

By Representatives Wise, Valdes, Thrasher, Melvin, Feeney, Ziebarth, Dockery, Wallace, Flanagan, Smith, Fasano, Trovillion, Putnam, Byrd, Bainter, Maygarden, Bitner, Lacasa, Littlefield, Bronson, Brooks, Andrews, Arnall, Futch, 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 and nonprofit organizations; providing for
 7 flexibility in educating students; providing
 8 for payment of funds; requiring certain funds
 9 to be sent to a direct-support organization for
 10 specified use; providing student enrollment
 11 requirements; providing for rules; requiring
 12 the Department of Education to establish a
 13 choice information center; requiring
 14 legislative review; requiring reports;
 15 providing for severability; providing an
 16 effective date.

17
 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) "Nonprofit organization" means an organization
5 with s. 501(c)(3) Internal Revenue Service status that charges
6 tuition.

7 (b) "Parent" means the natural or adoptive parent or
8 legal guardian of a dependent child.

9 (c) "Private school" means a school as defined in s.
10 623.02, Florida Statutes, that charges tuition or fees for the
11 services it provides and is in compliance with the laws of the
12 state.

13 (3) There is hereby created a 5-year public-private
14 partnership pilot program in Clay, Okaloosa, and Orange
15 Counties. Any private school or nonprofit organization in
16 such counties is eligible to participate in the program if the
17 criteria of this subsection are met. A private school or
18 nonprofit organization must:

19 (a) Have an admission policy which does not
20 discriminate as to race, religion, ethnicity, national origin,
21 or gender.

22 (b) Provide a curriculum which includes the following
23 five core subjects: English, including, for elementary school
24 students, reading fundamentals; mathematics; science; history;
25 and geography. A school formed to meet the special needs of
26 profoundly mentally handicapped, trainable mentally
27 handicapped, dual sensory impaired, or autistic students shall
28 be exempt from the curriculum requirement of this paragraph
29 and the testing requirement of paragraph (d).

30 (c) Disclose teacher credentials to parents.
31

1 (d) Except as otherwise provided, post-test all
2 students utilizing a uniformly applied standardized testing
3 instrument to determine learning progress and provide a copy
4 of the results to the Department of Education.

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

9 (f) If a nonprofit organization, be registered with
10 the state and Federal Government as a nonprofit corporation
11 under s. 501(c)(3) of the Internal Revenue Code.

12 (4) It is the intent of the Legislature that the pilot
13 program will not result in any additional regulation of
14 private schools. Participating schools, regardless of size,
15 shall be accorded maximum flexibility to educate their
16 students and shall be free from unnecessary, burdensome, or
17 onerous regulation.

18 (5) The pilot program shall provide for payment as
19 follows:

20 (a)1. The parent of a student participating in the
21 pilot program who is transferring from a public school to a
22 private school or nonprofit organization is entitled to direct
23 to the private school or nonprofit organization a payment of
24 the base rate of 50 percent of the weighted full-time
25 equivalent student funding, based on the assigned program cost
26 factor in the Florida Education Finance Program, for such
27 student in kindergarten through grade 12 for up to 180 days of
28 instruction per local school district fiscal year or the
29 actual cost for tuition at the school, whichever is less.

30 2. If a student is eligible to participate in the free
31 lunch program pursuant to 42 U.S.C. 1758(b), the parent is

1 entitled to direct a payment of 1.5 times the base rate or the
2 actual cost for tuition at the school, whichever is less.

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

8
9 Any amount of funding not used for tuition that the parent of
10 a student would otherwise be eligible to direct may be used to
11 reimburse the parent for any transportation costs incurred in
12 getting his or her child to school. The parent may apply to
13 the Department of Education using a transportation
14 reimbursement form that the department shall provide. Actual
15 mileage or public transportation costs are eligible
16 transportation expenses. All unused tuition money must be
17 sent to a direct-support organization with s. 501(c)(3)
18 Internal Revenue Service status, created by the Department of
19 Education.

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

25 (c) All remaining moneys of the weighted full-time
26 equivalent student funding, based on the assigned program cost
27 factor as provided in the Florida Education Finance Program,
28 for each student within the school district who is
29 participating in the pilot program shall be sent to the
30 direct-support organization specified in paragraph (a). The
31 direct-support organization may increase funds by seeking

1 private contributions. Beginning the second year of the pilot
2 program, such funds shall be used for providing payment to be
3 directed by the parent to a private school or nonprofit
4 organization for a student who was attending a private school
5 at the time such student was selected to participate in the
6 pilot program.

7 (d) Private school students shall be selected to
8 participate in the pilot program by means of a lottery until
9 direct-support organization funds are depleted. The
10 Department of Education shall ensure that funds sent to the
11 direct-support organization for a participating school
12 district are earmarked for such school district and returned
13 to the school district according to the provisions of this
14 section.

15 (6)(a) The pilot program shall be made available on
16 the effective date of this act to students who were enrolled
17 in the public school system the entire previous regular school
18 year, provided that in each school district the number of
19 students participating in the pilot program during the first
20 school year of operation shall not exceed a number equivalent
21 to the district's projected enrollment growth for that school
22 year over the previous school year, as defined in paragraph
23 (b). On July 1 of each year thereafter, the enrollment in the
24 pilot program in each school district shall be limited to
25 those students enrolled in the pilot program during the
26 previous school year who are eligible to continue plus a
27 number equivalent to the district's projected enrollment
28 growth for the school year beginning after July 1 over the
29 previous school year, as defined in paragraph (b). If the
30 number of students in a given school district desiring to
31 participate in any year exceeds the number permitted, the

1 students shall be selected on a lottery basis utilizing a
2 method approved by the Commissioner of Education. To the
3 extent possible, the lottery must provide that the same
4 percentage of free or reduced-price lunch program eligible
5 students who are enrolled in the public schools in the
6 district are selected in the pilot program.

7 (b) For purposes of this section, the number used for
8 each school district's projected enrollment growth shall be
9 the projection of enrollment growth for prekindergarten
10 through grade 12, excluding adult programs, agreed to by the
11 Education Estimating Conference for use in the General
12 Appropriations Act.

13 (7) A participating private school or nonprofit
14 organization or a district school board may not be obligated
15 to provide transportation to students participating in the
16 pilot program.

17 (8) The State Board of Education, in order to avoid
18 creating an undue financial burden on the participants in the
19 pilot program, shall adopt rules to ensure the prompt payment
20 on behalf of parents of qualified participants of this
21 program. Upon authorization of the parent, payment shall be
22 made directly to the authorized private school or nonprofit
23 organization in nine equal monthly payments. The parent's
24 signature must be obtained at the school or organization at
25 the time of each payment.

26 (9) The Department of Education shall establish and
27 maintain a choice information center to provide information
28 and assistance to parents in selecting a private school or
29 nonprofit organization. The center shall obtain and include
30 information from each participating private school and
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1 nonprofit organization and produce a guide for distribution to
2 interested parents.

3 (10) The Legislature shall conduct a review of the
4 pilot program after the third school year of operation.

5 (11) The pilot program public school districts shall
6 provide a report to the President of the Senate and the
7 Speaker of the House of Representatives with recommendations
8 for improving the program, including recommended reduction in
9 rules.

10 (12) No later than December 31 following the end of
11 the third school year of operation, the Office of Program
12 Policy Analysis and Government Accountability shall provide a
13 report to the President of the Senate and the Speaker of the
14 House of Representatives on the pilot program, using all data
15 obtained to analyze the success, progress, or failure of the
16 program and the participating students and schools. The report
17 must detail the operation and cost of the pilot program and
18 include recommendations regarding extension, expansion, or
19 termination of the pilot program after the initial 5-year
20 period.

21 (13) Any other corporation, organization, or
22 association with an interest in the pilot program may provide
23 a report to the President of the Senate and the Speaker of the
24 House of Representatives with recommendations for improving
25 the program.

26 Section 2. If any provision of this act or the
27 application thereof to any person or circumstance is held
28 invalid, the invalidity shall not affect other provisions or
29 applications of the act which can be given effect without the
30 invalid provision or application, and to this end the
31 provisions of this act are declared severable.

144-1610-98

1 Section 3. This act shall take effect July 1 of the
2 year in which enacted.

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5 HOUSE SUMMARY

6 Creates a 5-year public-private partnership pilot program
7 in specified counties to allow residents of Florida to
8 have a choice in the type of educational setting in which
9 their children are taught. Provides eligibility
10 requirements for private schools and nonprofit
11 organizations for participation in the program. Provides
12 for payment and use of funds. Provides requirements
13 relating to student enrollment. Requires the Department
14 of Education to establish a choice information center.
15 Requires legislative review of the program and certain
16 reporting.

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18 ADDITIONAL SPONSORS

19 Villalobos, Fuller, Garcia, Rodriguez-Chomat, Harrington,
20 Barreiro, Argenziano, Merchant, Sanderson, Albright, Ball,
21 Burroughs, K. Pruitt and Kelly
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