

By the Committee on Education and Senator Pruitt

304-1522-01

1                                   A bill to be entitled  
2           An act relating to scholarships for students  
3           with disabilities; amending s. 229.05371, F.S.;  
4           creating the scholarship program for students  
5           with disabilities; providing for eligibility;  
6           establishing obligations of school districts;  
7           establishing criteria for private school  
8           eligibility; establishing obligations for  
9           program participants; providing for funding;  
10          authorizing the State Board of Education to  
11          adopt rules; providing an effective date.

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

15           Section 1. Section 229.05371, Florida Statutes, is  
16 amended to read:

17           (Substantial rewording of section. See  
18           s. 229.05371, F.S., for present text.)  
19           229.05371 Scholarships to public or private school of  
20 choice for students with disabilities.--

21           (1) SCHOLARSHIP PROGRAM.--There is established a  
22 program, which is separate and distinct from the Opportunity  
23 Scholarship Program, to provide scholarships to a public or  
24 private school of choice for students with disabilities. A  
25 student with a disability is one who has been determined  
26 eligible for a special program and for whom an individual  
27 education plan has been written in accordance with rules of  
28 the Commissioner of Education or the State Board of Education.  
29 Students with disabilities include students who are mentally  
30 handicapped, speech and language impaired, deaf or hard of  
31 hearing, visually impaired, dual sensory impaired, physically

1 impaired, emotionally handicapped, specific learning disabled,  
2 hospitalized or homebound, or autistic.

3 (2) SCHOLARSHIP ELIGIBILITY.--Annually, prior to May  
4 1, the Department of Education must notify the parent of every  
5 public school student with a disability that his or her child  
6 may be eligible for a scholarship under this section. A public  
7 school student's parent or guardian may request and receive  
8 from the state a scholarship for the child to enroll in and  
9 attend a private school in accordance with this section if:

10 (a) By assigned school attendance area or by special  
11 assignment, the student has spent the prior school year in  
12 attendance at a public school in this state; and

13 (b) The parent or guardian has obtained acceptance for  
14 admission of the student to a private school that is eligible  
15 for the program under subsection (4), and has notified the  
16 school district in writing of the request for a scholarship at  
17 least 60 days prior to the date of the first scholarship  
18 payment. Prior year in attendance means that the student was  
19 in attendance and reported by a school district for funding as  
20 a student with a disability for the preceding October or  
21 February Florida Education Finance Program surveys in  
22 kindergarten through grade 12.

23  
24 This section does not apply to a student who is enrolled in a  
25 school operating for the purpose of providing educational  
26 services to youth in Department of Juvenile Justice commitment  
27 programs. For purposes of continuity of educational choice,  
28 the scholarship shall remain in force until the student  
29 returns to a public school or graduates from high school.  
30 However, at any time, the student's parent or guardian may  
31 remove the student from the private school and place the

1 student in another participating private school or in a public  
2 school, as provided in subsection (3).

3 (3) SCHOOL DISTRICT OBLIGATIONS.--

4 (a) A school district shall timely notify the parent  
5 or guardian of the student of all options available pursuant  
6 to this section and offer that student's parent or guardian an  
7 opportunity to enroll the student in another public school  
8 within the district. The parent or guardian is not required to  
9 accept this offer in lieu of requesting a scholarship to a  
10 private school. However, if the parent chooses the public  
11 school option, the student may continue attending a public  
12 school chosen by the parent until the student graduates from  
13 high school. When a parent chooses the public school option,  
14 the school district will provide transportation to the public  
15 school selected by the parent.

16 (b) For a student with disabilities who does not have  
17 a matrix of services under s. 236.025, the school district  
18 must complete a matrix that assigns the student to one of the  
19 levels of service as they existed prior to the 2000-2001  
20 school year. The school district must complete the matrix of  
21 services for any student who is participating in the  
22 scholarship program for students with disabilities and must  
23 notify the Department of Education of the student's matrix  
24 level within 30 days after receiving notification by the  
25 student's parent of intent to participate in the scholarship  
26 program. The Department of Education will notify the private  
27 school of the amount of the scholarship within 10 days after  
28 receiving the school district's notification of the student's  
29 matrix level.

30 (c) If the parent chooses the private school option  
31 and the student is accepted by the private school pending the

1 availability of a space for the student, the parent or  
2 guardian of the student must notify the school district 60  
3 days prior to entry in the private school in order to be  
4 eligible for the scholarship when a space becomes available  
5 for the student in the private school.

6 (d) The parent or guardian of a student may choose, as  
7 an alternative, to enroll the student in and transport the  
8 student to a public school in an adjacent school district  
9 which has available space, and that school district shall  
10 accept the student and report the student for purposes of the  
11 district's funding pursuant to the Florida Education Finance  
12 Program.

13 (e) For a student in the district who participates in  
14 the scholarship program for students with disabilities whose  
15 parent requests that the student take the statewide  
16 assessments under s. 229.57, the district shall provide  
17 locations and times to take all statewide assessments.

18 (f) A school district must notify the Department of  
19 Education within 10 days after it receives notification of a  
20 parent's intent to apply for a scholarship for a student with  
21 a disability.

22 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
23 participate in the scholarship program for students with  
24 disabilities, a private school must be a Florida private  
25 school, may be sectarian or nonsectarian, and must:

26 (a) Demonstrate fiscal soundness by being in operation  
27 for one school year or provide the Department of Education  
28 with a statement by a certified public accountant confirming  
29 that the private school desiring to participate is insured and  
30 the owner or owners have sufficient capital or credit to  
31 operate the school for the upcoming year serving the number of

1 students anticipated with expected revenues from tuition and  
2 other sources that may be reasonably expected. In lieu of such  
3 a statement, a surety bond or letter of credit for the amount  
4 equal to the scholarship funds for any quarter may be filed  
5 with the department.

6 (b) Notify the Department of Education of its intent  
7 to participate in the program under this section by May 1 of  
8 the school year preceding the school year in which it intends  
9 to participate. The notice must specify the grade levels and  
10 services that the private school has available for students  
11 with disabilities who are participating in the scholarship  
12 program.

13 (c) Comply with the antidiscrimination provisions of  
14 42 U.S.C. s. 2000d.

15 (d) Meet state and local health and safety laws and  
16 codes.

17 (e) Be academically accountable to the parent or  
18 guardian for meeting the educational needs of the student.

19 (f) Employ or contract with teachers who hold  
20 baccalaureate or higher degrees; or have at least 3 years of  
21 teaching experience in public or private schools; or have  
22 special skills, knowledge, or expertise that qualifies them to  
23 provide instruction in subjects taught.

24 (g) Comply with all state laws relating to general  
25 regulation of private schools.

26 (h) Adhere to the tenets of its published disciplinary  
27 procedures prior to the expulsion of a scholarship student.

28 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

29 (a) A parent or guardian who applies for a scholarship  
30 for a student with a disability is exercising his or her  
31 parental option to place his or her child in a private school.

1 The parent or guardian must select the private school and  
2 apply for admission for his or her child.

3 (b) The parent or guardian must have requested the  
4 scholarship at least 60 days prior to the date of the first  
5 scholarship payment.

6 (c) Any student participating in the scholarship  
7 program for students with disabilities must remain in  
8 attendance throughout the school year, unless excused by the  
9 school for illness or other good cause, and must comply fully  
10 with the school's code of conduct.

11 (d) The parent or guardian of each student  
12 participating in the scholarship program for students with  
13 disabilities must comply fully with the private school's  
14 parental involvement requirements, unless excused by the  
15 school for illness or other good cause.

16 (e) If the parent or guardian requests that the  
17 student participating in the scholarship program for students  
18 with disabilities takes all statewide assessments required  
19 pursuant to s. 229.57, the parent or guardian is responsible  
20 for transporting the student to the assessment site designated  
21 by the school district.

22 (f) Upon receipt of a scholarship warrant, the parent  
23 or guardian to whom the warrant is made must restrictively  
24 endorse the warrant to the private school for deposit into the  
25 account of the private school.

26 (g) A participant who fails to comply with this  
27 subsection forfeits the scholarship.

28 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

29 (a)1. The maximum scholarship granted for an eligible  
30 student with disabilities shall be a calculated amount  
31 equivalent to the base student allocation in the Florida

1 Education Finance Program multiplied by the appropriate cost  
2 factor for the educational program that would have been  
3 provided for the student in the district school to which he or  
4 she was assigned, multiplied by the district cost  
5 differential. If the General Appropriations Act does not  
6 specify a program cost factor for the program to which a  
7 student is assigned, based upon completion of a matrix of  
8 services for that student, a program cost factor shall be  
9 calculated using the following procedure. First, historical  
10 cost factor ratios shall be calculated by dividing the Level  
11 1, Level 2, Level 3, and Level 4 program cost factors by the  
12 program cost factor for Level 5 for the most recent year for  
13 which all five exceptional-child program cost factors were  
14 defined in the General Appropriations Act. Second, the  
15 historical cost factor ratio for the program to which a  
16 student is assigned and for which a scholarship entitlement is  
17 being calculated shall be multiplied by the Level 5 program  
18 cost factor defined in the General Appropriations Act for the  
19 school year for which the scholarship entitlement is being  
20 calculated. In addition, the calculated amount shall include  
21 the per-student share of all formula components and major  
22 categorical program allocations that are included in the  
23 calculation of the state share of school districts' total  
24 potential funding entitlements. The amount of any assessment  
25 fee required by the participating private school may be paid  
26 from the total amount of the exceptional student scholarship  
27 amount. If the participating private school requires partial  
28 payment of tuition prior to the start of the academic year to  
29 reserve space for students admitted to the school, that  
30 partial payment may be paid by the Department of Education  
31 prior to the first quarterly payment of the year in which the

1 scholarship is awarded, up to a maximum of \$1,000, and  
2 deducted from subsequent scholarship payments. There is a  
3 limit of one reservation payment per student per year. The  
4 amount of the scholarship for students with disabilities shall  
5 be the calculated amount or the amount of the private school's  
6 tuition and fees, whichever is less. The district shall report  
7 all students who are attending a private school under this  
8 program. The students with disabilities attending private  
9 schools on scholarships shall be reported separately from  
10 other students reported for purposes of the Florida Education  
11 Finance Program.

12 2. Following notification on July 1, September 1,  
13 December 1, or February 1 of the number of participants, the  
14 Department of Education shall transfer the amount calculated  
15 under paragraph (b) from the district's total funding  
16 entitlement under the Florida Education Finance Program and  
17 from authorized categorical accounts to a separate account for  
18 the scholarship program for quarterly disbursement to the  
19 parents or guardians of participating students. When a student  
20 enters the scholarship program, the Department of Education  
21 must receive all documentation required for the student's  
22 participation, including the private school's and student's  
23 fee schedules, at least 30 days before the first quarterly  
24 payment is made for the student. The Department of Education  
25 may not make any retroactive payments and may not prorate  
26 payments.

27 (b) Upon proper documentation reviewed and approved by  
28 the Department of Education, the Comptroller shall make  
29 scholarship payments in four equal amounts no later than  
30 September 1, November 1, February 1, and April 1 of each  
31 academic year in which the scholarship is in force. The



1 initial payment shall be made after Department of Education  
2 verification of admission acceptance, and subsequent payments  
3 shall be made upon verification of continued enrollment and  
4 attendance at the private school. Payment must be by  
5 individual warrant made payable to the student's parent or  
6 guardian and mailed by the Department of Education to the  
7 private school of the parent's or guardian's choice, and the  
8 parent or guardian shall restrictively endorse the warrant to  
9 the private school for deposit into the account of the private  
10 school.

11 (7) LIABILITY.--No liability shall arise on the part  
12 of the state based on any grant or use of a scholarship for  
13 students with disabilities.

14 (8) RULES.--The State Board of Education may adopt  
15 rules pursuant to ss. 120.536(1) and 120.54 to administer this  
16 section. However, the inclusion of eligible private schools  
17 within options available to Florida public school students  
18 does not expand the regulatory authority of the state, its  
19 officers, or any school district to impose any additional  
20 regulation of private schools beyond those reasonably  
21 necessary to enforce requirements expressly set forth in this  
22 section.

23 Section 2. This act shall take effect upon becoming a  
24 law.

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COMMITTEE SUBSTITUTE FOR  
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The committee substitute differs from Senate Bill 1180 in the

1. Physically impaired students are included in the definition
2. The Department must notify parents of students with disabilities that their child may be eligible for a
3. A scholarship student may transfer to another private school that is participating in the program.
4. A payment to a private school to reserve a student's place may be made by the DOE prior to the first quarterly reservation per student will be permitted each year.