



106856

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2011	.	
	.	
	.	
	.	

The Committee on Education Pre-K - 12 (Wise) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause and insert:

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

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



106856

13 Disabilities Program.

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

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

22 (b) A 504 accommodation plan has been issued under s. 504
23 of the Rehabilitation Act of 1973.

24
25 Students with disabilities include K-12 students who are
26 documented as having an intellectual disability; a speech
27 impairment; a language impairment; a hearing impairment,
28 including deafness; a visual impairment, including blindness; a
29 dual sensory impairment; an orthopedic impairment; an other
30 health impairment; an emotional or behavioral disability; a
31 specific learning disability, including, but not limited to,
32 dyslexia, dyscalculia, or developmental aphasia; a traumatic
33 brain injury; a developmental delay; or autism spectrum
34 disorder.

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

39 (a) The student has:

40 1. Received specialized instructional services under the
41 Voluntary Prekindergarten Education Program pursuant to s.



106856

42 1002.66 during the previous school year and the student has a
43 current individual educational plan developed by the local
44 school board in accordance with rules of the State Board of
45 Education for the John M. McKay Scholarships for Students with
46 Disabilities Program or a 504 accommodation plan has been issued
47 under s. 504 of the Rehabilitation Act of 1973;

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

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

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

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

64 3. Been enrolled and reported by a school district for
65 funding, during the October and February Florida Education
66 Finance Program surveys, in any of the 5 years prior to the
67 2010-2011 fiscal year; has a current individualized educational
68 plan developed by the district school board in accordance with
69 rules of the State Board of Education for the John M. McKay
70 Scholarship Program no later than June 30, 2011; and receives a



106856

71 first-time John M. McKay scholarship for the 2011-2012 school
72 year. Upon request of the parent, the local school district
73 shall complete a matrix of services as required in subparagraph
74 (5)(b)1. for a student requesting a current individualized
75 educational plan in accordance with the provisions of this
76 subparagraph.

77
78 However, a dependent child of a member of the United States
79 Armed Forces who transfers to a school in this state from out of
80 state or from a foreign country due to a parent's permanent
81 change of station orders is exempt from this paragraph but must
82 meet all other eligibility requirements to participate in the
83 program.

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

86 (a) While he or she is enrolled in a school operating for
87 the purpose of providing educational services to youth in
88 Department of Juvenile Justice commitment programs;

89 (b) While he or she is receiving a Florida tax credit
90 scholarship under s. 1002.395;

91 (c) While he or she is receiving an educational scholarship
92 pursuant to this chapter;

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

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

97 (f) While he or she is participating in a virtual school,
98 correspondence school, or distance learning program that
99 receives state funding pursuant to the student's participation



106856

100 unless the participation is limited to no more than two courses
101 per school year;

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

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

107 (i) If he or she has been issued a temporary 504
108 accommodation plan under s. 504 of the Rehabilitation Act of
109 1973 which is valid for 6 months or less.

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

111 (a)1. By April 1 of each year and within 10 days after an
112 individual education plan meeting or a 504 accommodation plan is
113 issued under s. 504 of the Rehabilitation Act of 1973, a school
114 district shall notify the parent of the student of all options
115 available pursuant to this section, inform the parent of the
116 availability of the department's telephone hotline and Internet
117 website for additional information on John M. McKay
118 Scholarships, and offer that student's parent an opportunity to
119 enroll the student in another public school in ~~within~~ the
120 district.

121 2. The parent is not required to accept the offer of
122 enrolling in another public school in lieu of requesting a John
123 M. McKay Scholarship to a private school. However, if the parent
124 chooses the public school option, the student may continue
125 attending a public school chosen by the parent until the student
126 graduates from high school.

127 3. If the parent chooses a public school consistent with
128 the district school board's choice plan under s. 1002.31, the



106856

129 school district shall provide transportation to the public
130 school selected by the parent. The parent is responsible to
131 provide transportation to a public school chosen that is not
132 consistent with the district school board's choice plan under s.
133 1002.31.

134 (e) The parent of a student may choose, as an alternative,
135 to enroll the student in and transport the student to a public
136 school in an adjacent school district which has available space
137 and has a program with the services agreed to in the student's
138 individual education plan or 504 accommodation plan already in
139 place, and that school district shall accept the student and
140 report the student for purposes of the district's funding
141 pursuant to the Florida Education Finance Program.

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

143 (a)1. The maximum scholarship granted for an eligible
144 student with disabilities shall be equivalent to the base
145 student allocation in the Florida Education Finance Program
146 multiplied by the appropriate cost factor for the educational
147 program that would have been provided for the student in the
148 district school to which he or she was assigned, multiplied by
149 the district cost differential.

150 2. In addition, a share of the guaranteed allocation for
151 exceptional students shall be determined and added to the amount
152 in subparagraph 1. The calculation shall be based on the
153 methodology and the data used to calculate the guaranteed
154 allocation for exceptional students for each district in chapter
155 2000-166, Laws of Florida. Except as provided in subparagraphs
156 3. and 4., the calculation shall be based on the student's
157 grade, matrix level of services, and the difference between the



106856

158 2000-2001 basic program and the appropriate level of services
159 cost factor, multiplied by the 2000-2001 base student allocation
160 and the 2000-2001 district cost differential for the sending
161 district. The calculated amount shall include the per-student
162 share of supplemental academic instruction funds, instructional
163 materials funds, technology funds, and other categorical funds
164 as provided in the General Appropriations Act.

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

170 4. Until the school district completes the matrix required
171 by paragraph (5)(b), the calculation shall be based on the
172 matrix that assigns the student to support level I of service as
173 it existed prior to the 2000-2001 school year. When the school
174 district completes the matrix, the amount of the payment shall
175 be adjusted as needed.

176 5. The scholarship amount for a student eligible under s.
177 504 of the Rehabilitation Act of 1973 shall be based on the
178 program cost factor the student currently generates through the
179 Florida Education Finance Program.

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

181
182 ===== T I T L E A M E N D M E N T =====

183 And the title is amended as follows:

184 Delete everything before the enacting clause
185 and insert:

186 A bill to be entitled



106856

187 An act relating to the John M. McKay Scholarships for
188 Students with Disabilities Program; amending s.
189 1002.39, F.S.; making scholarships available to
190 students with disabilities who have a 504
191 accommodation plan issued under s. 504 of the federal
192 Rehabilitation Act; allowing a parent to request and
193 receive a scholarship for a student to enroll in and
194 attend a private school if the student has a 504
195 accommodation plan; providing that students with
196 certain temporary 504 accommodation plans are
197 ineligible for a scholarship; requiring that the
198 school district notify a parent of available options
199 within 10 days after a 504 accommodation plan is
200 issued; providing that a parent may choose to enroll
201 the student in a public school in an adjacent district
202 under certain conditions; providing for scholarship
203 amounts; providing an effective date.