

1                                   A bill to be entitled  
2           An act relating to educational options; amending s.  
3           1002.385, F.S.; revising definitions for the Gardiner  
4           Scholarship Program; defining the term "inactive" for  
5           the purposes of the program; revising student  
6           eligibility criteria; authorizing program funds to be  
7           used for specified purposes and by specified entities;  
8           prohibiting billing of certain entities for services  
9           paid for through the program; revising private school  
10          eligibility requirements; providing that consecutive  
11          years of certain material exceptions constitutes  
12          program ineligibility for certain private schools;  
13          prohibiting certain students from receiving additional  
14          scholarship payments until certain conditions are met;  
15          revising funding calculations; amending s. 1002.39,  
16          F.S.; revising eligibility criteria for the John M.  
17          McKay Scholarships for Students with Disabilities  
18          Program; revising requirements for certain students in  
19          a transition-to-work program; amending s. 1002.395,  
20          F.S.; revising student eligibility criteria for the  
21          Florida Tax Credit Scholarship Program; requiring the  
22          Department of Education to provide a letter of denial  
23          to participate in the program to a specified entity  
24          within a certain period; requiring the department to  
25          provide a letter of acceptance or denial of specified

26 | actions related to a tax credit to a specified entity  
27 | and include that entity on certain letters and  
28 | correspondence; authorizing a child of a parent who is  
29 | a member of the United States Armed Forces to apply  
30 | for a scholarship at any time; requiring a parent to  
31 | approve each payment made by funds transfer;  
32 | prohibiting a parent from designating certain entities  
33 | or individuals to approve a funds transfer; requiring  
34 | certain private schools to submit a report by a  
35 | specified date; providing that consecutive years of  
36 | certain material exceptions constitutes program  
37 | ineligibility for certain private schools; revising  
38 | the annual limits of a scholarship awarded to certain  
39 | students; authorizing payment of the scholarship to be  
40 | made by funds transfer; specifying approved means of  
41 | funds transfer; requiring a parent to approve a funds  
42 | transfer before funds are deposited; amending s.  
43 | 1012.98, F.S.; authorizing certain nonprofit  
44 | scholarship-funding organizations to develop a  
45 | specified professional development system; providing  
46 | appropriations; providing an effective date.

47 |  
48 | Be It Enacted by the Legislature of the State of Florida:

49 |  
50 | Section 1. Paragraphs (i) and (j) of subsection (2) of

51 section 1002.385, Florida Statutes, are redesignated as  
52 paragraphs (j) and (k), respectively, paragraphs (d) and (h) of  
53 subsection (2), paragraph (a) of subsection (3), subsection (5),  
54 paragraph (b) of subsection (6), subsection (8), paragraphs (e)  
55 and (f) of subsection (11), paragraph (j) of subsection (12),  
56 and paragraph (a) of subsection (13) are amended, and a new  
57 paragraph (i) is added to subsection (2) of that section, to  
58 read:

59 1002.385 The Gardiner Scholarship.—

60 (2) DEFINITIONS.—As used in this section, the term:

61 (d) "Disability" means, for a 3- or 4-year-old child or  
62 for a student in kindergarten to grade 12, autism spectrum  
63 disorder, as defined in the Diagnostic and Statistical Manual of  
64 Mental Disorders, Fifth Edition, published by the American  
65 Psychiatric Association; cerebral palsy, as defined in s.  
66 393.063(6); Down syndrome, as defined in s. 393.063(15); an  
67 intellectual disability, as defined in s. 393.063(24); Phelan-  
68 McDermid syndrome, as defined in s. 393.063(28); Prader-Willi  
69 syndrome, as defined in s. 393.063(29); spina bifida, as defined  
70 in s. 393.063(40); being a high-risk child, as defined in s.  
71 393.063(23) (a); muscular dystrophy; rare diseases which affect  
72 patient populations of fewer than 200,000 individuals in the  
73 United States; anaphylaxis; and Williams syndrome or  
74 identification as orthopedically impaired, deaf, visually  
75 impaired, hospital or homebound, dual sensory impaired,

76 traumatic brain injured, or other health impaired, as defined by  
 77 rules of the State Board of Education and evidenced by reports  
 78 from the local school district.

79 (h) "IEP" means individual education plan, regardless of  
 80 whether the plan has been reviewed or revised within the last 12  
 81 months.

82 (i) "Inactive" means that no eligible expenditures have  
 83 been made from an account funded pursuant to paragraph (13)(d).

84 (3) PROGRAM ELIGIBILITY.—A parent of a student with a  
 85 disability may request and receive from the state a Gardiner  
 86 Scholarship for the purposes specified in subsection (5) if:

87 (a) The student:

88 1. Is a resident of this state;

89 2. Is 3 ~~or~~ 4 years of age or older when ~~on or before~~  
 90 ~~September 1 of the year in which~~ the student applies for program  
 91 participation or is eligible to enroll in kindergarten through  
 92 grade 12 in a public school in this state; and

93 3. Meets one or more of the following criteria:

94 a. Has a disability as defined in paragraph (2)(d) which  
 95 is documented by an IEP or by a diagnosis of a disability from a  
 96 physician who is licensed under chapter 458 or chapter 459 or a  
 97 psychologist who is licensed under chapter 490;

98 b. Is currently participating in the program, is 5 years  
 99 of age or older, and has previously been identified as a high-  
 100 risk child, as defined in s. 393.063(23)(a); or ~~and~~

101 ~~c.4.~~ Is the subject of an IEP written in accordance with  
102 rules of the State Board of Education or with the applicable  
103 rules of another state. However, a student with an IEP whose  
104 sole exceptionality is gifted is not eligible for the Gardiner  
105 Scholarship ~~has received a diagnosis of a disability from a~~  
106 ~~physician who is licensed under chapter 458 or chapter 459 or a~~  
107 ~~psychologist who is licensed under chapter 490.~~

108 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must  
109 be used to meet the individual educational needs of an eligible  
110 student and may be spent for the following purposes:

111 (a) Instructional materials, including digital devices,  
112 digital periphery devices, and assistive technology devices that  
113 allow a student to access instruction or instructional content  
114 and training on the use of and maintenance agreements for these  
115 devices.

116 (b) Curriculum as defined in paragraph (2) (b).

117 (c) Specialized services by approved providers or a  
118 Florida hospital that are selected by the parent. These  
119 specialized services may include, but are not limited to:

120 1. Applied behavior analysis services as provided in ss.  
121 627.6686 and 641.31098.

122 2. Services provided by speech-language pathologists as  
123 defined in s. 468.1125.

124 3. Occupational therapy services as defined in s. 468.203.

125 4. Services provided by physical therapists as defined in

126 s. 486.021.

127 5. Services provided by listening and spoken language  
128 specialists and an appropriate acoustical environment for a  
129 child who is deaf or hard of hearing and who has received an  
130 implant or assistive hearing device.

131 (d) Enrollment in, or tuition or fees associated with  
132 enrollment in, a home education program, an eligible private  
133 school, an eligible postsecondary educational institution or a  
134 program offered by the institution, a private tutoring program  
135 authorized under s. 1002.43, a virtual program offered by a  
136 department-approved private online provider that meets the  
137 provider qualifications specified in s. 1002.45(2)(a), the  
138 Florida Virtual School as a private paying student, or an  
139 approved online course offered pursuant to s. 1003.499 or s.  
140 1004.0961.

141 (e) Fees for nationally standardized, norm-referenced  
142 achievement tests, Advanced Placement Examinations, industry  
143 certification examinations, assessments related to postsecondary  
144 education, or other assessments.

145 (f) Contributions to the Stanley G. Tate Florida Prepaid  
146 College Program pursuant to s. 1009.98 or the Florida College  
147 Savings Program pursuant to s. 1009.981, for the benefit of the  
148 eligible student.

149 (g) Contracted services provided by a public school or  
150 school district, including classes. A student who receives

151 services under a contract under this paragraph is not considered  
152 enrolled in a public school for eligibility purposes as  
153 specified in subsection (4).

154 (h) Tuition and fees for part-time tutoring services  
155 provided by a person who holds a valid Florida educator's  
156 certificate pursuant to s. 1012.56; a person who holds an  
157 adjunct teaching certificate pursuant to s. 1012.57; or a person  
158 who has demonstrated a mastery of subject area knowledge  
159 pursuant to s. 1012.56(5). As used in this paragraph, the term  
160 "part-time tutoring services" does not qualify as regular school  
161 attendance as defined in s. 1003.01(13)(e).

162 (i) Fees for specialized summer education programs.

163 (j) Fees for specialized after-school education programs.

164 (k) Transition services provided by job coaches.

165 (l) Fees for an annual evaluation of educational progress  
166 by a state-certified teacher under s. 1002.41(1)(c), if this  
167 option is chosen for a home education student.

168 (m) Tuition and fees associated with programs offered by  
169 Voluntary Prekindergarten Education Program providers approved  
170 pursuant to s. 1002.55 and school readiness providers approved  
171 pursuant to s. 1002.88.

172 (n) Fees for services provided at a center that is a  
173 member of the Professional Association of Therapeutic  
174 Horsemanship International.

175 (o) Fees for services provided by a therapist who is

176 certified by the Certification Board for Music Therapists or  
 177 credentialed by the Art Therapy Credentials Board.

178  
 179 A provider of any services receiving payments pursuant to this  
 180 subsection may not share, refund, or rebate any moneys from the  
 181 Gardiner Scholarship with the parent or participating student in  
 182 any manner. A parent, student, or provider of any services may  
 183 not bill an insurance company, Medicaid, or any other agency for  
 184 the same services that are paid for using Gardiner Scholarship  
 185 funds.

186 (6) TERM OF THE PROGRAM.—For purposes of continuity of  
 187 educational choice and program integrity:

188 (b)1. A student's scholarship account must be closed and  
 189 any remaining funds, including, but not limited to,  
 190 contributions made to the Stanley G. Tate Florida Prepaid  
 191 College Program or earnings from or contributions made to the  
 192 Florida College Savings Program using program funds pursuant to  
 193 paragraph (5) (f), shall revert to the state after ~~upon~~:

194 a. Denial or revocation of program eligibility by the  
 195 commissioner for fraud or abuse, including, but not limited to,  
 196 the student or student's parent accepting any payment, refund,  
 197 or rebate, in any manner, from a provider of any services  
 198 received pursuant to subsection (5); ~~or~~

199 b. ~~After~~ Any period of 3 consecutive years after high  
 200 school completion or graduation during which the student has not

201 | been enrolled in an eligible postsecondary educational  
202 | institution or a program offered by the institution; or  
203 | c. Three consecutive fiscal years in which an account has  
204 | been inactive.

205 | 2. The commissioner must notify the parent and the  
206 | organization when a Gardiner Scholarship account is closed and  
207 | program funds revert to the state.

208 | (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
209 | eligible private school may be sectarian or nonsectarian and  
210 | shall:

211 | (a) Comply with all requirements for private schools  
212 | participating in state school choice scholarship programs  
213 | pursuant to s. 1002.421.

214 | (b) Provide to the organization, upon request, all  
215 | documentation required for the student's participation,  
216 | including the private school's and student's fee schedules.

217 | (c) Be academically accountable to the parent for meeting  
218 | the educational needs of the student by:

219 | 1. At a minimum, annually providing to the parent a  
220 | written explanation of the student's progress.

221 | 2. Annually administering or making provision for students  
222 | participating in the program in grades 3 through 10 to take one  
223 | of the nationally norm-referenced tests identified by the  
224 | Department of Education or the statewide assessments pursuant to  
225 | s. 1008.22. Students with disabilities for whom standardized

226 testing is not appropriate are exempt from this requirement. A  
 227 participating private school shall report a student's scores to  
 228 the parent.

229 3. Cooperating with the scholarship student whose parent  
 230 chooses to have the student participate in the statewide  
 231 assessments pursuant to s. 1008.22 or, if a private school  
 232 chooses to offer the statewide assessments, administering the  
 233 assessments at the school.

234 a. A participating private school may choose to offer and  
 235 administer the statewide assessments to all students who attend  
 236 the private school in grades 3 through 10.

237 b. A participating private school shall submit a request  
 238 in writing to the Department of Education by March 1 of each  
 239 year in order to administer the statewide assessments in the  
 240 subsequent school year.

241 (d) Employ or contract with teachers who have regular and  
 242 direct contact with each student receiving a scholarship under  
 243 this section at the school's physical location.

244 (e) Provide a report from ~~Annually contract with~~ an  
 245 independent certified public accountant who performs ~~to perform~~  
 246 the agreed-upon procedures developed under s. 1002.395(6) (o) ~~and~~  
 247 ~~produce a report of the results~~ if the private school receives  
 248 more than \$250,000 in funds from scholarships awarded under this  
 249 section in ~~the 2014-2015 state fiscal year or~~ a state fiscal  
 250 year ~~thereafter~~. A private school subject to this paragraph must

251 submit the report by August 15, 2017 ~~September 15, 2015~~, and  
252 annually thereafter to the organization that awarded the  
253 majority of the school's scholarship funds. The agreed-upon  
254 procedures must be conducted in accordance with attestation  
255 standards established by the American Institute of Certified  
256 Public Accountants.

257  
258 If ~~The inability of~~ a private school is unable to meet the  
259 requirements of this subsection or has consecutive years of  
260 material exceptions listed in the report required under  
261 paragraph (e), the commissioner may determine that ~~constitutes a~~  
262 ~~basis for the ineligibility of~~ the private school is ineligible  
263 to participate in the program as determined by the commissioner.

264 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
265 PARTICIPATION.—A parent who applies for program participation  
266 under this section is exercising his or her parental option to  
267 determine the appropriate placement or the services that best  
268 meet the needs of his or her child. The scholarship award for a  
269 student is based on a matrix that assigns the student to support  
270 Level III services. If a parent receives an IEP and a matrix of  
271 services from the school district pursuant to subsection (7),  
272 the amount of the payment shall be adjusted as needed, when the  
273 school district completes the matrix.

274 (e) The parent must annually renew participation in the  
275 program. Notwithstanding any changes to the student's IEP, a

276 student who was previously eligible for participation in the  
277 program shall remain eligible to apply for renewal. ~~However, for~~  
278 ~~a high-risk child to continue to participate in the program in~~  
279 ~~the school year after he or she reaches 6 years of age, the~~  
280 ~~child's application for renewal of program participation must~~  
281 ~~contain documentation that the child has a disability defined in~~  
282 ~~paragraph (2)(d) other than high-risk status.~~

283 (f) The parent is responsible for procuring the services  
284 necessary to educate the student. If a parent does not procure  
285 the necessary educational services for the student and the  
286 student's account has been inactive for 2 consecutive fiscal  
287 years, the student is ineligible for additional scholarship  
288 payments until the scholarship funding organization verifies  
289 that expenditures from the account have occurred. When the  
290 student receives a Gardiner Scholarship, the district school  
291 board is not obligated to provide the student with a free  
292 appropriate public education. For purposes of s. 1003.57 and the  
293 Individuals with Disabilities in Education Act, a participating  
294 student has only those rights that apply to all other  
295 unilaterally parentally placed students, except that, when  
296 requested by the parent, school district personnel must develop  
297 an individual education plan or matrix level of services.

298  
299 A parent who fails to comply with this subsection forfeits the  
300 Gardiner Scholarship.

301 (12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An  
302 organization may establish Gardiner Scholarships for eligible  
303 students by:

304 (j) Documenting each scholarship student's eligibility for  
305 a fiscal year before granting a scholarship for that fiscal year  
306 pursuant to paragraph (3) (b). A student is ineligible for a  
307 scholarship if the student's account has been inactive for 2  
308 consecutive fiscal years. However, once an eligible expenditure  
309 is made pursuant to paragraph (11) (f), the student is eligible  
310 for a scholarship based on available funds.

311 (13) FUNDING AND PAYMENT.—

312 (a)1. The maximum funding amount granted for an eligible  
313 student with a disability, pursuant to subsection (3), shall be  
314 equivalent to the base student allocation in the Florida  
315 Education Finance Program multiplied by the appropriate cost  
316 factor for the educational program that ~~which~~ would have been  
317 provided for the student in the district school to which he or  
318 she would have been assigned, multiplied by the district cost  
319 differential.

320 2. In addition, an amount equivalent to a share of the  
321 guaranteed allocation for exceptional students in the Florida  
322 Education Finance Program shall be determined and added to the  
323 amount in subparagraph 1. The calculation shall be based on the  
324 methodology and the data used to calculate the guaranteed  
325 allocation for exceptional students for each district in chapter

326 2000-166, Laws of Florida. Except as provided in subparagraph  
327 3., the calculation shall be based on the student's grade, the  
328 matrix level of services, and the difference between the 2000-  
329 2001 basic program and the appropriate level of services cost  
330 factor, multiplied by the 2000-2001 base student allocation and  
331 the 2000-2001 district cost differential for the sending  
332 district. The calculated amount must also include an amount  
333 equivalent to the per-student share of supplemental academic  
334 instruction funds, instructional materials funds, technology  
335 funds, and other categorical funds as provided in the General  
336 Appropriations Act.

337 3. Beginning with the 2017-2018 fiscal year and each  
338 fiscal year thereafter, the calculation for a new student  
339 entering the program shall be based on the student's matrix  
340 level of services. The funding for a student without a matrix of  
341 services ~~Except as otherwise provided in subsection (7), the~~  
342 ~~calculation for all students participating in the program shall~~  
343 be based on the matrix that assigns the student to support Level  
344 III of services. If a parent chooses to request and receive a  
345 matrix of services from the school district, when the school  
346 district completes the matrix, the amount of the payment shall  
347 be adjusted as needed.

348 Section 2. Section 1002.39, Florida Statutes, is amended  
349 to read:

350 1002.39 The John M. McKay Scholarships for Students with

351 ~~Disabilities Program.—There is established a program that is~~  
352 ~~separate and distinct from the Opportunity Scholarship Program~~  
353 ~~and is named the John M. McKay Scholarships for Students with~~  
354 ~~Disabilities Program.~~

355 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH  
356 DISABILITIES PROGRAM.—The John M. McKay Scholarships for  
357 Students with Disabilities Program is established to provide the  
358 option to attend a public school other than the one to which  
359 assigned, or to provide a scholarship to a private school of  
360 choice, for students with disabilities for whom:

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

363 (b) A 504 accommodation plan has been issued under s. 504  
364 of the Rehabilitation Act of 1973.

365  
366 Students with disabilities include K-12 students who are  
367 documented as having an intellectual disability; a speech  
368 impairment; a language impairment; a hearing impairment,  
369 including deafness; a visual impairment, including blindness; a  
370 dual sensory impairment; an orthopedic impairment; an other  
371 health impairment; an emotional or behavioral disability; a  
372 specific learning disability, including, but not limited to,  
373 dyslexia, dyscalculia, or developmental aphasia; a traumatic  
374 brain injury; a developmental delay; or autism spectrum  
375 disorder.

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

380 (a) The student ~~has~~:

381 1. Has received specialized instructional services under  
382 the Voluntary Prekindergarten Education Program pursuant to s.  
383 1002.66 during the previous school year and the student has a  
384 current individual educational plan developed by the local  
385 school board in accordance with rules of the State Board of  
386 Education for the John M. McKay Scholarships for Students with  
387 Disabilities Program or a 504 accommodation plan has been issued  
388 under s. 504 of the Rehabilitation Act of 1973; or

389 2. ~~Spent the prior school year in attendance at a Florida~~  
390 ~~public school or the Florida School for the Deaf and the Blind.~~  
391 ~~For purposes of this subparagraph, prior school year in~~  
392 ~~attendance means that the student was enrolled and reported for~~  
393 ~~funding in the October or February Florida Education Finance~~  
394 ~~Program survey immediately preceding the request to participate~~  
395 ~~in the program pursuant to paragraph (b) by:~~

396 a. A school district, ~~for funding during the preceding~~  
397 ~~October and February Florida Education Finance Program surveys~~  
398 in kindergarten through grade 12, which includes time spent in a  
399 Department of Juvenile Justice commitment program if funded  
400 under the Florida Education Finance Program;

401           b. The Florida School for the Deaf and the Blind, during  
402 ~~the preceding October and February student membership surveys~~ in  
403 kindergarten through grade 12; or

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

408  
409 However, a dependent child of a member of the United States  
410 Armed Forces who transfers to a school in this state from out of  
411 state or from a foreign country due to a parent's permanent  
412 change of station orders or a foster child is exempt from this  
413 paragraph but must meet all other eligibility requirements to  
414 participate in the program.

415           (b) The parent has obtained acceptance for admission of  
416 the student to a private school that is eligible for the program  
417 under subsection (8) and has requested from the department a  
418 scholarship at least 60 days before the date of the first  
419 scholarship payment. The request must be communicated directly  
420 to the department in a manner that creates a written or  
421 electronic record of the request and the date of receipt of the  
422 request. The department must notify the district of the parent's  
423 intent upon receipt of the parent's request.

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

426 (a) While he or she is enrolled in a school operating for  
 427 the purpose of providing educational services to youth in  
 428 Department of Juvenile Justice commitment programs;

429 (b) While he or she is receiving a Florida tax credit  
 430 scholarship under s. 1002.395;

431 (c) While he or she is receiving an educational  
 432 scholarship pursuant to this chapter;

433 (d) While he or she is participating in a home education  
 434 program as defined in s. 1002.01(1);

435 (e) While he or she is participating in a private tutoring  
 436 program pursuant to s. 1002.43;

437 (f) While he or she is participating in a virtual school,  
 438 correspondence school, or distance learning program that  
 439 receives state funding pursuant to the student's participation  
 440 unless the participation is limited to no more than two courses  
 441 per school year;

442 (g) While he or she is enrolled in the Florida School for  
 443 the Deaf and the Blind;

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

449 (i) If he or she has been issued a temporary 504  
 450 accommodation plan under s. 504 of the Rehabilitation Act of

451 1973 which is valid for 6 months or less.

452 (4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

453 (a) For purposes of continuity of educational choice, a  
454 John M. McKay Scholarship shall remain in force until the  
455 student returns to a public school, graduates from high school,  
456 or reaches the age of 22, whichever occurs first. A scholarship  
457 student who enrolls in a public school or public school program  
458 is considered to have returned to a public school for the  
459 purpose of determining the end of the scholarship's term.  
460 However, if a student enters a Department of Juvenile Justice  
461 detention center for a period of no more than 21 days, the  
462 student is not considered to have returned to a public school  
463 for that purpose.

464 (b) Upon reasonable notice to the department and the  
465 school district, the student's parent may remove the student  
466 from the private school and place the student in a public school  
467 in accordance with this section.

468 (c) Upon reasonable notice to the department, the  
469 student's parent may move the student from one participating  
470 private school to another participating private school.

471 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

472 (a)1. By April 1 of each year and within 10 days after an  
473 individual education plan meeting or a 504 accommodation plan is  
474 issued under s. 504 of the Rehabilitation Act of 1973, a school  
475 district shall notify the parent of the student of all options

476 available pursuant to this section, inform the parent of the  
477 availability of the department's telephone hotline and Internet  
478 website for additional information on John M. McKay  
479 Scholarships, and offer that student's parent an opportunity to  
480 enroll the student in another public school in the district.

481 2. The parent is not required to accept the offer of  
482 enrolling in another public school in lieu of requesting a John  
483 M. McKay Scholarship to a private school. However, if the parent  
484 chooses the public school option, the student may continue  
485 attending a public school chosen by the parent until the student  
486 graduates from high school.

487 3. If the parent chooses a public school consistent with  
488 the district school board's choice plan under s. 1002.31, the  
489 school district shall provide transportation to the public  
490 school selected by the parent. The parent is responsible to  
491 provide transportation to a public school chosen that is not  
492 consistent with the district school board's choice plan under s.  
493 1002.31.

494 (b)1. For a student with disabilities who does not have a  
495 matrix of services under s. 1011.62(1)(e), the school district  
496 must complete a matrix that assigns the student to one of the  
497 levels of service as they existed prior to the 2000-2001 school  
498 year.

499 2.a. Within 10 school days after it receives notification  
500 of a parent's request for a John M. McKay Scholarship, a school

501 district must notify the student's parent if the matrix of  
502 services has not been completed and inform the parent that the  
503 district is required to complete the matrix within 30 days after  
504 receiving notice of the parent's request for a John M. McKay  
505 Scholarship. This notice should include the required completion  
506 date for the matrix.

507       b. The school district must complete the matrix of  
508 services for any student who is participating in the John M.  
509 McKay Scholarships for Students with Disabilities Program and  
510 must notify the department of the student's matrix level within  
511 30 days after receiving notification of a request to participate  
512 in the scholarship program. The school district must provide the  
513 student's parent with the student's matrix level within 10  
514 school days after its completion.

515       c. The department shall notify the private school of the  
516 amount of the scholarship within 10 days after receiving the  
517 school district's notification of the student's matrix level.

518       d. A school district may change a matrix of services only  
519 if the change is to correct a technical, typographical, or  
520 calculation error.

521       (c) A school district shall provide notification to  
522 parents of the availability of a reevaluation at least every 3  
523 years of each student who receives a John M. McKay Scholarship.

524       (d) If the parent chooses the private school option and  
525 the student is accepted by the private school pending the

526 availability of a space for the student, the parent of the  
527 student must notify the department 60 days prior to the first  
528 scholarship payment and before entering the private school in  
529 order to be eligible for the scholarship when a space becomes  
530 available for the student in the private school.

531 (e) The parent of a student may choose, as an alternative,  
532 to enroll the student in and transport the student to a public  
533 school in an adjacent school district which has available space  
534 and has a program with the services agreed to in the student's  
535 individual education plan or 504 accommodation plan already in  
536 place, and that school district shall accept the student and  
537 report the student for purposes of the district's funding  
538 pursuant to the Florida Education Finance Program.

539 (f) For a student who participates in the John M. McKay  
540 Scholarships for Students with Disabilities Program whose parent  
541 requests that the student take the statewide assessments under  
542 s. 1008.22, the district in which the student attends private  
543 school shall provide locations and times to take all statewide  
544 assessments.

545 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department  
546 shall:

547 (a) Establish a toll-free hotline that provides parents  
548 and private schools with information on participation in the  
549 John M. McKay Scholarships for Students with Disabilities  
550 Program.

551 (b) Annually verify the eligibility of private schools  
552 that meet the requirements of subsection (8).

553 (c) Establish a process by which individuals may notify  
554 the department of any violation by a parent, private school, or  
555 school district of state laws relating to program participation.  
556 The department shall conduct an inquiry of any written complaint  
557 of a violation of this section, or make a referral to the  
558 appropriate agency for an investigation, if the complaint is  
559 signed by the complainant and is legally sufficient. A complaint  
560 is legally sufficient if it contains ultimate facts that show  
561 that a violation of this section or any rule adopted by the  
562 State Board of Education has occurred. In order to determine  
563 legal sufficiency, the department may require supporting  
564 information or documentation from the complainant. A department  
565 inquiry is not subject to the requirements of chapter 120.

566 (d) Require an annual, notarized, sworn compliance  
567 statement by participating private schools certifying compliance  
568 with state laws and shall retain such records.

569 (e) Cross-check the list of participating scholarship  
570 students with the public school enrollment lists prior to each  
571 scholarship payment to avoid duplication.

572 (f)1. Conduct random site visits to private schools  
573 participating in the John M. McKay Scholarships for Students  
574 with Disabilities Program. The purpose of the site visits is  
575 solely to verify the information reported by the schools

576 concerning the enrollment and attendance of students, the  
 577 credentials of teachers, background screening of teachers, and  
 578 teachers' fingerprinting results, which information is required  
 579 by rules of the State Board of Education, subsection (8), and s.  
 580 1002.421. The Department of Education may not make more than  
 581 three random site visits each year and may not make more than  
 582 one random site visit each year to the same private school.

583 2. Annually, by December 15, report to the Governor, the  
 584 President of the Senate, and the Speaker of the House of  
 585 Representatives the Department of Education's actions with  
 586 respect to implementing accountability in the scholarship  
 587 program under this section and s. 1002.421, any substantiated  
 588 allegations or violations of law or rule by an eligible private  
 589 school under this program concerning the enrollment and  
 590 attendance of students, the credentials of teachers, background  
 591 screening of teachers, and teachers' fingerprinting results and  
 592 the corrective action taken by the Department of Education.

593 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

594 (a) The Commissioner of Education:

595 1. Shall deny, suspend, or revoke a private school's  
 596 participation in the scholarship program if it is determined  
 597 that the private school has failed to comply with the provisions  
 598 of this section. However, if the noncompliance is correctable  
 599 within a reasonable amount of time and if the health, safety, or  
 600 welfare of the students is not threatened, the commissioner may

601 issue a notice of noncompliance which provides the private  
602 school with a timeframe within which to provide evidence of  
603 compliance before taking action to suspend or revoke the private  
604 school's participation in the scholarship program.

605 2. May deny, suspend, or revoke a private school's  
606 participation in the scholarship program if the commissioner  
607 determines that an owner or operator of the private school is  
608 operating or has operated an educational institution in this  
609 state or in another state or jurisdiction in a manner contrary  
610 to the health, safety, or welfare of the public.

611 a. In making such a determination, the commissioner may  
612 consider factors that include, but are not limited to, acts or  
613 omissions by an owner or operator which led to a previous denial  
614 or revocation of participation in an education scholarship  
615 program; an owner's or operator's failure to reimburse the  
616 Department of Education for scholarship funds improperly  
617 received or retained by a school; imposition of a prior criminal  
618 sanction related to an owner's or operator's management or  
619 operation of an educational institution; imposition of a civil  
620 fine or administrative fine, license revocation or suspension,  
621 or program eligibility suspension, termination, or revocation  
622 related to an owner's or operator's management or operation of  
623 an educational institution; or other types of criminal  
624 proceedings in which an owner or operator was found guilty of,  
625 regardless of adjudication, or entered a plea of nolo contendere

626 or guilty to, any offense involving fraud, deceit, dishonesty,  
627 or moral turpitude.

628 b. For purposes of this subparagraph, the term "owner or  
629 operator" includes an owner, operator, superintendent, or  
630 principal of, or a person who has equivalent decisionmaking  
631 authority over, a private school participating in the  
632 scholarship program.

633 (b) The commissioner's determination is subject to the  
634 following:

635 1. If the commissioner intends to deny, suspend, or revoke  
636 a private school's participation in the scholarship program, the  
637 department shall notify the private school of such proposed  
638 action in writing by certified mail and regular mail to the  
639 private school's address of record with the department. The  
640 notification shall include the reasons for the proposed action  
641 and notice of the timelines and procedures set forth in this  
642 paragraph.

643 2. The private school that is adversely affected by the  
644 proposed action shall have 15 days from receipt of the notice of  
645 proposed action to file with the department's agency clerk a  
646 request for a proceeding pursuant to ss. 120.569 and 120.57. If  
647 the private school is entitled to a hearing under s. 120.57(1),  
648 the department shall forward the request to the Division of  
649 Administrative Hearings.

650 3. Upon receipt of a request referred pursuant to this

651 paragraph, the director of the Division of Administrative  
652 Hearings shall expedite the hearing and assign an administrative  
653 law judge who shall commence a hearing within 30 days after the  
654 receipt of the formal written request by the division and enter  
655 a recommended order within 30 days after the hearing or within  
656 30 days after receipt of the hearing transcript, whichever is  
657 later. Each party shall be allowed 10 days in which to submit  
658 written exceptions to the recommended order. A final order shall  
659 be entered by the agency within 30 days after the entry of a  
660 recommended order. The provisions of this subparagraph may be  
661 waived upon stipulation by all parties.

662 (c) The commissioner may immediately suspend payment of  
663 scholarship funds if it is determined that there is probable  
664 cause to believe that there is:

665 1. An imminent threat to the health, safety, or welfare of  
666 the students; or

667 2. Fraudulent activity on the part of the private school.  
668 Notwithstanding s. 1002.22, in incidents of alleged fraudulent  
669 activity pursuant to this section, the Department of Education's  
670 Office of Inspector General is authorized to release personally  
671 identifiable records or reports of students to the following  
672 persons or organizations:

673 a. A court of competent jurisdiction in compliance with an  
674 order of that court or the attorney of record in accordance with  
675 a lawfully issued subpoena, consistent with the Family

676 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

677       b. A person or entity authorized by a court of competent  
 678 jurisdiction in compliance with an order of that court or the  
 679 attorney of record pursuant to a lawfully issued subpoena,  
 680 consistent with the Family Educational Rights and Privacy Act,  
 681 20 U.S.C. s. 1232g.

682       c. Any person, entity, or authority issuing a subpoena for  
 683 law enforcement purposes when the court or other issuing agency  
 684 has ordered that the existence or the contents of the subpoena  
 685 or the information furnished in response to the subpoena not be  
 686 disclosed, consistent with the Family Educational Rights and  
 687 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

688  
 689 The commissioner's order suspending payment pursuant to this  
 690 paragraph may be appealed pursuant to the same procedures and  
 691 timelines as the notice of proposed action set forth in  
 692 paragraph (b).

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

697       (a) Comply with all requirements for private schools  
 698 participating in state school choice scholarship programs  
 699 pursuant to s. 1002.421.

700       (b) Provide to the department all documentation required

701 for a student's participation, including the private school's  
702 and student's fee schedules, at least 30 days before any  
703 quarterly scholarship payment is made for the student pursuant  
704 to paragraph (11) (e). A student is not eligible to receive a  
705 quarterly scholarship payment if the private school fails to  
706 meet this deadline.

707 (c) Be academically accountable to the parent for meeting  
708 the educational needs of the student by:

709 1. At a minimum, annually providing to the parent a  
710 written explanation of the student's progress.

711 2. Cooperating with the scholarship student whose parent  
712 chooses to participate in the statewide assessments pursuant to  
713 s. 1008.22.

714 (d) Maintain in this state a physical location where a  
715 scholarship student regularly attends classes.

716

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

721 (9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
722 PARTICIPATION.—A parent who applies for a John M. McKay  
723 Scholarship is exercising his or her parental option to place  
724 his or her child in a private school.

725 (a) The parent must select the private school and apply

726 | for the admission of his or her child.

727 |       (b) The parent must have requested the scholarship at  
728 | least 60 days prior to the date of the first scholarship  
729 | payment.

730 |       (c) Any student participating in the John M. McKay  
731 | Scholarships for Students with Disabilities Program must remain  
732 | in attendance throughout the school year unless excused by the  
733 | school for illness or other good cause.

734 |       (d) Each parent and each student has an obligation to the  
735 | private school to comply with the private school's published  
736 | policies.

737 |       (e) If the parent requests that the student participating  
738 | in the John M. McKay Scholarships for Students with Disabilities  
739 | Program take all statewide assessments required pursuant to s.  
740 | 1008.22, the parent is responsible for transporting the student  
741 | to the assessment site designated by the school district.

742 |       (f) Upon receipt of a scholarship warrant, the parent to  
743 | whom the warrant is made must restrictively endorse the warrant  
744 | to the private school for deposit into the account of the  
745 | private school. The parent may not designate any entity or  
746 | individual associated with the participating private school as  
747 | the parent's attorney in fact to endorse a scholarship warrant.  
748 | A participant who fails to comply with this paragraph forfeits  
749 | the scholarship.

750 |       (10) TRANSITION-TO-WORK PROGRAM.—A student participating

751 in the John M. McKay Scholarships for Students with Disabilities  
752 Program who is at least 17 years, but not older than 22 years,  
753 of age and who has not received a high school diploma or  
754 certificate of completion is eligible for enrollment in his or  
755 her private school's transition-to-work program. A transition-  
756 to-work program shall consist of academic instruction, work  
757 skills training, and a volunteer or paid work experience.

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

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

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

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

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

775 5. Assign a case manager or job coach to visit the

776 student's job site on a weekly basis to observe the student and,  
777 if necessary, provide support and guidance to the student.

778 6. Provide to the parent and student a quarterly report  
779 that documents and explains the student's progress and  
780 performance in the program.

781 7. Maintain accurate attendance and performance records  
782 for the student.

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

785 1. Receive 15 instructional hours per week at the private  
786 school's physical facility, which must include academic  
787 instruction and work skills training.

788 2. Participate in 10 hours of work per week at the  
789 student's volunteer or paid work experience.

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

792 1. Maintain an accurate record of the student's  
793 performance and hours worked and provide the information to the  
794 private school.

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

796 (11) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

797 (a)1. The maximum scholarship granted for an eligible  
798 student with disabilities shall be equivalent to the base  
799 student allocation in the Florida Education Finance Program  
800 multiplied by the appropriate cost factor for the educational

801 program that would have been provided for the student in the  
802 district school to which he or she was assigned, multiplied by  
803 the district cost differential.

804 2. In addition, a share of the guaranteed allocation for  
805 exceptional students shall be determined and added to the amount  
806 in subparagraph 1. The calculation shall be based on the  
807 methodology and the data used to calculate the guaranteed  
808 allocation for exceptional students for each district in chapter  
809 2000-166, Laws of Florida. Except as provided in subparagraphs  
810 3. and 4., the calculation shall be based on the student's  
811 grade, matrix level of services, and the difference between the  
812 2000-2001 basic program and the appropriate level of services  
813 cost factor, multiplied by the 2000-2001 base student allocation  
814 and the 2000-2001 district cost differential for the sending  
815 district. The calculated amount shall include the per-student  
816 share of supplemental academic instruction funds, instructional  
817 materials funds, technology funds, and other categorical funds  
818 as provided in the General Appropriations Act.

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

824 4. Until the school district completes the matrix required  
825 by paragraph (5)(b), the calculation shall be based on the

826 matrix that assigns the student to support Level I of service as  
827 it existed prior to the 2000-2001 school year. When the school  
828 district completes the matrix, the amount of the payment shall  
829 be adjusted as needed.

830 5. The scholarship amount for a student eligible under s.  
831 504 of the Rehabilitation Act of 1973 shall be based on the  
832 program cost factor the student currently generates through the  
833 Florida Education Finance Program.

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

837 (b) The amount of the John M. McKay Scholarship shall be  
838 the calculated amount or the amount of the private school's  
839 tuition and fees, whichever is less. The amount of any  
840 assessment fee required by the participating private school may  
841 be paid from the total amount of the scholarship.

842 (c)1. The school district shall report all students who  
843 are attending a private school under this program. The students  
844 with disabilities attending private schools on John M. McKay  
845 Scholarships shall be reported separately from other students  
846 reported for purposes of the Florida Education Finance Program.

847 2. For program participants who are eligible under sub-  
848 subparagraph (2)(a)2.b., the school district that is used as the  
849 basis for the calculation of the scholarship amount as provided  
850 in subparagraph (a)3. shall:

851 a. Report to the department all such students who are  
852 attending a private school under this program.

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

856 (d) Following notification on July 1, September 1,  
857 December 1, or February 1 of the number of program participants,  
858 the department shall transfer, from General Revenue funds only,  
859 the amount calculated under paragraph (b) from the school  
860 district's total funding entitlement under the Florida Education  
861 Finance Program and from authorized categorical accounts to a  
862 separate account for the scholarship program for quarterly  
863 disbursement to the parents of participating students. Funds may  
864 not be transferred from any funding provided to the Florida  
865 School for the Deaf and the Blind for program participants who  
866 are eligible under sub-subparagraph (2)(a)2.b. For a student  
867 exiting a Department of Juvenile Justice commitment program who  
868 chooses to participate in the scholarship program, the amount of  
869 the John M. McKay Scholarship calculated pursuant to paragraph  
870 (b) shall be transferred from the school district in which the  
871 student last attended a public school before commitment to the  
872 Department of Juvenile Justice. When a student enters the  
873 scholarship program, the department must receive all  
874 documentation required for the student's participation,  
875 including the private school's and the student's fee schedules,

876 at least 30 days before the first quarterly scholarship payment  
877 is made for the student.

878 (e) Upon notification by the department that it has  
879 received the documentation required under paragraph (d), the  
880 Chief Financial Officer shall make scholarship payments in four  
881 equal amounts no later than September 1, November 1, February 1,  
882 and April 1 of each academic year in which the scholarship is in  
883 force. The initial payment shall be made after department  
884 verification of admission acceptance, and subsequent payments  
885 shall be made upon verification of continued enrollment and  
886 attendance at the private school. Payment must be by individual  
887 warrant made payable to the student's parent and mailed by the  
888 department to the private school of the parent's choice, and the  
889 parent shall restrictively endorse the warrant to the private  
890 school for deposit into the account of the private school.

891 (f) Subsequent to each scholarship payment, the department  
892 shall request from the Department of Financial Services a sample  
893 of endorsed warrants to review and confirm compliance with  
894 endorsement requirements.

895 (12) LIABILITY.—No liability shall arise on the part of  
896 the state based on the award or use of a John M. McKay  
897 Scholarship.

898 (13) SCOPE OF AUTHORITY.—The inclusion of eligible private  
899 schools within options available to Florida public school  
900 students does not expand the regulatory authority of the state,

901 its officers, or any school district to impose any additional  
902 regulation of private schools beyond those reasonably necessary  
903 to enforce requirements expressly set forth in this section.

904 (14) RULES.—The State Board of Education shall adopt rules  
905 pursuant to ss. 120.536(1) and 120.54 to administer this  
906 section, including rules that school districts must use to  
907 expedite the development of a matrix of services based on an  
908 active individual education plan from another state or a foreign  
909 country for a transferring student with a disability who is a  
910 dependent child of a member of the United States Armed Forces.  
911 The rules must identify the appropriate school district  
912 personnel who must complete the matrix of services. For purposes  
913 of these rules, a transferring student with a disability is one  
914 who was previously enrolled as a student with a disability in an  
915 out-of-state or an out-of-country public or private school or  
916 agency program and who is transferring from out of state or from  
917 a foreign country pursuant to a parent's permanent change of  
918 station orders.

919 Section 3. Paragraph (f) of subsection (5) of section  
920 1002.395, Florida Statutes, is redesignated as paragraph (g),  
921 subsection (3), paragraph (b) of subsection (5), paragraph (h)  
922 of subsection (6), paragraph (f) of subsection (7), subsection  
923 (8), and paragraphs (a) and (b) of subsection (12) are amended,  
924 and a new paragraph (f) is added to subsection (5) of that  
925 section, to read:

926 | 1002.395 Florida Tax Credit Scholarship Program.—

927 | (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

928 | (a) The Florida Tax Credit Scholarship Program is  
929 | established.

930 | ~~(b) For the 2014-2015 and 2015-2016 school years,~~  
931 | ~~contingent upon available funds, a student is eligible for a~~  
932 | ~~Florida tax credit scholarship under this section if the student~~  
933 | ~~meets one or more of the following criteria:~~

934 | 1. ~~The student qualifies for free or reduced-price school~~  
935 | ~~lunches under the National School Lunch Act or is on the direct~~  
936 | ~~certification list;~~

937 | 2. ~~The student is currently placed, or during the previous~~  
938 | ~~state fiscal year was placed, in foster care or in out-of-home~~  
939 | ~~care as defined in s. 39.01; or~~

940 | 3. ~~The student continues in the scholarship program as~~  
941 | ~~long as the student's household income level does not exceed 230~~  
942 | ~~percent of the federal poverty level.~~

943 | (b)(c) ~~For the 2016-2017 school year and thereafter,~~  
944 | ~~contingent upon available funds,~~ A student is eligible for a  
945 | Florida tax credit scholarship under this section if the student  
946 | meets one or more of the following criteria:

947 | 1. The student is on the direct certification list or the  
948 | student's household income level does not exceed 185 percent of  
949 | the federal poverty level; or

950 | 2. The student is currently placed, or during the previous

951 state fiscal year was placed, in foster care or in out-of-home  
952 care as defined in s. 39.01.

953 3. The student's household income level is greater than  
954 185 percent of the federal poverty level but does not exceed 260  
955 percent of the federal poverty level.

956  
957 A student who initially receives a scholarship based on  
958 eligibility under subparagraph (b)2. ~~or subparagraph (c)2.~~  
959 remains eligible to participate until the student graduates from  
960 high school or attains the age of 21 years, whichever occurs  
961 first, regardless of the student's household income level. A  
962 sibling of a student who is participating in the scholarship  
963 program under this subsection is eligible for a scholarship if  
964 the student resides in the same household as the sibling.

965 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

966 (b) A taxpayer may submit an application to the department  
967 for a tax credit or credits under one or more of s. 211.0251, s.  
968 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

969 1. The taxpayer shall specify in the application each tax  
970 for which the taxpayer requests a credit and the applicable  
971 taxable year for a credit under s. 220.1875 or s. 624.51055 or  
972 the applicable state fiscal year for a credit under s. 211.0251,  
973 s. 212.1831, or s. 561.1211. The department shall approve tax  
974 credits on a first-come, first-served basis and must obtain the  
975 division's approval before approving a tax credit under s.

976 561.1211.

977 2. Within 10 days after approving or denying an  
978 application, the department shall provide a copy of its approval  
979 or denial letter to the eligible nonprofit scholarship-funding  
980 organization specified by the taxpayer in the application.

981 (f) Within 10 days after approving or denying an  
982 application for a carryforward tax credit under paragraph (c),  
983 the conveyance, transfer, or assignment of a tax credit under  
984 paragraph (d), or the rescindment of a tax credit under  
985 paragraph (e), the department shall provide a copy of its  
986 approval or denial letter to the eligible nonprofit scholarship-  
987 funding organization specified by the taxpayer. The department  
988 shall also include the eligible nonprofit scholarship-funding  
989 organization specified by the taxpayer on all letters or  
990 correspondence of acknowledgment for tax credits under s.  
991 212.1831.

992 (6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING  
993 ORGANIZATIONS.—An eligible nonprofit scholarship-funding  
994 organization:

995 (h) Must allow a student in foster care or out-of-home  
996 care or a dependent child of a parent who is a member of the  
997 United States Armed Forces to apply for a scholarship at any  
998 time.

999  
1000 Information and documentation provided to the Department of

1001 Education and the Auditor General relating to the identity of a  
1002 taxpayer that provides an eligible contribution under this  
1003 section shall remain confidential at all times in accordance  
1004 with s. 213.053.

1005 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
1006 PARTICIPATION.—

1007 (f) Upon receipt of a scholarship warrant from the  
1008 eligible nonprofit scholarship-funding organization, the parent  
1009 to whom the warrant is made must restrictively endorse the  
1010 warrant to the private school for deposit into the account of  
1011 the private school. If payments are made by funds transfer, the  
1012 parent must approve each payment before the scholarship funds  
1013 may be deposited. The parent may not designate any entity or  
1014 individual associated with the participating private school as  
1015 the parent's attorney in fact to endorse a scholarship warrant  
1016 or approve a funds transfer. A participant who fails to comply  
1017 with this paragraph forfeits the scholarship.

1018 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An  
1019 eligible private school may be sectarian or nonsectarian and  
1020 must:

1021 (a) Comply with all requirements for private schools  
1022 participating in state school choice scholarship programs  
1023 pursuant to s. 1002.421.

1024 (b) Provide to the eligible nonprofit scholarship-funding  
1025 organization, upon request, all documentation required for the

1026 student's participation, including the private school's and  
1027 student's fee schedules.

1028 (c) Be academically accountable to the parent for meeting  
1029 the educational needs of the student by:

1030 1. At a minimum, annually providing to the parent a  
1031 written explanation of the student's progress.

1032 2. Annually administering or making provision for students  
1033 participating in the scholarship program in grades 3 through 10  
1034 to take one of the nationally norm-referenced tests identified  
1035 by the Department of Education or the statewide assessments  
1036 pursuant to s. 1008.22. Students with disabilities for whom  
1037 standardized testing is not appropriate are exempt from this  
1038 requirement. A participating private school must report a  
1039 student's scores to the parent. A participating private school  
1040 must annually report by August 15 the scores of all  
1041 participating students to the Learning System Institute  
1042 described in paragraph (9)(j).

1043 3. Cooperating with the scholarship student whose parent  
1044 chooses to have the student participate in the statewide  
1045 assessments pursuant to s. 1008.22 or, if a private school  
1046 chooses to offer the statewide assessments, administering the  
1047 assessments at the school.

1048 a. A participating private school may choose to offer and  
1049 administer the statewide assessments to all students who attend  
1050 the private school in grades 3 through 10.

HB 15

2017

1051           b. A participating private school must submit a request in  
1052 writing to the Department of Education by March 1 of each year  
1053 in order to administer the statewide assessments in the  
1054 subsequent school year.

1055           (d) Employ or contract with teachers who have regular and  
1056 direct contact with each student receiving a scholarship under  
1057 this section at the school's physical location.

1058           (e) Provide a report from ~~Annually contract with~~ an  
1059 independent certified public accountant who performs ~~to perform~~  
1060 the agreed-upon procedures developed under paragraph (6) (o) ~~and~~  
1061 ~~produce a report of the results~~ if the private school receives  
1062 more than \$250,000 in funds from scholarships awarded under this  
1063 section in ~~the 2010-2011 state fiscal year or~~ a state fiscal  
1064 year ~~thereafter~~. A private school subject to this paragraph must  
1065 submit the report by August 15, 2017 ~~September 15, 2011~~, and  
1066 annually thereafter to the scholarship-funding organization that  
1067 awarded the majority of the school's scholarship funds. The  
1068 agreed-upon procedures must be conducted in accordance with  
1069 attestation standards established by the American Institute of  
1070 Certified Public Accountants.

1071  
1072 If ~~The inability of~~ a private school is unable to meet the  
1073 requirements of this subsection or has consecutive years of  
1074 material exceptions listed in the report required under  
1075 paragraph (e), the commissioner may determine that shall

1076 ~~constitute a basis for the ineligibility of the private school~~  
1077 is ineligible to participate in the scholarship program as  
1078 determined by the Department of Education.

1079 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

1080 (a) Except as provided in subparagraph 2., the scholarship  
1081 amount ~~of a scholarship~~ provided to any student for any single  
1082 school year by an eligible nonprofit scholarship-funding  
1083 organization from eligible contributions shall be for total  
1084 costs authorized under paragraph (6) (d), not to exceed annual  
1085 limits, which shall be determined as follows:

1086 1.a. The base amount ~~For a scholarship~~ awarded to a  
1087 student enrolled in an eligible private school, ~~the limit~~ shall  
1088 be determined as a percentage ~~by multiplying the unweighted FTE~~  
1089 ~~funding amount in that state fiscal year by the percentage used~~  
1090 ~~to determine the limit in the prior state fiscal year. However,~~  
1091 ~~in each state fiscal year that the tax credit cap amount~~  
1092 ~~increases pursuant to paragraph (5) (a), the prior year~~  
1093 ~~percentage shall be increased by 4 percentage points and the~~  
1094 ~~increased percentage shall be used to determine the limit for~~  
1095 ~~that state fiscal year. If the percentage so calculated reaches~~  
1096 ~~80 percent in a state fiscal year, no further increase in the~~  
1097 ~~percentage is allowed and the limit shall be 80 percent of the~~  
1098 ~~unweighted FTE funding amount for that state fiscal year and~~  
1099 ~~thereafter. Beginning in the 2016-2017 state fiscal year, the~~  
1100 ~~amount of a scholarship awarded to a student enrolled in an~~

HB 15

2017

1101 ~~eligible private school shall be equal to 82 percent of the~~  
1102 ~~unweighted FTE funding amount for that state fiscal year and~~  
1103 ~~thereafter as follows:-~~

1104 (I) Eighty-eight percent for a student enrolled in  
1105 kindergarten through grade 5.

1106 (II) Ninety-two percent for a student enrolled in grade 6  
1107 through grade 8.

1108 (III) Ninety-six percent for a student enrolled in grade 9  
1109 through grade 12.

1110 b. The ~~For a~~ scholarship amount awarded to a student  
1111 enrolled in a Florida public school that is located outside the  
1112 district in which the student resides or in a lab school as  
1113 defined in s. 1002.32, is limited to \$750 ~~the limit shall be~~  
1114 ~~\$500.~~

1115 ~~2. The annual limit for a scholarship under sub-~~  
1116 ~~subparagraph 1.a. shall be reduced by:~~

1117 ~~a. Twenty-five percent if the student's household income~~  
1118 ~~level is equal to or greater than 200 percent, but less than 215~~  
1119 ~~percent, of the federal poverty level.~~

1120 ~~b. Fifty percent if the student's household income level~~  
1121 ~~is equal to or greater than 215 percent, but equal to or less~~  
1122 ~~than 230 percent, of the federal poverty level.~~

1123 2.3. ~~For the 2016-2017 state fiscal year and thereafter,~~  
1124 The annual limit for a scholarship under sub-subparagraph 1.a.  
1125 shall be reduced by:

1126 a. Twelve percent if the student's household income level  
1127 is greater than or equal to 200 percent, but less than 215  
1128 percent, of the federal poverty level.

1129 b. Twenty-six percent if the student's household income  
1130 level is greater than or equal to 215 percent, but less than 230  
1131 percent, of the federal poverty level.

1132 c. Forty percent if the student's household income level  
1133 is greater than or equal to 230 percent, but less than 245  
1134 percent, of the federal poverty level.

1135 d. Fifty percent if the student's household income level  
1136 is greater than or equal to 245 percent, but less than or equal  
1137 to 260 percent, of the federal poverty level.

1138 (b) Payment of the scholarship by the eligible nonprofit  
1139 scholarship-funding organization shall be by individual warrant  
1140 made payable to the student's parent or by funds transfer,  
1141 including, but not limited to, debit cards, electronic payment  
1142 cards, or any other means of payment that the department deems  
1143 to be commercially viable or cost-effective. If the payment is  
1144 made by warrant ~~parent chooses that his or her child attend an~~  
1145 ~~eligible private school,~~ the warrant must be delivered by the  
1146 eligible nonprofit scholarship-funding organization to the  
1147 private school of the parent's choice, and the parent shall  
1148 restrictively endorse the warrant to the private school. An  
1149 eligible nonprofit scholarship-funding organization shall ensure  
1150 that the parent to whom the warrant is made restrictively

1151 endorsed the warrant to the private school for deposit into the  
1152 account of the private school or that the parent has approved a  
1153 funds transfer before any scholarship funds are deposited.

1154 Section 4. Subsection (6) of section 1012.98, Florida  
1155 Statutes, is amended to read:

1156 1012.98 School Community Professional Development Act.—

1157 (6) An organization of private schools, a ~~or~~ consortium of  
1158 charter schools which has no fewer than 10 member schools in  
1159 this state, or an eligible nonprofit scholarship-funding  
1160 organization as defined in s. 1002.395, which publishes and  
1161 files with the Department of Education copies of its standards,  
1162 and the member schools of which comply with the provisions of  
1163 part II of chapter 1003, relating to compulsory school  
1164 attendance, may also develop a professional development system  
1165 that includes a master plan for inservice activities. The system  
1166 and inservice plan must be submitted to the commissioner for  
1167 approval pursuant to state board rules.

1168 Section 5. For the 2017-2018 fiscal year, the sum of \$200  
1169 million in recurring funds from the General Revenue Fund is  
1170 appropriated to the Department of Education for scholarship  
1171 awards under the Gardiner Scholarship Program in s. 1002.385,  
1172 Florida Statutes. In addition to the funds appropriated for the  
1173 scholarship awards, the sum of \$6 million in recurring funds  
1174 from the General Revenue Fund is appropriated to the Department  
1175 of Education for each nonprofit scholarship-funding

HB 15

2017

1176 | organization's reasonable and necessary administrative expenses  
1177 | to manage and distribute scholarship awards under the program  
1178 | pursuant to s. 1002.385(13)(g).

1179 | Section 6. This act shall take effect July 1, 2017.