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Senate Bill 48 Makes Dramatic Structure Changes to Scholarship Programs

The Florida Legislature has convened as of March 2 but, even before opening of the session, legislation from the Senate has been proposed which would dramatically change the structure of the McKay Scholarship and the Gardiner Scholarship, creating a single disability scholarship program called The McKay-Gardiner Scholarship. Senate Bill 48 would also merge the Florida Tax Credit (FTC) and Hope Scholarship programs into the Family Empowerment Scholarship.

The Legislative Committee of The Coalition of McKay Scholarship Schools has been working with both Senate and House staff as this bill has been moving through the legislative process. The Coalition has shared their concerns with the bill and have appreciated both House and Senate's willingness to work with those concerns.

Quite a number of positive changes are outlined in the bill, but we have questioned 1) capping the McKay-Gardiner Scholarship; 2) the amounts that students presently on the Gardiner Scholarship and the 253 students on the McKay Scholarship stand to lose; 3) the transition and timing of the McKay Scholarship from a tuition scholarship to an Education Savings Account; and 4) the process of developing new IEP's with the districts.

1. For the first time acceptance of McKay students will be placed under a cap of 50,000 which includes both McKay and Gardiner students. Currently, there are approximately 45,000 students receiving McKay and Gardiner scholarships. Since the prior year in public school requirement is going to be removed, The Coalition believes there will be a much larger increase than 5,000 of students applying for the McKay-Gardiner Scholarship. Students who have an IEP will be turned away from the scholarship and placed on waiting lists. We have asked for a cap of at least 60,000 students.
2. Even though it is not clear on the actual amounts for the McKay-Gardiner Scholarships, discussion has indicated that the 254 and 255 scholarships would remain approximately the same, or even increase a bit. However, the 251, 252 and 253 scholarships amounts will be averaged. This is positive for students on McKay Scholarships who are either classified as a 251, 252 or on a 504 plan and they will have an approximate \$2,000 increase. However, current students on the Gardiner Scholarship may see a \$1,000 drop and students at the 253 level on a McKay Scholarship may see a \$2,000 drop.
3. The Coalition has voiced concerns about the timing of the institution of the change, especially for the McKay-Gardiner Scholarship. Should the bill pass, it will still need to be signed by the Governor who has until July 1 to sign off. Best case scenario is that he will sign the budget sometime in May. The Coalition is concerned that shifting 30,000

students on the McKay Scholarship to a totally new system such as the Education Savings Account (ESA) and having it facilitated by a Scholarship Funding Organization (SFO) is going to create a major problem for parents and schools in getting ready for the 2021-2022 school year. We have asked that McKay scholarships remain tuition based only for the 2021-2022 school year and then be moved into an ESA.

4. The McKay-Gardiner Scholarship will allow identification of disabilities by a licensed psychologist or physician (same procedure that Gardiner does currently). These students would receive the averaged funding as described in paragraph 2 above. If a student does not have an IEP and the student's parent feels he/she should be in a 254 or 255 category due to their disability and services required, they would have to have an IEP developed by their district. The district has 30 days to develop the IEP. The bill also allows for a parent to return to the district and have an IEP changed if they feel the student would qualify for the 254 or 255 funding.

Because of The Coalition's input, the bill was amended to require the district to place in writing any disagreement they may have with the suggestions for a service plan given to them by the report of the licensed psychologist or physician who had identified the student's disability. Our concern is that currently, any dispute that the parent has with the district has to go through the extremely costly and cumbersome process in the State Rules. ([6A-6.03311 : Procedural Safeguards and Due Process Procedures for Parents and Students with Disabilities - Florida Administrative Rules, Law, Code, Register - FAC, FAR, eRulemaking \(flrules.org\)](#))

We have raised this issue with the Senate, and they have assured us that they will review the problem and where it may not be resolved this session, they will seek to make sure the parents do not have such a problematic process to solve disputes with the district.

We anticipate more revisions being made to the bill once the House presents their scholarship bill. You can track the Senate Bill by going to www.flsenate.gov and input SB48 in the search bar. We will advise you when the House files their companion bill.

Prepared by The Coalition of McKay Scholarship Schools which is an organization of non-public schools that accepts students receiving funding through the McKay Scholarship program and individuals who are committed to keeping the McKay Scholarship Program a viable choice for parents of students with disabilities in Florida. The Coalition's mission is to assimilate and disseminate information about the McKay Scholarship program from sources such as the Department of Education (DOE), the legislature, schools, parents, and the community. The Coalition also advocates for McKay Scholarship schools and students with disabilities to ensure viability of this program.

