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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/06/2015	.	
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Appropriations Subcommittee on Education (Gaetz) recommended the following:

Senate Amendment

Delete lines 427 - 521
and insert:
participants; disability category; matrix level of services, if known; award amount per student; total expenditures for the categories in subsection (5); and the types of providers of services to students, ~~and other information deemed necessary by the department.~~

(e) Compare the list of students participating in the



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11 program with the public school student enrollment lists and the
12 list of students participating in school choice scholarship
13 programs established pursuant to this chapter, throughout the
14 school year, before each program payment to avoid duplicate
15 payments and confirm program eligibility.

16 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.-

17 (a) The Commissioner of Education:

18 1. Shall deny, suspend, or revoke a student's participation
19 in the program if the health, safety, or welfare of the student
20 is threatened or fraud is suspected.

21 2. Shall deny, suspend, or revoke an authorized use of
22 program funds if the health, safety, or welfare of the student
23 is threatened or fraud is suspected.

24 3. May ~~deny, suspend, or revoke an~~ authorized use of
25 program funds for material failure to comply with this section
26 and applicable State Board of Education ~~department~~ rules if the
27 noncompliance is correctable within a reasonable period of time.
28 Otherwise, the commissioner shall ~~deny, suspend, or revoke an~~
29 authorized use for failure to materially comply with the law and
30 rules adopted under this section.

31 4. Shall require compliance by the appropriate party by a
32 date certain for all nonmaterial failures to comply with this
33 section and applicable State Board of Education ~~department~~
34 rules.

35 5. Notwithstanding the other provisions of this section,
36 the commissioner may deny, suspend, or revoke program
37 participation or use of program funds by the student; or
38 participation or eligibility of an organization, eligible
39 private school, eligible postsecondary educational institution,



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40 approved provider, or other appropriate party for a violation of
41 this section. The commissioner may determine the length of, and
42 conditions for lifting, the suspension or revocation specified
43 in this paragraph. The length of suspension or revocation may
44 not exceed 5 years, except for instances of fraud, in which case
45 the length of suspension or revocation may not exceed 10 years.
46 The commissioner may employ mechanisms allowed by law to recover
47 unexpended program funds or withhold payment of an equal amount
48 of program funds to recover program funds that were not
49 authorized for use under this section thereafter.

50 6. Shall deny or terminate program participation upon a
51 parent's forfeiture of a personal learning scholarship account
52 pursuant to subsection (11).

53 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
54 lift a suspension or revocation, in accordance with this
55 subsection, the commissioner may consider factors that include,
56 but are not limited to, acts or omissions that ~~by a~~
57 ~~participating entity which~~ led to a previous denial, suspension,
58 or revocation of participation in a state or federal program or
59 an education scholarship program; failure to reimburse the
60 eligible nonprofit scholarship-funding organization for program
61 funds improperly received or retained ~~by the entity~~; failure to
62 reimburse government funds improperly received or retained;
63 imposition of a prior criminal sanction related to the person or
64 entity or its officers or employees; imposition of a civil fine
65 or administrative fine, license revocation or suspension, or
66 program eligibility suspension, termination, or revocation
67 related to a person's or ~~an~~ entity's management or operation; or
68 other types of criminal proceedings in which the person or ~~the~~



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69 entity or its officers or employees were found guilty of,
70 regardless of adjudication, or entered a plea of nolo contendere
71 or guilty to, any offense involving fraud, deceit, dishonesty,
72 or moral turpitude.

73 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
74 PARTICIPATION.—A parent who applies for program participation
75 under this section is exercising his or her parental option to
76 determine the appropriate placement or the services that best
77 meet the needs of his or her child. The scholarship award for a
78 student is based on a matrix that assigns the student to support
79 Level III services. If a parent chooses to request and receive
80 an IEP and a matrix of services from the school district, the
81 amount of the payment shall be adjusted as needed, when the
82 school district completes the matrix.

83 (a) To satisfy or maintain program eligibility, including,
84 but not limited to, eligibility to receive program payments and
85 expend program payments ~~enroll an eligible student in the~~
86 ~~program,~~ the parent must sign an agreement with the ~~eligible~~
87 ~~nonprofit scholarship-funding~~ organization and annually submit a
88 notarized, sworn compliance statement to the organization to:

89 1. Affirm that the student is enrolled in a program that
90 meets regular school attendance requirements as provided in s.
91 1003.01(13)(b)-(d).

92 2. Affirm that ~~Use~~ the program funds are used only for
93 authorized purposes serving the student's educational needs, as
94 described in subsection (5).

95 3. Affirm that the student takes all appropriate
96 standardized assessments as specified in this section.

97 a. If the parent enrolls the child in an eligible private



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98 school, the student must take an assessment selected by the
99 private school pursuant to s. 1002.395(7)(e) or, if requested by
100 the parent, the statewide, standardized assessments pursuant to
101 s. 1002.39(8)(c)2. and (9)(e).