

By Senator Diaz de la Portilla

34-644-01

See HB 303

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 which may reasonably be expected. In lieu of  
5 such a statement, a surety bond or letter of credit for the  
6 amount equal to the S.C.R.I.P.T. grants funds for any school  
7 year may 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 LEGISLATIVE 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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