

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.

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

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

21          1002.39 The John M. McKay Scholarships for Students with  
22          Disabilities Program.—There is established a program that is  
23          separate and distinct from the Opportunity Scholarship Program  
24          and is named the John M. McKay Scholarships for Students with  
25          Disabilities Program.

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

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

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

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

43  
44 Students with disabilities include K-12 students who are  
45 documented as having an intellectual disability; a speech  
46 impairment; a language impairment; a hearing impairment,  
47 including deafness; a visual impairment, including blindness; a  
48 dual sensory impairment; an orthopedic impairment; an other  
49 health impairment; an emotional or behavioral disability; a  
50 specific learning disability, including, but not limited to,

51 dyslexia, dyscalculia, or developmental aphasia; a traumatic  
52 brain injury; a developmental delay; or autism spectrum  
53 disorder.

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

58 (a) The student has:

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

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

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

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

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

83  
84 However, a dependent child of a member of the United States  
85 Armed Forces who transfers to a school in this state from out of  
86 state or from a foreign country due to a parent's permanent  
87 change of station orders or a foster child is exempt from this  
88 paragraph but must meet all other eligibility requirements to  
89 participate in the program. For the 2018-2019 school year and  
90 thereafter, a child in kindergarten through grade 5 is exempt  
91 from this paragraph but must meet all other eligibility  
92 requirements to participate in the program.

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

101 of the United States, the District of Columbia, or the  
102 Commonwealth of Puerto Rico.

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

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

111 2. In addition, a share of the guaranteed allocation for  
112 exceptional students shall be determined and added to the amount  
113 in subparagraph 1. The calculation shall be based on the  
114 methodology and the data used to calculate the guaranteed  
115 allocation for exceptional students for each district in chapter  
116 2000-166, Laws of Florida. Except as provided in subparagraphs  
117 3. and 4., the calculation shall be based on the student's  
118 grade, matrix level of services, and the difference between the  
119 2000-2001 basic program and the appropriate level of services  
120 cost factor, multiplied by the 2000-2001 base student allocation  
121 and the 2000-2001 district cost differential for the sending  
122 district. The calculated amount shall include the per-student  
123 share of supplemental academic instruction funds, instructional  
124 materials funds, technology funds, and other categorical funds  
125 as provided in the General Appropriations Act.

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

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

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

141           6. The scholarship amount for a student eligible under  
142 paragraph (2)(b) shall be based on the matrix assigning the  
143 student to support Level II of service. However, if a parent  
144 receives an individual educational plan and a matrix of services  
145 from the school district pursuant to subsection (5), the  
146 scholarship amount shall be adjusted when the school district  
147 completes the matrix.

148           ~~7.6.~~ The scholarship amount granted for an eligible  
149 student with disabilities is not subject to the maximum value  
150 for funding a student under s. 1011.61(4).

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2018

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