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2003

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

14  
 15 Be It Enacted by the Legislature of the State of Florida:

16  
 17           Section 1.   Section 1002.395, Florida Statutes, is created  
 18 to read:

19           1002.395 Constitutional Compliance Assistance Program.--

20           (1) CONSTITUTIONAL COMPLIANCE ASSISTANCE PROGRAM.--There is  
 21 established the Constitutional Compliance Assistance Program (C-  
 22 CAP) to assist parents in exercising on a voluntary basis the  
 23 option to enroll their children in an educational institution  
 24 other than a public school. A student participating in the  
 25 program shall receive a Constitutional Compliance Assistance  
 26 Program Scholarship (C-CAP Scholarship) to attend an eligible  
 27 private school in grades 1-12.

28           (2) C-CAP SCHOLARSHIP ELIGIBILITY.--A public school  
 29 student's parent may request and receive from the state a C-CAP  
 30 Scholarship for the student to enroll in and attend a private



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31 school in accordance with the provisions of this section if all  
 32 of the following conditions are met:

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

37 (b) By assigned school attendance area or by special  
 38 assignment, the student has spent the prior school year in  
 39 attendance at a Florida public school. Prior school year in  
 40 attendance means that the student was enrolled and reported by  
 41 the school district for funding during the preceding October and  
 42 February Florida Education Finance Program surveys.

43 (c) The parent has obtained acceptance for admission of the  
 44 student to a private school that is eligible under the program  
 45 pursuant to subsection (3) and has notified the school district  
 46 of the request for a scholarship at least 60 days prior to the  
 47 date of the first scholarship payment. The parental notification  
 48 must be through a communication directly to the school district  
 49 or through the Department of Education to the school district in  
 50 a manner that creates a written or electronic record of the  
 51 notification and the date of the receipt of the notification.

52  
 53 This section does not apply to a student who is enrolled in a  
 54 school operating for the purpose of providing educational  
 55 services to youth in Department of Juvenile Justice commitment  
 56 programs. For purposes of continuity of educational choice, a C-  
 57 CAP Scholarship shall remain in force until a student returns to  
 58 a public school or graduates from high school. However, at any  
 59 time, a student's parent may remove the student from the private  
 60 school and enroll the student in another private school that is  
 61 eligible under the program pursuant to subsection (3) or in the



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62 public school in the assigned school attendance area once the  
63 school district complies with the student-to-teacher ratio  
64 mandate for class size specified in s.1, Art. IX of the State  
65 Constitution in such attendance area.

66 (3) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to  
67 participate in the Constitutional Compliance Assistance Program,  
68 a private school must be a Florida private school, may be  
69 sectarian or nonsectarian, and must:

70 (a) Demonstrate fiscal soundness by being in operation for  
71 1 school year or provide the Department of Education with a  
72 statement by a certified public accountant confirming that the  
73 private school desiring to participate is insured and the owner  
74 or owners have sufficient capital or credit to operate the school  
75 for the upcoming year serving the number of students anticipated  
76 with expected revenues from tuition and other sources that may be  
77 reasonably expected. In lieu of such a statement, a surety bond  
78 or letter of credit for the amount equal to the scholarship funds  
79 for any quarter may be filed with the Department of Education.

80 (b) Notify the Department of Education of its intent to  
81 participate in the program under this section. The notice must  
82 specify the grade levels and services that the private school has  
83 available for students who are participating in the scholarship  
84 program.

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

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

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

90 (f) Employ or contract with teachers who hold baccalaureate  
91 or higher degrees, or have at least 3 years of teaching  
92 experience in public or private schools, or have special skills,



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93 knowledge, or expertise that qualifies them to provide  
94 instruction in subjects taught.

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

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

99 (4) OBLIGATION OF PROGRAM PARTICIPANTS.--

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

104 (b) The parent must have requested the scholarship at least  
105 60 days prior to the date of the first scholarship payment.

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

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

114 (e) If the parent requests that the student participating  
115 in the scholarship program take all statewide assessments  
116 required pursuant to s. 1008.22, the parent is responsible for  
117 transporting the student to the assessment site designated by the  
118 school district.

119 (f) Upon receipt of a scholarship warrant, the parent to  
120 whom the warrant is made payable must restrictively endorse the  
121 warrant to the private school for deposit into the account of the  
122 private school.

123 (g) A participant who fails to comply with this subsection



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124 forfeits the scholarship.

125 (5) SCHOLARSHIP FUNDING AND PAYMENT.--

126 (a) The C-CAP Scholarship granted to an eligible student  
 127 shall be a calculated amount equivalent to 60 percent of the  
 128 following: the base student allocation in the Florida Education  
 129 Finance Program multiplied by the appropriate cost factor for the  
 130 educational program that would have been provided for the student  
 131 in the district school to which he or she was assigned,  
 132 multiplied by the district cost differential. In addition,  
 133 the calculated amount shall include 60 percent of the per-student  
 134 share of supplemental academic instruction funds, instructional  
 135 materials funds, technology funds, and other categorical funds as  
 136 provided for such purposes in the General Appropriations Act.

137 (b) The amount of the C-CAP Scholarship shall be the  
 138 calculated amount pursuant to paragraph (a) or the amount of the  
 139 private school's tuition and fees, whichever is less. The amount  
 140 of any assessment fee required by the participating private  
 141 school may be paid from the total amount of the scholarship.

142 (c) If the participating private school requires partial  
 143 payment of tuition prior to the start of the academic year to  
 144 reserve space for students admitted to the school, that partial  
 145 payment may be paid by the Department of Education prior to the  
 146 first quarterly payment of the year in which the C-CAP  
 147 Scholarship is awarded, up to a maximum of \$1,000, and deducted  
 148 from subsequent scholarship payments. If a student decides not to  
 149 attend the participating private school, the partial reservation  
 150 payment must be returned to the Department of Education by the  
 151 participating private school. There is a limit of one reservation  
 152 payment per student per year.

153 (d) The school district shall report all students who are  
 154 attending a private school under this program. The students



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155 attending private schools on C-CAP Scholarships shall be reported  
 156 separately from other students reported for purposes of the  
 157 Florida Education Finance Program.

158 (e) Following notification on July 1, September 1, December  
 159 1, or February 1 of the number of program participants, the  
 160 Department of Education shall transfer, from General Revenue  
 161 funds only, the amount calculated under paragraph (b) from the  
 162 school district's total funding entitlement under the Florida  
 163 Education Finance Program and from authorized categorical  
 164 accounts to a separate account for the scholarship program for  
 165 quarterly disbursement to the parents of participating students.  
 166 Per-student funds in excess of per-student C-CAP Scholarship  
 167 awards shall be retained by the Department of Education for  
 168 priority educational needs. However, the Department of Education  
 169 shall annually transmit \$400 of such excess per-student funds to  
 170 a school district for each student who receives a C-CAP  
 171 Scholarship to be used by the school district to meet student  
 172 needs. When a student enters the scholarship program, the  
 173 Department of Education must receive all documentation required  
 174 for the student's participation, including the private school's  
 175 and student's fee schedules, at least 30 days before the first  
 176 quarterly scholarship payment is made for the student. The  
 177 Department of Education may not make any retroactive payments.

178 (f) Upon proper documentation reviewed and approved by the  
 179 Department of Education, the Comptroller shall make scholarship  
 180 payments in four equal amounts no later than September 1,  
 181 November 1, February 1, and April 15 of each academic year in  
 182 which the scholarship is in force. The initial payment shall be  
 183 made after Department of Education verification of admission  
 184 acceptance, and subsequent payments shall be made upon  
 185 verification of continued enrollment and attendance at the



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186 private school. Payment must be by individual warrant made  
 187 payable to the student's parent and mailed by the Department of  
 188 Education to the private school of the parent's choice, and the  
 189 parent shall restrictively endorse the warrant to the private  
 190 school for deposit into the account of the private school.

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

193 (7) RULES.--The State Board of Education may adopt rules  
 194 pursuant to ss. 120.536(1) and 120.54 to administer this section.  
 195 However, the inclusion of eligible private schools within options  
 196 available to Florida public school students does not expand the  
 197 regulatory authority of the state, its officers, or any school  
 198 district to impose any additional regulation of private schools  
 199 beyond those reasonably necessary to enforce requirements  
 200 expressly set forth in this section.

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