

By Representatives Wise, Thrasher, Fasano, Trovillion, Melvin, Fuller, Merchant, Futch, K. Pruitt, Feeney, Wallace, Littlefield, Smith, Bronson, Burroughs, Bitner, Gay, Villalobos, Arnall, Valdes, Andrews, Bainter, Byrd, Ogles, (Additional Sponsors on Last Printed Page)

1 A bill to be entitled
2 An act relating to education; creating a
3 public-private partnership pilot program;
4 providing intent and definitions; providing
5 eligibility requirements for private schools,
6 nonprofit organizations, and home education
7 program parents; providing for flexibility in
8 educating students; providing for payment of
9 funds; requiring certain funds to be sent to a
10 direct-support organization for specified use;
11 providing student eligibility; providing for
12 rules; requiring the Department of Education to
13 establish a choice information center;
14 requiring legislative review; requiring
15 reports; providing for severability; providing
16 an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

19

20 Section 1. Public-private partnership pilot program.--

21 (1) It is the purpose of this section to establish a
22 pilot program to allow residents of Florida to have a choice
23 in the type of educational setting in which their children are
24 taught. It is legislative intent that the pilot program
25 established by this section will create a sustainable
26 competitive educational environment and fiscally responsible
27 process which will enhance per student funding in the public
28 education system and reduce the pressure on public education
29 to build more school facilities while providing a variety of
30 quality education delivery systems from which parents can
31 choose, including, but not limited to, traditional private

1 schools and courses of instruction offered by nonprofit
2 organizations.
3 (2) As used in this section:
4 (a) "Home education program" means a program of
5 instruction as defined in s. 228.041(34), Florida Statutes.
6 (b) "Nonprofit organization" means an organization
7 with s. 501(c)(3) Internal Revenue Service status that charges
8 tuition.
9 (c) "Parent" means the natural or adoptive parent or
10 legal guardian of a dependent child.
11 (d) "Private school" means a school as defined in s.
12 623.02, Florida Statutes, that charges tuition or fees for the
13 services it provides and is in compliance with the laws of the
14 state.
15 (3) There is hereby created a 5-year public-private
16 partnership pilot program in Clay, Dade, Okaloosa, and Orange
17 Counties. Any private school, nonprofit organization, or
18 parent providing a home education program in such counties is
19 eligible to participate in the program if the criteria of this
20 subsection are met.
21 (a) To be eligible to participate in the pilot
22 program, private schools and nonprofit organizations must:
23 1. Have admission policies which do not discriminate
24 as to race, religion, ethnicity, national origin, or gender.
25 2. Provide a curriculum which includes the following
26 five core subjects: English, including, for elementary school
27 students, reading fundamentals; mathematics; science; history;
28 and geography. A school formed to meet the special needs of
29 profoundly mentally handicapped, trainable mentally
30 handicapped, dual sensory impaired, or autistic students shall
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1 be exempt from the curriculum requirement of this subparagraph
2 and the testing requirement of subparagraph 4.

3 3. Disclose teacher credentials to parents.

4 4. Except as otherwise provided, post-test all
5 students utilizing a uniformly applied standardized testing
6 instrument to determine learning progress and provide a copy
7 of the results to the Department of Education.

8 5. Have been operating for at least 2 calendar years
9 or, if in operation for less than 2 calendar years, have
10 obtained a letter of credit or a bond indemnifying the state
11 from monetary loss.

12 6. If a nonprofit organization, be registered with the
13 state and Federal Government as a nonprofit corporation under
14 s. 501(c)(3) of the Internal Revenue Code.

15 (b) To be eligible to participate in the pilot
16 program, home education program parents must comply with the
17 provisions of s. 232.02(4), Florida Statutes, and students
18 must have been in the home education program for at least 1
19 year.

20 (4) It is the intent of the Legislature that the pilot
21 program will not result in any additional regulation of
22 private schools. Participating schools, regardless of size,
23 shall be accorded maximum flexibility to educate their
24 students and shall be free from unnecessary, burdensome, or
25 onerous regulation.

26 (5) The pilot program shall provide for payment as
27 follows:

28 (a)1. The parent of a student participating in the
29 pilot program who is transferring from a public school to a
30 private school or nonprofit organization is entitled to direct
31 to the private school or nonprofit organization a payment of

1 the base rate of 50 percent of the weighted full-time
2 equivalent student funding, based on the assigned program cost
3 factor in the Florida Education Finance Program, for such
4 student in kindergarten through grade 12 for up to 180 days of
5 instruction per local school district fiscal year or the
6 actual cost for tuition at the school, whichever is less.

7 2. If a student is eligible to participate in the free
8 lunch program pursuant to 42 U.S.C. 1758(b), the parent is
9 entitled to direct a payment of 1.5 times the base rate or the
10 actual cost for tuition at the school, whichever is less.

11 3. If a student is eligible to participate in the
12 reduced-price lunch program pursuant to 42 U.S.C. 1758(b), the
13 parent is entitled to direct a payment of 1.25 times the base
14 rate or the actual cost for tuition at the school, whichever
15 is less.

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17 Any amount of funding not used for tuition that the parent of
18 a student would otherwise be eligible to direct may be used to
19 reimburse the parent for any transportation costs incurred in
20 getting his or her child to school. The parent may apply to
21 the Department of Education using a transportation
22 reimbursement form that the department shall provide. Actual
23 mileage or public transportation costs are eligible
24 transportation expenses. All unused tuition money must be
25 sent to a direct-support organization with s. 501(c)(3)
26 Internal Revenue Service status, created by the Department of
27 Education.

28 (b) Each school district shall receive 10 percent of
29 the weighted full-time equivalent student funding, based on
30 the assigned program cost factor as provided in the Florida
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1 Education Finance Program, for each student within the school
2 district who is participating in the pilot program.
3 (c) All remaining moneys of the weighted full-time
4 equivalent student funding, based on the assigned program cost
5 factor as provided in the Florida Education Finance Program,
6 for each student within the school district who is
7 participating in the pilot program shall be sent to the
8 direct-support organization specified in paragraph (a). The
9 direct-support organization may increase funds by seeking
10 private contributions for the purpose of providing payment, to
11 be directed by the parent to a private school or nonprofit
12 organization, for students who are already attending private
13 schools or participating in home education programs at the
14 time the pilot program becomes operational and who are
15 selected to participate in the pilot program. Such private
16 school students and home education program students shall be
17 selected to participate in the pilot program by means of a
18 lottery until direct-support organization funds are depleted.
19 The Department of Education shall ensure that funds sent to
20 the direct-support organization for a participating school
21 district are earmarked for such school district and returned
22 to the school district according to the provisions of this
23 section.
24 (d) Home education programs selected to participate in
25 the pilot program shall, at the end of the school year, be
26 eligible to receive up to \$500 per student for books and
27 educational materials selected by the parent and utilized to
28 teach the student at home. Home education program
29 reimbursement is only for students not attending public,
30 private, or nonprofit educational programs anytime during the
31 local school district fiscal year.

1 (6) The pilot program shall be made available
2 beginning July 1, 1997, to students who were enrolled in the
3 public school system the entire previous regular school year,
4 with a limit of 5 percent of public school enrollment per
5 school district. On July 1 of each year thereafter, the total
6 public school enrollment shall be recalculated and 5 percent
7 of the students remaining in the public schools shall be
8 eligible for the pilot program in addition to those already in
9 the program. If the number of students in a given school
10 district desiring to participate in any year exceeds 5
11 percent, the students shall be selected on a lottery basis
12 utilizing a method approved by the commissioner. To the
13 extent possible, the lottery must provide that the same
14 percentage of free or reduced-price lunch program eligible
15 students that are enrolled in the public school district are
16 selected in the pilot program.

17 (7) At the start of the first year of the pilot
18 program, the percentage of public school students and
19 nonpublic school students attending school in each school
20 district shall be determined by the department. These
21 percentages must be accurate to the 1/1000 percent and must be
22 used as a benchmark for future formula disbursements to the
23 direct-support organization. Each year thereafter, the number
24 of public school students plus the number of students who are
25 participating in the pilot program by transferring from public
26 schools must be added to determine the percentage of public
27 school students. If the percentage is less than the benchmark
28 percentage of public school students, an amount equal to what
29 it would take to reach the benchmark percentage must be sent
30 to the direct-support organization.

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1 (8) A participating private school, nonprofit
2 organization, or home education program or a district school
3 board may not be obligated to provide transportation to
4 students participating in the pilot program.

5 (9) The State Board of Education, in order to avoid
6 creating an undue financial burden on the participants in the
7 pilot program, shall adopt rules to ensure the prompt payment
8 on behalf of parents of qualified participants of this
9 program. Upon authorization of the parent, payment shall be
10 made directly to the authorized private school or nonprofit
11 organization in nine equal monthly payments. The parent's
12 signature must be obtained at the school or organization at
13 the time of each payment.

14 (10) The Department of Education shall establish and
15 maintain a choice information center to provide information
16 and assistance to parents in selecting a private school,
17 nonprofit organization, or home education program. The center
18 shall obtain and include information from each participating
19 private school and nonprofit organization and produce a guide
20 for distribution to interested parents.

21 (11) The Legislature shall conduct a review of the
22 pilot program after the third school year of operation. A
23 report must be delivered to the President of the Senate and
24 the Speaker of the House of Representatives no later than
25 December 31 following the end of the third school year. The
26 report must detail the operation and cost of the pilot program
27 and include recommendations regarding extension, expansion, or
28 termination of the pilot program after the initial 5-year
29 period.

30 (12) The pilot program public school districts shall
31 provide a report to the President of the Senate and the

1 Speaker of the House of Representatives with recommendations
2 for improving the program, including recommended reduction in
3 rules.

4 (13) The Office of Program Policy Analysis and
5 Government Accountability shall provide a report to the
6 President of the Senate and the Speaker of the House of
7 Representatives on the pilot program, using all data obtained
8 to analyze the success, progress, or failure of the program
9 and the participating students and schools.

10 (14) Any other corporation, organization, or
11 association with an interest in the pilot program may provide
12 a report to the President of the Senate and the Speaker of the
13 House of Representatives with recommendations for improving
14 the program.

15 Section 2. If any provision of this act or the
16 application thereof to any person or circumstance is held
17 invalid, the invalidity shall not affect other provisions or
18 applications of the act which can be given effect without the
19 invalid provision or application, and to this end the
20 provisions of this act are declared severable.

21 Section 3. This act shall take effect July 1, 1997.

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24 HOUSE SUMMARY

25
26 Creates a 5-year public-private partnership pilot program
27 in specified counties to allow residents of Florida to
28 have a choice in the type of educational setting in which
29 their children are taught. Provides eligibility
30 requirements for private schools, nonprofit
31 organizations, and home education program parents for
participation in the program. Provides for payment and
use of funds. Provides requirements relating to student
enrollment. Requires the Department of Education to
establish a choice information center. Requires
legislative review of the program and certain reporting.

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ADDITIONAL SPONSORS

Ziebarth, Arnold, Maygarden, Barreiro, Flanagan, Sanderson,
Rodriguez-Chomat, Albright, Diaz de la Portilla, Brooks,
Putnam, Starks, Ball and Lacasa