

HB 837

2016

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.; exempting a foster child from specified  
5 eligibility provisions; providing that a student  
6 enrolled in a transition-to-work program is eligible  
7 for a John M. McKay Scholarship; creating a  
8 transition-to-work program for specific students  
9 enrolled in the John M. McKay Scholarships for  
10 Students with Disabilities Program; providing program  
11 requirements; providing participation requirements for  
12 students, schools, and businesses; exempting a John M.  
13 McKay Scholarship award from a specified funding  
14 calculation; amending s. 1011.61, F.S.; exempting a  
15 John M. McKay Scholarship award from a specified  
16 funding calculation for purposes of the Florida  
17 Education Finance Program; providing an effective  
18 date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsections (10) through (13) of section  
23 1002.39, Florida Statutes, are renumbered as subsections (11)  
24 through (14), respectively, paragraph (a) of subsection (2),  
25 paragraph (h) of subsection (3), paragraph (b) of subsection  
26 (8), and paragraph (a) of present subsection (10) are amended,

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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27 | and a new subsection (10) is added to that section, to read:

28 |       1002.39 The John M. McKay Scholarships for Students with  
29 | Disabilities Program.—There is established a program that is  
30 | separate and distinct from the Opportunity Scholarship Program  
31 | and is named the John M. McKay Scholarships for Students with  
32 | Disabilities Program.

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

37 |       (a) The student has:

38 |       1. Received specialized instructional services under the  
39 | Voluntary Prekindergarten Education Program pursuant to s.  
40 | 1002.66 during the previous school year and the student has a  
41 | current individual educational plan developed by the local  
42 | school board in accordance with rules of the State Board of  
43 | Education for the John M. McKay Scholarships for Students with  
44 | Disabilities Program or a 504 accommodation plan has been issued  
45 | under s. 504 of the Rehabilitation Act of 1973; or

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

50 |       a. A school district for funding during the preceding  
51 | October and February Florida Education Finance Program surveys  
52 | in kindergarten through grade 12, which includes time spent in a

53 Department of Juvenile Justice commitment program if funded  
 54 under the Florida Education Finance Program;

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

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

62

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

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

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

76 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be  
 77 eligible to participate in the John M. McKay Scholarships for  
 78 Students with Disabilities Program, a private school may be

79 | sectarian or nonsectarian and must:

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

87 |  
 88 | The inability of a private school to meet the requirements of  
 89 | this subsection shall constitute a basis for the ineligibility  
 90 | of the private school to participate in the scholarship program  
 91 | as determined by the department.

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

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

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

105 students in the program.

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

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

114 4. Provide a release of liability form that must be signed  
115 by the student's parent, the student, and a representative of  
116 the business offering the volunteer or paid work experience.

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

120 6. Provide to the parent and student a quarterly report  
121 that documents and explains the student's progress and  
122 performance in the program.

123 7. Maintain accurate attendance and performance records  
124 for the student.

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

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

130 2. Participate in 10 hours of work at the student's

131 volunteer or paid work experience.

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

134 1. Maintain an accurate record of the student's  
135 performance and hours worked and provide the information to the  
136 private school.

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

138 ~~(11)(10)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

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

146 2. In addition, a share of the guaranteed allocation for  
147 exceptional students shall be determined and added to the amount  
148 in subparagraph 1. The calculation shall be based on the  
149 methodology and the data used to calculate the guaranteed  
150 allocation for exceptional students for each district in chapter  
151 2000-166, Laws of Florida. Except as provided in subparagraphs  
152 3. and 4., the calculation shall be based on the student's  
153 grade, matrix level of services, and the difference between the  
154 2000-2001 basic program and the appropriate level of services  
155 cost factor, multiplied by the 2000-2001 base student allocation  
156 and the 2000-2001 district cost differential for the sending

157 district. The calculated amount shall include the per-student  
158 share of supplemental academic instruction funds, instructional  
159 materials funds, technology funds, and other categorical funds  
160 as provided in the General Appropriations Act.

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

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

172 5. The scholarship amount for a student eligible under s.  
173 504 of the Rehabilitation Act of 1973 shall be based on the  
174 program cost factor the student currently generates through the  
175 Florida Education Finance Program.

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

179 Section 2. Subsection (4) of section 1011.61, Florida  
180 Statutes, is amended to read:

181 1011.61 Definitions.—Notwithstanding the provisions of s.  
182 1000.21, the following terms are defined as follows for the

183 purposes of the Florida Education Finance Program:

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

189 (a) The sum of the student's full-time equivalent student  
190 membership value for the school year or the equivalent derived  
191 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-  
192 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and  
193 subsection (2). If the sum is greater than 1.0, the full-time  
194 equivalent student membership value for each program or course  
195 shall be reduced by an equal proportion so that the student's  
196 total full-time equivalent student membership value is equal to  
197 1.0.

198 (b) If the result in paragraph (a) is less than 1.0 full-  
199 time equivalent student and the student has full-time equivalent  
200 student enrollment pursuant to sub-sub-subparagraph  
201 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the  
202 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of  
203 1.0 less the value in paragraph (a).

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

206

207 A scholarship award provided to a student enrolled in the John  
208 M. McKay Scholarships for Students with Disabilities Program



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209 | pursuant to s. 1002.39 is not subject to the maximum value for  
210 | funding a student under this subsection.

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