



495394

LEGISLATIVE ACTION

Senate	.	House
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Floor: 1/AD/2R	.	Floor: SENAT/C
03/08/2016 10:50 AM	.	03/09/2016 02:54 PM
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Senator Stargel moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1002.39 The John M. McKay Scholarships for Students with



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

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

20 (a) The student has:

21 1. Received specialized instructional services under the  
22 Voluntary Prekindergarten Education Program pursuant to s.  
23 1002.66 during the previous school year and the student has a  
24 current individual educational plan developed by the local  
25 school board in accordance with rules of the State Board of  
26 Education for the John M. McKay Scholarships for Students with  
27 Disabilities Program or a 504 accommodation plan has been issued  
28 under s. 504 of the Rehabilitation Act of 1973; or

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

33 a. A school district for funding during the preceding  
34 October and February Florida Education Finance Program surveys  
35 in kindergarten through grade 12, which includes time spent in a  
36 Department of Juvenile Justice commitment program if funded  
37 under the Florida Education Finance Program;

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



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

45

46 However, a dependent child of a member of the United States  
47 Armed Forces who transfers to a school in this state from out of  
48 state or from a foreign country due to a parent's permanent  
49 change of station orders or a foster child is exempt from this  
50 paragraph but must meet all other eligibility requirements to  
51 participate in the program.

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

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

58 or

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

63 (b) Provide to the department all documentation required  
64 for a student's participation, including the private school's  
65 and student's fee schedules, at least 30 days before any  
66 quarterly scholarship payment is made for the student pursuant  
67 to paragraph (11)(e) ~~(10)(e)~~. A student is not eligible to  
68 receive a quarterly scholarship payment if the private school  
69 fails to meet this deadline.



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

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

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

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

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

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

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



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99 the business offering the volunteer or paid work experience.

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

103 6. Provide to the parent and student a quarterly report  
104 that documents and explains the student's progress and  
105 performance in the program.

106 7. Maintain accurate attendance and performance records for  
107 the student.

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

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

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

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

117 1. Maintain an accurate record of the student's performance  
118 and hours worked and provide the information to the private  
119 school.

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

121 (11)-(10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.-

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



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128 the district cost differential.

129       2. In addition, a share of the guaranteed allocation for  
130 exceptional students shall be determined and added to the amount  
131 in subparagraph 1. The calculation shall be based on the  
132 methodology and the data used to calculate the guaranteed  
133 allocation for exceptional students for each district in chapter  
134 2000-166, Laws of Florida. Except as provided in subparagraphs  
135 3. and 4., the calculation shall be based on the student's  
136 grade, matrix level of services, and the difference between the  
137 2000-2001 basic program and the appropriate level of services  
138 cost factor, multiplied by the 2000-2001 base student allocation  
139 and the 2000-2001 district cost differential for the sending  
140 district. The calculated amount shall include the per-student  
141 share of supplemental academic instruction funds, instructional  
142 materials funds, technology funds, and other categorical funds  
143 as provided in the General Appropriations Act.

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

149       4. Until the school district completes the matrix required  
150 by paragraph (5)(b), the calculation shall be based on the  
151 matrix that assigns the student to support Level I of service as  
152 it existed prior to the 2000-2001 school year. When the school  
153 district completes the matrix, the amount of the payment shall  
154 be adjusted as needed.

155       5. The scholarship amount for a student eligible under s.  
156 504 of the Rehabilitation Act of 1973 shall be based on the



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157 program cost factor the student currently generates through the  
158 Florida Education Finance Program.

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

162 Section 2. Subsection (9) of section 1002.41, Florida  
163 Statutes, is amended, and subsection (10) is added to that  
164 section, to read:

165 1002.41 Home education programs.—

166 (9) ~~Home education program students may receive~~ Testing and  
167 evaluation services at diagnostic and resource centers shall be  
168 available to home education program students, including, but not  
169 limited to, student with disabilities, in accordance with the  
170 provisions of s. 1006.03.

171 (10) A school district may provide exceptional student  
172 education-related services, as defined in State Board of  
173 Education rule, to a home education program student with a  
174 disability who is eligible for the services and who enrolls in a  
175 public school solely for the purpose of receiving those related  
176 services. The school district providing the services shall  
177 report each student as a full-time equivalent student in the  
178 class and in a manner prescribed by the Department of Education,  
179 and funding shall be provided through the Florida Education  
180 Finance Program pursuant to s. 1011.62.

181 Section 3. Effective June 29, 2016, section 1004.935,  
182 Florida Statutes, is amended to read:

183 1004.935 Adults with Disabilities Workforce Education ~~Pilot~~  
184 Program.—

185 (1) The Adults with Disabilities Workforce Education ~~Pilot~~



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186 Program is established in the Department of Education ~~through~~  
187 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties  
188 to provide the option of receiving a scholarship for instruction  
189 at private schools for up to 30 students who:

190 (a) Have a disability;

191 (b) Are 22 years of age;

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

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

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

201  
202 As used in this section, the term "student with a disability"  
203 includes a student who is documented as having an intellectual  
204 disability; a speech impairment; a language impairment; a  
205 hearing impairment, including deafness; a visual impairment,  
206 including blindness; a dual sensory impairment; an orthopedic  
207 impairment; another health impairment; an emotional or  
208 behavioral disability; a specific learning disability,  
209 including, but not limited to, dyslexia, dyscalculia, or  
210 developmental aphasia; a traumatic brain injury; a developmental  
211 delay; or autism spectrum disorder.

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





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215 whichever occurs first.

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

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

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

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

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

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

232 (d) Provide to the provider of supported employment  
233 services all documentation required for a student's  
234 participation, including the private school's and student's fee  
235 schedules, at least 30 days before any quarterly scholarship  
236 payment is made for the student. A student is not eligible to  
237 receive a quarterly scholarship payment if the private school  
238 fails to meet this deadline.

239  
240 The inability of a private school to meet the requirements of  
241 this subsection constitutes a basis for the ineligibility of the  
242 private school to participate in the ~~pilot~~ program.

243 (6) (a) If the student chooses to participate in the ~~pilot~~



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

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

258 (7) Funds for the scholarship shall be provided from the  
259 appropriation from the school district's Workforce Development  
260 Fund in the General Appropriations Act for students who reside  
261 in the Hardee County School District, the DeSoto County School  
262 District, the Manatee County School District, or the Sarasota  
263 County School District. ~~During the pilot program,~~ The  
264 scholarship amount granted for an eligible student with a  
265 disability shall be equal to the cost per unit of a full-time  
266 equivalent adult general education student, multiplied by the  
267 adult general education funding factor, and multiplied by the  
268 district cost differential pursuant to the formula required by  
269 s. 1011.80(6)(a) for the district in which the student resides.

270 (8) Upon notification by the Department of Education that  
271 it has received the required documentation, the Chief Financial  
272 Officer shall make scholarship payments in four equal amounts no



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273 later than September 1, November 1, February 1, and April 1 of  
274 each academic year in which the scholarship is in force. The  
275 initial payment shall be made after the Department of Education  
276 verifies that the student was accepted into the ~~pilot~~ program,  
277 and subsequent payments shall be made upon verification of  
278 continued participation in the ~~pilot~~ program. Payment must be by  
279 individual warrant made payable to the student or parent and  
280 mailed by the Department of Education to the provider of  
281 supported employment services, and the student or parent shall  
282 restrictively endorse the warrant to the provider of supported  
283 employment services for deposit into the account of that  
284 provider.

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

289 Section 4. Subsections (13), (22), (23), and (24) of  
290 section 1007.271, Florida Statutes, are amended, and subsection  
291 (25) is added to the section, to read:

292 1007.271 Dual enrollment programs.—

293 (13) (a) The dual enrollment program for a home education  
294 student, including, but not limited to, students with  
295 disabilities, consists of the enrollment of an eligible home  
296 education secondary student in a postsecondary course creditable  
297 toward an associate degree, a career certificate, or a  
298 baccalaureate degree. To participate in the dual enrollment  
299 program, an eligible home education secondary student must:

300 1. Provide proof of enrollment in a home education program  
301 pursuant to s. 1002.41.



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302           2. Be responsible for his or her own instructional  
303 materials and transportation unless provided for in the  
304 articulation agreement ~~otherwise~~.

305           3. Sign a home education articulation agreement pursuant to  
306 paragraph (b).

307           (b) Each postsecondary institution eligible to participate  
308 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
309 ~~shall~~ enter into a home education articulation agreement with  
310 each home education student seeking enrollment in a dual  
311 enrollment course and the student's parent. By August 1 of each  
312 year, the eligible postsecondary institution shall complete and  
313 submit the home education articulation agreement to the  
314 Department of Education. The home education articulation  
315 agreement must ~~shall~~ include, at a minimum:

316           1. A delineation of courses and programs available to  
317 dually enrolled home education students. Courses and programs  
318 may be added, revised, or deleted at any time by the  
319 postsecondary institution.

320           2. The initial and continued eligibility requirements for  
321 home education student participation, not to exceed those  
322 required of other dually enrolled students.

323           3. The student's responsibilities for providing his or her  
324 own instructional materials and transportation.

325           4. A copy of the statement on transfer guarantees developed  
326 by the Department of Education under subsection (15).

327           (22) The Department of Education shall develop an  
328 electronic submission system for dual enrollment articulation  
329 agreements and shall review, for compliance, each dual  
330 enrollment articulation agreement submitted pursuant to



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331 subsections (13), ~~subsection~~ (21), and (24). The Commissioner of  
332 Education shall notify the district school superintendent and  
333 the Florida College System institution president if the dual  
334 enrollment articulation agreement does not comply with statutory  
335 requirements and shall submit any dual enrollment articulation  
336 agreement with unresolved issues of noncompliance to the State  
337 Board of Education.

338 (23) District school boards and Florida College System  
339 institutions may enter into additional dual enrollment  
340 articulation agreements with state universities for the purposes  
341 of this section. School districts may also enter into dual  
342 enrollment articulation agreements with eligible independent  
343 colleges and universities pursuant to s. 1011.62(1)(i). By  
344 August 1 of each year, the district school board and the Florida  
345 College System institution shall complete and submit the dual  
346 enrollment articulation agreement with the state university or  
347 an eligible independent college or university, as applicable, to  
348 the Department of Education.

349 (24)(a) The dual enrollment program for a private school  
350 student consists of the enrollment of an eligible private school  
351 student in a postsecondary course creditable toward an associate  
352 degree, a career certificate, or a baccalaureate degree. In  
353 addition, a private school in which a student, including, but  
354 not limited to, students with disabilities, is enrolled must  
355 award credit toward high school completion for the postsecondary  
356 course under the dual enrollment program. To participate in the  
357 dual enrollment program, an eligible private school student  
358 must:

359 1. Provide proof of enrollment in a private school pursuant



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360 to subsection (2).

361 2. Be responsible for his or her own instructional  
362 materials and transportation unless provided for in the  
363 articulation agreement.

364 3. Sign a private school articulation agreement pursuant to  
365 paragraph (b).

366 (b) Each postsecondary institution eligible to participate  
367 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
368 enter into a private school articulation agreement with each  
369 eligible private school in its geographic service area seeking  
370 to offer dual enrollment courses to its students, including, but  
371 not limited to, students with disabilities. By August 1 of each  
372 year, the eligible postsecondary institution shall complete and  
373 submit the private school articulation agreement to the  
374 Department of Education. The private school articulation  
375 agreement must include, at a minimum:

376 1. A delineation of courses and programs available to the  
377 private school student. The postsecondary institution may add,  
378 revise, or delete courses and programs at any time.

379 2. The initial and continued eligibility requirements for  
380 private school student participation, not to exceed those  
381 required of other dual enrollment students.

382 3. The student's responsibilities for providing his or her  
383 own instructional materials and transportation.

384 4. A provision clarifying that the private school will  
385 award appropriate credit toward high school completion for the  
386 postsecondary course under the dual enrollment program.

387 5. A provision expressing that costs associated with  
388 tuition and fees, including registration, and laboratory fees,



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389 will not be passed along to the student.

390 6. A provision stating whether the private school will  
391 compensate the postsecondary institution for the standard  
392 tuition rate per credit hour for each dual enrollment course  
393 taken by its students ~~Postsecondary institutions may enter into~~  
394 ~~dual enrollment articulation agreements with private secondary~~  
395 ~~schools pursuant to subsection (2).~~

396 (25) For students with disabilities, a postsecondary  
397 institution eligible to participate in dual enrollment pursuant  
398 to s. 1011.62(1)(i) shall include in its dual enrollment  
399 articulation agreement, services and resources that are  
400 available to students with disabilities who register in a dual  
401 enrollment course at the eligible institution and provide  
402 information regarding such services and resources to the Florida  
403 Center for Students with Unique Abilities. The Department of  
404 Education shall provide to the center the Internet website link  
405 to dual enrollment articulation agreements specific to students  
406 with disabilities. The center shall include in the information  
407 that it is responsible for disseminating to students with  
408 disabilities and their parents pursuant to s. 1004.6495, dual  
409 enrollment articulation agreements and opportunities for  
410 meaningful campus experience through dual enrollment.

411 Section 5. Subsection (4) of section 1011.61, Florida  
412 Statutes, is amended to read:

413 1011.61 Definitions.—Notwithstanding the provisions of s.  
414 1000.21, the following terms are defined as follows for the  
415 purposes of the Florida Education Finance Program:

416 (4) The maximum value for funding a student in kindergarten  
417 through grade 12 or in a prekindergarten program for exceptional



418 children as provided in s. 1003.21(1)(e) shall be the sum of the  
419 calculations in paragraphs (a), (b), and (c) as calculated by  
420 the department.

421 (a) The sum of the student's full-time equivalent student  
422 membership value for the school year or the equivalent derived  
423 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
424 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and  
425 subsection (2). If the sum is greater than 1.0, the full-time  
426 equivalent student membership value for each program or course  
427 shall be reduced by an equal proportion so that the student's  
428 total full-time equivalent student membership value is equal to  
429 1.0.

430 (b) If the result in paragraph (a) is less than 1.0 full-  
431 time equivalent student and the student has full-time equivalent  
432 student enrollment pursuant to sub-sub-subparagraph  
433 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
434 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
435 1.0 less the value in paragraph (a).

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

438  
439 A scholarship award provided to a student enrolled in the John  
440 M. McKay Scholarships for Students with Disabilities Program  
441 pursuant to s. 1002.39 is not subject to the maximum value for  
442 funding a student under this subsection.

443 Section 6. Except as otherwise expressly provided in this  
444 act, this act shall take effect July 1, 2016.

445  
446 ===== T I T L E A M E N D M E N T =====





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447 And the title is amended as follows:

448 Delete everything before the enacting clause  
449 and insert:

450 A bill to be entitled

451 An act relating to education programs for individuals  
452 with disabilities; amending s. 1002.39, F.S.;  
453 exempting a foster child from specified eligibility  
454 provisions; providing that a student enrolled in a  
455 transition-to-work program is eligible for a John M.  
456 McKay Scholarship; creating a transition-to-work  
457 program for specific students enrolled in the John M.  
458 McKay Scholarships for Students with Disabilities  
459 Program; providing program requirements; providing  
460 participation requirements for schools, students, and  
461 businesses; exempting a John M. McKay Scholarship  
462 award from a specified funding calculation; amending  
463 s. 1002.41, F.S.; authorizing a school district to  
464 provide exceptional student education-related services  
465 to certain home education program students; requiring  
466 reporting and funding through the Florida Education  
467 Finance Program; amending s. 1004.935, F.S.; deleting  
468 the scheduled termination of the Adults with  
469 Disabilities Workforce Education Pilot Program;  
470 changing the name of the program to the "Adults with  
471 Disabilities Workforce Education Program"; amending s.  
472 1007.271, F.S.; requiring a home education secondary  
473 student to be responsible for his or her own  
474 instructional materials and transportation in order to  
475 participate in the dual enrollment program unless the



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476 articulation agreement provides otherwise; requiring a  
477 postsecondary institution eligible to participate in  
478 the dual enrollment program to enter into a home  
479 education articulation agreement; requiring the  
480 postsecondary institution to annually complete and  
481 submit the agreement to the Department of Education by  
482 a specified date; conforming provisions to changes  
483 made by the act; requiring a district school board and  
484 a Florida College System institution to annually  
485 complete and submit to the department by a specified  
486 date a dual enrollment articulation agreement with a  
487 state university or an eligible independent college or  
488 university, as applicable; providing requirements for  
489 a private school student to participate in a dual  
490 enrollment program; requiring a postsecondary  
491 institution to annually complete and submit the  
492 articulation agreement to the department by a  
493 specified date; requiring specified information to be  
494 included in dual enrollment articulation agreements  
495 and disseminated to students with disabilities;  
496 amending s. 1011.61, F.S.; exempting a John M. McKay  
497 Scholarship award from a specified funding calculation  
498 for purposes of the Florida Education Finance Program;  
499 providing effective dates.