

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

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

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

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

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

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

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

41 |       (a) By assigned school attendance area or by special  
42 | assignment, the student has spent the prior school year in  
43 | attendance at a Florida public school. Prior school year in  
44 | attendance means that the student was enrolled and reported by a  
45 | school district for funding during the preceding October and  
46 | February Florida Education Finance Program surveys in  
47 | kindergarten through grade 12. However, this paragraph does not  
48 | apply to a dependent child of a member of the United States  
49 | Armed Forces who transfers to a school in this state from out of  
50 | state or from a foreign country pursuant to a parent's permanent  
51 | change of station orders. A dependent child of a member of the  
52 | United States Armed Forces who transfers to a school in this  
53 | state from out of state or from a foreign country pursuant to a  
54 | parent's permanent change of station orders must meet all other  
55 | eligibility requirements to participate in the program.

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56 (b) The parent has obtained acceptance for admission of  
57 the student to a private school that is eligible for the program  
58 under subsection (4) and has notified the school district of the  
59 request for a scholarship at least 60 days prior to the date of  
60 the first scholarship payment. The parental notification must be  
61 through a communication directly to the district or through the  
62 Department of Education to the district in a manner that creates  
63 a written or electronic record of the notification and the date  
64 of receipt of the notification.

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

78 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

79 (e) Following notification on July 1, September 1,  
80 December 1, or February 1 of the number of program participants,  
81 the Department of Education shall transfer, from General Revenue  
82 funds only, the amount calculated under paragraph (b) from the  
83 school district's total funding entitlement under the Florida

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84 Education Finance Program and from authorized categorical  
85 accounts to a separate account for the scholarship program for  
86 quarterly disbursement to the parents of participating students.  
87 For a student exiting a Department of Juvenile Justice  
88 commitment program who chooses to participate in the scholarship  
89 program, the amount of the McKay Scholarship calculated pursuant  
90 to paragraph (b) shall be transferred from the school district  
91 in which the student last attended a public school prior to  
92 commitment to the Department of Juvenile Justice. When a student  
93 enters the scholarship program, the Department of Education must  
94 receive all documentation required for the student's  
95 participation, including the private school's and student's fee  
96 schedules, at least 30 days before the first quarterly  
97 scholarship payment is made for the student. The Department of  
98 Education may not make any retroactive payments.

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