



MODEL POLICY | Center for Education Opportunity
UNIVERSAL PARENTAL SCHOOL CHOICE ACT
Adapted from school choice policies from the states of Arizona and Florida

PURPOSE OF THIS ACT

The Universal Parental School Choice Act creates a scholarship program that provides all children the option to attend the public or private elementary or secondary school of their parents' choice.

Section 1. {Title}

(A) The Universal Parental School Choice Act

Section 2. {Definitions}

(A) “Program” means The Universal Parental School Choice Act created in this subchapter.

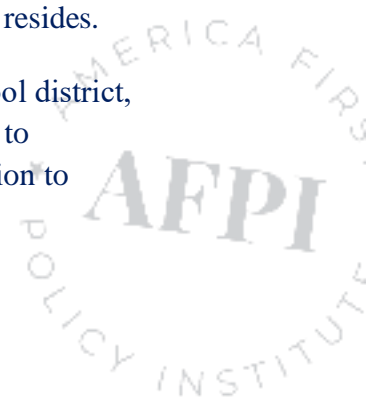
(B) “Eligible student” means any elementary or secondary student who was eligible to attend a public school in [state] in the preceding semester or is starting school in [state] for the first time.¹

(C) “Parent” includes a guardian, custodian, or another person with authority to act on behalf of the child.

(D) “Department” means the state Department of Public Instruction or an organization chosen by the state.²

(E) “Resident school district” means the public school district in which the student resides.

(F) “Participating school” means either a public school outside of the resident school district, a school run by another public entity, or any private school that provides education to elementary and/or secondary students and has notified the Department of its intention to participate in the program and comply with the program’s requirements.³



Section 3. {Basic Elements of The Universal Parental School Choice Act}⁴

(A) Any parent of an eligible student shall qualify for a scholarship from the state for their child to enroll in and attend a participating school.

(B) Any eligible students may attend a participating school until his or her graduation from high school or his or her 21st birthday, whichever comes first.

(C) Any eligible student will qualify for a scholarship in an amount equal to the lesser of:

- I. the participating school's annual cost per pupil, including both operational and capital facility costs;⁴ or
- II. the dollar amount the resident school district would have received to serve and educate the eligible student from state and local sources had the student enrolled there.⁵

(D) The scholarship is the entitlement of the eligible student under the supervision of the student's parent and not that of any school.

(E) A participating school may not refund, rebate, or share a student's scholarship with a parent or the student in any manner. A student's scholarship may only be used for educational purposes.

(F) A participating school that has more eligible students applying than spaces available shall fill the available spaces by a random selection process, except that participating schools may give preference to siblings of enrolled students and previously enrolled scholarship students under this subchapter.⁶

(G) If a student is denied admission to a participating school because it has too few available spaces, the eligible student may transfer his or her scholarship to a participating school that has spaces available.

(H) A participating student shall be counted in the enrollment figures for his or her resident school district for the purposes of calculating state aid to the resident school district. The funds needed for a scholarship shall be subtracted from the state school aid payable to the student's resident school district. Any aid the school district would have received for the student in excess of the funds needed for a scholarship will be kept by the state.⁷

(I) The Department shall adopt rules consistent with this Act regarding:

- I. the eligibility and participation of private schools, including timelines that



- will maximize student and public and private school participation;
- II. the calculation and distribution of scholarships to eligible students;⁸ and
- III. the application and approval procedures for scholarships for eligible students and participating schools.

Section 4. {Accountability Standards for Participating Schools}

(A) Administrative Accountability Standards. To ensure that students are treated fairly and kept safe, all participating private schools shall:

- I. comply with all health and safety laws or codes that apply to private schools;
- II. hold a valid occupancy permit if required by their municipality;
- III. certify that they comply with the nondiscrimination policies set forth in 42 USC 1981;⁹ and
- IV. conduct criminal background checks on employees. The participating school then shall:
 - i. exclude from employment any people not permitted by state law to work in a private school; and
 - ii. exclude from employment any people that might reasonably pose a threat to the safety of students.¹⁰

(B) Financial Accountability Standards. To ensure that public funds are spent appropriately, all participating private schools shall:

- I. demonstrate their financial accountability by:
 - i. annually submit to the Department a financial information report for the school that complies with uniform financial accounting standards established by the Department and conducted by a certified public accountant;¹¹ and
 - ii. having an auditor certify that the report is free of material misstatements and fairly represents the costs per pupil, including the costs of the testing required in subsection 4(C)(1)(a). The auditor's report shall be limited in scope to those records that are necessary for the Department to make payments to participating schools on behalf of parents for scholarships.



II. demonstrate their financial viability by showing they can repay any funds that might be owed the state if they are to receive \$50,000 or more during the school year by:

- i. filing with the Department prior to the start of the school year a surety bond payable to the state in an amount equal to the aggregate amount of the Parental Choice Scholarships expected to be paid during the school year to students admitted at the participating schools; or
- ii. filing with the Department prior to the start of the school year financial information that demonstrates the school has the ability to pay an aggregate amount equal to the amount of the Parental Choice Scholarships expected to be paid during the school year to students admitted to the participating school.¹²

(C) Academic Accountability Standards. There must be sufficient information about the academic impact Parental Choice Scholarships have on participating students to allow parents and taxpayers to measure the achievements of the program, and therefore:

I. participating schools shall:¹³

- i. annually administer either the state achievement tests or nationally norm-referenced tests that measure learning gains in math and language arts and provide for value-added assessment to all participating students in grades that require testing under the state's accountability testing laws for public schools;
- ii. provide the parents of each student with a copy of the results of the tests on an annual basis, beginning with the first year of testing;
- iii. provide the test results to the state or an organization chosen by the state¹⁴ on an annual basis, beginning with the first year of testing;
- iv. report student information that would allow the state to aggregate data by grade level, gender, family income level, and race; and
- v. provide graduation rates of participating students to the Department or an organization chosen by the state in a manner consistent with nationally recognized standards.

II. the state or an organization chosen by the state shall:

- i. ensure compliance with all student privacy laws;
- ii. collect all test results;



- iii. provide the test results and associated learning gains to the public via a state Web site after the third year of test and test-related data collection.¹⁵ The findings shall be aggregated by the student's grade level, gender, family income level, number of years of participation in the scholarship program, and race;¹⁶
- iv. provide graduation rates to the public via a state Web site after the third year of test and test-related data collection; and
- v. administer an annual parental satisfaction survey that shall ask parents of scholarship students to express the following:
 1. Their satisfaction with their child's academic achievement, including academic achievement at the school their child attended through the scholarship program versus academic achievement at the school previously attended;
 2. Their satisfaction with school safety at the schools their child attends through the scholarship program versus safety at the school previously attended;
 3. Whether their child would have been able to attend their school of choice without the scholarship; and
 4. Their opinions on other topics, items, or issues that the state finds would elicit information about the effectiveness of the scholarship program and the number of years their child has participated in the scholarship program.

(D) Participating in School Autonomy. A participating, private school is autonomous and not an agent of the state or federal government and, therefore:

- I. the Department or any other state agency may not in any way regulate the educational program of a participating, private school that accepts a Parental Choice Scholarship;
- II. the creation of The Universal Parental School Choice Act does not expand the regulatory authority of the state, its officers, or any school district to impose any additional regulation of private schools beyond those necessary to enforce the requirements of the program; and
- III. participating schools shall be given the maximum freedom to provide for the educational needs of their students without governmental control.



Section 5. {Responsibilities of the Department of Public Instruction}

(A) The Department shall ensure that eligible students and their parents are informed annually of which schools will be participating in The Universal Parental School Choice Act. Special attention shall be paid to ensuring that lower-income families are made aware of the program and their options.

(B) The Department shall create a standard application that students interested in The Universal Parental School Choice Act can use to submit to participating schools to establish their eligibility and apply for admissions. Participating schools may require supplemental information from applicants. The Department shall ensure that the application is readily available to interested families through various sources, including the Internet.

(C) The Department may bar a school from participation in The Universal Parental School Choice Act if the Department establishes that the participating school has:

- I. intentionally and substantially misrepresented information required under Section 4;
or
- II. routinely failed to comply with the accountability standards established in Section 4 (A) or (B); or¹⁷
- III. failed to comply with Section 3(E); or
- IV. failed to comply with Section 4(C); or
- V. failed to refund to the state any scholarship overpayments in a timely manner.

(D) If the Department decides to bar a participating school from the program, it shall notify eligible students and their parents of this decision as quickly as possible. Participating students attending a school barred by the Department shall retain scholarship program eligibility to attend another participating school.

(E) The Department shall adopt rules and procedures as necessary for the administration of The Universal Parental School Choice Act.

Section 6. {Responsibilities of Resident School Districts}

(A) The resident school district shall provide a participating school that has admitted an eligible student under this program with a complete copy of the student's school records while complying with the Family Educational Rights and Privacy Act of 1974 (20 USC Section 1232 g).



(B) The resident school district shall provide transportation for an eligible student to and from the participating school under the same conditions as the resident school district is required to provide transportation for other resident students to private schools as per current law. The resident school district will qualify for state transportation aid for each student so transported.

Section 7. {Effective Date}

(A) The Universal Parental School Choice Act will be in effect beginning with the fall semester of the next school year.

Section 8: {Evaluation of The Universal Parental School Choice Act}

(A) The Legislative Service Agency may contract with one or more qualified researchers who have previous experience evaluating school choice programs to conduct a study of the program with funds other than state funds.

(B) The study shall assess:

- I. the level of participating students' satisfaction with the program;
- II. the level of parental satisfaction with the program;
- III. the fiscal impact on the state and resident school districts of the program;
- IV. the resulting competition from private schools on the resident school districts, public school students, and quality of life in a community;
- V. the impact of the program on public and private school capacity, availability, and quality; and
- VI. participating students' academic performance and graduation rates in comparison to students who applied for a scholarship under this program but did not receive one because of random selection.

(C) The researchers who conduct the study shall:

- I. apply appropriate analytical and behavioral science methodologies to ensure public confidence in the study;



- II. protect the identity of participating schools and students by, among other things, keeping anonymous all disaggregated data other than that for the categories of grade level, gender, race, and ethnicity; and
- III. provide the legislature with a final copy of the evaluation of the program.

(D) The relevant public and participating private schools shall cooperate with the research effort by providing student assessment results and any other data necessary to complete this study.

(E) The Legislative Service Agency may accept grants to assist in funding this study.

(F) The study shall cover a period of 13 years. The legislature may require periodic reports from the researchers. After publishing their results, the researchers shall make their data and methodology available for public review while complying with the requirements of the Family Educational Rights and Privacy Act (20 USC Section 1232 g).

Additional Note:

It is common for legislators to consider including severability clauses in new legislation. Legislators should make sure that if such clauses are included and exercised, the remaining legislation produces a program that is workable and achieves the original intent of the bill.

