

By the Committees on Appropriations; and Education; and Senators Grimsley and Mayfield

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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; specifying
12 that certain actions of a private school are a basis
13 for program ineligibility; authorizing the Learning
14 Systems Institute to receive compensation for research
15 under certain circumstances; revising the calculation
16 of a scholarship award; increasing the limit of a
17 scholarship award for certain students; revising
18 payment method options; amending s. 1002.41, F.S.;
19 prohibiting a district school board from requiring any
20 additional information or verification from a home
21 education program parent under certain circumstances;
22 prohibiting a school district from taking certain
23 actions against a home education program student's
24 parent unless such action is required for a school
25 district program or service; amending s. 1003.21,
26 F.S.; prohibiting a district school superintendent
27 from requiring certain evidence relating to a child's
28 age from children enrolled in specified schools and
29 programs; providing an effective date.

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

Section 1. Paragraph (b) of subsection (5) of section 1002.395, Florida Statutes, is amended, present paragraph (f) of that subsection is redesignated as paragraph (g) and a new paragraph (f) is added to that subsection, and paragraph (h) of subsection (6), paragraph (f) of subsection (7), subsection (8), paragraph (j) of subsection (9), and paragraphs (a) and (b) of subsection (12) of that section are amended, to read:

1002.395 Florida Tax Credit Scholarship Program.—

(5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

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

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

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

(f) Within 10 days after approving or denying an application for a carryforward tax credit under paragraph (c),

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59 the conveyance, transfer, or assignment of a tax credit under
60 paragraph (d), or the rescindment of a tax credit under
61 paragraph (e), the department shall provide a copy of its
62 approval or denial letter to the eligible nonprofit scholarship-
63 funding organization specified by the taxpayer in the
64 application. The department shall also include the eligible
65 nonprofit scholarship-funding organization specified by the
66 taxpayer in the application on all letters or correspondence of
67 acknowledgment for tax credits under s. 212.1831.

68 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
69 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
70 organization:

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

75
76 Information and documentation provided to the Department of
77 Education and the Auditor General relating to the identity of a
78 taxpayer that provides an eligible contribution under this
79 section shall remain confidential at all times in accordance
80 with s. 213.053.

81 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
82 PARTICIPATION.—

83 (f) Upon receipt of a scholarship warrant from the eligible
84 nonprofit scholarship-funding organization, the parent to whom
85 the warrant is made must restrictively endorse the warrant to
86 the private school for deposit into the account of the private
87 school. If payments are made by funds transfer, the parent must

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88 approve each payment before the scholarship funds may be
89 deposited. The parent may not designate any entity or individual
90 associated with the participating private school as the parent's
91 attorney in fact to endorse a scholarship warrant or approve a
92 funds transfer. A participant who fails to comply with this
93 paragraph forfeits the scholarship.

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

96 (a) Comply with all requirements for private schools
97 participating in state school choice scholarship programs
98 pursuant to s. 1002.421.

99 (b) Provide to the eligible nonprofit scholarship-funding
100 organization, upon request, all documentation required for the
101 student's participation, including the private school's and
102 student's fee schedules.

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

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

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

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117 described in paragraph (9) (j).

118 3. Cooperating with the scholarship student whose parent
119 chooses to have the student participate in the statewide
120 assessments pursuant to s. 1008.22 or, if a private school
121 chooses to offer the statewide assessments, administering the
122 assessments at the school.

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

126 b. A participating private school must submit a request in
127 writing to the Department of Education by March 1 of each year
128 in order to administer the statewide assessments in the
129 subsequent school year.

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

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

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146 ~~If The inability of a private school is unable to meet the~~
147 ~~requirements of this subsection or has consecutive years of~~
148 ~~material exceptions listed in the report required under~~
149 ~~paragraph (e), the commissioner may determine that shall~~
150 ~~constitute a basis for the ineligibility of the private school~~
151 ~~is ineligible to participate in the scholarship program as~~
152 ~~determined by the Department of Education.~~

153 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
154 Education shall:

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

166 1. The Learning System Institute must annually report to
167 the Department of Education on the student performance of
168 participating students and any additional research included in
169 the project grant award issued by the Department of Education:

170 a. On a statewide basis. The report shall also include, to
171 the extent possible, a comparison of scholarship students'
172 performance to the statewide student performance of public
173 school students with socioeconomic backgrounds similar to those
174 of students participating in the scholarship program. To

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175 minimize costs and reduce time required for the Learning System
176 Institute's analysis and evaluation, the Department of Education
177 shall coordinate with the Learning System Institute to provide
178 data to the Learning System Institute in order to conduct
179 analyses of matched students from public school assessment data
180 and calculate control group student performance using an agreed-
181 upon methodology with the Learning System Institute; and

182 b. On an individual school basis. The annual report must
183 include student performance for each participating private
184 school in which at least 51 percent of the total enrolled
185 students in the private school participated in the Florida Tax
186 Credit Scholarship Program in the prior school year. The report
187 shall be according to each participating private school, and for
188 participating students, in which there are at least 30
189 participating students who have scores for tests administered.
190 If the Learning System Institute determines that the 30-
191 participating-student cell size may be reduced without
192 disclosing personally identifiable information, as described in
193 34 C.F.R. s. 99.12, of a participating student, the Learning
194 System Institute may reduce the participating-student cell size,
195 but the cell size must not be reduced to less than 10
196 participating students. The department shall provide each
197 private school's prior school year's student enrollment
198 information to the Learning System Institute no later than June
199 15 of each year, or as requested by the Learning System
200 Institute.

201 2. The sharing and reporting of student performance data
202 under this paragraph must be in accordance with requirements of
203 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family

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204 Educational Rights and Privacy Act, and the applicable rules and
205 regulations issued pursuant thereto, and shall be for the ~~sole~~
206 purpose of research and creating the annual report required by
207 subparagraph 1. All parties must preserve the confidentiality of
208 such information as required by law. The annual report must not
209 disaggregate data to a level that will identify individual
210 participating schools, except as required under sub-subparagraph
211 1.b., or disclose the academic level of individual students.

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

214 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

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

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

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233 ~~for that state fiscal year and thereafter. Beginning in the~~
234 ~~2016-2017 state fiscal year, the amount of a scholarship awarded~~
235 ~~to a student enrolled in an eligible private school shall be~~
236 ~~equal to 82 percent~~ of the unweighted FTE funding amount for
237 that state fiscal year and thereafter as follows:

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

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

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

244 b. For a scholarship awarded to a student enrolled in a
245 Florida public school that is located outside the district in
246 which the student resides or in a lab school as defined in s.
247 1002.32, the limit shall be \$750 ~~\$500~~.

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

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

253 b. Fifty percent if the student's household income level is
254 equal to or greater than 215 percent, but equal to or less than
255 230 percent, of the federal poverty level.

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

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

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

265 c. Forty percent if the student's household income level is
266 greater than or equal to 230 percent, but less than 245 percent,
267 of the federal poverty level.

268 d. Fifty percent if the student's household income level is
269 greater than or equal to 245 percent, but less than or equal to
270 260 percent, of the federal poverty level.

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

289 Section 2. Paragraph (a) of subsection (1) of section
290 1002.41, Florida Statutes, is amended, and subsection (11) is

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291 added to that section, to read:

292 1002.41 Home education programs.—

293 (1) A "home education program" is defined in s. 1002.01.

294 The parent is not required to hold a valid regular Florida
295 teaching certificate.

296 (a)1. The parent shall notify the district school
297 superintendent of the county in which the parent resides of her
298 or his intent to establish and maintain a home education
299 program. The notice shall be in writing, signed by the parent,
300 and shall include the full legal names, addresses, and
301 birthdates of all children who shall be enrolled as students in
302 the home education program. The notice shall be filed in the
303 district school superintendent's office within 30 days of the
304 establishment of the home education program. A written notice of
305 termination of the home education program shall be filed in the
306 district school superintendent's office within 30 days after
307 said termination.

308 2. The school district may not require the parent to
309 provide additional information or verification unless the
310 student chooses to participate in a school district program or
311 service.

312 (11) A school district may not further regulate, exercise
313 control over, or require documentation from parents of home
314 education program students beyond the requirements of this
315 section unless the regulation, control, or documentation is
316 necessary for participation in a school district program or
317 service.

318 Section 3. Subsection (4) of section 1003.21, Florida
319 Statutes, is amended to read:

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320 1003.21 School attendance.—

321 (4) Before admitting a child to kindergarten, the principal
322 shall require evidence that the child has attained the age at
323 which he or she should be admitted in accordance with the
324 provisions of subparagraph (1) (a)2. The district school
325 superintendent may require evidence of the age of any child whom
326 he or she believes to be within the limits of compulsory
327 attendance as provided for by law; however, he or she may not
328 require evidence from children meeting regular attendance
329 requirements by attending a school or program listed in s.
330 1003.01(13) (b)-(e). If the first prescribed evidence is not
331 available, the next evidence obtainable in the order set forth
332 below shall be accepted:

333 (a) A duly attested transcript of the child's birth record
334 filed according to law with a public officer charged with the
335 duty of recording births;

336 (b) A duly attested transcript of a certificate of baptism
337 showing the date of birth and place of baptism of the child,
338 accompanied by an affidavit sworn to by the parent;

339 (c) An insurance policy on the child's life that has been
340 in force for at least 2 years;

341 (d) A bona fide contemporary religious record of the
342 child's birth accompanied by an affidavit sworn to by the
343 parent;

344 (e) A passport or certificate of arrival in the United
345 States showing the age of the child;

346 (f) A transcript of record of age shown in the child's
347 school record of at least 4 years prior to application, stating
348 date of birth; or

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349 (g) If none of these evidences can be produced, an
350 affidavit of age sworn to by the parent, accompanied by a
351 certificate of age signed by a public health officer or by a
352 public school physician, or, if these are not available in the
353 county, by a licensed practicing physician designated by the
354 district school board, which states that the health officer or
355 physician has examined the child and believes that the age as
356 stated in the affidavit is substantially correct. Children and
357 youths who are experiencing homelessness and children who are
358 known to the department, as defined in s. 39.0016, shall be
359 given temporary exemption from this section for 30 school days.

360 Section 4. This act shall take effect July 1, 2017.