition and fee schedule.

120 (V) Makes tuition and fees payable to the registered
121 business entity, not to an individual.

122 e. An eligible postsecondary educational institution or a
123 program offered by the postsecondary educational institution,
124 unless the program is subject to s. 1009.25 or reimbursed
125 pursuant to s. 1009.30; an approved preapprenticeship program as
126 defined in s. 446.021(5) which is not subject to s. 1009.25 and
127 complies with all applicable requirements of the Department of
128 Education pursuant to chapter 1005; a private tutoring program
129 authorized under s. 1002.43 or an eligible national tutoring
130 organization; a virtual program offered by a department-approved
131 private online provider that meets the provider qualifications
132 specified in s. 1002.45(2)(a); the Florida Virtual School as a
133 private paying student; or an approved online course offered
134 pursuant to s. 1003.499 or s. 1004.0961.

135 f.e. Fees for nationally standardized, norm-referenced
136 achievement tests, Advanced Placement Examinations, industry
137 certification examinations, assessments related to postsecondary
138 education, or other assessments.

139 g.f. Contracted services provided by a public school or
140 school district, including classes. A student who receives
141 contracted services under this sub-subparagraph is not
142 considered enrolled in a public school for eligibility purposes
143 as specified in subsection (11) but rather attending a public
144 school on a part-time basis as authorized under s. 1002.44.

145 h.g. Tuition and fees for part-time tutoring services or

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146 fees for services provided by a choice navigator. Such services
147 must be provided by a person who holds a valid Florida
148 educator's certificate pursuant to s. 1012.56, a person who
149 holds an adjunct teaching certificate pursuant to s. 1012.57, a
150 person who has a bachelor's degree or a graduate degree in the
151 subject area in which instruction is given, a person who has
152 demonstrated a mastery of subject area knowledge pursuant to s.
153 1012.56(5), or a person certified by a nationally or
154 internationally recognized research-based training program as
155 approved by the Department of Education or an eligible national
156 tutoring organization. As used in this paragraph, the term
157 "part-time tutoring services" does not qualify as regular school
158 attendance as defined in s. 1003.01(16)(e).

159 (e) For students determined eligible pursuant to paragraph
160 (7)(b), shall ~~must~~:

161 1. Establish a process for parents who are in compliance
162 with subparagraph (7)(b)1. to apply for a new scholarship. New
163 scholarship applications for the 2025-2026 school year and
164 thereafter must provide for an application timeline beginning
165 February 1 of the prior school year and ending April 30 of the
166 prior school year. The process must require that parents confirm
167 that the scholarship is being accepted or declined by May 31.

168 2. Establish a process for parents who are in compliance
169 with paragraph (7)(b) to renew their students' scholarships.
170 Renewal scholarship applications for the 2025-2026 school year
171 and thereafter must provide for a renewal timeline beginning
172 February 1 of the prior school year and ending June ~~April~~ 30 of
173 the prior school year, unless scholarships are still available.
174 The process must require that parents confirm that the

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175 scholarship is being renewed or declined by May 31.

176 3. Maintain a signed agreement from the parent which
177 constitutes compliance with the attendance requirements under
178 ss. 1003.01(16) and 1003.21(1).

179 4. Receive eligible student test scores and, beginning with
180 the 2027-2028 school year, by August 15, annually report test
181 scores for students pursuant to paragraph (7)(b) to a state
182 university pursuant to paragraph (9)(f).

183 5. Provide parents with information, guidance, and support
184 to create and annually update a student learning plan for their
185 student. The organization must maintain the plan and allow
186 parents to electronically submit, access, and revise the plan
187 continuously.

188 6. Upon submission by the parent of an annual student
189 learning plan, fund a scholarship for a student determined
190 eligible.

191
192 Information and documentation provided to the Department of
193 Education and the Auditor General relating to the identity of a
194 taxpayer that provides an eligible contribution under this
195 section shall remain confidential at all times in accordance
196 with s. 213.053.

197 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
198 PARTICIPATION.—

199 (a) A parent who applies for a scholarship whose student
200 will be enrolled full time in an eligible private school must:

201 1. Select an eligible private school and apply for the
202 admission of his or her child.

203 2. Request the scholarship by the date established by the

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204 organization in a manner that creates a written or electronic
205 record of the request and the date of receipt of the request.

206 3.a. Beginning with new applications for the 2025-2026
207 school year and thereafter, notify the organization by a date
208 set by the organization that the scholarship is being accepted
209 or declined.

210 b. Beginning with renewal applications for the 2025-2026
211 school year and thereafter, notify the organization by May 31
212 that the scholarship is being renewed or declined.

213 4. Inform the applicable school district when the parent
214 withdraws his or her student from a public school to attend an
215 eligible private school.

216 5. Require his or her student participating in the program
217 to remain in attendance at the eligible private school
218 throughout the school year unless excused by the school for
219 illness or other good cause and comply with the private school's
220 published policies.

221 6. Meet with the eligible private school's principal or the
222 principal's designee to review the school's academic programs
223 and policies, specialized services, code of student conduct, and
224 attendance policies before enrollment. The parent is responsible
225 for customizing the home education instructional program for his
226 or her student.

227 7. Require his or her student participating in the program
228 to take the norm-referenced assessment offered by the
229 participating private school. The parent may also choose to have
230 the student participate in the statewide assessments pursuant to
231 s. 1008.22. If the parent requests that the student
232 participating in the program take statewide assessments pursuant

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233 to s. 1008.22 and the participating private school has not
234 chosen to offer and administer the statewide assessments, the
235 parent is responsible for transporting the student to the
236 assessment site designated by the school district.

237 8. Approve each payment before the scholarship funds may be
238 deposited by funds transfer. The parent may not designate any
239 entity or individual associated with the participating private
240 school as the parent's attorney in fact to approve a funds
241 transfer. A participant who fails to comply with this paragraph
242 forfeits the scholarship.

243 9. Authorize the nonprofit scholarship-funding organization
244 to access information needed for income eligibility
245 determination and verification held by other state or federal
246 agencies, including the Department of Revenue, the Department of
247 Children and Families, the Department of Education, the
248 Department of Commerce, and the Agency for Health Care
249 Administration, for students seeking priority eligibility.

250 10. Agree to have the organization commit scholarship funds
251 on behalf of his or her student for tuition and fees for which
252 the parent is responsible for payment at the participating
253 private school before using scholarship account funds for
254 additional authorized uses under paragraph (6)(d). A parent is
255 responsible for all eligible expenses in excess of the amount of
256 the scholarship.

257 11. Comply with the scholarship application and renewal
258 processes and requirements established by the organization.

259

260 An eligible nonprofit scholarship-funding organization may not
261 further regulate, exercise control over, or require

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262 documentation beyond the requirements of this subsection unless
263 the regulation, control, or documentation is necessary for
264 participation in the program.

265 (11) SCHOLARSHIP AMOUNT AND PAYMENT.—

266 (d) Payment of the scholarship shall be made by the
267 eligible nonprofit scholarship-funding organization no less
268 frequently than on a quarterly basis, as follows: August 1,
269 November 1, February 1, and April 1 of each school year in which
270 the scholarship is in force.

271 Section 3. This act shall take effect July 1, 2025.