

By Senator Wise

5-1476-03

1 A bill to be entitled
 2 An act relating to education; creating s.
 3 1002.395, F.S.; creating the Reduce Class Size
 4 Scholarship Opportunity Program; providing for
 5 eligibility; providing legislative intent;
 6 providing for scholarship funding and payment;
 7 providing for rulemaking; amending s. 220.187,
 8 F.S., relating to corporate tax credits for
 9 contributions to nonprofit scholarship-funding
 10 organizations; amending purposes to include
 11 children eligible to participate in the Reduce
 12 Class Size Scholarship Opportunity Program;
 13 redefining the term "qualified student";
 14 revising the maximum allowable amount of total
 15 scholarship funding tax credits; providing an
 16 effective date.

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

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

22 1002.395 Reduce Class Size Scholarship Opportunity
 23 Program.--

24 (1) REDUCE CLASS SIZE SCHOLARSHIP OPPORTUNITY
 25 PROGRAM.--There is established the Reduce Class Size
 26 Scholarship Opportunity Program (RCSSOP) to fulfill the class
 27 size reduction mandate set forth in s. 1 of Art. IX of the
 28 State Constitution, while providing to residents of this state
 29 who have children in overcrowded schools a choice in the type
 30 of educational setting in which their children are taught. The
 31 RCSSOP expands the state's school choice program to eligible

1 students who are attending overcrowded schools by providing
2 scholarships to such students to attend a private school as
3 defined in s. 623.02 or a nonprofit organization that charges
4 tuition and has exempt status under s. 501(c)(3) of the
5 Internal Revenue Code of 1986, as amended.

6 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
7 school student whose assigned school or classroom is
8 overcrowded, according to the definition of an overcrowded
9 school and classroom established by the Department of
10 Education, is eligible to participate in the RCSSOP. A student
11 may receive a Reduce Class Size Scholarship Opportunity
12 Program Scholarship as follows:

13 (a) If the number of students in a qualifying school
14 or classroom who desire to participate in any year exceeds the
15 number permitted to participate, the students shall be
16 selected by lottery, using a method approved by the
17 Commissioner of Education. To the greatest extent possible,
18 the lottery must provide that the same percentage of students
19 eligible for free or reduced-price lunches who are enrolled in
20 the public school are selected for the program; and

21 (b) The parent of the student who is applying for a
22 scholarship must have obtained acceptance for admission of the
23 student to a private school or nonprofit organization that is
24 eligible for the program and must have notified the school
25 district of the request for a RCSSOP Scholarship at least 60
26 days before the date of the first scholarship payment.

27 Notification must be made by communicating directly with the
28 school district or through the Department of Education in a
29 manner that creates a written or electronic record of the
30 notification and the date of the notification of the request
31 for a scholarship.

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2 For purposes of continuity of educational choice, a RCSSOP
3 Scholarship may remain in effect until a student graduates
4 from high school.

5 (3) ELIGIBILITY OF PRIVATE SCHOOL OR NONPROFIT
6 ORGANIZATION.--To be eligible to participate in the RCSSOP, a
7 private school or nonprofit organization must be located in
8 this state and must:

9 (a) Have an admissions policy that does not
10 discriminate as to race, religion, ethnicity, national origin,
11 or gender.

12 (b) Provide a curriculum that includes the following
13 five core subjects: English, including, for elementary school
14 students, reading fundamentals; mathematics; science; history;
15 and geography. A school formed to meet the special needs of
16 profoundly mentally handicapped, trainable mentally
17 handicapped, dual sensory impaired, or autistic students is
18 exempt from the curriculum requirements of this paragraph and
19 the testing requirement of paragraph (d).

20 (c) Disclose teachers' credentials to parents.

21 (d) Except as otherwise provided, post-test all
22 students, using a uniformly applied standardized testing
23 instrument, to determine learning progress and must provide a
24 copy of the results to the Department of Education.

25 (e) Have been operating for at least 2 calendar years
26 or, if in operation for less than 2 calendar years, must have
27 obtained a letter of credit or a bond indemnifying the state
28 from monetary loss.

29 (4) LEGISLATIVE INTENT.--It is the intent of the
30 Legislature that RCSSOP will not result in any additional
31 regulation of private schools. Participating schools,

1 regardless of size, shall be accorded maximum flexibility to
2 educate their students and shall be free from unnecessary,
3 burdensome, or onerous regulation.

4 (5) SCHOLARSHIP FUNDING AND PAYMENT.--

5 (a)1. The parent of a student who is participating in
6 the RCSSOP is entitled to direct to the private school or
7 nonprofit organization a payment of the base rate of 50
8 percent of the weighted full-time equivalent student funding,
9 based on the assigned program cost factor in the Florida
10 Education Finance Program, for such a student in kindergarten
11 through grade 12 for up to 180 days of instruction per local
12 school district fiscal year or the actual cost for tuition at
13 the school, whichever is less.

14 2. If a student is eligible to participate in the free
15 lunch program pursuant to 42 U.S.C. 1758(b), the parent is
16 entitled to direct a payment of 1.5 times the base rate or the
17 actual cost for tuition at the school, whichever is less.

18 3. If a student is eligible to participate in the
19 reduced-price lunch program pursuant to 42 U.S.C. 1758(b), the
20 parent is entitled to direct a payment of 1.25 times the base
21 rate or the actual cost for tuition at the school, whichever
22 is less.

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24 Any amount of funding which is not used for tuition and which
25 the parent of a student would otherwise be eligible to direct
26 may be used to reimburse the parent for any transportation
27 costs incurred in transporting his or her child to school. The
28 parent may apply to the Department of Education, using a
29 transportation reimbursement form that the department shall
30 provide. Actual mileage, reimbursed at the state rate, or
31 public transportation costs are eligible transportation

1 expenses. All unused tuition money must be sent to a
2 direct-support organization that has exempt status under s.
3 501(c)(3) of the Internal Revenue Code of 1986, as amended,
4 and that was created by the Department of Education.

5 (b) Each school district shall receive 10 percent of
6 the weighted full-time equivalent student funding, based on
7 the assigned cost factor as provided in the Florida Education
8 Finance Program, for each student in the school district who
9 is participating in the RCSSOP.

10 (c) All remaining moneys of the weighted full-time
11 equivalent student funding, based on the assigned program cost
12 factor as provided in the Florida Education Finance Program,
13 for each student participating in the RCSSOP must be sent to
14 the direct-support organization specified in paragraph (a).
15 Beginning the second year of the RCSSOP, the direct-support
16 organization shall use these funds as matching dollars to be
17 matched with dollars from eligible nonprofit
18 scholarship-funding organizations defined in s. 220.187. Such
19 funds must be used for providing payment to be directed by the
20 parent to a private school or nonprofit organization for a
21 student who was attending a private school or nonprofit
22 organization at the time the student was selected to
23 participate in the RCSSOP.

24 (d) Private school and nonprofit organization students
25 shall be selected to participate in the RCSSOP by means of a
26 lottery until direct-support organization funds are depleted.
27 The Department of Education shall ensure that funds sent to
28 the direct-support organization for a school district are
29 earmarked for that school district in accordance with this
30 section.

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1 (6) A participating private school or nonprofit
2 organization or a district school board is not obligated to
3 provide transportation to students who participate in the
4 RCSSOP.

5 (7) The State Board of Education, in order to avoid
6 creating an undue financial burden on the participants in the
7 RCSSOP, shall adopt rules to ensure the prompt payment on
8 behalf of parents of qualified participants in this program.
9 Upon authorization of the parent, payment for the school year
10 must be made directly to the authorized private school or
11 nonprofit organization in nine equal monthly payments. The
12 parent's signature must be obtained at the school or
13 organization at the time of each payment.

14 Section 2. Paragraph (b) of subsection (1), paragraph
15 (e) of subsection (2), and paragraph (b) of subsection (3) of
16 section 220.187, Florida Statutes, are amended to read:

17 220.187 Credits for contributions to nonprofit
18 scholarship-funding organizations.--

19 (1) PURPOSE.--The purpose of this section is to:

20 (b) Expand educational opportunities for children of
21 families that have limited financial resources or are eligible
22 to participate in the Reduce Class Size Scholarship
23 Opportunity Program.

24 (2) DEFINITIONS.--As used in this section, the term:

25 (e) "Qualified student" means a student who qualifies
26 for free or reduced-price school lunches under the National
27 School Lunch Act, who is eligible to participate in the Reduce
28 Class Size Scholarship Opportunity Program,and who:

29 1. Was counted as a full-time equivalent student
30 during the previous state fiscal year for purposes of state
31 per-student funding;

1 2. Received a scholarship from an eligible nonprofit
2 scholarship-funding organization during the previous school
3 year; or

4 3. Is eligible to enter kindergarten or first grade.

5 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
6 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

7 (b) The total amount of tax credit which may be
8 granted each state fiscal year under this section is \$100 ~~\$50~~
9 million.

10 Section 3. This act shall take effect July 1, 2003.

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SENATE SUMMARY

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Creates the Reduce Class Size Scholarship Opportunity
Program. Provides for eligibility. Provides legislative
intent. Provides for scholarship funding and payment.
Allows corporate tax credits for funding such
scholarships.

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