

Bill No. CS for CS for SB 2

Barcode 073776

CHAMBER ACTION

Senate

House

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The Committee on Education Appropriations (King) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1), (2), (3), (4), and (5) and paragraphs (a), (d), and (e) of subsection (6) of section 1002.39, Florida Statutes, are amended, present subsections (7) and (8) of that section are redesignated as subsections (9) and (10), respectively, and amended, and new subsections (7) and (8) are added to that section, to read:

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

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.--The John M. McKay Scholarships for Students with Disabilities Program is established to provide

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1 the option to attend a public school other than the one to
 2 which assigned, or to provide a scholarship to a private
 3 school of choice, for students with disabilities for whom an
 4 individual education plan has been written in accordance with
 5 rules of the State Board of Education. Students with
 6 disabilities include K-12 students who are documented as
 7 having mental retardation; a speech or language impairment; a
 8 hearing impairment, including deafness; a visual impairment,
 9 including blindness; a dual sensory impairment; a physical
 10 impairment; a serious emotional disturbance, including an
 11 emotional handicap; a specific learning disability, including,
 12 but not limited to, dyslexia, dyscalculia, or developmental
 13 aphasia; a traumatic brain injury; or autism ~~mentally~~
 14 ~~handicapped, speech and language impaired, deaf or hard of~~
 15 ~~hearing, visually impaired, dual sensory impaired, physically~~
 16 ~~impaired, emotionally handicapped, specific learning disabled,~~
 17 ~~hospitalized or homebound, or autistic.~~

18 (2) SCHOLARSHIP ELIGIBILITY; PROHIBITIONS.--

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

24 1.(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 or the Florida School
 27 for the Deaf and the Blind. Prior school year in attendance
 28 means that the student was:

29 a. Enrolled and reported by a school district for
 30 funding during the preceding October and February Florida
 31 Education Finance Program surveys in kindergarten through

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1 grade 12; or-

2 b. Enrolled and reported by the Florida School for the
3 Deaf and the Blind during the preceding October and February
4 student membership surveys in kindergarten through grade 12.
5 Prior school year in attendance does not include the period of
6 time that the student was enrolled in a school operating for
7 the purposes of providing educational services to youth in a
8 commitment program of the Department of Juvenile Justice.

9 However, this subparagraph ~~paragraph~~ does not apply to a
10 dependent child of a member of the United States Armed Forces
11 who transfers to a school in this state from out of state or
12 from a foreign country pursuant to a parent's permanent change
13 of station orders. A dependent child of a member of the United
14 States Armed Forces who transfers to a school in this state
15 from out of state or from a foreign country pursuant to a
16 parent's permanent change of station orders must meet all
17 other eligibility requirements to participate in the program.

18 2.(b) The parent has obtained acceptance for admission
19 of the student to a private school that is eligible for the
20 program under subsection (4) and has notified the Department
21 of Education ~~school district~~ of the request for a scholarship
22 at least 60 days prior to the date of the first scholarship
23 payment. The parental notification must be through a
24 communication directly to the ~~district or through the~~
25 Department of Education ~~to the district~~ in a manner that
26 creates a written or electronic record of the notification and
27 the date of receipt of the notification. The Department of
28 Education must notify the district of the parent's intent,
29 upon receipt of the parent's notification.

30
31 ~~This section does not apply to a student who is enrolled in a~~

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1 ~~school operating for the purpose of providing educational~~
2 ~~services to youth in Department of Juvenile Justice commitment~~
3 ~~programs.~~ For purposes of continuity of educational choice,
4 the scholarship shall remain in force until the student
5 returns to a public school or graduates from high school or
6 reaches the age of 22, whichever occurs first. However, at any
7 time, the student's parent may remove the student from the
8 private school and place the student in another private school
9 that is eligible for the program under subsection (4) or in a
10 public school as provided in subsection (3).

11 (b) A student is not eligible to receive a scholarship
12 under this section if he or she:

13 1. Receives a scholarship from an eligible
14 scholarship-funding organization under s. 220.187.

15 2. Receives an opportunity scholarship under s.
16 1002.38.

17 3. Participates in a home education program as defined
18 in s. 1002.01(1).

19 4. Receives instruction from a correspondence school
20 or a private tutoring program as described in s. 1002.43, or
21 participates in distance learning courses.

22 5. Does not have regular and direct contact with his
23 or her private school teachers at the school's physical
24 location.

25 6. Is enrolled in a school operating for the purpose
26 of providing educational services to youth in commitment
27 programs of the Department of Juvenile Justice.

28
29 Notwithstanding the prohibition set forth in subparagraph 4.,
30 a student who receives a John M. McKay Scholarship may
31 participate in a distance learning course, a private tutoring

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1 program, or a course offered by a correspondence school, the
2 tuition and other costs of which are not paid by scholarship
3 funds provided under this section.

4 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
5 OBLIGATIONS.--

6 (a) The Department of Education ~~A school district~~
7 shall timely notify the parent of each public school ~~the~~
8 student of all options available pursuant to this section and
9 offer that student's parent an opportunity to enroll the
10 student in another public school within the district. The
11 parent is not required to accept this offer in lieu of
12 requesting a John M. McKay Scholarship to a private school.
13 However, if the parent chooses the public school option, the
14 student may continue attending a public school chosen by the
15 parent until the student graduates from high school. If the
16 parent chooses a public school consistent with the district
17 school board's choice plan under s. 1002.31, the school
18 district shall provide transportation to the public school
19 selected by the parent. The parent is responsible to provide
20 transportation to a public school chosen that is not
21 consistent with the district school board's choice plan under
22 s. 1002.31. For purposes of this paragraph, timely
23 notification means notification no later than April 1 of each
24 school year.

25 (b)1. For a student with disabilities who does not
26 have a matrix of services under s. 1011.62(1)(e), the school
27 district must complete a matrix that assigns the student to
28 one of the levels of service as they existed prior to the
29 2000-2001 school year.

30 2.a. The school district must complete the matrix of
31 services for any student who is participating in the John M.

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1 McKay Scholarships for Students with Disabilities Program and
 2 must notify the Department of Education of the student's
 3 matrix level within 30 days after receiving notification by
 4 the Department of Education of the parent's ~~the student's~~
 5 ~~parent~~ of intent to participate in the scholarship program.
 6 The nature and intensity of the services indicated in the
 7 matrix must be consistent with the services described in the
 8 student's individual education plan.

9 b. A school district may change a matrix of services
 10 only if the change is to:

11 (I) Correct a technical, typographical, or calculation
 12 error; or

13 (II) Align the matrix of services with the student's
 14 individual education plan completed by the public school
 15 district for use in the public school prior to the student
 16 enrolling in or attending a private school.

17 3. The Department of Education shall notify the
 18 private school of the amount of the scholarship within 10 days
 19 after receiving the school district's notification of the
 20 student's matrix level.

21 4. Within 10 school days after it receives
 22 notification of a parent's intent to apply for a McKay
 23 Scholarship, a district school board must notify the student's
 24 parent if the matrix has not been completed and provide the
 25 parent with the date for completion of the matrix required in
 26 this paragraph.

27 (c) If the parent chooses the private school option
 28 and the student is accepted by the private school pending the
 29 availability of a space for the student, the parent of the
 30 student must notify the Department of Education ~~school~~
 31 ~~district~~ 60 days prior to the first scholarship payment and

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1 before entering the private school in order to be eligible for
2 the scholarship when a space becomes available for the student
3 in the private school.

4 (d) The parent of a student may choose, as an
5 alternative, to enroll the student in and transport the
6 student to a public school in an adjacent school district
7 which has available space and has a program with the services
8 agreed to in the student's individual education plan already
9 in place, and that school district shall accept the student
10 and report the student to the Department of Education for
11 purposes of the district's funding pursuant to the Florida
12 Education Finance Program.

13 (e) For a student in the district who participates in
14 the John M. McKay Scholarships for Students with Disabilities
15 Program whose parent requests that the student take the
16 statewide assessments under s. 1008.22, the district shall
17 provide locations and times to take all statewide assessments.

18 (f) ~~A school district must notify~~ The Department of
19 Education must notify the school district upon receipt of the
20 ~~within 10 days after it receives~~ notification of a parent's
21 intent to apply for a scholarship for a student with a
22 disability. A school district must provide the student's
23 parent with the student's matrix level within 10 school days
24 after its completion.

25 (g) A school district shall, at least every 3 years,
26 provide notification to parents of the availability of a
27 reassessment of each student who receives a McKay Scholarship.

28 (4) PRIVATE SCHOOL ELIGIBILITY; REGISTRATION;
29 PROHIBITIONS.--

30 (a) To be eligible to participate in the John M. McKay
31 Scholarships for Students with Disabilities Program, a private

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1 school must be a Florida private school as defined in s.
2 1002.01(2), may be sectarian or nonsectarian, and must:

3 1.(a) Demonstrate fiscal soundness by being in
4 operation for at least 3 school years or obtaining a surety
5 bond or letter of credit for the amount equal to the
6 scholarship funds for any quarter and filing the surety bond
7 or letter of credit with 1 school year or provide the
8 Department of Education.

9 2. Annually register with the Department of Education.

10 Each owner or administrator of a private school must provide
11 the following information:

12 a. The legal business and trade name, mailing address,
13 and business location of the private school;

14 b. The full name, address, and telephone number of
15 each owner or administrator of the private school; and

16 c. A notification of the private school's intent to
17 participate in the program under this section. The notice must
18 specify the grade levels and services that the private school
19 has available for students with disabilities who are
20 participating in the scholarship program. with a statement by
21 a certified public accountant confirming that the private
22 school desiring to participate is insured and the owner or
23 owners have sufficient capital or credit to operate the school
24 for the upcoming year serving the number of students
25 anticipated with expected revenues from tuition and other
26 sources that may be reasonably expected. In lieu of such a
27 statement, a surety bond or letter of credit for the amount
28 equal to the scholarship funds for any quarter may be filed
29 with the department.

30 (b) Notify the Department of Education of its intent
31 to participate in the program under this section. The notice

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1 ~~must specify the grade levels and services that the private~~
2 ~~school has available for students with disabilities who are~~
3 ~~participating in the scholarship program.~~

4 3.(e) Comply with the antidiscrimination provisions of
5 42 U.S.C. s. 2000d.

6 4.(d) Meet state and local health and safety laws and
7 codes.

8 5.(e) Be academically accountable to the parent for
9 meeting the educational needs of the student.

10 6.(f) Employ or contract with teachers who hold
11 baccalaureate or higher degrees, or have at least 3 years of
12 teaching experience in public or private schools, or have
13 special skills, knowledge, or expertise that qualifies them to
14 provide instruction in subjects taught.

15 7.(g) Comply with all state laws relating to general
16 regulation of private schools, including, but not limited to,
17 s. 1002.42.

18 8.(h) Publish and adhere to the tenets of its adopted
19 ~~published~~ disciplinary procedures prior to the expulsion of a
20 scholarship student.

21 9. Provide the Department of Education with all
22 documentation required for each scholarship student's
23 participation in the scholarship program, including, but not
24 limited to:

25 a. The private school's fee schedule, including, but
26 not limited to, fees for services, tuition, and instructional
27 materials, and each individual scholarship student's schedule
28 of fees and charges, at least 30 days before the first
29 quarterly scholarship payment is made for the student; and

30 b. The enrollment and attendance information,
31 including an on-line attendance verification form, for each

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1 scholarship student at the private school, prior to each
2 scholarship payment.

3
4 The on-line attendance form must be documented each quarter by
5 a notarized statement that is signed by the private school and
6 the parents of each McKay Scholarship student in attendance at
7 the private school. The private school must maintain the
8 completed notarized statements at the private school for each
9 academic year. The completed notarized statements must be open
10 to the Department of Education upon request.

11 10. Maintain in this state a physical location where a
12 scholarship student regularly attends classes.

13 11.a. Advertise or notify potential McKay Scholarship
14 students and parents of the specific types of disabilities
15 served by the school, and provide this information to the
16 Department of Education.

17 b. Review with the parent the student's individual
18 education plan.

19 12. Require each McKay Scholarship student to
20 participate at least annually in a student assessment which,
21 as determined by the private school in consultation with the
22 student's parent or guardian, will demonstrate the student's
23 skill level to the student's parents.

24 13. Notify the student's parent at least annually
25 about the student's skill level on a student assessment that
26 is determined by the private school.

27 14. Notify the Department of Education of any change
28 in the school's registered name or location prior to any such
29 change and notify the Department of Education within 15 days
30 after any other change in the registration information
31 submitted to the department.

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1 15. Notify each local health department within 15 days
 2 after establishing operations at a physical location or
 3 address and within 3 days after discovering any ongoing health
 4 code violation that has not yet been remedied in full.

5 16. Annually complete and file with the Department of
 6 Education a sworn and notarized compliance statement in a form
 7 and by a deadline specified in rules adopted by the State
 8 Board of Education.

9 17. Accept scholarship students on a religion-neutral
 10 basis. A private school may not discriminate against a
 11 student on the basis of the religion of the student, the
 12 parent, or the private school.

13 (b) A private school participating in the John M.
 14 McKay Scholarships for Students with Disabilities Program must
 15 ensure that all personnel who are hired or contracted to
 16 provide services to fill positions requiring direct contact
 17 with students in the private school, and all owners of a
 18 private school, shall, upon employment, engagement to provide
 19 services, or assumption of a position of ownership, a position
 20 of decisionmaking authority, or a position having access to
 21 scholarship funds, undergo background screening pursuant to s.
 22 943.0542 by electronically filing with the Department of Law
 23 Enforcement a complete set of fingerprints taken by an
 24 authorized law enforcement agency or an employee of the
 25 private school, a public school, or a private company who is
 26 trained to take fingerprints. However, the complete set of
 27 fingerprints of an owner of an eligible private school may not
 28 be taken by the owner. These fingerprints must be
 29 electronically submitted to the Department of Law Enforcement
 30 for state processing, which shall in turn submit the
 31 fingerprints to the Federal Bureau of Investigation for

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1 federal processing. The private school shall screen the
2 background results pursuant to s. 435.04 and timely report to
3 the Department of Education any person described in this
4 paragraph who fails to meet level 2 screening standards
5 pursuant to s. 435.04 or any person described in this
6 paragraph who has been convicted of a crime involving moral
7 turpitude. The Department of Education shall verify the
8 information reported by the private school. Any person
9 described in this paragraph who is found through fingerprint
10 processing to have been convicted of a crime involving moral
11 turpitude or fails to meet level 2 screening standards
12 pursuant to s. 435.04 may not be employed or engaged to
13 provide services in any position in the private school
14 requiring direct contact with students and may not assume an
15 ownership position, a position of decisionmaking authority, or
16 a position having access to scholarship funds. The cost of the
17 background screening may be borne by the private school, the
18 employee, the person engaged to provide services, or the
19 owner.

20 1. Every 5 years each person described in this
21 paragraph must meet level 2 screening requirements as
22 described in s. 435.04, at which time the private school shall
23 request the Department of Law Enforcement pursuant to s.
24 943.0542 to forward the fingerprints to the Federal Bureau of
25 Investigation for level 2 screening. If the fingerprints of a
26 person described in this paragraph are not retained by the
27 Department of Law Enforcement under subparagraph 2., the
28 person must file a complete set of fingerprints with the
29 private school. Upon submission of fingerprints for this
30 purpose, the private school shall request that the Department
31 of Law Enforcement forward the fingerprints to the Federal

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1 Bureau of Investigation for level 2 screening, and the
 2 fingerprints must be retained by the Department of Law
 3 Enforcement under subparagraph 2. The cost of the state and
 4 federal criminal history check required by level 2 screening
 5 may be borne by the private school, the employee, the person
 6 engaged to provide services, or the owner. Under penalty of
 7 perjury, each person described in this paragraph must agree to
 8 inform the private school immediately if convicted of any
 9 disqualifying offense while in a capacity with the private
 10 school as described in this paragraph.

11 2. Effective December 15, 2005, all fingerprints
 12 submitted to the Department of Law Enforcement as required by
 13 this paragraph shall be retained by the Department of Law
 14 Enforcement in a manner provided by rule and entered in the
 15 statewide automated fingerprint identification system
 16 authorized by s. 943.05(2)(b). Such fingerprints shall
 17 thereafter be available for all purposes and uses authorized
 18 for arrest fingerprint cards entered in the statewide
 19 automated fingerprint identification system under s. 943.051.

20 3. Effective December 15, 2005, the Department of Law
 21 Enforcement shall search all arrest fingerprint cards received
 22 under s. 943.051 against the fingerprints retained in the
 23 statewide automated fingerprint identification system under
 24 subparagraph 2. Any arrest record that is identified with the
 25 fingerprints of a person described in this paragraph must be
 26 reported to the eligible private school. The eligible private
 27 school shall notify the Department of Education if the arrest
 28 record reported to the private school results in a person
 29 failing to meet the level 2 requirements. An eligible private
 30 school that fails to report this information shall be
 31 immediately suspended from the program. Each eligible private

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1 school shall participate in this search process by paying an
 2 annual fee to the Department of Law Enforcement and by
 3 informing the Department of Law Enforcement of any change in
 4 the status or place of employment or engagement of services of
 5 its personnel as described in this paragraph whose
 6 fingerprints are retained under subparagraph 2. The Department
 7 of Law Enforcement shall adopt a rule setting the amount of
 8 the annual fee to be imposed upon each private school for
 9 performing these searches and establishing the procedures for
 10 the retention of private school personnel fingerprints and the
 11 dissemination of search results. The fee may be borne by the
 12 private school, the employee, the person engaged to provide
 13 services, or the owner.

14 4. If it is found that a person described in this
 15 paragraph does not meet the level 2 requirements, the eligible
 16 private school shall be immediately suspended from
 17 participating in the program and shall remain suspended until
 18 final resolution of any appeals. An eligible private school
 19 that employs or engages to provide services with a person
 20 described in this paragraph who fails to meet level 2
 21 screening standards or has been convicted of a crime involving
 22 moral turpitude may not participate in this program. The
 23 Department of Law Enforcement shall provide the Department of
 24 Education with the results of the state and national records
 25 checks provided to the qualified entity at each private school
 26 as provided in s. 943.0542.

27 (c) A private school participating in the John M.
 28 McKay Scholarships for Students with Disabilities Program may
 29 not:

30 1. Act as attorney in fact for parents of a
 31 scholarship student under the authority of a power of attorney

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1 executed by such parents, or under any other authority, to
2 endorse scholarship warrants on behalf of parents.

3 2. Send or direct McKay Scholarship funds to parents
4 of a scholarship student who receives instruction at home.

5 3. Be a correspondence school or distance learning
6 school.

7 4. Operate as a private tutoring program as defined in
8 s. 1002.43.

9 5. Accept a McKay Scholarship student until the sworn
10 and notarized compliance statement has been completed,
11 submitted to, and independently verified by the Department of
12 Education.

13 (d) A participating private school may request that
14 the school be listed by the Department of Education with a
15 closed-enrollment status in the McKay Scholarship program if
16 the school is no longer accepting new students with McKay
17 Scholarships. As used in this paragraph, the term
18 "closed-enrollment status" means that the private school is no
19 longer accepting any new student with a McKay Scholarship.
20 However, the private school is subject to all the requirements
21 under this section and all applicable rules adopted by the
22 State Board of Education if the private school is serving a
23 student with a McKay Scholarship. The private school must
24 provide a written request for closed-enrollment status to the
25 Department of Education. The Department of Education may grant
26 closed-enrollment status to a participating private school.
27 However, closed-enrollment status may not be granted for
28 longer than 1 school year.

29 (e) If a participating private school becomes subject
30 to an action taken by the Department of Education for a
31 violation of this section, the private school:

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1 1. Shall file a surety bond with the Department of
 2 Education after the date on which the action was taken for
 3 such violation but before receiving the next quarterly
 4 scholarship payment;

5 2. Shall file a surety bond with the Department of
 6 Education for 2 additional consecutive years after the date
 7 the bond was filed under subparagraph 1.; and

8 3. May not accept new scholarship students until the
 9 Department of Education determines that the private school is
 10 in compliance with each requirement in this section and in all
 11 rules of the State Board of Education.

12 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

13 (a) A parent who applies for a John M. McKay
 14 Scholarship is exercising his or her parental option to place
 15 his or her child in a private school. The parent must select
 16 the private school and apply for the admission of his or her
 17 child.

18 (b) The parent must have requested the scholarship at
 19 least 60 days prior to the date of the first scholarship
 20 payment.

21 (c) Any student participating in the scholarship
 22 program must remain in attendance throughout the school year,
 23 unless excused by the school for illness or other good cause,
 24 and must comply fully with the school's code of conduct.

25 (d) The parent of each student participating in the
 26 scholarship program must comply fully with the private
 27 school's parental involvement requirements, unless excused by
 28 the school for illness or other good cause.

29 (e) If the parent requests that the student
 30 participating in the scholarship program take all statewide
 31 assessments required pursuant to s. 1008.22, the parent is

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1 responsible for transporting the student to the assessment
2 site designated by the school district.

3 (f) Upon receipt of a scholarship warrant, the parent
4 to whom the warrant is made must restrictively endorse the
5 warrant to the private school for deposit into the account of
6 the private school.

7 (g) The parent of a student participating in the
8 scholarship program may not designate any participating
9 private school as the parent's attorney in fact to sign a
10 scholarship warrant.

11 (h)(g) A participant who fails to comply with this
12 subsection forfeits the scholarship.

13 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

14 (a)1. The maximum scholarship granted for an eligible
15 student with disabilities shall be a calculated amount
16 equivalent to the base student allocation in the Florida
17 Education Finance Program multiplied by the appropriate cost
18 factor for the educational program that would have been
19 provided for the student in the district school to which he or
20 she was assigned, multiplied by the district cost
21 differential.

22 2. In addition, a share of the guaranteed allocation
23 for exceptional students shall be determined and added to the
24 calculated amount. The calculation shall be based on the
25 methodology and the data used to calculate the guaranteed
26 allocation for exceptional students for each district in
27 chapter 2000-166, Laws of Florida. Except as provided in
28 subparagraph 4. 3-, the calculation shall be based on the
29 student's grade, matrix level of services, and the difference
30 between the 2000-2001 basic program and the appropriate level
31 of services cost factor, multiplied by the 2000-2001 base

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1 student allocation and the 2000-2001 district cost
 2 differential for the sending district. Also, the calculated
 3 amount shall include the per-student share of supplemental
 4 academic instruction funds, instructional materials funds,
 5 technology funds, and other categorical funds as provided for
 6 such purposes in the General Appropriations Act.

7 3. The calculated scholarship amount for a student who
 8 has spent the prior school year in attendance at the Florida
 9 School for the Deaf and the Blind shall be calculated as
 10 provided in subparagraphs 1. and 2. However, the calculation
 11 shall be based on the school district in which the parent
 12 resides at the time that the intent is filed by the parent.

13 ~~4.3.~~ Until the school district completes the matrix
 14 required by paragraph (3)(b), the calculation shall be based
 15 on the matrix that assigns the student to support level I of
 16 service as it existed prior to the 2000-2001 school year.
 17 When the school district completes the matrix, the amount of
 18 the payment shall be adjusted as needed.

19 (d)1. The school district shall report to the
 20 Department of Education all students who are attending a
 21 private school under this program. The students with
 22 disabilities attending private schools on John M. McKay
 23 Scholarships shall be reported separately from other students
 24 reported for purposes of the Florida Education Finance
 25 Program.

26 2. For program participants who are eligible under
 27 sub-subparagraph (2)(a)1.b., the school district, which is
 28 used as the basis for the calculation of the scholarship
 29 amount as provided in subparagraph (6)(a)3., shall:

30 a. Report to the Department of Education all such
 31 students who are attending a private school under this

1 program; and

2 b. Be held harmless for such students from the
3 weighted enrollment ceiling for group 2 programs in s.
4 1011.62(1)(d)3.a. during the first school year in which the
5 students are reported.

6 (e) Following notification on July 1, September 1,
7 December 1, or February 1 of the number of program
8 participants, the Department of Education shall transfer, from
9 General Revenue funds only, the amount calculated under
10 paragraph (b) from the school district's total funding
11 entitlement under the Florida Education Finance Program and
12 from authorized categorical accounts to a separate account for
13 the scholarship program for quarterly disbursement to the
14 parents of participating students. Funds may not be
15 transferred from any funding provided to the Florida School
16 for the Deaf and the Blind for program participants who are
17 eligible under sub-subparagraph (2)(a)1.b. When a student
18 enters the scholarship program, the Department of Education
19 must receive all documentation required for the student's
20 participation, including, but not limited to, the private
21 school's and student's fee schedules, at least 30 days before
22 the first quarterly scholarship payment is made for the
23 student. The Department of Education may not make any
24 retroactive payments.

25 (7) OBLIGATIONS OF THE DEPARTMENT OF EDUCATION.--

26 (a) The Department of Education shall perform the
27 following duties:

28 1. Review for compliance all documentation required
29 for each scholarship student's participation, including,
30 without limitation, the private school's schedule and the
31 student's fee schedule.

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1 2. Verify the admission acceptance of each scholarship
2 student to an eligible private school prior to the initial
3 scholarship payment.

4 3. Verify, prior to each scholarship payment, the
5 enrollment and attendance of each scholarship student at the
6 private school and that the scholarship student is not:

7 a. Receiving a scholarship under s. 220.187 or s.
8 1002.38.

9 b. Participating in a home education program as
10 defined in s. 1002.01(1).

11 c. Participating in instruction delivered by a
12 correspondence school, private tutoring program as defined in
13 s. 1002.43, or distance learning courses, except as
14 specifically permitted in paragraph (2)(b).

15 d. Enrolled in a school operating for the purpose of
16 providing education services to youth in commitment programs
17 of the Department of Juvenile Justice.

18 e. Currently enrolled in a public school in the state,
19 if the student has a scholarship to attend a private school.

20 4. Administer and prescribe an annual sworn and
21 notarized compliance statement for each participating private
22 school and independently verify the information provided by
23 each participating private school.

24 5. Review and verify the results of the background
25 checks reported by the private school pursuant to subsection
26 (4) for each person who fails to meet level 2 screening
27 standards or who has been convicted of a crime involving moral
28 turpitude.

29 6. Determine the eligibility of a private school to
30 accept McKay Scholarship students, based upon independent
31 verification that the private school meets all the

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1 requirements in this section and all applicable rules adopted
2 by the State Board of Education.

3 7. Publish a current, on-line list of eligible private
4 schools.

5 8. Include each eligible private school on the on-line
6 list of eligible private schools within 10 days after the
7 private school is determined to be eligible to participate in
8 the McKay Scholarship program.

9 9. Remove immediately from the on-line list of
10 eligible private schools any school that is determined by the
11 Department of Education to be an ineligible private school, as
12 provided for in paragraph (b).

13 10. Remove immediately from the on-line list of
14 eligible private schools any school that is determined by the
15 Department of Education to be an ineligible school, as
16 provided for in paragraphs (b) and (c).

17 (b) The Department of Education shall deny or refuse
18 to allow the participation of any private school if it
19 determines that the private school or any of its owners or
20 administrators has failed to meet the requirements for initial
21 application or renewal as provided in this section.

22 (c) The Department of Education shall issue a notice
23 of noncompliance pursuant to s. 120.695 to any participating
24 private school that violates any of the provisions of this
25 section or the rules of the State Board of Education, if the
26 violation is a minor violation as defined in s. 120.695. If a
27 private school fails to satisfy the requirements specified in
28 the notice of noncompliance within 30 days after its receipt
29 by the school, the Department of Education shall issue an
30 emergency order revoking the registration of the participating
31 private school. The Department of Education shall issue an

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1 emergency order to immediately revoke the registration of a
2 participating private school for a violation that is not a
3 minor violation as defined in s. 120.695.

4 (d) The Department of Education shall revoke the
5 scholarship for a participant who fails to comply with the
6 requirements in subsection (5) or who:

7 1. Receives a scholarship under s. 220.187 or s.
8 1002.38.

9 2. Participates in a home education program as defined
10 in s. 1002.01(1).

11 3. Participates in instruction delivered by a
12 correspondence school, a private tutoring program as defined
13 in s. 1002.43, or distance learning courses, except as
14 specifically permitted in paragraph (2)(b).

15 4. Does not have regular and direct contact with the
16 student's private school teachers at the school's physical
17 location.

18 5. Enrolls in a school operating for the purpose of
19 providing educational services to youth in commitment programs
20 of the Department of Juvenile Justice.

21 (e) The Department of Education shall conduct an
22 investigation of any written complaint of a violation of this
23 section if the complaint is signed by the complainant and is
24 legally sufficient. A complaint is legally sufficient if it
25 contains ultimate facts that show that a violation of this
26 section or any rule adopted by the State Board of Education
27 has occurred. In order to determine legal sufficiency, the
28 Department of Education may require supporting information or
29 documentation. The Department of Education may investigate any
30 complaint, including, but not limited to, anonymous
31 complaints.

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1 (f) The Department of Education may not change a
 2 matrix of services completed by a school district. However,
 3 the department may make the following changes for a matrix for
 4 a student if the school district has identified the error but
 5 has failed to make a correction in a timely manner:

6 1. A correction to a technical, typographical, or
 7 calculation error; or

8 2. A change to align the matrix of services with the
 9 student's individual education plan completed by the school
 10 district for use in the public school prior to the student's
 11 enrolling in or attending a private school.

12
 13 The department must report any change made under this
 14 paragraph to the school district and the parent of the
 15 student.

16 (8) OBLIGATIONS OF THE AUDITOR

17 GENERAL.--Notwithstanding any other law to the contrary, the
 18 Auditor General must include in the operational audit of the
 19 Department of Education the John M. McKay Scholarships for
 20 Students with Disabilities Program. The Auditor General must
 21 include in the audit a review of a sample of the warrants used
 22 to pay for the scholarships, as well as random site visits to
 23 private schools participating in the John M. McKay
 24 Scholarships for Students with Disabilities Program. The
 25 purpose of the site visits is solely to verify the information
 26 reported by the schools concerning the enrollment and
 27 attendance of students, the credentials of teachers,
 28 background screening of teachers, and fingerprinting results
 29 of teachers, which information is required by rules of the
 30 State Board of Education or subsection (4). The Auditor
 31 General may not make more than one random site visit each year

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1 to the same private school, and each random site visit must be
2 based upon probable cause of a violation of this section or
3 other applicable laws.

4 (9)(7) LIABILITY.--No liability shall arise on the
5 part of the state based on the award or use of a John M. McKay
6 Scholarship.

7 (10)(8) RULES.--The State Board of Education shall
8 adopt rules pursuant to ss. 120.536(1) and 120.54 to
9 administer this section, including rules that school districts
10 must use to expedite the development of a matrix of services
11 based on a current individual education plan from another
12 state or a foreign country for a transferring student with a
13 disability who is a dependent child of a member of the United
14 States Armed Forces. The rules must identify the appropriate
15 school district personnel who must complete the matrix of
16 services. For purposes of these rules, a transferring student
17 with a disability is one who was previously enrolled as a
18 student with a disability in an out-of-state or an
19 out-of-country public or private school or agency program and
20 who is transferring from out of state or from a foreign
21 country pursuant to a parent's permanent change of station
22 orders. The rules must include provisions for:

23 (a) Administering the annual sworn and notarized
24 compliance statement to all participating private schools;

25 (b) Establishing procedures for schools to request
26 closed-enrollment and active status;

27 (c) Establishing forms for changes to a matrix by a
28 school district and the department;

29 (d) Implementing the requirement that a private school
30 timely notify the Department of Education of material changes
31 to the school's registration information;

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1 (e) Establishing attendance-verification procedures
2 and forms; and

3 (f) Establishing procedures for determining student
4 eligibility and approving scholarships.

5
6 The rules related to the annual sworn and notarized compliance
7 statement shall establish a deadline for the receipt of the
8 initial sworn and notarized compliance statement from the
9 private school and shall enumerate the items to be included in
10 the statement. The rules shall enumerate the items to be
11 included in a subsequent annual sworn and notarized compliance
12 statement that is required in January of each year from the
13 private school. However, the inclusion of eligible private
14 schools within options available to Florida public school
15 students does not expand the regulatory authority of the
16 state, its officers, or any school district to impose any
17 additional regulation of private schools beyond those
18 reasonably necessary to enforce requirements expressly set
19 forth in this section.

20 Section 2. The State Board of Education shall initiate
21 the adoption of rules required by this act 10 days after the
22 effective date of this act. The State Board of Education shall
23 report to the presiding officers of the Legislature by
24 December 1, 2005, on the status of the rulemaking required by
25 this act.

26 Section 3. Section 220.187, Florida Statutes, is
27 amended to read:

28 220.187 Credits for contributions to nonprofit
29 scholarship-funding organizations.--

30 (1) This section may be cited as the "Corporate
31 Scholarship Program."

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1 ~~(2)(1)~~ PURPOSE.--The purpose of this section is to:

2 (a) Encourage private, voluntary contributions to
3 nonprofit scholarship-funding organizations.

4 (b) Expand educational opportunities for children of
5 families that have limited financial resources.

6 (c) Enable children in this state to achieve a greater
7 level of excellence in their education.

8 ~~(3)(2)~~ DEFINITIONS.--As used in this section, the
9 term:

10 ~~(a) "Department" means the Department of Revenue.~~

11 ~~(a)(b)~~ "Eligible contribution" means a monetary
12 contribution from a taxpayer, subject to the restrictions
13 provided in this section, to an eligible nonprofit
14 scholarship-funding organization. The taxpayer making the
15 contribution may not designate a specific child as the
16 beneficiary of the contribution. ~~The taxpayer may not~~
17 ~~contribute more than \$5 million to any single eligible~~
18 ~~nonprofit scholarship-funding organization.~~

19 ~~(b)(c)~~ "Eligible private nonpublic school" means a
20 private nonpublic school, as defined in s. 1002.01(2), located
21 in Florida which ~~that~~ offers an education to students in any
22 grades K-12 and ~~that~~ meets the requirements in subsection ~~(7)~~
23 ~~(6)~~. An eligible private school:

24 1. Must maintain a physical location in this state
25 where each scholarship student regularly attends classes.

26 2. May not be a correspondence school or distance
27 learning school.

28 3. May not direct or provide scholarship funds to a
29 parent of a scholarship student who receives instruction under
30 the program at home.

31 4. May not be a home education program as defined in

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1 s. 1002.01(1).

2 5. May not be a private tutoring program as described
3 in s. 1002.43.

4 (c)(d) "Eligible nonprofit scholarship-funding
5 organization" means a charitable organization that is exempt
6 from federal income tax pursuant to s. 501(c)(3) of the
7 Internal Revenue Code, is incorporated under laws of this
8 state, has its principal office located in the state, and that
9 complies with the provisions of subsection(5)(4).

10 (d) "Owner" means the owner, president, chairperson of
11 the board of directors, superintendent, principal, or person
12 with equivalent decisionmaking authority who owns, operates,
13 or administers an eligible nonprofit scholarship-funding
14 organization or eligible private school. In addition, the term
15 "owner" means an individual who has access to or processes
16 scholarship funds or eligible contributions at an eligible
17 nonprofit scholarship-funding organization or eligible private
18 school.

19 (e) "Qualified student" means a student who qualifies
20 for free or reduced-price school lunches under the National
21 School Lunch Act and who:

22 1. Was counted as a full-time equivalent student
23 during the previous state fiscal year for purposes of state
24 per-student funding;

25 2. Received a scholarship from an eligible nonprofit
26 scholarship-funding organization during the previous school
27 year; or

28 3. Is eligible to enter kindergarten or first grade.

29

30 A student may continue in the scholarship program as long as
31 the family income level does not exceed 200 percent of the

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1 federal poverty level. A student who was enrolled in a school
 2 operating for the purpose of providing educational services to
 3 youth in a commitment program of the Department of Juvenile
 4 Justice shall not be counted as a full-time equivalent student
 5 for the previous state fiscal year for purposes of state
 6 per-student funding under this program. A student is not
 7 eligible to receive a scholarship under this section if the
 8 student is participating in the Opportunity Scholarship
 9 Program under s. 1002.38, the John M. McKay Scholarships for
 10 Students with Disabilities Program under s. 1002.39, or a home
 11 education program as defined in s. 1002.01(1) or is enrolled
 12 in a school operating for the purpose of providing educational
 13 services to youth in commitment programs of the Department of
 14 Juvenile Justice. A student is not eligible to receive a
 15 scholarship from more than one eligible nonprofit
 16 scholarship-funding organization at the same time.

17 ~~(4)(3)~~ AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
 18 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

19 (a) There is allowed a credit of 100 percent of an
 20 eligible contribution against any tax due for a taxable year
 21 under this chapter. However, such a credit may not exceed 75
 22 percent of the tax due under this chapter for the taxable
 23 year, after the application of any other allowable credits by
 24 the taxpayer. ~~However, at least 5 percent of the total~~
 25 ~~statewide amount authorized for the tax credit shall be~~
 26 ~~reserved for taxpayers who meet the definition of a small~~
 27 ~~business provided in s. 288.703(1) at the time of application.~~
 28 The credit granted by this section shall be reduced by the
 29 difference between the amount of federal corporate income tax
 30 taking into account the credit granted by this section and the
 31 amount of federal corporate income tax without application of

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1 the credit granted by this section.

2 (b) The total amount of tax credits and carryforward
3 of tax credits which may be granted each state fiscal year
4 under this section is \$88 million. Effective for tax years
5 beginning January 1, 2005, 1 percent of the total statewide
6 amount authorized for the tax credit must be reserved for
7 taxpayers that are small businesses as defined in s.
8 288.703(1) at the time of application.

9 (c) A taxpayer who files a Florida consolidated return
10 as a member of an affiliated group pursuant to s. 220.131(1)
11 may be allowed the credit on a consolidated return basis;
12 however, the total credit taken by the affiliated group is
13 subject to the limitation established under paragraph (a).

14 (d) Effective for the tax years beginning January 1,
15 2005, a taxpayer may rescind its application for tax credit
16 under this section, and the amount approved in the application
17 for tax credit shall become available for purposes of the cap
18 for that state fiscal year under this section to an eligible
19 taxpayer as approved by the Department of Revenue, if the
20 taxpayer receives notice from the Department of Revenue that
21 the rescindment application has been accepted by the
22 Department of Revenue, the taxpayer has not previously
23 rescinded its application for tax credit under this section
24 more than once in the previous 3 tax years, and the taxpayer
25 rescinds before the end of the taxpayer's tax year for which
26 the credit was approved. Any amount rescinded under this
27 paragraph shall become available to an eligible taxpayer on a
28 first-come, first-served basis based on tax credit
29 applications received after the date the rescindment is
30 accepted by the Department of Revenue.

31 (5)(4) OBLIGATIONS OF ELIGIBLE NONPROFIT

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1 SCHOLARSHIP-FUNDING ORGANIZATIONS.--

2 (a) An eligible nonprofit scholarship-funding
3 organization shall provide scholarships, from eligible
4 contributions, to qualified students for:

5 1. Tuition or textbook expenses for, or transportation
6 to, an eligible private ~~nonpublic~~ school. At least 75 percent
7 of each ~~the~~ scholarship ~~funding~~ must be used to pay tuition
8 expenses; or

9 2. Transportation expenses to a Florida public school
10 that is located outside the district in which the student
11 resides.

12 (b) An eligible nonprofit scholarship-funding
13 organization shall give priority to qualified students who
14 received a scholarship from an eligible nonprofit
15 scholarship-funding organization during the previous school
16 year.

17 (c) The amount of a scholarship provided to any child
18 for any single school year by one or more ~~all~~ eligible
19 nonprofit scholarship-funding organizations from eligible
20 contributions may ~~shall~~ not exceed the following annual
21 limits:

22 1. Three thousand five hundred dollars for a
23 scholarship awarded to a student enrolled in an eligible
24 private ~~nonpublic~~ school.

25 2. Five hundred dollars for a scholarship awarded to a
26 student enrolled in a Florida public school that is located
27 outside the district in which the student resides.

28 (d) The amount of an eligible contribution which may
29 be accepted by an eligible nonprofit scholarship-funding
30 organization is limited to the amount needed to provide
31 scholarships for qualified students whom ~~which~~ the

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1 organization has identified and for whom ~~which~~ vacancies in
 2 eligible private ~~nonpublic~~ schools have been identified.

3 (e)1. An eligible nonprofit scholarship-funding
 4 organization that receives an eligible contribution must
 5 obligate, in the same fiscal year in which the contribution
 6 was received, spend 100 percent of the eligible contribution
 7 to provide scholarships, provided that up to 5 percent of the
 8 total contribution may be carried forward for scholarships to
 9 be granted in the following ~~same~~ state fiscal year ~~in which~~
 10 ~~the contribution was received~~. No portion of eligible
 11 contributions may be used for administrative expenses. All
 12 interest accrued from contributions must be used for
 13 scholarships.

14 2. An eligible nonprofit scholarship-funding
 15 organization, with the prior approval of the Department of
 16 Education, may transfer funds to another eligible nonprofit
 17 scholarship-funding organization if additional funds are
 18 required to meet scholarship demand at the receiving nonprofit
 19 scholarship-funding organization. A transfer shall be limited
 20 to the greater of \$500,000 or 20 percent of the total
 21 contributions received by the nonprofit scholarship-funding
 22 organization making the transfer. All transferred funds must
 23 be deposited by the receiving nonprofit scholarship-funding
 24 organization into its scholarship accounts. All transferred
 25 amounts received by any nonprofit scholarship-funding
 26 organization must be separately disclosed in the annual
 27 financial and compliance audit required in this section.

28 (f) An eligible nonprofit scholarship-funding
 29 organization that receives eligible contributions must, within
 30 180 days after the end of the organization's fiscal year,
 31 provide to the Auditor General and the Department of Education

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1 an annual financial and compliance audit of its accounts and
 2 records conducted by an independent certified public
 3 accountant and in accordance with rules adopted by the Auditor
 4 General. The Auditor General shall review all audit reports
 5 submitted pursuant to this section. The Auditor General shall
 6 request any significant items that were omitted in violation
 7 of a rule adopted by the Auditor General. The items must be
 8 provided within 45 days after the date of the request. If the
 9 eligible nonprofit scholarship-funding organization does not
 10 comply with the Auditor General's request, the Auditor General
 11 shall notify the Legislative Auditing Committee. The
 12 Legislative Auditing Committee may schedule a hearing. If a
 13 hearing is scheduled, the committee shall determine if the
 14 eligible nonprofit scholarship-funding organization should be
 15 subject to further state action. If the committee determines
 16 that the eligible nonprofit scholarship-funding organization
 17 should be subject to further state action, the committee shall
 18 notify the Department of Education, which shall terminate the
 19 eligibility of the eligible nonprofit scholarship-funding
 20 organization to participate in the program under this section.

21 (g) An eligible nonprofit scholarship-funding
 22 organization shall make payment of the scholarship, at a
 23 minimum, on a quarterly basis. Payment of the scholarship by
 24 the eligible nonprofit scholarship-funding organization shall
 25 be by individual warrant or check made payable to the
 26 student's parent. If the parent chooses for his or her child
 27 to attend an eligible private ~~nonpublic~~ school, the warrant or
 28 check must be mailed by the eligible nonprofit
 29 scholarship-funding organization to the private ~~nonpublic~~
 30 school of the parent's choice, and the parent shall
 31 restrictively endorse the warrant or check to the private

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1 ~~nonpublic~~ school. An eligible nonprofit scholarship-funding
 2 organization shall ensure that, upon receipt of a scholarship
 3 warrant or check, the parent to whom the warrant or check is
 4 made restrictively endorses the warrant or check to the
 5 private ~~nonpublic~~ school of the parent's choice for deposit
 6 into the account of the private ~~nonpublic~~ school.

7 (h) An eligible nonprofit scholarship-funding
 8 organization may not commingle scholarship funds with any
 9 other funds and must maintain a separate account for
 10 scholarship funds.

11 (i) An eligible nonprofit scholarship-funding
 12 organization shall obtain verification from a private school
 13 of each student's continued attendance at the private school
 14 prior to each scholarship payment.

15 (j) An eligible nonprofit scholarship-funding
 16 organization must verify the income of all scholarship
 17 applicants participating in the program at least once each
 18 school year through independent income documentation as
 19 provided in rules of the State Board of Education.

20 (k) An eligible nonprofit scholarship-funding
 21 organization must prepare and submit quarterly reports to the
 22 Department of Education pursuant to subsection (8). In
 23 addition, an eligible nonprofit scholarship-funding
 24 organization must timely submit to the Department of Education
 25 any information requested by the Department of Education
 26 relating to the scholarship program.

27 (l) All owners of an eligible nonprofit
 28 scholarship-funding organization shall, upon employment or
 29 engagement to provide services, undergo background screening
 30 pursuant to s. 943.0542 by electronically filing with the
 31 Department of Law Enforcement, for state processing, a

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1 complete set of fingerprints taken by an authorized law
2 enforcement agency or by an employee of the eligible nonprofit
3 scholarship-funding organization or a private company who is
4 trained to take fingerprints. However, the complete set of
5 fingerprints of an owner may not be taken by the owner. The
6 Department of Law Enforcement shall submit the fingerprints to
7 the Federal Bureau of Investigation for federal processing.
8 The eligible nonprofit scholarship-funding organization shall
9 screen the background results pursuant to s. 435.04 and timely
10 report to the Department of Education any owner who fails to
11 meet level 2 screening standards pursuant to s. 435.04 or any
12 owner who has been convicted of a crime involving moral
13 turpitude. The Department of Education shall verify the
14 information reported by the eligible nonprofit
15 scholarship-funding organization. Owners found through
16 fingerprint processing to have been convicted of a crime
17 involving moral turpitude or failing to meet level 2 screening
18 standards pursuant to s. 435.04 may not be employed or engaged
19 to provide services in any position with the eligible
20 nonprofit scholarship-funding organization. The cost of the
21 background screening may be borne by the eligible nonprofit
22 scholarship-funding organization or the owner.

23 1. Every 5 years following employment or engagement to
24 provide services with an eligible nonprofit
25 scholarship-funding organization, each owner must meet level 2
26 screening requirements as described in s. 435.04, at which
27 time the nonprofit scholarship-funding organization shall
28 request the Department of Law Enforcement pursuant to s.
29 943.0542 to forward the fingerprints to the Federal Bureau of
30 Investigation for level 2 screening. If the fingerprints of an
31 owner are not retained by the Department of Law Enforcement

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1 under subparagraph 2., the owner must file a complete set of
2 fingerprints with the eligible nonprofit scholarship-funding
3 organization. Upon submission of fingerprints for this
4 purpose, the eligible nonprofit scholarship-funding
5 organization shall request the Department of Law Enforcement
6 to forward the fingerprints to the Federal Bureau of
7 Investigation for level 2 screening, and the fingerprints
8 shall be retained by the Department of Law Enforcement under
9 subparagraph 2. The cost of the state and federal criminal
10 history check required by level 2 screening may be borne by
11 the eligible nonprofit scholarship-funding organization or the
12 owner. Under penalty of perjury, each owner must agree to
13 inform the eligible nonprofit scholarship-funding organization
14 immediately if convicted of any disqualifying offense while he
15 or she is employed by or engaged to provide services with the
16 eligible nonprofit scholarship-funding organization.

17 2. Effective December 15, 2005, all fingerprints
18 submitted to the Department of Law Enforcement as required by
19 this paragraph shall be retained by the Department of Law
20 Enforcement in a manner provided by rule and entered in the
21 statewide automated fingerprint identification system
22 authorized by s. 943.05(2)(b). Such fingerprints shall
23 thereafter be available for all purposes and uses authorized
24 for arrest fingerprint cards entered in the statewide
25 automated fingerprint identification system pursuant to s.
26 943.051.

27 3. Effective December 15, 2005, the Department of Law
28 Enforcement shall search all arrest fingerprint cards received
29 under s. 943.051 against the fingerprints retained in the
30 statewide automated fingerprint identification system under
31 subparagraph 2. Any arrest record that is identified with an

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1 owner's fingerprints shall be reported to the eligible
2 nonprofit scholarship-funding organization. The eligible
3 nonprofit scholarship-funding organization shall notify the
4 Department of Education if the arrest record reported to the
5 organization results in a person's failing to meet the level 2
6 requirements. An eligible nonprofit scholarship-funding
7 organization that fails to report this information shall be
8 immediately suspended from the program. Each eligible
9 nonprofit scholarship-funding organization shall participate
10 in this search process by paying an annual fee to the
11 Department of Law Enforcement and by informing the Department
12 of Law Enforcement of any change in the employment or
13 engagement status or place of employment or engagement of its
14 owners whose fingerprints are retained under subparagraph 2.
15 The Department of Law Enforcement shall adopt a rule setting
16 the amount of the annual fee to be imposed upon each eligible
17 nonprofit scholarship-funding organization for performing
18 these searches and establishing the procedures for the
19 retention of owner fingerprints and the dissemination of
20 search results. The fee may be borne by the eligible nonprofit
21 scholarship-funding organization or by the owner.

22 4. If it is found that an owner of an eligible
23 nonprofit scholarship-funding organization does not meet level
24 2 requirements, the eligible nonprofit scholarship-funding
25 organization shall be immediately suspended from participating
26 in the program and shall remain suspended until final
27 resolution of any appeals. An eligible nonprofit
28 scholarship-funding organization the owner of which fails to
29 meet level 2 screening standards or has been convicted of a
30 crime involving moral turpitude may not participate in this
31 program.

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1
2 The Department of Law Enforcement shall provide the Department
3 of Education with the results of the state and national
4 records checks provided to the qualified entity at each
5 private school as provided in s. 943.0542.

6 (m) If the owner of an eligible nonprofit
7 scholarship-funding organization has in the immediately
8 preceding 7 years filed for personal bankruptcy or owned 20
9 percent or more of a corporation that filed for corporate
10 bankruptcy in the immediately preceding 7 years, the eligible
11 nonprofit scholarship-funding organization may not participate
12 in this program.

13 (n) An eligible nonprofit scholarship-funding
14 organization must comply with the antidiscrimination
15 provisions of 42 U.S.C. s. 2000d.

16 (o) An eligible nonprofit scholarship-funding
17 organization or an owner of an eligible nonprofit
18 scholarship-funding organization may not own, operate, or
19 administer an eligible private school participating in the
20 program.

21 (p) An eligible nonprofit scholarship-funding
22 organization must report to the Department of Education any
23 eligible private school participating in the scholarship
24 program under this section which does not comply with the
25 requirements of this program. The eligible nonprofit
26 scholarship-funding organization may not provide additional
27 scholarship funds for a qualified student to attend an
28 eligible private school until the State Board of Education
29 determines that the school is in compliance with this section.

30 (q) An eligible nonprofit scholarship-funding
31 organization must allow a qualified student to attend any

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1 eligible private school and must allow the parent to transfer
 2 the scholarship during the school year to another eligible
 3 private school of the parent's choice.

4 (r) An eligible nonprofit scholarship-funding
 5 organization must provide a scholarship to a qualified student
 6 on a first-come, first-served basis unless the student
 7 qualifies for priority pursuant to paragraph (5)(b). An
 8 eligible nonprofit scholarship-funding organization may not
 9 target scholarships to a particular private school or provide
 10 scholarships to a child of an owner.

11 (s) An eligible nonprofit scholarship-funding
 12 organization may not secure a promissory note, a line of
 13 credit, or other financing to fund a scholarship in
 14 anticipation of an eligible contribution. An eligible
 15 scholarship-funding organization may fund scholarships only
 16 through eligible contributions received under the scholarship
 17 program.

18 (t) An eligible nonprofit scholarship-funding
 19 organization that fails to comply with this section may not
 20 participate in the scholarship program.

21 ~~(6)(5)~~ PARENT OBLIGATIONS.--

22 (a) As a condition for scholarship payment pursuant to
 23 paragraph (4)(g), if the parent chooses for his or her child
 24 to attend an eligible private ~~nonpublic~~ school, the parent
 25 must inform the child's school district within 15 days after
 26 the ~~such~~ decision has been made.

27 (b) Any student participating in the scholarship
 28 program must remain in attendance throughout the school year,
 29 unless excused by the school for illness or other good cause,
 30 and must comply fully with the school's code of conduct.

31 (c) The parent of each student participating in the

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1 scholarship program must comply fully with the eligible
2 private school's parental-involvement requirements unless
3 excused by the school for good cause.

4 (d) Upon receipt of scholarship funds from an eligible
5 nonprofit scholarship-funding organization, the parent to whom
6 the warrant is made must restrictively endorse the warrant to
7 the eligible private school for deposit into the account of
8 the private school. If a parent refuses to restrictively
9 endorse a warrant to which an eligible private school is
10 lawfully entitled, that student's scholarship shall be
11 forfeited. The parent may not authorize the eligible private
12 school, its owners, or employees to act as an attorney in fact
13 for purposes of endorsing scholarship warrants.

14 (e) The parent of each qualified student participating
15 in the scholarship program must ensure that the student
16 participates in the required testing pursuant to this section.

17 (f) A student or parent who fails to comply with this
18 subsection forfeits the scholarship.

19 (7)(6) ELIGIBLE PRIVATE ~~NONPUBLIC~~ SCHOOL
20 OBLIGATIONS.--An eligible private ~~nonpublic~~ school must:

21 (a) Demonstrate fiscal soundness by being in operation
22 for at least 3 school years or obtaining a surety bond or
23 letter of credit for the amount equal to the scholarship funds
24 for any quarter and filing the surety bond or letter of credit
25 with one school year or provide the Department of Education.
26 If the private school becomes subject to an action taken by
27 the Department of Education for a violation of this section,
28 the school:

29 1. Shall file a surety bond with the Department of
30 Education after the date on which the action was taken for
31 such violation but before receiving the next quarterly

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1 scholarship payment;

2 2. Shall file a surety bond with the Department of
3 Education for 2 additional consecutive years after the date
4 the bond was filed under subparagraph 1.; and

5 3. May not accept new scholarship students until the
6 Department of Education determines that the private school is
7 in compliance with each requirement in this section and in all
8 rules of the State Board of Education. ~~with a statement by a~~
9 ~~certified public accountant confirming that the nonpublic~~
10 ~~school desiring to participate is insured and the owner or~~
11 ~~owners have sufficient capital or credit to operate the school~~
12 ~~for the upcoming year serving the number of students~~
13 ~~anticipated with expected revenues from tuition and other~~
14 ~~sources that may be reasonably expected. In lieu of such a~~
15 ~~statement, a surety bond or letter of credit for the amount~~
16 ~~equal to the scholarship funds for any quarter may be filed~~
17 ~~with the department.~~

18 (b) Comply with the antidiscrimination provisions of
19 42 U.S.C. s. 2000d.

20 (c) Meet state and local health and safety laws and
21 codes.

22 (d) Comply with all state laws relating to general
23 regulation of private ~~nonpublic~~ schools.

24 (e) Employ or contract with teachers who have regular
25 and direct contact with each student receiving a scholarship
26 under this section at the school's physical location. All
27 teachers must hold a baccalaureate degree or higher or have at
28 least 3 years' of teaching experience in public or private
29 schools, or have special skills, knowledge, or expertise that
30 qualifies them to provide instruction in subjects taught. As
31 part of the sworn-compliance form authorized under subsection

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1 (8), an eligible private school must report to the Department
 2 of Education the number of teachers employed or under contract
 3 with the eligible private school, along with the manner in
 4 which the teacher meets the requirements of this paragraph.

5 (f) Annually register with the Department of
 6 Education. Each eligible private school must annually provide
 7 the following information to the Department of Education:

8 1. The legal business and trade names, mailing
 9 address, and business location of the eligible private school;

10 2. The legal name, mailing address, and telephone
 11 numbers of an owner of the eligible private school;

12 3. A list of students at the eligible private school
 13 receiving a scholarship under this section; and

14 4. A notification of the eligible private school's
 15 intent to participate in the program under this section.

16 (g) Ensure that all personnel who are hired or
 17 contracted to provide services to fill positions requiring
 18 direct contact with students in the eligible private school,
 19 and all owners of an eligible private school shall, upon
 20 employment or engagement to provide services, undergo
 21 background screening pursuant to s. 943.0542 by electronically
 22 filing with the Department of Law Enforcement a complete set
 23 of fingerprints taken by an authorized law enforcement agency
 24 or by an employee of the eligible private school or public
 25 school, or an employee of a private company, who is trained to
 26 take fingerprints. However, the complete set of fingerprints
 27 of an owner of an eligible private school may not be taken by
 28 the owner. These fingerprints shall be electronically
 29 submitted to the Department of Law Enforcement for state
 30 processing, which shall in turn submit the fingerprints to the
 31 Federal Bureau of Investigation for federal processing. The

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1 private school shall screen the background results pursuant to
2 s. 435.04 and timely report to the Department of Education any
3 person described in this paragraph who fails to meet level 2
4 screening standards pursuant to s. 435.04 or any person
5 described in this paragraph who has been convicted of a crime
6 involving moral turpitude. The Department of Education shall
7 verify the information reported by the eligible private
8 school. Any person described in this paragraph who is found
9 through fingerprint processing to have been convicted of a
10 crime involving moral turpitude or fails to meet level 2
11 screening standards pursuant to s. 435.04 may not be employed
12 or engaged to provide services in any position in the eligible
13 private school requiring direct contact with students and may
14 not assume an ownership position. The cost of the background
15 screening may be borne by the eligible private school, the
16 employee, the person engaged to provide services, or the
17 owner.

18 1. Every 5 years each person described in this
19 paragraph must meet level 2 screening requirements as
20 described in s. 435.04, at which time the private school shall
21 request the Department of Law Enforcement pursuant to s.
22 943.0542 to forward the fingerprints to the Federal Bureau of
23 Investigation for level 2 screening. If the fingerprints of a
24 person described in this paragraph are not retained by the
25 Department of Law Enforcement under subparagraph 2., the
26 person must file a complete set of fingerprints with the
27 private school. Upon submission of fingerprints for this
28 purpose, the private school shall request the Department of
29 Law Enforcement to forward the fingerprints to the Federal
30 Bureau of Investigation for level 2 screening, and the
31 fingerprints shall be retained by the Department of Law

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1 Enforcement under subparagraph 2. The cost of the state and
2 federal criminal history check required by level 2 screening
3 may be borne by the eligible private school, the employee, the
4 person engaged to provide services, or the owner. Under
5 penalty of perjury, each person described in this paragraph
6 must agree to inform the eligible private school immediately
7 if convicted of any disqualifying offense while in a capacity
8 with the eligible private school as described in this
9 paragraph.

10 2. Effective December 15, 2005, all fingerprints
11 submitted to the Department of Law Enforcement as required by
12 this paragraph shall be retained by the Department of Law
13 Enforcement in a manner provided by rule and entered in the
14 statewide automated fingerprint identification system
15 authorized by s. 943.05(2)(b). Such fingerprints shall
16 thereafter be available for all purposes and uses authorized
17 for arrest fingerprint cards entered in the statewide
18 automated fingerprint identification system pursuant to s.
19 943.051.

20 3. Effective December 15, 2005, the Department of Law
21 Enforcement shall search all arrest fingerprint cards received
22 under s. 943.051 against the fingerprints retained in the
23 statewide automated fingerprint identification system under
24 subparagraph 2. Any arrest record that is identified with the
25 fingerprints of a person described in this paragraph shall be
26 reported to the eligible private school. The eligible private
27 school shall notify the Department of Education if the arrest
28 record reported to the private school results in a person's
29 failing to meet the level 2 requirements. An eligible private
30 school that fails to report this information shall be
31 immediately suspended from the program. Each eligible private

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1 school shall participate in this search process by paying an
 2 annual fee to the Department of Law Enforcement and by
 3 informing the Department of Law Enforcement of any change in
 4 the status or place of employment or engagement of services of
 5 its personnel as described in this paragraph whose
 6 fingerprints are retained under subparagraph 2. The Department
 7 of Law Enforcement shall adopt a rule setting the amount of
 8 the annual fee to be imposed upon each eligible private school
 9 for performing these searches and establishing the procedures
 10 for the retention of eligible private school personnel
 11 fingerprints and the dissemination of search results. The fee
 12 may be borne by the eligible private school, the employee, the
 13 person engaged to provide services, or the owner.

14 4. If it is found that a person described in this
 15 paragraph does not meet the level 2 requirements, the eligible
 16 private school shall be immediately suspended from
 17 participating in the program and shall remain suspended until
 18 final resolution of any appeals. An eligible private school
 19 that employs or engages to provide services with a person
 20 described in this paragraph who fails to meet level 2
 21 screening standards or has been convicted of a crime involving
 22 moral turpitude may not participate in this program.

23
 24 The Department of Law Enforcement shall provide the Department
 25 of Education with the results of the state and national
 26 records checks provided to the qualified entity at each
 27 private school as provided in s. 943.0542.

28 (h)1. Select one of the four nationally
 29 norm-referenced tests identified by the State Board of
 30 Education under subsection (8) for each scholarship student.
 31 The test initially selected for a student must be used for

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1 that student for no less than 5 consecutive years. However,
 2 the private school may use an updated version of the same
 3 test, based on the new norms, from the same publisher.

4 2. Annually administer or provide for each scholarship
 5 student to take the nationally norm-referenced test selected
 6 under subparagraph 1. and report each student's scores to the
 7 parent and the public university that is selected by the
 8 Commissioner of Education under subsection (8).

9 (i) Cooperate with a scholarship student whose parent
 10 choses to participate in the statewide assessments under s.
 11 1008.22.

12 (j) Annually comply with the Department of Education's
 13 affidavit requirements as provided in subsection (9).

14 (k) Timely notify in writing the Department of
 15 Education and the eligible nonprofit scholarship-funding
 16 organization if a qualified student is ineligible to
 17 participate in the scholarship program.

18 (l) Report annually to the Department of Education and
 19 the scholarship applicants of the eligible private school if
 20 the eligible private school has been in existence for 3 years
 21 or less.

22 (m) Report annually to the Department of Education and
 23 the scholarship applicants of the eligible private school:

24 1. Whether the eligible private school is accredited
 25 by an in state or regional accrediting association that is
 26 validated by a third-party accreditor at the state or national
 27 level which has been in existence at least 3 years;

28 2. The name of the accrediting association that
 29 accredits the eligible private school; and

30 3. Whether the eligible private school is in the
 31 process of receiving candidate status.

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The Department of Education shall make the annual list of accredited and nonaccredited eligible private schools available to the public and shall make that list available by county.

(n) Comply with this section's requirements. An eligible private school that fails to comply with this section is ineligible to participate in the scholarship program under this section.

(o) Accept scholarship students on a religious-neutral basis. A private school may not discriminate against a student on the basis of the religion of the student, the parent, or the private school.

(8) DEPARTMENT OF EDUCATION; RESPONSIBILITIES.--The Department of Education shall:

(a) Annually submit, by March 15, to the Department of Revenue a list of eligible nonprofit scholarship-funding organizations that meet the requirements of this section.

(b) Annually determine the eligibility of nonprofit scholarship-funding organizations that meet the requirements of this section. The Department of Education must determine the eligibility of the nonprofit scholarship-funding organization within 90 days after the nonprofit scholarship-funding organization's application for approval to participate in the program. The Department of Education must provide written notice of approval or denial to participate in the program to the nonprofit scholarship-funding organization. The notice must contain the specific reasons for approval or denial.

(c) Annually determine the eligibility of private schools that meet the requirements of this section. The

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1 Department of Education must maintain a list of eligible
2 private schools, and that list must be made accessible to the
3 public.

4 (d) Annually verify the eligibility of students that
5 meet the requirements of this section. The Department of
6 Education must maintain a database of students participating
7 in the program. The Department of Education must, at least
8 quarterly, update its database to ensure that a student
9 continues to meet the requirements of this section. The
10 Department of Education must timely notify an eligible
11 nonprofit scholarship-funding organization of any student that
12 fails to meet the requirements of this section.

13 (e) Annually account for and verify the eligibility of
14 expenditures under this section.

15 (f) Annually review all audit reports of eligible
16 nonprofit scholarship-funding organizations for compliance
17 with this section.

18 (g) Annually submit, administer, and retain records of
19 affidavits from private schools certifying compliance with
20 this section.

21 (h) Identify and select the nationally norm-referenced
22 tests that are comparable to the norm-referenced provisions of
23 the Florida Comprehensive Assessment Test. The State Board of
24 Education may not identify more than four norm-referenced
25 tests for use in meeting the requirements of this section. The
26 State Board of Education may select the Florida Comprehensive
27 Assessment Test as one of the four tests for use in meeting
28 such requirements. The Commissioner of Education shall select
29 a Florida public university to analyze and report student
30 performance data for each scholarship student. The
31 Commissioner of Education shall select the university based

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1 upon the university's mission and the university's
2 demonstrated experience in the analysis of student performance
3 data. The university must report annually on the year-to-year
4 improvements of the qualified students and must analyze and
5 report student performance data, including student scores by
6 grade level, in a manner that protects the rights of students
7 and parents as mandated in 20 U.S.C. s. 1232g and must not
8 disaggregate data to a level that will disclose the identity
9 of students. Any comparison of student performance data
10 between two or more eligible private schools must be solely
11 based on the performance of qualified scholarship students.

12 (i) The Department of Education shall conduct an
13 investigation of any written complaint of a violation of this
14 section if the complaint is signed by the complainant and is
15 legally sufficient. A complaint is legally sufficient if it
16 contains ultimate facts that show that a violation of this
17 section or any rule adopted by the State Board of Education
18 has occurred. In order to determine legal sufficiency, the
19 Department of Education may require supporting information or
20 documentation. The Department of Education may investigate any
21 complaint, including, but not limited to, anonymous
22 complaints.

23 (j) Revoke the eligibility of a nonprofit
24 scholarship-funding organization, private school, or student
25 to participate in the program for noncompliance with this
26 section.

27 (k) Annually report, by December 15, to the Governor,
28 the President of the Senate, and the Speaker of the House of
29 Representatives the Department of Education's actions with
30 respect to implementing accountability in the scholarship
31 program under this section, including, but not limited to, any

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1 substantiated allegations or violations of law or rule by an
 2 eligible nonprofit scholarship-funding organization or
 3 eligible private school under this program and the corrective
 4 action taken by the Department of Education.

5 (1) Review and verify the results of the background
 6 checks reported by the private school pursuant to subsections
 7 (5) and (7) for each person who fails to meet level 2
 8 screening standards or who has been convicted of a crime
 9 involving moral turpitude.

10 (9)(7) ADMINISTRATION; RULES.--

11 (a) If the credit granted pursuant to this section is
 12 not fully used in any one year because of insufficient tax
 13 liability on the part of the corporation, the unused amount
 14 may be carried forward for a period not to exceed 3 years;
 15 however, any taxpayer that seeks to carry forward an unused
 16 amount of tax credit must submit an application for allocation
 17 of tax credits or carryforward credits as required in
 18 paragraph (d) in the year that the taxpayer intends to use the
 19 carryforward. The total amount of tax credits and carryforward
 20 of tax credits granted each state fiscal year under this
 21 section is \$88 million. This carryforward applies to all
 22 approved contributions made after January 1, 2002. A taxpayer
 23 may not convey, assign, or transfer the credit authorized by
 24 this section to another entity unless all of the assets of the
 25 taxpayer are conveyed, assigned, or transferred in the same
 26 transaction.

27 (b) An application for a tax credit pursuant to this
 28 section shall be submitted to the Department of Revenue on
 29 forms established by rule of the Department of Revenue.

30 (c) The Department of Revenue and the Department of
 31 Education shall develop a cooperative agreement to assist in

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1 the administration of this section. ~~The Department of~~
 2 ~~Education shall be responsible for annually submitting, by~~
 3 ~~March 15, to the department a list of eligible nonprofit~~
 4 ~~scholarship-funding organizations that meet the requirements~~
 5 ~~of paragraph (2)(d) and for monitoring eligibility of~~
 6 ~~nonprofit scholarship-funding organizations that meet the~~
 7 ~~requirements of paragraph (2)(d), eligibility of nonpublic~~
 8 ~~schools that meet the requirements of paragraph (2)(c), and~~
 9 ~~eligibility of expenditures under this section as provided in~~
 10 ~~subsection (4).~~

11 (d) The Department of Revenue shall adopt rules
 12 necessary to administer this section, including rules
 13 establishing application forms and procedures and governing
 14 the allocation of tax credits and carryforward credits under
 15 this section on a first-come, first-served basis.

16 (e) The State Board of Education ~~Department of~~
 17 ~~Education~~ shall adopt rules under ss. 120.536(1) and 120.54 to
 18 administer this section, including, but not limited to, rules:

19 1. Determining necessary to determine eligibility of
 20 nonprofit scholarship-funding organizations and private
 21 schools;

22 2. Identifying as defined in paragraph (2)(d) and
 23 according to the provisions of subsection (4) and identify
 24 qualified students; as defined in paragraph (2)(e).

25 3. Requiring documentation to establish eligibility
 26 for nonprofit scholarship-funding organizations;

27 4. Requiring an affidavit, which comports with this
 28 section's requirements for private schools that participate in
 29 the scholarship program; and

30 5. Requiring independent income-verification
 31 documentation to establish student eligibility under this

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1 section.

2 (f) The State Board of Education may delegate its
3 authority under this section to the Commissioner of Education
4 with the exception of rulemaking authority.

5 ~~(10)(8)~~ DEPOSITS OF ELIGIBLE CONTRIBUTIONS.--All
6 eligible contributions received by an eligible nonprofit
7 scholarship-funding organization shall be deposited in a
8 manner consistent with s. 17.57(2).

9 Section 4. If section 1002.39, Florida Statutes, the
10 John M. McKay Scholarships for Students with Disabilities
11 Program, is found to violate Section 3 of Article I, of the
12 State Constitution, a nonsectarian private school may continue
13 to participate in the program.

14 Section 5. This act shall take effect upon becoming a
15 law.

16
17

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21

22 and insert:

23 A bill to be entitled
24 An act relating to scholarship programs;
25 amending s. 1002.39, F.S., relating to the John
26 M. McKay Scholarships for Students with
27 Disabilities Program; revising the definition
28 of an eligible student; revising the
29 eligibility requirements of the program;
30 revising requirements for scholarship funding
31 and payments; providing reporting requirements

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1 for school districts; holding a school district
2 harmless from a specified student enrollment
3 ceiling; prohibiting the transfer of funds to
4 the Florida School for the Deaf and the Blind
5 under certain circumstances; extending the term
6 of the scholarship; prohibiting certain
7 students from receiving a scholarship; revising
8 the parental notification requirements;
9 authorizing certain scholarship students to
10 participate in a distance learning or
11 correspondence course or a private tutoring
12 program under certain circumstances; providing
13 a definition of timely parental notification;
14 providing requirements for district school
15 boards with respect to completing and making
16 changes to the matrix of services for
17 scholarship students; requiring school
18 districts to provide parental notification
19 related to reassessments; revising requirements
20 that a participating private school demonstrate
21 fiscal soundness; requiring annual registration
22 of private schools; providing requirements for
23 documentation and notice; providing additional
24 requirements for participating private schools;
25 requiring annual sworn and notarized compliance
26 statements to be filed with the department;
27 requiring specific documentation for
28 participating scholarship students; requiring
29 that the private school maintain a physical
30 location in this state; requiring that
31 information be made available to potential

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1 scholarship students and the department;
2 requiring scholarship students to participate
3 in assessments; requiring notification to
4 parents regarding student skill levels;
5 requiring notification to the department
6 regarding changes in information; requiring
7 notification to local health departments;
8 prohibiting discrimination on the basis of
9 religion by a private school; requiring certain
10 individuals to undergo level 2 background
11 screening requirements pursuant to s. 943.0542,
12 F.S.; requiring the Department of Education to
13 verify the background screening information
14 provided by the private school; providing for
15 the Department of Law Enforcement to retain and
16 search fingerprint records; providing for an
17 annual fee as provided by rule of the
18 Department of Law Enforcement; requiring that
19 costs of background checks to be borne by
20 certain parties; requiring the Department of
21 Law Enforcement to provide the Department of
22 Education with information related to
23 background screening; prohibiting a private
24 school from acting as an attorney in fact for
25 the parent of a scholarship student or
26 endorsing scholarship warrants on behalf of a
27 parent; prohibiting participating private
28 schools from sending or directing scholarship
29 funds to parents of a scholarship student who
30 receives instruction at home; prohibiting a
31 participating school from being a private

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1 tutoring program or a correspondence or
2 distance learning school; requiring a private
3 school that is subject to enforcement action by
4 the department for certain violations to file
5 certain surety bonds and, pending compliance
6 with certain laws, cease accepting new
7 scholarship students; prohibiting a
8 participating school from accepting students
9 pending verification of information;
10 authorizing a participating private school to
11 request, and the department to grant,
12 closed-enrollment status for a school;
13 requiring a private school that is subject to
14 enforcement action by the department for
15 certain violations to file certain surety bonds
16 and, pending compliance with certain laws,
17 cease accepting new scholarship students;
18 prohibiting the parent of a scholarship student
19 from designating a participating private school
20 as the parent's attorney in fact to sign a
21 scholarship warrant; clarifying that the school
22 district must report to the department the
23 students who are attending a private school
24 under the program; establishing additional
25 obligations of the Department of Education;
26 requiring the department to review, approve,
27 and verify information; requiring the
28 department to determine the eligibility of a
29 private school to participate in the program;
30 requiring the department to publish an on-line
31 list of current eligible private schools;

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1 requiring the department to deny or refuse to
 2 allow the participation of a private school for
 3 failing to meet certain requirements; requiring
 4 the department to issue a notice of
 5 noncompliance for minor violations; providing
 6 for an emergency order revoking the
 7 registration of a private school for failing to
 8 satisfy the requirements in the notice;
 9 requiring the Department of Education to
 10 immediately revoke the registration of a
 11 private school for certain other violations;
 12 requiring the department to revoke the
 13 scholarship for a participant for failing to
 14 comply with statutory requirements or for
 15 engaging in specified practices; requiring the
 16 department to conduct investigations of legally
 17 sufficient complaints of violations;
 18 authorizing the department to require
 19 supporting information or documentation;
 20 authorizing the Department of Education to
 21 change the matrix of services under certain
 22 circumstances; providing for audits by the
 23 Auditor General; providing requirements for the
 24 audits; requiring the State Board of Education
 25 to adopt rules; specifying the required rules;
 26 amending s. 220.187, F.S., relating to the
 27 Corporate Tax Credit Scholarship Program;
 28 providing a short title; providing definitions;
 29 eliminating the \$5-million cap on contributions
 30 to any single eligible nonprofit
 31 scholarship-funding organization; prohibiting

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1 certain private schools and other entities from
2 participating in the scholarship program;
3 authorizing students whose family income level
4 meets certain federal poverty level criteria to
5 continue to participate in the scholarship
6 program; prohibiting certain students from
7 participating in the scholarship program;
8 revising limitations on the allocation of
9 annual credits granted under the program;
10 providing limitations on eligible
11 contributions; requiring scholarship-funding
12 organizations to obligate all of the
13 contributions subject to certain conditions;
14 requiring the Auditor General to review certain
15 audits, request certain information, and report
16 to the Legislative Auditing Committee any
17 findings of noncompliance; authorizing the
18 Legislative Auditing Committee to conduct
19 hearings and compel the Department of Education
20 to revoke eligibility of certain nonprofit
21 scholarship-funding organizations; providing
22 for audit reports to be submitted to the
23 Department of Education; requiring audits be
24 conducted within 180 days after completion of
25 the nonprofit scholarship-funding
26 organization's fiscal year; requiring a
27 nonprofit scholarship-funding organization to
28 make scholarship payments at least on a
29 quarterly basis; prohibiting commingling of
30 certain scholarship funds; requiring a
31 nonprofit scholarship-funding organization to

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1 maintain a separate account for scholarship
2 funds; requiring a nonprofit
3 scholarship-funding organization to verify
4 student attendance at a private school prior to
5 submission of scholarship funds; requiring a
6 nonprofit scholarship-funding organization to
7 verify income eligibility of qualified students
8 at least once a year in accordance with State
9 Board of Education rules; requiring a nonprofit
10 scholarship-funding organization to submit
11 certain reports to the Department of Education;
12 requiring certain individuals to undergo level
13 2 background screening requirements pursuant to
14 s. 435.04, F.S.; providing for the Department
15 of Law Enforcement to retain and search
16 fingerprint records; providing for an annual
17 fee as provided by rule of the Department of
18 Law Enforcement; requiring costs of background
19 checks be borne by certain parties; requiring
20 the Department of Education to verify the
21 background screening information provided by
22 the eligible nonprofit scholarship-funding
23 organization; requiring the Department of Law
24 Enforcement to provide the Department of
25 Education with information related to
26 background screening; prohibiting certain
27 eligible nonprofit scholarship-funding
28 organizations the owners of which have filed
29 for bankruptcy from participating in the
30 program; requiring a nonprofit
31 scholarship-funding organization comply with

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1 antidiscrimination provisions of 42 U.S.C. s.
2 2000d; prohibiting an owner or a nonprofit
3 scholarship-funding organization from owning,
4 operating, or administering an eligible private
5 school under the scholarship program; requiring
6 a nonprofit scholarship-funding organization to
7 report any private school not in compliance
8 with scholarship program requirements to the
9 Department of Education; prohibiting provision
10 of scholarship funds to a student to attend a
11 private school not in compliance; authorizing a
12 parent to transfer the scholarship; requiring
13 award of scholarships on a first-come,
14 first-served basis; prohibiting a nonprofit
15 scholarship-funding organization from targeting
16 certain students for scholarships; prohibiting
17 the award of scholarships to a child of an
18 owner of a nonprofit scholarship-funding
19 organization; prohibiting a nonprofit
20 scholarship-funding organization from securing
21 financing in anticipation of eligible
22 contributions; prohibiting a nonprofit
23 scholarship-funding organization from
24 participating in the program if the
25 organization fails to meet statutory
26 obligations; requiring students to meet certain
27 attendance policies; requiring parents to meet
28 certain parental involvement requirements
29 unless excused; prohibiting a parent from
30 authorizing a power of attorney for endorsement
31 of scholarship warrant; requiring a parent to

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1 ensure that a scholarship student participates
2 in testing requirements; prohibiting a student
3 or parent of a student from participating in
4 the scholarship program if the student or
5 parent fails to meet statutory obligations;
6 revising provisions with respect to private
7 schools; revising requirements that a
8 participating private school demonstrate fiscal
9 soundness; requiring a private school that is
10 subject to enforcement action by the department
11 for certain violations to file certain surety
12 bonds and, pending compliance with certain
13 laws, cease accepting new scholarship students;
14 requiring a private school to employ or
15 contract with teachers who have regular and
16 direct contact with students at the school's
17 physical location; requiring the private
18 schools to employ or contract with teachers who
19 have at least a baccalaureate degree or 3 years
20 of teaching experience at a public or private
21 school, and other skills that qualify the
22 teacher to provide appropriate instruction;
23 requiring a private school to report to the
24 Department of Education the qualifications of
25 teachers; requiring a private school to
26 annually register with the Department of
27 Education and provide certain information
28 concerning the private school organization,
29 student list, and notice of intent to
30 participate in the scholarship program;
31 requiring certain individuals to undergo level

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1 2 background screening requirements pursuant to
2 s. 435.04, F.S.; providing for the Department
3 of Law Enforcement to retain and search
4 fingerprint records; providing for an annual
5 fee as provided by rule of the Department of
6 Law Enforcement; requiring that costs of
7 background checks be borne by certain parties;
8 requiring the Department of Law Enforcement to
9 provide the Department of Education with
10 information related to background screening;
11 requiring a private school to administer or to
12 make provision for administering certain tests
13 to scholarship students; requiring reporting of
14 scores to the student's parent and to the
15 public university that was selected to analyze
16 and report certain data; requiring a private
17 school to cooperate with a scholarship student
18 whose parent chooses to participate in certain
19 assessments; requiring a private school to file
20 an affidavit; requiring a private school to
21 notify the Department of Education in writing
22 within 7 days if a student is ineligible to
23 participate in the scholarship program;
24 requiring a private school to report to the
25 Department of Education and distribute to
26 scholarship applicants information concerning
27 accreditation and years in existence; requiring
28 the Department of Education to make certain
29 information concerning private school
30 accreditation available to the public;
31 prohibiting a private school from participating

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1 in the scholarship program if the private
2 school fails to meet its statutory obligations;
3 prohibiting discrimination on the basis of
4 religion by a private school; requiring the
5 Department of Education to determine the
6 eligibility of certain nonprofit
7 scholarship-funding organizations within 90
8 days after application; requiring a written
9 notice with specific reasons for approval or
10 denial; requiring the Department of Education
11 to annually determine the eligibility of
12 nonprofit scholarship-funding organizations and
13 private schools; requiring the Department of
14 Education to make accessible to the public a
15 list of eligible private schools; requiring the
16 Department of Education to annually verify the
17 eligibility of students; requiring the
18 Department of Education to maintain a student
19 database of program participants and to update
20 the database at least quarterly; requiring the
21 Department of Education to notify a nonprofit
22 scholarship-funding organization of any
23 ineligible student; requiring the Department of
24 Education to annually account for and verify
25 the eligibility of program expenditures;
26 requiring the Department of Education to review
27 audits; providing for selection by the
28 Commissioner of Education of a public
29 university to analyze and report on certain
30 student data; requiring the public university
31 to report student performance data; providing

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1 limitations on reporting; requiring the
2 Department of Education to revoke the
3 eligibility of program participants for failure
4 to comply with statutory obligations; requiring
5 the Department of Education to conduct
6 investigations of certain complaints; requiring
7 the Department of Education to annually report
8 on accountability activities; requiring the
9 department to verify information; requiring the
10 State Board of Education to adopt rules
11 regarding documentation to establish
12 eligibility of nonprofit scholarship-funding
13 organizations, requiring an affidavit, and
14 requiring independent income verification for
15 determining the eligibility of students;
16 authorizing the State Board of Education to
17 delegate its authority to the Commissioner of
18 Education with the exception of rulemaking
19 authority; providing that a secular private
20 school may continue its participation in the
21 scholarship program even if the act is found to
22 violate the State Constitution; providing an
23 effective date.

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