

By Senator Pruitt

304-591D-01

1 A bill to be entitled
2 An act relating to scholarships for students
3 with disabilities; amending s. 229.05371, F.S.;
4 creating the scholarship program for students
5 with disabilities; providing for eligibility;
6 establishing obligations of school districts;
7 establishing criteria for private school
8 eligibility; establishing obligations for
9 program participants; providing for funding;
10 authorizing the State Board of Education to
11 adopt rules; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Section 229.05371, Florida Statutes, is
16 amended to read:

17 (Substantial rewording of section. See
18 s. 229.05371, F.S., for present text.)
19 229.05371 Scholarships to public or private school of
20 choice for students with disabilities.--

21 (1) SCHOLARSHIP PROGRAM.--There is established a
22 program, which is separate and distinct from the Opportunity
23 Scholarship Program, to provide scholarships to a public or
24 private school of choice for students with disabilities. A
25 student with a disability is one who has been determined
26 eligible for a special program and for whom an individual
27 education plan has been written in accordance with rules of
28 the Commissioner of Education or the State Board of Education.
29 Students with disabilities include students who are mentally
30 handicapped, speech and language impaired, deaf or hard of
31 hearing, visually impaired, dual sensory impaired, emotionally

1 handicapped, specific learning disabled, hospitalized or
2 homebound, or autistic.

3 (2) SCHOLARSHIP ELIGIBILITY.--A public school
4 student's parent or guardian may request and receive from the
5 state a scholarship for the child to enroll in and attend a
6 private school in accordance with this section if:

7 (a) By assigned school attendance area or by special
8 assignment, the student has spent the prior school year in
9 attendance at a public school in this state; and

10 (b) The parent or guardian has obtained acceptance for
11 admission of the student to a private school that is eligible
12 for the program under subsection (4), and has notified the
13 school district of the request for a scholarship at least 60
14 days prior to the date of the first scholarship payment.

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16 This section does not apply to a student who is enrolled in a
17 school operating for the purpose of providing educational
18 services to youth in Department of Juvenile Justice commitment
19 programs. For purposes of continuity of educational choice,
20 the scholarship shall remain in force until the student
21 returns to a public school or graduates from high school.
22 However, at any time, the student's parent or guardian may
23 remove the student from the private school and place the
24 student in a public school, as provided in paragraph (3)(d).

25 (3) SCHOOL DISTRICT OBLIGATIONS.--

26 (a) A school district shall timely notify the parent
27 or guardian of the student of all options available pursuant
28 to this section and offer that student's parent or guardian an
29 opportunity to enroll the student in another public school
30 within the district. The parent or guardian is not required to
31 accept this offer in lieu of requesting a scholarship to a

1 private school. However, if the parent chooses the public
2 school option, the student may continue attending the public
3 school chosen by the parent until the student graduates from
4 high school. When a parent chooses the public school option,
5 the school district will provide transportation to the public
6 school selected by the parent.

7 (b) For a student with disabilities who does not have
8 a matrix of services under s. 236.025, the school district
9 must complete a matrix that assigns the student to one of the
10 levels of service as they existed prior to the 2000-2001
11 school year. The school district must complete the matrix of
12 services for any student who is participating in the
13 scholarship program for students with disabilities and must
14 notify the private school of the student's eligibility and the
15 amount of the scholarship within 30 days after receiving
16 notification by the student's parent of intent to participate
17 in the scholarship program.

18 (c) If the parent chooses the private school option
19 and the student is accepted by the private school pending the
20 availability of a space for the student, the parent or
21 guardian of the student must notify the school district 60
22 days prior to entry in the private school in order to be
23 eligible for the scholarship when a space becomes available
24 for the student in the private school.

25 (d) The parent or guardian of a student may choose, as
26 an alternative, to enroll the student in and transport the
27 student to a public school in an adjacent school district
28 which has available space, and that school district shall
29 accept the student and report the student for purposes of the
30 district's funding pursuant to the Florida Education Finance
31 Program.

1 (e) For a student in the district who participates in
2 the scholarship program for students with disabilities whose
3 parent requests that the student take the statewide
4 assessments under s. 229.57, the district shall provide
5 locations and times to take all statewide assessments.

6 (f) A school district must notify the Department of
7 Education within 10 days after it receives notification of a
8 parent's intent to apply for a scholarship for a student with
9 a disability.

10 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
11 participate in the scholarship program for students with
12 disabilities, a private school must be a Florida private
13 school, may be sectarian or nonsectarian, and must:

14 (a) Demonstrate fiscal soundness by being in operation
15 for one school year or provide the Department of Education
16 with a statement by a certified public accountant confirming
17 that the private school desiring to participate is insured and
18 the owner or owners have sufficient capital or credit to
19 operate the school for the upcoming year serving the number of
20 students anticipated with expected revenues from tuition and
21 other sources that may be reasonably expected. In lieu of such
22 a statement, a surety bond or letter of credit for the amount
23 equal to the scholarship funds for any quarter may be filed
24 with the department.

25 (b) Notify the Department of Education of its intent
26 to participate in the program under this section by May 1 of
27 the school year preceding the school year in which it intends
28 to participate. The notice must specify the grade levels and
29 services that the private school has available for students
30 with disabilities who are participating in the scholarship
31 program.

1 (c) Comply with the antidiscrimination provisions of
2 42 U.S.C. s. 2000d.

3 (d) Meet state and local health and safety laws and
4 codes.

5 (e) Be academically accountable to the parent or
6 guardian for meeting the educational needs of the student.

7 (f) Employ or contract with teachers who hold
8 baccalaureate or higher degrees; or have at least 3 years of
9 teaching experience in public or private schools; or have
10 special skills, knowledge, or expertise that qualifies them to
11 provide instruction in subjects taught.

12 (g) Comply with all state laws relating to general
13 regulation of private schools.

14 (h) Adhere to the tenets of its published disciplinary
15 procedures prior to the expulsion of a scholarship student.

16 (5) OBLIGATION OF PROGRAM PARTICIPATION.--

17 (a) A parent or guardian who applies for a scholarship
18 for a student with a disability is exercising his or her
19 parental option to place his or her child in a private school.
20 The parent or guardian must select the private school and
21 apply for admission for his or her child.

22 (b) The parent or guardian must have requested the
23 scholarship at least 60 days prior to the date of the first
24 scholarship payment.

25 (c) Any student participating in the scholarship
26 program for students with disabilities must remain in
27 attendance throughout the school year, unless excused by the
28 school for illness or other good cause, and must comply fully
29 with the school's code of conduct.

30 (d) The parent or guardian of each student
31 participating in the scholarship program for students with

1 disabilities must comply fully with the private school's
2 parental involvement requirements, unless excused by the
3 school for illness or other good cause.

4 (e) If the parent or guardian requests that the
5 student participating in the scholarship program for students
6 with disabilities takes all statewide assessments required
7 pursuant to s. 229.57, the parent or guardian is responsible
8 for transporting the student to the assessment site designated
9 by the school district.

10 (f) Upon receipt of a scholarship warrant, the parent
11 or guardian to whom the warrant is made must restrictively
12 endorse the warrant to the private school for deposit into the
13 account of the private school.

14 (g) A participant who fails to comply with this
15 subsection forfeits the scholarship.

16 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

17 (a)1. The maximum scholarship granted for an eligible
18 student with disabilities shall be a calculated amount
19 equivalent to the base student allocation in the Florida
20 Education Finance Program multiplied by the appropriate cost
21 factor for the educational program that would have been
22 provided for the student in the district school to which he or
23 she was assigned, multiplied by the district cost
24 differential. If the General Appropriations Act does not
25 specify a program cost factor for the program to which a
26 student is assigned, based upon completion of a matrix of
27 services for that student, a program cost factor shall be
28 calculated using the following procedure. First, historical
29 cost factor ratios shall be calculated by dividing the Level
30 1, Level 2, Level 3, and Level 4 program cost factors by the
31 program cost factor for Level 5 for the most recent year for

1 which all five exceptional-child program cost factors were
2 defined in the General Appropriations Act. Second, the
3 historical cost factor ratio for the program to which a
4 student is assigned and for which a scholarship entitlement is
5 being calculated shall be multiplied by the Level 5 program
6 cost factor defined in the General Appropriations Act for the
7 school year for which the scholarship entitlement is being
8 calculated. In addition, the calculated amount shall include
9 the per-student share of all formula components and major
10 categorical program allocations that are included in the
11 calculation of the state share of school districts' total
12 potential funding entitlements. The amount of any assessment
13 fee required by the participating private school may be paid
14 from the total amount of the exceptional student scholarship
15 amount. If the participating private school requires partial
16 payment of tuition prior to the start of the academic year to
17 reserve space for students admitted to the school, that
18 partial payment may be paid by the Department of Education on
19 July 1 of the year in which the scholarship is awarded, up to
20 a maximum of \$1,000, and deducted from subsequent scholarship
21 payments. The amount of the scholarship for students with
22 disabilities shall be the calculated amount or the amount of
23 the private school's tuition and fees, whichever is less. The
24 district shall report all students who are attending a private
25 school under this program. The students with disabilities
26 attending private schools on scholarships shall be reported
27 separately from other students reported for purposes of the
28 Florida Education Finance Program. The public or private
29 school that provides services to students with disabilities
30 shall receive the weighted funding for such services at the
31 appropriate funding level consistent with s. 236.025.

1 2. Following notification on July 1, September 1,
2 December 1, or February 1 of the number of participants, the
3 Department of Education shall transfer the amount calculated
4 under paragraph (b) from the district's total funding
5 entitlement under the Florida Education Finance Program and
6 from authorized categorical accounts to a separate account for
7 the scholarship program for quarterly disbursement to the
8 parents or guardians of participating students. When a student
9 enters the scholarship program, the Department of Education
10 must receive all documentation required for the student's
11 participation at least 30 days before the first quarterly
12 payment is made for the student. The Department of Education
13 may not make any retroactive payments and may not prorate
14 payments.

15 (b) Upon proper documentation reviewed and approved by
16 the Department of Education, the Comptroller shall make
17 scholarship payments in four equal amounts no later than
18 September 1, November 1, February 1, and April 1 of each
19 academic year in which the scholarship is in force. The
20 initial payment shall be made after Department of Education
21 verification of admission acceptance, and subsequent payments
22 shall be made upon verification of continued enrollment and
23 attendance at the private school. Payment must be by
24 individual warrant made payable to the student's parent or
25 guardian and mailed by the Department of Education to the
26 private school of the parent's or guardian's choice, and the
27 parent or guardian shall restrictively endorse the warrant to
28 the private school for deposit into the account of the private
29 school.

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