

By the Committee on Education; and Senator Grimsley

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1                   A bill to be entitled  
2           An act relating to educational options; amending s.  
3           1002.395, F.S.; specifying the Department of  
4           Education's duty to approve or deny an application for  
5           the Florida Tax Credit Scholarship Program within a  
6           specified time; specifying the department's duties  
7           regarding the carryforward tax credit; requiring an  
8           eligible nonprofit scholarship-funding organization to  
9           allow certain dependent children to apply for a  
10          scholarship at any time; revising parent and student  
11          responsibilities for program participation; revising  
12          the date upon which certain private schools must  
13          submit a required report; specifying that certain  
14          actions of the private school are a basis for program  
15          ineligibility; authorizing the Learning Systems  
16          Institute to receive compensation for research under  
17          certain circumstances; revising the calculation of a  
18          scholarship award; increasing the limit of a  
19          scholarship award for certain students; revising  
20          payment method options; amending s. 1012.98, F.S.;  
21          authorizing specified eligible nonprofit scholarship-  
22          funding organizations to develop a professional  
23          development system; providing an effective date.

24  
25 Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Paragraph (b) of subsection (5) of section  
28           1002.395, Florida Statutes, is amended, present paragraph (f) of  
29           that subsection is redesignated as paragraph (g) and a new

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30 paragraph (f) is added to that subsection, and paragraph (h) of  
31 subsection (6), paragraph (f) of subsection (7), subsection (8),  
32 paragraph (j) of subsection (9), and paragraphs (a) and (b) of  
33 subsection (12) of that section are amended, to read:

34 1002.395 Florida Tax Credit Scholarship Program.—

35 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

36 (b) A taxpayer may submit an application to the department  
37 for a tax credit or credits under one or more of s. 211.0251, s.  
38 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

39 1. The taxpayer shall specify in the application each tax  
40 for which the taxpayer requests a credit and the applicable  
41 taxable year for a credit under s. 220.1875 or s. 624.51055 or  
42 the applicable state fiscal year for a credit under s. 211.0251,  
43 s. 212.1831, or s. 561.1211. The department shall approve tax  
44 credits on a first-come, first-served basis and must obtain the  
45 division's approval before approving a tax credit under s.  
46 561.1211.

47 2. Within 10 days after approving or denying an  
48 application, the department shall provide a copy of its approval  
49 or denial letter to the eligible nonprofit scholarship-funding  
50 organization specified by the taxpayer in the application.

51 (f) Within 10 days after approving or denying an  
52 application for a carryforward tax credit under paragraph (c),  
53 the conveyance, transfer, or assignment of a tax credit under  
54 paragraph (d), or the rescindment of a tax credit under  
55 paragraph (e), the department shall provide a copy of its  
56 approval or denial letter to the eligible nonprofit scholarship-  
57 funding organization specified by the taxpayer in the  
58 application. The department shall also include the eligible

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59 nonprofit scholarship-funding organization specified by the  
60 taxpayer in the application on all letters or correspondence of  
61 acknowledgment for tax credits under s. 212.1831.

62 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
63 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
64 organization:

65 (h) Must allow a student in foster care, ~~or~~ out-of-home  
66 care, or who is a dependent child of a parent or guardian who is  
67 a member of the United States Armed Forces, to apply for a  
68 scholarship at any time.

69  
70 Information and documentation provided to the Department of  
71 Education and the Auditor General relating to the identity of a  
72 taxpayer that provides an eligible contribution under this  
73 section shall remain confidential at all times in accordance  
74 with s. 213.053.

75 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
76 PARTICIPATION.—

77 (f) Upon receipt of a scholarship warrant from the eligible  
78 nonprofit scholarship-funding organization, the parent to whom  
79 the warrant is made must restrictively endorse the warrant to  
80 the private school for deposit into the account of the private  
81 school. If payments are made by funds transfer, the parent must  
82 approve each payment before the scholarship funds may be  
83 deposited. The parent may not designate any entity or individual  
84 associated with the participating private school as the parent's  
85 attorney in fact to endorse a scholarship warrant or approve a  
86 funds transfer. A participant who fails to comply with this  
87 paragraph forfeits the scholarship.

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

90 (a) Comply with all requirements for private schools  
91 participating in state school choice scholarship programs  
92 pursuant to s. 1002.421.

93 (b) Provide to the eligible nonprofit scholarship-funding  
94 organization, upon request, all documentation required for the  
95 student's participation, including the private school's and  
96 student's fee schedules.

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

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

101 2. Annually administering or making provision for students  
102 participating in the scholarship program in grades 3 through 10  
103 to take one of the nationally norm-referenced tests identified  
104 by the Department of Education or the statewide assessments  
105 pursuant to s. 1008.22. Students with disabilities for whom  
106 standardized testing is not appropriate are exempt from this  
107 requirement. A participating private school must report a  
108 student's scores to the parent. A participating private school  
109 must annually report by August 15 the scores of all  
110 participating students to the Learning System Institute  
111 described in paragraph (9)(j).

112 3. Cooperating with the scholarship student whose parent  
113 chooses to have the student participate in the statewide  
114 assessments pursuant to s. 1008.22 or, if a private school  
115 chooses to offer the statewide assessments, administering the  
116 assessments at the school.

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117 a. A participating private school may choose to offer and  
118 administer the statewide assessments to all students who attend  
119 the private school in grades 3 through 10.

120 b. A participating private school must submit a request in  
121 writing to the Department of Education by March 1 of each year  
122 in order to administer the statewide assessments in the  
123 subsequent school year.

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

127 (e) Annually contract with an independent certified public  
128 accountant to perform the agreed-upon procedures developed under  
129 paragraph (6)(o) and produce a report of the results if the  
130 private school receives more than \$250,000 in funds from  
131 scholarships awarded under this section in the 2010-2011 state  
132 fiscal year or a state fiscal year thereafter. A private school  
133 subject to this paragraph must submit the report by each August  
134 15 ~~by September 15, 2011, and annually thereafter~~ to the  
135 scholarship-funding organization that awarded the majority of  
136 the school's scholarship funds. The agreed-upon procedures must  
137 be conducted in accordance with attestation standards  
138 established by the American Institute of Certified Public  
139 Accountants.

140  
141 If The inability of a private school is unable to meet the  
142 requirements of this subsection or has consecutive years of  
143 material exceptions listed in the report required under  
144 paragraph (e), the commissioner may determine that shall  
145 ~~constitute a basis for the ineligibility of the private school~~

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146 is ineligible to participate in the scholarship program as  
147 determined by the Department of Education.

148 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
149 Education shall:

150 (j) Issue a project grant award to the Learning System  
151 Institute at the Florida State University, to which  
152 participating private schools must report the scores of  
153 participating students on the nationally norm-referenced tests  
154 or the statewide assessments administered by the private school  
155 in grades 3 through 10. The project term is 2 years, and the  
156 amount of the project is up to \$500,000 per year. The Learning  
157 Systems Institute may be compensated for additional research as  
158 determined through the project grant award process. The project  
159 grant award must be reissued in 2-year intervals in accordance  
160 with this paragraph.

161 1. The Learning System Institute must annually report to  
162 the Department of Education on the student performance of  
163 participating students and any additional research included in  
164 the project grant award issued by the Department of Education:

165 a. On a statewide basis. The report shall also include, to  
166 the extent possible, a comparison of scholarship students'  
167 performance to the statewide student performance of public  
168 school students with socioeconomic backgrounds similar to those  
169 of students participating in the scholarship program. To  
170 minimize costs and reduce time required for the Learning System  
171 Institute's analysis and evaluation, the Department of Education  
172 shall coordinate with the Learning System Institute to provide  
173 data to the Learning System Institute in order to conduct  
174 analyses of matched students from public school assessment data

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175 and calculate control group student performance using an agreed-  
176 upon methodology with the Learning System Institute; and

177       b. On an individual school basis. The annual report must  
178 include student performance for each participating private  
179 school in which at least 51 percent of the total enrolled  
180 students in the private school participated in the Florida Tax  
181 Credit Scholarship Program in the prior school year. The report  
182 shall be according to each participating private school, and for  
183 participating students, in which there are at least 30  
184 participating students who have scores for tests administered.  
185 If the Learning System Institute determines that the 30-  
186 participating-student cell size may be reduced without  
187 disclosing personally identifiable information, as described in  
188 34 C.F.R. s. 99.12, of a participating student, the Learning  
189 System Institute may reduce the participating-student cell size,  
190 but the cell size must not be reduced to less than 10  
191 participating students. The department shall provide each  
192 private school's prior school year's student enrollment  
193 information to the Learning System Institute no later than June  
194 15 of each year, or as requested by the Learning System  
195 Institute.

196       2. The sharing and reporting of student performance data  
197 under this paragraph must be in accordance with requirements of  
198 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family  
199 Educational Rights and Privacy Act, and the applicable rules and  
200 regulations issued pursuant thereto, and shall be for the ~~sole~~  
201 purpose of research and creating the annual report required by  
202 subparagraph 1. All parties must preserve the confidentiality of  
203 such information as required by law. The annual report must not

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204 disaggregate data to a level that will identify individual  
205 participating schools, except as required under sub-subparagraph  
206 1.b., or disclose the academic level of individual students.

207 3. The annual report required by subparagraph 1. shall be  
208 published by the Department of Education on its website.

209 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

210 (a) Except as provided in subparagraph 2., the amount of a  
211 scholarship provided to any student for any single school year  
212 by an eligible nonprofit scholarship-funding organization from  
213 eligible contributions shall be for total costs authorized under  
214 paragraph (6) (d), not to exceed annual limits, which shall be  
215 determined as follows:

216 1.a. For a scholarship awarded to a student enrolled in an  
217 eligible private school, the limit shall be determined as a  
218 percentage ~~by multiplying the unweighted FTE funding amount in~~  
219 ~~that state fiscal year by the percentage used to determine the~~  
220 ~~limit in the prior state fiscal year. However, in each state~~  
221 ~~fiscal year that the tax credit cap amount increases pursuant to~~  
222 ~~paragraph (5) (a), the prior year percentage shall be increased~~  
223 ~~by 4 percentage points and the increased percentage shall be~~  
224 ~~used to determine the limit for that state fiscal year. If the~~  
225 ~~percentage so calculated reaches 80 percent in a state fiscal~~  
226 ~~year, no further increase in the percentage is allowed and the~~  
227 ~~limit shall be 80 percent of the unweighted FTE funding amount~~  
228 ~~for that state fiscal year and thereafter. Beginning in the~~  
229 ~~2016-2017 state fiscal year, the amount of a scholarship awarded~~  
230 ~~to a student enrolled in an eligible private school shall be~~  
231 ~~equal to 82 percent of the unweighted FTE funding amount for~~  
232 that state fiscal year and thereafter as follows:



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233 (I) Eighty-eight percent for a student enrolled in  
234 kindergarten through grade 5.

235 (II) Ninety-two percent for a student enrolled in grade 6,  
236 grade 7, or grade 8.

237 (III) Ninety-six percent for a student enrolled in grades 9  
238 through 12.

239 b. For a scholarship awarded to a student enrolled in a  
240 Florida public school that is located outside the district in  
241 which the student resides or in a lab school as defined in s.  
242 1002.32, the limit shall be \$750 ~~\$500~~.

243 2. The annual limit for a scholarship under sub-  
244 subparagraph 1.a. shall be reduced by:

245 a. Twenty-five percent if the student's household income  
246 level is equal to or greater than 200 percent, but less than 215  
247 percent, of the federal poverty level.

248 b. Fifty percent if the student's household income level is  
249 equal to or greater than 215 percent, but equal to or less than  
250 230 percent, of the federal poverty level.

251 3. For the 2016-2017 state fiscal year and thereafter, the  
252 annual limit for a scholarship under sub-subparagraph 1.a. shall  
253 be reduced by:

254 a. Twelve percent if the student's household income level  
255 is greater than or equal to 200 percent, but less than 215  
256 percent, of the federal poverty level.

257 b. Twenty-six percent if the student's household income  
258 level is greater than or equal to 215 percent, but less than 230  
259 percent, of the federal poverty level.

260 c. Forty percent if the student's household income level is  
261 greater than or equal to 230 percent, but less than 245 percent,

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262 of the federal poverty level.

263 d. Fifty percent if the student's household income level is  
264 greater than or equal to 245 percent, but less than or equal to  
265 260 percent, of the federal poverty level.

266 (b) Payment of the scholarship by the eligible nonprofit  
267 scholarship-funding organization shall be by individual warrant  
268 made payable to the student's parent or by funds transfer,  
269 including, but not limited to, debit card, electronic payment  
270 card, or any other means of payment that the department deems to  
271 be commercially viable or cost-effective. A student's  
272 scholarship award may not be reduced for debit card or  
273 electronic payment fees. If the payment is made by warrant  
274 ~~parent chooses that his or her child attend an eligible private~~  
275 ~~school,~~ the warrant must be delivered by the eligible nonprofit  
276 scholarship-funding organization to the private school of the  
277 parent's choice, and the parent shall restrictively endorse the  
278 warrant to the private school. An eligible nonprofit  
279 scholarship-funding organization shall ensure that the parent to  
280 whom the warrant is made restrictively endorsed the warrant to  
281 the private school for deposit into the account of the private  
282 school or that the parent has approved a funds transfer before  
283 any scholarship funds are deposited.

284 Section 2. Subsection (6) of section 1012.98, Florida  
285 Statutes, is amended to read:

286 1012.98 School Community Professional Development Act.—

287 (6) An organization of private schools or consortium of  
288 charter schools which has no fewer than 10 member schools in  
289 this state, or an eligible nonprofit scholarship-funding  
290 organization as defined in s. 1002.395, which publishes and

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291 files with the Department of Education copies of its standards,  
292 and the member schools of which comply with the provisions of  
293 part II of chapter 1003, relating to compulsory school  
294 attendance, may also develop a professional development system  
295 that includes a master plan for inservice activities. The system  
296 and inservice plan must be submitted to the commissioner for  
297 approval pursuant to state board rules.

298 Section 3. This act shall take effect July 1, 2017.