

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Attkisson offered the following:

2  
3 **Amendment (with title amendments)**

4 Between line(s) 1005 and 1006 insert:

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

7 1002.395 K-12 GI Bill Program.--

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

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

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

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

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

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

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

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

32 (4) K-12 GI BILL ELIGIBILITY.--The parent of a student who  
33 is a dependent of an active-duty member may request and receive  
34 from the state a K-12 GI Bill for the child to enroll in and  
35 attend an eligible private school if the parent has notified the  
36 school district that the student is a dependent of an active-  
37 duty member; has obtained acceptance for admission of the  
38 student to a private school that is eligible for the program  
39 under subsection (6); and has notified the school district of  
40 the request for a K-12 GI Bill at least 60 days before the date  
41 of the first K-12 GI Bill payment. The parental notification  
42 must be through a communication directly to the district or

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43 through the Department of Education to the district in a manner  
44 that creates a written or electronic record of the notification  
45 and the date of receipt of the notification. A dependent child  
46 of an active-duty member is not required to have been enrolled  
47 and reported by a school district for funding during the  
48 preceding October and February Florida Education Finance Program  
49 surveys in kindergarten through grade 12, in order to be  
50 eligible to receive a scholarship. This section does not apply  
51 to a student who is enrolled in a school operating for the  
52 purpose of providing educational services to youth in a  
53 commitment program of the Department of Juvenile Justice. For  
54 purposes of continuity of educational choice, the K-12 GI Bill  
55 shall remain in force until the student returns to a public  
56 school or graduates from high school. However, at any time, the  
57 student's parent may remove the student from the private school  
58 and place the student in another private school that is eligible  
59 to provide educational opportunities for students whose families  
60 choose to use a K-12 GI Bill under subsection (6) or may place  
61 the student in a public school as provided in subsection (5).

62 (5) SCHOOL DISTRICT OBLIGATIONS.--

63 (a) A school district shall timely notify the parent of  
64 each student who the school district has knowledge is a  
65 dependent of an active-duty member of all options available  
66 under this section and shall offer that student's parent an  
67 opportunity to enroll the student in another public school  
68 within the district. The parent is not required to accept this  
69 offer in lieu of requesting a K-12 GI Bill for the student to

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70 attend a public school in an adjacent school district or to  
71 attend a private school. However, if the parent chooses to  
72 enroll the student in another public school within the district,  
73 the student may continue attending the public school chosen by  
74 the parent until the student graduates from high school. The  
75 option set forth in this paragraph may be exercised only on a  
76 space-available basis. However, a student who is the dependent  
77 of a parent on active-duty shall be given first priority, except  
78 that this option is not available if exercising the option would  
79 result in a violation of the constitutional class-size  
80 requirements. If the parent chooses a public school consistent  
81 with the district school board's choice plan under s. 1002.31,  
82 the school district shall provide transportation to the public  
83 school selected by the parent. The parent is responsible to  
84 provide transportation to a chosen public school that is not  
85 consistent with the district school board's plan under s.  
86 1002.31.

87 (b) The parent of a student may choose, as an alternative,  
88 to enroll the student in and transport the student to a public  
89 school in an adjacent school district which has available space,  
90 and that school district shall accept the student and report the  
91 student for purposes of the district's funding under the Florida  
92 Education Finance Program.

93 (c) For a student in the school district who participates  
94 in the K-12 GI Bill Program whose parent requests that the  
95 student take the statewide assessments under s. 1008.22, the

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96 district shall provide locations and times to take all statewide  
97 assessments.

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

102 (6) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to provide  
103 educational opportunities for students whose families choose to  
104 use a K-12 GI Bill, a private school must be a Florida private  
105 school, may be sectarian or nonsectarian, and must:

106 (a) Demonstrate fiscal soundness by being in operation for  
107 at least 2 school years or file with the Department of Education  
108 a surety bond or letter of credit for the amount equal to the K-  
109 12 GI Bill funds for each quarter.

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

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

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

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

120 (f) Employ or contract with teachers who hold  
121 baccalaureate or higher degrees, have at least 3 years of  
122 teaching experience in public or private schools, or have

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123 special skills, knowledge, or expertise that qualifies them to  
124 provide instruction in subjects taught.

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

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

130 (7) OBLIGATION OF FAMILIES CHOOSING TO USE A K-12 GI  
131 BILL.--

132 (a) A parent who applies for a K-12 GI Bill to enable his  
133 or her child to attend a private school is exercising his or her  
134 parental option to place his or her child in a private school.  
135 The parent must select the private school and apply for the  
136 admission of his or her child.

137 (b) If the parent chooses the private-school option and  
138 the student is accepted by the private school pending the  
139 availability of a space for the student, the parent of the  
140 student must notify the school district at least 60 days before  
141 the date of the first K-12 GI Bill payment and before the  
142 student enters the private school in order to be eligible for  
143 the K-12 GI Bill when a space becomes available for the student  
144 in the private school.

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

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

153 (e) If the parent requests that the student attending a  
154 private school on a K-12 GI Bill take all statewide assessments  
155 required pursuant to s. 1008.22, the parent is responsible for  
156 transporting the student to the assessment site designated by  
157 the school district.

158 (f) Upon receipt of a K-12 GI Bill warrant, the parent to  
159 whom the warrant is made must restrictively endorse the warrant  
160 to the private school for deposit into the account of the  
161 private school.

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

164 (8) K-12 GI BILL FUNDING AND PAYMENT.--

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

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

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

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175 (b) If a participating private school requires partial  
176 payment of tuition before the start of the academic year to  
177 reserve space for students admitted to the school, that partial  
178 payment may be paid by the Department of Education before the  
179 first quarterly payment of the year in which the K-12 GI Bill is  
180 awarded, up to a maximum of \$1,000, and deducted from subsequent  
181 K-12 GI Bill payments. If a student decides not to attend the  
182 participating private school, the participating private school  
183 must return the partial reservation payment to the Department of  
184 Education. There is a limit of one reservation payment per  
185 student per year.

186 (c) The school district shall report all students who are  
187 attending a private school on a K-12 GI Bill. The students  
188 attending private schools on K-12 GI Bills shall be reported  
189 separately from other students reported for purposes of the  
190 Florida Education Finance Program.

191 (d) Following notification on July 1, September 1,  
192 December 1, or February 1 of the number of students attending  
193 private schools on K-12 GI Bills, the Department of Education  
194 shall transfer, from general revenue funds only, the amount of  
195 the K-12 GI Bills from the school district's total funding  
196 entitlement under the Florida Education Finance Program to a  
197 separate account for the K-12 GI Bills for quarterly  
198 disbursement to the parents of K-12 GI Bill students. For  
199 purposes of this paragraph, the term school district means the  
200 school district in which the parent resides at the time of the  
201 scholarship request. When a student enters a private school on a

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202 K-12 GI Bill, the Department of Education must receive all  
203 documentation required for the student's K-12 GI Bill, including  
204 the private school's and student's fee schedules, at least 30  
205 days before the first quarterly K-12 GI Bill payment is made for  
206 the student. The Department of Education may not make any  
207 retroactive payments.

208 (e) Upon proper documentation reviewed and approved by the  
209 Department of Education, the Chief Financial Officer shall make  
210 K-12 GI Bill payments in four equal amounts no later than  
211 September 1, November 1, February 1, and April 15 of each  
212 academic year in which the K-12 GI Bill is in force. The initial  
213 payment for attendance at a private school shall be made after  
214 Department of Education verification of admission acceptance,  
215 and subsequent payments shall be made upon verification of  
216 continued enrollment and attendance at the private school.  
217 Payment must be by individual warrant made payable to the  
218 student's parent and mailed by the Department of Education to  
219 the private school of the parent's choice, and the parent shall  
220 restrictively endorse the warrant to the private school for  
221 deposit into the account of the private school.

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

224 (10) RULES.--The State Board of Education may adopt rules  
225 under ss. 120.536(1) and 120.54 to administer this section.  
226 However, the inclusion of eligible private schools within  
227 options available to Florida public school students does not  
228 expand the regulatory authority of the state, its officers, or

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229 any school district to impose any additional regulation of  
230 private schools beyond those reasonably necessary to enforce  
231 requirements expressly set forth in this section.

232 (11) K-12 GI BILL PROHIBITIONS.--A student is not eligible  
233 for aK-12 GI Bill if he or she is:

234 (a) Enrolled in a school operating for the purpose of  
235 providing educational services to youth in Department of  
236 Juvenile Justice commitment programs.

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

239 (c) Receiving an educational scholarship pursuant to this  
240 chapter.

241 (d) Participating in a home education program as defined  
242 in s. 1002.01(1).

243 (e) Participating in a private tutoring program pursuant  
244 to s. 1002.43.

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

248 (12) DEPARTMENT OF EDUCATION OBLIGATIONS.--The department  
249 shall:

250 (a) Annually verify the eligibility of private schools  
251 that meet the requirements of subsection (8).

252 (b) Establish a toll-free hotline that provides parents  
253 and private schools with information on participation in the K-  
254 12 GI Bill Program.

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255 (c) Establish a process by which individuals may notify  
256 the department of any violation by a parent, private school, or  
257 school district of state laws relating to program participation.  
258 The department shall conduct an investigation of any written  
259 complaint of a violation of this section, or make a referral to  
260 the appropriate agency for investigation, if the complaint is  
261 signed by the complainant and is legally sufficient. A complaint  
262 is legally sufficient if it contains ultimate facts that show  
263 that a violation of this section or any rule adopted by the  
264 State Board of Education has occurred. In order to determine  
265 legal sufficiency, the department may require supporting  
266 information or documentation from the complainant.

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

270 (e) Cross-check the list of participating students with  
271 the public school enrollment lists prior to the first payment to  
272 avoid duplication.

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

276 (g) Select an independent private research organization to  
277 which participating private schools must report the scores of  
278 participating students on the nationally norm-referenced tests  
279 administered by the private school. The independent private  
280 research organization must annually report to the department on  
281 the year-to-year improvements of the participating students. The

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282 independent private research organization must analyze and  
283 report student performance data in a manner that protects the  
284 rights of students and parents as mandated in 20 U.S.C. s.  
285 1232g, the Family Educational Rights and Privacy Act, and must  
286 not disaggregate data to a level that will disclose the academic  
287 level of individual students or of individual schools. To the  
288 extent possible, the independent private research organization  
289 must accumulate historical performance data on students from the  
290 department and private schools to describe baseline performance  
291 and to conduct longitudinal studies. To minimize costs and  
292 reduce time required for third-party analysis and evaluation,  
293 the department shall conduct analyses of matched students from  
294 public school assessment data and calculate control group  
295 learning gains using an agreed-upon methodology outlined in the  
296 contract with the third-party evaluator. The sharing of student  
297 data must be in accordance with requirements of 20 U.S.C. s.  
298 1232g, the Family Educational Rights and Privacy Act, and shall  
299 be for the sole purpose of conducting the evaluation. All  
300 parties must preserve the confidentiality of such information as  
301 required by law.

302 (13) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

303 (a) The Commissioner of Education shall deny, suspend, or  
304 revoke a private school's participation in the program if it is  
305 determined that the private school has failed to comply with the  
306 provisions of this section. However, if the noncompliance is  
307 correctable within a reasonable amount of time and if the  
308 health, safety, and welfare of the students are not threatened,

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309 the commissioner may issue a notice of noncompliance which shall  
310 provide the private school with a timeframe within which to  
311 provide evidence of compliance prior to taking action to suspend  
312 or revoke the private school's participation in the program.

313 (b) The commissioner's determination is subject to the  
314 following:

315 1. If the commissioner intends to deny, suspend, or revoke  
316 a private school's participation in the program, the department  
317 shall notify the private school of such proposed action in  
318 writing by certified mail and regular mail to the private  
319 school's address of record with the department. The notification  
320 shall include the reasons for the proposed action and notice of  
321 the timelines and procedures set forth in this paragraph.

322 2. The private school that is adversely affected by the  
323 proposed action shall have 15 days after receipt of the notice  
324 of proposed action to file with the department's agency clerk a  
325 request for a proceeding pursuant to ss.120.569 and 120.57. If  
326 the private school is entitled to a hearing under s.120.57(1),  
327 the department shall forward the request to the Division of  
328 Administrative Hearings.

329 3. Upon receipt of a request referred pursuant to this  
330 paragraph, the director of the Division of Administrative  
331 Hearings shall expedite the hearing and assign an administrative  
332 law judge who shall commence a hearing within 30 days after the  
333 receipt of the formal written request by the division and enter  
334 a recommended order within 30 days after the hearing or within  
335 30 days after receipt of the hearing transcript, whichever is

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336 later. Each party shall be allowed 10 days in which to submit  
337 written exceptions to the recommended order. A final order shall  
338 be entered by the agency within 30 days after the entry of a  
339 recommended order. The provisions of this subparagraph may be  
340 waived upon stipulation by all parties.

341 (c) The commissioner may immediately suspend payment if it  
342 is determined that there is probable cause to believe that there  
343 is:

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

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

347  
348 The commissioner's order suspending payment pursuant to this  
349 paragraph may be appealed pursuant to the same procedures and  
350 timelines as the notice of proposed action set forth in  
351 paragraph (b).

352 (d) The parent shall ensure that the student participating  
353 in the program takes the norm-referenced assessment offered by  
354 the private school. The parent may also choose to have the  
355 student participate in the statewide assessments pursuant to s.  
356 1008.22. If the parent requests that the student take statewide  
357 assessments pursuant to s. 1008.22, the parent is responsible  
358 for transporting the student to the assessment site designated  
359 by the school district.

360 (e) Subsequent to each payment, the Department of  
361 Financial Services shall randomly review endorsed warrants to  
362 confirm compliance with endorsement requirements. The Department

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363 of Financial Services shall immediately report inconsistencies  
364 or irregularities to the department.

365 (14) WAIVER OF DEADLINES.--In the event of an act of God,  
366 which means an act occasioned exclusively by violence of nature  
367 without the interference of any human agency, the State Board of  
368 Education is authorized to waive any deadlines to effectuate the  
369 purposes of the K-12 GI Bill.

370 (g) Each private school shall require each individual with  
371 direct student contact with a scholarship student to be of good  
372 moral character, to be subject to the level 1 background  
373 screening as provided under chapter 435, to be denied employment  
374 or terminated if required under s. 435.06, and not to be  
375 ineligible to teach in a public school because his or her  
376 educator certificate is suspended or revoked. For purposes of  
377 this paragraph:

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

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

383 3. Continued employment of an individual after  
384 notification that the individual has failed the level 1  
385 background screening shall cause a private school to be  
386 ineligible for participation in the scholarship program.

387 4. An individual holding a valid Florida teaching  
388 certificate who has been fingerprinted pursuant to s. 1012.32

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389 shall not be required to comply with the provisions of this  
390 paragraph.

391 (h) The private school shall annually administer or make  
392 provision for students participating in the program to take one  
393 of the nationally norm-referenced tests identified by the  
394 department. Students with disabilities for whom standardized  
395 testing is not appropriate are exempt from this requirement. A  
396 participating private school must report a student's scores to  
397 the parent and to the independent private research organization  
398 selected by the department.

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

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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

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

459