

HB 1579

2004

1 A bill to be entitled
 2 An act relating to John M. McKay Scholarships for Students
 3 with Disabilities Program; amending s. 1002.39, F.S.;
 4 excluding hospitalized or homebound students from
 5 participating in the program; excluding certain students
 6 in Department of Juvenile Justice commitment programs from
 7 participation; providing requirements for transfer of the
 8 amount of the McKay Scholarship for students who exit a
 9 Department of Juvenile Justice commitment program and
 10 choose to participate in the scholarship program;
 11 providing an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:

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 15 Section 1. Subsections (1) and (2) and paragraph (e) of
 16 subsection (6) of section 1002.39, Florida Statutes, are amended
 17 to read:

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

23 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 24 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
 25 Students with Disabilities Program is established to provide the
 26 option to attend a public school other than the one to which
 27 assigned, or to provide a scholarship to a private school of
 28 choice, for students with disabilities for whom an individual
 29 education plan has been written in accordance with rules of the

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30 State Board of Education. For the purposes of this section,
31 students with disabilities include K-12 students who are
32 mentally handicapped, speech and language impaired, deaf or hard
33 of hearing, visually impaired, dual sensory impaired, physically
34 impaired, emotionally handicapped, specific learning disabled,
35 ~~hospitalized or homebound,~~ or autistic.

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

41 (a) By assigned school attendance area or by special
42 assignment, the student has spent the prior school year in
43 attendance at a Florida public school. Prior school year in
44 attendance means that the student was enrolled and reported by a
45 school district for funding during the preceding October and
46 February Florida Education Finance Program surveys in
47 kindergarten through grade 12.

48 (b) The parent has obtained acceptance for admission of
49 the student to a private school that is eligible for the program
50 under subsection (4) and has notified the school district of the
51 request for a scholarship at least 60 days prior to the date of
52 the first scholarship payment. The parental notification must be
53 through a communication directly to the district or through the
54 Department of Education to the district in a manner that creates
55 a written or electronic record of the notification and the date
56 of receipt of the notification.

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58 ~~This section does not apply to~~ A student who is enrolled in a
59 school operating for the purpose of providing educational
60 services to youth in Department of Juvenile Justice commitment
61 programs shall not receive a McKay Scholarship during the period
62 of time that he or she is enrolled in such school. For purposes
63 of continuity of educational choice, the scholarship shall
64 remain in force until the student returns to a public school or
65 graduates from high school. However, at any time, the student's
66 parent may remove the student from the private school and place
67 the student in another private school that is eligible for the
68 program under subsection (4) or in a public school as provided
69 in subsection (3).

70 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

71 (e) Following notification on July 1, September 1,
72 December 1, or February 1 of the number of program participants,
73 the Department of Education shall transfer, from General Revenue
74 funds only, the amount calculated under paragraph (b) from the
75 school district's total funding entitlement under the Florida
76 Education Finance Program and from authorized categorical
77 accounts to a separate account for the scholarship program for
78 quarterly disbursement to the parents of participating students.
79 For a student exiting a Department of Juvenile Justice
80 commitment program who chooses to participate in the scholarship
81 program, the amount of the McKay Scholarship calculated pursuant
82 to paragraph (b) shall be transferred from the school district
83 in which the student last attended a public school prior to
84 commitment to the Department of Juvenile Justice. When a student
85 enters the scholarship program, the Department of Education must
86 receive all documentation required for the student's

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87 participation, including the private school's and student's fee
88 schedules, at least 30 days before the first quarterly
89 scholarship payment is made for the student. The Department of
90 Education may not make any retroactive payments.

91 Section 2. This act shall take effect July 1, 2004.