



STATE SCHOLARSHIP PROGRAMS

Message:

Expand access to state scholarship programs for students currently in private schools and increase parental empowerment by converting state scholarship programs to educational savings accounts.

SB 48 (Diaz)

BILL PROVISIONS:

- The bill removes all prior-public-school attendance requirements from income-based and special-needs scholarship programs so that private school students can immediately qualify.
- It also converts scholarship programs to educational savings accounts (ESAs). ESAs offer greater flexibility in appropriate uses of scholarship funds.

BACKGROUND:

Florida is on the cutting edge of the school choice movement. Over 170,000 students are currently enrolled in one of Florida's five scholarship programs. This includes about 30,000 Catholic school students. Parents of qualifying students can use scholarship funds to pay for costs and tuition at an eligible private school.

Some of the scholarships are income-based. If a family's household income is below a certain threshold, then the student qualifies for the scholarship.

Some of the scholarships are based on special-needs. If a student is diagnosed with a learning, intellectual, or physical disability, that student may qualify for a scholarship. Some examples of qualifying conditions include autism spectrum disorder, dyslexia, Down syndrome, muscular dystrophy, anaphylaxis, deafness or visual impairment, and speech or language impairments.

RATIONALE:

Parents are the primary educators of their children. However, the family also needs help from society. Therefore, families, churches, and various levels of state, local, and federal government all have their appropriate place in the governing, implementing, and imparting of education.

The state can promote the common good by protecting the right of children to receive an education. While supporting a strong system of public schools, no one segment of society should have a monopoly in education. Therefore, each family should have the option to educate their children as they see fit.

OPPONENTS' LIKELY OBJECTIONS AND RESPONSES:

OBJECTION 1: The state should not be supporting religious schools. In fact, the Florida Constitution contains an amendment that prohibits state financial aid to religious institutions.

RESPONSE 1: It is important to remember that these scholarship funds go directly to families, not schools. The families then decide where to spend the scholarship funds. Additionally, this past summer the U.S. Supreme Court decided *Espinoza v. Montana Department of Education*. In that case, the Court ruled that if a state has a school choice scholarship program (similar to the programs in Florida) then that state cannot prohibit families from using scholarship funds at a religious school. Such prohibition is an unconstitutional violation of the parents' rights to exercise their religion under the 1st Amendment of the U.S. Constitution.

OBJECTION 2: These programs take money away from public schools and have a detrimental effect on the public-school system.

RESPONSE 2: Florida funds education on a per-pupil basis. This means that schools are provided funds for each student enrolled at the school. If a student leaves to attend a private school, then the public school no longer needs the funds for that student and the public school is no worse off.

SPONSOR AND CO-SPONSORS:

SB 48 – Sponsor: Diaz; Co-Sponsors: Baxley, Brandes, Garcia, Perry

House bill not filed.

STATUS:

SB 48 – Placed on Senate Calendar

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