

26 | 1002.421 State school choice scholarship program
 27 | accountability and oversight.—

28 | (1) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—A private
 29 | school participating in an educational scholarship program
 30 | established pursuant to this chapter must be a private school as
 31 | defined in s. 1002.01 in this state, be registered, and be in
 32 | compliance with all requirements of this section in addition to
 33 | private school requirements outlined in s. 1002.42, specific
 34 | requirements identified within respective scholarship program
 35 | laws, and other provisions of Florida law that apply to private
 36 | schools, and must:

37 | (a) Comply with the antidiscrimination provisions of 42
 38 | U.S.C. s. 2000d.

39 | (b) Notify the department of its intent to participate in
 40 | a scholarship program.

41 | (c) Notify the department of any change in the school's
 42 | name, school director, mailing address, or physical location
 43 | within 15 days after the change.

44 | (d) Provide to the department or scholarship-funding
 45 | organization all documentation required for a student's
 46 | participation, including the private school's and student's
 47 | individual fee schedule, and attendance verification as required
 48 | by the department or scholarship-funding organization, prior to
 49 | scholarship payment.

50 | (e) Annually complete and submit to the department a

51 | notarized scholarship compliance statement certifying that all
 52 | school employees and contracted personnel with direct student
 53 | contact have undergone background screening pursuant to s.
 54 | 435.12 and have met the screening standards as provided in s.
 55 | 435.04.

56 | (f) Demonstrate fiscal soundness and accountability by:

57 | 1. Being in operation for at least 3 school years or
 58 | obtaining a surety bond or letter of credit for the amount equal
 59 | to the scholarship funds for any quarter and filing the surety
 60 | bond or letter of credit with the department.

61 | 2. Requiring the parent of each scholarship student to
 62 | personally restrictively endorse the scholarship warrant to the
 63 | school or to approve a funds transfer before any funds are
 64 | deposited for a student. The school may not act as attorney in
 65 | fact for the parent of a scholarship student under the authority
 66 | of a power of attorney executed by such parent, or under any
 67 | other authority, to endorse a scholarship warrant or approve a
 68 | funds transfer on behalf of such parent.

69 | (g) Meet applicable state and local health, safety, and
 70 | welfare laws, codes, and rules, including:

- 71 | 1. Firesafety.
- 72 | 2. Building safety.

73 | (h) Employ or contract with teachers who hold
 74 | baccalaureate or higher degrees, have at least 3 years of
 75 | teaching experience in public or private schools, or have

76 special skills, knowledge, or expertise that qualifies them to
 77 provide instruction in subjects taught.

78 (i) Maintain a physical location in the state at which
 79 each student has regular and direct contact with teachers.

80 (j) Publish on the school's website, or provide in a
 81 written format, information for parents regarding the school,
 82 including, but not limited to, programs, services, the
 83 qualifications of classroom teachers, and a statement that a
 84 parentally placed private school student with a disability does
 85 not have an individual right to receive some or all of the
 86 special education and related services that the student would
 87 receive if enrolled in a public school under the Individuals
 88 with Disabilities Education Act (IDEA), as amended.

89 (k) At a minimum, provide the parent of each scholarship
 90 student with a written explanation of the student's progress on
 91 a quarterly basis.

92 (l) Cooperate with a student whose parent chooses to
 93 participate in the statewide assessments pursuant to s. 1008.22.

94 (m) Require each employee and contracted personnel with
 95 direct student contact, upon employment or engagement to provide
 96 services, to undergo a state and national background screening,
 97 pursuant to s. 943.0542, by electronically filing with the
 98 Department of Law Enforcement a complete set of fingerprints
 99 taken by an authorized law enforcement agency or an employee of
 100 the private school, a school district, or a private company who

101 is trained to take fingerprints and deny employment to or
102 terminate an employee if he or she fails to meet the screening
103 standards under s. 435.04. Results of the screening shall be
104 provided to the participating private school. For purposes of
105 this paragraph:

106 1. An "employee or contracted personnel with direct
107 student contact" means any employee or contracted personnel who
108 has unsupervised access to a scholarship student for whom the
109 private school is responsible.

110 2. The costs of fingerprinting and the background check
111 shall not be borne by the state.

112 3. Continued employment of an employee or contracted
113 personnel after notification that he or she has failed the
114 background screening under this paragraph shall cause a private
115 school to be ineligible for participation in a scholarship
116 program.

117 4. An employee or contracted personnel holding a valid
118 Florida teaching certificate who has been fingerprinted pursuant
119 to s. 1012.32 is not required to comply with the provisions of
120 this paragraph.

121 5. All fingerprints submitted to the Department of Law
122 Enforcement as required by this section shall be retained by the
123 Department of Law Enforcement in a manner provided by rule and
124 entered in the statewide automated biometric identification
125 system authorized by s. 943.05(2)(b). Such fingerprints shall

126 thereafter be available for all purposes and uses authorized for
127 arrest fingerprints entered in the statewide automated biometric
128 identification system pursuant to s. 943.051.

129 6. The Department of Law Enforcement shall search all
130 arrest fingerprints received under s. 943.051 against the
131 fingerprints retained in the statewide automated biometric
132 identification system under subparagraph 5. Any arrest record
133 that is identified with the retained fingerprints of a person
134 subject to the background screening under this section shall be
135 reported to the employing school with which the person is
136 affiliated. Each private school participating in a scholarship
137 program is required to participate in this search process by
138 informing the Department of Law Enforcement of any change in the
139 employment or contractual status of its personnel whose
140 fingerprints are retained under subparagraph 5. The Department
141 of Law Enforcement shall adopt a rule setting the amount of the
142 annual fee to be imposed upon each private school for performing
143 these searches and establishing the procedures for the retention
144 of private school employee and contracted personnel fingerprints
145 and the dissemination of search results. The fee may be borne by
146 the private school or the person fingerprinted.

147 7. Employees and contracted personnel whose fingerprints
148 are not retained by the Department of Law Enforcement under
149 subparagraphs 5. and 6. are required to be refingerprinted and
150 must meet state and national background screening requirements

151 upon reemployment or reengagement to provide services in order
152 to comply with the requirements of this section.

153 8. Every 5 years following employment or engagement to
154 provide services with a private school, employees or contracted
155 personnel required to be screened under this section must meet
156 screening standards under s. 435.04, at which time the private
157 school shall request the Department of Law Enforcement to
158 forward the fingerprints to the Federal Bureau of Investigation
159 for national processing. If the fingerprints of employees or
160 contracted personnel are not retained by the Department of Law
161 Enforcement under subparagraph 5., employees and contracted
162 personnel must electronically file a complete set of
163 fingerprints with the Department of Law Enforcement. Upon
164 submission of fingerprints for this purpose, the private school
165 shall request that the Department of Law Enforcement forward the
166 fingerprints to the Federal Bureau of Investigation for national
167 processing, and the fingerprints shall be retained by the
168 Department of Law Enforcement under subparagraph 5.

169 (n) Adopt policies establishing standards of ethical
170 conduct for educational support employees, instructional
171 personnel, and school administrators. The policies must require
172 all educational support employees, instructional personnel, and
173 school administrators, as defined in s. 1012.01, to complete
174 training on the standards; establish the duty of educational
175 support employees, instructional personnel, and school

176 administrators to report, and procedures for reporting, alleged
177 misconduct by other educational support employees, instructional
178 personnel, and school administrators which affects the health,
179 safety, or welfare of a student; and include an explanation of
180 the liability protections provided under ss. 39.203 and 768.095.
181 A private school, or any of its employees, may not enter into a
182 confidentiality agreement regarding terminated or dismissed
183 educational support employees, instructional personnel, or
184 school administrators, or employees, personnel, or
185 administrators who resign in lieu of termination, based in whole
186 or in part on misconduct that affects the health, safety, or
187 welfare of a student, and may not provide the employees,
188 personnel, or administrators with employment references or
189 discuss the employees', personnel's, or administrators'
190 performance with prospective employers in another educational
191 setting, without disclosing the employees', personnel's, or
192 administrators' misconduct. Any part of an agreement or contract
193 that has the purpose or effect of concealing misconduct by
194 educational support employees, instructional personnel, or
195 school administrators which affects the health, safety, or
196 welfare of a student is void, is contrary to public policy, and
197 may not be enforced.

198 (o) Before employing a person in any position that
199 requires direct contact with students, conduct employment
200 history checks of previous employers, screen the person through

201 use of the screening tools described in s. 1001.10(5), and
202 document the findings. If unable to contact a previous employer,
203 the private school must document efforts to contact the
204 employer. The private school may not employ a person whose
205 educator certificate is revoked, who is barred from reapplying
206 for an educator certificate, or who is on the disqualification
207 list maintained by the department pursuant to s. 1001.10(4)(b).

208 (p) Require each owner or operator of the private school,
209 prior to employment or engagement to provide services, to
210 undergo level 2 background screening as provided under chapter
211 435. For purposes of this paragraph, the term "owner or
212 operator" means an owner, operator, superintendent, or principal
213 of, or a person with equivalent decisionmaking authority over, a
214 private school participating in a scholarship program
215 established pursuant to this chapter. The fingerprints for the
216 background screening must be electronically submitted to the
217 Department of Law Enforcement and may be taken by an authorized
218 law enforcement agency or a private company who is trained to
219 take fingerprints. However, the complete set of fingerprints of
220 an owner or operator may not be taken by the owner or operator.
221 The owner or operator shall provide a copy of the results of the
222 state and national criminal history check to the Department of
223 Education. The cost of the background screening may be borne by
224 the owner or operator.

225 1. Every 5 years following employment or engagement to

226 provide services, each owner or operator must meet level 2
227 screening standards as described in s. 435.04, at which time the
228 owner or operator shall request the Department of Law
229 Enforcement to forward the fingerprints to the Federal Bureau of
230 Investigation for level 2 screening. If the fingerprints of an
231 owner or operator are not retained by the Department of Law
232 Enforcement under subparagraph 2., the owner or operator must
233 electronically file a complete set of fingerprints with the
234 Department of Law Enforcement. Upon submission of fingerprints
235 for this purpose, the owner or operator shall request that the
236 Department of Law Enforcement forward the fingerprints to the
237 Federal Bureau of Investigation for level 2 screening, and the
238 fingerprints shall be retained by the Department of Law
239 Enforcement under subparagraph 2.

240 2. Fingerprints submitted to the Department of Law
241 Enforcement as required by this paragraph must be retained by
242 the Department of Law Enforcement in a manner approved by rule
243 and entered in the statewide automated biometric identification
244 system authorized by s. 943.05(2)(b). The fingerprints must
245 thereafter be available for all purposes and uses authorized for
246 arrest fingerprints entered in the statewide automated biometric
247 identification system pursuant to s. 943.051.

248 3. The Department of Law Enforcement shall search all
249 arrest fingerprints received under s. 943.051 against the
250 fingerprints retained in the statewide automated biometric

251 identification system under subparagraph 2. Any arrest record
 252 that is identified with an owner's or operator's fingerprints
 253 must be reported to the owner or operator, who must report to
 254 the Department of Education. Any costs associated with the
 255 search shall be borne by the owner or operator.

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

259 5. In addition to the offenses listed in s. 435.04, a
 260 person required to undergo background screening pursuant to this
 261 part or authorizing statutes may not have an arrest awaiting
 262 final disposition for, must not have been found guilty of, or
 263 entered a plea of nolo contendere to, regardless of
 264 adjudication, and must not have been adjudicated delinquent for,
 265 and the record must not have been sealed or expunged for, any of
 266 the following offenses or any similar offense of another
 267 jurisdiction:

- 268 a. Any authorizing statutes, if the offense was a felony.
- 269 b. This chapter, if the offense was a felony.
- 270 c. Section 409.920, relating to Medicaid provider fraud.
- 271 d. Section 409.9201, relating to Medicaid fraud.
- 272 e. Section 741.28, relating to domestic violence.
- 273 f. Section 817.034, relating to fraudulent acts through
- 274 mail, wire, radio, electromagnetic, photoelectronic, or
- 275 photooptical systems.

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- 276 g. Section 817.234, relating to false and fraudulent
277 insurance claims.
- 278 h. Section 817.505, relating to patient brokering.
- 279 i. Section 817.568, relating to criminal use of personal
280 identification information.
- 281 j. Section 817.60, relating to obtaining a credit card
282 through fraudulent means.
- 283 k. Section 817.61, relating to fraudulent use of credit
284 cards, if the offense was a felony.
- 285 l. Section 831.01, relating to forgery.
- 286 m. Section 831.02, relating to uttering forged
287 instruments.
- 288 n. Section 831.07, relating to forging bank bills, checks,
289 drafts, or promissory notes.
- 290 o. Section 831.09, relating to uttering forged bank bills,
291 checks, drafts, or promissory notes.
- 292 p. Section 831.30, relating to fraud in obtaining
293 medicinal drugs.
- 294 q. Section 831.31, relating to the sale, manufacture,
295 delivery, or possession with the intent to sell, manufacture, or
296 deliver any counterfeit controlled substance, if the offense was
297 a felony.
- 298 6. At least 30 calendar days before a transfer of
299 ownership of a private school, the owner or operator shall
300 notify the parent of each scholarship student.

301 7. The owner or operator of a private school that has been
302 deemed ineligible to participate in a scholarship program
303 pursuant to this chapter may not transfer ownership or
304 management authority of the school to a relative in order to
305 participate in a scholarship program as the same school or a new
306 school. For purposes of this subparagraph, the term "relative"
307 means father, mother, son, daughter, grandfather, grandmother,
308 brother, sister, uncle, aunt, cousin, nephew, niece, husband,
309 wife, father-in-law, mother-in-law, son-in-law, daughter-in-law,
310 brother-in-law, sister-in-law, stepfather, stepmother, stepson,
311 stepdaughter, stepbrother, stepsister, half brother, or half
312 sister.

313 (q) Provide a report from an independent certified public
314 accountant who performs the agreed-upon procedures developed
315 pursuant to s. 1002.395(6)(q) if the private school receives
316 more than \$250,000 in funds from scholarships awarded under this
317 chapter in a state fiscal year. A private school subject to this
318 subsection must annually submit the report by September 15 to
319 the scholarship-funding organization that awarded the majority
320 of the school's scholarship funds. The agreed-upon procedures
321 must be conducted in accordance with attestation standards
322 established by the American Institute of Certified Public
323 Accountants.

324 (r) Prohibit education support employees, instructional
325 personnel, and school administrators from employment in any

326 position that requires direct contact with students if the
327 personnel or administrators are ineligible for such employment
328 pursuant to this section or s. 1012.315, or have been terminated
329 or have resigned in lieu of termination for sexual misconduct
330 with a student. If the prohibited conduct occurs subsequent to
331 employment, the private school must report the person and the
332 disqualifying circumstances to the department for inclusion on
333 the disqualification list maintained pursuant to s.
334 1001.10(4)(b).

335 (s) Publish on the school's website, and provide to
336 parents in a written format, a clear and easy to understand
337 disclosure of any conditions of attendance or policies of the
338 school that require compliance with:

339 1. Religious tenants.

340 2. A student code of conduct or dress code which specifies
341 grooming or hair style requirements.

342 3. Provisions related to sexual orientation or gender
343 identity.

344 (t) Beginning February 28, 2025, and annually on February
345 28 and thereafter, disclose to the school district the number of
346 vacant seats the school intends to offer to eligible scholarship
347 students during the subsequent school year.

348 (u) Disclose to the department when a student is
349 disenrolled by the school. This paragraph does not apply to a
350 student removed at a parent's choosing.

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351 (v) Return to the department or an eligible nonprofit
352 scholarship-funding organization, as appropriate, a prorated
353 amount of funds, as determined by the department, for students
354 who disenroll from the private school midyear and enroll in a
355 public school, including a charter school.

356
357 The department shall suspend the payment of funds to a private
358 school that disenrolls, without the parents' consent, more than
359 25 percent of scholarship students within a single school year
360 or knowingly fails to comply with this subsection, and shall
361 prohibit the school from enrolling new scholarship students, for
362 1 fiscal year and until the school complies. If a private school
363 fails to meet the requirements of this subsection or has
364 consecutive years of material exceptions listed in the report
365 required under paragraph (q), the commissioner may determine
366 that the private school is ineligible to participate in a
367 scholarship program.

368 Section 2. Section 1011.781, Florida Statutes, is created
369 to read:

370 1011.781 K-12 Education Funding Task Force.—

371 (1) The K-12 Education Funding Task Force, a task force as
372 defined in s. 20.03, is created within the Department of
373 Education to:

374 (a) Make recommendations to identify and examine issues
375 within nontraditional schools that receive state funds.

376 (b) Provide recommendations for increased transparency
377 with such schools.

378 (c) Provide recommendations for universal standards for
379 the use of public dollars in education.

380 (d) Provide recommendations for accountability measures
381 for nontraditional schools that fail to meet specified
382 requirements.

383 (2)(a) The task force shall be comprised of 16 members
384 appointed as follows:

385 1. Six members appointed by the Commissioner of Education
386 as follows:

387 a. One member who is a behavioral health professional who
388 specializes in childhood behavioral disabilities.

389 b. One member who is a health professional who specializes
390 in childhood developmental disabilities.

391 c. One member who is a school safety specialist.

392 d. One member who is a certified school counselor, child
393 psychologist, or social worker.

394 e. One member who is an English for Speakers of Other
395 Languages representative.

396 f. One member who has experience with the state's academic
397 standards and curriculum transparency requirements.

398 2. The Chief Executive Officer of the Florida Association
399 of District School Superintendents or his or her designee.

400 3. One member who is selected by the Florida Education

401 Association.

402 4. One member who is selected by the Minority Leader of
 403 the House of Representatives.

404 5. One member who is selected by the Minority Leader of
 405 the Senate.

406 6. Three members who are selected by the Speaker of the
 407 House of Representatives.

408 7. Three members who are selected by the President of the
 409 Senate.

410 (b) Members shall serve 4-year terms. However, for the
 411 purpose of staggered terms of the initial appointments, seven
 412 members shall be appointed for 2-year terms and nine members
 413 shall be appointed for 4-year terms.

414 (c) The chair of the task force shall be selected by a
 415 majority vote of members. A majority of the members of the task
 416 force constitutes a quorum.

417 (d) The task force shall meet as necessary to accomplish
 418 its responsibilities or at the call of the chair and at a time
 419 and a place designated by the chair. The task force may conduct
 420 its meetings through teleconferences or other similar means.

421 Members of the task force are entitled to receive a
 422 reimbursement for per diem and travel expenses pursuant to s.
 423 112.061.

424 (3) The task force shall develop recommendations for
 425 establishing universal standards for the use of public funds in

426 the public education system and in nontraditional schools and
427 improve public integrity of such funding.

428 (4) The task force shall identify and examine:

429 (a) All nontraditional schools that receive state funds.

430 (b) The number of students disenrolled by such schools
431 receiving state funds. Such examination does not include
432 students who are disenrolled at the request of their parents.

433 (c) The number of students disenrolled from such schools
434 at the parents' request.

435 (d) The areas in which schools receiving state funds lack
436 transparency, including, but not limited to, such schools' high
437 school graduation rates, disclosure of any conditions of
438 attendance or policies that require compliance with religious
439 tenants, student codes of conduct or dress codes which specify
440 grooming or hair style requirements, and policies related to
441 sexual orientation or gender identity.

442 (e) The impacts of the lack of transparency in the areas
443 identified in paragraph (d).

444 (f) The disciplinary data for such schools, including the
445 number of students expelled or suspended and the reasons for
446 such expulsions or suspensions.

447 (g) The quality of the curricula and instructional
448 materials of such schools and the parental access to such
449 curricula and instructional materials.

450 (h) The experience and credentials of educators at such

451 schools.

452 (i) Data of students enrolled at such schools, including
453 student achievement, learning gains, and acceleration success
454 data.

455 (j) Any information or data provided from parents of
456 students enrolled at such schools.

457 (k) Possible accountability measures for nontraditional
458 schools that fail to meet accountability measures.

459 (5) The task force shall, beginning October 1, 2025, and
460 annually on October 1 thereafter, provide a report to the
461 Governor, the President of the Senate, the Speaker of the House
462 of Representatives, and the Minority Leaders of the Senate and
463 the House of Representatives and make such report available to
464 the public. The report must include:

465 (a) A summary of the task force's activities and progress
466 in identifying and examining the information in subsection (4).

467 (b) Any statutory or rule changes necessary to accomplish
468 the goals of the task force.

469 (c) Proposed accountability measures for nontraditional
470 schools that receive state funds, including, but not limited to,
471 bond or surety requirements, assigning property to the state,
472 and the imposition of liens.

473 Section 3. This act shall take effect July 1, 2024.