



MODEL LEGISLATION

THE OPPORTUNITY SCHOLARSHIP PROGRAM

Section 1. {Findings and Intent} The Legislature finds that the state should not compel students, against the wishes of the student's parent, to attend a school found by the state to be failing for 2 years in a 4-year period. The state shall make available opportunity scholarships in order to give parents the opportunity for their children to attend a public school that is performing satisfactorily or to attend an eligible private school. Eligibility of a private school shall include the control and accountability requirements that, coupled with the exercise of parental choice, are reasonably necessary to secure the educational public purpose.

(A) Opportunity Scholarship Eligibility — A public school student's parent may request and receive from the Department an opportunity scholarship for the student to enroll in and attend a private school in accordance with the provisions of this section if:

(1) The student has spent the prior school year in attendance at a public or charter school graded "F" and that has had 2 school years in a 4-year period of such low performance, and the student's attendance occurred during a school year in which such designation was in effect;

(2) The student has been in attendance elsewhere in the public school system and lives within the attendance zone of such a school for the next school year; or

(3) The student is entering kindergarten or first grade and lives within the attendance zone of such a school for the next school year.

(4) The parent has obtained acceptance for admission of the student to a private school eligible for the program, and has notified the Department of Education and the school district of the request for an opportunity scholarship no later than July 1 of the first year in which the student intends to use the scholarship.

(B) The provisions of this section shall not apply to a students enrolled in a school operating for providing educational services to youth in Department of Juvenile Justice commitment programs.

(C) For purposes of continuity of educational choice, the opportunity scholarship shall remain in force until the student returns to a public school or, if the student chooses to attend a private school the until the student graduates. However, at any time upon reasonable notice to the Department of Education and the school district, the student's parent may remove the student from the private school and place the student in a public school.

Section 2. School District Obligations.

(A) A school district shall, for each student enrolled in or assigned to a school that has been graded “F” for 2 school years in a 4-year period:

(1) Timely notify the parent of the student as soon as such designation is made of all options available pursuant to this act.

(2) Offer that student’s parent an opportunity to enroll the student in the public school within the district that has been designated by the as a school performing higher than that in which the student is currently enrolled or to which the student has been assigned, but not less than performance grade category “C.” The parent is not required to accept this offer in lieu of requesting a state opportunity scholarship to a private school. The school districts must provide a parent with information on all options. The opportunity to continue attending the higher performing public school shall remain in force until the student graduates from high school.

(3) The parent of a student enrolled in or assigned to a school that has been designated performance grade category “F” for 2 school years in a 4-year period transfer to a higher performing school in an adjacent district, subject to the availability of space. That school district shall accept the student and report the student for purposes of the district’s funding.

(B) Opportunity Scholarship students attending district schools shall take accountability exams in the district to which they have transferred.

(C) Transportation costs to a higher performing public school shall be the responsibility of the school district from which the student originated. The district may utilize state categorical transportation funds or state-appropriated public school choice incentive funds for this purpose. Transportation to private schools shall be the responsibility of parents.

Section 3. {Private School Eligibility} To be eligible to participate in the Opportunity Scholarship Program, a private school must be a private school operating in <state X>, may be sectarian or nonsectarian, and must:

(A) Demonstrate fiscal soundness by being in operation for 1 school year or provide the Department of Education with a statement by a certified public accountant confirming that the private school desiring to participate is insured. In addition, the owner or owners must have sufficient capital or credit to operate the school for the upcoming year serving the number of students anticipated with expected revenues from tuition and other sources that may be reasonably expected. In lieu of such a statement, a surety bond or letter of credit for the amount equal to the opportunity scholarship funds for any quarter may be filed with the department.

(B) Notify the Department of Education and the school district in whose service area the school is located of its intent to participate in the program under this section by May 1 of the school year preceding the school year in which it intends to participate. The notice shall specify the

grade levels and services that the private school has available for the Opportunity Scholarship Program.

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

(D) Meet state and local health and safety laws and codes.

(E) Accept scholarship students on an entirely random and religious-neutral basis without regard to the student's past academic history; however, the private school may give preference in accepting applications to siblings of students who have already been accepted on a random and religious-neutral basis.

(F) Be academically accountable to the parent for meeting the educational needs of the student. The private school must furnish a school profile that includes student performance.

(G) Employ or contract with teachers who hold a baccalaureate or higher degree, or have at least 3 years of teaching experience in public or private schools, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught.

(H) Comply with all state statutes relating to private schools.

(I) Accept as full tuition and fees the amount provided by the state for each student.

(J) Adhere to the tenets of its published disciplinary procedures prior to the expulsion of any opportunity scholarship student.

Section 4. {Obligations of Program Participants}

(A) Any student participating in the Opportunity Scholarship Program must remain in attendance throughout the school year, unless excused by the school for illness or other good cause, and must comply fully with the school's code of conduct.

(B) The parent of each student participating in the Opportunity Scholarship Program must comply fully with the private school's parental involvement requirements, unless excused by the school for illness or other good cause.

Section 5. {Opportunity Scholarship Funding and Payment}

(A) The maximum opportunity scholarship granted for an eligible student shall be a calculated amount equivalent to the total state and local funding for the child including all applicable funding weights, or the or the amount of the private school's cost of educating the child, whichever is less. Fees eligible for reimbursement from the scholarship shall include textbook fees, lab fees, and other fees related to instruction, including transportation.

(1) Following annual notification on July 1 of the number of participants, the Department of Education shall transfer from each school district's appropriated funds the calculated

amount and authorized categorical accounts to a separate account for the Opportunity Scholarship Program for quarterly disbursement to the parents of participating students.

(2) Upon proper documentation reviewed and approved by the Department of Education, the state shall make opportunity scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the opportunity scholarship is in force. The Department of Education shall make initial payment after verification of admission acceptance, and shall make subsequent payments upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the Department of Education to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school.

(B) No liability shall arise on the part of the state based on any grant or use of an opportunity scholarship.

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