

By the Committee on Education Pre-K - 12; and Senator Wise

581-04585-11

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1 A bill to be entitled

2 An act relating to the John M. McKay Scholarships for  
3 Students with Disabilities Program; amending s.  
4 1002.39, F.S.; making scholarships available to  
5 students with disabilities who have a 504  
6 accommodation plan issued under s. 504 of the federal  
7 Rehabilitation Act; allowing a parent to request and  
8 receive a scholarship for a student to enroll in and  
9 attend a private school if the student has a 504  
10 accommodation plan; providing that students with  
11 certain temporary 504 accommodation plans are  
12 ineligible for a scholarship; requiring that the  
13 school district notify a parent of available options  
14 within 10 days after a 504 accommodation plan is  
15 issued; providing that a parent may choose to enroll  
16 the student in a public school in an adjacent district  
17 under certain conditions; providing for scholarship  
18 amounts; providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (1), paragraph (a) of subsection (2),  
23 subsection (3), paragraphs (a) and (e) of subsection (5), and  
24 paragraph (a) of subsection (10) of section 1002.39, Florida  
25 Statutes, are amended to read:

26 1002.39 The John M. McKay Scholarships for Students with  
27 Disabilities Program.—There is established a program that is  
28 separate and distinct from the Opportunity Scholarship Program  
29 and is named the John M. McKay Scholarships for Students with

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30 Disabilities Program.

31 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
32 DISABILITIES PROGRAM.—The John M. McKay Scholarships for  
33 Students with Disabilities Program is established to provide the  
34 option to attend a public school other than the one to which  
35 assigned, or to provide a scholarship to a private school of  
36 choice, for students with disabilities for whom:

37 (a) An individual educational plan has been written in  
38 accordance with rules of the State Board of Education; or

39 (b) A 504 accommodation plan has been issued under s. 504  
40 of the Rehabilitation Act of 1973.

41  
42 Students with disabilities include K-12 students who are  
43 documented as having an intellectual disability; a speech  
44 impairment; a language impairment; a hearing impairment,  
45 including deafness; a visual impairment, including blindness; a  
46 dual sensory impairment; an orthopedic impairment; an other  
47 health impairment; an emotional or behavioral disability; a  
48 specific learning disability, including, but not limited to,  
49 dyslexia, dyscalculia, or developmental aphasia; a traumatic  
50 brain injury; a developmental delay; or autism spectrum  
51 disorder.

52 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a  
53 student with a disability may request and receive from the state  
54 a John M. McKay Scholarship for the child to enroll in and  
55 attend a private school in accordance with this section if:

56 (a) The student has:

57 1. Received specialized instructional services under the  
58 Voluntary Prekindergarten Education Program pursuant to s.

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59 1002.66 during the previous school year and the student has a  
60 current individual educational plan developed by the local  
61 school board in accordance with rules of the State Board of  
62 Education for the John M. McKay Scholarships for Students with  
63 Disabilities Program or a 504 accommodation plan has been issued  
64 under s. 504 of the Rehabilitation Act of 1973;

65 2. Spent the prior school year in attendance at a Florida  
66 public school or the Florida School for the Deaf and the Blind.  
67 For purposes of this subparagraph, prior school year in  
68 attendance means that the student was enrolled and reported by:

69 a. A school district for funding during the preceding  
70 October and February Florida Education Finance Program surveys  
71 in kindergarten through grade 12, which includes time spent in a  
72 Department of Juvenile Justice commitment program if funded  
73 under the Florida Education Finance Program;

74 b. The Florida School for the Deaf and the Blind during the  
75 preceding October and February student membership surveys in  
76 kindergarten through grade 12; or

77 c. A school district for funding during the preceding  
78 October and February Florida Education Finance Program surveys,  
79 was at least 4 years of age when so enrolled and reported, and  
80 was eligible for services under s. 1003.21(1)(e); or

81 3. Been enrolled and reported by a school district for  
82 funding, during the October and February Florida Education  
83 Finance Program surveys, in any of the 5 years prior to the  
84 2010-2011 fiscal year; has a current individualized educational  
85 plan developed by the district school board in accordance with  
86 rules of the State Board of Education for the John M. McKay  
87 Scholarship Program no later than June 30, 2011; and receives a

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88 first-time John M. McKay scholarship for the 2011-2012 school  
89 year. Upon request of the parent, the local school district  
90 shall complete a matrix of services as required in subparagraph  
91 (5)(b)1. for a student requesting a current individualized  
92 educational plan in accordance with the provisions of this  
93 subparagraph.

94  
95 However, a dependent child of a member of the United States  
96 Armed Forces who transfers to a school in this state from out of  
97 state or from a foreign country due to a parent's permanent  
98 change of station orders is exempt from this paragraph but must  
99 meet all other eligibility requirements to participate in the  
100 program.

101 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
102 not eligible for a John M. McKay Scholarship ~~while he or she is:~~

103 (a) While he or she is enrolled in a school operating for  
104 the purpose of providing educational services to youth in  
105 Department of Juvenile Justice commitment programs;

106 (b) While he or she is receiving a Florida tax credit  
107 scholarship under s. 1002.395;

108 (c) While he or she is receiving an educational scholarship  
109 pursuant to this chapter;

110 (d) While he or she is participating in a home education  
111 program as defined in s. 1002.01(1);

112 (e) While he or she is participating in a private tutoring  
113 program pursuant to s. 1002.43;

114 (f) While he or she is participating in a virtual school,  
115 correspondence school, or distance learning program that  
116 receives state funding pursuant to the student's participation

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117 unless the participation is limited to no more than two courses  
118 per school year;

119 (g) While he or she is enrolled in the Florida School for  
120 the Deaf and the Blind; ~~or~~

121 (h) While he or she is not having regular and direct  
122 contact with his or her private school teachers at the school's  
123 physical location; or

124 (i) If he or she has been issued a temporary 504  
125 accommodation plan under s. 504 of the Rehabilitation Act of  
126 1973 which is valid for 6 months or less.

127 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

128 (a)1. By April 1 of each year and within 10 days after an  
129 individual education plan meeting or a 504 accommodation plan is  
130 issued under s. 504 of the Rehabilitation Act of 1973, a school  
131 district shall notify the parent of the student of all options  
132 available pursuant to this section, inform the parent of the  
133 availability of the department's telephone hotline and Internet  
134 website for additional information on John M. McKay  
135 Scholarships, and offer that student's parent an opportunity to  
136 enroll the student in another public school in ~~within~~ the  
137 district.

138 2. The parent is not required to accept the offer of  
139 enrolling in another public school in lieu of requesting a John  
140 M. McKay Scholarship to a private school. However, if the parent  
141 chooses the public school option, the student may continue  
142 attending a public school chosen by the parent until the student  
143 graduates from high school.

144 3. If the parent chooses a public school consistent with  
145 the district school board's choice plan under s. 1002.31, the

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146 school district shall provide transportation to the public  
147 school selected by the parent. The parent is responsible to  
148 provide transportation to a public school chosen that is not  
149 consistent with the district school board's choice plan under s.  
150 1002.31.

151 (e) The parent of a student may choose, as an alternative,  
152 to enroll the student in and transport the student to a public  
153 school in an adjacent school district which has available space  
154 and has a program with the services agreed to in the student's  
155 individual education plan or 504 accommodation plan already in  
156 place, and that school district shall accept the student and  
157 report the student for purposes of the district's funding  
158 pursuant to the Florida Education Finance Program.

159 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

160 (a)1. The maximum scholarship granted for an eligible  
161 student with disabilities shall be equivalent to the base  
162 student allocation in the Florida Education Finance Program  
163 multiplied by the appropriate cost factor for the educational  
164 program that would have been provided for the student in the  
165 district school to which he or she was assigned, multiplied by  
166 the district cost differential.

167 2. In addition, a share of the guaranteed allocation for  
168 exceptional students shall be determined and added to the amount  
169 in subparagraph 1. The calculation shall be based on the  
170 methodology and the data used to calculate the guaranteed  
171 allocation for exceptional students for each district in chapter  
172 2000-166, Laws of Florida. Except as provided in subparagraphs  
173 3. and 4., the calculation shall be based on the student's  
174 grade, matrix level of services, and the difference between the

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175 2000-2001 basic program and the appropriate level of services  
176 cost factor, multiplied by the 2000-2001 base student allocation  
177 and the 2000-2001 district cost differential for the sending  
178 district. The calculated amount shall include the per-student  
179 share of supplemental academic instruction funds, instructional  
180 materials funds, technology funds, and other categorical funds  
181 as provided in the General Appropriations Act.

182 3. The scholarship amount for a student who is eligible  
183 under sub-subparagraph (2)(a)2.b. shall be calculated as  
184 provided in subparagraphs 1. and 2. However, the calculation  
185 shall be based on the school district in which the parent  
186 resides at the time of the scholarship request.

187 4. Until the school district completes the matrix required  
188 by paragraph (5)(b), the calculation shall be based on the  
189 matrix that assigns the student to support level I of service as  
190 it existed prior to the 2000-2001 school year. When the school  
191 district completes the matrix, the amount of the payment shall  
192 be adjusted as needed.

193 5. The scholarship amount for a student eligible under s.  
194 504 of the Rehabilitation Act of 1973 shall be based on the  
195 program cost factor the student currently generates through the  
196 Florida Education Finance Program.

197 Section 2. This act shall take effect July 1, 2011.