

By Senator Jones

13-618-05

See HB 93

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

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

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18 Section 1. Subsections (1) and (2) and paragraph (e)
19 of subsection (6) of section 1002.39, Florida Statutes, are
20 amended to read:

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

26 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
27 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
28 Students with Disabilities Program is established to provide
29 the option to attend a public school other than the one to
30 which assigned, or to provide a scholarship to a private
31 school of choice, for students with disabilities for whom an

1 individual education plan has been written in accordance with
2 rules of the State Board of Education. For purposes of this
3 section, students with disabilities include K-12 students who
4 are mentally handicapped, speech and language impaired, deaf
5 or hard of hearing, visually impaired, dual sensory impaired,
6 physically impaired, emotionally handicapped, specific
7 learning disabled, ~~hospitalized or homebound,~~ or autistic.

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

13 (a) By assigned school attendance area or by special
14 assignment, the student has spent the prior school year in
15 attendance at a Florida public school. Prior school year in
16 attendance means that the student was enrolled and reported by
17 a school district for funding during the preceding October and
18 February Florida Education Finance Program surveys in
19 kindergarten through grade 12. However, this paragraph does
20 not apply to a dependent child of a member of the United
21 States Armed Forces who transfers to a school in this state
22 from out of state or from a foreign country pursuant to a
23 parent's permanent change of station orders. A dependent child
24 of a member of the United States Armed Forces who transfers to
25 a school in this state from out of state or from a foreign
26 country pursuant to a parent's permanent change of station
27 orders must meet all other eligibility requirements to
28 participate in the program.

29 (b) The parent has obtained acceptance for admission
30 of the student to a private school that is eligible for the
31 program under subsection (4) and has notified the school

1 district of the request for a scholarship at least 60 days
2 prior to the date of the first scholarship payment. The
3 parental notification must be through a communication directly
4 to the district or through the Department of Education to the
5 district in a manner that creates a written or electronic
6 record of the notification and the date of receipt of the
7 notification.

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9 ~~This section does not apply to~~ A student who is enrolled in a
10 school operating for the purpose of providing educational
11 services to youth in Department of Juvenile Justice commitment
12 programs shall not receive a McKay Scholarship during the
13 period of time that he or she is enrolled in such school. For
14 purposes of continuity of educational choice, the scholarship
15 shall remain in force until the student returns to a public
16 school or graduates from high school. However, at any time,
17 the student's parent may remove the student from the private
18 school and place the student in another private school that is
19 eligible for the program under subsection (4) or in a public
20 school as provided in subsection (3).

21 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

22 (e) Following notification on July 1, September 1,
23 December 1, or February 1 of the number of program
24 participants, the Department of Education shall transfer, from
25 General Revenue funds only, the amount calculated under
26 paragraph (b) from the school district's total funding
27 entitlement under the Florida Education Finance Program and
28 from authorized categorical accounts to a separate account for
29 the scholarship program for quarterly disbursement to the
30 parents of participating students. For a student exiting a
31 Department of Juvenile Justice commitment program who chooses

1 to participate in the scholarship program, the amount of the
2 McKay Scholarship calculated pursuant to paragraph (b) shall
3 be transferred from the school district in which the student
4 last attended a public school prior to commitment to the
5 Department of Juvenile Justice. When a student enters the
6 scholarship program, the Department of Education must receive
7 all documentation required for the student's participation,
8 including the private school's and student's fee schedules, at
9 least 30 days before the first quarterly scholarship payment
10 is made for the student. The Department of Education may not
11 make any retroactive payments.

12 Section 2. This act shall take effect July 1, 2005.
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