

By the Council for Lifelong Learning and Committee on Education Innovation and Representatives Lacasa, Diaz de la Portilla, Melvin, Diaz-Balart, Murman, Mealor, Baxley, Rubio, Andrews, Brown, Byrd and Kottkamp

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 has provided an infusion of several billions
20 of dollars of state funds for K-12 public educational
21 facilities since the November 1997 Special Legislative Session
22 on School Overcrowding, NOW, THEREFORE,

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

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26 Section 1. Section 235.063, Florida Statutes, is
27 created to read:

28 235.063 S.C.R.I.P.T. grants program for school
29 overcrowding relief.--

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1 (1) SHORT TITLE.--This section may be cited as the
2 "S.C.R.I.P.T. (School Crowding Relief Intervention for Parents
3 and Teachers) Grants Act."
4 (2) FINDINGS, INTENT, AND PURPOSES.--
5 (a) The Legislature finds that school overcrowding
6 results in the use of relocatable facilities, causes lunch to
7 be provided at unacceptable times, leads to an increase in
8 student misbehavior and a decrease in individualized
9 instruction to students, and causes parents great concern.
10 (b) It is the intent of the Legislature that parents
11 of students in overcrowded schools be given the option to
12 enroll their children in a public school within the same
13 district that is not overcrowded, or to receive a S.C.R.I.P.T.
14 grant to allow their children to leave the public school
15 system and attend an eligible private school of the parents'
16 choice for as long as the parents desire, provided the
17 requirements of subsection (9) are met.
18 (c) The purposes of this section are to provide
19 immediate and targeted relief for public school overcrowding,
20 improve classroom conditions for teachers and students, reduce
21 the cost of public education for Florida's taxpayers, foster
22 participation by parents in their children's education, create
23 a beneficial public-private collaboration in K-12 education,
24 and enhance the learning environment for all of Florida's K-12
25 students.
26 (3) DEFINITION.--As used in this section, the term
27 "overcrowded school" means an elementary school, middle/junior
28 high school, high school, or combination school in which:
29 (a) The capital outlay FTE enrollment exceeds 120
30 percent of the school's permanent student stations; or
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1 (b) The school has solely relocatable or modular
2 instructional space and the capital outlay FTE enrollment
3 exceeds 120 percent of the school's permanent food service and
4 multipurpose dining capacity.

5 (4) PARENTAL CHOICE.--Beginning with the 2001-2002
6 school year and thereafter, the parent of any K-12 student who
7 is enrolled and in attendance during the October and February
8 FTE enrollment counts in a Florida public school that meets
9 the definition of an overcrowded school pursuant to subsection
10 (3) may, for the following school year:

11 (a) Opt to have the student remain in the school in
12 which the student is enrolled;

13 (b) Opt to have the student transferred to another
14 public school within the district that does not meet the
15 definition of an overcrowded school pursuant to subsection
16 (3); or

17 (c) Opt to request, on an annual basis, a S.C.R.I.P.T.
18 grant of \$3,000 to assist the parent in paying for the
19 student's attendance at an eligible private school of the
20 parent's choice.

21 (5) SCHOOL DISTRICT OBLIGATIONS.--

22 (a) Each school district shall annually by February
23 22, for each K-12 student eligible under subsection (4) in a
24 school that meets the definition of an overcrowded school
25 pursuant to subsection (3), notify the parent that the school
26 is overcrowded and provide the parent with the parental choice
27 options for the following school year as provided in
28 subsection (4).

29 (b) Notification shall be published on the school
30 district web site, in area newspapers, and by written notice
31 sent home with the student, and must include a listing of the

1 public schools, including charter schools, within the district
2 that do not meet the definition of an overcrowded school
3 pursuant to subsection (3).

4 (6) PARENT OBLIGATIONS.--

5 (a) The parent shall notify the school district as to
6 which of the options provided in subsection (4) the parent
7 wishes to choose.

8 1. Failure of the parent to provide notification shall
9 constitute the choice of the option provided by paragraph
10 (4)(a).

11 2. If the parent chooses the option provided by
12 paragraph (4)(b), the parent shall inform the school district
13 by March 31 which public school the parent has selected, and
14 the parent shall agree to provide any necessary transportation
15 for the student to the selected public school.

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

18 a. Obtain acceptance for admission of the student to a
19 private school eligible under subsection (7) as soon as
20 possible, and inform the private school that the student will
21 be using a S.C.R.I.P.T. grant; or, if the parent is unable to
22 obtain acceptance for admission or for any reason decides not
23 to participate in the program, notify the school district as
24 soon as possible, so that the option in paragraph (4)(c) can
25 be made available to another parent.

26 b. Notify the Department of Education by July 1 of the
27 parent's request for a S.C.R.I.P.T. grant and the name and
28 address of the selected private school.

29 c. Agree to provide transportation for the student to
30 the private school if necessary.

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

4 e. Agree that the education provided by the private
5 school selected shall satisfy the student's full need for
6 educational services from the student's school.

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

15 (7) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a
16 private school shall be determined by the parental oversight
17 and accountability requirements that, coupled with the
18 exercise of parental choice, are reasonably necessary to
19 secure the educational public purpose. To be eligible to
20 participate in the S.C.R.I.P.T. grants program, a private
21 school must be a Florida private school, may be sectarian or
22 nonsectarian, and must:

23 (a) Demonstrate fiscal soundness by being in operation
24 for 1 school year or provide the Department of Education with
25 a statement by a certified public accountant confirming that
26 the private school desiring to participate is insured and the
27 owner or owners have sufficient capital or credit to operate
28 the school for the upcoming year serving the number of
29 students anticipated with expected revenues from tuition and
30 other sources that may be reasonably expected. In lieu of such
31 a statement, a surety bond or letter of credit for the amount

1 equal to the S.C.R.I.P.T. grants funds for any school year may
2 be filed with the department.

3 (b) Notify the Department of Education and the school
4 district in the service area in which the school is located of
5 its intent to participate in the program under this section as
6 early as possible, but no later than July 1 preceding the
7 school year in which it intends to participate. The notice
8 shall specify the grade levels and services that the private
9 school has available for the S.C.R.I.P.T. grants program.

10 (c) Comply with the antidiscrimination provisions of
11 42 U.S.C. s. 2000d.

12 (d) Meet state and local health and safety laws and
13 codes.

14 (e) Comply with all state statutes applicable to the
15 general regulation of private schools.

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

17 (a) Initial S.C.R.I.P.T. grants shall be offered on a
18 first-come, first-served basis to parents who are eligible to
19 exercise the parental choice options provided in subsection
20 (4).

21 (b) The number of initial S.C.R.I.P.T. grants to be
22 awarded shall be determined annually by the Department of
23 Education by February 7, based upon the capital outlay FTE
24 enrollment as determined by the October count and the Florida
25 Inventory of School Houses permanent student stations or
26 permanent food service and multipurpose dining capacity as
27 appropriate as of November 1, and capped at the number that
28 would reduce the applicable percentage of capital outlay FTE
29 enrollment specified in subsection (3) to 100 percent.

30 (9) S.C.R.I.P.T. GRANT RENEWAL.--For purposes of
31 educational continuity and parental choice, a S.C.R.I.P.T.

1 grant, once awarded, shall be renewable for as long as the
2 parent is a Florida resident who opts for continuation of the
3 grant for the student and the student lawfully attends an
4 eligible private school, through the 12th grade. The
5 S.C.R.I.P.T. grant may be transferred from one eligible
6 private school to another upon the school's acceptance of the
7 student and the parent's provision of adequate notice to the
8 Department of Education. A parent may, however, at any time
9 opt to return the student to public school.

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

23 (11) LIABILITY.--No liability shall arise on the part
24 of the state based on the award or use of any S.C.R.I.P.T.
25 grant.

26 (12) DEPARTMENT OF EDUCATION OBLIGATIONS.--

27 (a) The Department of Education shall annually
28 calculate and publicize the number of initial S.C.R.I.P.T.
29 grants, determined pursuant to paragraph (8)(b), that will be
30 made available for each school for that school year.

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1 (b)1. Upon notification of the number of students
2 whose parents have opted to request initial S.C.R.I.P.T.
3 grants, the department shall transfer from General Revenue
4 funds appropriated to the school district the total amount of
5 annual \$3,000 grants for the district's students from the
6 Florida Education Finance Program to a separate account for
7 the disbursement of the initial S.C.R.I.P.T. grants.

8 2. The Department of Education shall, in its annual
9 budget, provide for S.C.R.I.P.T. grants for parents who wish
10 their children to continue participation in the S.C.R.I.P.T.
11 grants program beyond the initial year of participation.

12 (c) The Department of Education shall administer the
13 S.C.R.I.P.T. grants program and may adopt rules pursuant to
14 ss. 120.536(1) and 120.54 to implement the provisions of this
15 section. However, the inclusion of eligible private schools
16 within options available to Florida public school students
17 does not expand the regulatory authority of the state, its
18 officers, or any school district to impose any additional
19 regulation of private schools beyond those reasonably
20 necessary to enforce requirements expressly set forth in this
21 section.

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