

By the Committee on Education Pre-K - 12; and Senators Stargel and Garcia

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1 A bill to be entitled

2 An act relating to education programs for individuals
3 with disabilities; amending s. 1002.39, F.S.;
4 exempting a foster child from specified eligibility
5 provisions; providing that a student enrolled in a
6 transition-to-work program is eligible for a John M.
7 McKay Scholarship; creating a transition-to-work
8 program for specific students enrolled in the John M.
9 McKay Scholarships for Students with Disabilities
10 Program; providing program requirements; providing
11 participation requirements for schools, students, and
12 businesses; exempting a John M. McKay Scholarship
13 award from a specified funding calculation; amending
14 s. 1004.935, F.S.; deleting the scheduled termination
15 of the Adults with Disabilities Workforce Education
16 Pilot Program; changing the name of the program to the
17 "Adults with Disabilities Workforce Education
18 Program"; amending s. 1011.61, F.S.; exempting a John
19 M. McKay Scholarship award from a specified funding
20 calculation for purposes of the Florida Education
21 Finance Program; providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Subsections (10) through (13) of section
26 1002.39, Florida Statutes, are renumbered as subsections (11)
27 through (14), respectively, paragraph (a) of subsection (2),
28 paragraph (h) of subsection (3), paragraph (b) of subsection
29 (8), and paragraph (a) of present subsection (10) are amended,
30 and a new subsection (10) is added to that section, to read:

31 1002.39 The John M. McKay Scholarships for Students with

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

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

40 (a) The student has:

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

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

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

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

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

65

66 However, a foster child or a dependent child of a member of the
67 United States Armed Forces who transfers to a school in this
68 state from out of state or from a foreign country due to a
69 parent's permanent change of station orders is exempt from this
70 paragraph but must meet all other eligibility requirements to
71 participate in the program.

72 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
73 not eligible for a John M. McKay Scholarship:

74 (h) While he or she is not having regular and direct
75 contact with his or her private school teachers at the school's
76 physical location unless he or she is enrolled in the private
77 school's transition-to-work program pursuant to subsection (10);
78 or

79 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
80 eligible to participate in the John M. McKay Scholarships for
81 Students with Disabilities Program, a private school may be
82 sectarian or nonsectarian and must:

83 (b) Provide to the department all documentation required
84 for a student's participation, including the private school's
85 and student's fee schedules, at least 30 days before any
86 quarterly scholarship payment is made for the student pursuant
87 to paragraph (11)(e) ~~(10)(e)~~. A student is not eligible to
88 receive a quarterly scholarship payment if the private school
89 fails to meet this deadline.

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91 The inability of a private school to meet the requirements of
92 this subsection shall constitute a basis for the ineligibility
93 of the private school to participate in the scholarship program
94 as determined by the department.

95 (10) TRANSITION-TO-WORK PROGRAM.—A student participating in
96 the John M. McKay Scholarships for Students with Disabilities
97 Program who is at least 17 years, but not older than 22 years,
98 of age and who has not received a high school diploma or
99 certificate of completion is eligible for enrollment in his or
100 her private school's transition-to-work program. A transition-
101 to-work program shall consist of academic instruction, work
102 skills training, and a volunteer or paid work experience.

103 (a) To offer a transition-to-work program, a participating
104 private school must:

105 1. Develop a transition-to-work program plan, which must
106 include a written description of the academic instruction and
107 work skills training students will receive and the goals for
108 students in the program.

109 2. Submit the transition-to-work program plan to the Office
110 of Independent Education and Parental Choice.

111 3. Develop a personalized transition-to-work program plan
112 for each student enrolled in the program. The student's parent,
113 the student, and the school principal must sign the personalized
114 plan. The personalized plan must be submitted to the Office of
115 Independent Education and Parental Choice upon request by the
116 office.

117 4. Provide a release of liability form that must be signed
118 by the student's parent, the student, and a representative of

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119 the business offering the volunteer or paid work experience.

120 5. Assign a case manager or job coach to visit the
121 student's job site on a weekly basis to observe the student and,
122 if necessary, provide support and guidance to the student.

123 6. Provide to the parent and student a quarterly report
124 that documents and explains the student's progress and
125 performance in the program.

126 7. Maintain accurate attendance and performance records for
127 the student.

128 (b) A student enrolled in a transition-to-work program
129 must, at a minimum:

130 1. Receive 15 instructional hours at the private school's
131 physical facility, which must include academic instruction and
132 work skills training.

133 2. Participate in 10 hours of work at the student's
134 volunteer or paid work experience.

135 (c) To participate in a transition-to-work program, a
136 business must:

137 1. Maintain an accurate record of the student's performance
138 and hours worked and provide the information to the private
139 school.

140 2. Comply with all state and federal child labor laws.

141 (11)-(10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.-

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

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148 the district cost differential.

149 2. In addition, a share of the guaranteed allocation for
150 exceptional students shall be determined and added to the amount
151 in subparagraph 1. The calculation shall be based on the
152 methodology and the data used to calculate the guaranteed
153 allocation for exceptional students for each district in chapter
154 2000-166, Laws of Florida. Except as provided in subparagraphs
155 3. and 4., the calculation shall be based on the student's
156 grade, matrix level of services, and the difference between the
157 2000-2001 basic program and the appropriate level of services
158 cost factor, multiplied by the 2000-2001 base student allocation
159 and the 2000-2001 district cost differential for the sending
160 district. The calculated amount shall include the per-student
161 share of supplemental academic instruction funds, instructional
162 materials funds, technology funds, and other categorical funds
163 as provided in the General Appropriations Act.

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

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

175 5. The scholarship amount for a student eligible under s.
176 504 of the Rehabilitation Act of 1973 shall be based on the

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177 program cost factor the student currently generates through the
178 Florida Education Finance Program.

179 6. The scholarship amount granted for an eligible student
180 with disabilities is not subject to the maximum value for
181 funding a student under s. 1011.61(4).

182 Section 2. Effective June 29, 2016, section 1004.935,
183 Florida Statutes, is amended to read:

184 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~
185 Program.—

186 (1) The Adults with Disabilities Workforce Education ~~Pilot~~
187 Program is established in the Department of Education ~~through~~
188 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
189 to provide the option of receiving a scholarship for instruction
190 at private schools for up to 30 students who:

191 (a) Have a disability;

192 (b) Are 22 years of age;

193 (c) Are receiving instruction from an instructor in a
194 private school to meet the high school graduation requirements
195 in s. 1002.3105(5) or s. 1003.4282;

196 (d) Do not have a standard high school diploma or a special
197 high school diploma; and

198 (e) Receive "supported employment services," which means
199 employment that is located or provided in an integrated work
200 setting with earnings paid on a commensurate wage basis and for
201 which continued support is needed for job maintenance.

202

203 As used in this section, the term "student with a disability"
204 includes a student who is documented as having an intellectual
205 disability; a speech impairment; a language impairment; a

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206 hearing impairment, including deafness; a visual impairment,
207 including blindness; a dual sensory impairment; an orthopedic
208 impairment; another health impairment; an emotional or
209 behavioral disability; a specific learning disability,
210 including, but not limited to, dyslexia, dyscalculia, or
211 developmental aphasia; a traumatic brain injury; a developmental
212 delay; or autism spectrum disorder.

213 (2) A student participating in the ~~pilot~~ program may
214 continue to participate in the program until the student
215 graduates from high school or reaches the age of 40 years,
216 whichever occurs first.

217 (3) Supported employment services may be provided at more
218 than one site.

219 (4) The provider of supported employment services must be a
220 nonprofit corporation under s. 501(c)(3) of the Internal Revenue
221 Code which serves Hardee County, DeSoto County, Manatee County,
222 or Sarasota County and must contract with a private school in
223 this state which meets the requirements in subsection (5).

224 (5) A private school that participates in the ~~pilot~~ program
225 may be sectarian or nonsectarian and must:

226 (a) Be academically accountable for meeting the educational
227 needs of the student by annually providing to the provider of
228 supported employment services a written explanation of the
229 student's progress.

230 (b) Comply with the antidiscrimination provisions of 42
231 U.S.C. s. 2000d.

232 (c) Meet state and local health and safety laws and codes.

233 (d) Provide to the provider of supported employment
234 services all documentation required for a student's

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235 participation, including the private school's and student's fee
236 schedules, at least 30 days before any quarterly scholarship
237 payment is made for the student. A student is not eligible to
238 receive a quarterly scholarship payment if the private school
239 fails to meet this deadline.

240
241 The inability of a private school to meet the requirements of
242 this subsection constitutes a basis for the ineligibility of the
243 private school to participate in the ~~pilot~~ program.

244 (6) (a) If the student chooses to participate in the ~~pilot~~
245 program and is accepted by the provider of supported employment
246 services, the student must notify the Department of Education of
247 his or her acceptance into the program 60 days before the first
248 scholarship payment and before participating in the ~~pilot~~
249 program in order to be eligible for the scholarship.

250 (b) Upon receipt of a scholarship warrant, the student or
251 parent to whom the warrant is made must restrictively endorse
252 the warrant to the provider of supported employment services for
253 deposit into the account of the provider. The student or parent
254 may not designate any entity or individual associated with the
255 participating provider of supported employment services as the
256 student's or parent's attorney in fact to endorse a scholarship
257 warrant. A participant who fails to comply with this paragraph
258 forfeits the scholarship.

259 (7) Funds for the scholarship shall be provided from the
260 appropriation from the school district's Workforce Development
261 Fund in the General Appropriations Act for students who reside
262 in the Hardee County School District, the DeSoto County School
263 District, the Manatee County School District, or the Sarasota

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264 County School District. ~~During the pilot program,~~ The
265 scholarship amount granted for an eligible student with a
266 disability shall be equal to the cost per unit of a full-time
267 equivalent adult general education student, multiplied by the
268 adult general education funding factor, and multiplied by the
269 district cost differential pursuant to the formula required by
270 s. 1011.80(6)(a) for the district in which the student resides.

271 (8) Upon notification by the Department of Education that
272 it has received the required documentation, the Chief Financial
273 Officer shall make scholarship payments in four equal amounts no
274 later than September 1, November 1, February 1, and April 1 of
275 each academic year in which the scholarship is in force. The
276 initial payment shall be made after the Department of Education
277 verifies that the student was accepted into the ~~pilot~~ program,
278 and subsequent payments shall be made upon verification of
279 continued participation in the ~~pilot~~ program. Payment must be by
280 individual warrant made payable to the student or parent and
281 mailed by the Department of Education to the provider of
282 supported employment services, and the student or parent shall
283 restrictively endorse the warrant to the provider of supported
284 employment services for deposit into the account of that
285 provider.

286 (9) Subsequent to each scholarship payment, the Department
287 of Education shall request from the Department of Financial
288 Services a sample of endorsed warrants to review and confirm
289 compliance with endorsement requirements.

290 Section 3. Subsection (4) of section 1011.61, Florida
291 Statutes, is amended to read:

292 1011.61 Definitions.—Notwithstanding the provisions of s.

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293 1000.21, the following terms are defined as follows for the
294 purposes of the Florida Education Finance Program:

295 (4) The maximum value for funding a student in kindergarten
296 through grade 12 or in a prekindergarten program for exceptional
297 children as provided in s. 1003.21(1)(e) shall be the sum of the
298 calculations in paragraphs (a), (b), and (c) as calculated by
299 the department.

300 (a) The sum of the student's full-time equivalent student
301 membership value for the school year or the equivalent derived
302 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
303 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
304 subsection (2). If the sum is greater than 1.0, the full-time
305 equivalent student membership value for each program or course
306 shall be reduced by an equal proportion so that the student's
307 total full-time equivalent student membership value is equal to
308 1.0.

309 (b) If the result in paragraph (a) is less than 1.0 full-
310 time equivalent student and the student has full-time equivalent
311 student enrollment pursuant to sub-sub-subparagraph
312 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
313 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
314 1.0 less the value in paragraph (a).

315 (c) The full-time equivalent student enrollment value in
316 sub-subparagraph (1)(c)2.a.

317

318 A scholarship award provided to a student enrolled in the John
319 M. McKay Scholarships for Students with Disabilities Program
320 pursuant to s. 1002.39 is not subject to the maximum value for
321 funding a student under this subsection.

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322 Section 4. Except as otherwise expressly provided in this
323 act, this act shall take effect July 1, 2016.