



HB 0759

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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. 1002.39,
4 F.S.; providing a restriction with respect to the transfer
5 between schools by a student receiving a John M. McKay
6 Scholarship; providing a restriction with respect to the
7 level of funding for students receiving scholarships;
8 providing an effective date.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (2) and paragraph (a) of subsection
13 (6) of section 1002.39, Florida Statutes, are amended to read:

14 1002.39 The John M. McKay Scholarships for Students with
15 Disabilities Program.--There is established a program that is
16 separate and distinct from the Opportunity Scholarship Program
17 and is named the John M. McKay Scholarships for Students with
18 Disabilities Program, pursuant to this section.

19 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
20 school student with a disability who is dissatisfied with the
21 student's progress may request and receive from the state a John
22 M. McKay Scholarship for the child to enroll in and attend a
23 private school in accordance with this section if:

24 (a) By assigned school attendance area or by special
25 assignment, the student has spent the prior school year in
26 attendance at a Florida public school. Prior school year in
27 attendance means that the student was enrolled and reported by a
28 school district for funding during the preceding October and
29 February Florida Education Finance Program surveys in
30 kindergarten through grade 12.



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31 (b) The parent has obtained acceptance for admission of
32 the student to a private school that is eligible for the program
33 under subsection (4) and has notified the school district of the
34 request for a scholarship at least 60 days prior to the date of
35 the first scholarship payment. The parental notification must be
36 through a communication directly to the district or through the
37 Department of Education to the district in a manner that creates
38 a written or electronic record of the notification and the date
39 of receipt of the notification.

40

41 This section does not apply to a student who is enrolled in a
42 school operating for the purpose of providing educational
43 services to youth in Department of Juvenile Justice commitment
44 programs. For purposes of continuity of educational choice, the
45 scholarship shall remain in force until the student returns to a
46 public school or graduates from high school. However, at any
47 time, the student's parent may remove the student from the
48 private school and place the student in another private school
49 that is eligible for the program under subsection (4) or in a
50 public school as provided in subsection (3). A student using a
51 John M. McKay Scholarship at a private school who returns to a
52 public school during the school year is ineligible to transfer
53 to a private school using a John M. McKay Scholarship for the
54 remainder of the school year.

55 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

56 (a)1. The maximum scholarship granted for an eligible
57 student with disabilities shall be a calculated amount
58 equivalent to the base student allocation in the Florida
59 Education Finance Program multiplied by the appropriate cost
60 factor for the educational program that would have been provided



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61 for the student in the district school to which he or she was
62 assigned, multiplied by the district cost differential.

63 2. In addition, a share of the guaranteed allocation for
64 exceptional students shall be determined and added to the
65 calculated amount. The calculation shall be based on the
66 methodology and the data used to calculate the guaranteed
67 allocation for exceptional students for each district in chapter
68 2000-166, Laws of Florida. Except as provided in subparagraph
69 3., the calculation shall be based on the student's grade,
70 matrix level of services, and the difference between the 2000-
71 2001 basic program and the appropriate level of services cost
72 factor, multiplied by the 2000-2001 base student allocation and
73 the 2000-2001 district cost differential for the sending
74 district. Also, the calculated amount shall include the per-
75 student share of supplemental academic instruction funds,
76 instructional materials funds, technology funds, and other
77 categorical funds as provided for such purposes in the General
78 Appropriations Act.

79 3. Until the school district completes the matrix required
80 by paragraph (3)(b), the calculation shall be based on the
81 matrix that assigns the student to support level I of service as
82 it existed prior to the 2000-2001 school year. When the school
83 district completes the matrix, the amount of the payment shall
84 be adjusted as needed.

85
86 The level of funding for students receiving a John M. McKay
87 Scholarship shall not increase unless the school district from
88 which the funds are deducted agrees to such increase. In no case
89 shall an increase in the level of funding exceed the revenue
90 received by the school district from the state.



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Section 2. This act shall take effect July 1, 2003.