

POLICY BACKGROUND:

PRE-K-12 SCHOOLS

Brought to you by the policy experts at LobbyTools, Florida's most trusted legislative tracking service.

Topics covered in this backgrounder:

- PreK-12 Education
- Education Funding
- Class Size
- School Choice
- School Vouchers
- Family Empowerment Scholarships
- Standards and Testing
- School Safety
- Marjory Stoneman Douglas High School Public Safety Act
- Alyssa's Law
- Mental Health
- Teacher Pay Increase
- Additional Reading
- Recent News Stories on Florida Education
- Education Laws

Updated 12/23/2020

Florida's Pre-K through 12 public education system is overseen in part by the state and partly funded by state tax dollars, but aside from the laws governing the system, control of the schools' day-to-day operations fall heavily to the county school districts, each one contiguous with the state's 67 counties.

The [state's public school system](#) had about 2.86 million students at the end of the 2019-2020 school year. [Miami-Dade](#) is the largest of Florida's 67 districts with over 345,000 students, and [Jefferson](#) is the smallest with fewer than 1,000 students enrolled.

According to Department of Education figures, about 37% of public school students in the state are white, about 35% are Hispanic, about 22% are black, and 3% are Asian.

About 86% of public school students graduate from high school, just slightly above the [national average](#). Several districts have graduation rates above 90%. In 2019, the highest graduation rate was in [Lafayette County](#), at 98.8%. The lowest graduation rates were in [Jefferson County](#) at 62.7% and [Gadsden County](#) at 60.4%.

Education Budget

For information about how Florida schools are funded, see the [LobbyTools Education Budget Backgrounder](#).

Class Size Amendment

In 2002, Florida voters [approved a change](#) to the state constitution putting limits on the number of students per class in public school core classes, such as math, English, and science. Lawmakers passed the [implementing legislation](#) for the amendment the next year, which required a per year reduction in class sizes until the maximum number was met. The maximum was measured at first at the district level, but then required at the school level and then the classroom level. By 2010, [no core classroom](#) was allowed to have more than 18 students in grades K-3, more than 22 students in grades 4-8, or more

than 25 students in core classes in high school. In 2010, the Legislature clarified the law to say the class size requirement also applies to charter schools, though the way it is measured is by school average instead of individual classrooms.

School Choice

Students in Florida have options as to the school they attend. Since 2016, [Florida law](#) has allowed what's known as [Controlled Open Enrollment](#), meaning parents can [choose what school their child attends](#) if there is space available in the school. [The system](#) even allows students to attend schools in other districts, space allowing. About 273,000 students last year chose a school besides the neighborhood school they'd normally attend.

In addition to traditional public schools, Florida also allows public charter schools, which are tuition-free public schools open to all students that are subject to state academic and financial standards but run independently of standard school district rules. Nearly 300,000 students attend a public charter school in the state. Other options include virtual or online schools and magnet schools, in addition to private schools.

Vouchers or "Tax Credit Scholarships"

The state also allows some students to attend private schools using ["vouchers" or "scholarships"](#) that allow certain students to essentially [use tax dollars for tuition](#) at private schools. There are several different [scholarship programs](#) with different requirements.

The original voucher program was highly controversial when it was created at the urging of then-Gov. Jeb Bush in the late 1990s. The program, which enabled students to attend private school directly at taxpayer expense, was the first such system in the nation to operate on a statewide basis when it was created as part of [Bush's signature "A+" initiative](#) in 1999. The "Opportunity Scholarship Program," as passed, only allowed students to get a voucher for private school tuition if their regular assigned school was

considered a failing school by receiving an “F” on a new statewide grading system twice in four years. Even though it was a small program because few schools were deemed failing, critics said it essentially used tax dollars to support religious schools and that it hurt public schools in poor areas by depriving them of money that comes with enrollment, and the students whose parents cared most about making the school successful.

In the mid-2000s, the Opportunity Scholarship Program was challenged in court and eventually declared to be a violation of the Florida Constitution by the Florida Supreme Court in a 2006 ruling in “[Bush v. Holmes](#).” The court’s majority ruled that the voucher program violated the state constitution’s guarantee of a uniform system of free schools. The trial court had ruled that the law violated the state’s ban on using public money for religious schools. But the Supreme Court threw out the program on different grounds. It cited instead the constitutional requirement that the state must provide a uniform and “high quality” system of free public schools - which meant that the state couldn’t delegate some children’s education to a separate private school system. The program also undermined the public school system in violation of the constitution by diverting funds, the court said. A version of the Opportunity Scholarship Program continues, but students may only choose to attend another public school.

By the time of the court’s invalidation of Florida’s initial signature voucher program, the state had created other private school voucher or scholarship programs, including [McKay Scholarships](#) for students with disabilities. [That program](#) wasn’t challenged in court and continues to pay for the private education of children with disabilities. The Legislature had also created the [Florida Tax Scholarship program](#) in 2001. It differed from the Opportunity Scholarship program by allowing nonprofit organizations to offer private school scholarships to students – and giving them a tax credit – rather than directly shifting money from public schools. By 2019, the [Florida Tax Scholarship program](#) was the nation’s largest school choice, or voucher, program, with more than 100,000 participants. The state has [other scholarship, or voucher programs](#), with different eligibility requirements, including Gardiner Scholarships and Hope Scholarships.

Family Empowerment Scholarships

In 2019, the Legislature passed, and Gov. Ron DeSantis signed a bill creating a [new voucher program](#), the Family Empowerment Scholarship, with a goal of expanding the number of kids eligible to have their private school tuition paid for with \$130 million in state money. The program returns to one in which state money directly goes to support families sending kids to private schools, rather than keeping the money outside of the state system as with the tax credit scholarships. In 2020, lawmakers passed, and DeSantis signed legislation ([HB 7067](#)), further expanding [the program](#).

Standards and Testing

Statewide standards for student learning have been in place since the 1970s, but [the state ramped up](#) its efforts to improve school performance with the passage of the 1991 School Improvement and Accountability Act, creating the system known as “[Blueprint 2000](#).” Among the law’s major provisions were providing financial awards to schools that made major improvements and setting up a commission, which would later create the state’s assessment or testing system. In 1994, the Department of Education began developing the Sunshine State Standards, setting out what all Florida students should learn, now known as the “[Next Generation Sunshine State Standards](#),” and created the Florida Comprehensive Assessment Test, or the FCAT, to test whether they’d learned those things. The State Board of Education adopted the standards in 1996, and students started taking the FCAT in 1998.

Issues in Education: School Safety

Following the [Feb. 14, 2018 shooting](#) at Marjory Stoneman Douglas High School in Parkland, in Broward County, in which a gunman killed 17 people, the issue of school safety received more attention and took on more importance than it ever has in Florida. The shooting spree is the deadliest high school shooting in United States history. The first suggestion for a legislative change after the shooting came within hours as [Broward](#)

[Sheriff Scott Israel asked lawmakers](#) to expand the state's [Baker Act](#), also known as the Florida Mental Health Act, [which allows for involuntary commitment](#) of people considered a danger. Lawmakers would soon make changes to the commitment law. The Legislature also very quickly considered proposals, [2018's HB 219](#) and its companion [SB 196](#), that would have banned certain types of a long list of "assault" weapons and "large-capacity magazines." That [proposal](#) failed.

Marjory Stoneman Douglas High School Public Safety Act

But in March of 2018, less than a month after the shooting, the Legislature did pass [SB 7026](#), the "[Marjory Stoneman Douglas High School Public Safety Act](#)." The bill made several changes to the law aimed at shoring up school security and safety. The most high-profile sections of the measure raised the minimum age for buying a gun from 18 to 21 and allowed teachers who receive training to be armed while at school. It also banned [bump stocks](#), permitted the seizure of guns from people who are committed under the Baker Act, expanded the state's gun-buying background requirement to all guns, not just handguns, and created a commission to investigate failures in the system that have led to school shootings, including the one at Parkland. Other changes required by [the legislation](#) included requiring school safety officers, school resource officers and school guardians at each school and establishing a program to allow anonymous reporting of suspicious activity. Gov. Rick Scott signed the bill into law on March 9, 2018.

[Criticism of the bill](#) at the time concerned the program allowing armed teachers, which some warned could actually make schools more dangerous, and the Legislature's rejection of an assault weapons ban.

Alyssa's Law

In the 2020 legislative session, lawmakers added on to the Parkland response by passing "[Alyssa's Law](#)," ([SB 70](#)), requiring schools to use interoperable mobile panic alert systems, known as "[Alyssa's Alert](#)" [systems](#). Starting in 2021, [the law](#) will require that every school

teacher and staffer will be able to quietly tap their cell phone or computer to summon police. Alyssa Alhadeff was 14 when she died in the Parkland shooting. Her mother, Lori Alhadeff, created a nonprofit called [Make Our Schools Safe](#), which pushed for the bill.

Mental Health

Focusing on the mental health of children and students, First Lady Casey DeSantis has persistently supported mental health funding in Florida. In the 2020-2021 state budget, Gov. Ron DeSantis approved \$100 million for the Mental Health Assistance Allocation [in the FEFP](#). That's a \$25 million increase over the previous budget. Student mental health funding became a focus after the Marjory Stoneman Douglas High School shootings and the passage of SB 7026 in 2018 that [appropriated more money for mental health services in schools](#). The state also recently distributed [\\$2 million in federal funding](#) from the CARES Act that comes in addition to that \$100 million.

Teacher Pay Increase

The most recent budget, passed in the 2020 legislative session, earmarked \$400 million to boost minimum teacher salaries and \$100 million for pay raises for veteran teachers. While the appropriations bill provided the [funding increase](#), the mechanism for how the additional money would be allocated among teachers was passed in a [regular bill \(HB 641\)](#).

Additional Reading

[Florida Department of Education Class Size Legislation Page](#)

[Ballotpedia, Florida Education Page](#)

[Florida Department of Education 2020 Legislation Overview](#)

Recent News Stories on Florida Education

["As students return to classrooms, how are schools keeping children safe from COVID-19 and mass shooters?"](#)

["State Board sets education priorities in budget request"](#)

Laws

Maximum Class Size Statute, [F.S. 1003.03](#)

Student Choice and Voucher Laws, [F.S. Chapter 1002](#)

Controlled Open Enrollment and Public School Parental Choice, [F.S. 1002.31](#)

Charter School Law, [F.S. 1002.33](#)

Marjory Stoneman Douglas High School Public Safety Act, [Chapter 2018-3, Laws of Florida](#)

Sign up for the LobbyTools Policy Briefing newsletter
for more policy news and original analysis.

[Sign Up Now](#)



930 Thomasville Rd Ste 200

Tallahassee, FL 32303

850-915-0100

sales@lobbytools.com