

A black and white photograph of a young person with long hair, seen from the back, covering their face with both hands. The person is wearing a light-colored shirt with dark stripes on the sleeves. The background is blurred, showing other people.

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## ISSUE BRIEF

# FLORIDA'S HOPE SCHOLARSHIPS FOR BULLIED STUDENTS: A REPORT CARD

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## Executive Summary

Education reformers have long lamented America's persistent racial and socioeconomic achievement gap and framed school choice as a means to provide low-income students of color trapped in failing schools with a ticket to a better education. Yet when parents who participate in school choice programs in states like Georgia<sup>1</sup> or Indiana<sup>2</sup> have been surveyed, at least half of them cite safety as a primary motivating factor. "[Safety] has been a big blind spot," says William Mattox, who directs the Florida-based James Madison Institute's J. Stanley Marshall Center for Educational Options. "Those of us in the policy world ought to have known better and advocated for this a long time ago."<sup>3</sup>

Florida's Hope Scholarship program, signed into law on March 11, 2018, enables students who have been subjected to bullying—regardless of disability status, income, or district school performance—to transfer to another public school or provides them with a tuition tax credit scholarship to use at an approved private school. Model legislation based on the Hope Scholarship has been adopted by the American Legislative Exchange Council (ALEC),<sup>4</sup> and in February 2020, shortly before the pandemic upended American education, anti-bullying private-school choice proposals were introduced in Colorado and Mississippi.<sup>5</sup> To inform ongoing and potential state-level debates around anti-bullying voucher or tuition tax credit programs, this paper describes the basic mechanics of Florida's anti-bullying scholarship, the political origin and debate around its passage, and the program's implementation to date.



## How the Hope Scholarship Program Works

Once a school district receives an allegation of bullying, abuse, or violence,<sup>6</sup> the school principal is required to provide a written report of the incident to parents and begin an official investigation. At the close of the investigation, or 15 days after the report (whichever comes first), the school district is required to notify parents that, as a result of the alleged incident, they have a range of options. Parents can enroll their child in another public school within the same district or in another district (and be provided up to \$750 to defray transportation expenses if they choose another public school outside their district); they are reminded that they have the opportunity to enroll their child in a charter school; and they are also told that Hope Scholarship funds are available to enroll their child in a private school.

Notably, the parent need not be dissatisfied with the remedy proposed by the school district for the incident to qualify. Indeed, the school district need not even conclude that the alleged incident occurred. An allegation is sufficient to render a student eligible for a Hope Scholarship.

The scholarship amount is determined as a percentage of Florida's statewide, unweighted, full-time-equivalent (FTE) per-pupil funding, which, in the 2019–20 school year, was \$7,666. Students in grades K–5 receive 88% of FTE (\$6,519); students in grades 6–8 receive 92% (\$6,815); and students in grades 9–12 receive 96% (\$7,112).

The funds for these scholarships are raised through private donations, for which donors receive a full tax credit. Typically, these kinds of programs provide individual and corporate donors with tax credits for donations up to a specified level. But as Florida already had three such programs, lawmakers chose a novel means of fund-raising: when Florida residents purchase or register automobiles, car dealers are required to provide paperwork informing customers that they may receive a sales tax credit up to \$105 for donating to Hope Scholarships. The form describes the program as providing “a public-school student who was subjected to an incident of violence or bullying at school the opportunity to apply for a scholarship to attend an eligible private school rather than remain in an unsafe school environment.”<sup>7</sup>

Participating private schools face relatively light regulations, consistent with those participating in the Florida Tax Credit (FTC) Scholarship. Students are required to take—and schools are required to help facilitate—nationally norm-referenced standardized tests in grades 3–10 so that student academic progress can be reliably measured. Schools that receive more than \$250,000 in tuition tax credit funds submit to an audit of their finances and operations. Any private school that enrolls more than 51% of its students on Hope Scholarships must be evaluated by a third-party reviewer sponsored by Step Up for Students, the nonprofit that administers the program.<sup>8</sup>

## The Political Origin and Debate

The Hope Scholarship program was not enacted in response to grassroots pressure or lobbyists. It was driven primarily by a handful of committed Republican state legislators, especially former House Speaker (and current state commissioner of education) Richard Corcoran, Representative Byron Donalds, and State Senator Manny Diaz. According to Jared Ochs, a former legislative aide to Corcoran who now serves as director of legislative affairs for the Florida Department of Education, there was never much suspense about whether this bill would pass. Corcoran “had a strong group of members” who “believe in his



vision,” Ochs notes. “Traditionally, the Florida House of Representatives has been controlled by Republicans who have been absolute warriors for parental choice.”<sup>9</sup> Republicans also had a majority in the senate, although Ochs notes that, at the time, the senate “lean[ed] more liberal, and their margins [were] lower than in the House.” Reflecting on a debate that he characterized as a political “slam dunk,” Mattox tells legislators in other states interested in school choice that “if you have struggled to get any kind of beachhead, I strongly urge you to consider making something like this your first foray.” The reason? “People realize that any kid, in any school, could be terribly mistreated and might need a way out.”

Corcoran did not initially set out to launch a new school choice program, according to Ochs. Instead, the Speaker’s office noticed that they were receiving e-mails from parents who were upset at the school’s inability to protect their kids. Parents were saying, “This has been happening for years, and they do nothing. They just, at most, give the kid a detention or an in-school suspension and say, ‘That’s the most we can do.’” Corcoran and his staff reviewed data from Florida’s School Environmental Safety Incident Reporting (SESIR) system, which showed 47,000 incidents in the latest reported year (2015–16)—a figure they felt certain represented only a small fraction of the total. They estimated that there could be as many as 100,000 victims of bullying and abuse.

“We started brainstorming,” Ochs says. “What could we do? There were already policies in place to address bullying. Maybe we could increase the penalties based on the number and type of an incident? Then a lightbulb just kind of went on for us: this fits with the school choice paradigm. We need to empower parents. They just want their kids protected, and that’s not always happening, so we need to give them the power to force the school’s hand or just get their kid to a safer environment.”

According to Mattox, Representative Donalds had hoped to leave his mark in the legislature by pioneering a new school choice program. Together, Donalds, Corcoran, and their staffs outlined a proposal and announced it at a press conference on October 11, 2017.

One of the first questions that reporters asked was why—if the true goal was combating bullying—the legislature had chosen to provide a way out for the victim rather than work to eliminate bullying altogether. While Corcoran acknowledged that there were laws and policies to address bullying and signaled an openness to revisiting and strengthening them, he also pushed back: “You’re asking me how we’re going to get rid of badness in this world. That’s a great question. It’s a beautiful philosophical question, which we wrestle with every day on every level. . . . It’s not doable.”<sup>10</sup>

At the first legislative hearing on the Hope Scholarship bill, Donalds was similarly pressed by his Republican colleague Representative Sam Killebrew on why this proposal wasn’t aimed at addressing bullying directly. “This is not a bill about bullies,” Donalds responded. “It’s a bill about victims.” He added that the “legislature has done tremendous work, doing everything it can from a legislative capacity to get rid of bullying, but what I would say is that if you’re the parent whose child is experiencing a trauma, you’re not thinking about what the legislature has done or what the district policies are.”<sup>11</sup>

To the same question posed by Democratic Representative Joseph Abruzzo, Donalds responded that one of his constituents said that “her daughter was being physically assaulted in a sexual manner by another student, a female student; she was being groped about her breasts and her buttocks every single day. The mother approached the school district and tried to work with the district about this daily assault and finally decided that she had had enough and had to pull her child out and home-school. We’re trying to address that student, that situation, that parent who, to quote her, had ‘no options available.’”

At the request of Donalds and Corcoran, the staff at Step Up for Students informed parents participating in the FTC Scholarship for low-income students, as well as the Gardiner Scholarship for students with disabilities, that the state legislature was debating a tuition tax credit scholarship program specifically for victims of bullying. They found that parents and students who had applied for the other two scholarship programs had applied primarily because of bullying or abuse.<sup>12</sup>

One parent, Evelyn Rivera, told the legislature at the next hearing about her son Jacob, who had Asperger’s. “He was different, so kids called him weird,” she said. “They teased him, called him names, made him feel worthless. I moved to a different county, with high hopes that the bullying would stop there, but it continued, and he became depressed. More depressed than ever.” Rivera placed her son in a private Christian school that, she said, welcomed him with open arms. “It’s been such

a turnaround. He's made friends, been welcomed in school activities. ... He's become part of the basketball team, which was something that was a little dream come true for him."

Another mother, Evelyn Parks, explained that her daughter had been bullied relentlessly in public school. "I did everything I was supposed to do. I went to the principal, then to the school district. I'm getting frustrated. . . . I heard about the [FTC Scholarship], and now at my daughter's school, they might try bullying because children can be bullied. But it's nipped in the bud real quick."

Middle-school student Hailey Vody told legislators that she was thankful for her scholarship because "it helped me leave the situation I was in, getting threatened and harassed, even going down the halls of my school. . . . People would just call me names for being my height." She said that she went to the principal, but nothing happened. Vody was able to transfer to a private school, where, she said, the principal would intervene if someone tried to bully her. "I wasn't isolated," she said. "I made more friends there. I joined the cheer team. And no one judged me for being me."

Nevertheless, teachers' unions, the AFL-CIO, and the Southern Poverty Law Center testified against the proposal. Stephanie Kunkel, a lobbyist for the Florida Education Association, argued that the program was so poorly designed that it risked undermining its intent. She said that "there were 47,000 instances of violence, intimidation, threats, harassment, and others that would be eligible. . . . A child who had their hair pulled, or had an argument would be eligible under this program, and what happens to this program for the kids that [Representative] Donalds talked about, who are systematically harassed or abused and they don't have money available to get out?"<sup>13</sup>

Local teachers' union representatives, such as Broward Teachers Union president Anna Fusco, zeroed in on this point. "The word 'incident' could mean something so minor," she said. "Someone could say, 'A pencil was thrown and hit me.' That's not an incident that should justify children leaving our Broward Public Schools; that costs money and takes away from our public-school funds." Fusco and her colleague Rick Reese insisted that Broward County had a great anti-bullying system in place and that they needed more funding from the state to make it work even better.<sup>14</sup>

The Southern Poverty Law Center's Scott McCoy sounded a similar note. "We know how to improve the safety and environment of a school," he said. "Decades of research have given us the tools to protect all students from bullying." McCoy, too, claimed that the state should, rather, invest more money in public schools.<sup>15</sup>

Rich Templin, director of public policy for Florida's AFL-CIO, claimed that the Hope Scholarship program could prove a Trojan horse for universal school choice. "What gives us pause," he said, "is that this is the final step toward providing the framework and precedent for vouchers on demand for everyone. A complete dismantling of our most important public good: public education."<sup>16</sup>

Patrick Gibbons, public affairs manager for Step Up for Students, concedes that some of the critics' points "had merit."<sup>17</sup> Most notably, if demand for the scholarship exceeded the funds available to cover it, students would not be prioritized by the severity of the abuse that they faced but rather on a first-come, first-served basis. The concern that the bill could allow parents with very light cause to draw a scholarship to send their children to private school was also entirely reasonable. And an amendment was introduced to the senate version of the bill to require that the school district verify any incidents. But Donalds, Corcoran, and Diaz opposed such a provision because it might, as Ochs said, provide the school district with an incentive to drag its feet in instances when "time is really of the essence. If a family is concerned enough to raise an issue, we need to do something right away to help that kid."<sup>18</sup>

Nor were Gibbons, Mattox, and Ochs sympathetic to the argument that the Hope Scholarship bill would do nothing to address bullying in traditional schools. During the legislative debate, Donalds said that a public school administrator told him that "the reason I like your bill is that it will force us to really lock in on our bullying policies." The administrator added that school systems, of course, "don't want to lose students," but the bill "will encourage schools to address bullying."

Despite the opposition, the bill was rolled into a larger package of legislation relating to education and school choice. It passed along party lines in the senate, but two Democrats in the House crossed the aisle to vote yes on March 5, 2018. Governor Rick Scott signed the bill into law March 11.

## Implementation

The Hope Scholarship went into effect in the fall of the 2018–19 school year, and auto dealers were required to start processing tax credit elections on October 1. Thus far, the program has confounded some of the hopes of its proponents and the worst fears of its detractors—because enrollment is a small fraction of what its architects anticipated.

According to the *Orlando Sentinel*, the state expected 7,300 students to participate in the first school year, but only 60 students enrolled after one full semester. According to Step Up for Students, that number had increased to 371 students by February 2020, shortly before the COVID-19-forced school closures.<sup>19</sup>

There are three plausible reasons that enrollment has remained unexpectedly low: school districts may not be fulfilling their obligation to inform parents of bullied and abused students about the Hope Scholarship; bullying and abuse severe enough to make students want to switch schools is substantially rarer than the architects of the program feared; or many of the students who face severe bullying and abuse were adequately served by the state's low-income FTC program.

Early this year, the Florida Department of Education published a study that surveyed participating parents to better understand their experience with the Hope Scholarship. The study, conducted by Florida State University's Learning Systems Institute (LSI), contacted all 122 families that participated in the first school year; 49 completed the survey. One striking finding: about 70% of respondents said that they found out about the Hope Scholarship on their own or from a third party, not the school district that had a legal obligation to inform them of it.<sup>20</sup>

Fourteen parents indicated that they experienced some difficulty from the school district in getting or filling out the paperwork; 10 indicated that the school was uncooperative in informing them about or providing them with documentation regarding the scholarship. "The school seemed very hesitant to give me the form," according to one parent. "I had to go to the office and basically demand it and make them sign it." Nine parents indicated that the school had refused to acknowledge that an incident had occurred; one said that "the HOPE notification form was a challenge because the principal and dean at [school name redacted] refused to acknowledge that the bullying was taking place. They refused to communicate with me in a timely manner. I had to make threats to go to the school board commissioner in order to get them to respond to the bullying issues." And nine parents indicated that the school refused to provide them with any information about the scholarship. "Nobody at the public school told us anything about it," one of these parents wrote, "even after repeated instances of bullying and us complaining about it."<sup>21</sup>

Nevertheless, the parents who expressed complaints were in the minority: 71% of parents said that they did not experience any challenges in the application process, and 84% said that the process—once initiated—was easy to navigate.<sup>22</sup> Reviewing this study, Ron Matus, director of policy and public affairs at Step Up for Students, concluded: "Florida school districts are routinely failing to notify parents of bullying victims that their children are eligible for new school choice scholarships."<sup>23</sup> Although that is certainly possible, given that a minority of parents from the minority of participants who chose to participate in the survey indicated that they had experienced such friction, this study provides no decisive reason for concluding that a lack of school district compliance is responsible for lower than expected scholarship growth.

Dakeyan Graham, executive director of the state's Office of Independent Education and Parental Choice, is not convinced that foot-dragging by school districts is primarily responsible for the lower than expected enrollment. Instead, his experience in the public schools (he was 2020 Florida Teacher of the Year) suggests that the number of students who are experiencing bullying and abuse so severe as to make them want to switch schools may be far lower than the program's architects supposed. "For a lot of kids," he says, "they just want the bullying to stop, or they want to feel that they can stand up to it. Kids want to feel like they can handle their own problems."

It is also likely that many students who are persistently bullied avail themselves of FTC scholarships for low-income students, for which about half of Florida families are eligible and which helped 108,570 students in the 2019–20 school year.<sup>24</sup> The student funding is fairly comparable between that program and the Hope Scholarship, and the regulatory requirements are identical. But perhaps because of its longevity (or because some private schools may be more reluctant to open their doors to students who have been bullied), 501 private schools in Dade County participate in FTC, versus 303 in the Hope Scholarship program.<sup>25</sup>

In its latest session, the Florida legislature enabled excess Hope Scholarship funding to flow to the larger FTC. In the 2019 fiscal year, Hope raised \$42,124,065.89. It transferred \$40,014,301.23.<sup>26</sup>

## Conclusion

While the number of students using the Hope Scholarship is far lower than state officials expected, it's hard to read the testimonials from parents and label the program a failure or even a disappointment. In the LSI report, one parent credited the scholarship with saving her child from “daily torture.” Another described the school environment that her child faced as a “slaughterhouse.” Still another, after months of going to the school to try to get administrators to deal with the bullies, said that she “actually had to file a restraining order, and the judge granted it.”<sup>27</sup>

The LSI report also asked parents to rate their former and current schools on safety, environment, and engagement on a scale of 1–4. Parental satisfaction in each of those areas was substantially higher at the new school, compared with the school that they left: safety, 3.66 vs. 1.85; engagement, 3.46 vs. 1.69; and environment, 3.57 vs. 2.01.<sup>28</sup>

The low enrollment numbers to date belie the strongest attacks by the program's detractors. It seems safe to assert that the Hope Scholarship is not, as the AFL-CIO's Rich Templin inveighed, “the final step toward providing the framework and precedent for vouchers on demand for everyone.”<sup>29</sup> Nor is there any indication that students and parents are willing to use small pretexts to obtain one. Half the respondents to the LSI report indicated that their child had been subjected to a violent incident, and almost 60% indicated that they had been worried about the safety of their child at school before the precipitating incident.<sup>30</sup>

The two-year-old Hope Scholarship program suggests that anti-bullying voucher or tuition tax credit programs may have little impact—for good or for ill—on traditional public schools and may not grow to serve a large number of students. Legislators or advocates looking to dramatically increase the footprint of private school choice may be better advised to pursue more traditional means-tested voucher or tuition tax credit programs. However, those looking for an additional solution to help kids whose daily experience at public school is rife with abuse and trauma should strongly consider following Florida's lead.

In a state with a less developed private school choice infrastructure, one modification to the structure of the Hope Scholarship should be considered: school districts should be required to provide electronic notification to parents of their rights after a reported incident. The school district should also be required to copy a representative from the state's department of education and the nonprofit organization that is administering the tuition tax credit program on the state's behalf. This would allow readier insight into whether school districts are complying, while also introducing parents to an outside organization that can help them.





## Endnotes

- <sup>1</sup> James P. Kelly, III, and Ben Scafidi, "More than Scores: An Analysis of Why and How Parents Choose Private Schools," EdChoice, November 2013.
- <sup>2</sup> Andrew Catt and Evan Rhinesmith, "Why Parents Choose: A Survey of Private School and School Choice Parents in Indiana," EdChoice, June 2016.
- <sup>3</sup> William Mattox interview with author, Feb. 25, 2020.
- <sup>4</sup> ALEC (American Legislative Exchange Council), "The Student Safety Scholarships Act," Aug. 9, 2020.
- <sup>5</sup> Jason Bedrick et al., "School Choice in the States: February, 2020," EdChoice, Mar. 4, 2020.
- <sup>6</sup> The full list of offenses from the statute: battery; harassment; hazing; bullying; kidnapping; physical attack; robbery; sexual offenses, harassment, assault, or battery; threat or intimidation; or fighting at school. See Florida Education Code, 1002.40.
- <sup>7</sup> Florida Department of Revenue, Form DR-HS1.
- <sup>8</sup> Florida Education Code, 1002.40. Step Up for Students helps administer five separate Florida scholarship programs; see [stepupforstudents.org](http://stepupforstudents.org).
- <sup>9</sup> Jared Ochs interview with author, July 29, 2020.
- <sup>10</sup> Florida House of Representatives, "Speaker Corcoran and Rep. Donalds Press Conference," [youtube.com](http://youtube.com), Oct. 11, 2017.
- <sup>11</sup> "11/8/17 House PreK–12 Innovation Subcommittee Hearing," [thefloridachannel.org](http://thefloridachannel.org).
- <sup>12</sup> "2/7/18 House Education Committee," [thefloridachannel.org](http://thefloridachannel.org).
- <sup>13</sup> Ibid.
- <sup>14</sup> Ibid. A 2019 survey conducted by the Broward Teachers Union substantially undercut Fusco's claim about Broward's system. Seventy-six percent of teachers claimed that they had faced more behavior problems than the year before; only 71% said that the discipline code was consistently enforced, and more than half of teachers said that they felt that their personal safety was in jeopardy at some point within the past two years. See Anna Fusco, 2019 School Safety and Discipline Survey, Broward Teachers Union; Brian Entin and Daniel Cohen, "Broward Teachers Explain Why They Feel Unsafe, Demand More Student Discipline from District and Administrators," WSVN News, Aug. 6, 2019.
- <sup>15</sup> "2/7/18 House Education Committee."
- <sup>16</sup> Ibid.
- <sup>17</sup> Patrick Gibbons interview with author, Feb. 25, 2020.
- <sup>18</sup> Ochs interview, July 29, 2020.
- <sup>19</sup> Leslie Postal, "Scholarships for Bullied Students Get Fewer Takers than Predicted, Officials Say," *Orlando Sentinel*, Jan. 17, 2019; e-mail to author from Step Up for Students, Feb. 25, 2020.
- <sup>20</sup> Melissa Dyehouse et al., "Evaluation Report: Parental Satisfaction and Experiences Regarding the Hope Scholarship Program, 2018–19," Learning Systems Institute, February 2020.
- <sup>21</sup> Ibid.
- <sup>22</sup> Ibid.
- <sup>23</sup> Ron Matus, "Parents of Bullying Victims: Florida School Districts Failing to Inform About Choice Scholarships," RedefinED, Mar. 13, 2010.
- <sup>24</sup> EdChoice, Florida Tax Credit Scholarship Program.
- <sup>25</sup> Florida Department of Education, Office of Independent Education and Parental Choice.
- <sup>26</sup> E-mail from Step Up for Students, Sept. 18, 2020.
- <sup>27</sup> Dyehouse et al., "Evaluation Report."
- <sup>28</sup> Ibid.
- <sup>29</sup> "2/7/18 House Education Committee."
- <sup>30</sup> Dyehouse et al., "Evaluation Report."



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