

By Senator Stewart

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1 A bill to be entitled
2 An act relating to private schools; amending s.
3 1002.421, F.S.; revising requirements that private
4 schools participating in certain educational
5 scholarship programs must meet; amending s. 1002.394,
6 F.S.; conforming a cross-reference; revising school
7 district obligations under the Family Empowerment
8 Scholarship Program; revising Department of Education
9 obligations; revising private school eligibility and
10 obligations; revising parent and student
11 responsibilities; conforming provisions to changes
12 made by the act; amending s. 1002.395, F.S.;
13 conforming cross-references; revising parent and
14 student responsibilities for participating in the
15 Florida Tax Credit Scholarship Program; revising
16 private school eligibility and obligations; revising
17 department obligations; conforming provisions to
18 changes made by the act; amending s. 1002.40, F.S.;
19 revising school district obligations under the Hope
20 Scholarship Program; revising private school
21 eligibility and obligations; revising department
22 obligations; revising parent and student
23 responsibilities; conforming provisions to changes
24 made by the act; amending s. 1008.34, F.S.; requiring
25 certain private schools to be graded according to
26 specified rules; requiring certain private schools to
27 assess at least 95 percent of eligible students;
28 deleting obsolete language; requiring the department
29 to annually develop, in collaboration with certain

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30 private schools, a school report card that certain
31 private schools provide to parents; amending s.
32 1013.37, F.S.; requiring private schools to comply
33 with the State Requirements for Educational Facilities
34 of the Florida Building Code; providing for injunctive
35 relief under certain circumstances; authorizing
36 attorney fees and costs; providing an effective date.
37

38 Be It Enacted by the Legislature of the State of Florida:
39

40 Section 1. Subsection (1), paragraph (a) of subsection (2),
41 and paragraph (b) of subsection (3) of section 1002.421, Florida
42 Statutes, are amended to read:

43 1002.421 State school choice scholarship program
44 accountability and oversight.—

45 (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
46 school participating in an educational scholarship program
47 established pursuant to this chapter must be a private school as
48 defined in s. 1002.01(2) in this state, be registered, and be in
49 compliance with all requirements of this section in addition to
50 private school requirements outlined in s. 1002.42, specific
51 requirements identified within respective scholarship program
52 laws, and other provisions of Florida law that apply to private
53 schools, and must:

54 (a) Comply with the antidiscrimination provisions of 42
55 U.S.C. s. 2000d.

56 (b) Notify the department of its intent to participate in a
57 scholarship program.

58 (c) Notify the department of any change in the school's

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59 name, school director, mailing address, or physical location
60 within 15 days after the change.

61 (d) Provide to the department or scholarship-funding
62 organization all documentation required for a student's
63 participation, including the private school's and student's
64 individual fee schedule, and attendance verification as required
65 by the department or scholarship-funding organization, prior to
66 scholarship payment.

67 (e) Annually submit all of the following information to the
68 department:

69 1. The number of and the graduation rate for scholarship
70 students.

71 2. Scholarship students' results on statewide, standardized
72 assessments.

73 3. The school's annual budget.

74 (f) Annually complete and submit to the department a
75 notarized scholarship compliance statement certifying that all
76 school employees and contracted personnel with direct student
77 contact have undergone background screening pursuant to s.
78 943.0542 and have met the screening standards as provided in s.
79 435.04.

80 (g) ~~(f)~~ Demonstrate fiscal soundness and accountability by:

81 1. Being in operation for at least 3 school years or
82 obtaining a surety bond or letter of credit for the amount equal
83 to the scholarship funds for any quarter and filing the surety
84 bond or letter of credit with the department.

85 2. Requiring the parent of each scholarship student to
86 personally restrictively endorse the scholarship warrant to the
87 school or to approve a funds transfer before any funds are

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88 deposited for a student. The school may not act as attorney in
89 fact for the parent of a scholarship student under the authority
90 of a power of attorney executed by such parent, or under any
91 other authority, to endorse a scholarship warrant or approve a
92 funds transfer on behalf of such parent.

93 (h)~~(g)~~ Meet applicable state and local health, safety, and
94 welfare laws, codes, and rules, including:

95 1. Firesafety.

96 2. Building safety.

97 (i)~~(h)~~ Employ or contract with teachers who hold
98 baccalaureate or higher degrees, ~~have at least 3 years of~~
99 ~~teaching experience in public or private schools, or have~~
100 ~~special skills, knowledge, or expertise that qualifies them to~~
101 ~~provide instruction in subjects taught.~~

102 (j)~~(i)~~ Maintain a physical location in this ~~the~~ state at
103 which each student has regular and direct contact with teachers.

104 (k)~~(j)~~ Publish on the school's website, or provide in a
105 written format, information for parents regarding the school,
106 including, but not limited to, programs, services, and the
107 qualifications of classroom teachers.

108 (l) Provide at least 100 minutes of supervised, safe, and
109 unstructured free-play recess each week, when possible, for
110 students in kindergarten through grade 5 so that there are at
111 least 20 consecutive minutes of free-play recess per day.

112 (m) Require scholarship students to participate in the
113 student assessment program created under s. 1008.22. Students
114 with disabilities for whom the physician or psychologist who
115 issued the diagnosis or the individual education plan team
116 determines that standardized testing is not appropriate are

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117 exempt from this requirement.

118 (n) Establish a curriculum that meets the standards set
119 forth in s. 1003.41.

120 (o)~~(k)~~ At a minimum, provide the parent of each scholarship
121 student with a written explanation of the student's progress on
122 a quarterly basis.

123 (p)~~(l)~~ Cooperate with the parent of a student who is
124 required ~~whose parent chooses~~ to participate in the statewide
125 assessments pursuant to s. 1008.22.

126 (q)~~(m)~~ Require each employee and contracted personnel with
127 direct student contact, upon employment or engagement to provide
128 services, to undergo a state and national background screening,
129 pursuant to s. 943.0542, by electronically filing with the
130 Department of Law Enforcement a complete set of fingerprints
131 taken by an authorized law enforcement agency or an employee of
132 the private school, a school district, or a private company who
133 is trained to take fingerprints and deny employment to or
134 terminate an employee if he or she fails to meet the screening
135 standards under s. 435.04. Results of the screening shall be
136 provided to the participating private school. For purposes of
137 this paragraph:

138 1. An "employee or contracted personnel with direct student
139 contact" means any employee or contracted personnel who has
140 unsupervised access to a scholarship student for whom the
141 private school is responsible.

142 2. The costs of fingerprinting and the background check may
143 ~~shall~~ not be borne by the state.

144 3. Continued employment of an employee or contracted
145 personnel after notification that he or she has failed the

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146 background screening under this paragraph shall cause a private
147 school to be ineligible for participation in a scholarship
148 program.

149 4. An employee or contracted personnel holding a valid
150 Florida teaching certificate who has been fingerprinted pursuant
151 to s. 1012.32 is not required to comply with the provisions of
152 this paragraph.

153 5. All fingerprints submitted to the Department of Law
154 Enforcement as required by this section shall be retained by the
155 Department of Law Enforcement in a manner provided by rule and
156 entered in the statewide automated biometric identification
157 system authorized by s. 943.05(2)(b). Such fingerprints shall
158 thereafter be available for all purposes and uses authorized for
159 arrest fingerprints entered in the statewide automated biometric
160 identification system pursuant to s. 943.051.

161 6. The Department of Law Enforcement shall search all
162 arrest fingerprints received under s. 943.051 against the
163 fingerprints retained in the statewide automated biometric
164 identification system under subparagraph 5. Any arrest record
165 ~~that is~~ identified with the retained fingerprints of a person
166 subject to the background screening under this section shall be
167 reported to the employing school with which the person is
168 affiliated. Each private school participating in a scholarship
169 program is required to participate in this search process by
170 informing the Department of Law Enforcement of any change in the
171 employment or contractual status of its personnel whose
172 fingerprints are retained under subparagraph 5. The Department
173 of Law Enforcement shall adopt a rule setting the amount of the
174 annual fee to be imposed upon each private school for performing

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175 these searches and establishing the procedures for the retention
176 of private school employee and contracted personnel fingerprints
177 and the dissemination of search results. The fee may be borne by
178 the private school or the person fingerprinted.

179 7. Employees and contracted personnel whose fingerprints
180 are not retained by the Department of Law Enforcement under
181 subparagraphs 5. and 6. are required to be refingerprinted and
182 must meet state and national background screening requirements
183 upon reemployment or reengagement to provide services in order
184 to comply with the requirements of this section.

185 8. Every 5 years following employment or engagement to
186 provide services with a private school, employees or contracted
187 personnel required to be screened under this section must meet
188 screening standards under s. 435.04, at which time the private
189 school shall request the Department of Law Enforcement to
190 forward the fingerprints to the Federal Bureau of Investigation
191 for national processing. If the fingerprints of employees or
192 contracted personnel are not retained by the Department of Law
193 Enforcement under subparagraph 5., employees and contracted
194 personnel must electronically file a complete set of
195 fingerprints with the Department of Law Enforcement. Upon
196 submission of fingerprints for this purpose, the private school
197 shall request that the Department of Law Enforcement forward the
198 fingerprints to the Federal Bureau of Investigation for national
199 processing, and the fingerprints shall be retained by the
200 Department of Law Enforcement under subparagraph 5.

201 (r)~~(n)~~ Adopt policies establishing standards of ethical
202 conduct for educational support employees, instructional
203 personnel, and school administrators. The policies must require

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204 all educational support employees, instructional personnel, and
205 school administrators, as defined in s. 1012.01, to complete
206 training on the standards; establish the duty of educational
207 support employees, instructional personnel, and school
208 administrators to report, and procedures for reporting, alleged
209 misconduct by other educational support employees, instructional
210 personnel, and school administrators which affects the health,
211 safety, or welfare of a student; and include an explanation of
212 the liability protections provided under ss. 39.203 and 768.095.
213 A private school, or any of its employees, may not enter into a
214 confidentiality agreement regarding terminated or dismissed
215 educational support employees, instructional personnel, or
216 school administrators, or employees, personnel, or
217 administrators who resign in lieu of termination, based in whole
218 or in part on misconduct that affects the health, safety, or
219 welfare of a student, and may not provide the employees,
220 personnel, or administrators with employment references or
221 discuss the employees', personnel's, or administrators'
222 performance with prospective employers in another educational
223 setting, without disclosing the employees', personnel's, or
224 administrators' misconduct. Any part of an agreement or contract
225 that has the purpose or effect of concealing misconduct by
226 educational support employees, instructional personnel, or
227 school administrators which affects the health, safety, or
228 welfare of a student is void, is contrary to public policy, and
229 may not be enforced.

230 (s)~~(e)~~ Before employing a person in any position that
231 requires direct contact with students, conduct employment
232 history checks of previous employers, screen the person through

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233 use of the screening tools described in s. 1001.10(5), and
234 document the findings. If unable to contact a previous employer,
235 the private school must document efforts to contact the
236 employer. The private school may not employ a person whose
237 educator certificate is revoked, who is barred from reapplying
238 for an educator certificate, or who is on the disqualification
239 list maintained by the department pursuant to s. 1001.10(4)(b).

240 (t)~~(p)~~ Require each owner or operator of the private
241 school, prior to employment or engagement to provide services,
242 to undergo level 2 background screening as provided under
243 chapter 435. For purposes of this paragraph, the term "owner or
244 operator" means an owner, operator, superintendent, or principal
245 of, or a person with equivalent decisionmaking authority over, a
246 private school participating in a scholarship program
247 established pursuant to this chapter. The fingerprints for the
248 background screening must be electronically submitted to the
249 Department of Law Enforcement and may be taken by an authorized
250 law enforcement agency or a private company who is trained to
251 take fingerprints. However, the complete set of fingerprints of
252 an owner or operator may not be taken by the owner or operator.
253 The owner or operator shall provide a copy of the results of the
254 state and national criminal history check to the Department of
255 Education. The cost of the background screening may be borne by
256 the owner or operator.

257 1. Every 5 years following employment or engagement to
258 provide services, each owner or operator must meet level 2
259 screening standards as described in s. 435.04, at which time the
260 owner or operator shall request the Department of Law
261 Enforcement to forward the fingerprints to the Federal Bureau of

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262 Investigation for level 2 screening. If the fingerprints of an
263 owner or operator are not retained by the Department of Law
264 Enforcement under subparagraph 2., the owner or operator must
265 electronically file a complete set of fingerprints with the
266 Department of Law Enforcement. Upon submission of fingerprints
267 for this purpose, the owner or operator shall request that the
268 Department of Law Enforcement forward the fingerprints to the
269 Federal Bureau of Investigation for level 2 screening, and the
270 fingerprints shall be retained by the Department of Law
271 Enforcement under subparagraph 2.

272 2. Fingerprints submitted to the Department of Law
273 Enforcement as required by this paragraph must be retained by
274 the Department of Law Enforcement in a manner approved by rule
275 and entered in the statewide automated biometric identification
276 system authorized by s. 943.05(2)(b). The fingerprints must
277 thereafter be available for all purposes and uses authorized for
278 arrest fingerprints entered in the statewide automated biometric
279 identification system pursuant to s. 943.051.

280 3. The Department of Law Enforcement shall search all
281 arrest fingerprints received under s. 943.051 against the
282 fingerprints retained in the statewide automated biometric
283 identification system under subparagraph 2. Any arrest record
284 that is identified with an owner's or operator's fingerprints
285 must be reported to the owner or operator, who must report to
286 the Department of Education. Any costs associated with the
287 search shall be borne by the owner or operator.

288 4. An owner or operator who fails the level 2 background
289 screening is not eligible to participate in a scholarship
290 program under this chapter.

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291 5. In addition to the offenses listed in s. 435.04, a
292 person required to undergo background screening pursuant to this
293 part or authorizing statutes may not have an arrest awaiting
294 final disposition for, must not have been found guilty of, or
295 entered a plea of nolo contendere to, regardless of
296 adjudication, and must not have been adjudicated delinquent for,
297 and the record must not have been sealed or expunged for, any of
298 the following offenses or any similar offense of another
299 jurisdiction:

- 300 a. Any authorizing statutes, if the offense was a felony.
301 b. This chapter, if the offense was a felony.
302 c. Section 409.920, relating to Medicaid provider fraud.
303 d. Section 409.9201, relating to Medicaid fraud.
304 e. Section 741.28, relating to domestic violence.
305 f. Section 817.034, relating to fraudulent acts through
306 mail, wire, radio, electromagnetic, photoelectronic, or
307 photooptical systems.
308 g. Section 817.234, relating to false and fraudulent
309 insurance claims.
310 h. Section 817.505, relating to patient brokering.
311 i. Section 817.568, relating to criminal use of personal
312 identification information.
313 j. Section 817.60, relating to obtaining a credit card
314 through fraudulent means.
315 k. Section 817.61, relating to fraudulent use of credit
316 cards, if the offense was a felony.
317 l. Section 831.01, relating to forgery.
318 m. Section 831.02, relating to uttering forged instruments.
319 n. Section 831.07, relating to forging bank bills, checks,

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320 drafts, or promissory notes.

321 o. Section 831.09, relating to uttering forged bank bills,
322 checks, drafts, or promissory notes.

323 p. Section 831.30, relating to fraud in obtaining medicinal
324 drugs.

325 q. Section 831.31, relating to the sale, manufacture,
326 delivery, or possession with the intent to sell, manufacture, or
327 deliver any counterfeit controlled substance, if the offense was
328 a felony.

329 6. At least 30 calendar days before a transfer of ownership
330 of a private school, the owner or operator shall notify the
331 parent of each scholarship student.

332 7. The owner or operator of a private school that has been
333 deemed ineligible to participate in a scholarship program
334 pursuant to this chapter may not transfer ownership or
335 management authority of the school to a relative in order to
336 participate in a scholarship program as the same school or a new
337 school. For purposes of this subparagraph, the term "relative"
338 means father, mother, son, daughter, grandfather, grandmother,
339 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
340 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
341 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
342 stepdaughter, stepbrother, stepsister, half-brother, or half-
343 sister.

344 (u)~~(q)~~ Provide a report from an independent certified
345 public accountant who performs the agreed-upon procedures
346 developed pursuant to s. 1002.395(6)(o) if the private school
347 receives more than \$250,000 in funds from scholarships awarded
348 under this chapter in a state fiscal year. A private school

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349 subject to this subsection must annually submit the report by
350 September 15 to the scholarship-funding organization that
351 awarded the majority of the school's scholarship funds. However,
352 a school that receives more than \$250,000 in scholarship funds
353 only through the John M. McKay Scholarship for Students with
354 Disabilities Program pursuant to s. 1002.39 must submit the
355 annual report by September 15 to the department. The agreed-upon
356 procedures must be conducted in accordance with attestation
357 standards established by the American Institute of Certified
358 Public Accountants.

359 (v) ~~(r)~~ Prohibit education support employees, instructional
360 personnel, and school administrators from employment in any
361 position that requires direct contact with students if the
362 personnel or administrators are ineligible for such employment
363 pursuant to this section or s. 1012.315, or have been terminated
364 or have resigned in lieu of termination for sexual misconduct
365 with a student. If the prohibited conduct occurs subsequent to
366 employment, the private school must report the person and the
367 disqualifying circumstances to the department for inclusion on
368 the disqualification list maintained pursuant to s.
369 1001.10(4)(b).

370 (w) Comply with the requirements of s. 1008.34.

371
372 The department shall suspend the payment of funds to a private
373 school that knowingly fails to comply with this subsection, and
374 shall prohibit the school from enrolling new scholarship
375 students, for 1 fiscal year and until the school complies. If a
376 private school fails to meet the requirements of this subsection
377 or has consecutive years of material exceptions listed in the

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378 report required under paragraph (u) ~~(q)~~, the commissioner may
379 determine that the private school is ineligible to participate
380 in a scholarship program.

381 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

382 (a) The Department of Education shall:

383 1. Annually verify the eligibility of private schools that
384 meet the requirements of this section, specific requirements
385 identified within respective scholarship program laws, and other
386 provisions of state law that apply to private schools.

387 2. Establish a toll-free hotline that provides parents and
388 private schools with information on participation in the
389 scholarship programs.

390 3. Establish a process by which individuals may notify the
391 department of any violation by a parent, private school, or
392 school district of state laws relating to program participation.
393 If the department has reasonable cause to believe that a
394 violation of this section or any rule adopted by the State Board
395 of Education has occurred, it shall conduct an inquiry or make a
396 referral to the appropriate agency for an investigation. A
397 department inquiry is not subject to the requirements of chapter
398 120.

399 4. Require an annual, notarized, sworn compliance statement
400 from participating private schools certifying compliance with
401 state laws, and retain such records.

402 5. Coordinate with the entities conducting the health
403 inspection for a private school to obtain copies of the
404 inspection reports.

405 6. Conduct site visits to private schools entering a
406 scholarship program for the first time. Beginning with the 2019-

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407 2020 school year, a private school is not eligible to receive
408 scholarship payments until a satisfactory site visit has been
409 conducted and the school is in compliance with all other
410 requirements of this section.

411 7. Coordinate with the State Fire Marshal to obtain access
412 to fire inspection reports for private schools. The authority
413 conducting the fire safety inspection shall certify to the State
414 Fire Marshal that the annual inspection has been completed and
415 that the school is in full compliance. The certification shall
416 be made electronically or by such other means as directed by the
417 State Fire Marshal.

418 8. Upon the request of a participating private school
419 authorized to administer statewide assessments, provide at no
420 cost to the school the statewide assessments administered under
421 s. 1008.22 and any related materials for administering the
422 assessments. ~~Students at a private school may be assessed using
423 the statewide assessments if the addition of those students and
424 the school does not cause the state to exceed its contractual
425 caps for the number of students tested and the number of testing
426 sites.~~ The state shall provide the same materials and support to
427 a private school that it provides to a public school. A private
428 school that chooses to administer statewide assessments under s.
429 1008.22 shall follow the requirements set forth in ss. 1008.22
430 and 1008.24, rules adopted by the State Board of Education to
431 implement those sections, and district-level testing policies
432 established by the district school board.

433 (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

434 The Commissioner of Education:

435 (b) May deny, suspend, or revoke a private school's

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436 participation in a scholarship program if the commissioner
437 determines that an owner or operator of the private school is
438 operating or has operated an educational institution in this
439 state or in another state or jurisdiction in a manner contrary
440 to the health, safety, or welfare of the public or if the owner
441 or operator has exhibited a previous pattern of failure to
442 comply with this section or specific requirements identified
443 within respective scholarship program laws. For purposes of this
444 subsection, the term "owner or operator" has the same meaning as
445 provided in paragraph (1) (t) ~~(1) (p)~~.

446 Section 2. Subsection (6), paragraph (d) of subsection (7),
447 paragraph (a) of subsection (8), paragraph (c) of subsection
448 (9), and paragraphs (a) and (b) of subsection (10) of section
449 1002.394, Florida Statutes, are amended to read:

450 1002.394 The Family Empowerment Scholarship Program.—

451 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible for
452 a Family Empowerment Scholarship while he or she is:

453 (a) Enrolled in a public school, including, but not limited
454 to, the Florida School for the Deaf and the Blind, the College-
455 Preparatory Boarding Academy, a developmental research school
456 authorized under s. 1002.32, or a charter school authorized
457 under this chapter. For purposes of this paragraph, a 3- or 4-
458 year-old child who receives services funded through the Florida
459 Education Finance Program is considered to be a student enrolled
460 in a public school;

461 (b) Enrolled in a school operating for the purpose of
462 providing educational services to youth in a Department of
463 Juvenile Justice commitment program;

464 (c) Receiving any other educational scholarship pursuant to

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465 this chapter;

466 (d) Not having regular and direct contact with his or her
467 private school teachers pursuant to s. 1002.421(1)(j) ~~s.~~
468 ~~1002.421(1)(i)~~, unless he or she is eligible pursuant to
469 paragraph (3)(b) and enrolled in the private school's
470 transition-to-work program pursuant to subsection (16) or a home
471 education program pursuant to s. 1002.41;

472 (e) Participating in a private tutoring program pursuant to
473 s. 1002.43 unless he or she is determined eligible pursuant to
474 paragraph (3)(b); or

475 (f) Participating in virtual instruction pursuant to s.
476 1002.455.

477 (7) SCHOOL DISTRICT OBLIGATIONS.—

478 (d) The school district in which a participating student
479 resides must notify the student and his or her parent about the
480 locations and times to take all statewide assessments under s.
481 1008.22 if the student is required ~~chooses~~ to participate in
482 such assessments. Upon the request of the department, a school
483 district shall coordinate with the department to provide to a
484 participating private school the statewide assessments
485 administered under s. 1008.22 and any related materials for
486 administering the assessments. ~~For a student who participates in~~
487 ~~the Family Empowerment Scholarship Program whose parent requests~~
488 ~~that the student take the statewide assessments under s.~~
489 ~~1008.22,~~ The school district in which the student attends a
490 private school and is required to participate in statewide
491 assessments shall provide locations and times to take all
492 statewide assessments. A school district is responsible for
493 implementing test administrations at a participating private

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494 school, including the:

- 495 1. Provision of training for private school staff on test
496 security and assessment administration procedures;
- 497 2. Distribution of testing materials to a private school;
- 498 3. Retrieval of testing materials from a private school;
- 499 4. Provision of the required format for a private school to
500 submit information to the district for test administration and
501 enrollment purposes; and
- 502 5. Provision of any required assistance, monitoring, or
503 investigation at a private school.

504 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

505 (a) The department shall:

- 506 1. Publish and update, as necessary, information on the
507 department website about the Family Empowerment Scholarship
508 Program, including, but not limited to, student eligibility
509 criteria, parental responsibilities, and relevant data.
- 510 2. Cross-check before each distribution of funds the list
511 of participating scholarship students with the public school
512 enrollment lists before each scholarship payment to avoid
513 duplication.
- 514 ~~3. Maintain and publish a list of nationally norm-~~
515 ~~referenced tests identified for purposes of satisfying the~~
516 ~~testing requirement in subparagraph (9)(c)1. The tests must meet~~
517 ~~industry standards of quality in accordance with state board~~
518 ~~rule.~~
- 519 ~~4.~~ Notify eligible nonprofit scholarship-funding
520 organizations of the deadlines for submitting the verified list
521 of students determined to be eligible for a scholarship.
- 522 ~~4.5.~~ Notify each school district of a parent's

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523 participation in the scholarship program for purposes of
524 paragraph (7) (f).

525 ~~5.6.~~ Deny or terminate program participation upon a
526 parent's failure to comply with subsection (10).

527 ~~6.7.~~ Notify the parent and the organization when a
528 scholarship account is closed and program funds revert to the
529 state.

530 ~~7.8.~~ Notify an eligible nonprofit scholarship-funding
531 organization of any of the organization's or other
532 organization's identified students who are receiving
533 scholarships under this chapter.

534 ~~8.9.~~ Maintain on its website a list of approved providers
535 as required by s. 1002.66, eligible postsecondary educational
536 institutions, eligible private schools, and eligible
537 organizations and may identify or provide links to lists of
538 other approved providers.

539 ~~9.10.~~ Require each organization to verify eligible
540 expenditures before the distribution of funds for any
541 expenditures made pursuant to subparagraphs (4) (b)1. and 2.
542 Review of expenditures made for services specified in
543 subparagraphs (4) (b)3.-15. may be completed after the purchase
544 is made.

545 ~~10.11.~~ Investigate any written complaint of a violation of
546 this section by a parent, a student, a private school, a public
547 school, a school district, an organization, a provider, or
548 another appropriate party in accordance with the process
549 established under s. 1002.421.

550 ~~11.12.~~ Require quarterly reports by an organization, which
551 must include, at a minimum, the number of students participating

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552 in the program; the demographics of program participants; the
553 disability category of program participants; the matrix level of
554 services, if known; the program award amount per student; the
555 total expenditures for the purposes specified in paragraph
556 (4) (b); the types of providers of services to students; and any
557 other information deemed necessary by the department.

558 ~~12.13.~~ Notify eligible nonprofit scholarship funding
559 organizations that scholarships may not be awarded in a school
560 district in which the award will exceed 99 percent of the school
561 district's share of state funding through the Florida Education
562 Finance Program as calculated by the department.

563 (9) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
564 eligible to participate in the Family Empowerment Scholarship
565 Program, a private school may be sectarian or nonsectarian and
566 must:

567 (c)1. Require students ~~Annually administer or make~~
568 ~~provision for students participating in the program in grades 3~~
569 ~~through 10 to take one of the nationally norm-referenced tests~~
570 ~~that are identified by the department pursuant to paragraph~~
571 ~~(8) (a) or to take the statewide assessments under pursuant to s.~~
572 1008.22. Students with disabilities for whom the physician or
573 psychologist who issued the diagnosis or the IEP team determines
574 that standardized testing is not appropriate are exempt from
575 this requirement. A participating private school shall report a
576 student's scores to his or her parent. By August 15 of each
577 year, a participating private school must report the scores of
578 all participating students to a state university as described in
579 s. 1002.395(9) (f).

580 2. Administer the statewide assessments pursuant to s.

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581 1008.22 if the private school chooses to offer the statewide
582 assessments. A participating private school may choose to offer
583 and administer the statewide assessments to all students who
584 attend the private school in grades 3 through 10 and must submit
585 a request in writing to the department by March 1 of each year
586 in order to administer the statewide assessments in the
587 subsequent school year.

588

589 If a private school fails to meet the requirements of this
590 subsection or s. 1002.421, the commissioner may determine that
591 the private school is ineligible to participate in the
592 scholarship program.

593 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
594 PARTICIPATION.—

595 (a) A parent who applies for program participation under
596 paragraph (3) (a) is exercising his or her parental option to
597 place his or her child in a private school and must:

598 1. Select the private school and apply for the admission of
599 his or her student.

600 2. Request the scholarship by a date established by the
601 organization, in a manner that creates a written or electronic
602 record of the request and the date of receipt of the request.

603 3. Inform the applicable school district when the parent
604 withdraws his or her student from a public school to attend an
605 eligible private school.

606 4. Require his or her student participating in the program
607 to remain in attendance throughout the school year unless
608 excused by the school for illness or other good cause.

609 5. Meet with the private school's principal or the

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610 principal's designee to review the school's academic programs
611 and policies, customized educational programs, code of student
612 conduct, and attendance policies prior to enrollment.

613 6. Require that the student participating in the
614 scholarship program ~~takes the norm-referenced assessment offered~~
615 ~~by the private school. The parent may also choose to have the~~
616 ~~student~~ participate in the statewide assessments pursuant to
617 paragraph (9) (c) ~~(7) (d)~~. ~~If the parent requests that the student~~
618 ~~participating in the program take all statewide assessments~~
619 ~~required pursuant to s. 1008.22,~~ The parent is responsible for
620 transporting the student to the assessment site designated by
621 the school district.

622 7. Restrictively endorse the warrant, issued in the name of
623 the parent pursuant to subparagraph (12) (a)6., to the private
624 school for deposit into the private school's account. The parent
625 may not designate any entity or individual associated with the
626 participating private school as the parent's attorney in fact to
627 endorse a scholarship warrant.

628 (b) A parent who applies for program participation under
629 paragraph (3) (b) is exercising his or her parental option to
630 determine the appropriate placement or the services that best
631 meet the needs of his or her child and must:

632 1. Apply to an eligible nonprofit scholarship-funding
633 organization to participate in the program by a date set by the
634 organization. The request must be communicated directly to the
635 organization in a manner that creates a written or electronic
636 record of the request and the date of receipt of the request.

637 2. Sign an agreement with the organization and annually
638 submit a sworn compliance statement to the organization to

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639 satisfy or maintain program eligibility, including eligibility
640 to receive and spend program payments by:

641 a. Affirming that the student is enrolled in a program that
642 meets regular school attendance requirements as provided in s.
643 1003.01(13)(b), (c), or (d).

644 b. Affirming that the program funds are used only for
645 authorized purposes serving the student's educational needs, as
646 described in paragraph (4)(b); that any prepaid college plan or
647 college savings plan funds contributed pursuant to subparagraph
648 (4)(b)6. will not be transferred to another beneficiary while
649 the plan contains funds contributed pursuant to this section;
650 and that they will not receive a payment, refund, or rebate of
651 any funds provided under this section.

652 c. Affirming that the parent is responsible for all
653 eligible expenses in excess of the amount of the scholarship and
654 for the education of his or her student by, as applicable:

655 (I) Requiring the student to participate in the statewide
656 assessments ~~take an assessment~~ in accordance with paragraph
657 (9)(c);

658 (II) Providing an annual evaluation in accordance with s.
659 1002.41(1)(f); or

660 (III) Requiring the child to take any preassessments and
661 postassessments selected by the provider if the child is 4 years
662 of age and is enrolled in a program provided by an eligible
663 Voluntary Prekindergarten Education Program provider. A student
664 with disabilities for whom the physician or psychologist who
665 issued the diagnosis or the IEP team determines that a
666 preassessment and postassessment is not appropriate is exempt
667 from this requirement. A participating provider shall report a

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668 student's scores to the parent.

669 d. Affirming that the student remains in good standing with
670 the provider or school if those options are selected by the
671 parent.

672 e. Enrolling his or her child in a program from a Voluntary
673 Prekindergarten Education Program provider authorized under s.
674 1002.55, a school readiness provider authorized under s.
675 1002.88, or an eligible private school if either option is
676 selected by the parent.

677 f. Renewing participation in the program each year. A
678 student whose participation in the program is not renewed may
679 continue to spend scholarship funds that are in his or her
680 account from prior years unless the account must be closed
681 pursuant to subparagraph (5)(b)3. Notwithstanding any changes to
682 the student's IEP, a student who was previously eligible for
683 participation in the program shall remain eligible to apply for
684 renewal. However, for a high-risk child to continue to
685 participate in the program in the school year after he or she
686 reaches 6 years of age, the child's application for renewal of
687 program participation must contain documentation that the child
688 has a disability defined in paragraph (2)(d) other than high-
689 risk status.

690 g. Procuring the services necessary to educate the student.
691 If a parent does not procure the necessary educational services
692 for the student and the student's account has been inactive for
693 2 consecutive fiscal years, the student is ineligible for
694 additional scholarship payments until the scholarship funding
695 organization verifies that expenditures from the account have
696 occurred. When the student receives a scholarship, the district

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697 school board is not obligated to provide the student with a free
698 appropriate public education. For purposes of s. 1003.57 and the
699 Individuals with Disabilities in Education Act, a participating
700 student has only those rights that apply to all other
701 unilaterally parentally placed students, except that, when
702 requested by the parent, school district personnel must develop
703 an IEP or matrix level of services.

704 Section 3. Paragraphs (n) and (o) of subsection (6),
705 paragraph (e) of subsection (7), paragraph (b) of subsection
706 (8), and paragraphs (e) and (f) of subsection (9) of section
707 1002.395, Florida Statutes, are amended to read:

708 1002.395 Florida Tax Credit Scholarship Program.—

709 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
710 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
711 organization:

712 (n) Must prepare and submit quarterly reports to the
713 Department of Education pursuant to paragraph (9) (h) ~~(9) (i)~~. In
714 addition, an eligible nonprofit scholarship-funding organization
715 must submit in a timely manner any information requested by the
716 Department of Education relating to the scholarship program.

717 (o)1.a. Must participate in the joint development of
718 agreed-upon procedures during the 2009-2010 state fiscal year.
719 The agreed-upon procedures must uniformly apply to all private
720 schools and must determine, at a minimum, whether the private
721 school has been verified as eligible by the Department of
722 Education under s. 1002.421; has an adequate accounting system,
723 system of financial controls, and process for deposit and
724 classification of scholarship funds; and has properly expended
725 scholarship funds for education-related expenses. During the

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726 development of the procedures, the participating scholarship-
727 funding organizations shall specify guidelines governing the
728 materiality of exceptions that may be found during the
729 accountant's performance of the procedures. The procedures and
730 guidelines shall be provided to private schools and the
731 Commissioner of Education by March 15, 2011.

732 b. Must participate in a joint review of the agreed-upon
733 procedures and guidelines developed under sub-subparagraph a.,
734 by February of each biennium, if the scholarship-funding
735 organization provided more than \$250,000 in scholarship funds to
736 an eligible private school under this chapter during the state
737 fiscal year preceding the biennial review. If the procedures and
738 guidelines are revised, the revisions must be provided to
739 private schools and the Commissioner of Education by March 15 of
740 the year in which the revisions were completed. The revised
741 agreed-upon procedures shall take effect the subsequent school
742 year. For the 2018-2019 school year only, the joint review of
743 the agreed-upon procedures must be completed and the revisions
744 submitted to the commissioner no later than September 15, 2018.
745 The revised procedures are applicable to the 2018-2019 school
746 year.

747 c. Must monitor the compliance of a private school with s.
748 1002.421(1)(u) ~~s. 1002.421(1)(g)~~ if the scholarship-funding
749 organization provided the majority of the scholarship funding to
750 the school. For each private school subject to s. 1002.421(1)(u)
751 ~~s. 1002.421(1)(g)~~, the appropriate scholarship-funding
752 organization shall annually notify the Commissioner of Education
753 by October 30 of:

754 (I) A private school's failure to submit a report required

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755 under s. 1002.421(1)(u) ~~s. 1002.421(1)(q)~~; or

756 (II) Any material exceptions set forth in the report
757 required under s. 1002.421(1)(u) ~~s. 1002.421(1)(q)~~.

758 2. Must seek input from the accrediting associations that
759 are members of the Florida Association of Academic Nonpublic
760 Schools and the Department of Education when jointly developing
761 the agreed-upon procedures and guidelines under sub-subparagraph
762 1.a. and conducting a review of those procedures and guidelines
763 under sub-subparagraph 1.b.

764

765 Information and documentation provided to the Department of
766 Education and the Auditor General relating to the identity of a
767 taxpayer that provides an eligible contribution under this
768 section shall remain confidential at all times in accordance
769 with s. 213.053.

770 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
771 PARTICIPATION.—

772 (e) The parent shall require ~~ensure~~ that the student
773 participating in the scholarship program ~~takes the norm-~~
774 ~~referenced assessment offered by the private school. The parent~~
775 ~~may also choose to have the student participate in the statewide~~
776 ~~assessments pursuant to s. 1008.22. If the parent requests that~~
777 ~~the student participating in the scholarship program take~~
778 ~~statewide assessments pursuant to s. 1008.22 and the private~~
779 ~~school has not chosen to offer and administer the statewide~~
780 ~~assessments, the parent is responsible for transporting the~~
781 ~~student to the assessment site designated by the school~~
782 ~~district.~~

783 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible

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784 private school may be sectarian or nonsectarian and must:

785 (b)1. Require students to participate in Annually
786 ~~administer or make provision for students participating in the~~
787 ~~scholarship program in grades 3 through 10 to take one of the~~
788 ~~nationally norm-referenced tests identified by the Department of~~
789 ~~Education or the statewide assessments pursuant to s. 1008.22.~~
790 Students with disabilities for whom the physician or
791 psychologist who issued the diagnosis or the individual
792 education plan team determines that standardized testing is not
793 appropriate are exempt from this requirement. A participating
794 private school must report a student's scores to the parent. A
795 participating private school must annually report by August 15
796 the scores of all participating students to a state university
797 described in paragraph (9) (e) ~~(9) (f)~~.

798 2. Administer the statewide assessments pursuant to s.
799 1008.22 if a private school chooses to offer the statewide
800 assessments. A participating private school may choose to offer
801 and administer the statewide assessments to all students who
802 attend the private school in grades 3 through 10 and must submit
803 a request in writing to the Department of Education by March 1
804 of each year in order to administer the statewide assessments in
805 the subsequent school year.

806
807 If a private school fails to meet the requirements of this
808 subsection or s. 1002.421, the commissioner may determine that
809 the private school is ineligible to participate in the
810 scholarship program.

811 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
812 Education shall:

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813 ~~(e) Maintain a list of nationally norm-referenced tests~~
814 ~~identified for purposes of satisfying the testing requirement in~~
815 ~~subparagraph (8)(b)1. The tests must meet industry standards of~~
816 ~~quality in accordance with State Board of Education rule.~~

817 ~~(f)~~ Issue a project grant award to a state university, to
818 which participating private schools must report the scores of
819 participating students on the ~~nationally norm-referenced tests~~
820 ~~or the~~ statewide assessments administered by the private school
821 in grades 3 through 10. The project term is 2 years, and the
822 amount of the project is up to \$250,000 per year. The project
823 grant award must be reissued in 2-year intervals in accordance
824 with this paragraph.

825 1. The state university must annually report to the
826 Department of Education on the student performance of
827 participating students:

828 a. On a statewide basis. The report shall also include, to
829 the extent possible, a comparison of scholarship students'
830 performance to the statewide student performance of public
831 school students with socioeconomic backgrounds similar to those
832 of students participating in the scholarship program. To
833 minimize costs and reduce time required for the state
834 university's analysis and evaluation, the Department of
835 Education shall coordinate with the state university to provide
836 data to the state university in order to conduct analyses of
837 matched students from public school assessment data and
838 calculate control group student performance using an agreed-upon
839 methodology with the state university; and

840 b. On an individual school basis. The annual report must
841 include student performance for each participating private

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842 school in which at least 51 percent of the total enrolled
843 students in the private school participated in the Florida Tax
844 Credit Scholarship Program in the prior school year. The report
845 shall be according to each participating private school, and for
846 participating students, in which there are at least 30
847 participating students who have scores for tests administered.
848 If the state university determines that the 30-participating-
849 student cell size may be reduced without disclosing personally
850 identifiable information, as described in 34 C.F.R. s. 99.12, of
851 a participating student, the state university may reduce the
852 participating-student cell size, but the cell size must not be
853 reduced to less than 10 participating students. The department
854 shall provide each private school's prior school year's student
855 enrollment information to the state university no later than
856 June 15 of each year, or as requested by the state university.

857 2. The sharing and reporting of student performance data
858 under this paragraph must be in accordance with requirements of
859 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
860 Educational Rights and Privacy Act, and the applicable rules and
861 regulations issued pursuant thereto, and shall be for the sole
862 purpose of creating the annual report required by subparagraph
863 1. All parties must preserve the confidentiality of such
864 information as required by law. The annual report must not
865 disaggregate data to a level that will identify individual
866 participating schools, except as required under sub-subparagraph
867 1.b., or disclose the academic level of individual students.

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

870 Section 4. Paragraph (b) of subsection (6), paragraph (b)

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871 of subsection (7), paragraph (b) of subsection (8), paragraph
872 (f) of subsection (9), and paragraph (e) of subsection (10) of
873 section 1002.40, Florida Statutes, are amended to read:

874 1002.40 The Hope Scholarship Program.—

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

876 (b) For each student participating in the program in an
877 eligible private school ~~who chooses to participate in the~~
878 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~
879 ~~Assessment~~, the school district in which the student resides
880 must notify the student and his or her parent about the
881 locations and times to take all statewide assessments.

882 (7) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
883 private school may be sectarian or nonsectarian and shall:

884 (b)1. Require students to participate in Annually
885 ~~administer or make provision for students participating in the~~
886 ~~program in grades 3 through 10 to take one of the nationally~~
887 ~~norm-referenced tests identified by the department or the~~
888 statewide assessments pursuant to s. 1008.22. Students with
889 disabilities for whom the physician or psychologist who issued
890 the diagnosis or the individual education plan team determines
891 that standardized testing is not appropriate are exempt from
892 this requirement. A participating private school shall report a
893 student's scores to his or her parent.

894 2. Administer the statewide assessments pursuant to s.
895 1008.22 if a private school chooses to offer the statewide
896 assessments. A participating private school may choose to offer
897 and administer the statewide assessments to all students who
898 attend the private school in grades 3 through 10 and must submit
899 a request in writing to the department by March 1 of each year

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900 in order to administer the statewide assessments in the
901 subsequent school year.

902
903 If a private school fails to meet the requirements of this
904 subsection or s. 1002.421, the commissioner may determine that
905 the private school is ineligible to participate in the program.

906 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
907 shall:

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

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

916 (f) The parent must ensure that the student participating
917 in the program participates ~~takes the norm-referenced assessment~~
918 ~~offered by the private school. The parent may also choose to~~
919 ~~have the student participate in the statewide assessments~~
920 ~~pursuant to s. 1008.22. If the parent requests that the student~~
921 ~~take the statewide assessments pursuant to s. 1008.22 and the~~
922 private school has not chosen to offer and administer the
923 statewide assessments, the parent is responsible for
924 transporting the student to the assessment site designated by
925 the school district.

926 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
927 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
928 organization may establish scholarships for eligible students

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929 by:

930 (e) Preparing and submitting quarterly reports to the
931 department pursuant to paragraph (8) (b) ~~(8) (e)~~. In addition, an
932 eligible nonprofit scholarship-funding organization must submit
933 in a timely manner any information requested by the department
934 relating to the program.

935 Section 5. Subsection (2), paragraphs (a) and (b) of
936 subsection (3), and subsection (4) of section 1008.34, Florida
937 Statutes, are amended to read:

938 1008.34 School grading system; school report cards;
939 district grade.—

940 (2) SCHOOL GRADES.—Schools, including private schools that
941 accept scholarship students who participate in a state
942 scholarship program under chapter 1002, shall be graded using
943 one of the following grades, defined according to rules of the
944 State Board of Education:

- 945 (a) "A," schools making excellent progress.
946 (b) "B," schools making above average progress.
947 (c) "C," schools making satisfactory progress.
948 (d) "D," schools making less than satisfactory progress.
949 (e) "F," schools failing to make adequate progress.

950

951 Each school, other than a private school, which ~~that~~ earns a
952 grade of "A" or improves at least two letter grades may have
953 greater authority over the allocation of the school's total
954 budget generated from the FEFP, state categoricals, lottery
955 funds, grants, and local funds.

956 (3) DESIGNATION OF SCHOOL GRADES.—

957 (a) Each school, including private schools that accept

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958 scholarship students who participate in a state scholarship
959 program under chapter 1002, must assess at least 95 percent of
960 its eligible students, except as provided under s. 1008.341 for
961 alternative schools. Each school shall receive a school grade
962 based on the school's performance on the components listed in
963 subparagraphs (b)1. and 2. If a school does not have at least 10
964 students with complete data for one or more of the components
965 listed in subparagraphs (b)1. and 2., those components may not
966 be used in calculating the school's grade.

967 1. An alternative school may choose to receive a school
968 grade under this section or a school improvement rating under s.
969 1008.341. For charter schools that meet the definition of an
970 alternative school pursuant to State Board of Education rule,
971 the decision to receive a school grade is the decision of the
972 charter school governing board.

973 2. A school that serves any combination of students in
974 kindergarten through grade 3 that does not receive a school
975 grade because its students are not tested and included in the
976 school grading system shall receive the school grade designation
977 of a K-3 feeder pattern school identified by the Department of
978 Education and verified by the school district. A school feeder
979 pattern exists if a majority of the students in the school
980 serving a combination of students in kindergarten through grade
981 3 are scheduled to be assigned to the graded school.

982 3. If a collocated school does not earn a school grade or
983 school improvement rating for the performance of its students,
984 the student performance data of all schools operating at the
985 same facility must be aggregated to develop a school grade that
986 will be assigned to all schools at that location. A collocated

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987 school is a school that has its own unique master school
988 identification number, provides for the education of each of its
989 enrolled students, and operates at the same facility as another
990 school that has its own unique master school identification
991 number and provides for the education of each of its enrolled
992 students.

993 (b)1. ~~Beginning with the 2014-2015 school year,~~ A school's
994 grade shall be based on the following components, each worth 100
995 points:

996 a. The percentage of eligible students passing statewide,
997 standardized assessments in English Language Arts under s.
998 1008.22(3).

999 b. The percentage of eligible students passing statewide,
1000 standardized assessments in mathematics under s. 1008.22(3).

1001 c. The percentage of eligible students passing statewide,
1002 standardized assessments in science under s. 1008.22(3).

1003 d. The percentage of eligible students passing statewide,
1004 standardized assessments in social studies under s. 1008.22(3).

1005 e. The percentage of eligible students who make Learning
1006 Gains in English Language Arts as measured by statewide,
1007 standardized assessments administered under s. 1008.22(3).

1008 f. The percentage of eligible students who make Learning
1009 Gains in mathematics as measured by statewide, standardized
1010 assessments administered under s. 1008.22(3).

1011 g. The percentage of eligible students in the lowest 25
1012 percent in English Language Arts, as identified by prior year
1013 performance on statewide, standardized assessments, who make
1014 Learning Gains as measured by statewide, standardized English
1015 Language Arts assessments administered under s. 1008.22(3).

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1016 h. The percentage of eligible students in the lowest 25
1017 percent in mathematics, as identified by prior year performance
1018 on statewide, standardized assessments, who make Learning Gains
1019 as measured by statewide, standardized Mathematics assessments
1020 administered under s. 1008.22(3).

1021 i. For schools comprised of middle grades 6 through 8 or
1022 grades 7 and 8, the percentage of eligible students passing high
1023 school level statewide, standardized end-of-course assessments
1024 or attaining national industry certifications identified in the
1025 CAPE Industry Certification Funding List pursuant to state board
1026 rule.

1027
1028 In calculating Learning Gains for the components listed in sub-
1029 subparagraphs e.-h., the State Board of Education shall require
1030 that learning growth toward achievement levels 3, 4, and 5 is
1031 demonstrated by students who scored below each of those levels
1032 in the prior year. In calculating the components in sub-
1033 subparagraphs a.-d., the state board shall include the
1034 performance of English language learners only if they have been
1035 enrolled in a school in the United States for more than 2 years.

1036 2. For a school comprised of grades 9, 10, 11, and 12, or
1037 grades 10, 11, and 12, the school's grade shall also be based on
1038 the following components, each worth 100 points:

1039 a. The 4-year high school graduation rate of the school as
1040 defined by state board rule.

1041 b. The percentage of students who were eligible to earn
1042 college and career credit through College Board Advanced
1043 Placement examinations, International Baccalaureate
1044 examinations, dual enrollment courses, including career dual

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1045 enrollment courses resulting in the completion of 300 or more
1046 clock hours during high school which are approved by the state
1047 board as meeting the requirements of s. 1007.271, or Advanced
1048 International Certificate of Education examinations; who, at any
1049 time during high school, earned national industry certification
1050 identified in the CAPE Industry Certification Funding List,
1051 pursuant to rules adopted by the state board; or, beginning with
1052 the 2022-2023 school year, who earned an Armed Services
1053 Qualification Test score that falls within Category II or higher
1054 on the Armed Services Vocational Aptitude Battery and earned a
1055 minimum of two credits in Junior Reserve Officers' Training
1056 Corps courses from the same branch of the United States Armed
1057 Forces.

1058 (4) SCHOOL REPORT CARD.—The Department of Education shall
1059 annually develop, in collaboration with the school districts and
1060 private schools that accept scholarship students who participate
1061 in a state scholarship program under chapter 1002, a school
1062 report card to be provided by the school district or private
1063 school that accepts scholarship students who participate in a
1064 state scholarship program under chapter 1002, as applicable, to
1065 parents within the district. The report card shall include the
1066 school's grade; student performance in English Language Arts,
1067 mathematics, science, and social studies; information regarding
1068 school improvement; an explanation of school performance as
1069 evaluated by the federal Elementary and Secondary Education Act
1070 (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on
1071 investment. Each school's report card shall be published
1072 annually by the department on its website based upon the most
1073 recent data available.

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1074 Section 6. Present subsection (5) of section 1013.37,
1075 Florida Statutes, is redesignated as subsection (6), and a new
1076 subsection (5) is added to that section, to read:

1077 1013.37 State uniform building code for public educational
1078 facilities construction.—

1079 (5) PRIVATE SCHOOL FACILITIES.—Private schools shall comply
1080 with the State Requirements for Educational Facilities of the
1081 Florida Building Code adopted pursuant to this section. A local
1082 governing authority may not adopt or impose any local building
1083 requirements or site-development restrictions, such as parking
1084 and site-size criteria, student enrollment, and occupant load,
1085 which are addressed by and more stringent than those found in
1086 the State Requirements for Educational Facilities of the Florida
1087 Building Code. A local governing authority shall treat private
1088 schools equitably with regard to requirements, restrictions, and
1089 site-planning processes imposed upon public schools. The agency
1090 having jurisdiction for inspection of a facility and issuance of
1091 a certificate of occupancy or use is the local municipality or,
1092 if the private school is in an unincorporated area, the county
1093 governing authority. If an official or employee of the local
1094 governing authority refuses to comply with this subsection, the
1095 aggrieved school or entity has an immediate right to bring an
1096 action in circuit court to enforce its rights by injunction. An
1097 aggrieved party that receives injunctive relief may be awarded
1098 attorney fees and court costs.

1099 Section 7. This act shall take effect July 1, 2022.