

HB 1329

2011

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.; making scholarships available to students with
5 disabilities who have a 504 accommodation plan issued
6 under s. 504 of the federal Rehabilitation Act or a Tier 3
7 Response to Intervention plan developed by the public
8 school of attendance and consistent with rules of the
9 State Board of Education; allowing a parent to request and
10 receive a scholarship for a student to enroll and attend a
11 private school if the student has a 504 accommodation
12 plan; providing that a student is ineligible for a
13 scholarship if a temporary 504 accommodation plan is valid
14 for 6 months or less or if a Tier 3 Response to
15 Intervention plan is issued for less than 90 days;
16 requiring that the school district notify a parent of
17 available options within 10 days after a 504 accommodation
18 plan is issued and 90 days after a Tier 3 Response to
19 Intervention plan is developed; providing that a parent
20 may choose to enroll the student in a public school in an
21 adjacent district under certain conditions; providing for
22 scholarship amounts when a student is eligible for
23 scholarship funds under s. 504 of the federal
24 Rehabilitation Act or a Tier 3 Response to Intervention
25 plan; providing an effective date.

26
27 Be It Enacted by the Legislature of the State of Florida:
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29 Section 1. Subsection (1), paragraph (a) of subsection
 30 (2), subsection (3), paragraphs (a) and (e) of subsection (5),
 31 and paragraph (a) of subsection (10) of section 1002.39, Florida
 32 Statutes, are amended to read:

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

38 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 39 DISABILITIES PROGRAM.—The John M. McKay Scholarships for
 40 Students with Disabilities Program is established to provide the
 41 option to attend a public school other than the one to which
 42 assigned, or to provide a scholarship to a private school of
 43 choice, for students with disabilities for whom:

44 (a) An individual educational plan has been written in
 45 accordance with rules of the State Board of Education;

46 (b) A 504 accommodation plan has been issued under s. 504
 47 of the Rehabilitation Act of 1973; or

48 (c) A Tier 3 Response to Intervention plan has been
 49 developed by the public school of attendance which implements
 50 interventions to meet the individual needs of the student
 51 pursuant to state board rule.

52
 53 Students with disabilities include K-12 students who are
 54 documented as having an intellectual disability; a speech
 55 impairment; a language impairment; a hearing impairment,
 56 including deafness; a visual impairment, including blindness; a

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57 dual sensory impairment; an orthopedic impairment; an other
58 health impairment; an emotional or behavioral disability; a
59 specific learning disability, including, but not limited to,
60 dyslexia, dyscalculia, or developmental aphasia; a traumatic
61 brain injury; a developmental delay; or autism spectrum
62 disorder.

63 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
64 student with a disability may request and receive from the state
65 a John M. McKay Scholarship for the child to enroll in and
66 attend a private school in accordance with this section if:

67 (a) The student has:

68 1. Received specialized instructional services under the
69 Voluntary Prekindergarten Education Program pursuant to s.
70 1002.66 during the previous school year and the student has a
71 current individual educational plan developed by the local
72 school board in accordance with rules of the State Board of
73 Education for the John M. McKay Scholarships for Students with
74 Disabilities Program or a 504 accommodation plan has been issued
75 under s. 504 of the Rehabilitation Act of 1973;

76 2. Spent the prior school year in attendance at a Florida
77 public school or the Florida School for the Deaf and the Blind.
78 For purposes of this subparagraph, prior school year in
79 attendance means that the student was enrolled and reported by:

80 a. A school district for funding during the preceding
81 October and February Florida Education Finance Program surveys
82 in kindergarten through grade 12, which includes time spent in a
83 Department of Juvenile Justice commitment program if funded
84 under the Florida Education Finance Program;

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85 b. The Florida School for the Deaf and the Blind during
86 the preceding October and February student membership surveys in
87 kindergarten through grade 12; or

88 c. A school district for funding during the preceding
89 October and February Florida Education Finance Program surveys,
90 was at least 4 years of age when so enrolled and reported, and
91 was eligible for services under s. 1003.21(1)(e); or

92 3. Been enrolled and reported by a school district for
93 funding, during the October and February Florida Education
94 Finance Program surveys, in any of the 5 years prior to the
95 2010-2011 fiscal year; has a current individualized educational
96 plan developed by the district school board in accordance with
97 rules of the State Board of Education for the John M. McKay
98 Scholarship Program no later than June 30, 2011; and receives a
99 first-time John M. McKay scholarship for the 2011-2012 school
100 year. Upon request of the parent, the local school district
101 shall complete a matrix of services as required in subparagraph
102 (5)(b)1. for a student requesting a current individualized
103 educational plan in accordance with the provisions of this
104 subparagraph.

105
106 However, a dependent child of a member of the United States
107 Armed Forces who transfers to a school in this state from out of
108 state or from a foreign country due to a parent's permanent
109 change of station orders is exempt from this paragraph but must
110 meet all other eligibility requirements to participate in the
111 program.

112 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is

113 | not eligible for a John M. McKay Scholarship ~~while he or she is:~~

114 | (a) While he or she is enrolled in a school operating for
115 | the purpose of providing educational services to youth in
116 | Department of Juvenile Justice commitment programs;

117 | (b) While he or she is receiving a Florida tax credit
118 | scholarship under s. 1002.395;

119 | (c) While he or she is receiving an educational
120 | scholarship pursuant to this chapter;

121 | (d) While he or she is participating in a home education
122 | program as defined in s. 1002.01(1);

123 | (e) While he or she is participating in a private tutoring
124 | program pursuant to s. 1002.43;

125 | (f) While he or she is participating in a virtual school,
126 | correspondence school, or distance learning program that
127 | receives state funding pursuant to the student's participation
128 | unless the participation is limited to no more than two courses
129 | per school year;

130 | (g) While he or she is enrolled in the Florida School for
131 | the Deaf and the Blind; ~~or~~

132 | (h) While he or she is not having regular and direct
133 | contact with his or her private school teachers at the school's
134 | physical location;~~;~~

135 | (i) If he or she has been issued a temporary 504
136 | accommodation plan under s. 504 of the Rehabilitation Act of
137 | 1973 which is valid for 6 months or less; or

138 | (j) If he or she has been issued a Tier 3 Response to
139 | Intervention plan by the public school of attendance pursuant to
140 | state board rule for less than 90 days.

141 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—
 142 (a)1. ~~By April 1 of each year and within 10 days after an~~
 143 ~~individual education plan meeting,~~ A school district shall
 144 notify the parent of the student of all options available
 145 pursuant to this section, inform the parent of the availability
 146 of the department's telephone hotline and Internet website for
 147 additional information on John M. McKay Scholarships, and offer
 148 that student's parent an opportunity to enroll the student in
 149 another public school in within the district by April 1 of each
 150 year and within:
 151 a. Ten days after the individual education plan meeting;
 152 b. Ten days after a 504 accommodation plan is issued under
 153 s. 504 of the Rehabilitation Act of 1973; or
 154 c. Ninety days after a Tier 3 Response to Intervention
 155 plan is developed by the public school of attendance which
 156 implements interventions to meet the individual needs of the
 157 student pursuant to state board rule.
 158 2. The parent is not required to accept the offer of
 159 enrolling in another public school in lieu of requesting a John
 160 M. McKay Scholarship to a private school. However, if the parent
 161 chooses the public school option, the student may continue
 162 attending a public school chosen by the parent until the student
 163 graduates from high school.
 164 3. If the parent chooses a public school consistent with
 165 the district school board's choice plan under s. 1002.31, the
 166 school district shall provide transportation to the public
 167 school selected by the parent. The parent is responsible to
 168 provide transportation to a public school chosen that is not

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169 consistent with the district school board's choice plan under s.
170 1002.31.

171 (e) The parent of a student may choose, as an alternative,
172 to enroll the student in and transport the student to a public
173 school in an adjacent school district which has available space
174 and has a program with the services agreed to in the student's
175 individual education plan, 504 accommodation plan, or Tier 3
176 Response to Intervention plan pursuant to state board rule
177 already in place, and that school district shall accept the
178 student and report the student for purposes of the district's
179 funding pursuant to the Florida Education Finance Program.

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

181 (a)1. The maximum scholarship granted for an eligible
182 student with disabilities shall be equivalent to the base
183 student allocation in the Florida Education Finance Program
184 multiplied by the appropriate cost factor for the educational
185 program that would have been provided for the student in the
186 district school to which he or she was assigned, multiplied by
187 the district cost differential.

188 2. In addition, a share of the guaranteed allocation for
189 exceptional students shall be determined and added to the amount
190 in subparagraph 1. The calculation shall be based on the
191 methodology and the data used to calculate the guaranteed
192 allocation for exceptional students for each district in chapter
193 2000-166, Laws of Florida. Except as provided in subparagraphs
194 3. and 4., the calculation shall be based on the student's
195 grade, matrix level of services, and the difference between the
196 2000-2001 basic program and the appropriate level of services

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197 cost factor, multiplied by the 2000-2001 base student allocation
198 and the 2000-2001 district cost differential for the sending
199 district. The calculated amount shall include the per-student
200 share of supplemental academic instruction funds, instructional
201 materials funds, technology funds, and other categorical funds
202 as provided in the General Appropriations Act.

203 3. The scholarship amount for a student who is eligible
204 under sub-subparagraph (2)(a)2.b. shall be calculated as
205 provided in subparagraphs 1. and 2. However, the calculation
206 shall be based on the school district in which the parent
207 resides at the time of the scholarship request.

208 4. Until the school district completes the matrix required
209 by paragraph (5)(b), the calculation shall be based on the
210 matrix that assigns the student to support level I of service as
211 it existed prior to the 2000-2001 school year. When the school
212 district completes the matrix, the amount of the payment shall
213 be adjusted as needed.

214 5. The scholarship amount for a student eligible under s.
215 504 of the Rehabilitation Act of 1973 shall be based on the
216 matrix that assigns the student to support level I of service as
217 it existed prior to the 2000-2001 school year.

218 6. The scholarship amount for a student eligible under a
219 Tier 3 Response to Intervention plan pursuant to state board
220 rule shall be based on the matrix that assigns the student to
221 support level I of service as it existed prior to the 2000-2001
222 school year.

223 Section 2. This act shall take effect July 1, 2011.