

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  
 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  
 41 (2), and paragraph (b) of subsection (3) of section 1002.421,  
 42 Florida 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  
57 a scholarship program.

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

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

71 2. Scholarship students' results on statewide,  
72 standardized 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  
 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  
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  
121 scholarship student with a written explanation of the student's  
122 progress on 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        (g) ~~(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  
 139 student contact" means any employee or contracted personnel who  
 140 has unsupervised access to a scholarship student for whom the  
 141 private school is responsible.

142            2. The costs of fingerprinting and the background check  
 143 may ~~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  
 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  
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  
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

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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  
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  
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.

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
- 319 instruments.
- 320           n. Section 831.07, relating to forging bank bills, checks,
- 321 drafts, or promissory notes.
- 322           o. Section 831.09, relating to uttering forged bank bills,
- 323 checks, drafts, or promissory notes.
- 324           p. Section 831.30, relating to fraud in obtaining
- 325 medicinal drugs.

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

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

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

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

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

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

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

372  
373 The department shall suspend the payment of funds to a private  
374 school that knowingly fails to comply with this subsection, and  
375 shall prohibit the school from enrolling new scholarship

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

382 (2) DEPARTMENT OF EDUCATION OBLIGATIONS.—

383 (a) The Department of Education shall:

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

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

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

400 4. Require an annual, notarized, sworn compliance



401 statement from participating private schools certifying  
402 compliance with state laws, and retain such records.

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

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

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

419 8. Upon the request of a participating private school  
420 authorized to administer statewide assessments, provide at no  
421 cost to the school the statewide assessments administered under  
422 s. 1008.22 and any related materials for administering the  
423 assessments. ~~Students at a private school may be assessed using~~  
424 ~~the statewide assessments if the addition of those students and~~  
425 ~~the school does not cause the state to exceed its contractual~~

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426 | ~~caps for the number of students tested and the number of testing~~  
427 | ~~sites.~~ The state shall provide the same materials and support to  
428 | a private school that it provides to a public school. A private  
429 | school that chooses to administer statewide assessments under s.  
430 | 1008.22 shall follow the requirements set forth in ss. 1008.22  
431 | and 1008.24, rules adopted by the State Board of Education to  
432 | implement those sections, and district-level testing policies  
433 | established by the district school board.

434 | (3) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

435 | The Commissioner of Education:

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

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

451 1002.394 The Family Empowerment Scholarship Program.—  
 452 (6) SCHOLARSHIP PROHIBITIONS.—A student is not eligible  
 453 for a Family Empowerment Scholarship while he or she is:  
 454 (a) Enrolled in a public school, including, but not  
 455 limited to, the Florida School for the Deaf and the Blind, the  
 456 College-Preparatory Boarding Academy, a developmental research  
 457 school authorized under s. 1002.32, or a charter school  
 458 authorized under this chapter. For purposes of this paragraph, a  
 459 3- or 4-year-old child who receives services funded through the  
 460 Florida Education Finance Program is considered to be a student  
 461 enrolled in a public school;  
 462 (b) Enrolled in a school operating for the purpose of  
 463 providing educational services to youth in a Department of  
 464 Juvenile Justice commitment program;  
 465 (c) Receiving any other educational scholarship pursuant  
 466 to this chapter;  
 467 (d) Not having regular and direct contact with his or her  
 468 private school teachers pursuant to s. 1002.421(1)(j) ~~s.~~  
 469 ~~1002.421(1)(i)~~, unless he or she is eligible pursuant to  
 470 paragraph (3)(b) and enrolled in the private school's  
 471 transition-to-work program pursuant to subsection (16) or a home  
 472 education program pursuant to s. 1002.41;  
 473 (e) Participating in a private tutoring program pursuant  
 474 to s. 1002.43 unless he or she is determined eligible pursuant  
 475 to paragraph (3)(b); or

476 (f) Participating in virtual instruction pursuant to s.  
 477 1002.455.

478 (7) SCHOOL DISTRICT OBLIGATIONS.—

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

- 496 1. Provision of training for private school staff on test
- 497 security and assessment administration procedures;
- 498 2. Distribution of testing materials to a private school;
- 499 3. Retrieval of testing materials from a private school;
- 500 4. Provision of the required format for a private school

501 to submit information to the district for test administration  
 502 and enrollment purposes; and

503 5. Provision of any required assistance, monitoring, or  
 504 investigation at a private school.

505 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—

506 (a) The department shall:

507 1. Publish and update, as necessary, information on the  
 508 department website about the Family Empowerment Scholarship  
 509 Program, including, but not limited to, student eligibility  
 510 criteria, parental responsibilities, and relevant data.

511 2. Cross-check before each distribution of funds the list  
 512 of participating scholarship students with the public school  
 513 enrollment lists before each scholarship payment to avoid  
 514 duplication.

515 3. ~~Maintain and publish a list of nationally norm-~~  
 516 ~~referenced tests identified for purposes of satisfying the~~  
 517 ~~testing requirement in subparagraph (9)(c)1. The tests must meet~~  
 518 ~~industry standards of quality in accordance with state board~~  
 519 ~~rule.~~

520 4. Notify eligible nonprofit scholarship-funding  
 521 organizations of the deadlines for submitting the verified list  
 522 of students determined to be eligible for a scholarship.

523 4.5. Notify each school district of a parent's  
 524 participation in the scholarship program for purposes of  
 525 paragraph (7)(f).

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

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

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

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

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

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

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551        ~~11.12.~~ Require quarterly reports by an organization, which  
552 must include, at a minimum, the number of students participating  
553 in the program; the demographics of program participants; the  
554 disability category of program participants; the matrix level of  
555 services, if known; the program award amount per student; the  
556 total expenditures for the purposes specified in paragraph  
557 (4)(b); the types of providers of services to students; and any  
558 other information deemed necessary by the department.

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

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

568        (c)1. Require students ~~Annually administer or make~~  
569 ~~provision for students participating in the program in grades 3~~  
570 ~~through 10 to take one of the nationally norm-referenced tests~~  
571 ~~that are identified by the department pursuant to paragraph~~  
572 ~~(8)(a) or to take the statewide assessments under pursuant to s.~~  
573 1008.22. Students with disabilities for whom the physician or  
574 psychologist who issued the diagnosis or the IEP team determines  
575 that standardized testing is not appropriate are exempt from

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576 | this requirement. A participating private school shall report a  
577 | student's scores to his or her parent. By August 15 of each  
578 | year, a participating private school must report the scores of  
579 | all participating students to a state university as described in  
580 | s. 1002.395(9)(e) ~~s. 1002.395(9)(f)~~.

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

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

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

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

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



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

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

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

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

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

623           7. Restrictively endorse the warrant, issued in the name  
624 of the parent pursuant to subparagraph (12)(a)6., to the private  
625 school for deposit into the private school's account. The parent

626 may not designate any entity or individual associated with the  
627 participating private school as the parent's attorney in fact to  
628 endorse a scholarship warrant.

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

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

638 2. Sign an agreement with the organization and annually  
639 submit a sworn compliance statement to the organization to  
640 satisfy or maintain program eligibility, including eligibility  
641 to receive and spend program payments by:

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

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

651 and that they will not receive a payment, refund, or rebate of  
652 any funds provided under this section.

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

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

658 (9)(c);

659 (II) Providing an annual evaluation in accordance with s.  
660 1002.41(1)(f); or

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

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

673 e. Enrolling his or her child in a program from a  
674 Voluntary Prekindergarten Education Program provider authorized  
675 under s. 1002.55, a school readiness provider authorized under

676 s. 1002.88, or an eligible private school if either option is  
677 selected by the parent.

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

691 g. Procuring the services necessary to educate the  
692 student. If a parent does not procure the necessary educational  
693 services for the student and the student's account has been  
694 inactive for 2 consecutive fiscal years, the student is  
695 ineligible for additional scholarship payments until the  
696 scholarship funding organization verifies that expenditures from  
697 the account have occurred. When the student receives a  
698 scholarship, the district school board is not obligated to  
699 provide the student with a free appropriate public education.  
700 For purposes of s. 1003.57 and the Individuals with Disabilities

701 in Education Act, a participating student has only those rights  
 702 that apply to all other unilaterally parentally placed students,  
 703 except that, when requested by the parent, school district  
 704 personnel must develop an IEP or matrix level of services.

705 Section 3. Paragraphs (n) and (o) of subsection (6),  
 706 paragraph (e) of subsection (7), paragraph (b) of subsection  
 707 (8), and paragraphs (e) and (f) of subsection (9) of section  
 708 1002.395, Florida Statutes, are amended to read:

709 1002.395 Florida Tax Credit Scholarship Program.—

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

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

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

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

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

748 c. Must monitor the compliance of a private school with s.  
749 1002.421(1)(u) ~~s. 1002.421(1)(q)~~ if the scholarship-funding  
750 organization provided the majority of the scholarship funding to

751 the school. For each private school subject to s. 1002.421(1)(u)  
752 ~~s. 1002.421(1)(q)~~, the appropriate scholarship-funding  
753 organization shall annually notify the Commissioner of Education  
754 by October 30 of:

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

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

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

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

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

773 (e) The parent shall require ~~ensure~~ that the student  
774 participating in the scholarship program ~~takes the norm-~~  
775 ~~referenced assessment offered by the private school. The parent-~~

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776 ~~may also choose to have the student participate in the statewide~~  
777 ~~assessments pursuant to s. 1008.22. If the parent requests that~~  
778 ~~the student participating in the scholarship program take~~  
779 ~~statewide assessments pursuant to s. 1008.22 and the private~~  
780 ~~school has not chosen to offer and administer the statewide~~  
781 ~~assessments, the parent is responsible for transporting the~~  
782 ~~student to the assessment site designated by the school~~  
783 ~~district.~~

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

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

800 2. Administer the statewide assessments pursuant to s.



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

808

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

813 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The Department of  
814 Education shall:

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

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

826 | with this paragraph.

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

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

842 |             b. On an individual school basis. The annual report must  
843 | include student performance for each participating private  
844 | school in which at least 51 percent of the total enrolled  
845 | students in the private school participated in the Florida Tax  
846 | Credit Scholarship Program in the prior school year. The report  
847 | shall be according to each participating private school, and for  
848 | participating students, in which there are at least 30  
849 | participating students who have scores for tests administered.  
850 | If the state university determines that the 30-participating-

851 student cell size may be reduced without disclosing personally  
852 identifiable information, as described in 34 C.F.R. s. 99.12, of  
853 a participating student, the state university may reduce the  
854 participating-student cell size, but the cell size must not be  
855 reduced to less than 10 participating students. The department  
856 shall provide each private school's prior school year's student  
857 enrollment information to the state university no later than  
858 June 15 of each year, or as requested by the state university.

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

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

872 Section 4. Paragraph (b) of subsection (6), paragraph (b)  
873 of subsection (7), paragraph (b) of subsection (8), paragraph  
874 (f) of subsection (9), and paragraph (e) of subsection (10) of  
875 section 1002.40, Florida Statutes, are amended to read:

876 1002.40 The Hope Scholarship Program.—

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

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

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

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

897 2. Administer the statewide assessments pursuant to s.  
 898 1008.22 if a private school chooses to offer the statewide  
 899 assessments. A participating private school may choose to offer  
 900 and administer the statewide assessments to all students who

901 attend the private school in grades 3 through 10 and must submit  
902 a request in writing to the department by March 1 of each year  
903 in order to administer the statewide assessments in the  
904 subsequent school year.

905

906 If a private school fails to meet the requirements of this  
907 subsection or s. 1002.421, the commissioner may determine that  
908 the private school is ineligible to participate in the program.

909 (8) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
910 shall:

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

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

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

926 statewide assessments, the parent is responsible for  
 927 transporting the student to the assessment site designated by  
 928 the school district.

929 (10) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
 930 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
 931 organization may establish scholarships for eligible students  
 932 by:

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

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

941 1008.34 School grading system; school report cards;  
 942 district grade.—

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

- 948 (a) "A," schools making excellent progress.
- 949 (b) "B," schools making above average progress.
- 950 (c) "C," schools making satisfactory progress.

- 951 (d) "D," schools making less than satisfactory progress.
- 952 (e) "F," schools failing to make adequate progress.

953

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

959 (3) DESIGNATION OF SCHOOL GRADES.—

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

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

976           2. A school that serves any combination of students in  
 977 kindergarten through grade 3 that does not receive a school  
 978 grade because its students are not tested and included in the  
 979 school grading system shall receive the school grade designation  
 980 of a K-3 feeder pattern school identified by the Department of  
 981 Education and verified by the school district. A school feeder  
 982 pattern exists if a majority of the students in the school  
 983 serving a combination of students in kindergarten through grade  
 984 3 are scheduled to be assigned to the graded school.

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

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

999           a. The percentage of eligible students passing statewide,  
 1000 standardized assessments in English Language Arts under s.



1001 1008.22(3).

1002       b. The percentage of eligible students passing statewide,  
1003 standardized assessments in mathematics under s. 1008.22(3).

1004       c. The percentage of eligible students passing statewide,  
1005 standardized assessments in science under s. 1008.22(3).

1006       d. The percentage of eligible students passing statewide,  
1007 standardized assessments in social studies under s. 1008.22(3).

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

1011       f. The percentage of eligible students who make Learning  
1012 Gains in mathematics as measured by statewide, standardized  
1013 assessments administered under s. 1008.22(3).

1014       g. The percentage of eligible students in the lowest 25  
1015 percent in English Language Arts, as identified by prior year  
1016 performance on statewide, standardized assessments, who make  
1017 Learning Gains as measured by statewide, standardized English  
1018 Language Arts assessments administered under s. 1008.22(3).

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

1024       i. For schools comprised of middle grades 6 through 8 or  
1025 grades 7 and 8, the percentage of eligible students passing high

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1026 school level statewide, standardized end-of-course assessments  
1027 or attaining national industry certifications identified in the  
1028 CAPE Industry Certification Funding List pursuant to state board  
1029 rule.

1030  
1031 In calculating Learning Gains for the components listed in sub-  
1032 subparagraphs e.-h., the State Board of Education shall require  
1033 that learning growth toward achievement levels 3, 4, and 5 is  
1034 demonstrated by students who scored below each of those levels  
1035 in the prior year. In calculating the components in sub-  
1036 subparagraphs a.-d., the state board shall include the  
1037 performance of English language learners only if they have been  
1038 enrolled in a school in the United States for more than 2 years.

1039 2. For a school comprised of grades 9, 10, 11, and 12, or  
1040 grades 10, 11, and 12, the school's grade shall also be based on  
1041 the following components, each worth 100 points:

1042 a. The 4-year high school graduation rate of the school as  
1043 defined by state board rule.

1044 b. The percentage of students who were eligible to earn  
1045 college and career credit through College Board Advanced  
1046 Placement examinations, International Baccalaureate  
1047 examinations, dual enrollment courses, including career dual  
1048 enrollment courses resulting in the completion of 300 or more  
1049 clock hours during high school which are approved by the state  
1050 board as meeting the requirements of s. 1007.271, or Advanced

1051 International Certificate of Education examinations; who, at any  
1052 time during high school, earned national industry certification  
1053 identified in the CAPE Industry Certification Funding List,  
1054 pursuant to rules adopted by the state board; or, beginning with  
1055 the 2022-2023 school year, who earned an Armed Services  
1056 Qualification Test score that falls within Category II or higher  
1057 on the Armed Services Vocational Aptitude Battery and earned a  
1058 minimum of two credits in Junior Reserve Officers' Training  
1059 Corps courses from the same branch of the United States Armed  
1060 Forces.

1061 (4) SCHOOL REPORT CARD.—The Department of Education shall  
1062 annually develop, in collaboration with the school districts and  
1063 private schools that accept scholarship students who participate  
1064 in a state scholarship program under chapter 1002, a school  
1065 report card to be provided by the school district or private  
1066 school that accepts scholarship students who participate in a  
1067 state scholarship program under chapter 1002, as applicable, to  
1068 parents within the district. The report card shall include the  
1069 school's grade; student performance in English Language Arts,  
1070 mathematics, science, and social studies; information regarding  
1071 school improvement; an explanation of school performance as  
1072 evaluated by the federal Elementary and Secondary Education Act  
1073 (ESEA), 20 U.S.C. ss. 6301 et seq.; and indicators of return on  
1074 investment. Each school's report card shall be published  
1075 annually by the department on its website based upon the most

1076 recent data available.

1077 Section 6. Present subsection (5) of section 1013.37,  
 1078 Florida Statutes, is redesignated as subsection (6), and a new  
 1079 subsection (5) is added to that section, to read:

1080 1013.37 State uniform building code for public educational  
 1081 facilities construction.—

1082 (5) PRIVATE SCHOOL FACILITIES.—Private schools shall  
 1083 comply with the State Requirements for Educational Facilities of  
 1084 the Florida Building Code adopted pursuant to this section. A  
 1085 local governing authority may not adopt or impose any local  
 1086 building requirements or site-development restrictions, such as  
 1087 parking and site-size criteria, student enrollment, and occupant  
 1088 load, which are addressed by and more stringent than those found  
 1089 in the State Requirements for Educational Facilities of the  
 1090 Florida Building Code. A local governing authority shall treat  
 1091 private schools equitably with regard to requirements,  
 1092 restrictions, and site-planning processes imposed upon public  
 1093 schools. The agency having jurisdiction for inspection of a  
 1094 facility and issuance of a certificate of occupancy or use is  
 1095 the local municipality or, if the private school is in an  
 1096 unincorporated area, the county governing authority. If an  
 1097 official or employee of the local governing authority refuses to  
 1098 comply with this subsection, the aggrieved school or entity has  
 1099 an immediate right to bring an action in circuit court to  
 1100 enforce its rights by injunction. An aggrieved party that

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1101 | receives injunctive relief may be awarded attorney fees and  
1102 | court costs.

1103 |       Section 7. This act shall take effect July 1, 2022.