

By Representatives Lacasa, Melvin, Diaz-Balart, Murman,
Mealor, Baxley, Rubio, Andrews and Brown

1 A bill to be entitled
2 An act relating to relief from overcrowded
3 schools; creating s. 235.063, F.S.;
4 establishing the S.C.R.I.P.T. grants program
5 for school overcrowding relief; providing a
6 short title; providing findings, intent, and
7 purposes; providing a definition; providing
8 school district, parent, and Department of
9 Education obligations; providing private school
10 eligibility requirements; providing for the
11 initial award, renewal, and disbursement of
12 S.C.R.I.P.T. grants; limiting the liability of
13 the state relating to the award or use of a
14 S.C.R.I.P.T. grant; providing an effective
15 date.
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17 WHEREAS, the State of Florida is among national leaders
18 in providing state funding for K-12 public educational
19 facilities, and
20 WHEREAS, despite an infusion of several billions of
21 dollars of state funds for K-12 public educational facilities
22 since the October 1997 Special Legislative Session on School
23 Overcrowding, some school districts continue to have
24 overcrowded schools and cite a lack of adequate funds for
25 school facilities, NOW, THEREFORE,
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27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Section 235.063, Florida Statutes, is
30 created to read:
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1 235.063 S.C.R.I.P.T. grants program for school
2 overcrowding relief.--
3 (1) SHORT TITLE.--This section may be cited as the
4 "S.C.R.I.P.T. (School Crowding Relief Intervention for Parents
5 and Teachers) Grants Act."
6 (2) FINDINGS, INTENT, AND PURPOSES.--
7 (a) The Legislature finds that school overcrowding
8 results in the use of relocatable facilities, causes lunch to
9 be provided at unacceptable times, reduces the amount of time
10 teachers are able to devote to teaching and to individual
11 students, and causes parents great concern.
12 (b) It is the intent of the Legislature that parents
13 of students in overcrowded schools be given the option to
14 enroll their children in a public school within the same
15 district that is not overcrowded, or to receive a S.C.R.I.P.T.
16 grant to allow their children to leave the public school
17 system and attend an eligible private school of the parents'
18 choice for as long as the parents desire, provided the
19 requirements of subsection (9) are met.
20 (c) The purposes of this section are to provide
21 immediate and targeted relief for public school overcrowding,
22 improve classroom conditions for teachers and students, reduce
23 the cost of public education for Florida's taxpayers, foster
24 participation by parents in their children's education, create
25 a beneficial public-private collaboration in K-12 education,
26 and enhance the learning environment for all of Florida's K-12
27 students.
28 (3) DEFINITION.--As used in this section, the term
29 "overcrowded school" means a school:
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1 (a) The capital outlay FTE enrollment of which exceeds
2 120 percent of the space and occupant design capacity of its
3 nonrelocatable facilities; or
4 (b) The initial design of which incorporated
5 relocatable or modular instructional space and the capital
6 outlay FTE enrollment of which exceeds 120 percent of the
7 space and occupant design capacity of its core facilities.
8 (4) PARENTAL CHOICE.--Beginning with the 2001-2002
9 school year, the parent of any K-12 student who is enrolled in
10 a Florida public school that meets the definition of an
11 overcrowded school pursuant to subsection (3) may, within the
12 first 30 days of the student's attendance:
13 (a) Opt to have the student remain in the school in
14 which the student is enrolled;
15 (b) Opt to have the student transferred to another
16 public school within the district that does not meet the
17 definition of an overcrowded school pursuant to subsection
18 (3); or
19 (c) Opt to request, on an annual basis, a S.C.R.I.P.T.
20 grant of \$3,000 to assist the parent in paying for the
21 student's attendance at an eligible private school of the
22 parent's choice.
23 (5) SCHOOL DISTRICT OBLIGATIONS.--
24 (a) Each school district shall annually, for each K-12
25 student enrolled in a school that meets the definition of an
26 overcrowded school pursuant to subsection (3), within one week
27 of the student's enrollment, notify the parent that the school
28 is overcrowded and provide the parent with the parental choice
29 options provided in subsection (4). Notification must include
30 a listing of the public schools, including charter schools,
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1 within the district that do not meet the definition of an
2 overcrowded school pursuant to subsection (3).

3 (b) Upon receiving the notification required in
4 subsection (6) as to which parental choice option the parents
5 wish to exercise, the school district shall notify the
6 Department of Education of the number of students whose
7 parents have opted to request initial S.C.R.I.P.T. grants.

8 (c) The school district shall identify, in the
9 Department of Education student database, all students who are
10 in their first year of attending a private school under this
11 program separately from those students reported for purposes
12 of the Florida Education Finance Program.

13 (6) PARENT OBLIGATIONS.--

14 (a) Within three weeks after receiving notification
15 from the school district pursuant to subsection (5), the
16 parent shall notify the school district as to which of the
17 options provided in subsection (4) the parent wishes to
18 choose.

19 1. Failure of the parent to provide notification shall
20 constitute the choice of the option provided by paragraph
21 (4)(a).

22 2. If the parent chooses the option provided by
23 paragraph (4)(b), the parent shall inform the school district
24 which public school the parent has selected, and the parent
25 shall agree to provide any necessary transportation for the
26 student to the chosen public school.

27 3. If the parent chooses the option provided by
28 paragraph (4)(c), the parent must:

29 a. Obtain acceptance for admission of the student to a
30 private school eligible under subsection (7).

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1 b. Notify the Department of Education of the parent's
2 request for a S.C.R.I.P.T. grant and the name and address of
3 the selected private school.

4 c. Agree to provide transportation for the student to
5 the private school if necessary.

6 d. Agree to pay any costs associated with the
7 student's attendance at the private school that exceed the
8 annual amount of the S.C.R.I.P.T. grant.

9 e. Agree that the education provided by the private
10 school chosen shall satisfy the student's full need for
11 educational services.

12 (b) After the first year of the student's attending a
13 private school under the S.C.R.I.P.T. grants program, the
14 parent must annually notify the Department of Education no
15 later than July 1 of the parent's intent to renew the grant
16 according to the provisions of subsection (9) in order for the
17 student to continue in the program, together with the name and
18 address of the private school chosen for the student for the
19 following school year.

20 (7) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a
21 private school shall be determined by the oversight and
22 accountability requirements that, coupled with the exercise of
23 parental choice, are reasonably necessary to secure the
24 educational public purpose. To be eligible to participate in
25 the S.C.R.I.P.T. grants program, a private school must be a
26 Florida private school, may be sectarian or nonsectarian, and
27 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 S.C.R.I.P.T. grants funds for any school year may
7 be filed with the department.

8 (b) Except for the first year of implementation,
9 notify the Department of Education and the school district in
10 the service area of which the school is located of its intent
11 to participate in the program under this section by July 1
12 preceding the school year in which it intends to participate.
13 The notice shall specify the grade levels and services that
14 the private school has available for the S.C.R.I.P.T. grants
15 program.

16 (c) Comply with the antidiscrimination provisions of
17 42 U.S.C. s. 2000d.

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

20 (f) Comply with all state statutes applicable to the
21 general regulation of private schools.

22 (8) INITIAL S.C.R.I.P.T. GRANTS.--

23 (a) Initial S.C.R.I.P.T. grants shall be offered on a
24 first-come, first-served basis to parents who are eligible to
25 exercise the parental choice options provided in subsection
26 (4).

27 (b) The number of initial S.C.R.I.P.T. grants to be
28 awarded shall be determined annually by the Department of
29 Education and capped at the number that would reduce the
30 applicable percentage of capital outlay FTE enrollment
31 specified in subsection (3) to 100 percent.

1 (c) If the number of students for whom parents timely
2 seek initial S.C.R.I.P.T. grants in any school year from any
3 school exceeds the cap calculated for that school during that
4 school year by the Department of Education pursuant to
5 subsection (12), the initial S.C.R.I.P.T. grants for that
6 school during that school year shall be awarded by lottery.

7 (9) S.C.R.I.P.T. GRANT RENEWAL.--For purposes of
8 educational continuity and parental choice, a S.C.R.I.P.T.
9 grant, once awarded, shall be renewable for as long as the
10 parent is a Florida resident who opts for continuation of the
11 grant for the student and the student lawfully attends an
12 eligible private school, through the 12th grade. The
13 S.C.R.I.P.T. grant may be transferred from one eligible
14 private school to another upon the school's acceptance of the
15 student and the parent's provision of adequate notice to the
16 Department of Education. A parent may, however, at any time
17 opt to return the student to public school.

18 (10) S.C.R.I.P.T. GRANT DISBURSEMENT.--Upon proper
19 documentation reviewed and approved by the Department of
20 Education, the Comptroller shall make S.C.R.I.P.T. grant
21 payments in four equal amounts no later than September 1,
22 November 1, February 1, and April 1 of each academic year. The
23 initial payment shall be made after Department of Education
24 verification of admission acceptance, and subsequent payments
25 shall be made upon verification of the student's continued
26 enrollment and attendance at the private school. Payment must
27 be by individual warrant made payable to the student's parent
28 and mailed by the Department of Education to the private
29 school of the parent's choice, and the parent shall
30 restrictively endorse the warrant to the private school.

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1 (11) LIABILITY.--No liability shall arise on the part
2 of the state based on the award or use of any S.C.R.I.P.T.
3 grant.
4 (12) DEPARTMENT OF EDUCATION OBLIGATIONS.--
5 (a)1. The Department of Education shall annually,
6 based on data reported by the school districts in the Florida
7 Inventory of School Houses, publicize the schools in each
8 school district that meet the definition of an overcrowded
9 school pursuant to subsection (3) and shall calculate the
10 number of initial S.C.R.I.P.T. grants that will be made
11 available for each such school for that school year.
12 2. The department shall provide the superintendents
13 and school board chairs of each school district with the
14 information applicable to that district at least two weeks
15 prior to the beginning of each school year for that district.
16 (b)1. Upon notification by the school district of the
17 number of students whose parents have opted to request initial
18 S.C.R.I.P.T. grants, the department shall transfer from the
19 school district's appropriated funds the total amount of
20 annual \$3,000 grants for the district's students, up to the
21 amount of the cap established according to this subsection,
22 from the Florida Education Finance Program to a separate
23 account for the disbursement of the initial S.C.R.I.P.T.
24 grants.
25 2. The Department of Education shall provide in its
26 annual budget for S.C.R.I.P.T. grants for parents who wish
27 their children to continue participation in the S.C.R.I.P.T.
28 grants program beyond the initial year of participation.
29 (c) The Department of Education shall administer the
30 S.C.R.I.P.T. grants program and may adopt rules pursuant to
31 ss. 120.536(1) and 120.54 to implement the provisions of this

1 section. However, the inclusion of eligible private schools
 2 within options available to Florida public school students
 3 does not expand the regulatory authority of the state, its
 4 officers, or any school district to impose any additional
 5 regulation of private schools beyond those reasonably
 6 necessary to enforce requirements expressly set forth in this
 7 section.

8 Section 2. This act shall take effect upon becoming a
 9 law.

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12 HOUSE SUMMARY

13 Establishes the "S.C.R.I.P.T. (School Crowding Relief
 14 Intervention for Parents and Teachers) Grants Act."
 15 Provides a short title, findings, intent, and purposes of
 16 the act. Defines the term "overcrowded school" for
 17 purposes of the act. Provides school district, parent,
 18 and Department of Education obligations relating to the
 19 program. Provides private school eligibility
 20 requirements. Provides for the initial award, renewal,
 21 and disbursement of S.C.R.I.P.T. grants. Limits the
 22 liability of the state relating to the award or use of a
 23 S.C.R.I.P.T. grant.
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