

FCIS 2022 Legislative Report

In the final days of Session, the language from several bills which were pending on the Calendar was included in SB 2524. The issues pertaining to private schools are detailed below.

Dual Enrollment

Although there were several threats to the current Dual Enrollment Scholarship program, none of those proposed changes were passed. Of the \$18.05 million allocated in the 2022-2023 budget, \$2,000,000 in nonrecurring funds from the General Revenue Fund is appropriated to the Department of Education for Fiscal Year 2021-2022 to cover the deficit in the Dual Enrollment Scholarship Program. (Apparently, this was a popular program.)

SB 2524 amends s.1007.271 (17) and (24) FS to ensure that instructional materials for dual enrollment are free to private school students.

SB 2524 amends s. 1009.30 FS requiring postsecondary institutions to report students in the Dual Enrollment Scholarship program within 30 days after the end of regular registration, and reimbursements must be distributed no later than 30 days after the end of the term.

Background Screening

In 2012 the Legislature created in s. 435.12 FS the “Care Provider Background Screening Clearinghouse.” The Agency for Health Care Administration, in consultation with the Department of Law Enforcement, was directed to create a secure web-based system to be known as the “Care Provider Background Screening Clearinghouse” or “Clearinghouse.”

The language added to SB 2524 this Session should solve the problem that has caused certified VPK teachers and certified K-12 teachers to undergo separate background screenings. The language was in HB 1505 and SB 1830 championed by Rep Trabulsy and Sen. Brodeur and was included in SB 2524 in final passage.

- The new language in SB 2524 expands the definition of “specified agencies” to include the Department of Education, each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, alternative schools under s. 1008.341

The Department of Children and Families was already a “specified agency” eligible to conduct Level 2 Background Screenings through the “Clearinghouse.”

- These entities must conduct background screenings using the Clearinghouse beginning January 1, 2023, and be fully implemented into the Clearinghouse by January 1, 2024, or by a date determined by Agency for Health Care Administration (AHCA).

AHCA must follow a staggered schedule when conducting rescreening for education entities entering the Clearinghouse. This change requires the rescreening of employees according to the following schedule.

- Employees screened on or before June 30, 2019, must be rescreened by June 30, 2024.
- Employees screened between July 1, 2019, and June 30, 2021, must be rescreened by June 30, 2025.
- Employees screened between July 1, 2021, and December 31, 2022, must be rescreened by June 30, 2026.

A person is not required to be rescreened prior to January 1, 2023, solely for the purpose of retention under the new section if the person was screened before participation through the Clearinghouse by one of the specified agencies.

The Family Empowerment Scholarship

SB 2524 removed the requirement for the Department of Education to conduct a cross-check of participating scholarship students with the public-school enrollment list prior to releasing each distribution of funds for both the Family Empowerment Scholarship program and the Florida Tax Credit Scholarship program.

When the FEFP is recalculated during the school year, the Department of Education is required to adjust the payments to the school district based on the cross-check results if there is duplication rather than holding up payments to the SFOs and delaying payments to private schools or parents.

FES-UA

- The cap on the number of students which can be awarded a FES-UA scholarship in 2022-2023 was raised from 20,000 to 26,500 to cover the current waitlist.
- Beginning in 2023-2024, the cap for the FES-UA will annually increase by 1.0% of the state’s total exceptional student education full-time equivalent student membership, not including gifted students.

HOPE Scholarship

SB 2524 also removed the requirement for the Department of Education to conduct a cross-check of participating scholarship students with the public-school enrollment list prior to releasing each distribution of funds for the HOPE Scholarship program.

Transportation Scholarship

SB 2524 increases the transportation scholarship option from \$750 to the per student amount expended by the school district on students riding a bus, whichever is greater.

Driving Choice Grant Program

SB 2524 created a new program which requires The Department of Education to develop a grant program to improve access to reliable and safe transportation for students who attend school through controlled open enrollment and to support innovative solutions that increase the efficiency of public-school transportation.

The language in SB 2524 includes the Family Empowerment Scholarship and the Florida Tax Credit programs (FTC). The department is tasked with gathering information on what districts are currently doing, what funds are available for transportation and how to expand transportation resources. One of the suggested grant proposals is to expand the use of transportation funds under ss.1002.394, 1002.395, and 1011.68 to help cover the cost of transporting students to and from school. The department must publish an interim report by December 31, 2023

The Scholarship Funding Organizations (SFO) are required to provide to a FTC transportation scholarship recipient the cost of transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school. Therefore, a provision was included in SB 2524 which allows the SFOs to use administrative funds to develop or contract with rideshare programs or facilitating carpool strategies. It will be interesting to see what kind of partnerships develop from this program and if it will expand to include all scholarship students.

This is something to watch since it mentions the FES and FTC programs.

Criminal Penalties for failure to report

Section 800.101 F.S. titled "Offenses against students by authority figures" was amended making it a first-degree misdemeanor if

- a person who is required to report sexual misconduct with a student knowingly or willfully fails to report an incident of an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student;

- a person knowingly or willfully submits false, inaccurate, or incomplete information while reporting an authority figure engaging in or soliciting sexual, romantic, or lewd conduct with a student; or
- a person knowingly or willfully coerces or threatens another person with the intent to alter his or her testimony or written report regarding an incident of an authority figure engaging in sexual misconduct with a student.

Micro-credential for Early Learning personnel

The Legislature in SB 2524 created a new credential for public school instructional personnel, all pre-kindergarten instructors, and all childcare personnel. Instructional personnel in public schools are eligible for the program, but only VPK and childcare personnel are eligible to take the training free of charge.

A state university registered as an administrator with the Department of Education is tasked with developing the micro-credential. The micro-credential is defined as evidence-based professional development activities that are competency-based, personalized and on-demand. To receive the micro-credential, educators will be required to demonstrate their competence via evidence submitted and reviewed by trained evaluators.

The Department of Education is required to provide incentives to school readiness and pre-kindergarten instructors who possess a reading certification or endorsement or a literacy micro-credential and teach students in the school readiness program or the voluntary prekindergarten education program. There is \$30 million in non-recurring funds in the budget for the Division of Early Learning to implement this program. The incentives are not spelled out in the bill.

VPK Funding

The legislature increased the base student allocation (BSA) by \$317 per student for the 2022-2023 school year.

- The school-year program allocation per student is \$2,803.
- The summer VPK program allocation per student is \$2,393.

Additional Funding Available for VPK Providers

A specific allocation of \$100 million in non-recurring funds will be provided through the Early Learning Coalition to VPK providers that elect to participate in the additional funding to increase the wages for personnel performing VPK duties to at least \$15 per hour. Wording in the final budget reads:

“To be eligible for the additional base student allocation funds, the provider or public school must elect to participate in the additional payment program following an application procedure established by the Division of Early Learning. The provider or

public school will submit an attestation confirming, that within 30 days of receiving the additional funding, all VPK personnel employed by the provider or public school will receive wages of at least \$15.00 per hour for VPK duties. Beginning January 1, 2023, an employee of a VPK provider under contract with the Division of Early Learning that has elected to receive additional base student allocation funds and who is not receiving a wage of at least \$15.00 per hour for VPK duties may petition the division for relief. If the division finds that the VPK provider has failed to comply with this provision, the division may terminate the provider's VPK contract."