

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 Rules

BILL: CS/SB 508

INTRODUCER: Appropriations Committee on Pre-K - 12 Education and Senator Jones

SUBJECT: Family Empowerment Scholarship Program

DATE: April 7, 2025

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Palazesi</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2. <u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Fav/CS
3. <u>Palazesi</u>	<u>Yeatman</u>	<u>RC</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 508 requires private schools participating in the Family Empowerment Scholarship program, to inform parents of students with an Individualized Education Plan (IEP), Education Plan (EP), English Learner Plan (ELP), or a 504 plan about available specialized services and therapies offered at the school. Such notice must be before enrollment or grade level transitions.

The bill takes effect July 1, 2025.

The bill does not have fiscal impact to state revenues or expenditures. **See Section V. Fiscal Impact Statement.**

II. Present Situation:

Private School Requirements for the State Scholarship Programs

Florida offers several scholarship programs that allow parents of eligible students to register in and attend a private school that may better serve a student's particular needs, or to provide educational options for students with disabilities or who are receiving parent-directed instruction. The three scholarship programs include:

- The Family Empowerment Scholarships, which include:
 - The Family Empowerment Scholarship for students attending a private school (FES-EO).

- The Family Empowerment Scholarship for students with disabilities (FES-UA).¹
- The Florida Tax Credit (FTC) Scholarship Program,² consisting of a scholarship for students attending private school and a scholarship for students in a personalized education program.³
- The Hope Scholarship Program (HSP).⁴

A private school is a nonpublic school defined as an as an individual, association, or corporation, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services.⁵ For a private school to be eligible to participate in the FTC and FES programs the school is required to:

- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d.⁶
- Notify the department of its intent to participate in a scholarship program and if there is any change to the school's name, director, or mailing or physical address.
- Provide to the Department of Education (DOE) or Scholarship-Funding Organization (SFO) all documentation required for student participation, including attendance verification and fee schedule.
- Annually complete a notarized scholarship compliance form certifying school employees and contract personnel have completed the background screening requirements.
- Prohibit education support employees, instructional personnel, and school administrators from employment in a position that requires direct contact with students if the personnel or administrators are ineligible for such employment based on the background screening results.
- Demonstrate fiscal soundness and accountability.
- Employ teachers who hold baccalaureate or higher degrees, have at least three years of teaching experience in public or private schools, or have special skills, knowledge, or experience.
- Adopt policies establishing standards of ethical conduct for education support employees, instructional personnel, and school administrators.
- Maintain a physical location in the state.
- Publish on the school's website that a student placed in the private school does not have an individual right to receive some or all of the special education and related services that the student would receive if enrolled in a public school under the Individuals with Disabilities Education Act (IDEA).
- Provide quarterly updates on student progress and cooperate with parents who choose to have their student participate in the statewide assessment program.
- Provide a report from an independent certified public accountant if certain conditions are met.
- Not be owned or operated by an entity or person controlled by foreign country of concern.⁷

¹ Section 1002.394, F.S.; *see also* Rule 6A-6.0952, F.A.C.

² Section 1002.395, F.S.; *see also* Rule 6A-6.0960, F.A.C.

³ Section 1002.395(7), F.S.

⁴ Section 1002.40, F.S.; *see also* Rule 6A-6.0951, F.A.C.

⁵ Section 1002.01(3), F.S.

⁶ 42 U.S.C. s. 2000d. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

⁷ Section 1002.421(1), F.S.

Private schools participating in the FES scholarship program must provide the SFO confirmation of the student's admission into the school, administer DOE approved norm-referenced assessments or administer the statewide assessment, and discuss with the parent, whose child is receiving the FES-UA scholarship, the school's academic programs and policies, specialized services, code of conduct, and attendance policies prior to the student enrolling.⁸

Specialized Educational Plans

Certain students in Florida are provided with specialized educational plans based on the students' individual educational needs. These plans may include an Individualized Education Plan (IEP), Plan, Education Plan, English Language Learner plan, or 504 accommodations plan. An IEP is developed for students with disabilities and outlines the special education, related services, and supplementary aides and services to be provided to the student.⁹ An Education Plan is a written plan for each child who is identified as eligible for gifted education describing the student's educational needs and the services that will be provided to meet those needs.¹⁰ An English Language Learner (ELL) Plan details instructional programs (including non-English for Speakers of Other Languages programs), instructional time or schedule, identification date of limited English proficiency, assessment data for classification or reclassification as an ELL, and exit date with corresponding assessment data.¹¹ A 504 accommodations plan provides students with disabilities access to accommodations and modifications necessary for them to access the same education as their peers.¹²

III. Effect of Proposed Changes:

The bill amends s.1002.394, F.S., to require private schools participating in the Family Empowerment Scholarship to specify for parents which components of the student's Individualized Education Plan (IEP), Education Plan (EP), English Learner Plan (ELP), or 504 Plan will be implemented. The bill also authorizes the private school to update the specialized services and therapies offered if the school district revises its list of equitable services or when a student transitions to a new grade level, whichever occurs first. Lastly, the bill requires that within 30 days of receiving a private school services plan from the district, the parent must be informed of which modifications, accommodations, and therapies included in the plan will be honored by the private school.

The bill takes effect July 1, 2025.

⁸ Section 1002.394(9), F.S.

⁹ 34 C.F.R. s.300.320.

¹⁰ Rule 6A-6.030191, F.A.C. Florida Department of Education, *Technical Assistance Paper: Development of Educational Plans for Students Who Are Gifted*, available at <http://info.fldoe.org/docushare/dsweb/Get/Document-7762/dps-2016-53.pdf> (last visited Mar. 19, 2025).

¹¹ Rule 6A-6.0901, F.A.C.

¹² U.S. Department of Education, *Frequently Asked Questions: Section 504 Free Appropriate Public Education (FAPE)*, available at <https://www.ed.gov/laws-and-policy/civil-rights-laws/disability-discrimination/frequently-asked-questions-section-504-fape>, (last visited Mar.19, 2025).

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:

This bill does not have an impact to state revenues or expenditures.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.394 of the Florida Statutes.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Appropriations Committee on Pre-K - 12 Education on March 25, 2025:

The committee substitute:

- Requires private schools to clearly specify for parents which components of a student's Individualized Education Plan (IEP), Education Plan (EP), English Learner Plan (ELP), or 504 Plan will be implemented.
- Authorizes private schools to update the specialized services and therapies they offer if the school district revises its list of equitable services or when a student transitions to a new grade level—whichever occurs first.
- Requires that within 30 days of receiving a private school services plan from the school district, the parent must be informed of which modifications, accommodations, and therapies included in the plan will be honored by the private school.

- B. **Amendments:**

None.