



Legislature Protects Dual Enrollment Access while Boosting Funding to \$18.05 Million; and, Streamlines Level II Background Checks for Scholarship Provider Schools
*End-of-Session Report Respectfully Submitted by James Herzog,
FAANS Director of Legislative Services*

Introduction: During the 2022 Regular Session of the Florida Legislature, the Florida Association of Academic Nonpublic Schools (FAANS) advocated for the following top goals:

- maintaining Dual Enrollment Scholarship Program funding and access;
- streamlining background screening; and,
- hardening school security and providing safety training.

This report offers final session developments with each goal plus a summary of other bills or funding issues of significance to nonpublic schools. Pending action by Florida Gov. Ron DeSantis, this report will show how success has been achieved for two goals and progress was made with one goal.

Maintaining Dual Enrollment Scholarships: FAANS took considerable action to protect the hard-fought gains made by the passage of Senate Bill 52 of 2021. The following results were achieved:

- Total annual funding was not only maintained but increased from \$15.5 million in the 2021-2022 fiscal year to \$18.05 million in 2022-2023.
- FAANS helped to defeat a high-profile, late-session proposal to restrict dual enrollment access by students taking courses during the normal school day.

Throughout the past year, FAANS has consistently expressed gratitude to legislators for the establishment of the often life-changing opportunity for dual enrollment scholarships. While this topic was discussed at each meeting, no early indication was made that key legislators or staff members had lingering reservations about the new program.

It was not until the second half of the 2022 Session when FAANS learned that key Senators and staff members raised concern that certain bad-actor schools could somehow tap the scholarships as a “cash cow.” FAANS acted quickly when Senate Proposed Bill (SPB) 2524 was filed to propose restricted access for dual enrollment courses taken by nonpublic school students.

- An action alert (see Addendum) was sent to the 21 FAANS members who were asked to get schools involved in contacting legislators about the negative impacts of certain bill provisions.
- On Feb. 9, 2022, James Herzog, FAANS Director of Legislative Services, waived in opposition to the bill during a lengthy Senate Appropriations Committee meeting.
- The bill was nevertheless submitted as a Committee Bill (SB 2524) and passed 19-0.

Promoting Equitable Access – This situation led to the need to “play defense” while explaining how SB 2524 would reduce access by students who could benefit the most from dual enrollment.

- Survey results were shared with a contact person in the Senate President’s Office along with aides to key Senators.
- Data showed that more than 40 percent of the students restricted by the bill had special needs or were from low-income families.

- Discussions ensued about funding model differences between public and nonpublic schools.

Seeking Middle-Ground Approach – Senate leaders asked for a compromise to be developed to protect taxpayer funds from schools that merely warehouse children while colleges or universities do the actual work of providing courses. Their specific concern was that schools could “double dip” by receiving tuition and fees from parents while benefitting from State scholarship reimbursements.

Prevailing to Protect Access – Despite the “rocky road” experienced with dual enrollment, FAANS was grateful for the outcome of the proposed policy revision.

- House members prevailed in budget negotiations to block any restrictions for dual enrollment courses taken during the normal school day.
- Nonpublic school leaders owe special gratitude for Representatives who played a key role in protecting dual enrollment access during budget negotiations.
- These legislators include the following: Rep. Randy Fine (R, Palm Bay), Rep. Rene Plasencia (R, Titusville) and Rep. Wyman Duggan (R, Jacksonville).
- FAANS owes special gratitude to Mike Barrett, Associate for Education, Florida Conference of Catholic Bishops (FCCB), for assistance with dual enrollment and other advocacy efforts.

Boosting Annual Funding – FAANS was also grateful for the outcome of annual program funding.

- Senator Kelli Stargel (R, Lakeland) prevailed in conference committee negotiations to allocate a total of \$18.05 million for dual enrollment scholarships in the final budget.
- This allocation reflected a much-needed \$2.55 million increase from 2021-2022.
- Schools owe special gratitude to Senator Stargel for her efforts to boost funding.
- FAANS is also grateful for Sen. Stargel’s open-door approach to policy discussions.

Streamlining Background Screening: During the FAANS meeting in January, members discussed an encouraging development with efforts to reduce duplicative background checks. Just before session, Rep. Erin Grall (R, Vero Beach), Chair of the House Judiciary Committee, had convened a panel discussion to raise awareness about screening challenges in Florida.

- Chair Grall said that she first learned about the need for streamlined streaming in 2016, her freshman year as a Representative.
- She cited the example of classroom teachers who also serve after-school programs.
- Such teachers need to use VECHS for scholarship compliance and The Clearinghouse for after-school program and child-care requirements.

Making Considerable Progress – During Session, key bills were introduced to address these challenges. These included the following:

- House Bill 1505 by Rep. Dany Trabulsy (R, Ft. Pierce);
- House Bill 1203 by Rep. Elizabeth Fetterhoff (R, DeLand); and,
- Senate Bill 1830 by Sen. Jason Brodeur (R, Lake Mary).

James held multiple meetings with Rep. Trabulsy and her staff to support HB 1505. He also waived in support of the bill during its final two committee hearings in the House.

The FCCB also actively supported the proposal. Mike testified in support of the bill during the Feb. 22 meeting of the House Appropriations Committee. He spoke about how it would benefit numerous organizations across Florida while keeping children and adults safe.

The bill passed the House 115-0 on Mar. 2. Unfortunately, the Senate referred the bill to its Appropriations Committee and it died at the end of session.

Screening Enhancement Advances – Even though the policy bills championed by members did not reach final passage, a key portion of enhanced screening proposals was included in SB 2524, the budget conforming bill (previously mentioned under dual enrollment in this report).

The bill revised Chapter 435, Florida Statutes, regarding employment screening. It requires school districts as well as private schools participating in State scholarship programs to conduct background screening using the Clearinghouse administered by the Agency for Health Care Administration (AHCA) in collaboration with the Department of Children and Families (DCF).

- The Clearinghouse is already used by many private schools as they participate in the Voluntary Prekindergarten Education (VPK) and School Readiness programs.
- This system provides immediate notices to central offices for schools (or designated school officials) when employee arrests occur.
- This should solve most of the problems in which individuals were obliged to obtain screening through both the Clearinghouse and VECHS, the Volunteer and Employee Criminal History System administered by the Florida Department of Law Enforcement (FDLE).

Schools must begin using the Clearinghouse as of Jan. 1, 2023. They must be fully integrated into the Clearinghouse by Jan. 1, 2024 or a date determined by ACHA. The agency will follow a staggered schedule for conducting rescreening by schools entering the Clearinghouse.

- Employees last screened on or before Jun. 30, 2019, must be rescreened by Jun. 30, 2024;
- Employees last screened between Jul. 1, 2019, and Jun. 30, 2021, must be rescreened by Jun. 30, 2025; and
- Employees last screened between Jul. 1, 2021, through Dec. 31, 2021, must be rescreened by Jun. 30, 2026.

Hardening School Security: Although Representative Stan McClain (R, Ocala) filed House Bill 3589 as a \$1 million security project for nonpublic schools, the proposal did not gain a hearing this Session. The bill would have taken the following two-prong approach to benefit FAANS:

- A total of \$122,500 would have been allocated to make professional development available to all FAANS member schools regarding recent changes in safety laws and related topics.
- A total of \$840,000 would have been allocated to make security enhancements for certain schools accredited one of the accrediting organization members of FAANS.

On Nov. 29, 2021, Senator Dennis Baxley (R, Lady Lake) filed the corresponding Senate Local Funding Initiative Request (Number 1729).

Analysis – A budget project bill takes active champions in each chamber and the support of Appropriations Committee and Subcommittee Chairs. Requests for the use of limited taxpayer resources require a high-level of legislative committee staff scrutiny and detailed forms (lobbyist disclosure, project request/ summary in both chambers, attestation, etc.) are involved.

In many ways, a budget-project bill can be a heavier lift than a pure public policy bill. Both types of proposals may take multiple years of active promotion before final passage is achieved. Even when a given bill fails, helpful seeds may be planted through understanding the documentation needed, promoting increased awareness of school needs, and building up a network of contact persons.

Other Developments of Significance to Nonpublic Schools:

Family Empowerment Scholarships, Unique Abilities – The Legislature allocated \$16.3 million in new funding to serve students with special needs. This increase was made to address the current waitlist. Moreover, SB 2524 increases total enrollment eligibility from 20,000 to 26,500 students

starting in the 2022-2023 school year. The bill maintains the current annual growth rate for the program but makes that rate effective with the 2023-2024 school year.

Cross-Check or Attendance Verification – The Legislature made changes to streamline the attendance verification process for both the Family Empowerment Scholarship (FES) and Florida Tax Credit (FTC) Scholarship programs. Here is more information from the Mar. 11 Senate Conference Report letter:

FES –

“The act maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility but removes the requirement that the cross-check be completed before to the distribution of each quarterly scholarship payment. The act adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations and recalculate the Florida Education Finance Program allocation for school districts upon completion of the cross-check.”

FTC –

The act ... “maintains the requirement that the Department of Education (DOE) complete a cross check of the list of participating students to verify eligibility but removes the requirement that the cross-check be completed before to the distribution of each quarterly scholarship payment and adds a provision requiring the DOE to adjust scholarship payments to eligible nonprofit scholarship-funding organizations upon completion of the cross-check.”

Special Note – FAANS is awaiting a concise summary about these legislative changes from colleagues at Step Up For Students (SUFS). Step Up was the lead advocacy organization promoting this policy reform. More information will be provided as it is made available.

STEM Teacher Pilot Program – The Legislature allocated \$1 million to pay public school teachers to also teach (on a limited, part-time basis) at participating nonpublic schools. Teach Florida advocated for this initiative and more information will be forthcoming.

VPK Per-Child Funding – For Fiscal Year 2022-2023, the base student allocation (BSA) for VPK’s school-year program was set at \$2,803. The BSA for the summer program was set at \$2,393. This reflects the Legislature’s decision to boost the BSA for the school year by \$317 or 12.75 percent. This marks the largest increase in the BSA since VPK began during the 2005-2006 school year.

VPK Supplemental Funding – The Legislature also allocated special funding to ensure that VPK instructors are paid a minimum wage of at least \$15 per hour. According to news reports, the current statewide average pay for VPK instructors is only \$12.50 an hour. More information on this development will be provided as it is made available. In the meantime, here is a key excerpt from the final budget as approved by the Legislature:

“From the funds provided in Specific Appropriation 82, \$100,000,000 in nonrecurring funds from the Child Care and Development Block Grant Trust Fund is provided for Voluntary Prekindergarten (VPK) providers to provide an additional increase for the 2022-2023 fiscal year in the base student allocation per full-time equivalent student for the school year program and the summer program. Allocations will be distributed to the early learning coalitions using the same methodology to distribute the general revenue funds. 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."

Early Learning Micro-Credentials – For Fiscal Year 2022-2023, the Legislature allocated \$30,000,000 in non-recurring funds from the Child Care Development and Block Grant (CCDBG) Trust Fund for certain incentives. FAANS owes special gratitude to Brenda Dickenson, Educational Consultant, Florida Council of Independent Schools (FCIS), for finding out about this development. Here is more information from the Mar. 11 Senate Conference Report Letter:

"Section 28 amends s. 1002.995, F.S., to require, subject to an appropriation, the Department of Education to provide incentives to school readiness personnel and Voluntary Prekindergarten Education Program (VPK program) instructors who possess a reading certification or endorsement or a literacy micro-credential and teach students in the school readiness program or the VPK education program."

Other General Developments – The following education highlights are excerpted from the Senate's Budget Summary for the 2021-2022 fiscal year (HB 5001 Conference Committee Report):

- Under the Florida Education Finance Plan (FEFP), the budget increases the per-child funding from \$7,758 to \$8,142 for fiscal year 2022-2023.
- This reflects a 4.9 percent increase for the basic per-child funding of public schools.



Hard-Working Florida Families Urge Equitable Access to Dual Enrollment via Amendment to Proposed Committee Bill (SB 2524) *FAANS Position Paper for the 2022 Legislative Session*

Introduction: The Florida Association of Academic Nonpublic Schools (FAANS) strongly opposes much of the language regarding dual enrollment scholarships as included in SB 2524. The provisions in lines 243-253 of the Proposed Committee Bill would diminish access by low-income and first-generation students desiring the often life-changing opportunity that dual enrollment courses provide.

Analysis: The articulation-agreement provisions seem well intended as the Legislature examines funding mechanisms impacting higher education as well as public and nonpublic schools. However, the language would undermine equitable access to courses by making the following changes:

- Requiring nonpublic schools to pay for dual enrollment courses taken by students during normal school hours.
- Mandating that such courses will not be reimbursable via Dual Enrollment Scholarships.

These changes in effect would mark a big step backward from the hard-fought access passed with widespread bipartisan support in 2021.

Specific Amendment Request: Delete lines 243-253 in SB 2524.

Rationale: Many students play sports or work part-time jobs after school. Many parents also work long hours or second jobs which would make it difficult to get students to a college or university campus for dual enrollment after the nonpublic school's scheduled hours.

Prior to the current school year, dual enrollment course access dropped by an alarming 60 percent rate for nonpublic students. Enrollment hit "a high-water mark" at 6,076 students in 2010-2011 to only 2,430 during the 2019-2020 school year, according to Florida Department of Education data.

The current provisions in SB 2524 could lead to most of the proposed \$15.5-23.1 million in dual enrollment scholarships for fiscal year 2022-2023 to be used by public and home education students while remaining out of reach for nonpublic school students.

Additional Considerations: Current law is silent about whether dual enrollment courses are taught at the nonpublic school or the college or university and how to handle non-reimbursed costs.

In some cases, colleges and universities will absorb such fees as dual enrollment can serve a "loss-leader effect" by attracting future full-time students, especially for certain high needs areas such as for future Science Technology Engineering and Math (STEM) or nursing majors. In other cases, schools may have a qualified teacher approved by the college or university to teach the course during the normal school day.