

By Senator Deutch

30-01147B-09

20092564__

1 A bill to be entitled
2 An act relating to the Corporate Income Tax Credit
3 Scholarship Program; amending s. 220.187, F.S.;
4 requiring that students who are participating in the
5 Corporate Income Tax Credit Scholarship Program take
6 the Florida Comprehensive Assessment Test under
7 certain conditions; providing additional requirements
8 for private schools that are participating in the
9 program; revising the Department of Education's
10 obligations under the program; amending s. 1002.421,
11 F.S.; providing additional requirements for teachers
12 employed by or under contract with private schools
13 that are participating in the program; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Paragraph (e) of subsection (7), subsection (8),
19 and paragraph (j) of subsection (9) of section 220.187, Florida
20 Statutes, are amended to read:

21 220.187 Credits for contributions to nonprofit scholarship-
22 funding organizations.—

23 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
24 PARTICIPATION.—

25 (e) The parent shall ensure that the student participating
26 in the scholarship program takes the assessment as required in
27 this paragraph.

28 1. A student who is participating in the program must take
29 the Florida Comprehensive Assessment Test (FCAT) in reading,

30-01147B-09

20092564__

30 writing, science, mathematics, and other content areas as
31 directed by the Commissioner of Education pursuant to s. 1008.22
32 if there are:

33 a. Twenty or fewer students enrolled in the participating
34 private school during the school year; or

35 b. More than 20 students enrolled in the participating
36 private school during the school year and the total amount of
37 scholarship funds received by the private school during the
38 school year is \$25,000 or more.

39
40 The parent is responsible for transporting the student to the
41 assessment site designated by the school district.

42 2. A student who does not take the FCAT as required in
43 subparagraph 1. must take the norm-referenced assessment offered
44 by the private school. The parent may also choose to have the
45 student participate in the statewide assessments pursuant to s.
46 1008.22. If the parent requests that the student participating
47 in the scholarship program take statewide assessments pursuant
48 to s. 1008.22, the parent is responsible for transporting the
49 student to the assessment site designated by the school
50 district.

51 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
52 private school may be sectarian or nonsectarian and must:

53 (a) Comply with all requirements for private schools
54 participating in state school choice scholarship programs
55 pursuant to s. 1002.421.

56 (b) Provide to the eligible nonprofit scholarship-funding
57 organization, upon request, all documentation required for the
58 student's participation, including the private school's and

30-01147B-09

20092564__

59 student's fee schedules.

60 (c) Be academically accountable to the parent for meeting
61 the educational needs of the student by:

62 1. At a minimum, annually providing to the parent a written
63 explanation of the student's progress.

64 2. Annually administering or making provision for students
65 participating in the scholarship program to take the FCAT or one
66 of the nationally norm-referenced tests identified by the
67 Department of Education. Students having ~~with~~ disabilities for
68 whom standardized testing is not appropriate are exempt from
69 this requirement. A participating private school must report a
70 student's scores to the parent and to the independent research
71 organization selected by the Department of Education as
72 described in paragraph (9) (j).

73 3. Cooperating with the scholarship student whose parent
74 chooses to have the student participate in the statewide
75 assessments pursuant to s. 1008.22.

76 (d) Employ or contract with teachers who have regular and
77 direct contact with each student receiving a scholarship under
78 this section at the school's physical location.

79 (e) Receive a school grade pursuant to s. 1008.34 if the
80 school has students who are required to take the FCAT under
81 subparagraph (7) (e)1.

82
83 The inability of a private school to meet the requirements of
84 this subsection shall constitute a basis for the ineligibility
85 of the private school to participate in the scholarship program
86 as determined by the Department of Education.

87 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of

30-01147B-09

20092564__

88 Education shall:

89 (j) Select an independent research organization, which may
90 be a public or private entity or university, to which
91 participating private schools must report the scores of
92 participating students on the FCAT and the nationally norm-
93 referenced tests administered by the private school. The
94 independent research organization must annually report to the
95 Department of Education on the year-to-year improvements of
96 participating students. The independent research organization
97 must analyze and report student performance data in a manner
98 that protects the rights of students and parents as mandated in
99 20 U.S.C. s. 1232g, the Family Educational Rights and Privacy
100 Act, and may ~~must~~ not disaggregate data to a level that will
101 disclose the academic level of individual students or of
102 individual schools. To the extent possible, the independent
103 research organization must accumulate historical performance
104 data on students from the Department of Education and private
105 schools to describe baseline performance and to conduct
106 longitudinal studies. To minimize costs and reduce time required
107 for third-party analysis and evaluation, the Department of
108 Education shall conduct analyses of matched students from public
109 school assessment data and calculate control group learning
110 gains using an agreed-upon methodology outlined in the contract
111 with the third-party evaluator. The sharing of student data must
112 be in accordance with requirements of 20 U.S.C. s. 1232g, the
113 Family Educational Rights and Privacy Act, and shall be for the
114 sole purpose of conducting the evaluation. All parties must
115 preserve the confidentiality of such information as required by
116 law.

30-01147B-09

20092564__

117 Section 2. Paragraph (h) of subsection (2) of section
118 1002.421, Florida Statutes, is amended to read:

119 1002.421 Accountability of private schools participating in
120 state school choice scholarship programs.—

121 (2) A private school participating in a scholarship program
122 must be a Florida private school as defined in s. 1002.01(2),
123 must be registered in accordance with s. 1002.42, and must:

124 (h) Employ or contract with teachers who hold baccalaureate
125 or higher degrees, have at least 3 years of teaching experience
126 in public or private schools, or have special skills, knowledge,
127 or expertise that qualifies them to provide instruction in
128 subjects taught. However, a private school participating in the
129 Corporate Income Tax Credit Scholarship Program pursuant to s.
130 220.187 must employ or contract teachers who hold a
131 baccalaureate or higher degree and have 3 years of teaching
132 experience or teachers who are certified pursuant to s. 1012.56.

133 Section 3. This act shall take effect July 1, 2009.