

By Senator McKay

26-110-98

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

18

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

20

21 Section 1. Public-private partnership pilot program.--
22 (1) It is the purpose of this section to establish a
23 pilot program to allow residents of this state who are parents
24 of students who have disabilities to have a choice in the type
25 of educational setting in which their children are taught. It
26 is the intent of the Legislature that the pilot program
27 established by this section will create a sustainable
28 competitive educational environment and fiscally responsible
29 process which will enhance per-student funding for students
30 who have disabilities and will provide a variety of quality
31 education delivery systems from which the parents of those

1 students can choose, including, but not limited to,
2 traditional private schools and courses of instruction offered
3 by nonprofit organizations.

4 (2) As used in this section, the term:

5 (a) "Disability" means a mental handicap, speech and
6 language impairment, deafness or hearing impairment, visual
7 impairment, dual sensory impairment, physical impairment,
8 emotional handicap, specific learning disability, or autism or
9 being hospital-bound or homebound.

10 (b) "Home education program" means a program of
11 instruction as defined in s. 228.041(34), Florida Statutes.

12 (c) "Nonprofit organization" means an organization
13 that meets the requirements for nonprofit status under s.
14 501(c)(3) of the Internal Revenue Code and that charges
15 tuition.

16 (d) "Parent" means the natural or adoptive parent or
17 legal guardian of a dependent child.

18 (e) "Private school" means a school as defined in s.
19 623.02, Florida Statutes, which charges tuition or fees for
20 the services it provides and is in compliance with the laws of
21 the state.

22 (3) There is created a 5-year public-private
23 partnership pilot program in Clay, Dade, Manatee, Okaloosa,
24 and Orange Counties. Any private school, nonprofit
25 organization, or parent providing a home education program in
26 any of those counties is eligible to participate in the
27 program if the criteria of this subsection are met.

28 (a) To be eligible to participate in the pilot
29 program, a private school or nonprofit organization must:

30 1. Have admission policies that do not discriminate as
31 to race, religion, ethnicity, national origin, or gender.

1 2. Provide a curriculum that includes the following
2 five core subjects: English, including, for elementary school
3 students, reading fundamentals; mathematics; science; history;
4 and geography. A school formed to meet the special needs of
5 profoundly mentally handicapped, trainable mentally
6 handicapped, dual sensory impaired, or autistic students is
7 exempt from the curriculum requirement of this subparagraph
8 and the testing requirement of subparagraph 4.

9 3. Disclose teachers' credentials to parents.

10 4. Except as otherwise provided, post-test all
11 students, utilizing a uniformly applied standardized testing
12 instrument, to determine learning progress, and must provide a
13 copy of the results to the Department of Education.

14 5. Have been operating for at least 2 calendar years
15 or, if in operation for less than 2 calendar years, have
16 obtained a letter of credit or a bond indemnifying the state
17 from monetary loss.

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

21 (b) To be eligible to participate in the pilot
22 program, a parent who is providing a home education program
23 must comply with s. 232.02(4), Florida Statutes.

24 (4) It is the intent of the Legislature that the pilot
25 program not result in any additional regulation of private
26 schools. Participating schools, regardless of size, are to be
27 accorded maximum flexibility to educate their students and are
28 to be free from unnecessary, burdensome, or onerous
29 regulation.

30 (5) The pilot program must provide for payment as
31 follows:

1 (a)1. For a student who participates in the pilot
2 program by transferring from a public school to a private
3 school or nonprofit organization, the private school or
4 nonprofit organization is entitled to receive a payment of the
5 base rate of 50 percent of the weighted full-time equivalent
6 student funding, based on the assigned program cost factor in
7 the Florida Education Finance Program, for such student in
8 kindergarten through grade 12 for up to 180 days of
9 instruction per local school district fiscal year or payment
10 of the actual cost for tuition at the school, whichever is
11 less.

12 2. For a student who is eligible to participate in the
13 free lunch program under 42 U.S.C. 1758(b), a payment of 1.5
14 times the base rate or payment of the actual cost for tuition
15 at the school, whichever is less.

16 3. For a student who is eligible to participate in the
17 reduced-price lunch program under 42 U.S.C. 1758(b), a payment
18 of 1.25 times the base rate or payment of the actual cost for
19 tuition at the school, whichever is less.

20
21 The parent of an eligible student must sign a form directing
22 payment under this paragraph before the school district may
23 transfer funds at the appropriate level from the school
24 district to the private school or nonprofit organization. Any
25 available funds that are not used to pay tuition must be sent
26 to a direct-support organization that meets the requirements
27 of s. 501(c)(3) of the Internal Revenue Code and that was
28 created by the Department of Education. These funds may be
29 used to reimburse the parent for any transportation costs
30 incurred in getting his or her child to school. The parent
31 may apply to the Department of Education on a transportation

1 reimbursement form that the department provides. Actual
2 mileage or public transportation costs are eligible
3 transportation expenses.

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

9 (c) Home education programs selected to participate in
10 the pilot program are, at the end of the school year, eligible
11 to receive up to \$500 per student as reimbursement for books
12 and educational materials selected by the parent and used in
13 teaching the student at home. Home education program
14 reimbursement is only for students not attending public,
15 private, or nonprofit educational programs at any time during
16 the local school district fiscal year.

17 (d) All remaining moneys of the weighted full-time
18 equivalent student funding, based on the assigned program cost
19 factor as provided in the Florida Education Finance Program,
20 for each student within the school district who is
21 participating in the pilot program must be sent to the
22 direct-support organization specified in paragraph (a). The
23 direct-support organization may seek additional funds from
24 private sources. Beginning the second year of the pilot
25 program, such funds must be used for providing payment to be
26 directed by the parent to a private school, nonprofit
27 organization, or home education program for students who were
28 attending a private school or a home education program at the
29 time the students were selected to participate in the pilot
30 program.

31

1 (e) If the amount of funds available for the program
2 is inadequate to provide for all eligible students, private
3 school students and home education program students shall be
4 selected to participate in the pilot program by means of a
5 lottery until direct-support organization funds are depleted.
6 The Department of Education shall ensure that funds sent to
7 the direct-support organization for a participating school
8 district are earmarked for the school district and returned to
9 the school district in accordance with this section.

10 (6) The pilot program must be made available beginning
11 July 1, 1998, to students who have disabilities. To the
12 extent possible, the lottery must provide that the percentage
13 of students enrolled in the public school district who are
14 selected for the pilot program and who also are eligible for
15 the free or reduced-price lunch program is the same as the
16 percentage of students enrolled in that school district who
17 are eligible for the free or reduced-price lunch program.

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

1 organization must equal the amount that would have been sent
2 if the benchmark percentage had been attained.

3 (8) A participating private school, nonprofit
4 organization, or home education program or a district school
5 board may not be required to provide transportation to any
6 student participating in the pilot program unless that
7 participant or school board would otherwise be required to
8 provide the student with transportation.

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

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

25 (11) The Legislature shall conduct a review of the
26 pilot program after the 3rd school year of operation.

27 (12) Each public school district in the pilot program
28 shall provide to the President of the Senate and the Speaker
29 of the House of Representatives a report that includes
30 recommendations for improving the program, including
31 recommendations for reducing rules.

