

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

12
13 Be It Enacted by the Legislature of the State of Florida:

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

17 1002.39 The John M. McKay Scholarships for Students with
18 Disabilities Program.--There is established a program that is
19 separate and distinct from the Opportunity Scholarship Program
20 and is named the John M. McKay Scholarships for Students with
21 Disabilities Program, pursuant to this section.

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

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29 State Board of Education. Students with disabilities include K-
 30 12 students who are documented as having mental retardation; a
 31 ~~mentally handicapped,~~ speech or and language impairment; a
 32 ~~impaired, deaf or hard of hearing impairment, including~~
 33 deafness; a visual impairment, including blindness; a visually
 34 ~~impaired,~~ dual sensory impairment; a physical impairment; a
 35 serious emotional disturbance, including an emotional handicap;
 36 ~~a impaired, physically impaired, emotionally handicapped,~~
 37 specific learning disability, including, but not limited to,
 38 dyslexia, dyscalculia, or developmental aphasia; a traumatic
 39 brain injury; disabled, hospitalized or homebound, or autism
 40 autistic.

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

46 (a) ~~By assigned school attendance area or by special~~
 47 ~~assignment,~~ The student has spent the prior school year in
 48 attendance at a Florida public school or the Florida School for
 49 the Deaf and the Blind. Prior school year in attendance means
 50 that the student was:

51 1. Enrolled and reported by a school district for funding
 52 during the preceding October and February Florida Education
 53 Finance Program surveys in kindergarten through grade 12, which
 54 shall include time spent in a Department of Juvenile Justice
 55 commitment program if funded under the Florida Education Finance
 56 Program; or

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

60
61 However, ~~this paragraph does not apply to~~ a dependent child of a
62 member of the United States Armed Forces who transfers to a
63 school in this state from out of state or from a foreign country
64 pursuant to a parent's permanent change of station orders is
65 exempt from this paragraph but. ~~A dependent child of a member of~~
66 ~~the United States Armed Forces who transfers to a school in this~~
67 ~~state from out of state or from a foreign country pursuant to a~~
68 ~~parent's permanent change of station orders~~ must meet all other
69 eligibility requirements to participate in the program.

70 (b) The parent has obtained acceptance for admission of
71 the student to a private school that is eligible for the program
72 under subsection (4) and has notified the school district of the
73 request for a scholarship at least 60 days prior to the date of
74 the first scholarship payment. The parental notification must be
75 through a communication directly to the district or through the
76 Department of Education to the district in a manner that creates
77 a written or electronic record of the notification and the date
78 of receipt of the notification.

79
80 ~~This section does not apply to~~ A student who is enrolled in a
81 school operating for the purpose of providing educational
82 services to youth in Department of Juvenile Justice commitment
83 programs shall not receive a John M. McKay Scholarship during
84 the period of time that he or she is enrolled in such school.

85 For purposes of continuity of educational choice, the
86 scholarship shall remain in force until the student returns to a
87 public school or graduates from high school. However, at any
88 time, the student's parent may remove the student from the
89 private school and place the student in another private school
90 that is eligible for the program under subsection (4) or in a
91 public school as provided in subsection (3).

92 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

93 (a)1. The maximum scholarship granted for an eligible
94 student with disabilities shall be a calculated amount
95 equivalent to the base student allocation in the Florida
96 Education Finance Program multiplied by the appropriate cost
97 factor for the educational program that would have been provided
98 for the student in the district school to which he or she was
99 assigned, multiplied by the district cost differential.

100 2. In addition, a share of the guaranteed allocation for
101 exceptional students shall be determined and added to the
102 calculated amount. The calculation shall be based on the
103 methodology and the data used to calculate the guaranteed
104 allocation for exceptional students for each district in chapter
105 2000-166, Laws of Florida. Except as provided in subparagraphs
106 ~~subparagraph~~ 3. and 4., the calculation shall be based on the
107 student's grade, matrix level of services, and the difference
108 between the 2000-2001 basic program and the appropriate level of
109 services cost factor, multiplied by the 2000-2001 base student
110 allocation and the 2000-2001 district cost differential for the
111 sending district. Also, the calculated amount shall include the
112 per-student share of supplemental academic instruction funds,

113 instructional materials funds, technology funds, and other
114 categorical funds as provided for such purposes in the General
115 Appropriations Act.

116 3. The calculated scholarship amount for a student who has
117 spent the prior school year in attendance at the Florida School
118 for the Deaf and the Blind shall be calculated as provided in
119 subparagraphs 1. and 2. However, the calculation shall be based
120 on the school district in which the parent resides at the time
121 of the scholarship request.

122 ~~4.3.~~ Until the school district completes the matrix
123 required by paragraph (3) (b), the calculation shall be based on
124 the matrix that assigns the student to support level I of
125 service as it existed prior to the 2000-2001 school year. When
126 the school district completes the matrix, the amount of the
127 payment shall be adjusted as needed.

128 (b) The amount of the John M. McKay Scholarship shall be
129 the calculated amount or the amount of the private school's
130 tuition and fees, whichever is less. The amount of any
131 assessment fee required by the participating private school may
132 be paid from the total amount of the scholarship.

133 ~~(c) If the participating private school requires partial~~
134 ~~payment of tuition prior to the start of the academic year to~~
135 ~~reserve space for students admitted to the school, that partial~~
136 ~~payment may be paid by the Department of Education prior to the~~
137 ~~first quarterly payment of the year in which the John M. McKay~~
138 ~~Scholarship is awarded, up to a maximum of \$1,000, and deducted~~
139 ~~from subsequent scholarship payments. If a student decides not~~
140 ~~to attend the participating private school, the partial~~

141 ~~reservation payment must be returned to the Department of~~
142 ~~Education by the participating private school. There is a limit~~
143 ~~of one reservation payment per student per year.~~

144 (c)-(d)1. The school district shall report all students who
145 are attending a private school under this program. The students
146 with disabilities attending private schools on John M. McKay
147 Scholarships shall be reported separately from other students
148 reported for purposes of the Florida Education Finance Program.

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

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

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

158 (d)-(e) Following notification on July 1, September 1,
159 December 1, or February 1 of the number of program participants,
160 the department ~~of Education~~ shall transfer, from General Revenue
161 funds only, the amount calculated under paragraph (b) from the
162 school district's total funding entitlement under the Florida
163 Education Finance Program and from authorized categorical
164 accounts to a separate account for the scholarship program for
165 quarterly disbursement to the parents of participating students.
166 Funds may not be transferred from any funding provided to the
167 Florida School for the Deaf and the Blind for program
168 participants who are eligible under subparagraph (2)(a)2. For a

169 student exiting a Department of Juvenile Justice commitment
 170 program who chooses to participate in the scholarship program,
 171 the amount of the John M. McKay Scholarship calculated pursuant
 172 to paragraph (b) shall be transferred from the school district
 173 in which the student last attended a public school prior to
 174 commitment to the Department of Juvenile Justice. When a student
 175 enters the scholarship program, the department of ~~Education~~ must
 176 receive all documentation required for the student's
 177 participation, including the private school's and student's fee
 178 schedules, at least 30 days before the first quarterly
 179 scholarship payment is made for the student. The Department of
 180 Education may not make any retroactive payments.

181 (e)~~(f)~~ Upon proper documentation reviewed and approved by
 182 the Department of Education, the Chief Financial Officer shall
 183 make scholarship payments in four equal amounts no later than
 184 September 1, November 1, February 1, and April 15 of each
 185 academic year in which the scholarship is in force. The initial
 186 payment shall be made after Department of Education verification
 187 of admission acceptance, and subsequent payments shall be made
 188 upon verification of continued enrollment and attendance at the
 189 private school. Payment must be by individual warrant made
 190 payable to the student's parent and mailed by the Department of
 191 Education to the private school of the parent's choice, and the
 192 parent shall restrictively endorse the warrant to the private
 193 school for deposit into the account of the private school.

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