

By Senator Haridopolos

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See HB 1411

1 A bill to be entitled
2 An act relating to relief from overcrowded
3 schools; creating s. 1013.215, F.S.;
4 establishing the S.C.R.I.P.T. grants program
5 for school overcrowding relief; providing a
6 popular name; providing findings, intent, and
7 purposes; providing a definition; providing
8 school district, parent, and Department of
9 Education obligations; providing private school
10 eligibility requirements; providing for the
11 initial award, renewal, and disbursement of
12 S.C.R.I.P.T. grants; limiting the liability of
13 the state relating to the award or use of a
14 S.C.R.I.P.T. grant; providing an effective
15 date.

16
17 WHEREAS, the State of Florida is among national leaders
18 in providing state funding for K-12 public educational
19 facilities, and has provided an infusion of several billions
20 of dollars of state funds for K-12 public educational
21 facilities since the November 1997 Special Legislative Session
22 on School Overcrowding, and

23 WHEREAS, the people of the State of Florida have
24 expressed their disapproval of school overcrowding by amending
25 the Florida Constitution to place limits on class size, NOW,
26 THEREFORE,

27
28 Be It Enacted by the Legislature of the State of Florida:

29
30 Section 1. Section 1013.215, Florida Statutes, is
31 created to read:

1 1013.215 S.C.R.I.P.T. grants program for school
2 overcrowding relief.--

3 (1) POPULAR NAME.--This section shall be known by the
4 popular name "The S.C.R.I.P.T. (School Crowding Relief
5 Intervention for Parents and Teachers) Grants Act."

6 (2) FINDINGS, INTENT, AND PURPOSES.--

7 (a) The Legislature finds that school overcrowding
8 results in the use of relocatable facilities, causes lunch to
9 be provided at unacceptable times, leads to an increase in
10 student misbehavior and a decrease in individualized

11 instruction to students, and causes parents great concern.

12 (b) It is the intent of the Legislature that parents
13 of students in overcrowded schools be given the option to
14 enroll their children in a public school within the same
15 district that is not overcrowded, or to receive a S.C.R.I.P.T.
16 grant to allow their children to leave the public school
17 system and attend an eligible private school of the parents'
18 choice for as long as the parents desire, provided the
19 requirements of subsection (9) are met.

20 (c) The purposes of this section are to provide
21 immediate and targeted relief for public school overcrowding,
22 improve classroom conditions for teachers and students, reduce
23 the cost of public education for Florida's taxpayers, foster
24 participation by parents in their children's education, create
25 a beneficial public-private collaboration in K-12 education,
26 and enhance the learning environment for all of Florida's K-12
27 students.

28 (3) DEFINITION.--As used in this section, the term
29 "overcrowded school" means an elementary school, middle/junior
30 high school, high school, or combination school in which:

31

1 (a) The capital outlay FTE enrollment exceeds 120
2 percent of the school's permanent student stations; or
3 (b) The school has solely relocatable or modular
4 instructional space and the capital outlay FTE enrollment
5 exceeds 120 percent of the school's permanent food service and
6 multipurpose dining capacity.
7 (4) PARENTAL CHOICE.--Beginning with the 2003-2004
8 school year and thereafter, the parent of any K-12 student who
9 is enrolled and in attendance during the October and February
10 FTE enrollment counts in a Florida public school that meets
11 the definition of an overcrowded school pursuant to subsection
12 (3) may, for the following school year:
13 (a) Opt to have the student remain in the school in
14 which the student is enrolled;
15 (b) Opt to have the student transferred to another
16 public school within the district that does not meet the
17 definition of an overcrowded school pursuant to subsection
18 (3); or
19 (c) Opt to request, on an annual basis, a S.C.R.I.P.T.
20 grant of \$3,000 to assist the parent in paying for the
21 student's attendance at an eligible private school of the
22 parent's choice.
23 (5) SCHOOL DISTRICT OBLIGATIONS.--
24 (a) Each school district shall annually by February
25 22, for each K-12 student eligible under subsection (4) in a
26 school that meets the definition of an overcrowded school
27 pursuant to subsection (3), notify the parent that the school
28 is overcrowded and provide the parent with the parental choice
29 options for the following school year as provided in
30 subsection (4).
31

1 (b) Notification shall be published on the school
2 district web site, in area newspapers, and by written notice
3 sent home with the student, and must include a listing of the
4 public schools, including charter schools, within the school
5 district that do not meet the definition of an overcrowded
6 school pursuant to subsection (3).

7 (6) PARENT OBLIGATIONS.--

8 (a) The parent shall notify the school district as to
9 which of the options provided in subsection (4) the parent
10 wishes to choose.

11 1. Failure of the parent to provide notification shall
12 constitute the choice of the option provided by paragraph
13 (4)(a).

14 2. If the parent chooses the option provided by
15 paragraph (4)(b), the parent shall inform the school district
16 by March 31 which public school the parent has selected, and
17 the parent shall agree to provide any necessary transportation
18 for the student to the selected public school.

19 3. If the parent chooses the option provided by
20 paragraph (4)(c), the parent must:

21 a. Obtain acceptance for admission of the student to a
22 private school eligible under subsection (7) as soon as
23 possible, and inform the private school that the student will
24 be using a S.C.R.I.P.T. grant; or, if the parent is unable to
25 obtain acceptance for admission or for any reason decides not
26 to participate in the program, notify the school district as
27 soon as possible, so that the option in paragraph (4)(c) can
28 be made available to another parent.

29 b. Notify the Department of Education by July 1 of the
30 parent's request for a S.C.R.I.P.T. grant and the name and
31 address of the selected private school.

1 c. Agree to provide transportation for the student to
2 the private school if necessary.

3 d. Agree to pay any costs associated with the
4 student's attendance at the private school that exceed the
5 annual amount of the S.C.R.I.P.T. grant.

6 e. Agree that the education provided by the private
7 school selected shall satisfy the student's full need for
8 educational services from the student's school.

9 (b) After the first year of the student's attending a
10 private school under the S.C.R.I.P.T. grants program, the
11 parent must annually notify the Department of Education no
12 later than July 1 if the parent intends to renew the grant
13 according to the provisions of subsection (9) in order for the
14 student to continue in the program, together with the name and
15 address of the private school selected for the student for the
16 following school year.

17 (7) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a
18 private school shall be determined by the parental oversight
19 and accountability requirements that, coupled with the
20 exercise of parental choice, are reasonably necessary to
21 secure the educational public purpose. To be eligible to
22 participate in the S.C.R.I.P.T. grants program, a private
23 school must be a Florida private school, may be sectarian or
24 nonsectarian, and must:

25 (a) Demonstrate fiscal soundness by being in operation
26 for 1 school year or provide the Department of Education with
27 a statement by a certified public accountant confirming that
28 the private school desiring to participate is insured and the
29 owner or owners have sufficient capital or credit to operate
30 the school for the upcoming year serving the number of
31 students anticipated with expected revenues from tuition and

1 other sources that may be reasonably expected. In lieu of such
2 a statement, a surety bond or letter of credit for the amount
3 equal to the S.C.R.I.P.T. grants funds for any school year may
4 be filed with the department.

5 (b) Notify the Department of Education and the school
6 district in the service area in which the school is located of
7 its intent to participate in the program under this section as
8 early as possible, but no later than July 1 preceding the
9 school year in which it intends to participate. The notice
10 shall specify the grade levels and services that the private
11 school has available for the S.C.R.I.P.T. grants program.

12 (c) Comply with the antidiscrimination provisions of
13 42 U.S.C. s. 2000d.

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

16 (e) Comply with all state statutes applicable to the
17 general regulation of private schools.

18 (f) If a S.C.R.I.P.T. grant student's parent so
19 requests, coordinate with the local school district the
20 locations and times for the student to take all statewide
21 assessments pursuant to s. 1008.22.

22 (8) INITIAL S.C.R.I.P.T. GRANTS.--

23 (a) Initial S.C.R.I.P.T. grants shall be offered on a
24 first-come, first-served basis to parents who are eligible to
25 exercise the parental choice options provided in subsection
26 (4).

27 (b) The number of initial S.C.R.I.P.T. grants to be
28 awarded shall be determined annually by the Department of
29 Education by February 7, based upon the capital outlay FTE
30 enrollment as determined by the October count and the Florida
31 Inventory of School Houses permanent student stations or

1 permanent food service and multipurpose dining capacity, as
2 appropriate, as of November 1, and capped at the number that
3 would reduce the applicable percentage of capital outlay FTE
4 enrollment specified in subsection (3) to 100 percent.

5 (9) S.C.R.I.P.T. GRANT RENEWAL.--For purposes of
6 educational continuity and parental choice, a S.C.R.I.P.T.
7 grant, once awarded, shall be renewable for as long as the
8 parent is a Florida resident who opts for continuation of the
9 grant for the student and the student lawfully attends an
10 eligible private school, through grade 12. The S.C.R.I.P.T.
11 grant may be transferred from one eligible private school to
12 another upon the school's acceptance of the student and the
13 parent's provision of adequate notice to the Department of
14 Education. A parent may, however, at any time opt to return
15 the student to public school.

16 (10) S.C.R.I.P.T. GRANT DISBURSEMENT.--Upon proper
17 documentation reviewed and approved by the Department of
18 Education, the Chief Financial Officer shall make S.C.R.I.P.T.
19 grant payments in four equal amounts no later than September
20 1, November 1, February 1, and April 1 of each academic year.
21 The initial payment shall be made after Department of
22 Education verification of admission acceptance, and subsequent
23 payments shall be made upon verification of the student's
24 continued enrollment and attendance at the private school.
25 Payment must be by individual warrant made payable to the
26 student's parent and mailed by the Department of Education to
27 the private school of the parent's choice, and the parent
28 shall restrictively endorse the warrant to the private school.

29 (11) LIABILITY.--No liability shall arise on the part
30 of the state based on the award or use of any S.C.R.I.P.T.
31 grant.

1 (12) DEPARTMENT OF EDUCATION OBLIGATIONS.--
2 (a) The Department of Education shall annually
3 calculate and publicize the number of initial S.C.R.I.P.T.
4 grants, determined pursuant to paragraph (8)(b), that will be
5 made available for each school for that school year.
6 (b)1. Upon notification of the number of students
7 whose parents have opted to request initial S.C.R.I.P.T.
8 grants, the department shall transfer from general revenue
9 funds appropriated to the school district the total amount of
10 annual \$3,000 grants for the school district's students from
11 the Florida Education Finance Program to a separate account
12 for the disbursement of the initial S.C.R.I.P.T. grants.
13 2. The Department of Education shall, in its annual
14 budget, provide for S.C.R.I.P.T. grants for parents who wish
15 their children to continue participation in the S.C.R.I.P.T.
16 grants program beyond the initial year of participation.
17 (c) The Department of Education shall administer the
18 S.C.R.I.P.T. grants program and may adopt rules pursuant to
19 ss. 120.536(1) and 120.54 to implement the provisions of this
20 section. However, the inclusion of eligible private schools
21 within options available to Florida public school students
22 does not expand the regulatory authority of the state, its
23 officers, or any school district to impose any additional
24 regulation of private schools beyond those reasonably
25 necessary to enforce requirements expressly set forth in this
26 section.

27 Section 2. This act shall take effect upon becoming a
28 law.