

By Senator Cowin

20-1207-03

See HB 45

1 A bill to be entitled
2 An act relating to the Constitutional
3 Compliance Assistance Program; creating s.
4 1002.395, F.S.; establishing the program to
5 enable students to receive a scholarship to
6 attend a private school; providing for the
7 award of a scholarship if the constitutional
8 mandate for class size is not met; providing
9 requirements for scholarship eligibility and
10 for private school eligibility; specifying
11 obligations of program participants; providing
12 for calculation and payment of scholarships;
13 providing for transmission of certain funds to
14 school districts; authorizing adoption of rules
15 by the State Board of Education; providing an
16 effective date.

17

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

19

20 Section 1. Section 1002.395, Florida Statutes, is
21 created to read:22 1002.395 Constitutional Compliance Assistance
23 Program.--24 (1) CONSTITUTIONAL COMPLIANCE ASSISTANCE25 PROGRAM.--There is established the Constitutional Compliance
26 Assistance Program (C-CAP) to assist parents in exercising on
27 a voluntary basis the option to enroll their children in an
28 educational institution other than a public school. A student
29 participating in the program shall receive a Constitutional
30 Compliance Assistance Program Scholarship (C-CAP Scholarship)
31 to attend an eligible private school in grades 1-12.

1 (2) C-CAP SCHOLARSHIP ELIGIBILITY.--A public school
2 student's parent may request and receive from the state a
3 C-CAP Scholarship for the student to enroll in and attend a
4 private school in accordance with the provisions of this
5 section if all of the following conditions are met:

6 (a) The school district does not comply with the
7 student-to-teacher ratio mandate for class size specified in
8 s. 1, Art. IX of the State Constitution in the school
9 attendance area to which the student is assigned.

10 (b) By assigned school attendance area or by special
11 assignment, the student has spent the prior school year in
12 attendance at a Florida public school. Prior school year in
13 attendance means that the student was enrolled and reported by
14 the school district for funding during the preceding October
15 and February Florida Education Finance Program surveys.

16 (c) The parent has obtained acceptance for admission
17 of the student to a private school that is eligible under the
18 program pursuant to subsection (3) and has notified the school
19 district of the request for a scholarship at least 60 days
20 prior to the date of the first scholarship payment. The
21 parental notification must be through a communication directly
22 to the school district or through the Department of Education
23 to the school district in a manner that creates a written or
24 electronic record of the notification and the date of the
25 receipt of the notification.

26
27 This section does not apply to a student who is enrolled in a
28 school operating for the purpose of providing educational
29 services to youth in Department of Juvenile Justice commitment
30 programs. For purposes of continuity of educational choice, a
31 C-CAP Scholarship shall remain in force until a student

1 returns to a public school or graduates from high school.
2 However, at any time, a student's parent may remove the
3 student from the private school and enroll the student in
4 another private school that is eligible under the program
5 pursuant to subsection (3) or in the public school in the
6 assigned school attendance area once the school district
7 complies with the student-to-teacher ratio mandate for class
8 size specified in s.1, Art. IX of the State Constitution in
9 such attendance area.

10 (3) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
11 participate in the Constitutional Compliance Assistance
12 Program, a private school must be a Florida private school,
13 may be sectarian or nonsectarian, and must:

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

25 (b) Notify the Department of Education of its intent
26 to participate in the program under this section. The notice
27 must specify the grade levels and services that the private
28 school has available for students who are participating in the
29 scholarship program.

30 (c) Comply with the antidiscrimination provisions of
31 42 U.S.C. s. 2000d.

1 (d) Meet state and local health and safety laws and
2 codes.

3 (e) Be academically accountable to the parent for
4 meeting the educational needs of the student.

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

10 (g) Comply with all state laws relating to general
11 regulation of private schools.

12 (h) Adhere to the tenets of its published disciplinary
13 procedures prior to the expulsion of a scholarship student.

14 (4) OBLIGATION OF PROGRAM PARTICIPANTS.--

15 (a) A parent who applies for a C-CAP Scholarship is
16 exercising his or her parental option to place his or her
17 child in a private school. The parent must select the private
18 school and apply for the admission of his or her child.

19 (b) The parent must have requested the scholarship at
20 least 60 days prior to the date of the first scholarship
21 payment.

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

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

30 (e) If the parent requests that the student
31 participating in the scholarship program take all statewide

1 assessments required pursuant to s. 1008.22, the parent is
2 responsible for transporting the student to the assessment
3 site designated by the school district.

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

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

10 (5) SCHOLARSHIP FUNDING AND PAYMENT.--

11 (a) The C-CAP Scholarship granted to an eligible
12 student shall be a calculated amount equivalent to 60 percent
13 of the following: the base student allocation in the Florida
14 Education Finance Program multiplied by the appropriate cost
15 factor for the educational program that would have been
16 provided for the student in the district school to which he or
17 she was assigned, multiplied by the district cost
18 differential. In addition, the calculated amount shall include
19 60 percent of the per-student share of supplemental academic
20 instruction funds, instructional materials funds, technology
21 funds, and other categorical funds as provided for such
22 purposes in the General Appropriations Act.

23 (b) The amount of the C-CAP Scholarship shall be the
24 calculated amount pursuant to paragraph (a) or the amount of
25 the private school's tuition and fees, whichever is less. The
26 amount of any assessment fee required by the participating
27 private school may be paid from the total amount of the
28 scholarship.

29 (c) If the participating private school requires
30 partial payment of tuition prior to the start of the academic
31 year to reserve space for students admitted to the school,

1 that partial payment may be paid by the Department of
2 Education prior to the first quarterly payment of the year in
3 which the C-CAP Scholarship is awarded, up to a maximum of
4 \$1,000, and deducted from subsequent scholarship payments. If
5 a student decides not to attend the participating private
6 school, the partial reservation payment must be returned to
7 the Department of Education by the participating private
8 school. There is a limit of one reservation payment per
9 student per year.

10 (d) The school district shall report all students who
11 are attending a private school under this program. The
12 students attending private schools on C-CAP Scholarships shall
13 be reported separately from other students reported for
14 purposes of the Florida Education Finance Program.

15 (e) Following notification on July 1, September 1,
16 December 1, or February 1 of the number of program
17 participants, the Department of Education shall transfer, from
18 General Revenue funds only, the amount calculated under
19 paragraph (b) from the school district's total funding
20 entitlement under the Florida Education Finance Program and
21 from authorized categorical accounts to a separate account for
22 the scholarship program for quarterly disbursement to the
23 parents of participating students. Per-student funds in excess
24 of per-student C-CAP Scholarship awards shall be retained by
25 the Department of Education for priority educational needs.
26 However, the Department of Education shall annually transmit
27 \$400 of such excess per-student funds to a school district for
28 each student who receives a C-CAP Scholarship to be used by
29 the school district to meet student needs. When a student
30 enters the scholarship program, the Department of Education
31 must receive all documentation required for the student's

1 participation, including the private school's and student's
2 fee schedules, at least 30 days before the first quarterly
3 scholarship payment is made for the student. The Department of
4 Education may not make any retroactive payments.

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

19 (6) LIABILITY.--No liability shall arise on the part
20 of the state based on the award or use of a C-CAP Scholarship.

21 (7) RULES.--The State Board of Education may adopt
22 rules pursuant to ss. 120.536(1) and 120.54 to administer this
23 section. However, the inclusion of eligible private schools
24 within options available to Florida public school students
25 does not expand the regulatory authority of the state, its
26 officers, or any school district to impose any additional
27 regulation of private schools beyond those reasonably
28 necessary to enforce requirements expressly set forth in this
29 section.

30 Section 2. This act shall take effect July 1, 2003.

31