

By Senator Diaz

36-01421-19

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1                   A bill to be entitled  
2           An act relating to the Hope Scholarship Program;  
3           amending s. 1002.40, F.S.; revising the definition of  
4           the term "school"; revising the Hope Scholarship  
5           Program eligibility requirements; revising the term of  
6           the scholarship so that it remains in force until a  
7           student graduates from high school; revising school  
8           district obligations relating to the program;  
9           authorizing parents of certain public school students  
10          to apply for a scholarship to a private school by  
11          taking a certain action; providing requirements for  
12          the application; authorizing parents of certain  
13          private school students to apply for a transportation  
14          scholarship by taking a certain action; deleting a  
15          requirement for the Department of Education to  
16          contract with an independent entity for a specified  
17          purpose; requiring a parent who applies for a  
18          scholarship to notify the student's school district  
19          when the parent withdraws his or her student to attend  
20          an eligible private school; providing requirements for  
21          the notification; authorizing eligible nonprofit  
22          scholarship funding organizations to carry forward  
23          certain contributions for a specified purpose;  
24          providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:  
27

28           Section 1. Paragraph (j) of subsection (2), subsections  
29           (3), (5), (6), and (8), and paragraph (b) of subsection (9) of

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30 section 1002.40, Florida Statutes, are amended, and paragraph  
31 (i) is added to subsection (11) of that section, to read:

32 1002.40 The Hope Scholarship Program.—

33 (2) DEFINITIONS.—As used in this section, the term:

34 (j) "School" means any educational program or activity  
35 conducted by a public K-12 educational institution, a private  
36 school as defined in s. 1002.01, any school-related or school-  
37 sponsored program or activity, and riding on a school bus, as  
38 defined in s. 1006.25(1), including waiting at a school bus  
39 stop.

40 (3) PROGRAM ELIGIBILITY.—

41 (a) Beginning with the 2018-2019 school year, contingent  
42 upon available funds, and on a first-come, first-served basis, a  
43 student enrolled in a Florida public school or private school in  
44 kindergarten through grade 12 is eligible for a scholarship  
45 under this program if the student reported an incident in  
46 accordance with subsection (6). For purposes of this section,  
47 the term "incident" means battery; harassment; hazing; bullying;  
48 kidnapping; physical attack; robbery; sexual offenses,  
49 harassment, assault, or battery; threat or intimidation; or  
50 fighting at school, as defined by the department in accordance  
51 with s.1006.09(6).

52 (b) A student enrolled in a Florida private school in  
53 kindergarten through grade 12 is eligible for a transportation  
54 scholarship provided in paragraph (11)(b) if the student  
55 reported an incident in accordance with subsection (6).

56 (5) TERM OF HOPE SCHOLARSHIP.—For purposes of continuity of  
57 educational choice, a Hope scholarship shall remain in force  
58 until the student ~~returns to public school or~~ graduates from

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59 ~~high school, whichever occurs first. A scholarship student who~~  
60 ~~enrolls in a public school or public school program is~~  
61 ~~considered to have returned to a public school for the purpose~~  
62 ~~of determining the end of the scholarship's term.~~

63 (6) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

64 (a) ~~Upon receipt of a report of an incident, the school~~  
65 ~~principal, or his or her designee, shall provide a copy of the~~  
66 ~~report to the parent and investigate the incident to determine~~  
67 ~~if the incident must be reported as required by s. 1006.09(6).~~  
68 ~~Within 24 hours after receipt of the report, the principal or~~  
69 ~~his or her designee shall provide a copy of the report to the~~  
70 ~~parent of the alleged offender and to the superintendent. Upon~~  
71 ~~conclusion of the investigation or within 15 days after the~~  
72 ~~incident was reported, whichever occurs first, the school~~  
73 ~~district shall notify the parent of the program and offer the~~  
74 ~~parent an opportunity to enroll his or her student in another~~  
75 ~~public school that has capacity or to request and receive a~~  
76 ~~scholarship to attend an eligible private school, subject to~~  
77 ~~available funding. A parent who chooses to enroll his or her~~  
78 ~~student in a public school located outside the district in which~~  
79 ~~the student resides pursuant to s. 1002.31 shall be eligible for~~  
80 ~~a scholarship to transport the student as provided in paragraph~~  
81 ~~(11) (b) .~~

82 (b) For each student participating in the program in an  
83 eligible private school who chooses to participate in the  
84 statewide assessments under s. 1008.22 or the Florida Alternate  
85 Assessment, the school district in which the student resides  
86 must notify the student and his or her parent about the  
87 locations and times to take all statewide assessments.

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88       (c) A parent of a public school student who was subjected  
89 to an incident may apply for a scholarship to a participating  
90 private school by reporting the incident to an approved  
91 scholarship funding organization. The application must include,  
92 at a minimum, the name of the school where the incident  
93 occurred, the date on which the incident occurred, and the type  
94 of incident that occurred.

95       (d) A parent of a private school student who was subjected  
96 to an incident may apply for a transportation scholarship by  
97 reporting the incident to an approved scholarship funding  
98 organization.

99       (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
100 shall:

101       (a) Cross-check the list of participating scholarship  
102 students with the public school enrollment lists to avoid  
103 duplication.

104       (b) Maintain a list of nationally norm-referenced tests  
105 identified for purposes of satisfying the testing requirement in  
106 paragraph (9) (f). The tests must meet industry standards of  
107 quality in accordance with State Board of Education rule.

108       (c) Require quarterly reports by an eligible nonprofit  
109 scholarship-funding organization regarding the number of  
110 students participating in the program, the private schools in  
111 which the students are enrolled, and other information deemed  
112 necessary by the department.

113       ~~(d) Contract with an independent entity to provide an~~  
114 ~~annual evaluation of the program by:~~

115       ~~1. Reviewing the school bullying prevention education~~  
116 ~~program, climate, and code of student conduct of each public~~

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117 ~~school from which 10 or more students transferred to another~~  
118 ~~public school or private school using the Hope scholarship to~~  
119 ~~determine areas in the school or school district procedures~~  
120 ~~involving reporting, investigating, and communicating a parent's~~  
121 ~~and student's rights that are in need of improvement. At a~~  
122 ~~minimum, the review must include:~~

123 ~~a. An assessment of the investigation time and quality of~~  
124 ~~the response of the school and the school district.~~

125 ~~b. An assessment of the effectiveness of communication~~  
126 ~~procedures with the students involved in an incident, the~~  
127 ~~students' parents, and the school and school district personnel.~~

128 ~~c. An analysis of school incident and discipline data.~~

129 ~~d. The challenges and obstacles relating to implementing~~  
130 ~~recommendations from the review.~~

131 ~~2. Reviewing the school bullying prevention education~~  
132 ~~program, climate, and code of student conduct of each public~~  
133 ~~school to which a student transferred if the student was from a~~  
134 ~~school identified in subparagraph 1. in order to identify best~~  
135 ~~practices and make recommendations to a public school at which~~  
136 ~~the incidents occurred.~~

137 ~~3. Reviewing the performance of participating students~~  
138 ~~enrolled in a private school in which at least 51 percent of the~~  
139 ~~total enrolled students in the prior school year participated in~~  
140 ~~the program and in which there are at least 10 participating~~  
141 ~~students who have scores for tests administered.~~

142 ~~4. Surveying the parents of participating students to~~  
143 ~~determine academic, safety, and school climate satisfaction and~~  
144 ~~to identify any challenges to or obstacles in addressing the~~  
145 ~~incident or relating to the use of the scholarship.~~

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146 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
147 PARTICIPATION.—A parent who applies for a Hope scholarship is  
148 exercising his or her parental option to place his or her  
149 student in an eligible private school.

150 (b) The parent must notify ~~inform~~ the student's school  
151 district when the parent withdraws his or her student to attend  
152 an eligible private school. The notification must indicate that  
153 the student was subjected to an incident that qualifies him or  
154 her for a Hope Scholarship.

155 (11) FUNDING AND PAYMENT.—

156 (i) An eligible nonprofit scholarship funding organization  
157 may carry forward contributions in a state fiscal year to ensure  
158 continuity of scholarships in the following state fiscal year.  
159 At the end of each state fiscal year, an eligible nonprofit  
160 scholarship funding organization may redirect unspent  
161 contributions in excess of 5 percent of the total contributions  
162 to fund scholarships for students under s. 1002.395 in the  
163 following state fiscal year.

164 Section 2. This act shall take effect July 1, 2019.