

# **FCIS 2018 Final Legislative Report**

## **I. CS/HB 7055 (Governor Signed into Law on March 11, 2018)**

### ***Background:***

The Legislature this year passed one **main PreK-12 education package**. That bill contained the content of **33 individual bills**. Ninety-eight amendments were filed to that bill. It began in the House as a Proposed Committee Bill and was passed by the House as CS/HB 7055. When received in the Senate, CS/HB 7055 was referred to the Education and Appropriations Committees. The Senate created their own bill in the form of a travelling strike-all amendment to CS/HB 7055. This was highly unusual because it was not really a strike-all amendment. It was an amendment which would allow the Senate and House to negotiate the content of the final bill.

Included in one of the Senate strike-all amendments to CS/HB 7055 was a provision which would have changed the definitions of regular attendance in 1003.01(13). The proposed change to the definition of a private school would have included "This option includes an eligible private school in which a student attends as a participant in a scholarship program, as defined in s. 1002.01(3)." This language was inappropriate as part of the definition of a private school. Some believed that this was the first step to impose the scholarship accountability on all private schools.

Sen. Simmons' SB 1756 would have mandated that DOE visit 5% of private schools participating in the scholarship programs even if the school only had a few scholarship students. SB 1756 also gave DOE the authority to visit up to 7% of the scholarship schools per year and also increased the funding for DOE to travel to the schools.

One of the amendments in SB 1756 would also have required private schools that take scholarship students to employ teachers who "hold baccalaureate or higher degrees from a regionally or nationally accredited college or university in the United States or from a recognized college or university in another country." This subparagraph would have applied to full-time teachers hired after July 1, 2018, who are teaching students in grade 2 or above.

There was a provision to require private schools that receive a total of \$250,000 in scholarships to provide to the Department of Education a "report of the balance sheet and statement of income expenditures in accordance with generally accepted accounting procedures from an independent certified public accountant who performs the agreed-upon procedures." This would have opened the financial reports of private schools to a public records request.

Initially, the way private schools were incentivized into participating in the Florida Tax Credit Scholarship Program was that the funding was private. Many schools perceived it to come without strings attached because the scholarships are paid to the parent who then takes that scholarship to the private school of their choice and the scholarships are issued from a private 501(c)(3) Scholarship Funding Organization. However, as the years have passed, the accountability has become more and more onerous.

The House worked with private schools to write language in HB 7055 which closed a few much needed loopholes. Thankfully, the House held to their position in the final negotiations with the

Senate. With the help of our schools, we were successful in getting the language from the original House Bill in the final version of CS/HB 7055.

### **A. Private School Accountability**

The only additional requirements included in CS/HB 7055 for all the scholarship programs are as follows.

#### Private schools participating in the scholarship programs

- Must publish on the school's website, or provide in a written format, information for parents regarding the school, including, but not limited to, programs, services, and the qualifications of classroom teachers.
- Must provide the parent of each scholarship student with a written explanation of the student's progress on a quarterly basis.
- Must cooperate with a student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22 F.S.
- Must require an electronic Level 2 background screening every 5 years of each owner, operator, superintendent, or principal of, or a person with equivalent decision making authority over the school. The results of the background screening must be provided to the Department of Education.

#### The Department of Education

- Shall conduct site visits to private schools entering the program for the first time.
- May conduct site visits to any private school participating in a scholarship program that has received a complaint, a notice of non-compliance, or a notice of proposed action with the previous 2 years.
- Shall coordinate with the State Fire Marshall to obtain access to the fire inspection reports. Although this is supposed to just apply to private schools participating in the scholarship programs, it will be hard for the Fire Marshall to separate private schools that do participate and those that don't. So, this will probably result in all fire inspections being made available to DOE.

The State Board of Education will adopt rules to establish a deadline for private school applications for participation and timelines for the DOE to conduct site visits.

The Legislature appropriated \$950,000 for the DOE to implement the additional oversight responsibilities.

### **B. Dual Enrollment**

This bill also provides partial relief for private schools for their students taking dual enrollment courses. The following provision in the articulation agreement was removed.

“The provision in the private school articulation agreement must include.....  
A provision stating whether the private school will compensate the postsecondary institution for the standard tuition rate per credit hour for each dual enrollment course taken by its students.”

This unfair consequence to private schools was the result of legislation passed in 2012 which required school districts to pay the tuition for the public school students who participated in dual enrollment courses. The law was silent on private schools. The FCIS lobbyist has been trying since that time to get the Legislature to put in a provision that would clarify that this charge would not apply to private schools.

In order to ensure that colleges or universities cannot charge private schools for the dual enrollment courses taken by their private school students, we needed to have these underlined words added to the articulation agreement.

““The provision in the private school articulation agreement must include.....  
A provision expressing that costs associated with tuition and fees, including registration, and laboratory fees, will not be passed along to the student or the private school the student attends.”

The FCIS lobbyist and The Florida Catholic Conference lobbyist enlisted help from The Foundation for Florida’s Future, the Florida Association of Academic Non-public Schools, and other groups to help bring equity for private school students. We all tried to get the above underlined words included in CS/HB 7055, but were not successful.

We will have to see how this plays out since the language that was removed was what the state colleges used to say that they were required to charge private schools.

### **C. Extracurricular Activities**

We were able to strike the wording which had required private school students to register prior to the beginning date of the season in which the student wished to participate.

This gives students in private schools that have less than 125 students and are not members of the FHSAA, the ability to join a team if they miss a specific date set by the FHSAA for the beginning date of the season.

### **Gardiner Scholarship Program**

- The Gardiner Scholarship Program has been so beneficial to parents of children with disabilities that the funds have not met the demand even though the Legislature has increased the funding 3 times since its creation in 2014. Therefore, the Legislature increased the funding from General Revenue by \$25 million this year. The funds will increase from \$103.3 million this year to \$128.3 million next year.
- In addition to the recurring funding in General Revenue, the Legislature created a new funding stream for Gardiner, which allows businesses that pay tax on rental or license fees for the use of real property to get a tax credit if they contribute the tax to a scholarship funding organization. This tax credit could raise \$57.5 million more for the Gardiner Scholarships.

**D. Hope Scholarship Program**

A new scholarship program was created this Session to allow students the opportunity to transfer to another public school or to request a scholarship for the student to enroll in and attend an eligible private school if student has been subjected to an incident of bullying in a public school.

- The term "incident" means battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school.
- After the reported "incident" and upon conclusion of the investigation, the school district must notify the parent of the student of the opportunity to enroll the student in another public school that has capacity or the opportunity to receive a scholarship to attend a private school.

**II. Senate Bill 4**

**Senate Bill 4 makes the changes to Bright Futures Scholarships permanent.**

- The Academic Scholarship will now be funded at 100% of tuition and fees and \$300 per fall and spring semester for textbooks beginning in the fall of 2018.

Beginning in the 2018 summer term, as funded by the Legislature, a student may use a Florida Academic Scholars award for summer term enrollment.

- The Medallion Scholarship will be funded at 75% of tuition and fees.

Beginning in the 2019 summer term, as funded by the Legislature, a student may use a Florida Medallion Scholars award for summer term enrollment.

A student may use other Florida Bright Futures Scholarship Program awards for summer term enrollment, if funded by the Legislature.

- Gold Seal Vocational Scholars and CAPE Vocational Scholars awards shall be funded at:

Gold Seal Vocational Scholars & CAPE Vocational Scholars Career Certificate Program	\$ 39
Applied Technology Diploma Program.....	\$ 39
Technical Degree Education Program.....	\$ 48

Gold Seal CAPE Vocational Scholars BS Program w/ Statewide Articulation Agreement	\$ 48
Florida College System Bachelor of Applied Science Program .....	\$ 48

The additional stipend for Top Scholars shall be \$44 per credit hour.

**III. VPK**

There was no increase in funding for VPK

#### **IV. Other Funding**

The Commercial Lease Tax was added to the list of state taxes that can be redirected for the purpose of funding scholarship programs with a cap of \$57.5 million. For 2018-19, contributions will fund scholarships for children on the waiting list for the Florida Tax Credit Scholarship program. In the following years, these funds will be directed toward the Gardiner Scholarship Program and remaining dollars will go into the Florida Tax Credit Scholarship program.