

By the Committee on Education; and Senator Jones

581-2161-05

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.; revising  
5           definition of the term "students with  
6           disabilities"; revising student eligibility  
7           requirements for receipt of a scholarship;  
8           revising provisions relating to scholarship  
9           funding and payment; providing funding and  
10          payment requirements for former Florida School  
11          for the Deaf and the Blind students and for  
12          students exiting a Department of Juvenile  
13          Justice program; providing an effective date.

14  
15 Be It Enacted by the Legislature of the State of Florida:

16  
17           Section 1. Subsections (1), (2), and (6) of section  
18 1002.39, Florida Statutes, are amended to read:

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

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

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

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

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

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

29 2. Enrolled and reported by the Florida School for the  
30 Deaf and the Blind during the preceding October and February  
31 student membership surveys in kindergarten through grade 12.

1  
2 However, ~~this paragraph does not apply to~~ a dependent child of  
3 a member of the United States Armed Forces who transfers to a  
4 school in this state from out of state or from a foreign  
5 country pursuant to a parent's permanent change of station  
6 ~~orders is exempt from this paragraph but. A dependent child of~~  
7 ~~a member of the United States Armed Forces who transfers to a~~  
8 ~~school in this state from out of state or from a foreign~~  
9 ~~country pursuant to a parent's permanent change of station~~  
10 ~~orders~~ must meet all other eligibility requirements to  
11 participate in the program.

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

22  
23 ~~This section does not apply to~~ A student who is enrolled in a  
24 school operating for the purpose of providing educational  
25 services to youth in Department of Juvenile Justice commitment  
26 programs shall not receive a John M. McKay Scholarship during  
27 the period of time that he or she is enrolled in such school.

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

1 private school and place the student in another private school  
2 that is eligible for the program under subsection (4) or in a  
3 public school as provided in subsection (3).

4 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

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

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

30 3. The calculated scholarship amount for a student who  
31 has spent the prior school year in attendance at the Florida

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

5 ~~4.3.~~ Until the school district completes the matrix  
6 required by paragraph (3)(b), the calculation shall be based  
7 on the matrix that assigns the student to support level I of  
8 service as it existed prior to the 2000-2001 school year. When  
9 the school district completes the matrix, the amount of the  
10 payment shall be adjusted as needed.

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

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

28 ~~(c)1.~~(d) The school district shall report all students  
29 who are attending a private school under this program. The  
30 students with disabilities attending private schools on John  
31 M. McKay Scholarships shall be reported separately from other

1 students reported for purposes of the Florida Education  
2 Finance Program.

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

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

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

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

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

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

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

1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   Senate Bill 584

4 The committee substitute makes the following changes:

5       -Revises the definition of a student with a disability to  
6       include K-12 students who are documented as having mental  
7       retardation; a speech or language impairment; a hearing  
8       impairment, including deafness; a visual impairment,  
9       including blindness; a dual sensory impairment; a  
10      physical impairment; a serious emotional disturbance,  
11      including an emotional handicap; a specific learning  
12      disability, including, but not limited to, dyslexia,  
13      dyscalculia, or developmental aphasia; a traumatic brain  
14      injury; or autism.

15      -Provides for the eligibility of students from the  
16      Florida School for the Deaf and the Blind for McKay  
17      Scholarships, the method for calculating the scholarship  
18      amount, and the reporting requirements for school  
19      districts.

20      -Revises the requirement for "prior school year in  
21      attendance at a Florida public school" to include time  
22      spent by students in a Department of Juvenile Justice  
23      commitment program that is funded under the Florida  
24      Education Finance Program.

25      -Revises the requirement that prior school year in  
26      attendance must be at an assigned school.

27      -Eliminates the provision authorizing partial payment of  
28      tuition.