

By Senator Gardiner

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1                   A bill to be entitled  
2           An act relating to education programs for children  
3           with disabilities; amending s. 1002.39, F.S., relating  
4           to the John M. McKay Scholarships for Students with  
5           Disabilities Program; authorizing students who receive  
6           certain services under the Voluntary Prekindergarten  
7           Education Program to receive a John M. McKay  
8           Scholarship; conforming cross-references; amending s.  
9           1002.51, F.S.; revising definitions for the Voluntary  
10          Prekindergarten Education Program; amending s. 1002.53  
11          and creating s. 1002.66, F.S.; establishing a  
12          prekindergarten program option for children with  
13          disabilities; providing eligibility criteria for early  
14          intervention services; providing for the approval of  
15          early intervention service providers; authorizing the  
16          expenditure of funds for early intervention services;  
17          amending s. 1002.71, F.S.; authorizing a child  
18          participating in a prekindergarten program for  
19          children with disabilities to reenroll in another  
20          program option under certain conditions; amending s.  
21          1002.75, F.S.; revising the powers and duties of the  
22          Agency for Workforce Innovation for prekindergarten  
23          programs; providing an effective date.

24  
25   Be It Enacted by the Legislature of the State of Florida:

26  
27           Section 1. Subsection (2) and paragraphs (a), (c), and (d)  
28           of subsection (10) of section 1002.39, Florida Statutes, are  
29           amended to read:

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30 1002.39 The John M. McKay Scholarships for Students with  
 31 Disabilities Program.—There is established a program that is  
 32 separate and distinct from the Opportunity Scholarship Program  
 33 and is named the John M. McKay Scholarships for Students with  
 34 Disabilities Program.

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

40 (a) The student has:

41 1. Received early intervention services under the Voluntary  
 42 Prekindergarten Education Program pursuant to s. 1002.66 during  
 43 the previous school year, and the student has a current  
 44 individual educational plan developed in accordance with rules  
 45 of the State Board of Education; or

46 2. Spent the prior school year in attendance at a Florida  
 47 public school or the Florida School for the Deaf and the Blind.  
 48 For purposes of this subparagraph, prior school year in  
 49 attendance means that the student was:

50 ~~1.~~ enrolled and reported by:

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

56 ~~b.2. Enrolled and reported by~~ The Florida School for the  
 57 Deaf and the Blind during the preceding October and February  
 58 student membership surveys in kindergarten through grade 12; or

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59 ~~c.3.~~ Enrolled and reported by A school district for funding  
60 during the preceding October and February Florida Education  
61 Finance Program surveys, was at least 4 years old when so  
62 enrolled and reported, and was eligible for services under s.  
63 1003.21(1)(e).

64  
65 However, a dependent child of a member of the United States  
66 Armed Forces who transfers to a school in this state from out of  
67 state or from a foreign country due to ~~pursuant to~~ a parent's  
68 permanent change of station orders is exempt from this paragraph  
69 but must meet all other eligibility requirements to participate  
70 in the program.

71 (b) The parent has obtained acceptance for admission of the  
72 student to a private school that is eligible for the program  
73 under subsection (8) and has requested from the department a  
74 scholarship at least 60 days before ~~prior to~~ the date of the  
75 first scholarship payment. The request must be communicated  
76 ~~through a communication~~ directly to the department in a manner  
77 that creates a written or electronic record of the request and  
78 the date of receipt of the request. The department ~~of Education~~  
79 must notify the district of the parent's intent upon receipt of  
80 the parent's request.

81 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

82 (a)1. The maximum scholarship granted for an eligible  
83 student with disabilities shall be ~~a calculated amount~~  
84 equivalent to the base student allocation in the Florida  
85 Education Finance Program multiplied by the appropriate cost  
86 factor for the educational program that would have been provided  
87 for the student in the district school to which he or she was

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88 assigned, multiplied by the district cost differential.

89 2. In addition, a share of the guaranteed allocation for  
90 exceptional students shall be determined and added to the  
91 ~~calculated~~ amount in subparagraph 1. The calculation shall be  
92 based on the methodology and the data used to calculate the  
93 guaranteed allocation for exceptional students for each district  
94 in chapter 2000-166, Laws of Florida. Except as provided in  
95 subparagraphs 3. and 4., the calculation shall be based on the  
96 student's grade, matrix level of services, and the difference  
97 between the 2000-2001 basic program and the appropriate level of  
98 services cost factor, multiplied by the 2000-2001 base student  
99 allocation and the 2000-2001 district cost differential for the  
100 sending district. ~~Also,~~ The calculated amount shall include the  
101 per-student share of supplemental academic instruction funds,  
102 instructional materials funds, technology funds, and other  
103 categorical funds as provided ~~for such purposes~~ in the General  
104 Appropriations Act.

105 3. The ~~calculated~~ scholarship amount for a student who is  
106 eligible under sub-subparagraph (2) (a) 2.b. ~~subparagraph (2) (a) 2.~~  
107 shall be calculated as provided in subparagraphs 1. and 2.  
108 However, the calculation shall be based on the school district  
109 in which the parent resides at the time of the scholarship  
110 request.

111 4. Until the school district completes the matrix required  
112 by paragraph (5) (b), the calculation shall be based on the  
113 matrix that assigns the student to support level I of service as  
114 it existed prior to the 2000-2001 school year. When the school  
115 district completes the matrix, the amount of the payment shall  
116 be adjusted as needed.

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117 (c)1. The school district shall report all students who are  
118 attending a private school under this program. The students with  
119 disabilities attending private schools on John M. McKay  
120 Scholarships shall be reported separately from other students  
121 reported for purposes of the Florida Education Finance Program.

122 2. For program participants who are eligible under  
123 subparagraph (2) (a) 2.b. ~~subparagraph (2) (a) 2.~~, the school  
124 district that is used as the basis for the calculation of the  
125 scholarship amount as provided in subparagraph (a) 3. shall:

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

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

131 (d) Following notification on July 1, September 1, December  
132 1, or February 1 of the number of program participants, the  
133 department shall transfer, from General Revenue funds only, the  
134 amount calculated under paragraph (b) from the school district's  
135 total funding entitlement under the Florida Education Finance  
136 Program and from authorized categorical accounts to a separate  
137 account for the scholarship program for quarterly disbursement  
138 to the parents of participating students. Funds may not be  
139 transferred from any funding provided to the Florida School for  
140 the Deaf and the Blind for program participants who are eligible  
141 under sub-subparagraph (2) (a) 2.b. ~~subparagraph (2) (a) 2.~~ For a  
142 student exiting a Department of Juvenile Justice commitment  
143 program who chooses to participate in the scholarship program,  
144 the amount of the John M. McKay Scholarship calculated pursuant  
145 to paragraph (b) shall be transferred from the school district

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146 in which the student last attended a public school before ~~prior~~  
147 ~~to~~ commitment to the Department of Juvenile Justice. When a  
148 student enters the scholarship program, the department must  
149 receive all documentation required for the student's  
150 participation, including the private school's and the student's  
151 fee schedules, at least 30 days before the first quarterly  
152 scholarship payment is made for the student.

153 Section 2. Present subsections (2) through (5) of section  
154 1002.51, Florida Statutes, are renumbered as subsections (4)  
155 through (7), respectively, and new subsections (2) and (3) are  
156 added to that section, to read:

157 1002.51 Definitions.—As used in this part, the term:

158 (2) "Disability" means any disability listed in the  
159 definition of exceptional student in s. 1003.01.

160 (3) "Early intervention service provider" means a provider  
161 delivering early intervention services under s. 1002.66.

162 Section 3. Subsections (1) and (3) of section 1002.53,  
163 Florida Statutes, are amended to read:

164 1002.53 Voluntary Prekindergarten Education Program;  
165 eligibility and enrollment.—

166 (1) There is created the Voluntary Prekindergarten  
167 Education Program, which. ~~The program shall take effect in each~~  
168 ~~county at the beginning of the 2005-2006 school year and shall~~  
169 be organized, designed, and delivered in accordance with s. 1(b)  
170 and (c), Art. IX of the State Constitution.

171 (3) The parent of each child eligible under subsection (2)  
172 may enroll the child in one of the following programs:

173 (a) A school-year prekindergarten program delivered by a  
174 private prekindergarten provider under s. 1002.55;

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175 (b) A summer prekindergarten program delivered by a public  
176 school or private prekindergarten provider under s. 1002.61; ~~or~~

177 (c) A school-year prekindergarten program delivered by a  
178 public school; or

179 (d) A prekindergarten program for children who have  
180 disabilities, if the child has a disability and is eligible for  
181 the program under s. 1002.66.

182

183 Except as provided in s. 1002.71(4), a child may not enroll in  
184 more than one of these programs.

185 Section 4. Section 1002.66, Florida Statutes, is created to  
186 read:

187 1002.66 Prekindergarten program for children with  
188 disabilities.-

189 (1) Beginning with the 2012-2013 school year, a child who  
190 has a disability and enrolls with the early learning coalition  
191 under s. 1002.53(3)(d) is eligible for a prekindergarten program  
192 of early intervention services if:

193 (a) The child is eligible for the Voluntary Prekindergarten  
194 Education Program under s. 1002.53.

195 (b) A current individual educational plan has been  
196 developed for the child in accordance with rules of the State  
197 Board of Education.

198 (2) The parent of a child who is eligible for the  
199 prekindergarten program for children with disabilities may  
200 select one or more early intervention services that the child's  
201 individual educational plan indicates is appropriate for the  
202 child. These early intervention services may include, but are  
203 not limited to:

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204 (a) Applied behavior analysis.

205 (b) Speech-language pathology.

206 (c) Occupational therapy.

207 (d) Physical therapy.

208 (3) The early intervention services provided for a child  
209 under this section must be delivered according to professionally  
210 accepted standards and must, in accordance with the performance  
211 standards adopted by the department under s. 1002.67, address  
212 the age-appropriate progress of the child in the development of  
213 the capabilities, capacities, and skills required under s. 1(b),  
214 Art. IX of the State Constitution.

215 (4) The department shall approve early intervention service  
216 providers whose services meet the standards in subsection (3),  
217 maintain a list of approved providers, and notify each school  
218 district and early learning coalition of the approved provider  
219 list. Upon the request of a child's parent, the department may  
220 approve an early intervention service provider that is not on  
221 the approved list if the provider's services meet the standards  
222 in subsection (3) and the child's individual educational plan  
223 indicates that the services are appropriate for the child.

224 (5) The coalition shall reimburse an approved early  
225 intervention service provider for authorized services provided  
226 to an eligible child; however, the cumulative total of services  
227 reimbursed for a child may not exceed the amount of the base  
228 student allocation provided in the Voluntary Prekindergarten  
229 Education Program in the General Appropriations Act. Providers  
230 shall be reimbursed from funds allocated to the early learning  
231 coalition for the Voluntary Prekindergarten Education Program.

232 Section 5. Paragraph (a) of subsection (4) of section



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233 1002.71, Florida Statutes, is amended to read:

234 1002.71 Funding; financial and attendance reporting.—

235 (4) Notwithstanding s. 1002.53(3) and subsection (2):

236 (a) A child who, for any of the prekindergarten programs  
237 listed in s. 1002.53(3), has not completed more than 70 percent  
238 of the hours authorized to be reported for funding under  
239 subsection (2), or has not expended more than 70 percent of the  
240 funds authorized for the child under s. 1002.66, may withdraw  
241 from the program for good cause and reenroll in one of the  
242 programs. The total funding for a child who reenrolls in one of  
243 the programs for good cause may not exceed one full-time  
244 equivalent student. Funding for a child who withdraws and  
245 reenrolls in one of the programs for good cause shall be issued  
246 in accordance with the agency's uniform attendance policy  
247 adopted pursuant to paragraph (6) (d).

248  
249 A child may reenroll only once in a prekindergarten program  
250 under this section. A child who reenrolls in a prekindergarten  
251 program under this subsection may not subsequently withdraw from  
252 the program and reenroll. The Agency for Workforce Innovation  
253 shall establish criteria specifying whether a good cause exists  
254 for a child to withdraw from a program under paragraph (a),  
255 whether a child has substantially completed a program under  
256 paragraph (b), and whether an extreme hardship exists which is  
257 beyond the child's or parent's control under paragraph (b).

258 Section 6. Paragraphs (a) and (f) of subsection (2) of  
259 section 1002.75, Florida Statutes, are amended to read:

260 1002.75 Agency for Workforce Innovation; powers and duties;  
261 operational requirements.—

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262           (2) The Agency for Workforce Innovation shall adopt  
263 procedures governing the administration of the Voluntary  
264 Prekindergarten Education Program by the early learning  
265 coalitions and school districts for:

266           (a) Enrolling children in and determining the eligibility  
267 of children for the Voluntary Prekindergarten Education Program  
268 under ss. 1002.53 and 1002.66 ~~s. 1002.53~~.

269           (f) Paying private prekindergarten providers, ~~and~~ and public  
270 schools, and early intervention service providers under ss.  
271 1002.66 and 1002.71 ~~s. 1002.71~~.

272           Section 7. This act shall take effect July 1, 2010.