

CS/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; allowing a
7 parent to request and receive a scholarship for a student
8 to enroll in and attend a private school if the student
9 has a 504 accommodation plan; providing that students with
10 certain temporary 504 accommodation plans are ineligible
11 for a scholarship; requiring that the school district
12 notify a parent of available options within 10 days after
13 a 504 accommodation plan is issued; providing that a
14 parent may choose to enroll the student in a public school
15 in an adjacent district under certain conditions;
16 providing for scholarship amounts; providing an effective
17 date.

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

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21 Section 1. Subsection (1), paragraph (a) of subsection
22 (2), subsection (3), paragraphs (a) and (e) of subsection (5),
23 and paragraph (a) of subsection (10) of section 1002.39, Florida
24 Statutes, are amended to read:

25 1002.39 The John M. McKay Scholarships for Students with
26 Disabilities Program.—There is established a program that is
27 separate and distinct from the Opportunity Scholarship Program

28 | and is named the John M. McKay Scholarships for Students with
 29 | Disabilities Program.

30 | (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
 31 | DISABILITIES PROGRAM.—The John M. McKay Scholarships for
 32 | Students with Disabilities Program is established to provide the
 33 | option to attend a public school other than the one to which
 34 | assigned, or to provide a scholarship to a private school of
 35 | choice, for students with disabilities for whom:

36 | (a) An individual educational plan has been written in
 37 | accordance with rules of the State Board of Education; or

38 | (b) A 504 accommodation plan has been issued under s. 504
 39 | of the Rehabilitation Act of 1973.

40 |
 41 | Students with disabilities include K-12 students who are
 42 | documented as having an intellectual disability; a speech
 43 | impairment; a language impairment; a hearing impairment,
 44 | including deafness; a visual impairment, including blindness; a
 45 | dual sensory impairment; an orthopedic impairment; an other
 46 | health impairment; an emotional or behavioral disability; a
 47 | specific learning disability, including, but not limited to,
 48 | dyslexia, dyscalculia, or developmental aphasia; a traumatic
 49 | brain injury; a developmental delay; or autism spectrum
 50 | disorder.

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

55 | (a) The student has:

56 | 1. Received specialized instructional services under the
57 | Voluntary Prekindergarten Education Program pursuant to s.
58 | 1002.66 during the previous school year and the student has a
59 | current individual educational plan developed by the local
60 | school board in accordance with rules of the State Board of
61 | Education for the John M. McKay Scholarships for Students with
62 | Disabilities Program or a 504 accommodation plan has been issued
63 | under s. 504 of the Rehabilitation Act of 1973;

64 | 2. Spent the prior school year in attendance at a Florida
65 | public school or the Florida School for the Deaf and the Blind.
66 | For purposes of this subparagraph, prior school year in
67 | attendance means that the student was enrolled and reported by:

68 | a. A school district for funding during the preceding
69 | October and February Florida Education Finance Program surveys
70 | in kindergarten through grade 12, which includes time spent in a
71 | Department of Juvenile Justice commitment program if funded
72 | under the Florida Education Finance Program;

73 | b. The Florida School for the Deaf and the Blind during
74 | the preceding October and February student membership surveys in
75 | kindergarten through grade 12; or

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

80 | 3. Been enrolled and reported by a school district for
81 | funding, during the October and February Florida Education
82 | Finance Program surveys, in any of the 5 years prior to the
83 | 2010-2011 fiscal year; has a current individualized educational

84 | plan developed by the district school board in accordance with
 85 | rules of the State Board of Education for the John M. McKay
 86 | Scholarship Program no later than June 30, 2011; and receives a
 87 | first-time John M. McKay scholarship for the 2011-2012 school
 88 | year. Upon request of the parent, the local school district
 89 | shall complete a matrix of services as required in subparagraph
 90 | (5)(b)1. for a student requesting a current individualized
 91 | educational plan in accordance with the provisions of this
 92 | subparagraph.

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94 | However, a dependent child of a member of the United States
 95 | Armed Forces who transfers to a school in this state from out of
 96 | state or from a foreign country due to a parent's permanent
 97 | change of station orders is exempt from this paragraph but must
 98 | meet all other eligibility requirements to participate in the
 99 | program.

100 | (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
 101 | not eligible for a John M. McKay Scholarship ~~while he or she is:~~

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

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

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

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

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

113 (f) While he or she is participating in a virtual school,
114 correspondence school, or distance learning program that
115 receives state funding pursuant to the student's participation
116 unless the participation is limited to no more than two courses
117 per school year;

118 (g) While he or she is enrolled in the Florida School for
119 the Deaf and the Blind; ~~or~~

120 (h) While he or she is not having regular and direct
121 contact with his or her private school teachers at the school's
122 physical location; or

123 (i) If he or she has been issued a temporary 504
124 accommodation plan under s. 504 of the Rehabilitation Act of
125 1973 which is valid for 6 months or less.

126 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

127 (a)1. By April 1 of each year and within 10 days after an
128 individual education plan meeting or a 504 accommodation plan is
129 issued under s. 504 of the Rehabilitation Act of 1973, a school
130 district shall notify the parent of the student of all options
131 available pursuant to this section, inform the parent of the
132 availability of the department's telephone hotline and Internet
133 website for additional information on John M. McKay
134 Scholarships, and offer that student's parent an opportunity to
135 enroll the student in another public school in ~~within~~ the
136 district.

137 2. The parent is not required to accept the offer of
138 enrolling in another public school in lieu of requesting a John

139 M. McKay Scholarship to a private school. However, if the parent
140 chooses the public school option, the student may continue
141 attending a public school chosen by the parent until the student
142 graduates from high school.

143 3. If the parent chooses a public school consistent with
144 the district school board's choice plan under s. 1002.31, the
145 school district shall provide transportation to the public
146 school selected by the parent. The parent is responsible to
147 provide transportation to a public school chosen that is not
148 consistent with the district school board's choice plan under s.
149 1002.31.

150 (e) The parent of a student may choose, as an alternative,
151 to enroll the student in and transport the student to a public
152 school in an adjacent school district which has available space
153 and has a program with the services agreed to in the student's
154 individual education plan or 504 accommodation plan already in
155 place, and that school district shall accept the student and
156 report the student for purposes of the district's funding
157 pursuant to the Florida Education Finance Program.

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

159 (a)1. The maximum scholarship granted for an eligible
160 student with disabilities shall be equivalent to the base
161 student allocation in the Florida Education Finance Program
162 multiplied by the appropriate cost factor for the educational
163 program that would have been provided for the student in the
164 district school to which he or she was assigned, multiplied by
165 the district cost differential.

166 2. In addition, a share of the guaranteed allocation for
167 exceptional students shall be determined and added to the amount
168 in subparagraph 1. The calculation shall be based on the
169 methodology and the data used to calculate the guaranteed
170 allocation for exceptional students for each district in chapter
171 2000-166, Laws of Florida. Except as provided in subparagraphs
172 3. and 4., the calculation shall be based on the student's
173 grade, matrix level of services, and the difference between the
174 2000-2001 basic program and the appropriate level of services
175 cost factor, multiplied by the 2000-2001 base student allocation
176 and the 2000-2001 district cost differential for the sending
177 district. The calculated amount shall include the per-student
178 share of supplemental academic instruction funds, instructional
179 materials funds, technology funds, and other categorical funds
180 as provided in the General Appropriations Act.

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

186 4. Until the school district completes the matrix required
187 by paragraph (5)(b), the calculation shall be based on the
188 matrix that assigns the student to support level I of service as
189 it existed prior to the 2000-2001 school year. When the school
190 district completes the matrix, the amount of the payment shall
191 be adjusted as needed.

192 5. The scholarship amount for a student eligible under s.
193 504 of the Rehabilitation Act of 1973 shall be based on the

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194 | program cost factor the student currently generates through the
195 | Florida Education Finance Program.

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