

Bill No. SB 584

Barcode 353066

CHAMBER ACTION

Senate

House

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The Committee on Education (Wise) recommended the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Subsections (1), (2), and (6) of section 1002.39, Florida Statutes, are amended 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 the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom an individual education plan has been written in accordance with

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1 rules of the State Board of Education. Students with  
 2 disabilities include K-12 students who are documented as  
 3 having mental retardation; a ~~mentally handicapped,~~ speech or  
 4 ~~and~~ language impairment; a ~~impaired, deaf or hard of hearing~~  
 5 impairment, including deafness; a visual impairment, including  
 6 blindness; a ~~visually impaired,~~ dual sensory impairment; a  
 7 physical impairment; a serious emotional disturbance,  
 8 including an emotional handicap; a ~~impaired, physically~~  
 9 ~~impaired, emotionally handicapped,~~ specific learning  
 10 disability, including, but not limited to, dyslexia,  
 11 dyscalculia, or developmental aphasia; a traumatic brain  
 12 injury; disabled, hospitalized or homebound, or autism  
 13 autistic.

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

19 (a) ~~By assigned school attendance area or by special~~  
 20 ~~assignment,~~ The student has spent the prior school year in  
 21 attendance at a Florida public school or the Florida School  
 22 for the Deaf and the Blind. Prior school year in attendance  
 23 means that the student was:

24 1. Enrolled and reported by a school district for  
 25 funding during the preceding October and February Florida  
 26 Education Finance Program surveys in kindergarten through  
 27 grade 12, which shall include time spent in a Department of  
 28 Juvenile Justice commitment program if funded under the  
 29 Florida Education Finance Program; or

30 2. Enrolled and reported by the Florida School for the  
 31 Deaf and the Blind during the preceding October and February

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1 student membership surveys in kindergarten through grade 12.

2

3 ~~However, this paragraph does not apply to a dependent child of~~  
4 ~~a member of the United States Armed Forces who transfers to a~~  
5 ~~school in this state from out of state or from a foreign~~  
6 ~~country pursuant to a parent's permanent change of station~~  
7 ~~orders is exempt from this paragraph but. A dependent child of~~  
8 ~~a member of the United States Armed Forces who transfers to a~~  
9 ~~school in this state from out of state or from a foreign~~  
10 ~~country pursuant to a parent's permanent change of station~~  
11 ~~orders~~ must meet all other eligibility requirements to  
12 participate in the program.

13 (b) The parent has obtained acceptance for admission  
14 of the student to a private school that is eligible for the  
15 program under subsection (4) and has notified the school  
16 district of the request for a scholarship at least 60 days  
17 prior to the date of the first scholarship payment. The  
18 parental notification must be through a communication directly  
19 to the district or through the Department of Education to the  
20 district in a manner that creates a written or electronic  
21 record of the notification and the date of receipt of the  
22 notification.

23

24 ~~This section does not apply to~~ A student who is enrolled in a  
25 school operating for the purpose of providing educational  
26 services to youth in Department of Juvenile Justice commitment  
27 programs shall not receive a John M. McKay Scholarship during  
28 the period of time that he or she is enrolled in such school.

29 For purposes of continuity of educational choice, the  
30 scholarship shall remain in force until the student returns to  
31 a public school or graduates from high school. However, at any

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1 | time, the student's parent may remove the student from the  
2 | private school and place the student in another private school  
3 | that is eligible for the program under subsection (4) or in a  
4 | public school as provided in subsection (3).

5 |         (6) SCHOLARSHIP FUNDING AND PAYMENT.--

6 |             (a)1. The maximum scholarship granted for an eligible  
7 | student with disabilities shall be a calculated amount  
8 | equivalent to the base student allocation in the Florida  
9 | Education Finance Program multiplied by the appropriate cost  
10 | factor for the educational program that would have been  
11 | provided for the student in the district school to which he or  
12 | she was assigned, multiplied by the district cost  
13 | differential.

14 |             2. In addition, a share of the guaranteed allocation  
15 | for exceptional students shall be determined and added to the  
16 | calculated amount. The calculation shall be based on the  
17 | methodology and the data used to calculate the guaranteed  
18 | allocation for exceptional students for each district in  
19 | chapter 2000-166, Laws of Florida. Except as provided in  
20 | subparagraphs ~~subparagraph~~ 3. and 4., the calculation shall be  
21 | based on the student's grade, matrix level of services, and  
22 | the difference between the 2000-2001 basic program and the  
23 | appropriate level of services cost factor, multiplied by the  
24 | 2000-2001 base student allocation and the 2000-2001 district  
25 | cost differential for the sending district. Also, the  
26 | calculated amount shall include the per-student share of  
27 | supplemental academic instruction funds, instructional  
28 | materials funds, technology funds, and other categorical funds  
29 | as provided for such purposes in the General Appropriations  
30 | Act.

31 |             3. The calculated scholarship amount for a student who

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1 has spent the prior school year in attendance at the Florida  
2 School for the Deaf and the Blind shall be calculated as  
3 provided in subparagraphs 1. and 2. However, the calculation  
4 shall be based on the school district in which the parent  
5 resides at the time of the scholarship request.

6 ~~4.3.~~ Until the school district completes the matrix  
7 required by paragraph (3)(b), the calculation shall be based  
8 on the matrix that assigns the student to support level I of  
9 service as it existed prior to the 2000-2001 school year. When  
10 the school district completes the matrix, the amount of the  
11 payment shall be adjusted as needed.

12 (b) The amount of the John M. McKay Scholarship shall  
13 be the calculated amount or the amount of the private school's  
14 tuition and fees, whichever is less. The amount of any  
15 assessment fee required by the participating private school  
16 may be paid from the total amount of the scholarship.

17 ~~(c) If the participating private school requires~~  
18 ~~partial payment of tuition prior to the start of the academic~~  
19 ~~year to reserve space for students admitted to the school,~~  
20 ~~that partial payment may be paid by the Department of~~  
21 ~~Education prior to the first quarterly payment of the year in~~  
22 ~~which the John M. McKay Scholarship is awarded, up to a~~  
23 ~~maximum of \$1,000, and deducted from subsequent scholarship~~  
24 ~~payments. If a student decides not to attend the participating~~  
25 ~~private school, the partial reservation payment must be~~  
26 ~~returned to the Department of Education by the participating~~  
27 ~~private school. There is a limit of one reservation payment~~  
28 ~~per student per year.~~

29 (c)(d)1. The school district shall report all students  
30 who are attending a private school under this program. The  
31 students with disabilities attending private schools on John

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1 M. McKay Scholarships shall be reported separately from other  
2 students reported for purposes of the Florida Education  
3 Finance Program.

4 2. For program participants who are eligible under  
5 subparagraph (2)(a)2., the school district that is used as the  
6 basis for the calculation of the scholarship amount as  
7 provided in subparagraph (a)3. shall:

8 a. Report to the department all such students who are  
9 attending a private school under this program.

10 b. Be held harmless for such students from the  
11 weighted enrollment ceiling for group 2 programs in s.  
12 1011.62(1)(d)3.a. during the first school year in which the  
13 students are reported.

14 (d)(e) Following notification on July 1, September 1,  
15 December 1, or February 1 of the number of program  
16 participants, the department of ~~Education~~ shall transfer, from  
17 General Revenue funds only, the amount calculated under  
18 paragraph (b) from the school district's total funding  
19 entitlement under the Florida Education Finance Program and  
20 from authorized categorical accounts to a separate account for  
21 the scholarship program for quarterly disbursement to the  
22 parents of participating students. Funds may not be  
23 transferred from any funding provided to the Florida School  
24 for the Deaf and the Blind for program participants who are  
25 eligible under subparagraph (2)(a)2. For a student exiting a  
26 Department of Juvenile Justice commitment program who chooses  
27 to participate in the scholarship program, the amount of the  
28 John M. McKay Scholarship calculated pursuant to paragraph (b)  
29 shall be transferred from the school district in which the  
30 student last attended a public school prior to commitment to  
31 the Department of Juvenile Justice. When a student enters the

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1 scholarship program, the department of ~~Education~~ must receive  
 2 all documentation required for the student's participation,  
 3 including the private school's and student's fee schedules, at  
 4 least 30 days before the first quarterly scholarship payment  
 5 is made for the student. The Department of Education may not  
 6 make any retroactive payments.

7       ~~(e)(f)~~ Upon proper documentation reviewed and approved  
 8 by the Department of Education, the Chief Financial Officer  
 9 shall make scholarship payments in four equal amounts no later  
 10 than September 1, November 1, February 1, and April 15 of each  
 11 academic year in which the scholarship is in force. The  
 12 initial payment shall be made after Department of Education  
 13 verification of admission acceptance, and subsequent payments  
 14 shall be made upon verification of continued enrollment and  
 15 attendance at the private school. Payment must be by  
 16 individual warrant made payable to the student's parent and  
 17 mailed by the Department of Education to the private school of  
 18 the parent's choice, and the parent shall restrictively  
 19 endorse the warrant to the private school for deposit into the  
 20 account of the private school.

21       Section 2. This act shall take effect upon becoming a  
 22 law.

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

26 And the title is amended as follows:

27       Delete everything before the enacting clause

28  
 29 and insert:

30                   A bill to be entitled  
 31       An act relating to the John M. McKay

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1 Scholarships for Students with Disabilities  
2 Program; amending s. 1002.39, F.S.; revising  
3 definition of the term "students with  
4 disabilities"; revising student eligibility  
5 requirements for receipt of a scholarship;  
6 revising provisions relating to scholarship  
7 funding and payment; providing funding and  
8 payment requirements for former Florida School  
9 for the Deaf and the Blind students and for  
10 students exiting a Department of Juvenile  
11 Justice program; providing an effective date.  
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