

Topic: Family Empowerment Scholarship
Bill Number(s): CS/HB 3

- Entire Bill(s)
 Partial Bill(s) CS/HB 3, Section 7

Sponsor(s): House Appropriations Committee; Leek; Brannan; (CO-INTRODUCERS) Beltran; Botana; Buchanan; Bush; Chambliss; DiCeglie; Fabricio; Fetterhoff; Gregory; Hawkins; Ingoglia; Latvala; Maggard; Massullo; Morales; Overdorf; Payne; Rizo; Rommel; Roth; Shoaf; Sirois; Snyder

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Section 1: Highlights of Effects on FEFP FTE and COFTE Enrollment Forecasts

A) Current Law:

Eligibility for Family Empowerment Scholarship for Educational Opportunities (FES-EO)

Section 1002.394, F.S., "The Family Empowerment Scholarship" reads as follows:

(3) SCHOLARSHIP ELIGIBILITY.—

(a) A parent of a student may request and receive from the state a scholarship for the purposes specified in paragraph (4)(a) if:

1. The student is on the direct certification list pursuant to s. 1002.395(2)(c) or the student's household income level does not exceed 185 percent of the federal poverty level;
2. The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01;
3. The student's household income level does not exceed 375 percent of the federal poverty level or an adjusted maximum percent of the federal poverty level that is increased by 25 percentage points in the fiscal year following any fiscal year in which more than 5 percent of the available scholarships authorized under paragraph (12)(a) have not been funded;
4. The student is a sibling of a student who is participating in the scholarship program under this subsection and such siblings reside in the same household; or
5. The student is a dependent child of a member of the United States Armed Forces.

Exclusions to the maximum number of awarded scholarships

Section 1002.394, F.S., "The Family Empowerment Scholarship" reads as follows:

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

[Family Empowerment Scholarship for Educational Opportunities (FES-EO)]

(a)1. ...An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

- a. Received a scholarship pursuant to s. 1002.395 during the previous school year but did not receive a renewal scholarship based solely on the eligible nonprofit scholarship-funding organization's lack of available funds after the organization fully exhausted its efforts to use funds available for awards under ss. 1002.395 and 1002.40(11)(i). Eligible nonprofit scholarship-funding organizations with students who meet the criterion in this subparagraph must annually notify the department in a format and by a date established by the department. The maximum number of scholarships awarded pursuant to this subparagraph shall not exceed 15,000 per school year;
- b. Is a dependent child of a member of the United States Armed Forces, a foster child, or an adopted child; or

c. *Is determined eligible pursuant to subparagraph (3)(a)1. or subparagraph (3)(a)2. and either spent the prior school year in attendance at a Florida public school or, beginning in the 2022-2023 school year, is eligible to enroll in kindergarten....*

[Family Empowerment Scholarship for Students with Unique Abilities (FES-UA)]

(b)1. ...An eligible student who meets any of the following requirements shall be excluded from the maximum number of students if the student:

- a. Received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current IEP developed by the local school board in accordance with rules of the State Board of Education;*
- b. Is a dependent child of a member of the United States Armed Forces, a foster child, or an adopted child;*
- c. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind...*

Definition of Law Enforcement Officer

Section 943.10, F.S., "Definitions" reads as follows:

(1) "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

B) Change(s):

CS/HB 3 authorizes dependent children of law enforcement officers (LEOs), as defined in s. 943.10(1), F.S., which includes supervisory and command personnel, to be eligible for an FES-EO scholarship, regardless of household income. Additionally, FES-EO or FES-UA scholarships awarded to dependents of LEOs will be excluded from the maximum number of students, or program cap.

Section 2: Analysis of Effects on FEFP FTE and COFTE Enrollment Forecasts

C) Data Sources

- 2019 American Community Survey (ACS), Public Use Microdata Sample (PUMS), US Census Bureau
- 2019-20 Home and Private School Annual Reports, DOE
- 2021-22 FES-EO and FES-UA Program Data, DOE
- 2021-22 FES-UA Dependent Data, Step Up for Students (SUFS)
- 2022-23 Federal Poverty Level (FPL), Federal Register, Volume 87, No 14, Friday, January 21, 2022
- PreK-12 Enrollment FTE Forecast, Education Estimating Conference, February 23, 2022

D) Assumptions

- The FES-EO program will never reach the cap in the forecast horizon
- The FES-EO program's income eligibility will increase to 400% FPL in 2022-23 and by another 25 percentage points each year thereafter (Section 1002.394(3)(a)3., F.S.)
- The FES-UA program will reach the cap in all years of the forecast horizon
- Similar to dependents of the US Armed Forces, LEO dependents represent an insignificant share of the current FES-UA program

E) Data and Analysis

FES-EO

The FES-EO (formerly FES) program was established during the 2019 session as the second income-based scholarship program in Florida following the Florida Tax Credit scholarship program. In 2021-22, the FES-EO program served children with household incomes up to 375% FPL, who are or were previously in foster or out-of-home care, a dependent of a member of the US Armed Forces, or a sibling of a child who receives an FES-EO or FES-UA scholarship. In the current school year, the FES-EO program had a maximum program size of 75,573 students. Participants who meet certain requirements (s. 1002.394(12)(a), F.S. – detailed previously in Section 1A) are excluded from the maximum number of students, or cap.

The FES-EO program did not reach its cap in the 2021-22 school year (Table 1) and is not forecasted to reach its cap through 2026-27. Under current law, new entrants to the program in 2022-23 are limited to household incomes up to 400% FPL, unless they meet the income exclusion requirements.

Table 1. 2021-22 FES-EO Program Participation

	2021-22
Students Subject to Cap	50,697
Students Excluded from Cap	22,354

Source: DOE, February 2022

An analysis of the 2019 ACS PUMS data indicated that for households with an LEO and income equal to or greater than 400% FPL, 2,447 children attended nonpublic schools (home and private). There are limits to this data, including divorced households that could result in upward pressure on the actual number of newly eligible students.¹ This pressure is equally offset by downward pressure due to students who are attending private schools that do not accept FES-EO scholarships.

To forecast the subset of these students that are home-schooled, and thus are unlikely to change their educational setting solely to participate in FES-EO, an estimate of home school students was derived. For 2019-20, the percentage of home school to total nonpublic students was 23.1 percent (DOE). Applying this percentage to the 2,447 yielded a reduction of 566 for the home school population. Thus, under CS/HB 3, 76.9 percent of the 2,447 children may pursue an FES-EO scholarship, as seen in Table 2.

Table 2: LEO Dependents Anticipated to be Newly Eligible FES-EO Applicants

Estimate of LEO Children >400% FPL	
Nonpublic Educational Setting	2,447
Home School (23.1% of nonpublic)	566
Private School	1,881
Newly Eligible FES-EO Applicants in 2022-23	1,881

Sources: ACS PUMS, DOE

The additional 1,881 prior-nonpublic students who could be interested and eligible for the FES-EO program in 2022-23 as a result of CS/HB 3 would result in a one-time bump of +1,881.00 FEFP FTE in 2022-23 and produce no impact on COFTE. New participation by prior-public students would have no

¹ Step Up for Students mirrors the IRS definition for dependent children. The ACS PUMS data was pulled using this assumption; however, there was no way to identify children in 50-50 child sharing arrangements.

impact relative to the adopted FEFP forecast; however, they would cause downward pressure on COFTE.

FES-UA

The FES-UA program received a significant amount of interest in the 2021-22 school year, effectively reaching its capped number of awards which resulted in a significant waitlist (Table 3).

Table 3. 2021-22 FES-UA Program Participation and Waitlist

	2021-22
Students Subject to Cap	19,954
Students Excluded from Cap	4,782
Waitlist	5,360

Source: DOE, February 2022

The FES-UA program is currently forecasted to reach its cap of 24,531 students in 2022-23. Under CS/HB 3, previously forecasted new and renewal FES-UA scholarships for prior-nonpublic dependents of LEOs in 2022-23 will result in unanticipated openings in the otherwise full FES-UA capped program. This will add nonpublic students to the program and cause insignificant upward pressure on the FEFP. Any additional prior-nonpublic participation in the FES-UA program would result in no impact on COFTE.

F) Conclusion

The bill’s effect on FES-EO is at least +1,881 FTE for FEFP FTE and negative indeterminate for COFTE over the forecast horizon. The bill’s effect on FES-UA is positive insignificant for FEFP FTE and 0 for COFTE over the forecast horizon.

Section 3: Adopted Cumulative Effects on FEFP FTE and COFTE Enrollment Forecasts

	Adopted Cumulative Effect	
	FEFP FTE	COFTE
2022-23	+1,881	Negative Indeterminate
2023-24	+1,881	Negative Indeterminate
2024-25	+1,881	Negative Indeterminate
2025-26	+1,881	Negative Indeterminate
2026-27	+1,881	Negative Indeterminate