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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/28/2018	.	
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The Committee on Appropriations (Baxley) recommended the following:

Senate Amendment to Amendment (240726) (with title amendment)

Delete lines 757 - 861
and insert:

Section 13. Section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with Disabilities Program. ~~There is established a program that is separate and distinct from the Opportunity Scholarship Program~~



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11 ~~and is named the John M. McKay Scholarships for Students with~~
12 ~~Disabilities Program.~~

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

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

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

23 (c) A written diagnosis of a disability, as defined in this
24 section, has been received from a physician licensed under
25 chapter 458 or chapter 459 or a psychologist licensed under
26 chapter 490.

27
28 Students with disabilities include K-12 students who are
29 documented as having an intellectual disability; a speech
30 impairment; a language impairment; a hearing impairment,
31 including deafness; a visual impairment, including blindness; a
32 dual sensory impairment; an orthopedic impairment; an other
33 health impairment; an emotional or behavioral disability; a
34 specific learning disability, including, but not limited to,
35 dyslexia, dyscalculia, or developmental aphasia; a traumatic
36 brain injury; a developmental delay; or autism spectrum
37 disorder.

38 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
39 student with a disability may request and receive from the state



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40 a John M. McKay Scholarship for the child to enroll in and
41 attend a private school in accordance with this section if:

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

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

51 2. ~~Spent the prior school year in attendance at a Florida~~
52 ~~public school or the Florida School for the Deaf and the Blind.~~
53 ~~For purposes of this subparagraph, prior school year in~~
54 ~~attendance means that the student~~ Was enrolled and reported for
55 funding in the October or February Florida Education Finance
56 Program survey immediately preceding the request to participate
57 in the program pursuant to paragraph (b) by:

58 a. A school district, ~~for funding during the preceding~~
59 ~~October and February Florida Education Finance Program surveys~~
60 in kindergarten through grade 12, which includes time spent in a
61 Department of Juvenile Justice commitment program if funded
62 under the Florida Education Finance Program;

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

66 c. A school district ~~for funding during the preceding~~
67 ~~October and February Florida Education Finance Program surveys,~~
68 was at least 4 years of age when so enrolled and reported, and



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69 was eligible for services under s. 1003.21(1)(e).

70

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

77 (b) The parent has obtained acceptance for admission of the
78 student to a private school that is eligible for the program
79 under subsection (8) and has requested from the department a
80 scholarship at least 60 days before the date of the first
81 scholarship payment. The request must be communicated directly
82 to the department in a manner that creates a written or
83 electronic record of the request and the date of receipt of the
84 request. The department must notify the district of the parent's
85 intent upon receipt of the parent's request.

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

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

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

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

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

97 ~~(e) While he or she is participating in a private tutoring~~



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98 ~~program pursuant to s. 1002.43;~~

99 (e) ~~(f)~~ While he or she is participating in a virtual
100 school, correspondence school, or distance learning program that
101 receives state funding pursuant to the student's participation
102 unless the participation is limited to no more than two courses
103 per school year;

104 (f) ~~(g)~~ While he or she is enrolled in the Florida School
105 for the Deaf and the Blind;

106 (g) ~~(h)~~ While he or she is not having regular and direct
107 contact with his or her private school teachers at the school's
108 physical location unless he or she is enrolled in the private
109 school's transition-to-work program pursuant to subsection (10);
110 or

111 (h) ~~(i)~~ If he or she has been issued a temporary 504
112 accommodation plan under s. 504 of the Rehabilitation Act of
113 1973 which is valid for 6 months or less.

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

115 (a) For purposes of continuity of educational choice, a
116 John M. McKay Scholarship shall remain in force until the
117 student returns to a public school, graduates from high school,
118 or reaches the age of 22, whichever occurs first. A scholarship
119 student who enrolls in a public school or public school program
120 is considered to have returned to a public school for the
121 purpose of determining the end of the scholarship's term.
122 However, if a student enters a Department of Juvenile Justice
123 detention center for a period of no more than 21 days, the
124 student is not considered to have returned to a public school
125 for that purpose.

126 (b) Upon reasonable notice to the department and the school



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127 district, the student's parent may remove the student from the
128 private school and place the student in a public school in
129 accordance with this section.

130 (c) Upon reasonable notice to the department, the student's
131 parent may move the student from one participating private
132 school to another participating private school.

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

134 (a)1. By April 1 of each year and within 10 days after an
135 individual education plan meeting or a 504 accommodation plan is
136 issued under s. 504 of the Rehabilitation Act of 1973, a school
137 district shall notify the parent of the student of all options
138 available pursuant to this section, inform the parent of the
139 availability of the department's telephone hotline and Internet
140 website for additional information on John M. McKay
141 Scholarships, and offer that student's parent an opportunity to
142 enroll the student in another public school in the district.

143 2. The parent is not required to accept the offer of
144 enrolling in another public school in lieu of requesting a John
145 M. McKay Scholarship to a private school. However, if the parent
146 chooses the public school option, the student may continue
147 attending a public school chosen by the parent until the student
148 graduates from high school.

149 3. If the parent chooses a public school consistent with
150 the district school board's choice plan under s. 1002.31, the
151 school district shall provide transportation to the public
152 school selected by the parent. The parent is responsible to
153 provide transportation to a public school chosen that is not
154 consistent with the district school board's choice plan under s.
155 1002.31.



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

161 2.a. Within 10 school days after it receives notification
162 of a parent's request for a John M. McKay Scholarship, a school
163 district must notify the student's parent if the matrix of
164 services has not been completed and inform the parent that the
165 district is required to complete the matrix within 30 days after
166 receiving notice of the parent's request for a John M. McKay
167 Scholarship. This notice should include the required completion
168 date for the matrix.

169 b. The school district must complete the matrix of services
170 for any student who is participating in the John M. McKay
171 Scholarships for Students with Disabilities Program and must
172 notify the department of the student's matrix level within 30
173 days after receiving notification of a request to participate in
174 the scholarship program. The school district must provide the
175 student's parent with the student's matrix level within 10
176 school days after its completion.

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

180 d. A school district may change a matrix of services only
181 if the change is to correct a technical, typographical, or
182 calculation error.

183 (c) If a school district receives a physician's written
184 diagnosis pursuant to paragraph (1)(c) from the parent, the



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185 school district must notify the department of its receipt of
186 such documentation immediately after receiving notice of the
187 parent's request for a John M. McKay Scholarship.

188 (d)~~(e)~~ A school district shall provide notification to
189 parents of the availability of a reevaluation at least every 3
190 years of each student who receives a John M. McKay Scholarship.

191 (e)~~(d)~~ If the parent chooses the private school option and
192 the student is accepted by the private school pending the
193 availability of a space for the student, the parent of the
194 student must notify the department 60 days prior to the first
195 scholarship payment and before entering the private school in
196 order to be eligible for the scholarship when a space becomes
197 available for the student in the private school.

198 (f)~~(e)~~ The parent of a student may choose, as an
199 alternative, to enroll the student in and transport the student
200 to a public school in an adjacent school district which has
201 available space and has a program with the services agreed to in
202 the student's individual education plan or 504 accommodation
203 plan already in place, and that school district shall accept the
204 student and report the student for purposes of the district's
205 funding pursuant to the Florida Education Finance Program.

206 (g)~~(f)~~ For a student who participates in the John M. McKay
207 Scholarships for Students with Disabilities Program whose parent
208 requests that the student take the statewide assessments under
209 s. 1008.22, the district in which the student attends private
210 school shall provide locations and times to take all statewide
211 assessments.

212 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
213 shall:



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

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

219 (c) Establish a process by which individuals may notify the
220 department of any violation by a parent, private school, or
221 school district of state laws relating to program participation.
222 The department shall conduct an inquiry of any written complaint
223 of a violation of this section, or make a referral to the
224 appropriate agency for an investigation, if the complaint is
225 signed by the complainant and is legally sufficient. A complaint
226 is legally sufficient if it contains ultimate facts that show
227 that a violation of this section or any rule adopted by the
228 State Board of Education has occurred. In order to determine
229 legal sufficiency, the department may require supporting
230 information or documentation from the complainant. A department
231 inquiry is not subject to the requirements of chapter 120.

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

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

238 (f)1. Conduct ~~random~~ site visits to private schools
239 participating in the John M. McKay Scholarships for Students
240 with Disabilities Program as authorized under s. 1002.421(7).
241 The purposes ~~purpose~~ of the site visits are ~~is~~ solely to verify
242 compliance with the provisions of subsection (7) aimed at



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243 protecting the health, safety, and welfare of students and to
244 verify the information reported by the schools concerning the
245 enrollment and attendance of students, the credentials of
246 teachers, background screening of teachers, and teachers'
247 fingerprinting results, which information is required by rules
248 of the State Board of Education, subsection (8), and s.
249 1002.421. The Department of Education may ~~not~~ make followup more
250 ~~than three random~~ site visits at any time to any school that has
251 received a notice of noncompliance or a notice of proposed
252 action within the previous 2 years pursuant to subsection (7)
253 each year and may not make more than one random site visit each
254 year to the same private school.

255 2. Annually, by December 15, report to the Governor, the
256 President of the Senate, and the Speaker of the House of
257 Representatives the Department of Education's actions with
258 respect to implementing accountability in the scholarship
259 program under this section and s. 1002.421, any substantiated
260 allegations or violations of law or rule by an eligible private
261 school under this program concerning the enrollment and
262 attendance of students, the credentials of teachers, background
263 screening of teachers, and teachers' fingerprinting results and
264 the corrective action taken by the Department of Education.

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

266 (a) The Commissioner of Education:

267 1. Shall deny, suspend, or revoke a private school's
268 participation in the scholarship program if it is determined
269 that the private school has failed to comply with the provisions
270 of this section. However, if the noncompliance is correctable
271 within a reasonable amount of time and if the health, safety, or



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272 welfare of the students is not threatened, the commissioner may
273 issue a notice of noncompliance which provides the private
274 school with a timeframe within which to provide evidence of
275 compliance before taking action to suspend or revoke the private
276 school's participation in the scholarship program.

277 2. May deny, suspend, or revoke a private school's
278 participation in the scholarship program if the commissioner
279 determines that an owner or operator of the private school is
280 operating or has operated an educational institution in this
281 state or in another state or jurisdiction in a manner contrary
282 to the health, safety, or welfare of the public.

283 a. In making such a determination, the commissioner may
284 consider factors that include, but are not limited to, acts or
285 omissions by an owner or operator which led to a previous denial
286 or revocation of participation in an education scholarship
287 program; an owner's or operator's failure to reimburse the
288 Department of Education for scholarship funds improperly
289 received or retained by a school; imposition of a prior criminal
290 sanction related to an owner's or operator's management or
291 operation of an educational institution; imposition of a civil
292 fine or administrative fine, license revocation or suspension,
293 or program eligibility suspension, termination, or revocation
294 related to an owner's or operator's management or operation of
295 an educational institution; or other types of criminal
296 proceedings in which an owner or operator was found guilty of,
297 regardless of adjudication, or entered a plea of nolo contendere
298 or guilty to, any offense involving fraud, deceit, dishonesty,
299 or moral turpitude.

300 b. For purposes of this subparagraph, the term "owner or



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301 operator" includes an owner, operator, superintendent, or
302 principal of, or a person who has equivalent decisionmaking
303 authority over, a private school participating in the
304 scholarship program.

305 (b) The commissioner's determination is subject to the
306 following:

307 1. If the commissioner intends to deny, suspend, or revoke
308 a private school's participation in the scholarship program, the
309 department shall notify the private school of such proposed
310 action in writing by certified mail and regular mail to the
311 private school's address of record with the department. The
312 notification shall include the reasons for the proposed action
313 and notice of the timelines and procedures set forth in this
314 paragraph.

315 2. The private school that is adversely affected by the
316 proposed action shall have 15 days from receipt of the notice of
317 proposed action to file with the department's agency clerk a
318 request for a proceeding pursuant to ss. 120.569 and 120.57. If
319 the private school is entitled to a hearing under s. 120.57(1),
320 the department shall forward the request to the Division of
321 Administrative Hearings.

322 3. Upon receipt of a request referred pursuant to this
323 paragraph, the director of the Division of Administrative
324 Hearings shall expedite the hearing and assign an administrative
325 law judge who shall commence a hearing within 30 days after the
326 receipt of the formal written request by the division and enter
327 a recommended order within 30 days after the hearing or within
328 30 days after receipt of the hearing transcript, whichever is
329 later. Each party shall be allowed 10 days in which to submit



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330 written exceptions to the recommended order. A final order shall
331 be entered by the agency within 30 days after the entry of a
332 recommended order. The provisions of this subparagraph may be
333 waived upon stipulation by all parties.

334 (c) The commissioner may immediately suspend payment of
335 scholarship funds if it is determined that there is probable
336 cause to believe that there is:

337 1. An imminent threat to the health, safety, or welfare of
338 the students; or

339 2. Fraudulent activity on the part of the private school.
340 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
341 activity pursuant to this section, the Department of Education's
342 Office of Inspector General is authorized to release personally
343 identifiable records or reports of students to the following
344 persons or organizations:

345 a. A court of competent jurisdiction in compliance with an
346 order of that court or the attorney of record in accordance with
347 a lawfully issued subpoena, consistent with the Family
348 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

349 b. A person or entity authorized by a court of competent
350 jurisdiction in compliance with an order of that court or the
351 attorney of record pursuant to a lawfully issued subpoena,
352 consistent with the Family Educational Rights and Privacy Act,
353 20 U.S.C. s. 1232g.

354 c. Any person, entity, or authority issuing a subpoena for
355 law enforcement purposes when the court or other issuing agency
356 has ordered that the existence or the contents of the subpoena
357 or the information furnished in response to the subpoena not be
358 disclosed, consistent with the Family Educational Rights and



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359 Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

360

361 The commissioner's order suspending payment pursuant to this
362 paragraph may be appealed pursuant to the same procedures and
363 timelines as the notice of proposed action set forth in
364 paragraph (b).

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

369 (a) Comply with all requirements for private schools
370 participating in state school choice scholarship programs
371 pursuant to s. 1002.421.

372 (b) Provide to the department all documentation required
373 for a student's participation, including the private school's
374 and student's fee schedules, at least 30 days before any
375 quarterly scholarship payment is made for the student pursuant
376 to paragraph (11) (e). A student is not eligible to receive a
377 quarterly scholarship payment if the private school fails to
378 meet this deadline.

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

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

383 2. Cooperating with the scholarship student whose parent
384 chooses to participate in the statewide assessments pursuant to
385 s. 1008.22.

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



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388 (e) If the private school that participates in a state
389 scholarship program under this chapter receives more than
390 \$250,000 in funds from scholarships awarded under this chapter
391 in a state fiscal year, provide an annual report from an
392 independent certified public accountant who performs the agreed-
393 upon procedures developed under s. 1002.395(6) (o). Such a
394 private school must annually submit the required report by
395 September 15 to the organization that awarded the majority of
396 the school's scholarship funds. The agreed-upon procedures must
397 be conducted in accordance with attestation standards
398 established by the American Institute of Certified Public
399 Accountants.

400
401 The failure or refusal ~~inability~~ of a private school to meet the
402 requirements of this subsection shall constitute a basis for the
403 ineligibility of the private school to participate in the
404 scholarship program as determined by the department.

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

409 (a) The parent must select the private school and apply for
410 the admission of his or her child.

411 (b) The parent must have requested the scholarship at least
412 60 days prior to the date of the first scholarship payment.

413 (c) For a student eligible pursuant to paragraph (1) (c),
414 the parent must provide documentation of the physician's
415 diagnosis of a disability, as defined in this section, to the
416 school district.



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417 (d)~~(e)~~ Any student participating in the John M. McKay
418 Scholarships for Students with Disabilities Program must remain
419 in attendance throughout the school year unless excused by the
420 school for illness or other good cause.

421 (e)~~(d)~~ Each parent and each student has an obligation to
422 the private school to comply with the private school's published
423 policies.

424 (f)~~(e)~~ If the parent requests that the student
425 participating in the John M. McKay Scholarships for Students
426 with Disabilities Program take all statewide assessments
427 required pursuant to s. 1008.22, the parent is responsible for
428 transporting the student to the assessment site designated by
429 the school district.

430 (g)~~(f)~~ Upon receipt of a scholarship warrant, the parent to
431 whom the warrant is made must restrictively endorse the warrant
432 to the private school for deposit into the account of the
433 private school. The parent may not designate any entity or
434 individual associated with the participating private school as
435 the parent's attorney in fact to endorse a scholarship warrant.
436 A participant who fails to comply with this paragraph forfeits
437 the scholarship.

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



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

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

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

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

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

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

466 6. Provide to the parent and student a quarterly report
467 that documents and explains the student's progress and
468 performance in the program.

469 7. Maintain accurate attendance and performance records for
470 the student.

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

473 1. Receive 15 instructional hours at the private school's
474 physical facility, which must include academic instruction and



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475 work skills training.

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

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

480 1. Maintain an accurate record of the student's performance
481 and hours worked and provide the information to the private
482 school.

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

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

485 (a)1. The maximum scholarship granted for an eligible
486 student with disabilities shall be equivalent to the base
487 student allocation in the Florida Education Finance Program
488 multiplied by the appropriate cost factor for the educational
489 program that would have been provided for the student in the
490 district school to which he or she was assigned, multiplied by
491 the district cost differential.

492 2. In addition, a share of the guaranteed allocation for
493 exceptional students shall be determined and added to the amount
494 in subparagraph 1. The calculation shall be based on the
495 methodology and the data used to calculate the guaranteed
496 allocation for exceptional students for each district in chapter
497 2000-166, Laws of Florida. Except as provided in subparagraphs
498 3. and 4., the calculation shall be based on the student's
499 grade, matrix level of services, and the difference between the
500 2000-2001 basic program and the appropriate level of services
501 cost factor, multiplied by the 2000-2001 base student allocation
502 and the 2000-2001 district cost differential for the sending
503 district. The calculated amount shall include the per-student



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504 share of supplemental academic instruction funds, instructional
505 materials funds, technology funds, and other categorical funds
506 as provided in the General Appropriations Act.

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

512 4. Until the school district completes the matrix required
513 by paragraph (5)(b), the calculation shall be based on the
514 matrix that assigns the student to support Level I of service as
515 it existed prior to the 2000-2001 school year. When the school
516 district completes the matrix, the amount of the payment shall
517 be adjusted as needed.

518 5. The scholarship amount for a student eligible under s.
519 504 of the Rehabilitation Act of 1973 or paragraph (1)(c) shall
520 be based on the program cost factor the student currently
521 generates through the Florida Education Finance Program.

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

525 (b) The amount of the John M. McKay Scholarship shall be
526 the calculated amount or the amount of the private school's
527 tuition and fees, whichever is less. The amount of any
528 assessment fee required by the participating private school may
529 be paid from the total amount of the scholarship.

530 (c)1. The school district shall report all students who are
531 attending a private school under this program. The students with
532 disabilities attending private schools on John M. McKay



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533 Scholarships shall be reported separately from other students
534 reported for purposes of the Florida Education Finance Program.

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

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

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

544 (d) Following notification on July 1, September 1, December
545 1, or February 1 of the number of program participants, the
546 department shall transfer, from General Revenue funds only, the
547 amount calculated under paragraph (b) from the school district's
548 total funding entitlement under the Florida Education Finance
549 Program and from authorized categorical accounts to a separate
550 account for the scholarship program for quarterly disbursement
551 to the parents of participating students. Funds may not be
552 transferred from any funding provided to the Florida School for
553 the Deaf and the Blind for program participants who are eligible
554 under sub-subparagraph (2)(a)2.b. For a student exiting a
555 Department of Juvenile Justice commitment program who chooses to
556 participate in the scholarship program, the amount of the John
557 M. McKay Scholarship calculated pursuant to paragraph (b) shall
558 be transferred from the school district in which the student
559 last attended a public school before commitment to the
560 Department of Juvenile Justice. When a student enters the
561 scholarship program, the department must receive all



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562 documentation required for the student's participation,
563 including the private school's and the student's fee schedules,
564 at least 30 days before the first quarterly scholarship payment
565 is made for the student.

566 (e) Upon notification by the department that it has
567 received the documentation required under paragraph (d), the
568 Chief Financial Officer shall make scholarship payments in four
569 equal amounts no later than September 1, November 1, February 1,
570 and April 1 of each academic year in which the scholarship is in
571 force. The initial payment shall be made after department
572 verification of admission acceptance, and subsequent payments
573 shall be made upon verification of continued enrollment and
574 attendance at the private school. Payment must be by individual
575 warrant made payable to the student's parent and mailed by the
576 department to the private school of the parent's choice, and the
577 parent shall restrictively endorse the warrant to the private
578 school for deposit into the account of the private school.

579 (f) Subsequent to each scholarship payment, the department
580 shall request from the Department of Financial Services a sample
581 of endorsed warrants to review and confirm compliance with
582 endorsement requirements.

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

585 (13) SCOPE OF AUTHORITY.—The inclusion of eligible private
586 schools within options available to Florida public school
587 students does not expand the regulatory authority of the state,
588 its officers, or any school district to impose any additional
589 regulation of private schools beyond those reasonably necessary
590 to enforce requirements expressly set forth in this section.



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591 (14) RULES.—The State Board of Education shall adopt rules
592 pursuant to ss. 120.536(1) and 120.54 to administer this
593 section, including rules that school districts must use to
594 expedite the development of a matrix of services based on an
595 active individual education plan from another state or a foreign
596 country for a transferring student with a disability who is a
597 dependent child of a member of the United States Armed Forces.
598 The rules must identify the appropriate school district
599 personnel who must complete the matrix of services. For purposes
600 of these rules, a transferring student with a disability is one
601 who was previously enrolled as a student with a disability in an
602 out-of-state or an out-of-country public or private school or
603 agency program and who is transferring from out of state or from
604 a foreign country pursuant to a parent's permanent change of
605 station orders.

606
607 ===== T I T L E A M E N D M E N T =====

608 And the title is amended as follows:

609 Delete lines 3392 - 3404

610 and insert:

611 s. 1002.39, F.S.; revising student eligibility and
612 ineligibility criteria for the John M. McKay
613 Scholarships for Students with Disabilities Program;
614 revising school district obligations; revising the
615 purposes of department site visits at private schools
616 participating in the program; authorizing the
617 department to make followup site visits at any time to
618 certain private schools; requiring certain
619 participating private schools to annually provide a



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620 specified report from an independent certified public
621 accountant by a specified date; specifying that the
622 failure or refusal, rather than the inability of, a
623 private school to meet certain requirements
624 constitutes a basis for program ineligibility;
625 revising parent and student obligations; removing
626 obsolete language; making technical changes;
627 conforming provisions to changes made by the act;
628 amending s. 1002.395, F.S.; revising