

CHAMBER ACTION

1 The Committee on Local Government & Veterans' Affairs recommends
2 the following:

3
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to educational choice programs; creating
8 s. 1002.395, F.S.; establishing the K-12 GI Bill Program
9 to provide educational options for dependents of a Florida
10 veteran, an active duty member of any branch of the United
11 States Armed Forces, an active or retired member of the
12 Florida National Guard, or an active member of the Armed
13 Forces Reserves; providing that a student may attend a
14 public school in the school district other than the one to
15 which assigned; providing that a student may receive a K-
16 12 GI Bill to attend a public school in an adjacent school
17 district or to attend a private school; providing K-12 GI
18 Bill eligibility requirements; providing school district
19 obligations; providing private school eligibility
20 requirements; providing obligations of families choosing
21 the private school option; providing for the amount,
22 funding, and payment of a K-12 GI Bill; exempting the
23 state from liability; authorizing State Board of Education

HB 549

2004
CS

24 rules; amending s. 1002.20, F.S., relating to student and
 25 parent rights to educational choice, to conform; providing
 26 an effective date.

27

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

29

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

32 1002.395 K-12 GI Bill Program.--

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

34 (a) Recognize, honor, and reward the courage and
 35 sacrifices made by a Florida veteran, an active duty member of
 36 any branch of the United States Armed Forces, an active or
 37 retired member of the Florida National Guard, or an active
 38 member of the Armed Forces Reserves, and his or her family.

39 (b) Expand educational opportunities for children who are
 40 dependents of a Florida veteran, an active duty member of any
 41 branch of the United States Armed Forces, an active or retired
 42 member of the Florida National Guard, or an active member of the
 43 Armed Forces Reserves.

44 (c) Provide a new benefit to a Florida veteran, an active
 45 duty member of any branch of the United States Armed Forces, an
 46 active or retired member of the Florida National Guard, or an
 47 active member of the Armed Forces Reserves by giving such
 48 individual the option to choose his or her children's education.

49 (2) THE K-12 GI BILL PROGRAM.--The K-12 GI Bill Program is
 50 established as a benefit to a Florida veteran as defined in s.
 51 1.01, an active duty member of any branch of the United States

HB 549

2004
CS

52 Armed Forces, an active or retired member of the Florida
53 National Guard, or an active member of the Armed Forces Reserves
54 that provides the option for his or her dependents to attend a
55 public school in the school district other than the one to which
56 assigned, to receive a K-12 GI Bill to attend a public school in
57 an adjacent school district, or to receive a K-12 GI Bill to
58 attend an eligible private school of his or her choice.

59 (3) K-12 GI BILL ELIGIBILITY.--The parent of a student who
60 is a dependent of a Florida veteran as defined in s. 1.01, an
61 active duty member of any branch of the United States Armed
62 Forces, an active or retired member of the Florida National
63 Guard, or an active member of the Armed Forces Reserves may
64 request and receive from the state a K-12 GI Bill for the child
65 to enroll in and attend an eligible private school if the parent
66 has notified the school district that the student is a dependent
67 of a Florida veteran as defined in s. 1.01, an active duty
68 member of any branch of the United States Armed Forces, an
69 active or retired member of the Florida National Guard, or an
70 active member of the Armed Forces Reserves; has obtained
71 acceptance for admission of the student to a private school that
72 is eligible for the program under subsection (5); and has
73 notified the school district of the request for a K-12 GI Bill
74 at least 60 days prior to the date of the first K-12 GI Bill
75 payment. The parental notification must be through a
76 communication directly to the district or through the Department
77 of Education to the district in a manner that creates a written
78 or electronic record of the notification and the date of receipt
79 of the notification. This section does not apply to a student

HB 549

2004
CS

80 who is enrolled in a school operating for the purpose of
81 providing educational services to youth in Department of
82 Juvenile Justice commitment programs. For purposes of continuity
83 of educational choice, the K-12 GI Bill shall remain in force
84 until the student returns to a public school or graduates from
85 high school. However, at any time, the student's parent may
86 remove the student from the private school and place the student
87 in another private school that is eligible to provide
88 educational opportunities for students whose families opt to use
89 a K-12 GI Bill under subsection (5) or in a public school as
90 provided in subsection (4).

91 (4) SCHOOL DISTRICT OBLIGATIONS.--

92 (a) A school district shall timely notify the parent of
93 each student who the school district has knowledge is a
94 dependent of a Florida veteran as defined in s. 1.01, an active
95 duty member of any branch of the United States Armed Forces, an
96 active or retired member of the Florida National Guard, or an
97 active member of the Armed Forces Reserves of all options
98 available pursuant to this section and offer that student's
99 parent an opportunity to enroll the student in another public
100 school within the district. The parent is not required to accept
101 this offer in lieu of requesting a K-12 GI Bill for the student
102 to attend a public school in an adjacent school district or to
103 attend a private school. However, if the parent chooses to
104 enroll the student in another public school within the district,
105 the student may continue attending the public school chosen by
106 the parent until the student graduates from high school. The
107 option under this paragraph shall be on a space-available basis.

HB 549

2004
CS

108 However, a student who is the dependent of a parent on active
 109 duty shall be given first priority, provided that this option
 110 shall not be available if it results in a violation of the
 111 constitutional class size requirements. If the parent chooses a
 112 public school consistent with the district school board's choice
 113 plan under s. 1002.31, the school district shall provide
 114 transportation to the public school selected by the parent. The
 115 parent is responsible to provide transportation to a public
 116 school chosen that is not consistent with the district school
 117 board's choice plan under s. 1002.31.

118 (b) The parent of a student may choose, as an alternative,
 119 to enroll the student in and transport the student to a public
 120 school in an adjacent school district that has available space,
 121 and that school district shall accept the student and report the
 122 student for purposes of the district's funding pursuant to the
 123 Florida Education Finance Program.

124 (c) For a student in the school district who participates
 125 in the K-12 GI Bill Program whose parent requests that the
 126 student take the statewide assessments under s. 1008.22, the
 127 district shall provide locations and times to take all statewide
 128 assessments.

129 (d) A school district must notify the Department of
 130 Education within 10 days after it receives notification of a
 131 parent's intent to apply for a student to receive a K-12 GI
 132 Bill.

133 (5) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to provide
 134 educational opportunities for students whose families opt to use

HB549

2004
CS

135 a K-12 GI Bill, a private school must be a Florida private
 136 school, may be sectarian or nonsectarian, and must:

137 (a) Demonstrate fiscal soundness by being in operation for
 138 2 school years or file with the Department of Education a surety
 139 bond or letter of credit for the amount equal to the K-12 GI
 140 Bill funds for each quarter.

141 (b) Notify the Department of Education of its intent to
 142 provide educational opportunities for students whose families
 143 opt to use a K-12 GI Bill. The notice must specify the grade
 144 levels and services that the private school has available for
 145 students attending on a K-12 GI Bill.

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

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

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

151 (f) Employ or contract with teachers who hold
 152 baccalaureate or higher degrees, have at least 3 years of
 153 teaching experience in public or private schools, or have
 154 special skills, knowledge, or expertise that qualifies them to
 155 provide instruction in subjects taught.

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

158 (h) Adhere to the tenets of its published disciplinary
 159 procedures prior to the expulsion of a student attending the
 160 school on a K-12 GI Bill.

161 (6) OBLIGATION OF FAMILIES OPTING TO USE A K-12 GI BILL.--

HB 549

2004
CS

162 (a) A parent who applies for a K-12 GI Bill to enable his
163 or her child to attend a private school is exercising his or her
164 parental option to place his or her child in a private school.
165 The parent must select the private school and apply for the
166 admission of his or her child.

167 (b) If the parent chooses the private school option and
168 the student is accepted by the private school pending the
169 availability of a space for the student, the parent of the
170 student must notify the school district at least 60 days prior
171 to the date of the first K-12 GI Bill payment and before the
172 student enters the private school in order to be eligible for
173 the K-12 GI Bill when a space becomes available for the student
174 in the private school.

175 (c) Any student attending a private school on a K-12 GI
176 Bill must remain in attendance throughout the school year,
177 unless excused by the school for illness or other good cause,
178 and must comply fully with the school's code of conduct.

179 (d) The parent of each student attending a private school
180 on a K-12 GI Bill must comply fully with the private school's
181 parental involvement requirements unless excused by the school
182 for illness or other good cause.

183 (e) If the parent requests that the student attending a
184 private school on a K-12 GI Bill take all statewide assessments
185 required pursuant to s. 1008.22, the parent is responsible for
186 transporting the student to the assessment site designated by
187 the school district.

188 (f) Upon receipt of a K-12 GI Bill warrant, the parent to
189 whom the warrant is made must restrictively endorse the warrant

HB 549

2004
CS

190 to the private school for deposit into the account of the
191 private school.

192 (g) Any failure to comply with this subsection results in
193 forfeiture of the K-12 GI Bill.

194 (7) K-12 GI BILL FUNDING AND PAYMENT.--

195 (a) The amount of a K-12 GI Bill provided to any child for
196 any single school year shall not exceed the following annual
197 limits:

198 1. Three thousand six hundred dollars or the amount of
199 tuition and fees, whichever is less, for a K-12 GI Bill awarded
200 to a student enrolled in an eligible private school.

201 2. Five hundred dollars, or the amount of transportation
202 expenses, whichever is less, for a K-12 GI Bill awarded to a
203 student enrolled in a Florida public school that is located
204 outside the school district in which the student resides.

205 (b) If a participating private school requires partial
206 payment of tuition prior to the start of the academic year to
207 reserve space for students admitted to the school, that partial
208 payment may be paid by the Department of Education prior to the
209 first quarterly payment of the year in which the K-12 GI Bill is
210 awarded, up to a maximum of \$1,000, and deducted from subsequent
211 K-12 GI Bill payments. If a student decides not to attend the
212 participating private school, the partial reservation payment
213 must be returned to the Department of Education by the
214 participating private school. There is a limit of one
215 reservation payment per student per year.

216 (c) The school district shall report all students who are
217 attending a private school on a K-12 GI Bill. The students

HB 549

2004
CS

218 attending private schools on K-12 GI Bills shall be reported
219 separately from other students reported for purposes of the
220 Florida Education Finance Program.

221 (d) Following notification on July 1, September 1,
222 December 1, or February 1 of the number of students attending
223 private schools on K-12 GI Bills, the Department of Education
224 shall transfer, from General Revenue funds only, the amount of
225 the K-12 GI Bills from the school district's total funding
226 entitlement under the Florida Education Finance Program to a
227 separate account for the K-12 GI Bills for quarterly
228 disbursement to the parents of K-12 GI Bill students. When a
229 student enters a private school on a K-12 GI Bill, the
230 Department of Education must receive all documentation required
231 for the student's K-12 GI Bill, including the private school's
232 and student's fee schedules, at least 30 days before the first
233 quarterly K-12 GI Bill payment is made for the student. The
234 Department of Education may not make any retroactive payments.

235 (e) Upon proper documentation reviewed and approved by the
236 Department of Education, the Chief Financial Officer shall make
237 K-12 GI Bill payments in four equal amounts no later than
238 September 1, November 1, February 1, and April 15 of each
239 academic year in which the K-12 GI Bill is in force. The initial
240 payment for attendance at a private school shall be made after
241 Department of Education verification of admission acceptance,
242 and subsequent payments shall be made upon verification of
243 continued enrollment and attendance at the private school.
244 Payment must be by individual warrant made payable to the
245 student's parent and mailed by the Department of Education to

HB 549

2004
CS

246 | the private school of the parent's choice, and the parent shall
 247 | restrictively endorse the warrant to the private school for
 248 | deposit into the account of the private school.

249 | (8) LIABILITY.--No liability shall arise on the part of
 250 | the state based on the award or use of a K-12 GI Bill.

251 | (9) RULES.--The State Board of Education may adopt rules
 252 | pursuant to ss. 120.536(1) and 120.54 to administer this
 253 | section. However, the inclusion of eligible private schools
 254 | within options available to Florida public school students does
 255 | not expand the regulatory authority of the state, its officers,
 256 | or any school district to impose any additional regulation of
 257 | private schools beyond those reasonably necessary to enforce
 258 | requirements expressly set forth in this section.

259 | Section 2. Paragraphs (a) and (b) of subsection (6) of
 260 | section 1002.20, Florida Statutes, are amended to read:

261 | 1002.20 K-12 student and parent rights.--Parents of public
 262 | school students must receive accurate and timely information
 263 | regarding their child's academic progress and must be informed
 264 | of ways they can help their child to succeed in school. K-12
 265 | students and their parents are afforded numerous statutory
 266 | rights including, but not limited to, the following:

267 | (6) EDUCATIONAL CHOICE.--

268 | (a) *Public school choices.*--Parents of public school
 269 | students may seek whatever public school choice options that are
 270 | applicable to their students and are available to students in
 271 | their school districts. These options may include controlled
 272 | open enrollment, lab schools, charter schools, charter technical
 273 | career centers, magnet schools, alternative schools, special

274 | programs, advanced placement, dual enrollment, International
 275 | Baccalaureate, early admissions, credit by examination or
 276 | demonstration of competency, the New World School of the Arts,
 277 | the Florida School for the Deaf and the Blind, and the Florida
 278 | Virtual School. These options may also include the public school
 279 | choice options of the Opportunity Scholarship Program, ~~and~~ the
 280 | McKay Scholarships for Students with Disabilities Program, and
 281 | the K-12 GI Bill Program.

282 | (b) *Private school choices.*--Parents of public school
 283 | students may seek private school choice options under certain
 284 | programs.

285 | 1. Under the Opportunity Scholarship Program, the parent
 286 | of a student in a failing public school may request and receive
 287 | an opportunity scholarship for the student to attend a private
 288 | school in accordance with the provisions of s. 1002.38.

289 | 2. Under the McKay Scholarships for Students with
 290 | Disabilities Program, the parent of a public school student with
 291 | a disability who is dissatisfied with the student's progress may
 292 | request and receive a McKay Scholarship for the student to
 293 | attend a private school in accordance with the provisions of s.
 294 | 1002.39.

295 | 3. Under the K-12 GI Bill Program, the parent of a public
 296 | school student who is a dependent of a Florida veteran, an
 297 | active duty member of any branch of the United States Armed
 298 | Forces, an active or retired member of the Florida National
 299 | Guard, or an active member of the Armed Forces Reserves may
 300 | request and receive a K-12 GI Bill for the student to attend a
 301 | private school in accordance with the provisions of s. 1002.395.

HB 549

2004
CS

302 ~~4.3.~~ Under the corporate income tax credit scholarship
303 program, the parent of a student who qualifies for free or
304 reduced-price school lunch may seek a scholarship from an
305 eligible nonprofit scholarship-funding organization in
306 accordance with the provisions of s. 220.187.

307 Section 3. This act shall take effect upon becoming a law.