

By the Council for Lifelong Learning and Representatives
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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 provisions of law:

24 (a) School and district grading system, provided in s.
25 229.57(7), (8), (9), (10), and (16), Florida Statutes.

26 (b) Requirements for the use of funds for student
27 transportation, provided in s. 236.083, Florida Statutes.

28 (c) Requirements for the use of funds for inservice
29 educational personnel training.

30 (d) Requirements for the use of funds for safe
31 schools.

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

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

7 2. The student is entering kindergarten or first
8 grade.

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

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

24 (4) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
25 OBLIGATIONS.--

26 (a) Public school choice option.--

27 1. A participating school district shall timely notify
28 parents of all eligible students in the school district of all
29 options available pursuant to this section and offer each
30 student's parent an opportunity to enroll the student in
31 another public school of the parent's choice within the school

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

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

23 (b) Private school choice option.--

24 1. A participating school district shall timely notify
25 parents of all eligible students in the school district of all
26 options available pursuant to this section and offer each
27 student's parent an opportunity to request a Freedom
28 Scholarship and enroll the student in an eligible private
29 school at any time during the school year. The parent is not
30 required to accept this offer in lieu of selecting another
31 public school in the school district. However, if the parent

1 chooses the Freedom Scholarship option, the student may
2 continue attending a private school or select another private
3 school chosen by the parent until the student graduates from
4 high school.

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

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

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

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

28 (b) Notify the Department of Education of its intent
29 to participate in the scholarship program under this section.
30 The notice must specify the grade levels that the private
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1 school has available for students who are participating in the
2 scholarship program.
3 (c) Comply with the antidiscrimination provisions of
4 42 U.S.C. s. 2000d.
5 (d) Be academically accountable to the parent for
6 meeting the educational needs of the student.
7 (e) Employ or contract with teachers who hold
8 baccalaureate or higher degrees, have at least 3 years of
9 teaching experience in public or private schools, or have
10 special skills, knowledge, or expertise that qualifies them to
11 provide instruction in the subjects taught.
12 (f) Comply with all state laws relating to general
13 regulation of private schools.
14 (g) Adhere to the tenets of its published disciplinary
15 procedures prior to the expulsion of a scholarship student.
16 (6) OBLIGATIONS OF PROGRAM PARTICIPANTS.--
17 (a) A parent who applies for a Freedom Scholarship is
18 exercising his or her parental option to place his or her
19 child in a private school. The parent must select the private
20 school and apply for the admission of his or her child.
21 (b) The parent must have requested the scholarship at
22 least 60 days prior to the date of the first scholarship
23 payment.
24 (c) Any student participating in the scholarship
25 program must remain in attendance throughout the school year,
26 unless excused by the school for illness or other good cause,
27 and must comply fully with the school's code of conduct.
28 (d) The parent of each student participating in the
29 scholarship program must comply fully with the private
30 school's parental involvement requirements, unless excused by
31 the school for illness or other good cause.

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

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

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

12 (7) SCHOLARSHIP FUNDING AND PAYMENT.--

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

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

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

28 (c) The school district shall report all students who
29 are attending a private school under the Freedom Scholarship
30 Program. The students attending private schools on Freedom
31 Scholarships shall be reported separately from other students

1 reported for purposes of the Florida Education Finance
2 Program.

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

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

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

30 (9) ACCOUNTABILITY.--The State Board of Education
31 shall monitor a school district's implementation of the public

1 and private school choice options provided in this section.
2 If the state board determines that a school district is not
3 complying with the law or state board rule, the school
4 district shall lose the exemptions provided in subsection (1).
5 However, a parent of a student in such school district who has
6 already exercised the option to receive a Freedom Scholarship
7 shall continue to receive the scholarship until the student
8 graduates from high school or returns to the public school
9 system.

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

19 Section 2. This act shall take effect upon becoming a
20 law.

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