



2021 Legislature Places Students and Teachers First in Approving FAANS Goals

2021 End-of-Session Report Respectfully Submitted by James Herzog,
Director of Legislative Services, May 4, 2021

Introduction: Last fall, the Florida Association of Academic Nonpublic Schools (FAANS) set its top three advocacy goals for the 2021 Legislative Session. This included the following initiatives:

- Restoring dual enrollment access for high school students;
- Streamlining add-on endorsements for certain Florida certified teachers; and,
- Removing the prior-public-attendance mandate from Family Empowerment scholarships.

This report offers final session developments with each goal plus a summary of other bills or funding issues of significance to nonpublic schools. Moreover, pending action by Florida Gov. Ron DeSantis, this report will show how success has been achieved for each of the top three FAANS goals.

Restoring Dual Enrollment Access: After a decade-long journey, FAANS achieved a remarkable success story with its top goal for 2021. Senate Bill 52 by Sen. Ray Rodrigues (R, Ft. Myers) passed the full Legislature with some bipartisan support. As of the publication date for this report, the bill is awaiting action by Gov. Ron DeSantis. The Governor is widely expected to sign the bill into law.

In the Florida House of Representatives, HB 281 by Rep. Wyman Duggan (R, Jacksonville) and Rep. Ardian Zika (R, Land O'Lakes) made steady progress throughout session. Ultimately it was the companion measure SB 52 that passed the full Legislature. The date of Wed., Apr. 28 will be long celebrated by FAANS as when SB 52 passed the House on an 83-32 vote.

Representatives Duggan and Zika stood together during third reading just before the vote was taken (please see photos below). Representative Duggan graciously gave credit to Rep. Zika for championing dual enrollment access during the 2019 and 2020 sessions. He also expressed gratitude to Sen. Rodrigues for his successful sponsorship of SB 52.



Representatives Zika and Duggan are pictured standing together during the third reading of SB 52 from the House floor.



The final 83-32 vote meant that SB 52 would soon be sent to the Governor's Desk.

SB 52 Section Summary – From the FAANS perspective, the most important aspect of the bill was a provision to establish the Dual Enrollment Scholarship Program. The main purpose is to reimburse eligible colleges and universities for tuition and instructional material costs for private school and home education students.

In establishing the new scholarship program, the following legislative intent language was included:

“The Legislature finds and declares that dual enrollment is an integral part of the education system in this state and should be available for all eligible secondary students without cost to the student.”

From there, the bill establishes the following timeline for implementation:

- Starting in fall 2021, the program will reimburse colleges and universities for tuition and instructional material costs for courses taken by nonpublic school or home education program secondary students during fall or spring semesters.
- Starting in summer 2022, the program will reimburse tuition and instructional material costs for courses taken by public, nonpublic or home education secondary students during the summer term.

Reimbursement Rates – State colleges will receive the in-state resident tuition rate established under s. 1009.23(3)(a), F.S. State universities and independent postsecondary institutions will receive the standard tuition rate established under s. 1009.24(4)(a), F.S. For instructional materials, colleges and universities will receive a rate specified in the State’s annual budget.

Higher Education Reporting – Each participating institution must report certain student participation data to the Florida Department of Education by Mar. 15th of a given year. This includes a count of the eligible secondary students from nonpublic schools or home education programs enrolled during the previous fall or spring terms. A count is also required for public, nonpublic or home education students enrolled in summer courses. The annual deadline for the summer enrollment count is July 15th of a given year.

Funding – Reimbursements are contingent upon an appropriation in the State’s annual budget. For the 2021-2022 fiscal year, the total appropriation was set at \$15.5 million.

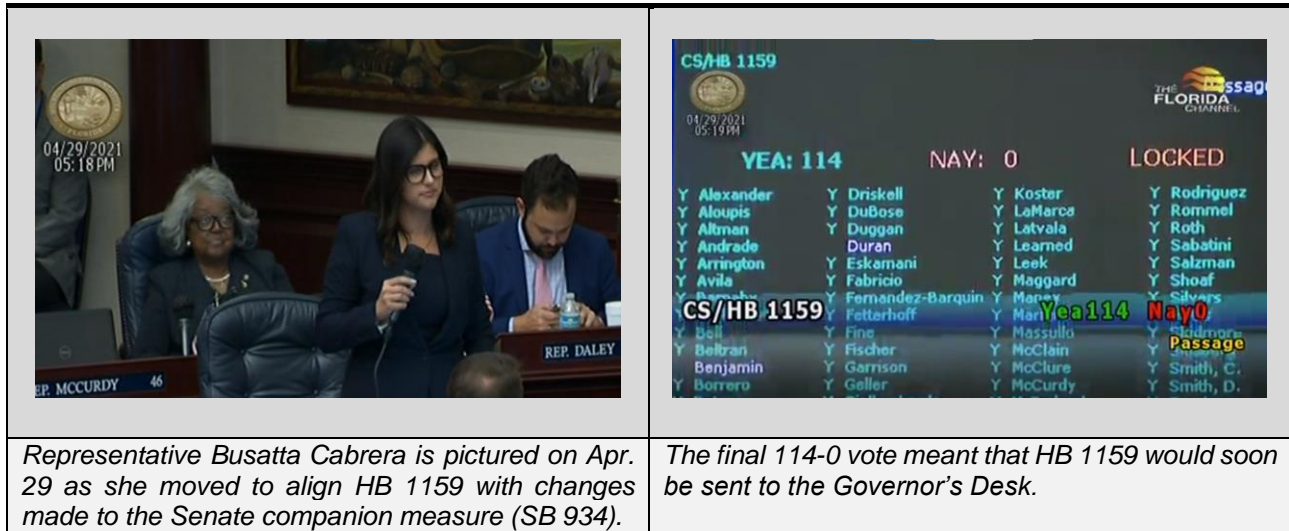
There is a chance that total reimbursement costs (or demand) will exceed the appropriation made by the Legislature. Under this scenario, reimbursements would be prorated among colleges or universities that have reported student enrollment counts by the required deadlines.

Next Steps – The bill will be sent soon to the Governor for consideration. The bill and appropriation are expected to be approved by the Governor. The effective date would be July 1.

For More Information – The most current Senate analysis as of this publication date is linked here:

- <https://www.flsenate.gov/Session/Bill/2021/52/Analyses/2021s00052.ap.PDF>.

Streamlining Endorsements – Another major success story for FAANS involved the culmination of a three-year effort to provide improved access to add-on endorsements for certain certified teachers. This occurred with the passage of HB 1159 by Rep. Demi Busatta Cabrera (R, Miami-Dade) on Thurs., Apr. 29, the penultimate day of Session.



Representative Busatta Cabrera is pictured on Apr. 29 as she moved to align HB 1159 with changes made to the Senate companion measure (SB 934).

The final 114-0 vote meant that HB 1159 would soon be sent to the Governor's Desk.

This success was achieved by pursuing timely amendments as opposed to stand-alone bills. Representative Busatta Cabrera and Sen. Tom Wright (R, Port Orange) each graciously allowed their education bills to be amended to include a relief provision sought by FAANS.

HB 1159 Section Summary – The most important aspect of the bill was a provision to streamline access to endorsements as described below:

- An organization of private schools or a consortium of charter schools may develop an alternative preparation program for certified teachers.
- These programs must be reviewed and approved by the FLDOE in the same way as programs developed by the districts.

This will allow certified teachers at nonpublic schools to obtain endorsements for academic areas monitored through private professional development programs approved by the State under s. 1012.98(6), F.S. The State had previously established the following mechanism to allow private school personnel to obtain recognition of “Master Inservice Plan” or continuing education credits:

“An organization of private schools or consortium of charter schools which has no fewer than 10 member schools in this state, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to state board rules.”

Background – Current Florida law creates an unlevelled playing field for nonpublic school teachers. Only public school teachers may take professional development courses approved by districts to demonstrate professional subject matter expertise in the following academic areas:

- American sign language;
- athletic coaching;
- autism spectrum disorders;
- driver education;
- English for Speakers of Other Languages (ESOL);
- gifted;
- orientation and mobility;
- prekindergarten disabilities;
- severe and profound disabilities; and,
- reading.

Furthermore, opponents of school choice “paint with a broad brush” against nonpublic schools by asserting that Florida law does not require their teachers to be certified. These critics overlook the fact that many independent and faith-based schools — voluntarily or by private governing authority requirements — mirror the professional credentialing requirements of public schools. This includes:

- obtaining Florida Department of Education (FLDOE) certification for teachers; and,
- maintaining Master Inservice Plan (MIP) credits for annual professional development.

*List of Professional Learning Organizations and Master Inservice Plan (MIP) Contacts as Allowed under Section 1012.98, Florida Statutes		
<i>Organizations Serving Nonpublic Schools</i>		
Association of Christian Schools International (ACSI), Collins, MS	Association of Independent Schools of Florida (AISF), Asheville, NC	Center for the Advancement of Jewish Education (CAJE), Miami, FL
Christian Schools of Florida (CSF), Crystal River, FL	Florida Association of Christian Colleges and Schools (FACCS), Tallahassee, FL	Florida Catholic Conference (FCC), Tallahassee, FL
Florida Council of Independent Schools (FCIS), Tampa, FL	Florida League of Christian Schools (FLOCS), Lakeland, FL	Lutheran Florida-Georgia District (L FL-GA Dist), Orlando, FL
<i>Organizations Serving Charter Schools</i>		
Florida Consortium of Public Charter Schools (FCPCS), Ft. Lauderdale, FL		
*Link for More Information: http://www.fldoe.org/teaching/professional-dev/pro-learning-contacts.stm		

While Florida law allows for FLDOE certification and MIP protocols for nonpublic schools, there has been no corresponding approval for endorsements. This limits teachers to the often more time-consuming and costly option of obtaining endorsements through colleges or universities. The pending change in law will align State certification and professional development policies. In summary, private school organizations already allowed to participate in MIP protocols would also be allowed to track and report endorsements approved by the State.

For More Information – The most current House analysis as of this publication date is linked here:

- <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h1159e.EEC.DOCX&DocumentType=Analysis&BillNumber=1159&Session=2021>.

Removing the Prior-Public Attendance Mandate from the Family Empowerment Scholarship (FES) Program – The COVID-19 pandemic raised awareness more than ever that parents benefit from having educational options widely available for their schoolchildren. The nearly total economic shutdown left many parents truly struggling to afford tuition, transportation and other costs of their desired mode of education as evidenced below:

- At the beginning of the 2020-2021 school year, overall enrollment in nonpublic schools for students in prekindergarten to 12th grade dropped an estimated 5-10 percent statewide.
- Parents reeling from such pressures were very frustrated to find out that the FES Program has a requirement of prior public-school attendance for students in grades 1-12.
- Eying the 11,000 open FES seats available at that time, some parents were forced to switch children from nonpublic to public schools to gain future access to life-changing scholarships.
- Switching from sector to sector involves a de facto “gaming of the system” to the detriment of both public and nonpublic school classroom disruptions that occur.

For these reasons, FAANS has been advocating for the removal of the prior-public mandate from the FES Program. This being noted, other school choice leaders have been advocating for a much more robust expansion due to these factors plus a strong push being made by Senate President Wilton Simpson (R, Spring Hill) and Senator Manny Diaz Jr. (R, Hialeah Gardens).

Special Note: The scope of the school choice proposals that advanced this Session far exceeded the third priority goal of FAANS. Moreover, certain FAANS members or colleagues raised questions or concerns while others have been supporting the proposals. For these reasons, FAANS in large part took a neutral stance and provided information or suggestions for improvements.

These proposals, SB 48 (by Sen. Manny Diaz, R, Hialeah) and HB 7045 (by Rep. Randy Fine, R, Palm Bay, Rep. Jason Fischer, R, Jacksonville and the House Education and Employment Committee) were filed and discussed at considerable length. Ultimately, HB 7045 was the bill that passed the full Legislature. This occurred with a 25-14 vote by the Florida Senate on Mon., Apr. 26. The bill will be sent to the Governor soon for consideration.

HB 7045 Summary – Legislators designed the bill to streamline existing scholarship programs and expand eligibility for the following students:

- Children from low-income families;
- Children with unique abilities;
- Adopted children; and,
- Children whose parents serve in a branch of the U.S. Armed Forces.

To this end, the bill merges the McKay and Gardiner scholarship programs and brings these two school choice options under the FES Scholarship Program “umbrella.” This means the FES Scholarship will now feature one broad category to serve students with special education needs and another to serve children from low-income families. This general legislative approach is designed to fund the needs of students as opposed to institutions, according to Sen. Diaz.

Broader Expansion Delayed but May be Revisited – In explaining what HB 7045 will do, it is important to note that a broader school choice expansion as originally proposed under SB 48 was set aside. **Members of FAANS are asked to please make sure that school leaders know that the Florida Tax Credit (FTC) Scholarship Program is not going away. Moreover, the corporate tax donations being used for funding are still very much intact.**

In other words, HB 7045 leaves the FTC Program largely unchanged with funding dependent upon corporate tax donations. The bill does streamline eligibility requirements by aligning income levels for qualifying families between the FTC and FES programs. (Under current law, the two low-income scholarships have different sets of income guidelines.)

Practical Considerations –

- Gardiner families will continue to receive scholarships as Education Savings Accounts (ESAs) to be used for a variety of educational purposes (i.e. flexible uses of funds).
- To allow for transition planning time for families and schools, traditional McKay scholarships will be converted to ESAs beginning in the 2022-2023 school year.
- McKay and Gardiner families will be able to select whichever per-child scholarship amount is higher when considering funding under current law or the new HB 7045 structure.
- For children from low-income families, the per-child scholarships will amount to the same basic funding as that received by public school students. (During the current school year, these students only received 95 percent of the per-child funding for public school students.)

Eliminating Prior-Attendance Mandate – For low-income families, HB 7045 will open up life-changing opportunities by removing the requirement for spending the prior year in a public school. Members of FAANS had seen some instances in which families lost income due to the pandemic or other personal struggles that also resulted in a loss of eligibility for FES scholarships.

Aligning Income Eligibility – The means-testing provisions for the FES and FTC programs will be aligned at up to 375 percent of the federal poverty level. In practical terms, a family of four making just below \$100,000 in annual income will now qualify. This being noted, priority is given to families earning up to 185 percent of the federal poverty line. This translates to approximately \$49,000 in annual income for a family of four.

For More Information – The most current House analysis as of this publication date is linked here:

- <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=h7045a.APC.DOCX&DocumentType=Analysis&BillNumber=7045&Session=2021>.

Moreover, Step Up For Students, one of the two Scholarship Funding Organizations (SFOs) approved for administering Florida school choice options, has provided these resources:

- [McKay Fact Sheet](#); and,
- [Gardiner Fact Sheet](#).

Since HB 7045 was still a fairly wide-ranging bill as described, FAANS recommends continuing to monitor communications from our Legislative Services Office and other education policy sources for more information. Implementation details and other resources will be shared as made available.

Other Bills of Significance to Nonpublic Schools:

Senate Bill 1282 by Sen. Gayle Harrell (R, Stuart) and HB 419 by Rep. Erin Grall (R, Vero Beach) regarding early learning – The bills delete the Office of Early Learning and create instead the Division of Early Learning within the FLDOE. This Division will then administer the Voluntary Prekindergarten Education (VPK) and School Readiness programs.

Status Update – The House Bill passed the full Legislature on Mon., Apr. 26. The Senate passed it with a unanimous 40-0 vote. It was then fast-tracked to the Governor who signed it into law today (i.e. May 4, 2021).

Other Provisions –

- The new law establishes a timeline for phasing in a new VPK accountability system based on a performance system that includes student outcomes, learning gains, and observations of child-teacher interactions.
- The law requires the Commissioner of Education to develop a coordinated screening and progress monitoring system for VPK through grade 3 students. The purpose is to provide the outcomes and learning gains data needed for the VPK performance system's metric.
- Starting with the 2022-2023 school year, the VPK accountability system must assign VPK providers a performance designation.
- The effective date is July 1, 2021.

Special Note: The new law also fixes a longstanding issue involving duplicative credentials that FAANS members have raised in recent years. In particular, the law allows a VPK director requirement to be satisfied by a professional who holds a valid educational leadership certificate issued by the FLDOE. **In other words, private VPK directors are no longer obliged to have both FLDOE and DCF credentials to meet this State requirement.**

Senate Bill 938 by Sen. Wright and HB 429 by Rep. Andrew Learned (D, Riverview) and Rep. Patt Maney (R, Ft. Walton Beach) regarding Purple Star Campuses – The bills help military families transitioning to new schools. This is done by establishing the Purple Star Program to help schools handle educational and social-emotional challenges facing students. House Bill 429 passed the full Legislature on Mon., Apr. 26.

This was done via a unanimous 40-0 vote in the Senate (following an earlier 117-0 vote in the House). The bill will be sent to the Governor soon for consideration.

Purple Star Program Summary – The bill requires the FLDOE to establish a Purple Star Campus Program. This initiative will identify schools that are known for supporting children in military families. In an effort to look out for the best interests of all schoolchildren, the bill includes public and charter schools as well as nonpublic schools participating in state scholarship programs. Pending action by the Governor, Florida will be the 10th state to develop and implement a Purple Star School Program. More information is expected soon from the School Choice Office.

Requirements for Purple Star Campuses –

- The school must have a designated staff member in place to serve as a military liaison.
- The school’s website must feature resources for military students and families and a student-led transition program to assist students from military families.
- The school must offer professional development training opportunities for staff members on issues relating to military students.
- The school must reserve at least five percent of open enrollment seats for students from military families.

List of Other Education Policy Bills Being Monitored by FAANS			
<i>Bills Passed by the Florida Legislature</i>			
Number:	Title:	Sponsor:	Last Action:
HB 3	Home Book Delivery for Elementary Students	Trabulsy	04/26/21
HB 5	Civic Education Curriculum	Zika	04/26/21
SB 72	Civil Liability for Damages Relating to COVID-19	Brandes	03/29/21
SB 96	Child Welfare	Book	05/02/21
HB 131	Educator Conduct	Duggan	04/29/21
SB 146	Civic Literacy Education	Brandes	04/28/21
HB 157	First Aid Training in Public Schools	Hawkins	04/26/21
HB 173	Individual Education Plan Requirements for Students with Disabilities	Tant	04/22/21
HB 241	Parents' Bill of Rights	Grall	04/22/21
HB 259	Safety of Religious Institutions	Williamson	04/27/21
SB 366	Educational Opportunities Leading to Employment	Hutson	04/28/21
HB 545	Reproductive Health and Disease Education	Chaney	04/26/21
SB 590	School Safety	Harrell	04/27/21
SB 1028	Education	Hutson	05/02/21
HB 1261	Higher Education	Toledo	04/28/21

<i>Bills Already Approved by the Governor</i>			
Number:	Title:	Sponsor:	Last Action:
SB 72	Civil Liability for Damages Relating to COVID-19	Brandes	03/29/21
HB 7011	Student Literacy	Early Learning & Elementary Education Subcommittee	05/04/21
<i>Bills That Died during the Session (but May Resurface Next Year)</i>			
SB 600	Private School Eligibility Requirements	Rouson	01/28/21
SB 746	Prohibited Discrimination	Bracy	01/15/21
SB 760	Florida High School Athletics Association	Burgess	04/30/21
SB 1000	Part-Time Public School Enrollment	Baxley	02/10/21
HB 575	Gold Seal Quality Care Program	Omphroy	04/30/21

Budget Developments – The following education highlights are excerpted from [the Senate's Budget Summary for the 2021-2022 fiscal year as linked here](#):

- Under the Florida Education Finance Plan (FEFP), the budget increases the per-child funding from \$7,756 to \$7,795 after adjusting for the one-time hold harmless funding provided to school districts in Fiscal Year 2020-21.
- The budget increases the base student allocation (BSA) under FEFP by \$53 or 1.2 percent.

VPK Per-Child Funding – For Fiscal Year 2021-2022, the base student allocation (BSA) for VPK's school-year program was set at \$2,486. The BSA for the summer program was set at \$2,122. This reflects the Legislature's decision to keep VPK funding level as the State moves from the 2020-2021 to 2021-2022 fiscal years.