

CS/HB 1329

2011

1                   A bill to be entitled

2       An act relating to the John M. McKay Scholarships for  
3       Students with Disabilities Program; amending s. 1002.39,  
4       F.S.; making scholarships available to students with  
5       disabilities who have a 504 accommodation plan issued  
6       under s. 504 of the federal Rehabilitation Act; allowing a  
7       parent to request and receive a scholarship for a student  
8       to enroll in and attend a private school if the student  
9       has a 504 accommodation plan; providing that students with  
10      certain temporary 504 accommodation plans are ineligible  
11      for a scholarship; requiring that the school district  
12      notify a parent of available options within 10 days after  
13      a 504 accommodation plan is issued; providing that a  
14      parent may choose to enroll the student in a public school  
15      in an adjacent district under certain conditions;  
16      providing for scholarship amounts; providing an effective  
17      date.

18  
19   Be It Enacted by the Legislature of the State of Florida:  
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21       Section 1. Subsection (1), paragraph (a) of subsection  
22       (2), subsection (3), paragraphs (a) and (e) of subsection (5),  
23       and paragraph (a) of subsection (10) of section 1002.39, Florida  
24       Statutes, are amended to read:

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

CS/HB 1329

2011

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

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

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

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

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

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

(a) The student has:

56           1. Received specialized instructional services under the  
57 Voluntary Prekindergarten Education Program pursuant to s.  
58 1002.66 during the previous school year and the student has a  
59 current individual educational plan developed by the local  
60 school board in accordance with rules of the State Board of  
61 Education for the John M. McKay Scholarships for Students with  
62 Disabilities Program or a 504 accommodation plan has been issued  
63 under s. 504 of the Rehabilitation Act of 1973;

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

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

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

76           c. A school district for funding during the preceding  
77 October and February Florida Education Finance Program surveys,  
78 was at least 4 years of age when so enrolled and reported, and  
79 was eligible for services under s. 1003.21(1)(e); or

80           3. Been enrolled and reported by a school district for  
81 funding, during the October and February Florida Education  
82 Finance Program surveys, in any of the 5 years prior to the  
83 2010-2011 fiscal year; has a current individualized educational

CS/HB 1329

2011

84 plan developed by the district school board in accordance with  
85 rules of the State Board of Education for the John M. McKay  
86 Scholarship Program no later than June 30, 2011; and receives a  
87 first-time John M. McKay scholarship for the 2011-2012 school  
88 year. Upon request of the parent, the local school district  
89 shall complete a matrix of services as required in subparagraph  
90 (5)(b)1. for a student requesting a current individualized  
91 educational plan in accordance with the provisions of this  
92 subparagraph.

93  
94 However, a dependent child of a member of the United States  
95 Armed Forces who transfers to a school in this state from out of  
96 state or from a foreign country due to a parent's permanent  
97 change of station orders is exempt from this paragraph but must  
98 meet all other eligibility requirements to participate in the  
99 program.

100 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is  
101 not eligible for a John M. McKay Scholarship ~~while he or she is:~~

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

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

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

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

CS/HB 1329

2011

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

113 (f) While he or she is participating in a virtual school,  
114 correspondence school, or distance learning program that  
115 receives state funding pursuant to the student's participation  
116 unless the participation is limited to no more than two courses  
117 per school year;

118 (g) While he or she is enrolled in the Florida School for  
119 the Deaf and the Blind; ~~or~~

120 (h) While he or she is not having regular and direct  
121 contact with his or her private school teachers at the school's  
122 physical location; or

123 (i) If he or she has been issued a temporary 504  
124 accommodation plan under s. 504 of the Rehabilitation Act of  
125 1973 which is valid for 6 months or less.

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

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

137 2. The parent is not required to accept the offer of  
138 enrolling in another public school in lieu of requesting a John

CS/HB 1329

2011

139 M. McKay Scholarship to a private school. However, if the parent  
140 chooses the public school option, the student may continue  
141 attending a public school chosen by the parent until the student  
142 graduates from high school.

143 3. If the parent chooses a public school consistent with  
144 the district school board's choice plan under s. 1002.31, the  
145 school district shall provide transportation to the public  
146 school selected by the parent. The parent is responsible to  
147 provide transportation to a public school chosen that is not  
148 consistent with the district school board's choice plan under s.  
149 1002.31.

150 (e) The parent of a student may choose, as an alternative,  
151 to enroll the student in and transport the student to a public  
152 school in an adjacent school district which has available space  
153 and has a program with the services agreed to in the student's  
154 individual education plan or 504 accommodation plan already in  
155 place, and that school district shall accept the student and  
156 report the student for purposes of the district's funding  
157 pursuant to the Florida Education Finance Program.

158 (10) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

159 (a)1. The maximum scholarship granted for an eligible  
160 student with disabilities shall be equivalent to the base  
161 student allocation in the Florida Education Finance Program  
162 multiplied by the appropriate cost factor for the educational  
163 program that would have been provided for the student in the  
164 district school to which he or she was assigned, multiplied by  
165 the district cost differential.

166           2. In addition, a share of the guaranteed allocation for  
167 exceptional students shall be determined and added to the amount  
168 in subparagraph 1. The calculation shall be based on the  
169 methodology and the data used to calculate the guaranteed  
170 allocation for exceptional students for each district in chapter  
171 2000-166, Laws of Florida. Except as provided in subparagraphs  
172 3. and 4., the calculation shall be based on the student's  
173 grade, matrix level of services, and the difference between the  
174 2000-2001 basic program and the appropriate level of services  
175 cost factor, multiplied by the 2000-2001 base student allocation  
176 and the 2000-2001 district cost differential for the sending  
177 district. The calculated amount shall include the per-student  
178 share of supplemental academic instruction funds, instructional  
179 materials funds, technology funds, and other categorical funds  
180 as provided in the General Appropriations Act.

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

186           4. Until the school district completes the matrix required  
187 by paragraph (5)(b), the calculation shall be based on the  
188 matrix that assigns the student to support level I of service as  
189 it existed prior to the 2000-2001 school year. When the school  
190 district completes the matrix, the amount of the payment shall  
191 be adjusted as needed.

192           5. The scholarship amount for a student eligible under s.  
193 504 of the Rehabilitation Act of 1973 shall be based on the

CS/HB 1329

2011

194 program cost factor the student currently generates through the  
195 Florida Education Finance Program.

196       Section 2.   This act shall take effect July 1, 2011.