

By Senator Baxley

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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.; providing that specified eligibility
5 requirements do not apply to students in certain
6 grades beginning in a specified school year; revising
7 student eligibility criteria; providing for the
8 calculation of the scholarship amount for students
9 diagnosed with a disability by certain physicians or
10 psychologists; providing for the adjustment of the
11 scholarship amount under certain circumstances;
12 providing an effective date.

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

15
16 Section 1. Present paragraph (b) of subsection (2) of
17 section 1002.39, Florida Statutes, is redesignated as paragraph
18 (c), subsection (1), paragraph (a) of subsection (2), and
19 paragraph (a) of subsection (11) of that section are amended,
20 and a new paragraph (b) is added to subsection (2) of that
21 section, to read:

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

27 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
28 DISABILITIES PROGRAM.—The John M. McKay Scholarships for
29 Students with Disabilities Program is established to provide the

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30 option to attend a public school other than the one to which
31 assigned, or to provide a scholarship to a private school of
32 choice, for students with disabilities for whom:

33 (a) An individual educational plan has been written in
34 accordance with rules of the State Board of Education or
35 applicable rules of another state; ~~or~~

36 (b) A 504 accommodation plan has been issued under s. 504
37 of the Rehabilitation Act of 1973; or-

38 (c) A diagnosis of a disability has been received from a
39 physician who is licensed under chapter 458 or chapter 459, a
40 psychologist who is licensed under chapter 490, or a physician
41 who holds an active license issued by another state or territory
42 of the United States, the District of Columbia, or the
43 Commonwealth of Puerto Rico.

44
45 Students with disabilities include K-12 students who are
46 documented as having an intellectual disability; a speech
47 impairment; a language impairment; a hearing impairment,
48 including deafness; a visual impairment, including blindness; a
49 dual sensory impairment; an orthopedic impairment; an other
50 health impairment; an emotional or behavioral disability; a
51 specific learning disability, including, but not limited to,
52 dyslexia, dyscalculia, or developmental aphasia; a traumatic
53 brain injury; a developmental delay; or autism spectrum
54 disorder.

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

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59 (a) The student has:

60 1. Received specialized instructional services under the
61 Voluntary Prekindergarten Education Program pursuant to s.
62 1002.66 during the previous school year and the student has a
63 current individual educational plan developed by the local
64 school board in accordance with rules of the State Board of
65 Education for the John M. McKay Scholarships for Students with
66 Disabilities Program or a 504 accommodation plan has been issued
67 under s. 504 of the Rehabilitation Act of 1973; or

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

72 a. A school district for funding during the preceding
73 October and February Florida Education Finance Program surveys
74 in kindergarten through grade 12, which includes time spent in a
75 Department of Juvenile Justice commitment program if funded
76 under the Florida Education Finance Program;

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

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

84
85 However, a dependent child of a member of the United States
86 Armed Forces who transfers to a school in this state from out of
87 state or from a foreign country due to a parent's permanent

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88 change of station orders or a foster child is exempt from this
89 paragraph but must meet all other eligibility requirements to
90 participate in the program. For the 2018-2019 school year and
91 thereafter, a child in kindergarten through grade 5 is exempt
92 from this paragraph but must meet all other eligibility
93 requirements to participate in the program.

94 (b) The student is the subject of an individual educational
95 plan written in accordance with rules of the State Board of
96 Education or applicable rules of another state; has a 504
97 accommodation plan issued under s. 504 of the Rehabilitation Act
98 of 1973; or has received a diagnosis of a disability from a
99 physician who is licensed under chapter 458 or chapter 459, a
100 psychologist who is licensed under chapter 490, or a physician
101 who holds an active license issued by another state or territory
102 of the United States, the District of Columbia, or the
103 Commonwealth of Puerto Rico.

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

105 (a)1. The maximum scholarship granted for an eligible
106 student with disabilities shall be equivalent to the base
107 student allocation in the Florida Education Finance Program
108 multiplied by the appropriate cost factor for the educational
109 program that would have been provided for the student in the
110 district school to which he or she was assigned, multiplied by
111 the district cost differential.

112 2. In addition, a share of the guaranteed allocation for
113 exceptional students shall be determined and added to the amount
114 in subparagraph 1. The calculation shall be based on the
115 methodology and the data used to calculate the guaranteed
116 allocation for exceptional students for each district in chapter

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117 2000-166, Laws of Florida. Except as provided in subparagraphs
118 3. and 4., the calculation shall be based on the student's
119 grade, matrix level of services, and the difference between the
120 2000-2001 basic program and the appropriate level of services
121 cost factor, multiplied by the 2000-2001 base student allocation
122 and the 2000-2001 district cost differential for the sending
123 district. The calculated amount shall include the per-student
124 share of supplemental academic instruction funds, instructional
125 materials funds, technology funds, and other categorical funds
126 as provided in the General Appropriations Act.

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

132 4. Until the school district completes the matrix required
133 by paragraph (5)(b), the calculation shall be based on the
134 matrix that assigns the student to support Level I of service as
135 it existed prior to the 2000-2001 school year. When the school
136 district completes the matrix, the amount of the payment shall
137 be adjusted as needed.

138 5. The scholarship amount for a student eligible under s.
139 504 of the Rehabilitation Act of 1973 shall be based on the
140 program cost factor the student currently generates through the
141 Florida Education Finance Program.

142 6. The scholarship amount for a student eligible under
143 paragraph (2)(b) shall be based on the matrix assigning the
144 student to support Level II of service. However, if a parent
145 receives an individual educational plan and a matrix of services

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146 from the school district pursuant to subsection (5), the
147 scholarship amount shall be adjusted when the school district
148 completes the matrix.

149 ~~7.6.~~ The scholarship amount granted for an eligible student
150 with disabilities is not subject to the maximum value for
151 funding a student under s. 1011.61(4).

152 Section 2. This act shall take effect July 1, 2018.