Amendment No. 1 (for drafter's use only)

CHAMBER ACTION

Senate   House

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5   ORIGINAL STAMP BELOW

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11   Representative(s) Mealor and Melvin offered the following:

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13   **Amendment (with title amendment)**

14   Remove from the bill: Everything after the enacting clause

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16   and insert in lieu thereof:

17   Section 1. Section 229.05371, Florida Statutes, is

18   amended to read:

19   (Substantial rewording of section. See

20   s. 229.05371, F.S., for present text.)

21   229.05371 The John M. McKay Scholarships for Students

22   with Disabilities Program.--There is established a program

23   that is separate and distinct from the Opportunity Scholarship

24   Program and is named the John M. McKay Scholarships for

25   Students with Disabilities Program, pursuant to this section.

26   (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH

27   DISABILITIES PROGRAM.--The John M. McKay Scholarships for

28   Students with Disabilities Program is established to provide

29   the option to attend a public school other than the one to

30   which assigned, or to provide a scholarship to a private

31   school of choice, for students with disabilities for whom an

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1 <u>individual education plan has been written in accordance with</u>
2 <u>rules of the Commissioner of Education or the State Board of</u>
3 <u>Education. Students with disabilities include K-12 students</u>
4 <u>who are mentally handicapped, speech and language impaired,</u>
5 <u>deaf or hard of hearing, visually impaired, dual sensory</u>
6 <u>impaired, physically impaired, emotionally handicapped,</u>
7 <u>specific learning disabled, hospitalized or homebound, or</u>
8 <u>autistic.</u>
9 <u>   (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public</u>
10 <u>school student with a disability who is dissatisfied with the</u>
11 <u>student's progress may request and receive from the state a</u>
12 <u>John M. McKay Scholarship for the child to enroll in and</u>
13 <u>attend a private school in accordance with this section if:</u>
14 <u>   (a) By assigned school attendance area or by special</u>
15 <u>assignment, the student has spent the prior school year in</u>
16 <u>attendance at a Florida public school. Prior school year in</u>
17 <u>attendance means that the student was enrolled and reported by</u>
18 <u>a school district for funding during the preceding October and</u>
19 <u>February Florida Education Finance Program surveys in</u>
20 <u>kindergarten through grade 12; and</u>
21 <u>   (b) The parent has obtained acceptance for admission</u>
22 <u>of the student to a private school that is eligible for the</u>
23 <u>program under subsection (4) and has notified, in writing, the</u>
24 <u>school district of the request for a scholarship at least 60</u>
25 <u>days prior to the date of the first scholarship payment.</u>
26
27 <u>This section does not apply to a student who is enrolled in a</u>
28 <u>school operating for the purpose of providing educational</u>
29 <u>services to youth in Department of Juvenile Justice commitment</u>
30 <u>programs. For purposes of continuity of educational choice,</u>
31 <u>the scholarship shall remain in force until the student</u>

1 returns to a public school or graduates from high school.

2 However, at any time, the student's parent may remove the

3 student from the private school and place the student in

4 another private school that is eligible for the program under

5 subsection (4) or in a public school as provided in subsection

6 (3).

7   (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION

8 OBLIGATIONS.--

9   (a) A school district shall timely notify the parent

10 of the student of all options available pursuant to this

11 section and offer that student's parent an opportunity to

12 enroll the student in another public school within the

13 district. The parent is not required to accept this offer in

14 lieu of requesting a John M. McKay Scholarship to a private

15 school. However, if the parent chooses the public school

16 option, the student may continue attending a public school

17 chosen by the parent until the student graduates from high

18 school. If the parent chooses a public school consistent with

19 the school board's choice plan under s. 228.057, the school

20 district will provide transportation to the public school

21 selected by the parent. The parent is responsible to provide

22 transportation to a public school chosen that is not

23 consistent with the school board's choice plan under s.

24 228.057.

25   (b) For a student with disabilities who does not have

26 a matrix of services under s. 236.025, the school district

27 must complete a matrix that assigns the student to one of the

28 levels of service as they existed prior to the 2000-2001

29 school year. The school district must complete the matrix of

30 services for any student who is participating in the John M.

31 McKay Scholarships for Students with Disabilities Program and

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1 <u>must notify the Department of Education of the student's</u>

2 <u>matrix level within 30 days after receiving notification by</u>

3 <u>the student's parent of intent to participate in the</u>

4 <u>scholarship program. The Department of Education shall notify</u>

5 <u>the private school of the amount of the scholarship within 10</u>

6 <u>days after receiving the school district's notification of the</u>

7 <u>student's matrix level.</u>

8 <u>(c) If the parent chooses the private school option</u>

9 <u>and the student is accepted by the private school pending the</u>

10 <u>availability of a space for the student, the parent of the</u>

11 <u>student must notify the school district 60 days prior to the</u>

12 <u>first scholarship payment and before entering the private</u>

13 <u>school in order to be eligible for the scholarship when a</u>

14 <u>space becomes available for the student in the private school.</u>

15 <u>(d) The parent of a student may choose, as an</u>

16 <u>alternative, to enroll the student in and transport the</u>

17 <u>student to a public school in an adjacent school district</u>

18 <u>which has available space and has a program with the services</u>

19 <u>agreed to in the student's individual education plan already</u>

20 <u>in place, and that school district shall accept the student</u>

21 <u>and report the student for purposes of the district's funding</u>

22 <u>pursuant to the Florida Education Finance Program.</u>

23 <u>(e) For a student in the district who participates in</u>

24 <u>the John M. McKay Scholarships for Students with Disabilities</u>

25 <u>Program whose parent requests that the student take the</u>

26 <u>statewide assessments under s. 229.57, the district shall</u>

27 <u>provide locations and times to take all statewide assessments.</u>

28 <u>(f) A school district must notify the Department of</u>

29 <u>Education within 10 days after it receives notification of a</u>

30 <u>parent's intent to apply for a scholarship for a student with</u>

31 <u>a disability.</u>

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1   (4)   PRIVATE SCHOOL ELIGIBILITY.--To be eligible to

2 participate in the John M. McKay Scholarships for Students

3 with Disabilities Program, a private school must be a Florida

4 private school, may be sectarian or nonsectarian, and must:

5   (a)   Demonstrate fiscal soundness by being in operation

6 for 1 school year or provide the Department of Education with

7 a statement by a certified public accountant confirming that

8 the private school desiring to participate is insured and the

9 owner or owners have sufficient capital or credit to operate

10 the school for the upcoming year serving the number of

11 students anticipated with expected revenues from tuition and

12 other sources that may be reasonably expected. In lieu of such

13 a statement, a surety bond or letter of credit for the amount

14 equal to the scholarship funds for any quarter may be filed

15 with the department.

16   (b)   Notify the Department of Education of its intent

17 to participate in the program under this section by May 1 of

18 the school year preceding the school year in which it intends

19 to participate. The notice must specify the grade levels and

20 services that the private school has available for students

21 with disabilities who are participating in the scholarship

22 program.

23   (c)   Comply with the antidiscrimination provisions of

24 42 U.S.C. s. 2000d.

25   (d)   Meet state and local health and safety laws and

26 codes.

27   (e)   Be academically accountable to the parent for

28 meeting the educational needs of the student.

29   (f)   Employ or contract with teachers who hold

30 baccalaureate or higher degrees, or have at least 3 years of

31 teaching experience in public or private schools, or have

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1 special skills, knowledge, or expertise that qualifies them to
2 provide instruction in subjects taught.
3   (g) Comply with all state laws relating to general
4 regulation of private schools.
5   (h) Adhere to the tenets of its published disciplinary
6 procedures prior to the expulsion of a scholarship student.
7   (5) OBLIGATION OF PROGRAM PARTICIPANTS.--
8   (a) A parent who applies for a John M. McKay
9 Scholarship is exercising his or her parental option to place
10 his or her child in a private school. The parent must select
11 the private school and apply for the admission of his or her
12 child.
13   (b) The parent must have requested the scholarship at
14 least 60 days prior to the date of the first scholarship
15 payment.
16   (c) Any student participating in the scholarship
17 program must remain in attendance throughout the school year,
18 unless excused by the school for illness or other good cause,
19 and must comply fully with the school's code of conduct.
20   (d) The parent of each student participating in the
21 scholarship program must comply fully with the private
22 school's parental involvement requirements, unless excused by
23 the school for illness or other good cause.
24   (e) If the parent requests that the student
25 participating in the scholarship program take all statewide
26 assessments required pursuant to s. 229.57, the parent is
27 responsible for transporting the student to the assessment
28 site designated by the school district.
29   (f) Upon receipt of a scholarship warrant, the parent
30 to whom the warrant is made must restrictively endorse the
31 warrant to the private school for deposit into the account of

1 the private school.

2   (g) A participant who fails to comply with this

3 subsection forfeits the scholarship.

4   (6) SCHOLARSHIP FUNDING AND PAYMENT.--

5   (a)1. The maximum scholarship granted for an eligible

6 student with disabilities shall be a calculated amount

7 equivalent to the base student allocation in the Florida

8 Education Finance Program multiplied by the appropriate cost

9 factor for the educational program that would have been

10 provided for the student in the district school to which he or

11 she was assigned, multiplied by the district cost

12 differential.

13   2. In addition, a share of the guaranteed allocation

14 for exceptional students shall be determined and added to the

15 calculated amount. The calculation shall be based on the

16 methodology and the data used to calculate the guaranteed

17 allocation for exceptional students for each district in

18 chapter 2000-166, Laws of Florida. The calculation shall be

19 based on the student's grade, matrix level of services, and

20 the difference between the 2000-2001 basic program and the

21 appropriate level of services cost factor, multiplied by the

22 2000-2001 base student allocation and the 2000-2001 district

23 cost differential for the sending district. Also, the

24 calculated amount shall include the per-student share of

25 Supplemental Academic Instruction funds, instructional

26 materials funds, technology funds, and other categorical funds

27 as provided for such purposes in the General Appropriations

28 Act.

29   (b) The amount of the John M. McKay Scholarship shall

30 be the calculated amount or the amount of the private school's

31 tuition and fees, whichever is less. The amount of any

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1 <u>assessment fee required by the participating private school</u>
2 <u>may be paid from the total amount of the scholarship.</u>
3 <u>   (c) If the participating private school requires</u>
4 <u>partial payment of tuition prior to the start of the academic</u>
5 <u>year to reserve space for students admitted to the school,</u>
6 <u>that partial payment may be paid by the Department of</u>
7 <u>Education prior to the first quarterly payment of the year in</u>
8 <u>which the John M. McKay Scholarship is awarded, up to a</u>
9 <u>maximum of $1,000, and deducted from subsequent scholarship</u>
10 <u>payments. If a student decides not to attend the participating</u>
11 <u>private school, the partial reservation payment must be</u>
12 <u>returned to the Department of Education by the participating</u>
13 <u>private school. There is a limit of one reservation payment</u>
14 <u>per student per year.</u>
15 <u>   (d) The school district shall report all students who</u>
16 <u>are attending a private school under this program. The</u>
17 <u>students with disabilities attending private schools on John</u>
18 <u>M. McKay Scholarships shall be reported separately from other</u>
19 <u>students reported for purposes of the Florida Education</u>
20 <u>Finance Program.</u>
21 <u>   (e) Following notification on July 1, September 1,</u>
22 <u>December 1, or February 1 of the number of program</u>
23 <u>participants, the Department of Education shall transfer, from</u>
24 <u>General Revenue funds only, the amount calculated under</u>
25 <u>paragraph (b) from the school district's total funding</u>
26 <u>entitlement under the Florida Education Finance Program and</u>
27 <u>from authorized categorical accounts to a separate account for</u>
28 <u>the scholarship program for quarterly disbursement to the</u>
29 <u>parents of participating students. When a student enters the</u>
30 <u>scholarship program, the Department of Education must receive</u>
31 <u>all documentation required for the student's participation,</u>

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1 including the private school's and student's fee schedules, at
2 least 30 days before the first quarterly scholarship payment
3 is made for the student. The Department of Education may not
4 make any retroactive payments.
5   (f) Upon proper documentation reviewed and approved by
6 the Department of Education, the Comptroller shall make
7 scholarship payments in four equal amounts no later than
8 September 1, November 1, February 1, and April 15 of each
9 academic year in which the scholarship is in force. The
10 initial payment shall be made after Department of Education
11 verification of admission acceptance, and subsequent payments
12 shall be made upon verification of continued enrollment and
13 attendance at the private school. Payment must be by
14 individual warrant made payable to the student's parent and
15 mailed by the Department of Education to the private school of
16 the parent's choice, and the parent shall restrictively
17 endorse the warrant to the private school for deposit into the
18 account of the private school.
19   (7) LIABILITY.--No liability shall arise on the part
20 of the state based on the award or use of a John M. McKay
21 Scholarship.
22   (8) RULES.--The State Board of Education may adopt
23 rules pursuant to ss. 120.536(1) and 120.54 to administer this
24 section. However, the inclusion of eligible private schools
25 within options available to Florida public school students
26 does not expand the regulatory authority of the state, its
27 officers, or any school district to impose any additional
28 regulation of private schools beyond those reasonably
29 necessary to enforce requirements expressly set forth in this
30 section.
31   Section 2. This act shall take effect upon becoming a

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 1   law.

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 4   ================ T I T L E   A M E N D M E N T ===============

 5   And the title is amended as follows:

 6         On page ,

 7   remove from the title of the bill:

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 9   and insert in lieu thereof:

10         An act relating to scholarships for students

11         with disabilities; amending s. 229.05371, F.S.;

12         creating the John M. McKay Scholarships for

13         Students with Disabilities Program; providing

14         for eligibility; establishing obligations of

15         school districts and the Department of

16         Education; establishing criteria for private

17         school eligibility; establishing obligations of

18         program participants; providing for funding and

19         payment; limiting liability of the state;

20         authorizing the State Board of Education to

21         adopt rules; providing an effective date.

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