

By Senator Stargel

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1 A bill to be entitled
2 An act relating to educational choice; amending s.
3 1002.39, F.S.; deleting a requirement that a student
4 has to spend the prior school year in attendance at
5 certain schools in order to receive a John M. McKay
6 Scholarship; conforming provisions to changes made by
7 the act; amending s. 1002.455, F.S.; revising
8 eligibility criteria for a student to participate in
9 virtual instruction; authorizing a student to
10 participate in the program if eligible to enter
11 kindergarten through grade 12; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Subsections (1) and (2) and paragraphs (a), (c),
17 and (d) of subsection (10) of section 1002.39, Florida Statutes,
18 are amended to read:

19 1002.39 The John M. McKay Scholarships for Students with
20 Disabilities Program.—There is established a program that is
21 separate and distinct from the Opportunity Scholarship Program
22 and is named the John M. McKay Scholarships for Students with
23 Disabilities Program.

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

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

32 ~~(b) A 504 accommodation plan has been issued under s. 504~~

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33 ~~of the Rehabilitation Act of 1973.~~

34
35 Students with disabilities include K-12 students who are
36 documented as having an intellectual disability; a speech
37 impairment; a language impairment; a hearing impairment,
38 including deafness; a visual impairment, including blindness; a
39 dual sensory impairment; an orthopedic impairment; an other
40 health impairment; an emotional or behavioral disability; a
41 specific learning disability, including, but not limited to,
42 dyslexia, dyscalculia, or developmental aphasia; a traumatic
43 brain injury; a developmental delay; or autism spectrum
44 disorder.

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

49 (a) An individual educational plan has been written by a
50 school district for the child in accordance with the rules of
51 the State Board of Education or a 504 accommodation plan has
52 been issued for the child under s. 504 of the Rehabilitation Act
53 of 1973; and ~~The student has:~~

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

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

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

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

74 ~~c. A school district for funding during the preceding~~
75 ~~October and February Florida Education Finance Program surveys,~~
76 ~~was at least 4 years of age when so enrolled and reported, and~~
77 ~~was eligible for services under s. 1003.21(1)(c). However, a~~
78 ~~dependent child of a member of the United States Armed Forces~~
79 ~~who transfers to a school in this state from out of state or~~
80 ~~from a foreign country due to a parent's permanent change of~~
81 ~~station orders is exempt from this paragraph but must meet all~~
82 ~~other eligibility requirements to participate in the program.~~

83 ~~(b) For a child that enrolls in a private school that is~~
84 ~~eligible for the program under subsection (8), the parent has~~
85 ~~obtained acceptance for admission of the child to the school~~
86 ~~student to a private school that is eligible for the program~~
87 ~~under subsection (8) and has requested from the department a~~
88 ~~scholarship at least 60 days before the date of the first~~
89 ~~scholarship payment. The request must be communicated directly~~
90 ~~to the department in a manner that creates a written or~~

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91 electronic record of the request and the date of receipt of the
92 request. The department must notify the district of the parent's
93 intent upon receipt of the parent's request.

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

95 (a)1. The maximum scholarship granted for an eligible
96 student with disabilities shall be equivalent to the base
97 student allocation in the Florida Education Finance Program
98 multiplied by the appropriate cost factor for the educational
99 program that would have been provided for the student in the
100 district school to which he or she was assigned, multiplied by
101 the district cost differential.

102 2. In addition, a share of the guaranteed allocation for
103 exceptional students shall be determined and added to the amount
104 in subparagraph 1. The calculation shall be based on the
105 methodology and the data used to calculate the guaranteed
106 allocation for exceptional students for each district in chapter
107 2000-166, Laws of Florida. Except as provided in subparagraph 3.
108 ~~subparagraphs 3. and 4.~~, the calculation shall be based on the
109 student's grade, matrix level of services, and the difference
110 between the 2000-2001 basic program and the appropriate level of
111 services cost factor, multiplied by the 2000-2001 base student
112 allocation and the 2000-2001 district cost differential for the
113 sending district. The calculated amount shall include the per-
114 student share of supplemental academic instruction funds,
115 instructional materials funds, technology funds, and other
116 categorical funds as provided in the General Appropriations Act.

117 ~~3. The scholarship amount for a student who is eligible~~
118 ~~under sub-subparagraph (2) (a) 2.b. shall be calculated as~~
119 ~~provided in subparagraphs 1. and 2. However, the calculation~~

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120 ~~shall be based on the school district in which the parent~~
121 ~~resides at the time of the scholarship request.~~

122 3.4. Until the school district completes the matrix
123 required by paragraph (5) (b), the calculation shall be based on
124 the matrix that assigns the student to support Level I of
125 service as it existed before ~~prior to~~ the 2000-2001 school year.
126 When the school district completes the matrix, the amount of the
127 payment shall be adjusted as needed.

128 4.5. The scholarship amount for a student eligible under s.
129 504 of the Rehabilitation Act of 1973 shall be based on the
130 program cost factor the student currently generates through the
131 Florida Education Finance Program.

132 (c)~~1.~~ The school district shall report all students who are
133 attending a private school under this program. The students with
134 disabilities attending private schools on John M. McKay
135 Scholarships shall be reported separately from other students
136 reported for purposes of the Florida Education Finance Program.

137 ~~2. For program participants who are eligible under sub-~~
138 ~~subparagraph (2) (a)2.b., the school district that is used as the~~
139 ~~basis for the calculation of the scholarship amount as provided~~
140 ~~in subparagraph (a)3. shall:~~

141 ~~a. Report to the department all such students who are~~
142 ~~attending a private school under this program.~~

143 ~~b. Be held harmless for such students from the weighted~~
144 ~~enrollment ceiling for group 2 programs in s. 1011.62(1) (d)3.b.~~
145 ~~during the first school year in which the students are reported.~~

146 (d) Following notification on July 1, September 1, December
147 1, or February 1 of the number of program participants, the
148 department shall transfer, from General Revenue funds only, the

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149 amount calculated under paragraph (b) from the school district's
150 total funding entitlement under the Florida Education Finance
151 Program and from authorized categorical accounts to a separate
152 account for the scholarship program for quarterly disbursement
153 to the parents of participating students. ~~Funds may not be~~
154 ~~transferred from any funding provided to the Florida School for~~
155 ~~the Deaf and the Blind for program participants who are eligible~~
156 ~~under sub-subparagraph (2)(a)2.b.~~ For a student exiting a
157 Department of Juvenile Justice commitment program who chooses to
158 participate in the scholarship program, the amount of the John
159 M. McKay Scholarship calculated pursuant to paragraph (b) shall
160 be transferred from the school district in which the student
161 last attended a public school before commitment to the
162 Department of Juvenile Justice. When a student enters the
163 scholarship program, the department must receive all
164 documentation required for the student's participation,
165 including the private school's and the student's fee schedules,
166 at least 30 days before the first quarterly scholarship payment
167 is made for the student.

168 Section 2. Subsection (2) of section 1002.455, Florida
169 Statutes, is amended to read:

170 1002.455 Student eligibility for K-12 virtual instruction.—

171 (2) A student is eligible to participate in virtual
172 instruction if:

173 ~~(a) The student spent the prior school year in attendance~~
174 ~~at a public school in the state and was enrolled and reported by~~
175 ~~the school district for funding during October and February for~~
176 ~~purposes of the Florida Education Finance Program surveys;~~

177 (a) ~~(b)~~ The student is a dependent child of a member of the

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178 United States Armed Forces who was transferred within the last
179 12 months to this state from another state or from a foreign
180 country pursuant to a permanent change of station order;

181 (b)~~(e)~~ The student was enrolled during the prior school
182 year in a virtual instruction program under s. 1002.45 or a
183 full-time Florida Virtual School program under s. 1002.37(8)(a);

184 (c)~~(d)~~ The student has a sibling who is currently enrolled
185 in a virtual instruction program and the sibling was enrolled in
186 that program at the end of the prior school year; or

187 (d)~~(e)~~ The student is eligible to enter kindergarten
188 through grade 12. ~~or first grade; or~~

189 ~~(f) The student is eligible to enter grades 2 through 5 and~~
190 ~~is enrolled full-time in a school district virtual instruction~~
191 ~~program, virtual charter school, or the Florida Virtual School.~~

192 Section 3. This act shall take effect July 1, 2016.