

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

11 Representative(s) Frankel and Wilson offered the following:

13 **Amendment**

14 On page 16, line 24 through page 23, line 22 of the  
15 bill,

16 remove from the bill: all of said lines

17  
18 and insert in lieu thereof:

19 Section 2. Section 229.0537, Florida Statutes, is  
20 created to read:

21 229.0537 Opportunity Scholarship Program.--

22 (1) FINDINGS AND INTENT.--This section represents a  
23 covenant between the state and the citizens of Florida that  
24 all children will have the opportunity to attend schools that  
25 can meet their educational needs and in which they can gain  
26 the knowledge and skills required to graduate from high school  
27 and be prepared for postsecondary education, technical  
28 education, or the world of work. The Legislature recognizes  
29 that the voters of the State of Florida, in the November 1998  
30 general election, amended Article IX, Section 1, of the  
31 Florida Constitution so as to make education a paramount duty

Amendment No. \_\_\_\_ (for drafter's use only)

1 of the state. The Legislature finds that the new  
2 constitutional requirements to provide a high quality  
3 education mandate that no student be compelled, against the  
4 wishes of the student's parent or guardian, to remain in a  
5 school found by the state to be failing for 2 years in any  
6 4-year period. It is therefore the intent of the Legislature  
7 that parents and guardians be given the opportunity for their  
8 children to attend a public school that is performing  
9 satisfactorily; or, if the parent or guardian so chooses, it  
10 is the intent of the Legislature to make state funds available  
11 in order to apply the equivalent of the public education funds  
12 generated by their child, in accordance with paragraph (6)(a),  
13 to the cost of tuition in an eligible private school.

14 Eligibility of a private school shall include the control and  
15 accountability requirements as delineated in subsection (4).

16 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public  
17 school student's parent or guardian may request and receive  
18 from the state an opportunity scholarship for the child to  
19 enroll in and attend a private school in accordance with the  
20 provisions of this section if:

21 (a) By assigned school attendance area or by special  
22 assignment, the student has spent the prior school year in  
23 attendance at a public school that has been designated  
24 pursuant to s. 229.57 as performance grade category "F,"  
25 failing to make adequate progress, and that has had 2 school  
26 years of such low performance in any 4-year period, and the  
27 student's attendance occurred during a school year in which  
28 such designation was in effect; or the parent or guardian of a  
29 student who has been in attendance elsewhere in the public  
30 school system or who is entering kindergarten or first grade  
31 has been notified that the student has been assigned to such

1 school for the next school year;

2 (b) The student is a Florida resident; and

3 (c) The parent or guardian has obtained acceptance for  
4 admission of the student to a private school eligible for the  
5 program pursuant to subsection (4), and has notified the  
6 Department of Education and the school district of the request  
7 for an opportunity scholarship no later than July 1 of the  
8 first year in which the student intends to use the  
9 scholarship.

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11 For purposes of continuity of educational choice, the  
12 opportunity to continue attending a private school shall  
13 remain in force until the student graduates from high school  
14 or reenters the public school system. However, at any time  
15 upon reasonable notice to the Department of Education and the  
16 school district, the student's parent or guardian may remove  
17 the student from the private school and place the student in a  
18 public school, as provided in subparagraph (3)(a)2.

19 (3) SCHOOL DISTRICT OBLIGATIONS.--

20 (a) A school district shall, for each student enrolled  
21 in or assigned to a school that has been designated as  
22 performance grade category "F" for 2 school years in any  
23 4-year period:

24 1. Timely notify the parent or guardian of the student  
25 as soon as such designation is made of all options available  
26 pursuant to this section; and

27 2. Offer that student's parent or guardian an  
28 opportunity to enroll the student in the public school within  
29 the district closest to the student's residence that has been  
30 designated by the state pursuant to s. 229.57 as a school  
31 performing higher than that in which the student is currently

1 enrolled or to which the student has been assigned, but not  
2 less than performance grade category "C." The parent or  
3 guardian is not required to accept this offer in lieu of  
4 requesting a state opportunity scholarship to a private  
5 school. The opportunity to continue attending a higher  
6 performing public school shall remain in force until the  
7 student graduates from high school.

8 (b) The parent or guardian of a student enrolled in or  
9 assigned to a school that has been designated performance  
10 grade category "F" for 2 school years in any 4-year period may  
11 choose as an alternative to enroll the student in and  
12 transport the student to a higher performing public school  
13 that has available space in an adjacent school district, and  
14 that school district shall accept the student and report the  
15 student for purposes of the district's funding pursuant to the  
16 Florida Education Finance Program.

17 (c) Students with special needs who are eligible to  
18 receive services from the state or school district under  
19 federal or state law, and who participate in this program,  
20 remain eligible to receive services from the state or school  
21 district as provided by federal or state law.

22 (d) If for any reason a qualified private school is  
23 not available for the student or if the parent or guardian  
24 chooses to request that the student be enrolled in the higher  
25 performing public school, rather than choosing to request the  
26 state opportunity scholarship, transportation costs to the  
27 higher performing public school shall be the responsibility of  
28 the school district. The district may utilize state  
29 categorical transportation funds or state-appropriated public  
30 school choice incentive funds for this purpose.

31 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to

1 participate in the opportunity scholarship program, a private  
2 school must be a Florida private school, may be sectarian or  
3 nonsectarian, and must:

4 (a) Notify the Department of Education and the school  
5 district in whose service area the school is located of its  
6 intent to participate in the program under this section by May  
7 1 of the school year preceding the school year in which it  
8 intends to participate. The notice shall specify the grade  
9 levels and services that the private school has available for  
10 the opportunity scholarship program.

11 (b) Comply with the antidiscrimination provisions of  
12 42 U.S.C. section 2000d.

13 (c) Meet state and local health and safety laws and  
14 codes.

15 (d) Determine, on an entirely random and  
16 religious-neutral basis, which opportunity scholarship  
17 students to accept; however, the private school may give  
18 preference in accepting applications to siblings of students  
19 who have already been accepted on a random and  
20 religious-neutral basis.

21 (e) Be subject to instruction, curriculum, and  
22 attendance criteria adopted by an appropriate non-public  
23 school accrediting body. The school shall furnish the parent  
24 or guardian with a school profile that includes student  
25 performance information. Upon the acceptance of an  
26 opportunity scholarship, all students shall participate in the  
27 student assessment program pursuant to s. 229.57. For the  
28 purposes of s. 229.57 the private school shall be considered a  
29 public school.

30 (f) Comply with all state statutes relating to private  
31 schools.

1           (g) Accept as full tuition and fees the amount  
2 provided by the state for each student.

3           (h) Agree not to compel any student attending the  
4 private school on an opportunity scholarship to profess a  
5 specific ideological belief, to pray, or to worship.

6           (i) Ensure that the student participating in the  
7 opportunity scholarship program takes all statewide  
8 assessments required pursuant to s. 229.57. Students  
9 participating in the opportunity scholarship program may take  
10 such tests at a location and at a time provided by the school  
11 district.

12           (5) OBLIGATION OF PROGRAM PARTICIPATION.--

13           (a) Any student participating in the opportunity  
14 scholarship program must remain in attendance throughout the  
15 school year, unless excused by the school for illness or other  
16 good cause, and must comply fully with the school's code of  
17 conduct.

18           (b) The parent or guardian of each student  
19 participating in the opportunity scholarship program must  
20 comply fully with the private school's parental involvement  
21 requirements, unless excused by the school for illness or  
22 other good cause.

23           (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

24           (a)1. The maximum opportunity scholarship granted for  
25 an eligible student shall be a calculated amount equivalent to  
26 the base student allocation multiplied by the weighted cost  
27 factor for the educational program provided for the student in  
28 the district multiplied by the district cost differential. In  
29 addition, the calculated amount shall include the per student  
30 share of instructional materials funding, technology funding,  
31 and other categorical funds as provided for this purpose in

Amendment No. \_\_\_\_ (for drafter's use only)

1 the General Appropriations Act. The amount of the opportunity  
2 scholarship shall be the calculated amount or the amount of  
3 the private school's tuition and fees, whichever is less.  
4 Fees eligible shall include textbook fees, lab fees, and other  
5 fees related to instruction, including transportation. The  
6 district shall report all students who are attending a private  
7 school under this program. The students attending private  
8 schools on opportunity scholarships shall be reported  
9 separately from those students reported for purposes of the  
10 Florida Education Finance Program.

11 2. Following annual notification on July 1 of the  
12 number of participants, the Department of Education shall  
13 transfer from each school district's appropriated funds the  
14 calculated amount from the Florida Education Finance Program  
15 and authorized categorical accounts to a separate account for  
16 the Opportunity Scholarship Program for quarterly disbursement  
17 to the parents or guardians of participating students.

18 (b) Upon proper documentation, the Comptroller shall  
19 make opportunity scholarship payments in four equal amounts no  
20 later than August 1, November 1, February 1, and April 1 of  
21 each academic year in which the opportunity scholarship is in  
22 force. The initial payment shall be made after verification of  
23 admission acceptance. Subsequent payments shall be made upon  
24 verification of continued enrollment and attendance at the  
25 private school. Payment must be by individual warrant made  
26 payable to the student's parent or guardian. The warrant shall  
27 be sent directly to the eligible private school chosen by the  
28 parent or guardian and the parent or guardian shall  
29 restrictively endorse the warrant to the private school.

30 (7) LIABILITY.--No liability shall arise on the part  
31 of the state based on any grant or use of an opportunity

1 scholarship.  
2       (8) RULES.--The State Board of Education may adopt  
3 rules pursuant to ss. 120.536(1) and 120.54 to implement the  
4 provisions of this section. Rules shall include penalties for  
5 noncompliance with subsections (3) and (5).  
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