

By Senator Cruz

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1 A bill to be entitled
2 An act relating to education; amending s. 1002.33,
3 F.S.; revising requirements for the annual report the
4 governing body of a charter school must submit to its
5 sponsor; amending s. 1002.394, F.S.; adding additional
6 private school requirements for the Family Empowerment
7 Scholarship Program; requiring, rather than
8 authorizing, the Commissioner of Education to
9 determine that a private school is ineligible to
10 participate in such program under certain
11 circumstances; amending s. 1002.395, F.S.; requiring
12 eligible nonprofit scholarship-funding organizations
13 to comply with specified statutes; adding additional
14 private school requirements for the Florida Tax Credit
15 Scholarship Program; requiring, rather than
16 authorizing, the Commissioner of Education to
17 determine that a private school is ineligible to
18 participate in such program under certain
19 circumstances; including the Family Empowerment
20 Scholarship Program in a specified project grant award
21 for reporting certain student data; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

25
26 Section 1. Paragraph (k) of subsection (9) of section
27 1002.33, Florida Statutes, is amended to read:

28 1002.33 Charter schools.—

29 (9) CHARTER SCHOOL REQUIREMENTS.—

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30 (k) The governing body of the charter school shall report
31 its progress annually to its sponsor, which shall forward the
32 report to the Commissioner of Education at the same time as
33 other annual school accountability reports. The Department of
34 Education shall develop a uniform, online annual accountability
35 report to be completed by charter schools. This report shall be
36 easy to utilize and contain demographic information, student
37 performance data, and financial accountability information. A
38 charter school shall not be required to provide information and
39 data that is duplicative and already in the possession of the
40 department. The Department of Education shall include in its
41 compilation a notation if a school failed to file its report by
42 the deadline established by the department. The report shall
43 include at least the following components:

44 1. Student achievement performance data, including the
45 information required for the annual school report and the
46 education accountability system governed by ss. 1008.31 and
47 1008.345. Charter schools are subject to the same accountability
48 requirements as other public schools, including reports of
49 student achievement information that links baseline student data
50 to the school's performance projections identified in the
51 charter. The charter school shall identify reasons for any
52 difference between projected and actual student performance.

53 2. Financial status of the charter school which must
54 include revenues and expenditures at a level of detail that
55 allows for analysis of the charter school's ability to meet
56 financial obligations and timely repayment of debt.

57 3. Documentation of the facilities in current use and any
58 planned facilities for use by the charter school for instruction

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59 of students, administrative functions, or investment purposes.

60 4. Descriptive information about the charter school's
61 personnel, including salary and benefit levels of charter school
62 employees, the proportion of instructional personnel who hold
63 professional or temporary certificates, and the proportion of
64 instructional personnel teaching in-field or out-of-field.

65 5. Documentation of the total number of public records
66 requests the charter school received pursuant to chapter 119 and
67 any costs associated with fulfilling the requests.

68 6. A list of contracts the charter school has with any
69 other entity, including the name of the entity and the terms of
70 the contract.

71 Section 2. Subsection (8) of section 1002.394, Florida
72 Statutes, is amended to read:

73 1002.394 The Family Empowerment Scholarship Program.—

74 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
75 eligible to participate in the Family Empowerment Scholarship
76 Program, a private school may be sectarian or nonsectarian and
77 must:

78 (a) Comply with all requirements for private schools
79 participating in state school choice scholarship programs
80 pursuant to s. 1002.421.

81 (b) Provide to the department all documentation required
82 for a student's participation, including the private school's
83 and student's fee schedules, at least 30 days before any
84 quarterly scholarship payment is made for the student pursuant
85 to paragraph (11)(f). A student is not eligible to receive a
86 quarterly scholarship payment if the private school fails to
87 meet this deadline.

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88 (c)1. Annually administer or make provision for students
89 participating in the program in grades 3 through 10 to take one
90 of the nationally norm-referenced tests identified by the
91 department or to take the statewide assessments pursuant to s.
92 1008.22. Students with disabilities for whom standardized
93 testing is not appropriate are exempt from this requirement. A
94 participating private school shall report a student's scores to
95 his or her parent.

96 2. Administer the statewide assessments pursuant to s.
97 1008.22 if the private school chooses to offer the statewide
98 assessments. A participating private school may choose to offer
99 and administer the statewide assessments to all students who
100 attend the private school in grades 3 through 10 and must submit
101 a request in writing to the department by March 1 of each year
102 in order to administer the statewide assessments in the
103 subsequent school year.

104 (d) For private schools that have enrolled at least 30
105 Florida Tax Credit Scholarship recipients, Family Empowerment
106 Scholarship recipients, or a combination thereof, employ at
107 least one academic support counselor whose employment
108 responsibilities are exclusively to provide any and all academic
109 and social support needed by such students.

110 (e) For private schools that have enrolled 30 or more
111 Florida Tax Credit Scholarship recipients, Family Empowerment
112 Scholarship recipients, or a combination thereof, not enroll
113 additional Florida Tax Credit Scholarship or Florida Empowerment
114 Scholarship recipients in any subsequent academic year if the
115 private school's most recent academic average gain score, as
116 documented in the most recent annual evaluation conducted

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117 pursuant to s. 1002.395(9)(f), indicates a negative average gain
118 score, combined for reading and mathematics, during the most
119 recent 3-year period examined by the state university selected
120 pursuant to s. 1002.395(9)(f). Such private school may,
121 thereafter, only be authorized to enroll additional Florida Tax
122 Credit Scholarship or Florida Empowerment Scholarship recipients
123 in an academic year immediately following the earlier of:

124 1. Two consecutive academic years of positive average gain
125 scores, combined for reading and mathematics, by such private
126 school, as documented pursuant to this paragraph; or

127 2. A positive average gain score, combined for reading and
128 mathematics, for such private school during its most recent 3-
129 year period, as documented pursuant to this paragraph.

130 (f) Limit the combined enrollment of Florida Tax Credit
131 Scholarship and Florida Empowerment Scholarship recipients to
132 not more than 35 percent of the total student enrollment in the
133 private school.

134
135 If a private school fails to meet the requirements of this
136 subsection or s. 1002.421, the commissioner shall ~~may~~ determine
137 that the private school is ineligible to participate in the
138 scholarship program.

139 Section 3. Paragraphs (r) and (s) are added to subsection
140 (6), subsection (8) and paragraph (f) of subsection (9) of
141 section 1002.395, Florida Statutes, are amended, and paragraph
142 (f) of subsection (2) of that section is republished, to read:

143 1002.395 Florida Tax Credit Scholarship Program.—

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

145 (f) "Eligible nonprofit scholarship-funding organization"

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146 means a state university; or an independent college or
 147 university that is eligible to participate in the William L.
 148 Boyd, IV, Effective Access to Student Education Grant Program,
 149 located and chartered in this state, is not for profit, and is
 150 accredited by the Commission on Colleges of the Southern
 151 Association of Colleges and Schools; or is a charitable
 152 organization that:

153 1. Is exempt from federal income tax pursuant to s.
 154 501(c)(3) of the Internal Revenue Code;

155 2. Is a Florida entity formed under chapter 605, chapter
 156 607, or chapter 617 and whose principal office is located in the
 157 state; and

158 3. Complies with subsections (6) and (15).

159 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
 160 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
 161 organization:

162 (r) Must comply with chapter 119, relating to public
 163 records. For purposes of this paragraph, an eligible nonprofit
 164 scholarship-funding organization is considered an agency as
 165 defined in s. 119.011. This paragraph does not abrogate the
 166 provisions of ss. 1002.22 and 1002.221 or the requirements of 20
 167 U.S.C. s. 1232g, the Family Educational Rights and Privacy Act.

168 (s) Must comply with s. 286.011, relating to public
 169 meetings and records, public inspection, and criminal and civil
 170 penalties. For purposes of this paragraph, an eligible nonprofit
 171 scholarship-funding organization is considered an agency as
 172 defined in s. 119.011.

173
 174 Information and documentation provided to the Department of

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175 Education and the Auditor General relating to the identity of a
176 taxpayer that provides an eligible contribution under this
177 section shall remain confidential at all times in accordance
178 with s. 213.053.

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

181 (a) Comply with all requirements for private schools
182 participating in state school choice scholarship programs
183 pursuant to s. 1002.421.

184 (b)1. Annually administer or make provision for students
185 participating in the scholarship program in grades 3 through 10
186 to take one of the nationally norm-referenced tests identified
187 by the Department of Education or the statewide assessments
188 pursuant to s. 1008.22. Students with disabilities for whom
189 standardized testing is not appropriate are exempt from this
190 requirement. A participating private school must report a
191 student's scores to the parent. A participating private school
192 must annually report by August 15 the scores of all
193 participating students to a state university described in
194 paragraph (9)(f).

195 2. Administer the statewide assessments pursuant to s.
196 1008.22 if a private school chooses to offer the statewide
197 assessments. A participating private school may choose to offer
198 and administer the statewide assessments to all students who
199 attend the private school in grades 3 through 10 and must submit
200 a request in writing to the Department of Education by March 1
201 of each year in order to administer the statewide assessments in
202 the subsequent school year.

203 (c) For private schools that have enrolled at least 30

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204 Florida Tax Credit Scholarship recipients, Family Empowerment
205 Scholarship recipients, or a combination thereof, employ at
206 least one academic support counselor whose employment
207 responsibilities are exclusively to provide any and all academic
208 and social support needed by such students.

209 (d) For private schools that have enrolled 30 or more
210 Florida Tax Credit Scholarship recipients, Family Empowerment
211 Scholarship recipients, or a combination thereof, not enroll
212 additional Florida Tax Credit Scholarship or Florida Empowerment
213 Scholarship recipients in any subsequent academic year if the
214 private school's most recent academic average gain score, as
215 documented in the most recent annual evaluation conducted
216 pursuant to paragraph (9) (f), indicates a negative average gain
217 score, combined for reading and mathematics, during the most
218 recent 3-year period examined by the state university selected
219 pursuant to paragraph (9) (f). Such private school may,
220 thereafter, only be authorized to enroll additional Florida Tax
221 Credit Scholarship or Florida Empowerment Scholarship recipients
222 in an academic year immediately following the earlier of:

223 1. Two consecutive academic years of positive average gain
224 scores, combined for reading and mathematics, by such private
225 school, as documented pursuant to this paragraph; or

226 2. A positive average gain score, combined for reading and
227 mathematics, for such private school during its most recent 3-
228 year period, as documented pursuant to this paragraph.

229 (e) Limit the combined enrollment of Florida Tax Credit
230 Scholarship and Florida Empowerment Scholarship recipients to
231 not more than 35 percent of the total student enrollment in the
232 private school.

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234 If a private school fails to meet the requirements of this
235 subsection or s. 1002.421, the commissioner shall ~~may~~ determine
236 that the private school is ineligible to participate in the
237 scholarship program.

238 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
239 Education shall:

240 (f) Issue a project grant award to a state university, to
241 which participating private schools in the Florida Tax Credit
242 Scholarship Program or the Family Empowerment Scholarship
243 Program must report the scores of participating students on the
244 nationally norm-referenced tests or the statewide assessments
245 administered by the private school in grades 3 through 10. The
246 project term is 2 years, and the amount of the project is up to
247 \$250,000 per year. The project grant award must be reissued in
248 2-year intervals in accordance with this paragraph.

249 1. The state university must annually report to the
250 Department of Education on the student performance of
251 participating students:

252 a. On a statewide basis. The report shall also include, to
253 the extent possible, a comparison of scholarship students'
254 performance to the statewide student performance of public
255 school students with socioeconomic backgrounds similar to those
256 of students participating in the scholarship program. To
257 minimize costs and reduce time required for the state
258 university's analysis and evaluation, the Department of
259 Education shall coordinate with the state university to provide
260 data to the state university in order to conduct analyses of
261 matched students from public school assessment data and

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262 calculate control group student performance using an agreed-upon
263 methodology with the state university; and

264 b. On an individual school basis. The annual report must
265 include student performance for each participating private
266 school in which at least 51 percent of the total enrolled
267 students in the private school participated in the Florida Tax
268 Credit Scholarship Program, the Family Empowerment Scholarship
269 Program, or combination thereof, in the prior school year. The
270 report shall be according to each participating private school,
271 and for participating students, in which there are at least 30
272 participating students who have scores for tests administered.
273 If the state university determines that the 30-participating-
274 student cell size may be reduced without disclosing personally
275 identifiable information, as described in 34 C.F.R. s. 99.12, of
276 a participating student, the state university may reduce the
277 participating-student cell size, but the cell size must not be
278 reduced to less than 10 participating students. The department
279 shall provide each private school's prior school year's student
280 enrollment information to the state university no later than
281 June 15 of each year, or as requested by the state university.

282 2. The sharing and reporting of student performance data
283 under this paragraph must be in accordance with requirements of
284 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
285 Educational Rights and Privacy Act, and the applicable rules and
286 regulations issued pursuant thereto, and shall be for the sole
287 purpose of creating the annual report required by subparagraph
288 1. All parties must preserve the confidentiality of such
289 information as required by law. The annual report must not
290 disaggregate data to a level that will identify individual

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291 participating schools, except as required under sub-subparagraph
292 1.b., or disclose the academic level of individual students.

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

295 Section 4. This act shall take effect July 1, 2020.