

By Senator Baker

20-241A-05

1 A bill to be entitled
 2 An act relating to educational choice programs;
 3 creating s. 1002.395, F.S.; establishing the
 4 K-12 GI Bill Program to provide educational
 5 options for dependents of an active-duty member
 6 of any branch of the United States Armed
 7 Forces, an active member of the Florida
 8 National Guard, or an active member of the
 9 Armed Forces Reserves; providing that a student
 10 may attend a public school in the school
 11 district other than the one to which assigned;
 12 providing that a student may receive a K-12 GI
 13 Bill to attend a public school in an adjacent
 14 school district or to attend a private school;
 15 providing K-12 GI Bill eligibility
 16 requirements; providing school district
 17 obligations; providing private school
 18 eligibility requirements; providing obligations
 19 of families choosing the private school option;
 20 providing for the amount, funding, and payment
 21 of a K-12 GI Bill; exempting the state from
 22 liability; authorizing State Board of Education
 23 rules; amending s. 1002.20, F.S., relating to
 24 student and parent rights to educational
 25 choice, to conform; providing an effective
 26 date.

27
 28 Be It Enacted by the Legislature of the State of Florida:

29
 30 Section 1. Section 1002.395, Florida Statutes, is
 31 created to read:

1 1002.395 K-12 GI Bill Program.--

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

3 (a) Recognize, honor, and reward the courage and
4 sacrifices made by an active-duty member of any branch of the
5 United States Armed Forces, an active member of the Florida
6 National Guard, or an active member of the Armed Forces
7 Reserves, and his or her family.

8 (b) Expand educational opportunities for children who
9 are dependents of an active-duty member of any branch of the
10 United States Armed Forces, an active member of the Florida
11 National Guard, or an active member of the Armed Forces
12 Reserves.

13 (c) Provide a new benefit to an active-duty member of
14 any branch of the United States Armed Forces, an active member
15 of the Florida National Guard, or an active member of the
16 Armed Forces Reserves by giving such an individual the option
17 to choose his or her children's education.

18 (2) THE K-12 GI BILL PROGRAM.--The K-12 GI Bill
19 Program is established as a benefit to an active-duty member
20 of any branch of the United States Armed Forces, an active
21 member of the Florida National Guard, or an active member of
22 the Armed Forces Reserves which provides the option for his or
23 her dependents to attend a public school in the school
24 district other than the one to which assigned, to receive a
25 K-12 GI Bill to attend a public school in an adjacent school
26 district, or to receive a K-12 GI Bill to attend an eligible
27 private school of his or her choice.

28 (3) K-12 GI BILL ELIGIBILITY.--The parent of a student
29 who is a dependent of an active-duty member of any branch of
30 the United States Armed Forces, an active member of the
31 Florida National Guard, or an active member of the Armed

1 Forces Reserves may request and receive from the state a K-12
2 GI Bill for the child to enroll in and attend an eligible
3 private school if the parent has notified the school district
4 that the student is a dependent of an active-duty member of
5 any branch of the United States Armed Forces, an active member
6 of the Florida National Guard, or an active member of the
7 Armed Forces Reserves; has obtained acceptance for admission
8 of the student to a private school that is eligible for the
9 program under subsection (5); and has notified the school
10 district of the request for a K-12 GI Bill at least 60 days
11 before the date of the first K-12 GI Bill payment. The
12 parental notification must be through a communication directly
13 to the district or through the Department of Education to the
14 district in a manner that creates a written or electronic
15 record of the notification and the date of receipt of the
16 notification. This section does not apply to a student who is
17 enrolled in a school operating for the purpose of providing
18 educational services to youth in a commitment program of the
19 Department of Juvenile Justice. For purposes of continuity of
20 educational choice, the K-12 GI Bill shall remain in force
21 until the student returns to a public school or graduates from
22 high school. However, at any time, the student's parent may
23 remove the student from the private school and place the
24 student in another private school that is eligible to provide
25 educational opportunities for students whose families choose
26 to use a K-12 GI Bill under subsection (5) or may place the
27 student in a public school as provided in subsection (4).

28 (4) SCHOOL DISTRICT OBLIGATIONS.--

29 (a) A school district shall timely notify the parent
30 of each student who the school district has knowledge is a
31 dependent of an active-duty member of any branch of the United

1 States Armed Forces, an active member of the Florida National
2 Guard, or an active member of the Armed Forces Reserves of all
3 options available under this section and shall offer that
4 student's parent an opportunity to enroll the student in
5 another public school within the district. The parent is not
6 required to accept this offer in lieu of requesting a K-12 GI
7 Bill for the student to attend a public school in an adjacent
8 school district or to attend a private school. However, if the
9 parent chooses to enroll the student in another public school
10 within the district, the student may continue attending the
11 public school chosen by the parent until the student graduates
12 from high school. The option set forth in this paragraph may
13 be exercised only on a space-available basis. However, a
14 student who is the dependent of a parent on active-duty shall
15 be given first priority, except that this option is not
16 available if exercising the option would result in a violation
17 of the constitutional class-size requirements. If the parent
18 chooses a public school consistent with the district school
19 board's choice plan under s. 1002.31, the school district
20 shall provide transportation to the public school selected by
21 the parent. The parent is responsible to provide
22 transportation to a chosen public school that is not
23 consistent with the district school board's plan under s.
24 1002.31.

25 (b) The parent of a student may choose, as an
26 alternative, to enroll the student in and transport the
27 student to a public school in an adjacent school district
28 which has available space, and that school district shall
29 accept the student and report the student for purposes of the
30 district's funding under the Florida Education Finance
31 Program.

1 (c) For a student in the school district who
2 participates in the K-12 GI Bill Program whose parent requests
3 that the student take the statewide assessments under s.
4 1008.22, the district shall provide locations and times to
5 take all statewide assessments.

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

10 (5) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
11 provide educational opportunities for students whose families
12 choose to use a K-12 GI Bill, a private school must be a
13 Florida private school, may be sectarian or nonsectarian, and
14 must:

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

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

24 (c) Comply with the antidiscrimination provisions of
25 42 U.S.C. s. 2000d.

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

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

30 (f) Employ or contract with teachers who hold
31 baccalaureate or higher degrees, have at least 3 years of

1 teaching experience in public or private schools, or have
2 special skills, knowledge, or expertise that qualifies them to
3 provide instruction in subjects taught.

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

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

9 (6) OBLIGATION OF FAMILIES CHOOSING TO USE A K-12 GI
10 BILL.--

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

16 (b) If the parent chooses the private-school option
17 and the student is accepted by the private school pending the
18 availability of a space for the student, the parent of the
19 student must notify the school district at least 60 days
20 before the date of the first K-12 GI Bill payment and before
21 the student enters the private school in order to be eligible
22 for the K-12 GI Bill when a space becomes available for the
23 student in the private school.

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

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

1 (e) If the parent requests that the student attending
2 a private school on a K-12 GI Bill take all statewide
3 assessments required pursuant to s. 1008.22, the parent is
4 responsible for transporting the student to the assessment
5 site designated by the school district.

6 (f) Upon receipt of a K-12 GI Bill warrant, the parent
7 to whom the warrant is made must restrictively endorse the
8 warrant to the private school for deposit into the account of
9 the private school.

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

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

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

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

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

24 (b) If a participating private school requires partial
25 payment of tuition before the start of the academic year to
26 reserve space for students admitted to the school, that
27 partial payment may be paid by the Department of Education
28 before the first quarterly payment of the year in which the
29 K-12 GI Bill is awarded, up to a maximum of \$1,000, and
30 deducted from subsequent K-12 GI Bill payments. If a student
31 decides not to attend the participating private school, the

1 participating private school must return the partial
2 reservation payment to the Department of Education. There is a
3 limit of one reservation payment per student per year.

4 (c) The school district shall report all students who
5 are attending a private school on a K-12 GI Bill. The students
6 attending private schools on K-12 GI Bills shall be reported
7 separately from other students reported for purposes of the
8 Florida Education Finance Program.

9 (d) Following notification on July 1, September 1,
10 December 1, or February 1 of the number of students attending
11 private schools on K-12 GI Bills, the Department of Education
12 shall transfer, from general revenue funds only, the amount of
13 the K-12 GI Bills from the school district's total funding
14 entitlement under the Florida Education Finance Program to a
15 separate account for the K-12 GI Bills for quarterly
16 disbursement to the parents of K-12 GI Bill students. When a
17 student enters a private school on a K-12 GI Bill, the
18 Department of Education must receive all documentation
19 required for the student's K-12 GI Bill, including the private
20 school's and student's fee schedules, at least 30 days before
21 the first quarterly K-12 GI Bill payment is made for the
22 student. The Department of Education may not make any
23 retroactive payments.

24 (e) Upon proper documentation reviewed and approved by
25 the Department of Education, the Chief Financial Officer shall
26 make K-12 GI Bill payments in four equal amounts no later than
27 September 1, November 1, February 1, and April 15 of each
28 academic year in which the K-12 GI Bill is in force. The
29 initial payment for attendance at a private school shall be
30 made after Department of Education verification of admission
31 acceptance, and subsequent payments shall be made upon

1 verification of continued enrollment and attendance at the
2 private school. Payment must be by individual warrant made
3 payable to the student's parent and mailed by the Department
4 of Education to the private school of the parent's choice, and
5 the parent shall restrictively endorse the warrant to the
6 private school for deposit into the account of the private
7 school.

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

10 (9) RULES.--The State Board of Education may adopt
11 rules under ss. 120.536(1) and 120.54 to administer this
12 section. However, the inclusion of eligible private schools
13 within options available to Florida public school students
14 does not expand the regulatory authority of the state, its
15 officers, or any school district to impose any additional
16 regulation of private schools beyond those reasonably
17 necessary to enforce requirements expressly set forth in this
18 section.

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

21 1002.20 K-12 student and parent rights.--Parents of
22 public school students must receive accurate and timely
23 information regarding their child's academic progress and must
24 be informed of ways they can help their child to succeed in
25 school. K-12 students and their parents are afforded numerous
26 statutory rights including, but not limited to, the following:

27 (6) EDUCATIONAL CHOICE.--

28 (a) Public school choices.--Parents of public school
29 students may seek whatever public school choice options that
30 are applicable to their students and are available to students
31 in their school districts. These options may include

1 controlled open enrollment, lab schools, charter schools,
2 charter technical career centers, magnet schools, alternative
3 schools, special programs, advanced placement, dual
4 enrollment, International Baccalaureate, early admissions,
5 credit by examination or demonstration of competency, the New
6 World School of the Arts, the Florida School for the Deaf and
7 the Blind, and the Florida Virtual School. These options may
8 also include the public school choice options of the
9 Opportunity Scholarship Program, ~~and~~ the McKay Scholarships
10 for Students with Disabilities Program, and the K-12 GI Bill
11 Program.

12 (b) Private school choices.--Parents of public school
13 students may seek private school choice options under certain
14 programs.

15 1. Under the Opportunity Scholarship Program, the
16 parent of a student in a failing public school may request and
17 receive an opportunity scholarship for the student to attend a
18 private school in accordance with the provisions of s.
19 1002.38.

20 2. Under the McKay Scholarships for Students with
21 Disabilities Program, the parent of a public school student
22 with a disability who is dissatisfied with the student's
23 progress may request and receive a McKay Scholarship for the
24 student to attend a private school in accordance with the
25 provisions of s. 1002.39.

26 3. Under the K-12 GI Bill Program, the parent of a
27 public school student who is a dependent of an active-duty
28 member of any branch of the United States Armed Forces, an
29 active member of the Florida National Guard, or an active
30 member of the Armed Forces Reserves may request and receive a
31

1 K-12 GI Bill for the student to attend a private school in
2 accordance with s. 1002.395.

3 ~~4.3-~~ Under the corporate income tax credit scholarship
4 program, the parent of a student who qualifies for free or
5 reduced-price school lunch may seek a scholarship from an
6 eligible nonprofit scholarship-funding organization in
7 accordance with the provisions of s. 220.187.

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

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12 SENATE SUMMARY

13 Establishes the K-12 GI Bill Program to provide
14 educational options for dependents of an active-duty
15 member of any branch of the United States Armed Forces,
16 an active member of the Florida National Guard, or an
17 active member of the Armed Forces Reserves. Provides that
18 a student may attend a public school in a school district
19 other than the one to which assigned. Provides that a
20 student may receive a K-12 GI Bill to attend a public
21 school in an adjacent school district or to attend a
22 private school. Provides eligibility requirements.
23 Provides for obligations of the school district. Provides
24 private school eligibility requirements. Provides
25 obligations of families that choose the private school
26 option. Provides for the amount, funding, and payment of
27 a K-12 GI Bill. Exempts the state from liability.
28 Authorizes the State Board of Education to adopt rules.
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