

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 Education

BILL: SB 1380

INTRODUCER: Senator Perry

SUBJECT: Gardiner Scholarship

DATE: April 1, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Graf	Sikes	ED	Pre-meeting
2.			AED	
3.			AP	

I. Summary:

SB 1380 modifies student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) and expands authorized use of GSP funds. The bill also revises a responsibility for parents and specifies a requirement for the Department of Education (DOE). Specifically, the bill:

- Modifies the age-related student eligibility criterion that requires a student to be 3 or 4 years old on or before September 1 in the year in which the student applies for GSP participation to instead, specify that a student be 3 or 4 years old when the student applies to participate in the GSP.
- Expands authorized use of GSP funds to include tuition and fees associated with art, music, or theatre programs.
- Revises an existing responsibility of a parent to annually submit a notarized, sworn compliance statement to the scholarship-funding organization to instead, specify that the sworn compliance statement for initial eligibility must be notarized.
- Requires the DOE to implement a system that allows parents to submit all required information to maintain GSP eligibility, including eligibility to receive and spend GSP payments, through a secure Internet website or other secure electronic means.

The bill takes effect July 1, 2019.

II. Present Situation:

The Gardiner Scholarship Program (GSP) is established to provide the option for a parent to better meet the individual educational needs of his or her eligible child.¹ During the 2018-2019

¹ Section 1002.385(1), F.S.

school year, 11, 917 students are participating in the GSP.² The average scholarship amount is \$10,418 per student.³ In 2018, the Legislature appropriated \$128,336,000 for the GSP, including \$124,598,058 for scholarship awards and \$3,737,942 towards administrative expenses for the scholarship-funding organization's management and distribution of scholarships.⁴

Scholarship Eligibility

A parent of a student with a disability may request and receive a Gardiner Scholarship from the state for the purposes specified in law if:⁵

- The student:
 - Is a resident of this state;
 - Is 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a public school in this state;
 - Has a disability;⁶ and
 - Is the subject of an individual education plan (IEP)⁷ written in accordance with rules of the State Board of Education or with the applicable rules of another state or has received a diagnosis of a disability from a physician who is licensed under chapter 458 or chapter 459, a psychologist who is licensed under chapter 490, or a physician who holds an active license issued by another state or territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.
- The parent has applied to an eligible nonprofit scholarship-funding organization (SFO) to participate in the program by February 1 before the school year in which the student will participate or an alternative date as set by the SFO for any vacant, funded slots. Florida law specifies the process for parents to apply for the Gardiner Scholarship.

Authorized Use of Scholarship Funds

Gardiner Scholarship Program funds must be used to meet the individual educational needs of an eligible student and may be spent for purposes specified in law such as:⁸

² Florida Department of Education, *Fact Sheet: The Gardiner Scholarship Program*, available at <http://www.fldoe.org/core/fileparse.php/5606/urlt/Gardiner.pdf>, at 1.

³ *Id.*

⁴ Specific Appropriation 109, Ch. 2018-9, L.O.F.

⁵ Section 1002.385(3), F.S.

⁶ “Disability” means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s.393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s.393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; traumatic brain injured; hospital or homebound; or identification as dual sensory impaired, as defined by rules of the State Board of Education (state board) and evidenced by reports from local school districts. The term “hospital or homebound” includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months. *Id.*, at (2)(d).

⁷ “IEP” means individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months. *Id.*, at (h).

⁸ Section 1002.385(5), F.S.

- Instructional materials, including digital devices, digital periphery devices, and assistive technology devices that allow a student to access instruction or instructional content and training on the use of and maintenance agreements for these devices.
- Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to, applied behavior analysis services, services provided by speech-language pathologists, occupational therapy services, services provided by physical therapists, services provided by listening and spoken language specialists and an appropriate acoustical environment for a child who is deaf or hard of hearing and who has received an implant or assistive hearing device.
- Fees for specialized after-school education programs.
- Transition services provided by job coaches.
- Tuition and fees associated with programs offered by approved Voluntary Prekindergarten Education Program providers and approved school readiness providers.
- Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board, Inc.
- Tuition or fees associated with enrollment in a nationally or internationally recognized research-based training program for a child with a neurological disorder or brain damage.

Parent Responsibilities

To satisfy or maintain GSP eligibility, including eligibility to receive and spend GSP payments, a parent must sign an agreement with the SFO and annually submit a notarized, sworn compliance statement to the organization to:⁹

- Affirm that the student is enrolled in a program that meets regular school attendance requirements under Florida law.¹⁰
- Affirm that the program funds are used only for authorized purposes serving the student's educational needs, as described under authorized uses of GSP funds.
- Affirm that the parent is responsible for the education of his or her student by, as applicable:
 - Requiring the student to take an assessment in accordance with the law;¹¹
 - Providing an annual evaluation in accordance with the law;¹² or

⁹ Section 1002.385(11)(a), F.S.

¹⁰ Section 1003.01(13)(b)-(d), F.S.

¹¹ An eligible private school must annually administer or make provision for students participating in the program in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the Department of Education or the statewide assessments pursuant to s. 1008.22. Students with disabilities for whom standardized testing is not appropriate are exempt from this requirement. A participating private school must report a student's scores to the parent. An eligible private school must administer the statewide assessments pursuant to s. 1008.22 if a private school chooses to offer the statewide assessments. A participating private school may choose to offer and administer the statewide assessments to all students who attend the private school in grades 3 through 10. Section 1002.385(8), F.S. An eligible private school is a school that is located in this state, which offers an education to students in any grade from kindergarten to grade 12, and which meets the requirements specified in law. *Id.*, at (2)(g).

¹² The parent must provide for an annual educational evaluation in which is documented the student's demonstration of educational progress at a level commensurate with her or his ability. The parent must select the method of evaluation and must file a copy of the evaluation annually with the district school superintendent's office in the county in which the student resides. Florida law specifies the information that must be reflected in the annual educational evaluation. Section 1002.41(1)(f), F.S.

- Requiring the child to take any preassessments and postassessments selected by the provider if the child is 4 years of age and is enrolled in a program provided by an eligible Voluntary Prekindergarten Education Program provider. A student with disabilities for whom a preassessment and postassessment is not appropriate is exempt from this requirement. A participating provider shall report a student's scores to the parent.
- Affirm that the student remains in good standing with the provider or school if those options are selected by the parent.

III. Effect of Proposed Changes:

SB 1380 modifies student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) and expands authorized use of GSP funds. The bill also revises a responsibility for parents and specifies a requirement for the Department of Education (DOE). Specifically, the bill:

- Modifies the age-related student eligibility criterion that requires a student to be 3 or 4 years old on or before September 1 in the year in which the student applies for GSP participation to instead, specify that a student be 3 or 4 years old when the student applies to participate in the GSP.
- Expands authorized use of GSP funds to include tuition and fees associated with art, music, or theatre programs.
- Revises an existing responsibility of a parent to annually submit a notarized, sworn compliance statement to the scholarship-funding organization to instead, specify that the sworn compliance statement for initial eligibility must be notarized.
- Requires the DOE to implement a system that allows parents to submit all required information to maintain GSP eligibility, including eligibility to receive and spend GSP payments, through a secure Internet website or other secure electronic means.

As a result of the modifications to the age criterion, the bill may help more 3-year and 4-year old students qualify for the GSP. Additionally, the bill provides more options regarding the use of GSP funds by permitting the use of funds for art, music, or theatre program-related tuition and fees. The bill also modifies the reporting requirements for parents by eliminating the requirement that the parents submit notarized sworn compliance statement annually, and instead requiring the sworn compliance statement to be notarized only for initial eligibility. The bill maintains current law regarding the annual submission of the sworn compliance statement.

The bill takes effect July 1, 2019.

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:

The bill modifies the student eligibility criteria for participating in the Gardiner Scholarship Program (GSP) to include students who are 3 or 4 years old at the time of application for participating in the GSP. The fiscal impact resulting from additional eligible students is not known.

The bill also requires the Department of Education to implement a system that allows parents to submit all required information under the GSP through a secure Internet website or other electronic means. The costs associated with developing and implementing such system is indeterminate.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1002.385 of the Florida Statutes.

IX. Additional Information:

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

None.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
