

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Saunders offered the following:

2
3 **Amendment**

4 Remove lines 854-1041 and insert:

5 1. By April 1 for the following school year, submit an
6 application to an eligible nonprofit scholarship-funding
7 organization and, if the student does not already have an active
8 individual educational plan, request an annual educational
9 evaluation from the school district in which the student
10 resides; and

11 2. Obtain an individual educational plan in accordance
12 with subsection (7).

13 (b) To maintain eligibility in the Florida Personal
14 Learning Scholarship Account Program, the parent of an eligible

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15 student must:

16 1. Register the student's participation in the program
17 with the school district in which the student resides and
18 release the school district from all obligations to educate the
19 student.

20 2. Participate in the initial development of the
21 individual educational plan and the annual review of the plan
22 under subsection (7).

23 3. Submit eligible expenses to the nonprofit scholarship-
24 funding organization designated by the parent for reimbursement
25 of qualifying expenditures. Reimbursement requests must be
26 supported by documentation of services rendered, such as
27 receipts or invoices, and accompanied by an affidavit signed by
28 the parent certifying his or her compliance with the
29 requirements of this section. Eligible expenses include:

30 a. Specialized instructional services by an approved
31 provider.

32 b. Tuition and fees for instructional services from an
33 eligible private school under s. 1002.39(8) or s. 1002.395(8).

34 c. Private tutoring pursuant to s. 1002.43.

35 d. Tuition and fees for enrollment in a virtual education
36 program provided by an approved virtual education provider
37 pursuant to s. 1002.37 or s. 1002.45 or in an approved online
38 course offered pursuant to s. 1003.499 or s. 1004.0961.

39 e. Curriculum.

40 f. Costs incurred to comply with the annual educational

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41 evaluation required in this paragraph.

42 g. The fee authorized by paragraph (5) (a).

43 h. Services such as applied behavior analysis as defined
44 in s. 627.6686, speech-language pathology as defined in s.
45 468.1125, occupational therapy as defined in s. 468.203, and
46 physical therapy as defined in s. 486.021.

47 i. An advanced payment contract purchased through the
48 Stanley G. Tate Florida Prepaid College Program for the benefit
49 of the eligible student.

50 4. Maintain a portfolio of records and materials that
51 consists of:

52 a. A log of educational instruction and services that is
53 made contemporaneously with delivery of the instruction and
54 services and that designates by title any reading materials
55 used.

56 b. Samples of writings, worksheets, workbooks, or creative
57 materials used or developed by the student.

58
59 The portfolio must be preserved by the parent for 2 years and
60 made available for inspection by the district school
61 superintendent, or his or her designee, upon 15 days' written
62 notice. This subparagraph does not require the district school
63 superintendent to inspect the portfolio.

64 5. Provide for an annual educational evaluation which
65 documents the student's demonstration of educational progress at
66 a level commensurate with his or her ability, which may include:

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67 a. Evaluation of the student's work portfolio by a
68 certified teacher selected by the parent;

69 b. Any nationally normed student achievement test
70 administered by a certified teacher;

71 c. A statewide, standardized assessment administered by a
72 certified teacher, at a location and under testing conditions
73 approved by the school district;

74 d. Evaluation by an individual holding a valid, active
75 license pursuant to the provisions of s. 490.003(7) or (8); or

76 e. Any other valid measurement tool mutually agreed upon
77 by the school superintendent of the district in which the
78 student resides and the student's parent.

79 (c) The district school superintendent must review and
80 accept the results of the annual educational evaluation of a
81 participating student. If the student does not demonstrate
82 educational progress at a level commensurate with his or her
83 ability, the district school superintendent must notify the
84 parent, in writing, that such progress has not been achieved. If
85 the student remains eligible for a Florida Personal Learning
86 Scholarship Account, the parent has 1 year after the date of
87 receipt of the written notification to provide remedial
88 instruction to the student. At the end of the 1-year
89 probationary period, the student must be reevaluated pursuant to
90 subparagraph (b)5. Continued participation in the Florida
91 Personal Learning Scholarship Account Program is contingent upon
92 the student's demonstrating educational progress commensurate

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93 with his or her ability at the end of the probationary period.

94 (d) The parent is responsible for procuring the services
95 necessary to educate the student. Once the student receives a
96 Florida Personal Learning Scholarship Account, the district
97 school board is not obligated to provide the student with a free
98 appropriate public education. For purposes of s. 1003.57 and the
99 Individuals with Disabilities Education Act, a participating
100 student has only those rights that apply to all other
101 unilaterally parentally placed students, except that, when
102 requested by the parent, school district personnel must develop
103 an individual educational plan in accordance with subsection
104 (7).

105 (e) The parent is responsible for the payment of all
106 eligible expenses in excess of the amount in the Florida
107 Personal Learning Scholarship Account in accordance with the
108 terms agreed to between the parent and the providers and may not
109 receive any refund or rebate of any expenditures made in
110 accordance with subparagraph (b)3.

111 (f) A student is eligible for only one Florida Personal
112 Learning Scholarship Account and may not receive a scholarship
113 under part III of this chapter.

114 (5) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
115 ORGANIZATIONS.—A nonprofit scholarship-funding organization
116 participating in the Florida Tax Credit Scholarship Program
117 under s. 1002.395 may establish Florida Personal Learning
118 Scholarship Accounts for eligible students. An eligible

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119 nonprofit scholarship-funding organization must:

120 (a) Receive applications and determine student eligibility
121 in accordance with the requirements of this section. Once an
122 application is approved, the nonprofit scholarship-funding
123 organization must provide the department with information on the
124 student to enable the school district to report the student for
125 funding in accordance with subsection (8). A nonprofit
126 scholarship-funding organization may charge the parent of an
127 eligible student up to a \$25 fee to establish the Florida
128 Personal Learning Scholarship Account but may not receive any
129 other fees.

130 (b) Establish and maintain separate accounts for each
131 eligible student.

132 (c) Verify qualifying expenditures before receipt of the
133 quarterly distribution by the department.

134 (d) Return any unused funds to the department when a
135 student is no longer eligible for a Florida Personal Learning
136 Scholarship Account.

137 (e) Provide to the Auditor General and the department an
138 annual financial and compliance audit of its accounts and
139 records conducted by an independent certified public accountant
140 in accordance with rules adopted by the Auditor General. The
141 audit must be conducted in compliance with generally accepted
142 auditing standards and must include a report on financial
143 statements presented in accordance with generally accepted
144 accounting principles set forth by the American Institute of

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145 Certified Public Accountants for not-for-profit organizations
146 and a determination of compliance with the requirements provided
147 in this section. Audits must be provided to the Auditor General
148 and the Department of Education within 180 days after completion
149 of the nonprofit scholarship-funding organization's fiscal year.
150 If a nonprofit scholarship-funding organization does not submit
151 an annual audit, the Auditor General shall conduct the audit
152 required by this paragraph.

153 (f) Prepare and submit quarterly reports to the department
154 pursuant to paragraph (6) (f). In addition, a nonprofit
155 scholarship-funding organization must submit in a timely manner
156 any information requested by the department relating to the
157 Florida Personal Learning Scholarship Account Program.

158 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
159 must:

160 (a) Maintain a list of approved providers.

161 (b) Require each eligible nonprofit scholarship-funding
162 organization to verify eligible expenditures as provided in
163 subparagraph (4) (b) 3. before reimbursement.

164 (c) Investigate any written complaint of a violation of
165 this section in accordance with the process established by s.
166 1002.395(9) (f) .

167 (d) Notify an eligible nonprofit scholarship-funding
168 organization of any of the organization's identified students
169 who are receiving educational scholarships pursuant to part III
170 of this chapter.

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171 (e) Notify an eligible nonprofit scholarship-funding
172 organization of any of the organization's identified students
173 who have established a Florida Personal Learning Scholarship
174 Account with another eligible nonprofit scholarship-funding
175 organization or who have been reported for funding by a school
176 district or the Florida Virtual School.

177 (f) Require quarterly reports by an eligible nonprofit
178 scholarship-funding organization regarding the number of
179 students participating in the program, the providers of services
180 to students, and other information deemed necessary by the
181 department.

182 (g) Establish an annual enrollment period and a process in
183 which a parent may apply to enroll his or her child in the
184 program. The enrollment period shall end no later than April 1
185 for applications for the following school year.

186 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.-

187 (a) Upon the request of a parent, the school district in
188 which the student resides shall conduct an initial evaluation of
189 a student in accordance with s. 1003.57. If a determination is
190 made that the student has a disability and needs special
191 education and related services, an individual educational plan
192 must be developed.

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