

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Webb offered the following:

Amendment

Remove lines 876-1164 and insert:

3. For private schools that have enrolled 30 or more Florida Tax Credit Scholarship or Florida Empowerment Scholarship recipients, be precluded from enrolling additional Florida Tax Credit Scholarship or Florida Empowerment Scholarship recipients in any subsequent academic year if the private school's most recent academic average gain score, as documented in the most recent annual evaluation prepared by Florida State University's Learning Systems Institute, indicates a negative average gain score, combined for reading and math,

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14 during the most recent 3-year period reviewed by the Florida
15 State University's Learning Systems Institute. Such private
16 school may, thereafter, only be authorized to enroll additional
17 Florida Tax Credit Scholarship or Florida Empowerment
18 Scholarship recipients in an academic year immediately following
19 the earlier of either:

20 a. Two consecutive academic years of positive average gain
21 scores, reading and math combined, by such private school; or

22 b. A positive average gain score, reading and math
23 combined, for such private school during its most recent 3-year
24 period.

25
26 If a private school fails to meet the requirements of this
27 subsection or s. 1002.421, the commissioner may determine that
28 the private school is ineligible to participate in the
29 scholarship program.

30 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
31 PARTICIPATION.—A parent who applies for a Family Empowerment
32 Scholarship is exercising his or her parental option to place
33 his or her child in a private school.

34 (a) The parent must select the private school and apply
35 for the admission of his or her student.

36 (b) The parent must request the scholarship at least 60
37 days before the date of the first scholarship payment.

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38 (c) The parent must inform the applicable school district
39 when the parent withdraws his or her student from a public
40 school to attend an eligible private school.

41 (d) Any student participating in the program must remain
42 in attendance throughout the school year unless excused by the
43 school for illness or other good cause.

44 (e) Before enrolling in a private school, a student and
45 his or her parent or guardian must meet with the private
46 school's principal or the principal's designee to review the
47 school's academic programs and policies, customized educational
48 programs, code of student conduct, and attendance policies.

49 (f) The parent shall ensure that the student participating
50 in the scholarship program takes the norm-referenced assessment
51 offered by the private school. The parent may also choose to
52 have the student participate in the statewide assessments
53 pursuant to paragraph (6) (b).

54 (g) If the parent requests that the student participating
55 in the program take all statewide assessments required pursuant
56 to s. 1008.22, the parent is responsible for transporting the
57 student to the assessment site designated by the school
58 district.

59 (h) Upon receipt of a scholarship warrant, the parent to
60 whom the warrant is issued must restrictively endorse the
61 warrant to the private school for deposit into the private
62 school's account. The parent may not designate any entity or

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63 individual associated with the participating private school as
64 the parent's attorney in fact to endorse a scholarship warrant.
65 A participant who fails to comply with this paragraph forfeits
66 the scholarship.

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

70 (a) Shall verify the household income level of students
71 pursuant to subparagraph (3) (a)1. and submit the verified list
72 of students and related documentation to the department.

73 (b) May, from eligible contributions received pursuant to
74 s. 1002.395(6) (j)1., use an amount not to exceed 1 percent of
75 the total amount of all scholarships awarded under this section
76 for administrative expenses associated with performing functions
77 under this section. Such administrative expense amount is
78 considered within the 3 percent limit on the total amount an
79 organization may use to administer scholarships under this
80 chapter.

81 (c) Must, in a timely manner, submit any information
82 requested by the department relating to the scholarship under
83 this section.

84 (d) Must notify the department about any violation of this
85 section by a parent or a private school.

86 (11) SCHOLARSHIP FUNDING AND PAYMENT.—

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87 (a) The scholarship is established for up to 18,000
88 students annually on a first-come, first-served basis beginning
89 with the 2019-2020 school year. Beginning in the 2020-2021
90 school year, the number of students participating in the
91 scholarship program under this section may annually increase by
92 0.25 percent of the state's total public school student
93 enrollment.

94 (b) The scholarship amount provided to a student for any
95 single school year shall be for tuition and fees for an eligible
96 private school, not to exceed annual limits, which shall be
97 determined in accordance with this paragraph. The calculated
98 amount for a student to attend an eligible private school shall
99 be based upon the grade level and school district in which the
100 student was assigned as 95 percent of the funds per unweighted
101 full-time equivalent in the Florida Education Finance Program
102 for a student in the basic program established pursuant to s.
103 1011.62(1)(c)1., plus a per-full-time equivalent share of funds
104 for all categorical programs, except for the Exceptional Student
105 Education Guaranteed Allocation.

106 (c) The amount of the Family Empowerment Scholarship shall
107 be the calculated amount or the amount of the private school's
108 tuition and fees, whichever is less. The amount of any
109 assessment fee required by the participating private school may
110 be paid from the total amount of the scholarship.

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111 (d) The school district shall report all students who are
112 attending a private school under this program. The students
113 attending private schools on Family Empowerment Scholarships
114 shall be reported separately from other students reported for
115 purposes of the Florida Education Finance Program.

116 (e) Following notification on July 1, September 1,
117 December 1, or February 1 of the number of program participants,
118 the department shall transfer, from general revenue funds only,
119 the amount calculated pursuant to paragraph (b) to a separate
120 account for the scholarship program for quarterly disbursement
121 to parents of participating students. For a student exiting a
122 Department of Juvenile Justice commitment program who chooses to
123 participate in the scholarship program, the amount of the Family
124 Empowerment Scholarship calculated pursuant to paragraph (b)
125 must be transferred from the school district in which the
126 student last attended a public school before commitment to the
127 Department of Juvenile Justice. When a student enters the
128 scholarship program, the department must receive all
129 documentation required for the student's participation,
130 including the private school's and the student's fee schedules,
131 at least 30 days before the first quarterly scholarship payment
132 is made for the student.

133 (f) Upon notification by the department that it has
134 received the documentation required under paragraph (e), the
135 Chief Financial Officer shall make scholarship payments in four

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136 equal amounts no later than September 1, November 1, February 1,
137 and April 1 of each school year in which the scholarship is in
138 force. The initial payment shall be made after department
139 verification of admission acceptance, and subsequent payments
140 shall be made upon verification of continued enrollment and
141 attendance at the private school. Payment must be by individual
142 warrant made payable to the student's parent and mailed by the
143 department to the private school of the parent's choice, and the
144 parent shall restrictively endorse the warrant to the private
145 school for deposit into the account of the private school.

146 (g) Subsequent to each scholarship payment, the department
147 shall request from the Department of Financial Services a sample
148 of endorsed warrants to review and confirm compliance with
149 endorsement requirements.

150 (12) LIABILITY.—No liability shall arise on the part of
151 the state based on the award or use of a Family Empowerment
152 Scholarship.

153 (13) SCOPE OF AUTHORITY.—The inclusion of eligible private
154 schools within the options available to Florida public school
155 students does not expand the regulatory authority of the state,
156 its officers, or any school district to impose any additional
157 regulation of private schools beyond those reasonably necessary
158 to enforce requirements expressly set forth in this section.

159 (14) RULES.—The State Board of Education shall adopt rules
160 pursuant to ss. 120.536(1) and 120.54 to administer this

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161 section. The state board rules must include a requirement that
162 the department work collaboratively with an approved
163 scholarship-funding organization to expedite the process for the
164 verification and reporting obligations specified under
165 subsection (10).

166 (15) IMPLEMENTATION SCHEDULE FOR THE 2019-2020 SCHOOL
167 YEAR.—Notwithstanding the provisions of this section related to
168 notification requirements and eligibility timelines, for the
169 2019-2020 school year:

170 (a) A student is eligible for a Family Empowerment
171 Scholarship under this section if the student's parent has
172 obtained acceptance of the student's admission to a private
173 school that is eligible for the program under subsection (8) and
174 the parent has requested a scholarship from the Department of
175 Education no later than August 15, 2019. The request must be
176 communicated directly to the department in a manner that creates
177 a written or electronic record of the request and the date of
178 receipt of the request.

179 (b) The department shall expedite the publication of
180 information relevant to the Family Empowerment Scholarship
181 Program on the department's website, including, but not limited
182 to, the eligibility criteria for students to qualify for the
183 scholarship under this section and how parents may request the
184 scholarship. The department must immediately notify the school

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185 district of the parent's intent upon receipt of the parent's
186 request.

187 (c) Upon notification by the department that it has
188 received the documentation required under paragraph (10) (a), the
189 Chief Financial Officer shall make the first quarter payment of
190 scholarships no later than October 1, 2019.

191
192 This subsection shall expire June 30, 2020.

193 Section 7. Paragraph (g) of subsection (13) of section
194 1002.385, Florida Statutes, is amended to read:

195 1002.385 The Gardiner Scholarship.—

196 (13) FUNDING AND PAYMENT.—

197 ~~(g) In addition to funds appropriated for scholarship~~
198 ~~awards and subject to a separate, specific legislative~~
199 ~~appropriation, an organization may receive an amount equivalent~~
200 ~~to not more than 3 percent of the amount of each scholarship~~
201 ~~award from state funds for administrative expenses if the~~
202 ~~organization has operated as a nonprofit entity for at least the~~
203 ~~preceding 3 fiscal years and did not have any findings of~~
204 ~~material weakness or material noncompliance in its most recent~~
205 ~~audit under s. 1002.395(6)(m). Such administrative expenses must~~
206 ~~be reasonable and necessary for the organization's management~~
207 ~~and distribution of scholarships under this section. Funds~~
208 ~~authorized under this paragraph may not be used for lobbying or~~
209 ~~political activity or expenses related to lobbying or political~~

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210 ~~activity. An organization may not charge an application fee for~~
211 ~~a scholarship. Administrative expenses may not be deducted from~~
212 ~~funds appropriated for scholarship awards.~~

213 Section 8. Subsection (3), paragraphs (d) and (j) of
214 subsection (6), paragraph (f) of subsection (9), and paragraph
215 (a) of subsection (11) of section 1002.395, Florida Statutes,
216 are amended, and paragraphs (k) and (l) are added to subsection
217 (9) of that section, to read:

218 1002.395 Florida Tax Credit Scholarship Program.—

219 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

220 (a) The Florida Tax Credit Scholarship Program is
221 established.

222 (b) A student is eligible for a Florida tax credit
223 scholarship under this section if the student meets one or more
224 of the following criteria:

225 1. The student is on the direct certification list or the
226 student's household income level does not exceed 185 percent of
227 the federal poverty level; or

228 2. The student is currently placed, or during the previous
229 state fiscal year was placed, in foster care or in out-of-home
230 care as defined in s. 39.01.

231 3. The student's household income level is greater than
232 185 percent of the federal poverty level but does not exceed 260
233 percent of the federal poverty level.

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235 A student who initially receives a scholarship based on
236 eligibility under subparagraph (b)2. remains eligible to
237 participate until the student graduates from high school or
238 attains the age of 21 years, whichever occurs first, regardless
239 of the student's household income level. A student who initially
240 received a scholarship based on income eligibility before the
241 2019-2020 school year remains eligible to participate until he
242 or she graduates from high school, attains the age of 21 years,
243 or the student's household income level exceeds 260 percent of
244 the federal poverty level, whichever occurs first. A sibling of
245 a student who is participating in the scholarship program under
246 this subsection is eligible for a scholarship if the student
247 resides in the same household as the sibling.

248 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
249 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
250 organization:

251 (d) Must provide scholarships, from eligible
252 contributions, to eligible students for the cost of:

- 253 1. Tuition and fees for an eligible private school; or
254 2. Transportation to a Florida public school in which a
255 student is enrolled and that is different from the school to
256 which the student was assigned ~~that is located outside the~~
257 ~~district in which the student resides~~ or to a lab school as
258 defined in s. 1002.32.

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259 (j)1. May use ~~up to 3 percent of~~ eligible contributions
260 received pursuant to this section and ss. 212.099, 212.1832, and
261 1002.40 during the state fiscal year in which such contributions
262 are collected for administrative expenses if the organization
263 has operated as an eligible nonprofit scholarship-funding
264 organization for at least the preceding 3 fiscal years and did
265 not have any findings of material weakness or material
266 noncompliance in its most recent audit under paragraph (m).
267 Administrative expenses from eligible contributions may not
268 exceed 3 percent of the total amount of all scholarships awarded
269 by an eligible scholarship-funding organization under this
270 chapter. Such administrative expenses must be reasonable and
271 necessary for the organization's management and distribution of
272 scholarships awarded ~~eligible contributions~~ under this chapter
273 ~~section~~. No funds authorized under this subparagraph shall be
274 used for lobbying or political activity or expenses related to
275 lobbying or political activity. Up to one-third of the funds
276 authorized for administrative expenses under this subparagraph
277 may be used for expenses related to the recruitment of
278 contributions from taxpayers. An eligible nonprofit scholarship-
279 funding organization may not charge an application fee.

280 2. Must expend for annual or partial-year scholarships an
281 amount equal to or greater than 75 percent of the net eligible
282 contributions remaining after administrative expenses during the
283 state fiscal year in which such contributions are collected. No

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284 more than 25 percent of such net eligible contributions may be
285 carried forward to the following state fiscal year. All amounts
286 carried forward, for audit purposes, must be specifically
287 identified for particular students, by student name and the name
288 of the school to which the student is admitted, subject to the
289 requirements of ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g,
290 and the applicable rules and regulations issued pursuant
291 thereto. Any amounts carried forward shall be expended for
292 annual or partial-year scholarships in the following state
293 fiscal year. No later than September 30 of each year, net
294 eligible contributions remaining on June 30 of each year that
295 are in excess of the 25 percent that may be carried forward
296 shall be used to provide scholarships to eligible students or
297 transferred to other eligible nonprofit scholarship-funding
298 organizations to provide scholarships for eligible students. All
299 transferred funds must be deposited by each eligible nonprofit
300 scholarship-funding organization receiving such funds into its
301 scholarship account. All transferred amounts received by any
302 eligible nonprofit scholarship-funding organization must be
303 separately disclosed in the annual financial audit required
304 under paragraph (m).

305 3. Must, before granting a scholarship for an academic
306 year, document each scholarship student's eligibility for that
307 academic year. A scholarship-funding organization may not grant
308 multiyear scholarships in one approval process.

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310 Information and documentation provided to the Department of
311 Education and the Auditor General relating to the identity of a
312 taxpayer that provides an eligible contribution under this
313 section shall remain confidential at all times in accordance
314 with s. 213.053.

315 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
316 Education shall:

317 (f) Issue a project grant award to a state university, to
318 which ~~participating~~ private schools participating in a
319 scholarship program under this section and ss. 1002.394 and
320 1002.40 must report demographic data and the scores of
321 participating students on the nationally norm-referenced tests
322 or the statewide assessments administered by the private school
323 in grades 3 through 10. The project term is 2 years, and the
324 amount of the project is up to \$250,000 per year. The project
325 grant award must be reissued in 2-year intervals in accordance
326 with this paragraph.

327 1. The state university must annually report to the
328 Department of Education on the student performance of
329 participating students and demographic data for the students
330 participating in the program including ethnicity and socio-
331 economic status by demonstrating eligibility for free or
332 reduced-price lunch. Students must be tracked upon entering the
333 scholarship programs, transferring between scholarship programs

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334 or returning back to a public school district school. Summarized
335 demographic and performance detail must be demonstrated for each
336 of these aforementioned subgroups annually:

337 a. On a statewide basis. The report shall also include, to
338 the extent possible, demographic data and a comparison of
339 scholarship students' performance to the statewide student
340 performance of public school students with socioeconomic
341 backgrounds similar to those of students participating in the
342 scholarship program. To minimize costs and reduce time required
343 for the state university's analysis and evaluation, the
344 Department of Education shall coordinate with the state
345 university to provide data to the state university in order to
346 conduct analyses of matched students from public school
347 assessment data and calculate control group student performance
348 using an agreed-upon methodology with the state university; and

349 b. On an individual school basis. The annual report must
350 include student demographic data and student performance for
351 each participating private school in which at least 51 percent
352 of the total enrolled students in the private school
353 participated in a scholarship program under this section, s.
354 1002.394, or s. 1002.40 ~~the Florida Tax Credit Scholarship~~
355 ~~Program~~ in the prior school year. The report shall be according
356 to each participating private school, and for participating
357 students, in which there are at least 30 participating students
358 who have scores for tests administered. If the state university

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359 determines that the 30-participating-student cell size may be
360 reduced without disclosing personally identifiable information,
361 as described in 34 C.F.R. s. 99.12, of a participating student,
362 the state university may reduce the participating-student cell
363 size, but the cell size must not be reduced to less than 10
364 participating students. The department shall provide each
365 private school's prior school year's student enrollment
366 information to the state university no later than June 15 of
367 each year, or as requested by the state university.

368 2. The sharing and reporting of student performance data
369 under this paragraph must be in accordance with requirements of
370 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
371 Educational Rights and Privacy Act, and the applicable rules and
372 regulations issued pursuant to such requirements thereto, and
373 shall be for the sole purpose of creating the annual report
374 required by subparagraph 1. All parties must preserve the
375 confidentiality of such information as required by law. The
376 annual report must not disaggregate data to a level that will
377 identify individual participating schools, except as required
378 under sub-subparagraph 1.b., or disclose the academic level of
379 individual students.

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

382 4. Each private school's assessment results published in
383 this annual report must be published in a prominent location on

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384 each private school's website to be readily accessible for
385 parents and community members.

386 (k) Require quarterly reports by an eligible nonprofit
387 scholarship-funding organization regarding the number of
388 students participating in the program, the private schools in
389 which the students are enrolled, demographic data for the
390 students participating in the program including ethnicity and
391 socio-economic status by demonstrating eligibility for free or
392 reduced-price lunch and other information deemed necessary by
393 the department.

394 (l) Require that each private school make a significant
395 learning gain in the prior year's student performance report
396 commissioned by the department in order to be eligible to
397 receive new students using scholarship funds. Scholarship
398 students that were already enrolled in these schools may
399 continue to attend schools not making significant learning gains
400 while utilizing scholarship funds. Private schools may be
401 reinstated as eligible to receive new scholarship students once
402 they demonstrate significant positive learning gains in the
403 previous school year on the department's annual report.

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