

By the Committees on Appropriations, Education and Senator
Pruitt

309-1561-01

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.

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

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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.

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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, consistent with the school board's choice
9 plan under s. 228.057. The parent or guardian is not required
10 to accept this offer in lieu of requesting a scholarship to a
11 private school. However, if the parent chooses the public
12 school option, the student may continue attending a public
13 school chosen by the parent until the student graduates from
14 high school. When a parent chooses the public school option,
15 the school district will provide transportation to the public
16 school selected by the parent, consistent with the school
17 board's choice plan under s. 228.057.

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

1 (c) If the parent chooses the private school option
2 and the student is accepted by the private school pending the
3 availability of a space for the student, the parent or
4 guardian of the student must notify the school district 60
5 days prior to entry in the private school in order to be
6 eligible for the scholarship when a space becomes available
7 for the student in the private school.

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

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

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

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

28 (a) Demonstrate fiscal soundness by being in operation
29 for one school year or provide the Department of Education
30 with a statement by a certified public accountant confirming
31 that the private school desiring to participate is insured and

1 the owner or owners have sufficient capital or credit to
2 operate the school for the upcoming year serving the number of
3 students anticipated with expected revenues from tuition and
4 other sources that may be reasonably expected. In lieu of such
5 a statement, a surety bond or letter of credit for the amount
6 equal to the scholarship funds for any quarter may be filed
7 with the department.

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

15 (c) Comply with the antidiscrimination provisions of
16 42 U.S.C. s. 2000d.

17 (d) Meet state and local health and safety laws and
18 codes.

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

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

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

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

30 (5) OBLIGATION OF PROGRAM PARTICIPATION.--
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1 (a) A parent or guardian who applies for a scholarship
2 for a student with a disability is exercising his or her
3 parental option to place his or her child in a private school.
4 The parent or guardian must select the private school and
5 apply for admission for his or her child.

6 (b) The parent or guardian must have requested the
7 scholarship at least 60 days prior to the date of the first
8 scholarship payment.

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

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

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

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

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

31 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

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

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

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

29 (b) Upon proper documentation reviewed and approved by
30 the Department of Education, the Comptroller shall make
31 scholarship payments in four equal amounts no later than

1 September 1, November 1, February 1, and April 1 of each
2 academic year in which the scholarship is in force. The
3 initial payment shall be made after Department of Education
4 verification of admission acceptance, and subsequent payments
5 shall be made upon verification of continued enrollment and
6 attendance at the private school. Payment must be by
7 individual warrant made payable to the student's parent or
8 guardian and mailed by the Department of Education to the
9 private school of the parent's or guardian's choice, and the
10 parent or guardian shall restrictively endorse the warrant to
11 the private school for deposit into the account of the private
12 school.

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

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

25 Section 2. This act shall take effect upon becoming a
26 law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS for SB 1180

Clarifies that public school choice and the provision of transportation must be consistent with the district's school choice plan.

Allows DOE to prorate payments for the private school.