

By the Committee on Education Innovation and Representatives Wise, Thrasher, Fasano, Trovillion, Melvin, Fuller, Merchant, Futch, K. Pruitt, Feeney, Wallace, Littlefield, Smith, Bronson, Burroughs, Bitner, Gay, (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:

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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, and Orange Counties.  
17 Any private school, nonprofit organization, or parent  
18 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.

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

24 (5) The pilot program shall provide for payment as  
25 follows:

26 (a)1. The parent of a student participating in the  
27 pilot program who is transferring from a public school to a  
28 private school or nonprofit organization is entitled to direct  
29 to the private school or nonprofit organization a payment of  
30 the base rate of 50 percent of the weighted full-time  
31 equivalent student funding, based on the assigned program cost

1 factor in the Florida Education Finance Program, for such  
2 student in kindergarten through grade 12 for up to 180 days of  
3 instruction per local school district fiscal year or the  
4 actual cost for tuition at the school, whichever is less.

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

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

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

26 (b) Each school district shall receive 10 percent of  
27 the weighted full-time equivalent student funding, based on  
28 the assigned program cost factor as provided in the Florida  
29 Education Finance Program, for each student within the school  
30 district who is participating in the pilot program.

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1       (c) Home education programs selected to participate in  
2 the pilot program shall, at the end of the school year, be  
3 eligible to receive up to \$500 per student as reimbursement  
4 for books and educational materials selected by the parent and  
5 utilized to teach the student at home. Home education program  
6 reimbursement is only for students not attending public,  
7 private, or nonprofit educational programs anytime during the  
8 local school district fiscal year.

9       (d) All remaining moneys of the weighted full-time  
10 equivalent student funding, based on the assigned program cost  
11 factor as provided in the Florida Education Finance Program,  
12 for each student within the school district who is  
13 participating in the pilot program shall be sent to the  
14 direct-support organization specified in paragraph (a). The  
15 direct-support organization may increase funds by seeking  
16 private contributions. Beginning the second year of the pilot  
17 program, such funds shall be used for providing payment to be  
18 directed by the parent to a private school, nonprofit  
19 organization, or home education program for students who were  
20 attending a private school or a home education program at the  
21 time such students were selected to participate in the pilot  
22 program.

23       (e) Private school students and home education program  
24 students shall be selected to participate in the pilot program  
25 by means of a lottery until direct-support organization funds  
26 are depleted. The Department of Education shall ensure that  
27 funds sent to the direct-support organization for a  
28 participating school district are earmarked for such school  
29 district and returned to the school district according to the  
30 provisions of this section.

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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 that percentage is less than the benchmark  
28 percentage of public school students, an amount of funding,  
29 based on the district's weighted full-time equivalent student  
30 funding, that it would take to equal funding for the benchmark  
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1 percentage of public school students must be sent to the  
2 direct-support organization.

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

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

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

23 (11) The Legislature shall conduct a review of the  
24 pilot program after the third school year of operation.

25 (12) The pilot program public school districts shall  
26 provide a report to the President of the Senate and the  
27 Speaker of the House of Representatives with recommendations  
28 for improving the program, including recommended reduction in  
29 rules.

30 (13) No later than December 31 following the end of  
31 the third school year of operation, the Office of Program

1 Policy Analysis and Government Accountability shall provide a  
2 report to the President of the Senate and the Speaker of the  
3 House of Representatives on the pilot program, using all data  
4 obtained to analyze the success, progress, or failure of the  
5 program and the participating students and schools. The report  
6 must detail the operation and cost of the pilot program and  
7 include recommendations regarding extension, expansion, or  
8 termination of the pilot program after the initial 5-year  
9 period.

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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ADDITIONAL SPONSORS

Villalobos, Arnall, Valdes, Andrews, Bainter, Byrd, Ogles,  
Ziebarth, Arnold, Maygarden, Barreiro, Flanagan, Sanderson,  
Rodriguez-Chomat, Albright, Diaz de la Portilla, Brooks,  
Putnam, Starks, Ball, Lacasa, Dockery, Harrington, Garcia and  
Argenziano