

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Attkisson offered the following:

2

3 **Substitute Amendment for Amendment (939959) (with title**
4 **amendment)**

5 Between line(s) 1005 and 1006 insert:

6 Section 11. Section 1002.395, Florida Statutes, is created
7 to read:

8 1002.395 K-12 GI Bill Program.--

9 (1) DEFINITIONS.--For purposes of this section:

10 (a) The term "active-duty member" means an active-duty
11 member of the Florida National Guard who is serving in Operation
12 Enduring Freedom or Operation Iraqi Freedom.

13 (b) The term "dependent" means a dependent of an active-
14 duty member of the Florida National Guard who is serving in
15 Operation Enduring Freedom or Operation Iraqi Freedom.

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

16 (2) PURPOSE.--The purpose of this section is to:

17 (a) Recognize, honor, and reward the courage and
18 sacrifices made by an active-duty member of the Florida National
19 Guard who is serving in Operation Enduring Freedom or Operation
20 Iraqi Freedom, and his or her family.

21 (b) Expand educational opportunities for children who are
22 dependents of an active-duty member.

23 (c) Provide a new benefit to an active-duty member by
24 giving such an individual the option to choose his or her
25 children's education.

26 (3) THE K-12 GI BILL PROGRAM.--The K-12 GI Bill Program is
27 established as a benefit to an active-duty member which provides
28 the option for his or her dependents to attend a public school
29 in the school district other than the one to which assigned, to
30 receive a K-12 GI Bill to attend a public school in an adjacent
31 school district, or to receive a K-12 GI Bill to attend an
32 eligible private school of his or her choice.

33 (4) K-12 GI BILL ELIGIBILITY.--The parent of a student who
34 is a dependent of an active-duty member may request and receive
35 from the state a K-12 GI Bill for the child to enroll in and
36 attend an eligible private school if the parent has notified the
37 school district that the student is a dependent of an active-
38 duty member; has obtained acceptance for admission of the
39 student to a private school that is eligible for the program
40 under subsection (7); and has notified the school district of
41 the request for a K-12 GI Bill at least 60 days before the date
42 of the first K-12 GI Bill payment. The parental notification

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

43 must be through a communication directly to the district or
44 through the Department of Education to the district in a manner
45 that creates a written or electronic record of the notification
46 and the date of receipt of the notification. A dependent child
47 of an active-duty member is not required to have been enrolled
48 and reported by a school district for funding during the
49 preceding October and February Florida Education Finance Program
50 surveys in kindergarten through grade 12, in order to be
51 eligible to receive a scholarship. This section does not apply
52 to a student who is enrolled in a school operating for the
53 purpose of providing educational services to youth in a
54 commitment program of the Department of Juvenile Justice. For
55 purposes of continuity of educational choice, the K-12 GI Bill
56 shall remain in force until the student returns to a public
57 school or graduates from high school. However, at any time, the
58 student's parent may remove the student from the private school
59 and place the student in another private school that is eligible
60 to provide educational opportunities for students whose families
61 choose to use a K-12 GI Bill under subsection (7) or may place
62 the student in a public school as provided in subsection (6).

63 (5) K-12 GI BILL PROHIBITIONS.--A student is not eligible
64 for a K-12 GI Bill if he or she is:

65 (a) Enrolled in a school operating for the purpose of
66 providing educational services to youth in Department of
67 Juvenile Justice commitment programs.

68 (b) Receiving a scholarship from an eligible nonprofit
69 scholarship-funding organization under s. 220.187.

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

70 (c) Receiving an educational scholarship pursuant to this
71 chapter.

72 (d) Participating in a home education program as defined
73 in s. 1002.01(1).

74 (e) Participating in a private tutoring program pursuant
75 to s. 1002.43.

76 (f) Participating in a virtual school, correspondence
77 school, or distance learning program that receives state funding
78 pursuant to the student's participation.

79 (6) SCHOOL DISTRICT OBLIGATIONS.--

80 (a) A school district shall timely notify the parent of
81 each student who the school district has knowledge is a
82 dependent of an active-duty member of all options available
83 under this section and shall offer that student's parent an
84 opportunity to enroll the student in another public school
85 within the district. The parent is not required to accept this
86 offer in lieu of requesting a K-12 GI Bill for the student to
87 attend a public school in an adjacent school district or to
88 attend a private school. However, if the parent chooses to
89 enroll the student in another public school within the district,
90 the student may continue attending the public school chosen by
91 the parent until the student graduates from high school. The
92 option set forth in this paragraph may be exercised only on a
93 space-available basis. However, a student who is the dependent
94 of a parent on active-duty shall be given first priority, except
95 that this option is not available if exercising the option would
96 result in a violation of the constitutional class-size

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

97 requirements. If the parent chooses a public school consistent
98 with the district school board's choice plan under s. 1002.31,
99 the school district shall provide transportation to the public
100 school selected by the parent. The parent is responsible to
101 provide transportation to a chosen public school that is not
102 consistent with the district school board's plan under s.
103 1002.31.

104 (b) The parent of a student may choose, as an alternative,
105 to enroll the student in and transport the student to a public
106 school in an adjacent school district which has available space,
107 and that school district shall accept the student and report the
108 student for purposes of the district's funding under the Florida
109 Education Finance Program.

110 (c) For a student in the school district who participates
111 in the K-12 GI Bill Program whose parent requests that the
112 student take the statewide assessments under s. 1008.22, the
113 district shall provide locations and times to take all statewide
114 assessments.

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

119 (7) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to provide
120 educational opportunities for students whose families choose to
121 use a K-12 GI Bill, a private school must be a Florida private
122 school, may be sectarian or nonsectarian, and must:

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

123 (a) Demonstrate fiscal soundness by being in operation for
124 at least 2 school years or file with the Department of Education
125 a surety bond or letter of credit for the amount equal to the K-
126 12 GI Bill funds for each quarter.

127 (b) Notify the Department of Education of its intent to
128 provide educational opportunities for students whose families
129 choose to use a K-12 GI Bill. The notice must specify the grade
130 levels and services that the private school has available for
131 students attending on a K-12 GI Bill.

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

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

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

137 (f) Employ or contract with teachers who hold
138 baccalaureate or higher degrees, have at least 3 years of
139 teaching experience in public or private schools, or have
140 special skills, knowledge, or expertise that qualifies them to
141 provide instruction in subjects taught.

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

144 (h) Adhere to the tenets of its published disciplinary
145 procedures before expelling a student who is attending the
146 school on a K-12 GI Bill.

147 (i) Require each individual with direct student contact
148 with a scholarship student to be of good moral character, to be
149 subject to the level 1 background screening as provided under

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

150 chapter 435, to be denied employment or terminated if required
151 under s. 435.06, and not to be ineligible to teach in a public
152 school because his or her educator certificate is suspended or
153 revoked. For purposes of this paragraph:

154 1. An "individual with direct student contact" means any
155 individual who has unsupervised access to a scholarship student
156 for whom the private school is responsible.

157 2. The costs of fingerprinting and the background check
158 shall not be borne by the state.

159 3. Continued employment of an individual after
160 notification that the individual has failed the level 1
161 background screening shall cause a private school to be
162 ineligible for participation in the scholarship program.

163 4. An individual holding a valid Florida teaching
164 certificate who has been fingerprinted pursuant to s. 1012.32
165 shall not be required to comply with the provisions of this
166 paragraph.

167 (j) Annually administer or make provision for students
168 participating in the program to take one of the nationally norm-
169 referenced tests identified by the department. Students with
170 disabilities for whom standardized testing is not appropriate
171 are exempt from this requirement. A participating private school
172 must report a student's scores to the parent and to the
173 independent private research organization selected by the
174 department.

175 (8) OBLIGATION OF FAMILIES CHOOSING TO USE A K-12 GI
176 BILL.--

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

177 (a) A parent who applies for a K-12 GI Bill to enable his
178 or her child to attend a private school is exercising his or her
179 parental option to place his or her child in a private school.
180 The parent must select the private school and apply for the
181 admission of his or her child.

182 (b) If the parent chooses the private-school option and
183 the student is accepted by the private school pending the
184 availability of a space for the student, the parent of the
185 student must notify the school district at least 60 days before
186 the date of the first K-12 GI Bill payment and before the
187 student enters the private school in order to be eligible for
188 the K-12 GI Bill when a space becomes available for the student
189 in the private school.

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

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

198 (e) If the parent requests that the student attending a
199 private school on a K-12 GI Bill take all statewide assessments
200 required pursuant to s. 1008.22, the parent is responsible for
201 transporting the student to the assessment site designated by
202 the school district.

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

203 (f) The parent shall ensure that the student participating
204 in the program takes the norm-referenced assessment offered by
205 the private school. The parent may also choose to have the
206 student participate in the statewide assessments pursuant to s.
207 1008.22. If the parent requests that the student take statewide
208 assessments pursuant to s. 1008.22, the parent is responsible
209 for transporting the student to the assessment site designated
210 by the school district.

211 (g) Upon receipt of a K-12 GI Bill warrant, the parent to
212 whom the warrant is made must restrictively endorse the warrant
213 to the private school for deposit into the account of the
214 private school.

215 (h) Any failure to comply with this subsection results in
216 forfeiture of the K-12 GI Bill.

217 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department
218 shall:

219 (a) Annually verify the eligibility of private schools
220 that meet the requirements of subsection (7).

221 (b) Establish a toll-free hotline that provides parents
222 and private schools with information on participation in the K-
223 12 GI Bill Program.

224 (c) Establish a process by which individuals may notify
225 the department of any violation by a parent, private school, or
226 school district of state laws relating to program participation.
227 The department shall conduct an investigation of any written
228 complaint of a violation of this section, or make a referral to
229 the appropriate agency for investigation, if the complaint is

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

230 signed by the complainant and is legally sufficient. A complaint
231 is legally sufficient if it contains ultimate facts that show
232 that a violation of this section or any rule adopted by the
233 State Board of Education has occurred. In order to determine
234 legal sufficiency, the department may require supporting
235 information or documentation from the complainant.

236 (d) Require an annual, notarized, sworn compliance
237 statement by participating private schools certifying compliance
238 with state laws and shall retain such records.

239 (e) Cross-check the list of participating students with
240 the public school enrollment lists prior to the first payment to
241 avoid duplication.

242 (f) Identify all nationally norm-referenced tests that are
243 comparable to the norm-referenced test portions of the Florida
244 Comprehensive Assessment Test(FCAT).

245 (g) Select an independent private research organization to
246 which participating private schools must report the scores of
247 participating students on the nationally norm-referenced tests
248 administered by the private school. The independent private
249 research organization must annually report to the department on
250 the year-to-year improvements of the participating students. The
251 independent private research organization must analyze and
252 report student performance data in a manner that protects the
253 rights of students and parents as mandated in 20 U.S.C. s.
254 1232g, the Family Educational Rights and Privacy Act, and must
255 not disaggregate data to a level that will disclose the academic
256 level of individual students or of individual schools. To the

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

257 extent possible, the independent private research organization
258 must accumulate historical performance data on students from the
259 department and private schools to describe baseline performance
260 and to conduct longitudinal studies. To minimize costs and
261 reduce time required for third-party analysis and evaluation,
262 the department shall conduct analyses of matched students from
263 public school assessment data and calculate control group
264 learning gains using an agreed-upon methodology outlined in the
265 contract with the third-party evaluator. The sharing of student
266 data must be in accordance with requirements of 20 U.S.C. s.
267 1232g, the Family Educational Rights and Privacy Act, and shall
268 be for the sole purpose of conducting the evaluation. All
269 parties must preserve the confidentiality of such information as
270 required by law.

271 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

272 (a) The Commissioner of Education shall deny, suspend, or
273 revoke a private school's participation in the program if it is
274 determined that the private school has failed to comply with the
275 provisions of this section. However, if the noncompliance is
276 correctable within a reasonable amount of time and if the
277 health, safety, and welfare of the students are not threatened,
278 the commissioner may issue a notice of noncompliance which shall
279 provide the private school with a timeframe within which to
280 provide evidence of compliance prior to taking action to suspend
281 or revoke the private school's participation in the program.

282 (b) The commissioner's determination is subject to the
283 following:

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

284 1. If the commissioner intends to deny, suspend, or revoke
285 a private school's participation in the program, the department
286 shall notify the private school of such proposed action in
287 writing by certified mail and regular mail to the private
288 school's address of record with the department. The notification
289 shall include the reasons for the proposed action and notice of
290 the timelines and procedures set forth in this paragraph.

291 2. The private school that is adversely affected by the
292 proposed action shall have 15 days after receipt of the notice
293 of proposed action to file with the department's agency clerk a
294 request for a proceeding pursuant to ss.120.569 and 120.57. If
295 the private school is entitled to a hearing under s. 120.57(1),
296 the department shall forward the request to the Division of
297 Administrative Hearings.

298 3. Upon receipt of a request referred pursuant to this
299 paragraph, the director of the Division of Administrative
300 Hearings shall expedite the hearing and assign an administrative
301 law judge who shall commence a hearing within 30 days after the
302 receipt of the formal written request by the division and enter
303 a recommended order within 30 days after the hearing or within
304 30 days after receipt of the hearing transcript, whichever is
305 later. Each party shall be allowed 10 days in which to submit
306 written exceptions to the recommended order. A final order shall
307 be entered by the agency within 30 days after the entry of a
308 recommended order. The provisions of this subparagraph may be
309 waived upon stipulation by all parties.

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

310 (c) The commissioner may immediately suspend payment if it
311 is determined that there is probable cause to believe that there
312 is:

313 1. An imminent threat to the health, safety, and welfare
314 of the students; or

315 2. Fraudulent activity on the part of the private school.

316
317 The commissioner's order suspending payment pursuant to this
318 paragraph may be appealed pursuant to the same procedures and
319 timelines as the notice of proposed action set forth in
320 paragraph (b).

321 (11) K-12 GI BILL FUNDING AND PAYMENT.--

322 (a) The amount of a K-12 GI Bill provided to any child for
323 any single school year may not exceed the following annual
324 limits:

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

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

332 (b) If a participating private school requires partial
333 payment of tuition before the start of the academic year to
334 reserve space for students admitted to the school, that partial
335 payment may be paid by the Department of Education before the
336 first quarterly payment of the year in which the K-12 GI Bill is

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

337 awarded, up to a maximum of \$1,000, and deducted from subsequent
338 K-12 GI Bill payments. If a student decides not to attend the
339 participating private school, the participating private school
340 must return the partial reservation payment to the Department of
341 Education. There is a limit of one reservation payment per
342 student per year.

343 (c) The school district shall report all students who are
344 attending a private school on a K-12 GI Bill. The students
345 attending private schools on K-12 GI Bills shall be reported
346 separately from other students reported for purposes of the
347 Florida Education Finance Program.

348 (d) Following notification on July 1, September 1,
349 December 1, or February 1 of the number of students attending
350 private schools on K-12 GI Bills, the Department of Education
351 shall transfer, from general revenue funds only, the amount of
352 the K-12 GI Bills from the school district's total funding
353 entitlement under the Florida Education Finance Program to a
354 separate account for the K-12 GI Bills for quarterly
355 disbursement to the parents of K-12 GI Bill students. For
356 purposes of this paragraph, the term school district means the
357 school district in which the parent resides at the time of the
358 scholarship request. When a student enters a private school on a
359 K-12 GI Bill, the Department of Education must receive all
360 documentation required for the student's K-12 GI Bill, including
361 the private school's and student's fee schedules, at least 30
362 days before the first quarterly K-12 GI Bill payment is made for

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

363 the student. The Department of Education may not make any
364 retroactive payments.

365 (e) Upon proper documentation reviewed and approved by the
366 Department of Education, the Chief Financial Officer shall make
367 K-12 GI Bill payments in four equal amounts no later than
368 September 1, November 1, February 1, and April 15 of each
369 academic year in which the K-12 GI Bill is in force. The initial
370 payment for attendance at a private school shall be made after
371 Department of Education verification of admission acceptance,
372 and subsequent payments shall be made upon verification of
373 continued enrollment and attendance at the private school.
374 Payment must be by individual warrant made payable to the
375 student's parent and mailed by the Department of Education to
376 the private school of the parent's choice, and the parent shall
377 restrictively endorse the warrant to the private school for
378 deposit into the account of the private school.

379 (f) Subsequent to each payment, the Department of
380 Financial Services shall randomly review endorsed warrants to
381 confirm compliance with endorsement requirements. The Department
382 of Financial Services shall immediately report inconsistencies
383 or irregularities to the department.

384 (12) LIABILITY.--The state is not liable for any loss
385 based on the award or use of a K-12 GI Bill.

386 (13) WAIVER OF DEADLINES.--In the event of an act of God,
387 which means an act occasioned exclusively by violence of nature
388 without the interference of any human agency, the State Board of

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

389 Education is authorized to waive any deadlines to effectuate the
390 purposes of the K-12 GI Bill.

391 (14) RULES.--The State Board of Education may adopt rules
392 under ss. 120.536(1) and 120.54 to administer this section.
393 However, the inclusion of eligible private schools within
394 options available to Florida public school students does not
395 expand the regulatory authority of the state, its officers, or
396 any school district to impose any additional regulation of
397 private schools beyond those reasonably necessary to enforce
398 requirements expressly set forth in this section.

399 Section 12. Paragraphs (a) and (b) of subsection (6) of
400 section 1002.20, Florida Statutes, are amended to read:

401 1002.20 K-12 student and parent rights.--Parents of public
402 school students must receive accurate and timely information
403 regarding their child's academic progress and must be informed
404 of ways they can help their child to succeed in school. K-12
405 students and their parents are afforded numerous statutory
406 rights including, but not limited to, the following:

407 (6) EDUCATIONAL CHOICE.--

408 (a) Public school choices.--Parents of public school
409 students may seek whatever public school choice options that are
410 applicable to their students and are available to students in
411 their school districts. These options may include controlled
412 open enrollment, lab schools, charter schools, charter technical
413 career centers, magnet schools, alternative schools, special
414 programs, advanced placement, dual enrollment, International
415 Baccalaureate, early admissions, credit by examination or

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

416 demonstration of competency, the New World School of the Arts,
417 the Florida School for the Deaf and the Blind, and the Florida
418 Virtual School. These options may also include the public school
419 choice options of the Opportunity Scholarship Program, and the
420 McKay Scholarships for Students with Disabilities Program, and
421 the K-12 GI Bill Program.

422 (b) Private school choices.--Parents of public school
423 students may seek private school choice options under certain
424 programs.

425 1. Under the Opportunity Scholarship Program, the parent
426 of a student in a failing public school may request and receive
427 an opportunity scholarship for the student to attend a private
428 school in accordance with the provisions of s. 1002.38.

429 2. Under the McKay Scholarships for Students with
430 Disabilities Program, the parent of a public school student with
431 a disability who is dissatisfied with the student's progress may
432 request and receive a McKay Scholarship for the student to
433 attend a private school in accordance with the provisions of s.
434 1002.39.

435 3. Under the K-12 GI Bill Program, the parent of a public
436 school student who is a dependent of an active-duty member as
437 defined in s. 1002.395(1) may request and receive a K-12 GI Bill
438 for the student to attend a private school in accordance with s.
439 1002.395.

440 ~~4.3.~~ Under the corporate income tax credit scholarship
441 program, the parent of a student who qualifies for free or
442 reduced-price school lunch may seek a scholarship from an

049901

4/28/2005 4:51:55 PM

Amendment No. (for drafter's use only)

443 eligible nonprofit scholarship-funding organization in
444 accordance with the provisions of s. 220.187.

445
446 ===== T I T L E A M E N D M E N T =====

447 Remove line(s) 59 and insert:
448 s. 1002.395, F.S.; establishing the K-12 GI Bill Program
449 to provide educational options for dependents of an
450 active-duty member of the Florida National Guard who is
451 serving in Operation Enduring Freedom or Operation Iraqi
452 Freedom; providing that a student may attend a public
453 school in the school district other than the one to which
454 assigned; providing that a student may receive a K-12 GI
455 Bill to attend a public school in an adjacent school
456 district or to attend a private school; amending s.
457 1002.20, F.S., relating to student and parent rights to
458 educational choice, to conform; creating s. 1002.421,
459 F.S., relating to rights and obligations of