

By Senator McKay

26-99A-99

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.

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

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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 section 228.041(34), Florida  
12 Statutes.

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

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

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

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

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

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

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

11           3. Disclose teachers' credentials to parents.

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

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

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

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

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

1           (5) The pilot program must provide for payment as  
2 follows:

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

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

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

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

1 incurred in getting his or her child to school. The parent  
2 may apply to the Department of Education on a transportation  
3 reimbursement form that the department provides. Actual  
4 mileage or public transportation costs are eligible  
5 transportation expenses.

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

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

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

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

12 (6) The pilot program must be made available beginning  
13 July 1, 1999, to students who have disabilities. To the  
14 extent possible, the lottery must provide that the percentage  
15 of students enrolled in the public school district who are  
16 selected for the pilot program and who also are eligible for  
17 the free or reduced-price lunch program is the same as the  
18 percentage of students enrolled in that school district who  
19 are eligible for the free or reduced-price lunch program.

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

1 benchmark percentage of eligible public school students, the  
2 amount of money which is sent to the direct-support  
3 organization must equal the amount that would have been sent  
4 if the benchmark percentage had been attained.

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

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

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

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

29 (12) Each public school district in the pilot program  
30 shall provide to the President of the Senate and the Speaker  
31 of the House of Representatives a report that includes

1 recommendations for improving the program, including  
2 recommendations for reducing rules.

3 (13) No later than December 31 following the end of  
4 the 3rd school year of operation, the Office of Program Policy  
5 Analysis and Government Accountability shall provide a report  
6 to the 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. The report must  
10 detail the operation and cost of the pilot program and include  
11 recommendations regarding extension, expansion, or termination  
12 of the pilot program after the initial 5-year period.

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

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

24 Section 3. This act shall take effect July 1, 1999.  
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SENATE SUMMARY

Creates a 5-year public-private partnership pilot program in specified counties to allow residents of Florida who are parents of students with disabilities to have a choice in the type of educational setting in which their children are taught. Provides eligibility requirements for private schools, nonprofit 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.