

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; conforming a cross-
6 reference; amending s. 1002.394, F.S.; conforming
7 cross-references; revising school district obligations
8 under the Family Empowerment Scholarship Program;
9 revising Department of Education obligations; revising
10 private school eligibility and obligations; revising
11 parent and student responsibilities; conforming
12 provisions to changes made by the act; amending s.
13 1002.395, F.S.; revising parent and student
14 responsibilities for participating in the Florida Tax
15 Credit Scholarship Program; revising private school
16 eligibility and obligations; revising department
17 obligations; conforming cross-references and
18 provisions to changes made by the act; amending s.
19 1002.40, F.S.; revising school district obligations
20 under the Hope Scholarship Program; revising private
21 school eligibility and obligations; revising
22 department 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 court costs; providing an effective
37 date.

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

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

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

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

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

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

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59 (c) Notify the department of any change in the school's
60 name, school director, mailing address, or physical location
61 within 15 days after the change.

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

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

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

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

74 3. The school's annual budget.

75 (f) Annually complete and submit to the department a
76 notarized scholarship compliance statement certifying that all
77 school employees and contracted personnel with direct student
78 contact have undergone background screening pursuant to s.
79 435.12 and have met the screening standards as provided in s.
80 435.04.

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

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

86 2. Requiring the parent of each scholarship student to
87 personally restrictively endorse the scholarship warrant to the

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

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

- 96 1. Firesafety.
- 97 2. Building safety.

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

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

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

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

113 (m) Require scholarship students to participate in the
114 student assessment program created under s. 1008.22. Students
115 with disabilities for whom the physician or psychologist who
116 issued the diagnosis or the individual education plan team

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117 determines that standardized testing is not appropriate are
118 exempt from this requirement.

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

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

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

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

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

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

145 3. Continued employment of an employee or contracted

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146 personnel after notification that he or she has failed the
147 background screening under this paragraph shall cause a private
148 school to be ineligible for participation in a scholarship
149 program.

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

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

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

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175 Department of Law Enforcement shall adopt a rule setting the
176 amount of the annual fee to be imposed upon each private school
177 for performing these searches and establishing the procedures
178 for the retention of private school employee and contracted
179 personnel fingerprints and the dissemination of search results.
180 The fee may be borne by the private school or the person
181 fingerprinted.

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

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

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

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233 (s)~~(e)~~ Before employing a person in any position that
234 requires direct contact with students, conduct employment
235 history checks of previous employers, screen the person through
236 use of the screening tools described in s. 1001.10(5), and
237 document the findings. If unable to contact a previous employer,
238 the private school must document efforts to contact the
239 employer. The private school may not employ a person whose
240 educator certificate is revoked, who is barred from reapplying
241 for an educator certificate, or who is on the disqualification
242 list maintained by the department pursuant to s. 1001.10(4)(b).

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

260 1. Every 5 years following employment or engagement to
261 provide services, each owner or operator must meet level 2

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262 screening standards as described in s. 435.04, at which time the
263 owner or operator shall request the Department of Law
264 Enforcement to forward the fingerprints to the Federal Bureau of
265 Investigation for level 2 screening. If the fingerprints of an
266 owner or operator are not retained by the Department of Law
267 Enforcement under subparagraph 2., the owner or operator must
268 electronically file a complete set of fingerprints with the
269 Department of Law Enforcement. Upon submission of fingerprints
270 for this purpose, the owner or operator shall request that the
271 Department of Law Enforcement forward the fingerprints to the
272 Federal Bureau of Investigation for level 2 screening, and the
273 fingerprints shall be retained by the Department of Law
274 Enforcement under subparagraph 2.

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

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

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

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

303 a. Any authorizing statutes, if the offense was a felony.

304 b. This chapter, if the offense was a felony.

305 c. Section 409.920, relating to Medicaid provider fraud.

306 d. Section 409.9201, relating to Medicaid fraud.

307 e. Section 741.28, relating to domestic violence.

308 f. Section 817.034, relating to fraudulent acts through
309 mail, wire, radio, electromagnetic, photoelectronic, or
310 photooptical systems.

311 g. Section 817.234, relating to false and fraudulent
312 insurance claims.

313 h. Section 817.505, relating to patient brokering.

314 i. Section 817.568, relating to criminal use of personal
315 identification information.

316 j. Section 817.60, relating to obtaining a credit card
317 through fraudulent means.

318 k. Section 817.61, relating to fraudulent use of credit
319 cards, if the offense was a felony.

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320 1. Section 831.01, relating to forgery.

321 m. Section 831.02, relating to uttering forged instruments.

322 n. Section 831.07, relating to forging bank bills, checks,

323 drafts, or promissory notes.

324 o. Section 831.09, relating to uttering forged bank bills,

325 checks, drafts, or promissory notes.

326 p. Section 831.30, relating to fraud in obtaining medicinal

327 drugs.

328 q. Section 831.31, relating to the sale, manufacture,

329 delivery, or possession with the intent to sell, manufacture, or

330 deliver any counterfeit controlled substance, if the offense was

331 a felony.

332 6. At least 30 calendar days before a transfer of ownership

333 of a private school, the owner or operator shall notify the

334 parent of each scholarship student.

335 7. The owner or operator of a private school that has been

336 deemed ineligible to participate in a scholarship program

337 pursuant to this chapter may not transfer ownership or

338 management authority of the school to a relative in order to

339 participate in a scholarship program as the same school or a new

340 school. For purposes of this subparagraph, the term "relative"

341 means father, mother, son, daughter, grandfather, grandmother,

342 brother, sister, uncle, aunt, cousin, nephew, niece, husband,

343 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,

344 brother-in-law, sister-in-law, stepfather, stepmother, stepson,

345 stepdaughter, stepbrother, stepsister, half-brother, or half-

346 sister.

347 (u)~~(g)~~ Provide a report from an independent certified

348 public accountant who performs the agreed-upon procedures

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349 developed pursuant to s. 1002.395(6)(o) if the private school
350 receives more than \$250,000 in funds from scholarships awarded
351 under this chapter in a state fiscal year. A private school
352 subject to this subsection must annually submit the report by
353 September 15 to the scholarship-funding organization that
354 awarded the majority of the school's scholarship funds. However,
355 a school that receives more than \$250,000 in scholarship funds
356 only through the John M. McKay Scholarship for Students with
357 Disabilities Program pursuant to s. 1002.39 must submit the
358 annual report by September 15 to the department. The agreed-upon
359 procedures must be conducted in accordance with attestation
360 standards established by the American Institute of Certified
361 Public Accountants.

362 (v)~~(r)~~ Prohibit education support employees, instructional
363 personnel, and school administrators from employment in any
364 position that requires direct contact with students if the
365 personnel or administrators are ineligible for such employment
366 pursuant to this section or s. 1012.315, or have been terminated
367 or have resigned in lieu of termination for sexual misconduct
368 with a student. If the prohibited conduct occurs subsequent to
369 employment, the private school must report the person and the
370 disqualifying circumstances to the department for inclusion on
371 the disqualification list maintained pursuant to s.
372 1001.10(4)(b).

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

374
375 The department shall suspend the payment of funds to a private
376 school that knowingly fails to comply with this subsection, and
377 shall prohibit the school from enrolling new scholarship

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378 students, for 1 fiscal year and until the school complies. If a
379 private school fails to meet the requirements of this subsection
380 or has consecutive years of material exceptions listed in the
381 report required under paragraph (u) ~~(g)~~, the commissioner may
382 determine that the private school is ineligible to participate
383 in a scholarship program.

384 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

385 (a) The Department of Education shall:

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

390 2. Establish a toll-free hotline that provides parents and
391 private schools with information on participation in the
392 scholarship programs.

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

402 4. Require an annual, notarized, sworn compliance statement
403 from participating private schools certifying compliance with
404 state laws, and retain such records.

405 5. Coordinate with the entities conducting the health
406 inspection for a private school to obtain copies of the

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407 inspection reports.

408 6. Conduct site visits to private schools entering a
409 scholarship program for the first time. Beginning with the 2019-
410 2020 school year, a private school is not eligible to receive
411 scholarship payments until a satisfactory site visit has been
412 conducted and the school is in compliance with all other
413 requirements of this section.

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

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

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

437 The Commissioner of Education:

438 (b) May deny, suspend, or revoke a private school's
 439 participation in a scholarship program if the commissioner
 440 determines that an owner or operator of the private school is
 441 operating or has operated an educational institution in this
 442 state or in another state or jurisdiction in a manner contrary
 443 to the health, safety, or welfare of the public or if the owner
 444 or operator has exhibited a previous pattern of failure to
 445 comply with this section or specific requirements identified
 446 within respective scholarship program laws. For purposes of this
 447 subsection, the term "owner or operator" has the same meaning as
 448 provided in paragraph (1)(t) ~~(1)(p)~~.

449 Section 2. Subsection (6), paragraph (d) of subsection (7),
 450 paragraph (a) of subsection (8), paragraph (c) of subsection
 451 (9), and paragraphs (a) and (b) of subsection (10) of section
 452 1002.394, Florida Statutes, are amended to read:

453 1002.394 The Family Empowerment Scholarship Program.—

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

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

464 (b) Enrolled in a school operating for the purpose of

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465 providing educational services to youth in a Department of
466 Juvenile Justice commitment program;

467 (c) Receiving any other educational scholarship pursuant to
468 this chapter;

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

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

478 (f) Participating in virtual instruction pursuant to s.
479 1002.455.

480 (7) SCHOOL DISTRICT OBLIGATIONS.—

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

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494 assessments shall provide locations and times to take all
495 statewide assessments. A school district is responsible for
496 implementing test administrations at a participating private
497 school, including the:

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

507 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

508 (a) The department shall:

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

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523 of students determined to be eligible for a scholarship.

524 ~~4.5.~~ Notify each school district of a parent's
525 participation in the scholarship program for purposes of
526 paragraph (7) (f).

527 ~~5.6.~~ Deny or terminate program participation upon a
528 parent's failure to comply with subsection (10).

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

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

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

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

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

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552 ~~11.12.~~ Require quarterly reports by an organization, which
553 must include, at a minimum, the number of students participating
554 in the program; the demographics of program participants; the
555 disability category of program participants; the matrix level of
556 services, if known; the program award amount per student; the
557 total expenditures for the purposes specified in paragraph
558 (4) (b); the types of providers of services to students; and any
559 other information deemed necessary by the department.

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

565 ~~13.14.~~ Adjust payments to eligible nonprofit scholarship-
566 funding organizations and, when the Florida Education Finance
567 Program is recalculated, adjust the amount of state funds
568 allocated to school districts through the Florida Education
569 Finance Program based upon the results of the cross-check
570 completed pursuant to subparagraph 2.

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

575 (c)1. Require students ~~Annually administer or make~~
576 ~~provision for students participating in the program in grades 3~~
577 ~~through 10 to take one of the nationally norm-referenced tests~~
578 ~~that are identified by the department pursuant to paragraph~~
579 ~~(8) (a) or to take the statewide assessments under pursuant to s.~~
580 1008.22. Students with disabilities for whom the physician or

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581 psychologist who issued the diagnosis or the IEP team determines
 582 that standardized testing is not appropriate are exempt from
 583 this requirement. A participating private school shall report a
 584 student's scores to his or her parent. By August 15 of each
 585 year, a participating private school must report the scores of
 586 all participating students to a state university as described in
 587 s. 1002.395(9)(e) ~~s. 1002.395(9)(f)~~.

588 2. Administer the statewide assessments pursuant to s.
 589 1008.22 if the private school chooses to offer the statewide
 590 assessments. A participating private school may choose to offer
 591 and administer the statewide assessments to all students who
 592 attend the private school in grades 3 through 10 and must submit
 593 a request in writing to the department by March 1 of each year
 594 in order to administer the statewide assessments in the
 595 subsequent school year.

596
 597 If a private school fails to meet the requirements of this
 598 subsection or s. 1002.421, the commissioner may determine that
 599 the private school is ineligible to participate in the
 600 scholarship program.

601 (10) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 602 PARTICIPATION.—

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

606 1. Select the private school and apply for the admission of
 607 his or her student.

608 2. Request the scholarship by a date established by the
 609 organization, in a manner that creates a written or electronic

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610 record of the request and the date of receipt of the request.

611 3. Inform the applicable school district when the parent
612 withdraws his or her student from a public school to attend an
613 eligible private school.

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

617 5. Meet with the private school's principal or the
618 principal's designee to review the school's academic programs
619 and policies, customized educational programs, code of student
620 conduct, and attendance policies prior to enrollment.

621 6. Require that the student participating in the
622 scholarship program ~~takes the norm-referenced assessment offered~~
623 ~~by the private school. The parent may also choose to have the~~
624 ~~student participate in the statewide assessments pursuant to~~
625 ~~paragraph 9(c) ~~(7)(d)~~. If the parent requests that the student~~
626 ~~participating in the program take all statewide assessments~~
627 ~~required pursuant to s. 1008.22,~~ The parent is responsible for
628 transporting the student to the assessment site designated by
629 the school district.

630 7. Restrictively endorse the warrant, issued in the name of
631 the parent pursuant to subparagraph (12)(a)6., to the private
632 school for deposit into the private school's account. The parent
633 may not designate any entity or individual associated with the
634 participating private school as the parent's attorney in fact to
635 endorse a scholarship warrant.

636 (b) A parent who applies for program participation under
637 paragraph (3)(b) is exercising his or her parental option to
638 determine the appropriate placement or the services that best

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639 meet the needs of his or her child and must:

640 1. Apply to an eligible nonprofit scholarship-funding
641 organization to participate in the program by a date set by the
642 organization. The request must be communicated directly to the
643 organization in a manner that creates a written or electronic
644 record of the request and the date of receipt of the request.

645 2. Sign an agreement with the organization and annually
646 submit a sworn compliance statement to the organization to
647 satisfy or maintain program eligibility, including eligibility
648 to receive and spend program payments by:

649 a. Affirming that the student is enrolled in a program that
650 meets regular school attendance requirements as provided in s.
651 1003.01(13)(b), (c), or (d).

652 b. Affirming that the program funds are used only for
653 authorized purposes serving the student's educational needs, as
654 described in paragraph (4)(b); that any prepaid college plan or
655 college savings plan funds contributed pursuant to subparagraph
656 (4)(b)6. will not be transferred to another beneficiary while
657 the plan contains funds contributed pursuant to this section;
658 and that they will not receive a payment, refund, or rebate of
659 any funds provided under this section.

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

663 (I) Requiring the student to participate in the statewide
664 assessments ~~take an assessment~~ in accordance with paragraph
665 (9)(c);

666 (II) Providing an annual evaluation in accordance with s.
667 1002.41(1)(f); or

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668 (III) Requiring the child to take any preassessments and
669 postassessments selected by the provider if the child is 4 years
670 of age and is enrolled in a program provided by an eligible
671 Voluntary Prekindergarten Education Program provider. A student
672 with disabilities for whom the physician or psychologist who
673 issued the diagnosis or the IEP team determines that a
674 preassessment and postassessment is not appropriate is exempt
675 from this requirement. A participating provider shall report a
676 student's scores to the parent.

677 d. Affirming that the student remains in good standing with
678 the provider or school if those options are selected by the
679 parent.

680 e. Enrolling his or her child in a program from a Voluntary
681 Prekindergarten Education Program provider authorized under s.
682 1002.55, a school readiness provider authorized under s.
683 1002.88, or an eligible private school if either option is
684 selected by the parent.

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

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697 risk status.

698 g. Procuring the services necessary to educate the student.
699 If a parent does not procure the necessary educational services
700 for the student and the student's account has been inactive for
701 2 consecutive fiscal years, the student is ineligible for
702 additional scholarship payments until the scholarship-funding
703 organization verifies that expenditures from the account have
704 occurred. When the student receives a scholarship, the district
705 school board is not obligated to provide the student with a free
706 appropriate public education. For purposes of s. 1003.57 and the
707 Individuals with Disabilities in Education Act, a participating
708 student has only those rights that apply to all other
709 unilaterally parentally placed students, except that, when
710 requested by the parent, school district personnel must develop
711 an IEP or matrix level of services.

712 Section 3. Paragraphs (n) and (o) of subsection (6),
713 paragraph (e) of subsection (7), paragraph (b) of subsection
714 (8), and paragraphs (e) and (f) of subsection (9) of section
715 1002.395, Florida Statutes, are amended to read:

716 1002.395 Florida Tax Credit Scholarship Program.—

717 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
718 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
719 organization:

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

725 (o)1.a. Must participate in the joint development of

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726 agreed-upon procedures during the 2009-2010 state fiscal year.
727 The agreed-upon procedures must uniformly apply to all private
728 schools and must determine, at a minimum, whether the private
729 school has been verified as eligible by the Department of
730 Education under s. 1002.421; has an adequate accounting system,
731 system of financial controls, and process for deposit and
732 classification of scholarship funds; and has properly expended
733 scholarship funds for education-related expenses. During the
734 development of the procedures, the participating scholarship-
735 funding organizations shall specify guidelines governing the
736 materiality of exceptions that may be found during the
737 accountant's performance of the procedures. The procedures and
738 guidelines must ~~shall~~ be provided to private schools and the
739 Commissioner of Education by March 15, 2011.

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

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755 c. Must monitor the compliance of a private school with s.
 756 1002.421(1)(u) ~~s. 1002.421(1)(q)~~ if the scholarship-funding
 757 organization provided the majority of the scholarship funding to
 758 the school. For each private school subject to s. 1002.421(1)(u)
 759 ~~s. 1002.421(1)(q)~~, the appropriate scholarship-funding
 760 organization shall annually notify the Commissioner of Education
 761 by October 30 of:

762 (I) A private school's failure to submit a report required
 763 under s. 1002.421(1)(u) ~~s. 1002.421(1)(q)~~; or

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

766 2. Must seek input from the accrediting associations that
 767 are members of the Florida Association of Academic Nonpublic
 768 Schools and the Department of Education when jointly developing
 769 the agreed-upon procedures and guidelines under sub-subparagraph
 770 1.a. and conducting a review of those procedures and guidelines
 771 under sub-subparagraph 1.b.

772
 773 Information and documentation provided to the Department of
 774 Education and the Auditor General relating to the identity of a
 775 taxpayer that provides an eligible contribution under this
 776 section shall remain confidential at all times in accordance
 777 with s. 213.053.

778 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 779 PARTICIPATION.—

780 (e) The parent shall require ~~ensure~~ that the student
 781 participating in the scholarship program ~~takes the norm-~~
 782 ~~referenced assessment offered by the private school. The parent~~
 783 ~~may also choose to have the student~~ participate in the statewide

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784 assessments pursuant to s. 1008.22. If the ~~parent requests that~~
785 ~~the student participating in the scholarship program take~~
786 ~~statewide assessments pursuant to s. 1008.22 and the private~~
787 school has not chosen to offer and administer the statewide
788 assessments, the parent is responsible for transporting the
789 student to the assessment site designated by the school
790 district.

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

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

806 2. Administer the statewide assessments pursuant to s.
807 1008.22 if a private school chooses to offer the statewide
808 assessments. A participating private school may choose to offer
809 and administer the statewide assessments to all students who
810 attend the private school in grades 3 through 10 and must submit
811 a request in writing to the Department of Education by March 1
812 of each year in order to administer the statewide assessments in

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813 the subsequent school year.

814

815 If a private school fails to meet the requirements of this
816 subsection or s. 1002.421, the commissioner may determine that
817 the private school is ineligible to participate in the
818 scholarship program.

819 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of
820 Education shall:

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

825 ~~(f)~~ Issue a project grant award to a state university, to
826 which participating private schools must report the scores of
827 participating students on the ~~nationally norm-referenced tests~~
828 ~~or the~~ statewide assessments administered by the private school
829 in grades 3 through 10. The project term is 2 years, and the
830 amount of the project is up to \$250,000 per year. The project
831 grant award must be reissued in 2-year intervals in accordance
832 with this paragraph.

833 1. The state university must annually report to the
834 Department of Education on the student performance of
835 participating students:

836 a. On a statewide basis. The report must ~~shall~~ also
837 include, to the extent possible, a comparison of scholarship
838 students' performance to the statewide student performance of
839 public school students with socioeconomic backgrounds similar to
840 those of students participating in the scholarship program. To
841 minimize costs and reduce time required for the state

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842 university's analysis and evaluation, the Department of
843 Education shall coordinate with the state university to provide
844 data to the state university in order to conduct analyses of
845 matched students from public school assessment data and
846 calculate control group student performance using an agreed-upon
847 methodology with the state university; and

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

865 2. The sharing and reporting of student performance data
866 under this paragraph must be in accordance with requirements of
867 ss. 1002.22 and 1002.221 and 20 U.S.C. s. 1232g, the Family
868 Educational Rights and Privacy Act, and the applicable rules and
869 regulations issued pursuant thereto, and shall be for the sole
870 purpose of creating the annual report required by subparagraph

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871 1. All parties must preserve the confidentiality of such
872 information as required by law. The annual report must not
873 disaggregate data to a level that will identify individual
874 participating schools, except as required under sub-subparagraph
875 1.b., or disclose the academic level of individual students.

876 3. The annual report required by subparagraph 1. must ~~shall~~
877 be published by the Department of Education on its website.

878 Section 4. Paragraph (b) of subsection (6), paragraph (b)
879 of subsection (7), paragraph (b) of subsection (8), paragraph
880 (f) of subsection (9), and paragraph (e) of subsection (10) of
881 section 1002.40, Florida Statutes, are amended to read:

882 1002.40 The Hope Scholarship Program.—

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

884 (b) For each student participating in the program in an
885 eligible private school ~~who chooses to participate in the~~
886 ~~statewide assessments under s. 1008.22 or the Florida Alternate~~
887 ~~Assessment~~, the school district in which the student resides
888 must notify the student and his or her parent about the
889 locations and times to take all statewide assessments.

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

892 (b)1. Require students to participate in Annually
893 ~~administer or make provision for students participating in the~~
894 ~~program in grades 3 through 10 to take one of the nationally~~
895 ~~norm-referenced tests identified by the department or the~~
896 statewide assessments pursuant to s. 1008.22. Students with
897 disabilities for whom the physician or psychologist who issued
898 the diagnosis or the individual education plan team determines
899 that standardized testing is not appropriate are exempt from

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900 this requirement. A participating private school shall report a
901 student's scores to his or her parent.

902 2. Administer the statewide assessments pursuant to s.
903 1008.22 if a private school chooses to offer the statewide
904 assessments. A participating private school may choose to offer
905 and administer the statewide assessments to all students who
906 attend the private school in grades 3 through 10 and must submit
907 a request in writing to the department by March 1 of each year
908 in order to administer the statewide assessments in the
909 subsequent school year.

910
911 If a private school fails to meet the requirements of this
912 subsection or s. 1002.421, the commissioner may determine that
913 the private school is ineligible to participate in the program.

914 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
915 shall:

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

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

924 (f) The parent must ensure that the student participating
925 in the program participates ~~takes the norm-referenced assessment~~
926 ~~offered by the private school. The parent may also choose to~~
927 ~~have the student participate~~ in the statewide assessments
928 pursuant to s. 1008.22. If the ~~parent requests that the student~~

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929 ~~take the statewide assessments pursuant to s. 1008.22 and the~~
930 private school has not chosen to offer and administer the
931 statewide assessments, the parent is responsible for
932 transporting the student to the assessment site designated by
933 the school district.

934 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
935 ORGANIZATIONS.—An eligible nonprofit scholarship-funding
936 organization may establish scholarships for eligible students
937 by:

938 (e) Preparing and submitting quarterly reports to the
939 department pursuant to paragraph (8) (b) ~~(8) (e)~~. In addition, an
940 eligible nonprofit scholarship-funding organization must submit
941 in a timely manner any information requested by the department
942 relating to the program.

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

946 1008.34 School grading system; school report cards;
947 district grade.—

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

- 953 (a) "A," schools making excellent progress.
954 (b) "B," schools making above average progress.
955 (c) "C," schools making satisfactory progress.
956 (d) "D," schools making less than satisfactory progress.
957 (e) "F," schools failing to make adequate progress.

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958

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

964 (3) DESIGNATION OF SCHOOL GRADES.—

965 (a) Each school, including a private school that accepts
966 scholarship students who participate in a state scholarship
967 program under chapter 1002, must assess at least 95 percent of
968 its eligible students, except as provided under s. 1008.341 for
969 alternative schools. Each school shall receive a school grade
970 based on the school's performance on the components listed in
971 subparagraphs (b)1. and 2. If a school does not have at least 10
972 students with complete data for one or more of the components
973 listed in subparagraphs (b)1. and 2., those components may not
974 be used in calculating the school's grade.

975 1. An alternative school may choose to receive a school
976 grade under this section or a school improvement rating under s.
977 1008.341. For charter schools that meet the definition of an
978 alternative school pursuant to State Board of Education rule,
979 the decision to receive a school grade is the decision of the
980 charter school governing board.

981 2. A school that serves any combination of students in
982 kindergarten through grade 3 that does not receive a school
983 grade because its students are not tested and included in the
984 school grading system shall receive the school grade designation
985 of a K-3 feeder pattern school identified by the Department of
986 Education and verified by the school district. A school feeder

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987 pattern exists if a majority of the students in the school
988 serving a combination of students in kindergarten through grade
989 3 are scheduled to be assigned to the graded school.

990 3. If a collocated school does not earn a school grade or
991 school improvement rating for the performance of its students,
992 the student performance data of all schools operating at the
993 same facility must be aggregated to develop a school grade that
994 will be assigned to all schools at that location. A collocated
995 school is a school that has its own unique master school
996 identification number, provides for the education of each of its
997 enrolled students, and operates at the same facility as another
998 school that has its own unique master school identification
999 number and provides for the education of each of its enrolled
1000 students.

1001 (b)1. ~~Beginning with the 2014-2015 school year,~~ A school's
1002 grade shall be based on the following components, each worth 100
1003 points:

1004 a. The percentage of eligible students passing statewide,
1005 standardized assessments in English Language Arts under s.
1006 1008.22(3).

1007 b. The percentage of eligible students passing statewide,
1008 standardized assessments in mathematics under s. 1008.22(3).

1009 c. The percentage of eligible students passing statewide,
1010 standardized assessments in science under s. 1008.22(3).

1011 d. The percentage of eligible students passing statewide,
1012 standardized assessments in social studies under s. 1008.22(3).

1013 e. The percentage of eligible students who make Learning
1014 Gains in English Language Arts as measured by statewide,
1015 standardized assessments administered under s. 1008.22(3).

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1016 f. The percentage of eligible students who make Learning
1017 Gains in mathematics as measured by statewide, standardized
1018 assessments administered under s. 1008.22(3).

1019 g. The percentage of eligible students in the lowest 25
1020 percent in English Language Arts, as identified by prior year
1021 performance on statewide, standardized assessments, who make
1022 Learning Gains as measured by statewide, standardized English
1023 Language Arts assessments administered under s. 1008.22(3).

1024 h. The percentage of eligible students in the lowest 25
1025 percent in mathematics, as identified by prior year performance
1026 on statewide, standardized assessments, who make Learning Gains
1027 as measured by statewide, standardized Mathematics assessments
1028 administered under s. 1008.22(3).

1029 i. For schools comprised of middle grades 6 through 8 or
1030 grades 7 and 8, the percentage of eligible students passing high
1031 school level statewide, standardized end-of-course assessments
1032 or attaining national industry certifications identified in the
1033 CAPE Industry Certification Funding List pursuant to state board
1034 rule.

1035
1036 In calculating Learning Gains for the components listed in sub-
1037 subparagraphs e.-h., the State Board of Education shall require
1038 that learning growth toward achievement levels 3, 4, and 5 is
1039 demonstrated by students who scored below each of those levels
1040 in the prior year. In calculating the components in sub-
1041 subparagraphs a.-d., the state board shall include the
1042 performance of English language learners only if they have been
1043 enrolled in a school in the United States for more than 2 years.

1044 2. For a school comprised of grades 9, 10, 11, and 12, or

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1045 grades 10, 11, and 12, the school's grade shall also be based on
1046 the following components, each worth 100 points:

1047 a. The 4-year high school graduation rate of the school as
1048 defined by state board rule.

1049 b. The percentage of students who were eligible to earn
1050 college and career credit through College Board Advanced
1051 Placement examinations, International Baccalaureate
1052 examinations, dual enrollment courses, including career dual
1053 enrollment courses resulting in the completion of 300 or more
1054 clock hours during high school which are approved by the state
1055 board as meeting the requirements of s. 1007.271, or Advanced
1056 International Certificate of Education examinations; who, at any
1057 time during high school, earned national industry certification
1058 identified in the CAPE Industry Certification Funding List,
1059 pursuant to rules adopted by the state board; or, beginning with
1060 the 2022-2023 school year, who earned an Armed Services
1061 Qualification Test score that falls within Category II or higher
1062 on the Armed Services Vocational Aptitude Battery and earned a
1063 minimum of two credits in Junior Reserve Officers' Training
1064 Corps courses from the same branch of the United States Armed
1065 Forces.

1066 (4) SCHOOL REPORT CARD.—The Department of Education shall
1067 annually develop, in collaboration with the school districts and
1068 private schools that accept scholarship students who participate
1069 in a state scholarship program under chapter 1002, a school
1070 report card to be provided by the school district or private
1071 school that accepts scholarship students who participate in a
1072 state scholarship program under chapter 1002, as applicable, to
1073 parents within the district. The report card must ~~shall~~ include

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1074 the school's grade; student performance in English Language
1075 Arts, mathematics, science, and social studies; information
1076 regarding school improvement; an explanation of school
1077 performance as evaluated by the federal Elementary and Secondary
1078 Education Act (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators
1079 of return on investment. Each school's report card must ~~shall~~ be
1080 published annually by the department on its website based upon
1081 the most recent data available.

1082 Section 6. Present subsection (5) of section 1013.37,
1083 Florida Statutes, is redesignated as subsection (6), and a new
1084 subsection (5) is added to that section, to read:

1085 1013.37 State uniform building code for public educational
1086 facilities construction.—

1087 (5) PRIVATE SCHOOL FACILITIES.—Private schools shall comply
1088 with the State Requirements for Educational Facilities of the
1089 Florida Building Code adopted pursuant to this section. A local
1090 governing authority may not adopt or impose any local building
1091 requirements or site-development restrictions, such as parking
1092 and site-size criteria, student enrollment, and occupant load,
1093 which are addressed by and more stringent than those found in
1094 the State Requirements for Educational Facilities of the Florida
1095 Building Code. A local governing authority shall treat private
1096 schools equitably with regard to requirements, restrictions, and
1097 site-planning processes imposed upon public schools. The agency
1098 having jurisdiction for inspection of a facility and issuance of
1099 a certificate of occupancy or use is the local municipality or,
1100 if the private school is in an unincorporated area, the county
1101 governing authority. If an official or employee of the local
1102 governing authority refuses to comply with this subsection, the

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1103 aggrieved school or entity has an immediate right to bring an
1104 action in circuit court to enforce its rights by injunction. An
1105 aggrieved party that receives injunctive relief may be awarded
1106 attorney fees and court costs.

1107 Section 7. This act shall take effect July 1, 2023.