

ENROLLED  
HB 75

2006 Legislature

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:

14  
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

ENROLLED  
HB 75

2006 Legislature

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

ENROLLED  
HB 75

2006 Legislature

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.

## ENROLLED

HB 75

2006 Legislature

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,

## ENROLLED

HB 75

2006 Legislature

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~~

## ENROLLED

HB 75

2006 Legislature

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

ENROLLED  
HB 75

2006 Legislature

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.