



HB 0213

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A bill to be entitled
 An act relating to the Reduce Class Size Scholarship
 Opportunity Program; creating s. 1002.395, F.S.;
 establishing the program to enable students to receive a
 scholarship to attend a private school and to provide
 future dollars to school districts to achieve reduced
 class sizes; providing for the award of a scholarship if
 the assigned public school and classroom is overcrowded;
 providing requirements for scholarship eligibility and for
 private school eligibility; specifying obligations of
 school districts and program participants; providing
 school district choice with respect to transportation of
 students; providing for calculation and payment of
 scholarships; providing requirements for funds received by
 school districts; providing that regulation of private
 schools is not expanded; providing an effective date.

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

Section 1. Section 1002.395, Florida Statutes, is created
 to read:

1002.395 Reduce Class Size Scholarship Opportunity
 Program.--

(1) REDUCE CLASS SIZE SCHOLARSHIP OPPORTUNITY PROGRAM.--
There is established the Reduce Class Size Scholarship
Opportunity Program (RCSSOP) to fulfill the class size reduction
mandate specified in s. 1, Art. IX of the State Constitution
while providing an educational environment to improve student
performance without overburdening Florida's financial security.
The RCSSOP expands the state's school choice program to eligible



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31 students attending overcrowded schools by providing scholarships
32 to such students to attend private schools that meet acceptable
33 standards and, at the same time, provides future dollars to
34 school districts to take an active role in achieving reduced
35 class sizes.

36 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
37 school student whose assigned school and classroom is
38 overcrowded, according to the definition of an overcrowded
39 school and classroom established by the school district, is
40 eligible to participate in the RCSSOP. The school district's
41 definition must adhere to the requirement of reducing the number
42 of classroom students on a yearly basis in order to meet the
43 mandated student-to-teacher ratio timeline established in s. 1,
44 Art. IX of the State Constitution. A student may receive a
45 Reduce Class Size Scholarship Opportunity Program Scholarship
46 (RCSSOP Scholarship) if the following conditions are met:

47 (a) The student is offered a scholarship based on a
48 prioritized list of eligible students that begins with the
49 student who would benefit most from a smaller class size
50 learning environment. Such list shall be compiled by the
51 assigned in-school administrator and the classroom teacher of
52 the locally defined overcrowded classroom.

53 (b) The assigned in-school administrator has given notice
54 to the appropriate school district representative who has
55 reviewed and confirmed that the student is eligible for an
56 RCSSOP Scholarship and has notified the parents of the eligible
57 student.

58 (c) The parent has obtained acceptance for admission of
59 the student to a private school that is eligible for the program
60 and has notified the school district of the request for a RCSSOP



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61 Scholarship at least 60 days prior to the date of the first
62 scholarship payment. Notification must be through a
63 communication directly to the school district or through the
64 Department of Education in a manner that creates a written or
65 electronic record of the notification and the date of the
66 notification of the request for a scholarship.

67
68 For purposes of continuity of educational choice, a RCSSOP
69 Scholarship may remain in effect until a student graduates from
70 high school.

71 (3) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
72 participate in the RCSSOP, a private school must be located in
73 Florida, may be sectarian or nonsectarian, and must:

74 (a) Offer an education program to students in any grade K-
75 12.

76 (b) Demonstrate fiscal soundness by being in operation for
77 1 school year or by providing the Department of Education with a
78 statement by a certified public accountant confirming that the
79 school is insured and has sufficient capital or credit to
80 operate for the upcoming year. In lieu of such a statement, the
81 school may secure a surety bond or letter of credit equal to the
82 scholarship funds for any quarter, to be filed with the
83 Department of Education.

84 (c) Notify the Department of Education and the school
85 district of its intent to participate in the program. The notice
86 must specify the grade levels and services that the private
87 school has available for the students being accepted.

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



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89 (e) Comply with any antidiscrimination provisions of 42
90 U.S.C. s. 200d that prohibit discrimination based on race,
91 color, religion, or national origin.

92 (f) Be academically accountable to the parent for meeting
93 the educational needs of the student.

94 (g) Employ or contract with teachers who meet one or more
95 of the following criteria:

96 1. Hold a baccalaureate or higher degree.

97 2. Have at least 5 years of teaching experience in public
98 and/or private schools.

99 3. Have special skills, knowledge, or expertise in
100 subjects taught.

101 (h) Comply with statutes relating to private schools.

102 (i) Adhere to the tenets of its published disciplinary
103 procedures prior to the expulsion of any RCSSOP student.

104 (j) Be subject to the instruction, curriculum, and
105 attendance criteria adopted by an appropriate nonpublic school
106 accrediting body.

107 (k) Agree not to compel any RCSSOP student attending the
108 private school to profess a specific ideological belief or to
109 pray or to worship.

110 (l) Furnish a school profile that includes student
111 performance.

112 (m) Accept as full tuition and fees the amount of the
113 RCSSOP Scholarship. Any amount received above full tuition and
114 fees must be returned to the school district.

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116 Participation in the RCSSOP is open to any private school that
117 wishes to participate if it meets the eligibility criteria.



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118 However, no private school is required to participate in the
119 RCSSOP.

120 (4) OBLIGATION OF SCHOOL DISTRICTS.--A school district
121 must:

122 (a) Publicly define an overcrowded school and classroom,
123 including calculations that meet class size requirements
124 specified in s. 1, Art. IX of the State Constitution.

125 (b) Make every possible effort to reduce school and
126 classroom overcrowding in order to meet the constitutional class
127 size student-to-teacher ratio mandate, including, but not
128 limited to: realigning the school district to provide the
129 availability of student work stations; providing scheduling
130 alternatives; and revising duty and personnel assignments.

131 (c) Give timely notification to the parents of students
132 eligible for an RCSSOP Scholarship.

133 (d) Notify the Department of Education within 10 days
134 after the school district receives notice of a parent's intent
135 to apply for a RCSSOP Scholarship.

136 (e) Provide information needed to place a student in the
137 proper classification or programs in the private school that
138 will result in the student's academic improvement.

139 (f) Provide locations and times for all students
140 participating in the RCSSOP to take all required state
141 assessments.

142 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--Students and
143 their parents must comply with the following requirements to
144 retain a RCSSOP Scholarship:

145 (a) A student must remain in attendance throughout the
146 school year, unless excused for illness or good cause.



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147 (b) A student must comply fully with the private school's
 148 code of conduct.

149 (c) A parent must comply fully with the private school's
 150 parental involvement requirements, unless excused for illness or
 151 good cause.

152 (d) A parent must ensure that the student takes all
 153 required state assessments.

154 (6) TRANSPORTATION OF STUDENTS.--Responsibility for
 155 student transportation may vary from school district to school
 156 district depending on the option chosen by the school district.
 157 If a school district chooses to include state categorical funds
 158 for student transportation in the calculation formula for RCSSOP
 159 Scholarship recipients, each recipient shall be responsible for
 160 providing transportation. If a school district chooses not to
 161 include state categorical funds for student transportation in
 162 the calculation formula for RCSSOP Scholarship recipients, the
 163 school district shall be responsible for providing
 164 transportation. A school district must notify the public of its
 165 decision with respect to transportation responsibility.

166 (7) SCHOLARSHIP FUNDING AND PAYMENT.--

167 (a) The actual amount of a RCSSOP Scholarship may vary
 168 from school district to school district. A RCSSOP Scholarship
 169 shall be a calculated amount equivalent to one-half of the
 170 annual per-student allocation from the Florida Education Finance
 171 Program to a school district plus any allowable federal funds
 172 associated with the student. If a school district chooses to
 173 retain student transportation responsibility, state categorical
 174 funds for student transportation shall not be included in this
 175 calculation.



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176 (b) Upon proper documentation by the Department of
177 Education, the Chief Financial Officer shall make RCSSOP
178 Scholarship payments in four equal installments no later than
179 September 1, November 1, February 1, and April 1. Payments must
180 be made by individual warrant payable to the student's parent
181 and mailed by the Department of Education to the chosen private
182 school. The parent must restrictively endorse the warrant to the
183 private school. The Department of Education is responsible for
184 verifying the student's initial admission acceptance and
185 continued enrollment and attendance at the private school and
186 the eligibility of expenditures.

187 (8) SCHOOL DISTRICT FUNDS.--Funds received by school
188 districts through implementation of the RCSSOP shall be placed
189 in individual trust funds and held by the school districts until
190 2008, at which time they may be fully released for the sole
191 purpose of enabling school districts to fulfill the
192 constitutional mandate for class size reduction. Nothing in this
193 section limits a school district's ability to take advantage of
194 investment or bonding opportunities as prescribed by law. All
195 uses of these funds and transactions connected therewith shall
196 be publicly noticed on a yearly basis.

197 (9) REGULATION.--The inclusion of eligible private schools
198 within the options available to public school students does not
199 expand the regulatory authority of the state, its officers, or
200 any school district to impose any additional regulation of
201 private schools beyond that necessary to enforce requirements
202 expressly set forth in this section.

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