

By Senator Wise

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1                                   A bill to be entitled  
2       An act relating to the John M. McKay Scholarships for  
3       Students with Disabilities Program; amending s.  
4       1002.39, F.S.; making scholarships available to  
5       students with disabilities who have a 504  
6       accommodation plan issued under s. 504 of the federal  
7       Rehabilitation Act or a Tier 3 Response to  
8       Intervention plan developed by the public school of  
9       attendance and consistent with rules of the State  
10      Board of Education; allowing a parent to request and  
11      receive a scholarship for a student to enroll and  
12      attend a private school if the student has a 504  
13      accommodation plan; providing that a student is  
14      ineligible for a scholarship if a temporary 504  
15      accommodation plan is valid for 6 months or less or if  
16      a Tier 3 Response to Intervention plan is issued for  
17      less than 90 days; requiring that the school district  
18      notify a parent of available options within 10 days  
19      after a 504 accommodation plan is issued and 90 days  
20      after a Tier 3 Response to Intervention plan is  
21      developed; providing that a parent may choose to  
22      enroll the student in a public school in an adjacent  
23      district under certain conditions; providing for  
24      scholarship amounts when a student is eligible for  
25      scholarship funds under s. 504 of the federal  
26      Rehabilitation Act or a Tier 3 Response to  
27      Intervention plan; providing an effective date.

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

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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 Disabilities Program.

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

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

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

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

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

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

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

69 (a) The student has:

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

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

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

87 b. The Florida School for the Deaf and the Blind during the

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88 preceding October and February student membership surveys in  
89 kindergarten through grade 12; or

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

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

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

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

116 (a) While he or she is enrolled in a school operating for

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117 the purpose of providing educational services to youth in  
118 Department of Juvenile Justice commitment programs;

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

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

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

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

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

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

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

137 (i) If he or she has been issued a temporary 504  
138 accommodation plan under s. 504 of the Rehabilitation Act of  
139 1973 which is valid for 6 months or less; or

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

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

144 (a)1. ~~By April 1 of each year and within 10 days after an~~  
145 ~~individual education plan meeting,~~ A school district shall

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146 notify the parent of the student of all options available  
147 pursuant to this section, inform the parent of the availability  
148 of the department's telephone hotline and Internet website for  
149 additional information on John M. McKay Scholarships, and offer  
150 that student's parent an opportunity to enroll the student in  
151 another public school in within the district by April 1 of each  
152 year and within:

153 a. Ten days after the individual education plan meeting;

154 b. Ten days after a 504 accommodation plan is issued under  
155 s. 504 of the Rehabilitation Act of 1973; or

156 c. Ninety days after a Tier 3 Response to Intervention plan  
157 is developed by the public school of attendance which implements  
158 interventions to meet the individual needs of the student  
159 pursuant to state board rule.

160 2. The parent is not required to accept the offer of  
161 enrolling in another public school in lieu of requesting a John  
162 M. McKay Scholarship to a private school. However, if the parent  
163 chooses the public school option, the student may continue  
164 attending a public school chosen by the parent until the student  
165 graduates from high school.

166 3. If the parent chooses a public school consistent with  
167 the district school board's choice plan under s. 1002.31, the  
168 school district shall provide transportation to the public  
169 school selected by the parent. The parent is responsible to  
170 provide transportation to a public school chosen that is not  
171 consistent with the district school board's choice plan under s.  
172 1002.31.

173 (e) The parent of a student may choose, as an alternative,  
174 to enroll the student in and transport the student to a public

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175 school in an adjacent school district which has available space  
176 and has a program with the services agreed to in the student's  
177 individual education plan, 504 accommodation plan, or Tier 3  
178 Response to Intervention plan pursuant to state board rule  
179 already in place, and that school district shall accept the  
180 student and report the student for purposes of the district's  
181 funding pursuant to the Florida Education Finance Program.

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

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

190 2. In addition, a share of the guaranteed allocation for  
191 exceptional students shall be determined and added to the amount  
192 in subparagraph 1. The calculation shall be based on the  
193 methodology and the data used to calculate the guaranteed  
194 allocation for exceptional students for each district in chapter  
195 2000-166, Laws of Florida. Except as provided in subparagraphs  
196 3. and 4., the calculation shall be based on the student's  
197 grade, matrix level of services, and the difference between the  
198 2000-2001 basic program and the appropriate level of services  
199 cost factor, multiplied by the 2000-2001 base student allocation  
200 and the 2000-2001 district cost differential for the sending  
201 district. The calculated amount shall include the per-student  
202 share of supplemental academic instruction funds, instructional  
203 materials funds, technology funds, and other categorical funds

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204 as provided in the General Appropriations Act.

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

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

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

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

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