

Bill No. SB 876

Barcode 093576

CHAMBER ACTION

Senate

House

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The Committee on Education (Baker) recommended the following
amendment to amendment (412900):

Senate Amendment (with title amendment)

On page 9, between lines 8 and 9,

insert:

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

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

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

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

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

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

(f) Participating in a virtual school, correspondence

Bill No. SB 876

Barcode 093576

1 school, or distance learning program that receives state
2 funding pursuant to the student's participation.

3 (11) DEPARTMENT OF EDUCATION OBLIGATIONS.--The
4 department shall:

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

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

10 (c) Establish a process by which individuals may
11 notify the department of any violation by a parent, private
12 school, or school district of state laws relating to program
13 participation. The department shall conduct an investigation
14 of any written complaint of a violation of this section, or
15 make a referral to the appropriate agency for investigation,
16 if the complaint is signed by the complainant and is legally
17 sufficient. A complaint is legally sufficient if it contains
18 ultimate facts that show that a violation of this section or
19 any rule adopted by the State Board of Education has occurred.
20 In order to determine legal sufficiency, the department may
21 require supporting information or documentation from the
22 complainant.

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

26 (e) Cross-check the list of participating students
27 with the public school enrollment lists prior to the first
28 payment to avoid duplication.

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

Bill No. SB 876

Barcode 093576

1 (g) Select an independent private research
2 organization to which participating private schools must
3 report the scores of participating students on the nationally
4 norm-referenced tests administered by the private school. The
5 independent private research organization must annually report
6 to the department on the year-to-year improvements of the
7 participating students. The independent private research
8 organization must analyze and report student performance data
9 in a manner that protects the rights of students and parents
10 as mandated in 20 U.S.C. s. 1232g, the Family Educational
11 Rights and Privacy Act, and must not disaggregate data to a
12 level that will disclose the academic level of individual
13 students or of individual schools. To the extent possible, the
14 independent private research organization must accumulate
15 historical performance data on students from the department
16 and private schools to describe baseline performance and to
17 conduct longitudinal studies. To minimize costs and reduce
18 time required for third-party analysis and evaluation, the
19 department shall conduct analyses of matched students from
20 public school assessment data and calculate control group
21 learning gains using an agreed-upon methodology outlined in
22 the contract with the third-party evaluator. The sharing of
23 student data must be in accordance with requirements of 20
24 U.S.C. s. 1232g, the Family Educational Rights and Privacy
25 Act, and shall be for the sole purpose of conducting the
26 evaluation. All parties must preserve the confidentiality of
27 such information as required by law.

28 (12) COMMISSIONER OF EDUCATION AUTHORITY AND
29 OBLIGATIONS.--

30 (a) The Commissioner of Education shall deny, suspend,
31 or revoke a private school's participation in the program if

Bill No. SB 876

Barcode 093576

1 it is determined that the private school has failed to comply
2 with the provisions of this section. However, if the
3 noncompliance is correctable within a reasonable amount of
4 time and if the health, safety, and welfare of the students
5 are not threatened, the commissioner may issue a notice of
6 noncompliance which shall provide the private school with a
7 timeframe within which to provide evidence of compliance prior
8 to taking action to suspend or revoke the private school's
9 participation in the program.

10 (b) The commissioner's determination is subject to the
11 following:

12 1. If the commissioner intends to deny, suspend, or
13 revoke a private school's participation in the program, the
14 department shall notify the private school of such proposed
15 action in writing by certified mail and regular mail to the
16 private school's address of record with the department. The
17 notification shall include the reasons for the proposed action
18 and notice of the timelines and procedures set forth in this
19 paragraph.

20 2. The private school that is adversely affected by
21 the proposed action shall have 15 days after receipt of the
22 notice of proposed action to file with the department's agency
23 clerk a request for a proceeding pursuant to ss. 120.569 and
24 120.57. If the private school is entitled to a hearing under
25 s. 120.57(1), the department shall forward the request to the
26 Division of Administrative Hearings.

27 3. Upon receipt of a request referred pursuant to this
28 paragraph, the director of the Division of Administrative
29 Hearings shall expedite the hearing and assign an
30 administrative law judge who shall commence a hearing within
31 30 days after the receipt of the formal written request by the

Bill No. SB 876

Barcode 093576

1 division and enter a recommended order within 30 days after
 2 the hearing or within 30 days after receipt of the hearing
 3 transcript, whichever is later. Each party shall be allowed 10
 4 days in which to submit written exceptions to the recommended
 5 order. A final order shall be entered by the agency within 30
 6 days after the entry of a recommended order. The provisions of
 7 this subparagraph may be waived upon stipulation by all
 8 parties.

9 (c) The commissioner may immediately suspend payment
 10 if it is determined that there is probable cause to believe
 11 that there is:

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

14 2. Fraudulent activity on the part of the private
 15 school.

16
 17 The commissioner's order suspending payment pursuant to this
 18 paragraph may be appealed pursuant to the same procedures and
 19 timelines as the notice of proposed action set forth in
 20 paragraph (b).

21 (d) The parent shall ensure that the student
 22 participating in the program takes the norm-referenced
 23 assessment offered by the private school. The parent may also
 24 choose to have the student participate in the statewide
 25 assessments pursuant to s. 1008.22. If the parent requests
 26 that the student take statewide assessments pursuant to s.
 27 1008.22, the parent is responsible for transporting the
 28 student to the assessment site designated by the school
 29 district.

30 (e) Subsequent to each payment, the Department of
 31 Financial Services shall randomly review endorsed warrants to

Bill No. SB 876

Barcode 093576

1 confirm compliance with endorsement requirements. The
2 Department of Financial Services shall immediately report
3 inconsistencies or irregularities to the department.

4 (f) WAIVER OF DEADLINES.--In the event of an act of
5 God, which means an act occasioned exclusively by violence of
6 nature without the interference of any human agency, the State
7 Board of Education is authorized to waive any deadlines to
8 effectuate the purposes of the K-12 GI Bill.

9 (g) Each private school shall require each individual
10 with direct student contact with a scholarship student to be
11 of good moral character, to be subject to the level 1
12 background screening as provided under chapter 435, to be
13 denied employment or terminated if required under s. 435.06,
14 and not to be ineligible to teach in a public school because
15 his or her educator certificate is suspended or revoked. For
16 purposes of this paragraph:

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

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

22 3. Continued employment of an individual after
23 notification that the individual has failed the level 1
24 background screening shall cause a private school to be
25 ineligible for participation in the scholarship program.

26 4. An individual holding a valid Florida teaching
27 certificate who has been fingerprinted pursuant to s. 1012.32
28 shall not be required to comply with the provisions of this
29 paragraph.

30 (h) The private school shall annually administer or
31 make provision for students participating in the program to

Bill No. SB 876

Barcode 093576

1 take one of the nationally norm-referenced tests identified by
 2 the department. Students with disabilities for whom
 3 standardized testing is not appropriate are exempt from this
 4 requirement. A participating private school must report a
 5 student's scores to the parent and to the independent private
 6 research organization selected by the department.

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 11, line 22, after the semicolon

12

13 insert:

14 providing eligibility restrictions; providing
 15 Department of Education obligations, providing
 16 Commissioner of Education authority and
 17 obligations, including the denial, suspension,
 18 or revocation of a private school's
 19 participation in the program and procedures and
 20 timelines therefor; authorizing waiver of
 21 deadlines; requiring background screening of
 22 individuals with direct student contact;

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