

By Representative Kallinger

1 A bill to be entitled
2 An act relating to education; creating the "No
3 Strings Attached Act"; providing for school
4 district flexibility under specified
5 conditions; providing for Freedom Scholarships
6 and scholarship eligibility; providing school
7 district and Department of Education
8 obligations; providing for private school
9 eligibility; providing obligations of program
10 participants; providing for scholarship funding
11 and payment; providing for liability; providing
12 for oversight by the State Board of Education;
13 providing for rulemaking; providing an
14 effective date.

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

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18 Section 1. This section may be cited as the "No
19 Strings Attached Act."

20 (1) SCHOOL DISTRICT FREEDOM.--If a district school
21 board implements the parental choice provisions outlined in
22 this act, the district school board shall be exempt from the
23 following accountability, expenditure, and accounting
24 provisions of law:

25 (a) School grading system, provided in s. 229.57,
26 Florida Statutes.

27 (b) Funds for supplemental academic instruction,
28 provided in s. 236.08104, Florida Statutes.

29 (c) Funds for student transportation, provided in s.
30 236.083, Florida Statutes.

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- 1 (d) Funds for inservice educational personnel
2 training.
- 3 (e) Funds for instructional materials.
- 4 (f) Funds for safe schools.
- 5 (g) Funds for public school technology.
- 6 (h) Funds for teacher recruitment and retention.
- 7 (i) Equity in school-level funding, provided in s.
8 236.08103, Florida Statutes.
- 9 (j) School district minimum classroom expenditure
10 requirements, provided in s. 236.08102, Florida Statutes.
- 11 (k) Educational funding accountability, provided in s.
12 236.685, Florida Statutes.
- 13 (l) Cost accounting and reporting, provided in s.
14 237.34, Florida Statutes.
- 15 (m) Small schools requirement, provided in s.
16 235.2157, Florida Statutes.
- 17 (2) FREEDOM SCHOLARSHIP PROGRAM.--A participating
18 district school board shall adopt and implement a Freedom
19 Scholarship Program to allow all students in the school
20 district to choose to attend a public school or a private
21 school. The district school board must provide the following
22 options to the parents of each student in attendance in the
23 school district:
- 24 (a) The student may attend a public school of the
25 parent's choice within the school district other than the one
26 to which the student is assigned; or
- 27 (b) The student may accept a scholarship to attend an
28 eligible private school of the parent's choice.
- 29 (3) SCHOLARSHIP ELIGIBILITY.--The parent of a public
30 school student in a participating school district may request
31 and receive from the state a Freedom Scholarship for the

1 student to enroll in and attend a private school in accordance
2 with this section if:

3 (a)1. The student has spent the prior school year in
4 attendance at a Florida public school. Prior school year in
5 attendance means that the student was enrolled and reported by
6 a school district for funding during the preceding October and
7 February Florida Education Finance Program surveys in
8 kindergarten through grade 12; or

9 2. The student is entering kindergarten or first
10 grade.

11 (b) The parent has obtained acceptance for admission
12 of the student to a private school that is eligible for the
13 program under subsection (5).

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15 This subsection does not apply to a student who is enrolled in
16 a school operating for the purpose of providing educational
17 services to youth in Department of Juvenile Justice commitment
18 programs. For purposes of continuity of educational choice,
19 the scholarship shall remain in force until the student
20 returns to a public school or graduates from high school.
21 However, at any time, the student's parent may remove the
22 student from the private school and place the student in
23 another private school that is eligible for the program under
24 subsection (5) or in a public school as provided in subsection
25 (4).

26 (4) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
27 OBLIGATIONS.--

28 (a) Public school choice option.--

29 1. A participating school district shall timely notify
30 parents of all eligible students in the school district of all
31 options available pursuant to this section and offer each

1 student's parent an opportunity to enroll the student in
2 another public school of the parent's choice within the school
3 district at any time during the school year. The parent is
4 not required to accept this offer in lieu of requesting a
5 Freedom Scholarship to a private school. However, if the
6 parent chooses the public school option, the student may
7 continue attending a public school or select another public
8 school chosen by the parent until the student graduates from
9 high school. If the parent chooses a public school consistent
10 with the district school board's choice plan under s. 228.057,
11 Florida Statutes, the school district shall provide
12 transportation to the public school selected by the parent.
13 The parent is responsible for providing transportation to a
14 public school chosen that is not consistent with the district
15 school board's choice plan under s. 228.057, Florida Statutes.

16 2. If at least 50 percent of the parents in a public
17 school in a participating school district vote to participate
18 in the school grading system provided in s. 229.57, Florida
19 Statutes, then the school district and the Department of
20 Education shall include that school in the school grading
21 system program. Such school would receive a school
22 performance grade designation and be eligible for
23 participation in the Florida School Recognition Program
24 established in s. 231.2905, Florida Statutes.

25 (b) Private school choice option.--

26 1. A participating school district shall timely notify
27 parents of all eligible students in the school district of all
28 options available pursuant to this section and offer each
29 student's parent an opportunity to request a Freedom
30 Scholarship and enroll the student in an eligible private
31 school within the school district at any time during the

1 school year. The parent is not required to accept this offer
2 in lieu of selecting another public school in the school
3 district. However, if the parent chooses the Freedom
4 Scholarship option, the student may continue attending a
5 private school or select another private school chosen by the
6 parent until the student graduates from high school.

7 2. For a student in the school district who
8 participates in the Freedom Scholarship Program whose parent
9 requests that the student take the statewide assessments under
10 s. 229.57, Florida Statutes, the school district shall provide
11 locations and times to take all statewide assessments.

12 3. A school district shall notify the Department of
13 Education within 10 days after it receives notification of a
14 parent's intent to apply for a Freedom Scholarship.

15 (5) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
16 participate in the Freedom Scholarship Program, a private
17 school must be a Florida private school, may be sectarian or
18 nonsectarian, and must:

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

30 (b) Notify the Department of Education of its intent
31 to participate in the scholarship program under this section.

1 The notice must specify the grade levels that the private
2 school has available for students who are participating in the
3 scholarship program.

4 (c) Comply with the antidiscrimination provisions of
5 42 U.S.C. s. 2000d.

6 (d) Be academically accountable to the parent for
7 meeting the educational needs of the student.

8 (e) Employ or contract with teachers who hold
9 baccalaureate or higher degrees, have at least 3 years of
10 teaching experience in public or private schools, or have
11 special skills, knowledge, or expertise that qualifies them to
12 provide instruction in the subjects taught.

13 (f) Comply with all state laws relating to general
14 regulation of private schools.

15 (g) Adhere to the tenets of its published disciplinary
16 procedures prior to the expulsion of a scholarship student.

17 (6) OBLIGATIONS OF PROGRAM PARTICIPANTS.--

18 (a) A parent who applies for a Freedom Scholarship is
19 exercising his or her parental option to place his or her
20 child in a private school. The parent must select the private
21 school and apply for the admission of his or her child.

22 (b) The parent must have requested the scholarship at
23 least 60 days prior to the date of the first scholarship
24 payment.

25 (c) Any student participating in the scholarship
26 program must remain in attendance throughout the school year,
27 unless excused by the school for illness or other good cause,
28 and must comply fully with the school's code of conduct.

29 (d) The parent of each student participating in the
30 scholarship program must comply fully with the private
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1 school's parental involvement requirements, unless excused by
2 the school for illness or other good cause.

3 (e) If the parent requests that the student
4 participating in the scholarship program take all statewide
5 assessments required pursuant to s. 229.57, Florida Statutes,
6 the parent is responsible for transporting the student to the
7 assessment site designated by the school district.

8 (f) Upon receipt of a scholarship warrant, the parent
9 to whom the warrant is made must restrictively endorse the
10 warrant to the private school for deposit into the account of
11 the private school.

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

14 (7) SCHOLARSHIP FUNDING AND PAYMENT.--

15 (a)1. The maximum scholarship granted for an eligible
16 student shall be a calculated amount equivalent to the base
17 student allocation in the Florida Education Finance Program
18 multiplied by the appropriate cost factor for the educational
19 program that would have been provided for the student in the
20 district school to which he or she was assigned, multiplied by
21 the district cost differential.

22 2. In addition, the calculated amount shall include
23 the per-student share of supplemental academic instruction
24 funds, instructional materials funds, technology funds, and
25 other categorical funds as provided for such purposes in the
26 General Appropriations Act.

27 (b) The amount of the Freedom Scholarship shall be the
28 calculated amount or the amount of the private school's
29 tuition and fees, whichever is less.

30 (c) The school district shall report all students who
31 are attending a private school under the Freedom Scholarship

1 Program. The students attending private schools on Freedom
2 Scholarships shall be reported separately from other students
3 reported for purposes of the Florida Education Finance
4 Program.

5 (d) Following notification on July 1, September 1,
6 December 1, or February 1 of the number of program
7 participants, the Department of Education shall transfer the
8 amount calculated under paragraph (b) from the school
9 district's total funding entitlement under the Florida
10 Education Finance Program and from authorized categorical
11 accounts to a separate account for the scholarship program for
12 quarterly disbursement to the parents of participating
13 students. The Department of Education may not make any
14 retroactive payments.

15 (e) Upon proper documentation reviewed and approved by
16 the Department of Education, the Comptroller shall make
17 scholarship payments in four equal amounts no later than
18 September 1, November 1, February 1, and April 15 of each
19 academic year in which the scholarship is in force. The
20 initial payment shall be made after Department of Education
21 verification of admission acceptance, and subsequent payments
22 shall be made upon verification of continued enrollment and
23 attendance at the private school. Payment must be by
24 individual warrant made payable to the student's parent and
25 mailed by the Department of Education to the private school of
26 the parent's choice, and the parent shall restrictively
27 endorse the warrant to the private school for deposit into the
28 account of the private school.

29 (8) LIABILITY.--No liability shall arise on the part
30 of the state based on the award or use of a Freedom
31 Scholarship.

