

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.; removing obsolete language; revising
 5 student eligibility criteria; providing an effective
 6 date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsection (1), paragraph (a) of subsection (2)
 11 of section 1002.39, Florida Statutes, is amended to read:

12 1002.39 The John M. McKay Scholarships for Students with
 13 Disabilities Program. ~~There is established a program that is~~
 14 ~~separate and distinct from the Opportunity Scholarship Program~~
 15 ~~and is named the John M. McKay Scholarships for Students with~~
 16 ~~Disabilities Program.~~

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

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

25 (b) A 504 accommodation plan has been issued under s. 504

26 | of the Rehabilitation Act of 1973; or-

27 | (c) A diagnosis of a disability, as defined in this
 28 | section, has been received from a physician who is licensed
 29 | under chapter 458 or chapter 459, or a psychologist who is
 30 | licensed under chapter 490.

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

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

46 | (a) The student ~~has~~:

47 | 1. Has received ~~Received~~ specialized instructional
 48 | services under the Voluntary Prekindergarten Education Program
 49 | pursuant to s. 1002.66 during the previous school year and the
 50 | student has a current individual educational plan developed by

51 the local school board in accordance with rules of the State
 52 Board of Education for the John M. McKay Scholarships for
 53 Students with Disabilities Program or a 504 accommodation plan
 54 has been issued under s. 504 of the Rehabilitation Act of 1973;
 55 or

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

63 a. A school district, ~~for funding during the preceding~~
 64 ~~October and February Florida Education Finance Program surveys~~
 65 in kindergarten through grade 12, which includes time spent in a
 66 Department of Juvenile Justice commitment program if funded
 67 under the Florida Education Finance Program;

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

71 c. A school district ~~for funding during the preceding~~
 72 ~~October and February Florida Education Finance Program surveys,~~
 73 was at least 4 years of age when so enrolled and reported, and
 74 was eligible for services under s. 1003.21(1)(e).
 75

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

82 | (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

83 | (b)1. For a student with disabilities who does not have a
84 | matrix of services under s. 1011.62(1)(e), the school district
85 | must complete a matrix that assigns the student to one of the
86 | levels of service as they existed prior to the 2000-2001 school
87 | year.

88 | 2.a. Within 10 school days after it receives notification
89 | of a parent's request for a John M. McKay Scholarship, a school
90 | district must notify the student's parent if the matrix of
91 | services has not been completed and inform the parent that the
92 | district is required to complete the matrix within 30 days after
93 | receiving notice of the parent's request for a John M. McKay
94 | Scholarship. This notice should include the required completion
95 | date for the matrix.

96 | b. The school district must complete the matrix of
97 | services for any student who is participating in the John M.
98 | McKay Scholarships for Students with Disabilities Program and
99 | must notify the department of the student's matrix level within
100 | 30 days after receiving notification of a request to participate

101 in the scholarship program. The school district must provide the
102 student's parent with the student's matrix level within 10
103 school days after its completion.

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

107 d. A school district may change a matrix of services only
108 if the change is to correct a technical, typographical, or
109 calculation error.

110 (c) Upon receipt of a physician's written diagnosis
111 pursuant to subparagraph (1)(c) from the parent, notify the
112 department of its receipt of such documentation immediately
113 after receiving notice of the parent's request for a John M.
114 McKay Scholarship.

115 (d) A school district shall provide notification to parents
116 of the availability of a reevaluation at least every 3 years of
117 each student who receives a John M. McKay Scholarship.

118 (e)~~(d)~~ If the parent chooses the private school option and
119 the student is accepted by the private school pending the
120 availability of a space for the student, the parent of the
121 student must notify the department 60 days prior to the first
122 scholarship payment and before entering the private school in
123 order to be eligible for the scholarship when a space becomes
124 available for the student in the private school.

125 (f)~~(e)~~ The parent of a student may choose, as an

126 alternative, to enroll the student in and transport the student
 127 to a public school in an adjacent school district which has
 128 available space and has a program with the services agreed to in
 129 the student's individual education plan or 504 accommodation
 130 plan already in place, and that school district shall accept the
 131 student and report the student for purposes of the district's
 132 funding pursuant to the Florida Education Finance Program.

133 (g)~~(f)~~ For a student who participates in the John M. McKay
 134 Scholarships for Students with Disabilities Program whose parent
 135 requests that the student take the statewide assessments under
 136 s. 1008.22, the district in which the student attends private
 137 school shall provide locations and times to take all statewide
 138 assessments.

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

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

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

148 (c) For a student eligible pursuant to subparagraph
 149 (1) (c), provide documentation to the district of the physician's
 150 diagnosis of a disability, as defined in this section.

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

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

158 (f)~~(e)~~ If the parent requests that the student
 159 participating in the John M. McKay Scholarships for Students
 160 with Disabilities Program take all statewide assessments
 161 required pursuant to s. 1008.22, the parent is responsible for
 162 transporting the student to the assessment site designated by
 163 the school district.

164 (g)~~(f)~~ Upon receipt of a scholarship warrant, the parent
 165 to whom the warrant is made must restrictively endorse the
 166 warrant to the private school for deposit into the account of
 167 the private school. The parent may not designate any entity or
 168 individual associated with the participating private school as
 169 the parent's attorney in fact to endorse a scholarship warrant.
 170 A participant who fails to comply with this paragraph forfeits
 171 the scholarship.

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

173 (a)1. The maximum scholarship granted for an eligible
 174 student with disabilities shall be equivalent to the base
 175 student allocation in the Florida Education Finance Program

176 multiplied by the appropriate cost factor for the educational
177 program that would have been provided for the student in the
178 district school to which he or she was assigned, multiplied by
179 the district cost differential.

180 2. In addition, a share of the guaranteed allocation for
181 exceptional students shall be determined and added to the amount
182 in subparagraph 1. The calculation shall be based on the
183 methodology and the data used to calculate the guaranteed
184 allocation for exceptional students for each district in chapter
185 2000-166, Laws of Florida. Except as provided in subparagraphs
186 3. and 4., the calculation shall be based on the student's
187 grade, matrix level of services, and the difference between the
188 2000-2001 basic program and the appropriate level of services
189 cost factor, multiplied by the 2000-2001 base student allocation
190 and the 2000-2001 district cost differential for the sending
191 district. The calculated amount shall include the per-student
192 share of supplemental academic instruction funds, instructional
193 materials funds, technology funds, and other categorical funds
194 as provided in the General Appropriations Act.

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

200 4. Until the school district completes the matrix required

201 by paragraph (5) (b), the calculation shall be based on the
202 matrix that assigns the student to support Level I of service as
203 it existed prior to the 2000-2001 school year. When the school
204 district completes the matrix, the amount of the payment shall
205 be adjusted as needed.

206 5. The scholarship amount for a student eligible under s.
207 504 of the Rehabilitation Act of 1973 or paragraph (2) (c) shall
208 be based on the program cost factor the student currently
209 generates through the Florida Education Finance Program.

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

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