



### **What is the Opportunity Scholarship Program and what is the program's legal status?**

The Opportunity Scholarship Program (OSP) is a school choice program created by the Legislature in 1999 as part of the A+ Education Plan.<sup>1</sup> As originally enacted, the program provided scholarships for public or private schools of choice to students assigned to or attending public schools receiving "F" grades for two years in a four-year period. On January 5, 2006, however, the Florida Supreme Court ruled that the private school scholarship option of the OSP violates Article IX, Section 1(a) of the State Constitution.<sup>2</sup>

The Court's narrowly tailored opinion addressed only the issue of whether the State Constitution prohibits the state from expending public funds to allow students to use an Opportunity Scholarship to obtain a private school education. The court held that "... through the OSP the state is fostering plural, nonuniform systems of education in direct violation of the constitutional mandate for a uniform system of free public schools."<sup>3</sup> Accordingly, under the Court's ruling, an Opportunity Scholarship may now only be used to attend a public school of choice.<sup>4</sup>

### **Who is eligible for an Opportunity Scholarship?**

A public school student is eligible for an Opportunity Scholarship if one of the following criteria is met:

- ❖ The student spent the prior school year in attendance at a public school graded "F"<sup>5</sup> and the school received an "F" for two years in a four-year period;
- ❖ The student was in attendance elsewhere in the public school system and has been assigned to such a school; or
- ❖ The student is entering kindergarten or first grade and has been assigned to such a school.<sup>6</sup>

### **Which schools may a student attend with an Opportunity Scholarship?**

Under the 2006 Florida Supreme Court ruling previously discussed, an Opportunity Scholarship may now only be used by an eligible student to attend:

<sup>1</sup> Sections 1-4, ch. 99-398, L.O.F.

<sup>2</sup> *Bush v. Holmes*, 919 So.2d 392 (Fla. 2006).

<sup>3</sup> *Bush*, 919 So.2d at 398.

<sup>4</sup> The Court stayed its decision in *Bush v. Holmes* until the end of the 2005-06 academic year. *Id.* at 413.

<sup>5</sup> All public schools, including charter schools, which have at least 30 students with valid FCAT scores in reading for the current and prior years and at least 30 students with valid FCAT scores in mathematics for the current and prior years are assigned a school grade. Rule 6A-1.09981, F.A.C. A grade "F" means a school has failed to make adequate progress. Section 1008.34(2), F.S.

<sup>6</sup> Section 1002.38(2)(a), F.S.

- ❖ A public school within the school district designated by the state as performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category “C;” or
- ❖ A public school in an adjacent school district with available space designated by the state as a higher-performing public school. The parent is responsible for transporting the student to and from the school.<sup>7</sup>

### ***How long does an Opportunity Scholarship last?***

A student receiving an Opportunity Scholarship may continue attending a higher performing public school within the district or in an adjacent district until he or she graduates from high school.<sup>8</sup>

### ***How many Opportunity Scholarships are being utilized in Florida?***

The 2005-06 academic year was the last year that students were eligible under the 2006 Florida Supreme Court ruling to receive Opportunity Scholarships to attend private schools. During that year, 734 students received scholarships to attend 57 private schools in eight school districts (Broward, Dade, Duval, Escambia, Gadsden, Jefferson, Orange, and Palm Beach Counties). The total amount of scholarships awarded was \$2.98 million with the average scholarship amount per student being \$4,063.28.<sup>9</sup>

In the 2006-07 academic year, 1,319 students selected the OSP public school option; in the 2007-08 academic year that number was slightly less at 1,304 students; and in the 2008-09 academic year the participation level went down again to 1,280 students.<sup>10</sup> In the 2009-10 academic year, 1,431 students selected the OSP public school option. For the 2009-10 academic year, 24 public schools in 14 school districts received an "F" for the 2009-10 academic year and at least one other "F" in one of the three previous school years. Students who were enrolled in these schools during the 2009-10 academic year or who are assigned to these schools for the 2010-11 academic year are eligible to participate in the OSP for the 2010-11 academic year.<sup>11</sup>

### ***What are the demographics of students who benefited from Opportunity Scholarships during the 2009-10 academic year?***<sup>12</sup>

Of the students that selected the OSP public school option during the 2009-10 academic year, 56 percent of the students were eligible for free lunch and nine percent were eligible for reduced-

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<sup>7</sup> Section 1002.38(3)(a) and (b), F.S.

<sup>8</sup> Section 1002.38(3)(a), F.S.

<sup>9</sup> Florida Department of Education, *Opportunity Scholarship Program June Quarterly Report* (June 2006), available at [www.floridaschoolchoice.org/Information/OSP/quarterly\\_reports/osp\\_report\\_jun2006.pdf](http://www.floridaschoolchoice.org/Information/OSP/quarterly_reports/osp_report_jun2006.pdf).

<sup>10</sup> Florida Department of Education, *Opportunity Scholarship Program Public School Option* (Oct. 2009), available at [http://www.floridaschoolchoice.org/Information/OSP/files/Fast\\_Facts\\_OSP.pdf](http://www.floridaschoolchoice.org/Information/OSP/files/Fast_Facts_OSP.pdf). Of the students that selected the OSP public school option in the 2008-09 academic year, 94 percent were in grades 9 through 12. *Id.*

<sup>11</sup> Florida Department of Education, *OSP Eligible Schools*, [http://www.floridaschoolchoice.org/Information/OSP/osp\\_failing\\_schools.asp](http://www.floridaschoolchoice.org/Information/OSP/osp_failing_schools.asp) (last visited Aug. 10, 2010).

<sup>12</sup> E-mail, Florida Department of Education, Opportunity Scholarship Program (Aug. 9, 2010).

price lunch. The race and ethnicity of the students participating in the OSP public school option are provided in the table below.

<b>OSP Students by Race/Ethnicity</b>	
White	7%
Black	73%
Hispanic	18%
Other	2%

***Has any research been done on this program?***

Yes. Jay P. Greene and Marcus Winters of the Manhattan Institute analyzed the effect of Florida's A+ Program on public schools. The results of the Institute's research demonstrate the following:

- ❖ Florida’s low-performing schools are improving in direct proportion to the challenge they face from voucher competition. The improvements are real, not the result of test gaming, demographic shifts, or the statistical phenomenon of “regression to the mean.”
- ❖ Schools facing competition from vouchers showed the greatest improvements of all five categories of low-performing schools, i.e., improving by 9.3 scale score points on the FCAT math test, 10.1 points on the FCAT reading test, and 5.1 percentile points on the Stanford-9 math test relative to Florida public schools that were not in any low-performing category.
- ❖ Schools threatened with the prospect of vouchers showed the second greatest improvements, making relative gains of 6.7 scale points on the FCAT math test, 8.2 points on the FCAT reading test, and 3.0 percentile points on the Stanford-9 math test.
- ❖ Low-performing schools that have never received any grade other than a D, or that have received at least one D since FCAT grading began, produced small and indistinguishable gains, respectively, relative to Florida public schools that were not low-performing. While these schools were similar to schools facing voucher competition, they failed to make similar gains in the absence of competitive incentives.<sup>13</sup>

***Where can I get additional information?***

**Florida Department of Education**  
 Office of Independent Education and Parental Choice  
 (850) 245-0502  
 Toll-Free Information Hotline:  
 (800) 447-1636  
[www.floridaschoolchoice.org](http://www.floridaschoolchoice.org)

<sup>13</sup> Jay P. Green, Ph.D. and Marcus A. Winters, "When Schools Compete: The Effects of Vouchers on Florida Public School Achievement," Manhattan Institute for Policy Research, 2003, [http://www.manhattan-institute.org/html/ewp\\_02.htm](http://www.manhattan-institute.org/html/ewp_02.htm) (last visited July 27, 2010).

***Florida House of Representatives***

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