

By Senator Gaetz

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1 A bill to be entitled
2 An act relating to students with disabilities;
3 amending s. 1002.385, F.S.; revising definitions;
4 revising scholarship application deadlines and
5 guidelines; requiring authorized program funds to
6 support the student's educational needs; requiring the
7 Florida Prepaid College Board to create certain
8 procedures; authorizing part-time private tutoring
9 services by persons meeting certain requirements;
10 clarifying and expanding responsibilities of the
11 Department of Education; revising the conditions under
12 which a student's personal learning scholarship
13 account must be closed; revising the responsibilities
14 for school districts; revising private school
15 eligibility requirements; revising responsibilities
16 for parents and students who participate in the
17 program; requiring a parent to affirm program funds
18 are only used for authorized purposes that serve the
19 student's educational needs; revising responsibilities
20 of eligible nonprofit scholarship-funding
21 organizations pertaining to the administration of
22 personal learning scholarship accounts; revising the
23 wait list and priority of approving renewal and new
24 applications; revising the notice requirement of an
25 organization; authorizing accrued interest to be used
26 for authorized expenditures; requiring accrued
27 interest to be reverted as a part of reverted
28 scholarship funds; revising taxable income
29 requirements; removing obsolete audit requirements;

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30 requiring the Auditor General to provide a copy of
31 each annual operational audit performed to the
32 Commissioner of Education within a specified
33 timeframe; correcting cross-references; providing
34 future repeal of provisions pertaining to an
35 implementation schedule of notification and
36 eligibility timelines; amending s. 1009.98, F.S.;
37 authorizing a prepaid college plan to be purchased,
38 accounted for, used, and terminated under certain
39 circumstances; specifying State Board of Education
40 rulemaking requirements; requiring the department to
41 make rules; outlining specific rulemaking requirements
42 of the Department of Education; providing an effective
43 date.

44
45 Be It Enacted by the Legislature of the State of Florida:

46
47 Section 1. Section 1002.385, Florida Statutes, is amended
48 to read:

49 1002.385 Florida personal learning scholarship accounts.—

50 (1) ESTABLISHMENT OF PROGRAM.—The Florida Personal Learning
51 Scholarship Accounts Program is established to provide the
52 option for a parent to better meet the individual educational
53 needs of his or her eligible child.

54 (2) DEFINITIONS.—As used in this section, the term:

55 (a) "Approved provider" means a provider approved by the
56 Agency for Persons with Disabilities, a health care practitioner
57 as defined in s. 456.001(4), or a provider approved by the
58 department pursuant to s. 1002.66. The term also includes

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59 providers outside this state which are subject to similar
60 regulation or approval requirements.

61 (b) "Curriculum" means a complete course of study for a
62 particular content area or grade level, including any required
63 supplemental materials.

64 (c) "Department" means the Department of Education.

65 (d) "Disability" means, for a student in kindergarten to
66 grade 12, autism spectrum disorder, as defined in the Diagnostic
67 and Statistical Manual of Mental Disorders, Fifth Edition, ~~as~~
68 ~~defined in s. 393.063(3);~~ cerebral palsy, as defined in s.
69 393.063(4); Down syndrome, as defined in s. 393.063(13); an
70 intellectual disability, as defined in s. 393.063(21); Prader-
71 Willi syndrome, as defined in s. 393.063(25); or spina bifida,
72 as defined in s. 393.063(36); for a student in kindergarten,
73 being a high-risk child, as defined in s. 393.063(20)(a); and
74 Williams syndrome.

75 (e) "Eligible nonprofit scholarship-funding organization"
76 or "organization" means a nonprofit scholarship-funding
77 organization that is approved by the department to participate
78 in the Florida Tax Credit Scholarship Program pursuant to s.
79 1002.395(2)(f). The organization must have a copy of its annual
80 operational audit provided to the Commissioner of Education as
81 required by this section ~~has the same meaning as in s. 1002.395.~~

82 (f) "Eligible postsecondary educational institution" means
83 a Florida College System institution; ; a state university; ; a
84 school district technical center; ; a school district adult
85 general education center; an independent college or university
86 that is eligible to participate in the William L. Boyd, IV,
87 Florida Resident Access Grant Program under s. 1009.89; or an

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88 accredited independent ~~nonpublic~~ postsecondary educational
89 institution, as defined in s. 1005.02, which is licensed to
90 operate in the state pursuant to requirements specified in part
91 III of chapter 1005.

92 (g) "Eligible private school" means a private school, as
93 defined in s. 1002.01, which is located in this state, which
94 offers an education to students in any grade from kindergarten
95 to grade 12, and which meets the requirements of:

- 96 1. Sections 1002.42 and 1002.421; and
97 2. A scholarship program under s. 1002.39 or s. 1002.395,
98 ~~as applicable, if the private school participates in a~~
99 ~~scholarship program under s. 1002.39 or s. 1002.395.~~

100 (h) "IEP" means individual education plan.

101 (i) "Parent" means a resident of this state who is a
102 parent, as defined in s. 1000.21.

103 (j) "Program" means the Florida Personal Learning
104 Scholarship Accounts Program established in this section.

105 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
106 disability may request and receive from the state a Florida
107 personal learning scholarship account for the purposes specified
108 in subsection (5) if:

- 109 (a) The student:
- 110 1. Is a resident of this state;
 - 111 2. Is eligible to enroll in kindergarten through grade 12
112 in a public school in this state;
 - 113 3. Has a disability as defined in paragraph (2) (d); and
 - 114 4. Is the subject of an IEP written in accordance with
115 rules of the State Board of Education or has received a
116 diagnosis of a disability ~~as defined in subsection (2)~~ from a

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117 physician who is licensed under chapter 458 or chapter 459 or a
118 psychologist who is licensed under chapter 490 ~~in this state~~.

119 (b) Beginning January 2015, and each year thereafter, the
120 following application deadlines and guidelines are met:

121 1. The parent of a student seeking program renewal must
122 submit a completed application to an organization for renewal by
123 February 1 before the school year in which the student wishes to
124 participate.

125 2. The parent of a student seeking initial approval to
126 participate in the program must submit a completed application
127 to an organization by June 30 before the school year in which
128 the student wishes to participate.

129 3. The parent of a student seeking approval to participate
130 in the program who does not comply with the requirements of
131 subparagraph 1. or subparagraph 2. may late-file a completed
132 application by August 15 before the school year in which the
133 student wishes to participate.

134 4. A parent must submit final verification to the
135 organization before the organization opens a personal learning
136 scholarship account for the student. The final verification must
137 consist of only the following items that apply to the student:

138 a. A completed withdrawal form from the school district if
139 the student was enrolled in a public school before the
140 determination of program eligibility;

141 b. A letter of admission or enrollment from an eligible
142 private school for the school year in which the student wishes
143 to participate;

144 c. A copy of the notice of the parent's intent to establish
145 and maintain a home education program required by s.

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146 1002.41(1)(a), or a copy of the district school superintendent's
 147 review of the annual educational evaluation of the student in a
 148 home education program required by s. 1002.41(2); or

149 d. A copy of notification from a private school that the
 150 student has withdrawn from the John M. McKay Scholarships for
 151 Students with Disabilities Program or the Florida Tax Credit
 152 Scholarship Program.

153 5. A parent's completed application and final verification
 154 submitted pursuant to this paragraph ~~the parent has applied to~~
 155 ~~an eligible nonprofit scholarship-funding organization to~~
 156 ~~participate in the program by February 1 before the school year~~
 157 ~~in which the student will participate or an alternative date as~~
 158 ~~set by the organization for any vacant, funded slots. The~~
 159 ~~request~~ must be communicated directly to the organization in a
 160 manner that creates a written or electronic record including ~~of~~
 161 ~~the request~~ and the date of receipt ~~of the request~~. The
 162 organization shall notify the district and the department of the
 163 parent's intent upon receipt of the parent's completed
 164 application and final verification ~~request~~. The completed
 165 application must include, but is not limited to, an application;
 166 required documentation and forms; an initial or revised matrix
 167 of services, if requested; and any additional information or
 168 documentation required by the organization or by State Board of
 169 Education rule.

170 (4) PROGRAM PROHIBITIONS.—

171 (a) A student is not eligible for the program while he or
 172 she is:

173 1. Enrolled in a public school, including, but not limited
 174 to, the Florida School for the Deaf and the Blind; the Florida

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175 Virtual School; the College-Preparatory Boarding Academy; a
176 developmental research school authorized under s. 1002.32; a
177 charter school authorized under s. 1002.33, s. 1002.331, or s.
178 1002.332; or a virtual education program authorized under s.
179 1002.45;

180 2. Enrolled in a school operating for the purpose of
181 providing educational services to youth in the Department of
182 Juvenile Justice commitment programs;

183 3. Receiving a scholarship pursuant to the Florida Tax
184 Credit Scholarship Program under s. 1002.395 or the John M.
185 McKay Scholarships for Students with Disabilities Program under
186 s. 1002.39; or

187 4. Receiving any other educational scholarship pursuant to
188 this chapter.

189 (b) A student is not eligible for the program if:

190 1. The student or student's parent has accepted any
191 payment, refund, or rebate, in any manner, from a provider of
192 any services received pursuant to subsection (5);

193 2. The student's participation in the program, or receipt
194 or expenditure of program funds, has been denied or revoked by
195 the commissioner ~~of Education pursuant to subsection (10); or~~

196 3. The student's parent has forfeited participation in the
197 program for failure to comply with requirements pursuant to
198 subsection (11); or

199 4. The student's application for program eligibility has
200 been denied by an organization.

201 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds may be
202 spent if used to support the student's educational needs, for
203 the following purposes:

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204 (a) Instructional materials, including digital devices,
205 digital periphery devices, and assistive technology devices that
206 allow a student to access instruction or instructional content.

207 (b) Curriculum as defined in paragraph (2) (b).

208 (c) Specialized services by approved providers which have
209 been approved by a physician licensed under chapter 458 or
210 chapter 459 and ~~that are~~ selected by the parent. These
211 specialized services may include, but are not limited to:

212 1. Applied behavior analysis services as provided in ss.
213 627.6686 and 641.31098.

214 2. Services provided by speech-language pathologists as
215 defined in s. 468.1125.

216 3. Occupational therapy services as defined in s. 468.203.

217 4. Services provided by physical therapists as defined in
218 s. 486.021.

219 5. Services provided by listening and spoken language
220 specialists and an appropriate acoustical environment for a
221 child who is deaf or hard of hearing and who has received an
222 implant or assistive hearing device.

223
224 Specialized services outside this state are authorized under
225 this paragraph if the services are subject to similar regulation
226 or approval requirements.

227 (d) Enrollment in, or tuition or fees associated with
228 enrollment in, an eligible private school, an eligible
229 postsecondary educational institution or a program offered by
230 the institution, a private tutoring program authorized under s.
231 1002.43, a virtual program offered by a department-approved
232 private online provider that meets the provider qualifications

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233 specified in s. 1002.45(2)(a), the Florida Virtual School as a
234 private paying student, or an approved online course offered
235 pursuant to s. 1003.499 or s. 1004.0961.

236 (e) Fees for nationally standardized, norm-referenced
237 achievement tests, Advanced Placement Examinations, industry
238 certification examinations, assessments related to postsecondary
239 education, or other assessments.

240 (f) Contributions to the Stanley G. Tate Florida Prepaid
241 College Program pursuant to s. 1009.98, for the benefit of the
242 eligible student. The Florida Prepaid College Board shall, by
243 July 1, 2015, create procedures to allow program funds to be
244 used in conjunction with other funds used by the parent in the
245 purchase of a prepaid college plan; require program funds to be
246 tracked and accounted for separately from other funds
247 contributed to a prepaid plan; require program funds and
248 associated interest to be reverted as specified in this section;
249 and require program funds to be used only after private payments
250 have been used for prepaid college plan expenditures.

251 (g) Contracted services provided by a public school or
252 school district, including classes. A student who receives
253 services under a contract under this paragraph is not considered
254 enrolled in a public school for eligibility purposes as
255 specified in subsection (4).

256 (h) Tuition and fees for part-time tutoring services
257 provided by a person who holds a valid Florida educator's
258 certificate pursuant to s. 1012.56; a person who holds an
259 adjunct teaching certificate pursuant to s. 1012.57; or a person
260 who has demonstrated a mastery of subject area knowledge
261 pursuant to 1012.56(5). The term "part-time tutoring services"

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262 as used in this paragraph does not meet the definition of the
263 term "regular school attendance" in s. 1003.01(13)(e).

264

265 A specialized service provider, eligible private school,
266 eligible postsecondary educational institution, private tutoring
267 program provider, online or virtual program provider, public
268 school, school district, or other entity receiving payments
269 pursuant to this subsection may not share, refund, or rebate any
270 moneys from the Florida personal learning scholarship account
271 with the parent or participating student in any manner.

272 (6) TERM OF THE PROGRAM.—For purposes of continuity of
273 educational choice and program integrity:

274 (a) The program payments made by the state to an
275 organization for a personal learning scholarship account under
276 this section shall continue remain in force until the parent
277 does not renew program eligibility; the organization determines
278 a student is not eligible for program renewal; the commissioner
279 denies, suspends, or revokes program participation or use of
280 funds; or a student enrolls in participating in the program
281 participates in any of the prohibited activities specified in
282 subsection (4), has funds revoked by the Commissioner of
283 Education pursuant to subsection (10), returns to a public
284 school, graduates from high school, or attains 22 years of age,
285 whichever occurs first. A participating student who enrolls in a
286 public school or public school program is considered to have
287 returned to a public school for the purpose of determining the
288 end of the program's term.

289 (b) Program expenditures by the parent from the program
290 account are authorized until a student's personal learning

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291 scholarship account is closed pursuant to paragraph (c).

292 (c) A student's personal learning scholarship account shall
293 be closed, and any remaining funds, including accrued interest
294 or contributions made using program funds pursuant to paragraph
295 (5) (f), shall revert to the state upon:

296 1. The eligible student no longer being enrolled in an
297 eligible postsecondary educational institution;

298 2. Denial or revocation of program eligibility by the
299 commissioner;

300 3. Denial of program application by an organization; or

301 4. After any period of 4 consecutive years after high
302 school completion or graduation in which the student is not
303 enrolled in an eligible postsecondary educational institution or
304 a program offered by the institution.

305
306 The commissioner must notify the parent and organization of any
307 reversion determination.

308 (7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

309 (a)1. For a student with a disability who does not have a
310 matrix of services under s. 1011.62(1)(e), or who wants a
311 revised matrix of services, and for whom the parent requests a
312 new or revised matrix of services, the school district must
313 complete a matrix that assigns the student to one of the levels
314 of service as they existed before the 2000-2001 school year.

315 2.a. Within 10 calendar ~~school~~ days after a school district
316 receives notification of a parent's request for completion of a
317 matrix of services, the school district must notify the
318 student's parent if the matrix of services has not been
319 completed and inform the parent that the district is required to

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320 complete the matrix within 30 days after receiving notice of the
321 parent's request for the matrix of services. This notice must
322 include the required completion date for the matrix.

323 b. The school district shall complete the matrix of
324 services for a student whose parent has made a request. The
325 school district must provide the student's parent, the
326 organization, and the department with the student's matrix level
327 within 10 calendar ~~school~~ days after its completion.

328 c. The department shall notify the parent and the ~~eligible~~
329 ~~nonprofit scholarship-funding~~ organization of the amount of the
330 funds awarded within 10 days after receiving the school
331 district's notification of the student's matrix level.

332 d. A school district may change a matrix of services only
333 if the change is to correct a technical, typographical, or
334 calculation error, except that a parent may annually request a
335 matrix reevaluation for each student participating in the
336 program pursuant to paragraph (12) (h).

337 (b) For each student participating in the program who
338 chooses to participate in statewide, standardized assessments
339 under s. 1008.22 or the Florida Alternate Assessment, the school
340 district in which the student resides must notify the student
341 and his or her parent about the locations and times to take all
342 statewide, standardized assessments.

343 ~~(c) For each student participating in the program, a school~~
344 ~~district shall notify the parent about the availability of a~~
345 ~~reevaluation at least every 3 years.~~

346 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An eligible
347 private school may be sectarian or nonsectarian and shall:

348 (a) Comply with all requirements for private schools

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349 participating in state school choice scholarship programs
350 pursuant to s. 1002.421. To participate in the program, a
351 private school must submit to the department a notification for
352 eligibility to participate in its application for the John M.
353 McKay Scholarships for Students with Disabilities and Florida
354 Tax Credit Scholarship programs identified in ss. 1002.39 and
355 1002.395.

356 (b) Provide to the department and ~~eligible nonprofit~~
357 ~~scholarship-funding~~ organization, upon request, all
358 documentation required for the student's participation,
359 including the private school's and student's fee schedules.

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

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

364 2. Annually administering or making provision for students
365 participating in the program in grades 3 through 10 to take one
366 of the nationally norm-referenced tests identified by the State
367 Board ~~Department~~ of Education or the statewide assessments
368 pursuant to s. 1008.22. Students with disabilities for whom
369 standardized testing is not appropriate are exempt from this
370 requirement. A participating private school shall report a
371 student's scores to the parent.

372 3. Cooperating with the scholarship student whose parent
373 chooses to have the student participate in the statewide
374 assessments pursuant to s. 1008.22 or, if a private school
375 chooses to offer the statewide assessments, administering the
376 assessments at the school.

377 a. A participating private school may choose to offer and

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378 administer the statewide assessments to all students who attend
379 the private school in grades 3 through 10.

380 b. A participating private school shall submit a request in
381 writing to the Department of Education by March 1 of each year
382 in order to administer the statewide assessments in the
383 subsequent school year.

384 (d) Employ or contract with teachers who have regular and
385 direct contact with each student receiving a scholarship under
386 this section at the school's physical location.

387 (e) Annually contract with an independent certified public
388 accountant to perform the agreed-upon procedures developed under
389 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the
390 results if the private school receives more than \$250,000 in
391 funds from scholarships awarded under this section in the 2014-
392 2015 state fiscal year or a state fiscal year thereafter. A
393 private school subject to this paragraph must submit the report
394 by September 15, 2015, and annually thereafter to the
395 ~~scholarship-funding~~ 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 inability of a private school to meet the requirements of
402 this subsection constitutes a basis for the ineligibility of the
403 private school to participate in the program as determined by
404 the commissioner ~~department~~.

405 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
406 shall:

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407 (a) Maintain a list of approved providers pursuant to s.
408 1002.66, and eligible postsecondary educational institutions,
409 eligible private schools, and organizations on its website. The
410 department may identify or provide links to lists of other
411 approved providers on its website.

412 (b) Require each ~~eligible nonprofit scholarship funding~~
413 organization to preapprove ~~verify eligible~~ expenditures to be
414 ~~before the distribution of funds for any expenditures made~~
415 pursuant to paragraphs (5) (a) and (b). Review of expenditures
416 made for services in paragraphs (5) (c) - (h) must ~~(5) (c) - (g) may~~
417 be completed after the purchase ~~payment~~ has been made.

418 (c) Investigate any written complaint of a violation of
419 this section by a parent, student, private school, public school
420 or school district, organization, provider, or other appropriate
421 party in accordance with the process established by s.
422 1002.395 (9) (f).

423 (d) Require annually by December 1 ~~quarterly~~ reports by an
424 ~~eligible nonprofit scholarship funding~~ organization, which must
425 include, but need not be limited to, regarding the number of
426 students participating in the program, demographics of program
427 participants, disability category, matrix level of services,
428 award amount per student, total expenditures for the categories
429 in subsection (5), and the types of providers of services to
430 ~~students, and other information deemed necessary by the~~
431 ~~department.~~

432 (e) Compare the list of students participating in the
433 program with the public school student enrollment lists and the
434 list of students participating in school choice scholarship
435 programs established pursuant to this chapter, throughout the

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436 school year, before each program payment to avoid duplicate
437 payments and confirm program eligibility.

438 (10) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

439 (a) The Commissioner of Education:

440 1. Shall deny, suspend, or revoke a student's participation
441 in the program if the health, safety, or welfare of the student
442 is threatened or fraud is suspected.

443 2. Shall deny, suspend, or revoke an authorized use of
444 program funds if the health, safety, or welfare of the student
445 is threatened or fraud is suspected.

446 3. May ~~deny, suspend, or revoke~~ an authorized use of
447 program funds for material failure to comply with this section
448 and applicable State Board of Education ~~department~~ rules if the
449 noncompliance is correctable within a reasonable period of time.
450 Otherwise, the commissioner shall ~~deny, suspend, or revoke an~~
451 authorized use for failure to materially comply with the law and
452 rules adopted under this section.

453 4. Shall require compliance by the appropriate party by a
454 date certain for all nonmaterial failures to comply with this
455 section and applicable State Board of Education ~~department~~
456 rules.

457 5. Notwithstanding the other provisions of this section,
458 the commissioner may deny, suspend, or revoke program
459 participation or use of program funds by the student; or
460 participation or eligibility of an organization, eligible
461 private school, eligible postsecondary educational institution,
462 approved provider, or other appropriate party for a violation of
463 this section. The commissioner may determine the length of, and
464 conditions for lifting, the suspension or revocation specified

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465 in this paragraph. The length of suspension or revocation may
466 not exceed 5 years, except for instances of fraud, in which case
467 the length of suspension or revocation may not exceed 10 years.
468 The commissioner may employ mechanisms allowed by law to recover
469 unexpended program funds or withhold payment of an equal amount
470 of program funds to recover program funds that were not
471 authorized for use under this section thereafter.

472 6. Shall deny or terminate program participation upon a
473 parent's forfeiture of a personal learning scholarship account
474 pursuant to subsection (11).

475 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
476 lift a suspension or revocation, in accordance with this
477 subsection, the commissioner may consider factors that include,
478 but are not limited to, acts or omissions that ~~by a~~
479 ~~participating entity which~~ led to a previous denial, suspension,
480 or revocation of participation in a state or federal program or
481 an education scholarship program; failure to reimburse the
482 ~~eligible nonprofit scholarship funding~~ organization for ~~program~~
483 funds improperly received or retained ~~by the entity;~~ failure to
484 reimburse government funds improperly received or retained;
485 imposition of a prior criminal sanction related to the person or
486 entity or its officers or employees; imposition of a civil fine
487 or administrative fine, license revocation or suspension, or
488 program eligibility suspension, termination, or revocation
489 related to a person's or ~~an~~ entity's management or operation; or
490 other types of criminal proceedings in which the person or the
491 entity or its officers or employees were found guilty of,
492 regardless of adjudication, or entered a plea of nolo contendere
493 or guilty to, any offense involving fraud, deceit, dishonesty,

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494 or moral turpitude.

495 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 496 PARTICIPATION.—A parent who applies for program participation
 497 under this section is exercising his or her parental option to
 498 determine the appropriate placement or the services that best
 499 meet the needs of his or her child. The scholarship award for a
 500 student is based on a matrix that assigns the student to support
 501 Level III services. If a parent chooses to request and receive
 502 an IEP and a matrix of services from the school district, the
 503 amount of the payment shall be adjusted as needed, when the
 504 school district completes the matrix.

505 (a) To satisfy or maintain program eligibility, including,
 506 but not limited to, eligibility to receive program payments and
 507 expend program payments ~~enroll an eligible student in the~~
 508 ~~program,~~ the parent must sign an agreement with the eligible
 509 ~~nonprofit scholarship-funding~~ organization and annually submit a
 510 notarized, sworn compliance statement to the organization to:

511 1. Affirm that the student is enrolled in a program that
 512 meets regular school attendance requirements as provided in s.
 513 1003.01(13)(b)-(d).

514 2. Affirm that ~~Use~~ the program funds are used only for
 515 authorized purposes serving the student's educational needs, as
 516 described in subsection (5).

517 3. Affirm that the student takes all appropriate
 518 standardized assessments as specified in this section.

519 a. If the parent enrolls the child in an eligible private
 520 school, the student must take an assessment selected by the
 521 private school pursuant to s. 1002.39 or s. 1002.395(7)(e).

522 b. If the parent enrolls the child in a home education

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523 program, the parent may choose to participate in an assessment
524 as part of the annual evaluation provided for in s.
525 1002.41(1)(c).

526 4. Notify the school district that the student is
527 participating in the program ~~Personal Learning Scholarship~~
528 ~~Accounts~~ if the parent chooses to enroll in a home education
529 program as provided in s. 1002.41.

530 5. File a completed application for initial program
531 participation with an organization ~~Request participation in the~~
532 ~~program~~ by the dates ~~date~~ established pursuant to this section
533 by the eligible nonprofit scholarship funding organization.

534 6. Affirm that the student remains in good standing with
535 the entities identified in paragraph (5)(d), paragraph (5)(g),
536 or paragraph (5)(h) ~~provider or school~~ if those options are
537 selected by the parent.

538 7. Apply for admission of his or her child if the private
539 school option is selected by the parent.

540 8. Annually file a completed application to renew
541 participation in the program if renewal is desired by the
542 parent. Notwithstanding any changes to the student's IEP, a
543 student who was previously eligible for participation in the
544 program shall remain eligible to apply for renewal ~~as provided~~
545 ~~in subsection (6).~~ However, in order for a high-risk child to
546 continue to participate in the program in the school year after
547 he or she reaches 6 years of age, the child's completed
548 application for renewal of program participation must contain
549 documentation that the child has a disability defined in
550 paragraph (2)(d) other than high-risk status.

551 9. Affirm that the parent will not transfer any prepaid

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552 college savings funds contributed pursuant to paragraph (5) (f)
553 to another beneficiary.

554 10. Affirm that the parent will not take possession of any
555 funding provided by the state for the program ~~Florida Personal~~
556 ~~Learning Scholarship Accounts~~.

557 11. Affirm that the parent will maintain a portfolio of
558 records and materials which must be preserved ~~by the parent~~ for
559 2 years and be made available for inspection by the
560 organization, the department, or the district school
561 superintendent or the superintendent's designee upon 15 days'
562 written notice. This paragraph does not require inspection of
563 ~~the superintendent to inspect~~ the portfolio. The portfolio of
564 records and materials must consist of:

565 a. A log of educational instruction and services which is
566 made contemporaneously with delivery of the instruction and
567 services and which designates by title any reading materials
568 used; ~~and~~

569 b. Samples of any writings, worksheets, workbooks, or
570 creative materials used or developed by the student; and

571 c. Other records, documents, or materials required by the
572 organization or specified by the department in rule, to
573 facilitate program implementation.

574 (b) The parent is responsible for procuring the services
575 necessary to educate the student. When the student receives a
576 personal learning scholarship account, the district school board
577 is not obligated to provide the student with a free appropriate
578 public education. For purposes of s. 1003.57 and the Individuals
579 with Disabilities in Education Act, a participating student has
580 only those rights that apply to all other unilaterally

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581 parentally placed students, except that, when requested by the
 582 parent, school district personnel must develop an individual
 583 education plan or matrix level of services.

584 (c) The parent is responsible for ~~the payment of~~ all
 585 eligible expenses in excess of the amount of the personal
 586 learning scholarship account ~~in accordance with the terms agreed~~
 587 ~~to between the parent and the providers.~~

588

589 A parent who fails to comply with this subsection forfeits the
 590 personal learning scholarship account.

591 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
 592 ACCOUNTS.—An ~~eligible nonprofit scholarship funding~~ organization
 593 ~~participating in the Florida Tax Credit Scholarship Program~~
 594 ~~established under s. 1002.395~~ may establish personal learning
 595 scholarship accounts for eligible students, in accordance with
 596 the deadlines established in this section, by:

597 (a) Receiving completed applications and final verification
 598 and determining student eligibility in accordance with the
 599 requirements of this section. For initial program participation,
 600 preference must first be provided to students retained on a wait
 601 list created by the organization in the order that completed
 602 applications are approved ~~The organization shall notify the~~
 603 ~~department of the applicants for the program by March 1 before~~
 604 ~~the school year in which the student intends to participate.~~
 605 When a completed ~~an~~ application and final verification are ~~is~~
 606 received and approved, the ~~scholarship funding~~ organization must
 607 provide the department with information on the student to enable
 608 the department to report the student for funding in an amount
 609 determined in accordance with subsection (13).

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610 (b) Notifying parents of their receipt of a scholarship on
611 a first-come, first-served basis, after approving the completed
612 application and confirming receipt of the parent's final
613 verification, based upon the funds provided for this program in
614 the General Appropriations Act.

615 (c) Establishing a date pursuant to paragraph (3) (b) by
616 which a parent must confirm initial or continuing participation
617 in the program and confirm the establishment or continuance of a
618 personal learning scholarship account.

619 (d) Establishing a date and process pursuant to paragraph
620 (3) (b) by which completed applications may be approved and
621 students on the wait list or late-filing applicants may be
622 allowed to participate in the program during the school year,
623 within the amount of funds provided for this program in the
624 General Appropriations Act. The process must allow timely filed
625 completed applications to take precedence before late-filed
626 completed applications for purposes of creating a wait list for
627 participation in the program.

628 (e) Establishing and maintaining separate accounts for each
629 eligible student. For each account, the organization must
630 maintain a record of interest accrued that is retained in the
631 student's account and available only for authorized program
632 expenditures.

633 (f) Verifying qualifying educational expenditures pursuant
634 to the requirements of subsection (5) ~~paragraph (8) (b)~~.

635 (g) Returning any remaining program ~~unused~~ funds pursuant
636 to paragraph (6) (c) to the department when the student is no
637 longer authorized to expend program funds. The organization may
638 reimburse a parent for authorized program expenditures made

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639 during the fiscal year before funds are deposited in the
640 student's eligible for a personal scholarship learning account.

641 (h) Annually notifying the parent about the availability of
642 and the requirements associated with requesting an initial
643 matrix or matrix reevaluation annually for each student
644 participating in the program.

645 (13) FUNDING AND PAYMENT.—

646 (a)1. The maximum funding amount granted for an eligible
647 student with a disability, pursuant to this section ~~subsection~~
648 ~~(3)~~, shall be equivalent to the base student allocation in the
649 Florida Education Finance Program multiplied by the appropriate
650 cost factor for the educational program which would have been
651 provided for the student in the district school to which he or
652 she would have been assigned, multiplied by the district cost
653 differential.

654 2. In addition, an amount equivalent to a share of the
655 guaranteed allocation for exceptional students in the Florida
656 Education Finance Program shall be determined and added to the
657 amount in subparagraph 1. The calculation shall be based on the
658 methodology and the data used to calculate the guaranteed
659 allocation for exceptional students for each district in chapter
660 2000-166, Laws of Florida. Except as provided in subparagraph
661 3., the calculation shall be based on the student's grade, the
662 matrix level of services, and the difference between the 2000-
663 2001 basic program and the appropriate level of services cost
664 factor, multiplied by the 2000-2001 base student allocation and
665 the 2000-2001 district cost differential for the sending
666 district. The calculated amount must also include an amount
667 equivalent to the per-student share of supplemental academic

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668 instruction funds, instructional materials funds, technology
669 funds, and other categorical funds as provided in the General
670 Appropriations Act.

671 3. Except as otherwise provided, the calculation for all
672 students participating in the program shall be based on the
673 matrix that assigns the student to support Level III of
674 services. If a parent chooses to request and receive a matrix of
675 services from the school district, when the school district
676 completes the matrix, the amount of the payment shall be
677 adjusted as needed.

678 (b) The amount of the awarded funds shall be 90 percent of
679 the calculated amount. One hundred percent of the funds
680 appropriated for this program shall be released in the first
681 quarter of each fiscal year. Accrued interest is in addition to,
682 and not part of, the awarded funds. Program funds include both
683 the awarded funds and the accrued interest.

684 ~~(c) Upon an eligible student's graduation from an eligible~~
685 ~~postsecondary educational institution or after any period of 4~~
686 ~~consecutive years after high school graduation in which the~~
687 ~~student is not enrolled in an eligible postsecondary educational~~
688 ~~institution, the student's personal learning scholarship account~~
689 ~~shall be closed, and any remaining funds shall revert to the~~
690 ~~state.~~

691 (c) ~~(d)~~ The eligible nonprofit scholarship funding
692 organization shall develop a system for payment of benefits by
693 electronic funds transfer, including, but not limited to, debit
694 cards, electronic payment cards, or any other means of
695 electronic payment that the department deems to be commercially
696 viable or cost-effective. Commodities or services related to the

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697 development of such a system shall be procured by competitive
698 solicitation unless they are purchased from a state term
699 contract pursuant to s. 287.056.

700 (d)~~(e)~~ Moneys received pursuant to this section do not
701 constitute taxable income to the student or parent of the
702 qualified student.

703 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

704 (a) The Auditor General shall conduct an annual ~~financial~~
705 ~~and~~ operational audit of accounts and records of each ~~eligible~~
706 ~~scholarship-funding~~ organization that participates in the
707 program. As part of this audit, the Auditor General shall
708 verify, at a minimum, the total amount of students served and
709 eligibility of reimbursements made by each ~~eligible nonprofit~~
710 ~~scholarship-funding~~ organization and transmit that information
711 to the department.

712 (b) The Auditor General shall notify the department of any
713 ~~eligible nonprofit scholarship-funding~~ organization that fails
714 to comply with a request for information.

715 (c) The Auditor General shall provide the Commissioner of
716 Education with a copy of each annual operational audit performed
717 pursuant to this subsection within 10 days after each audit is
718 finalized.

719 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
720 Department of Health, the Agency for Persons with Disabilities,
721 and the Department of Education shall work with an ~~eligible~~
722 ~~nonprofit scholarship-funding~~ organization for easy or automated
723 access to lists of licensed providers of services specified in
724 paragraph (5) (c) to ensure efficient administration of the
725 program.

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726 (16) LIABILITY.—The state is not liable for the award or
727 any use of awarded funds under this section.

728 (17) SCOPE OF AUTHORITY.—This section does not expand the
729 regulatory authority of this state, its officers, or any school
730 district to impose additional regulation on participating
731 private schools, independent ~~nonpublic~~ postsecondary educational
732 institutions, and private providers beyond those reasonably
733 necessary to enforce requirements expressly set forth in this
734 section.

735 (18) RULES.—The State Board of Education shall adopt rules
736 pursuant to ss. 120.536(1) and 120.54 to administer this
737 section.

738 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
739 YEAR.—Notwithstanding the provisions of this section related to
740 notification and eligibility timelines, an ~~eligible nonprofit~~
741 ~~scholarship-funding~~ organization may enroll parents on a rolling
742 schedule on a first-come, first-served basis, within the amount
743 of funds provided in the General Appropriations Act. This
744 subsection is repealed effective July 1, 2015.

745 Section 2. Subsection (11) is added to section 1009.98,
746 Florida Statutes, to read:

747 1009.98 Stanley G. Tate Florida Prepaid College Program.—

748 (11) PROCEDURES.—Notwithstanding any other provision in
749 this section, a prepaid college plan may be purchased, accounted
750 for, used, and terminated as provided in s. 1002.385. The board
751 shall, by July 1, 2015, develop procedures, contracts, and any
752 other required forms or documentation necessary to fully
753 implement this subsection.

754 Section 3. The Department of Education shall promulgate

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755 rules to implement s. 1002.385, Florida Statutes.

756 (1) Such rules must be effective by July 1, 2015, and must
757 include, but need not be limited to:

758 (a) Establishing procedures concerning the student,
759 organization, eligible private school, eligible postsecondary
760 educational institution, or other appropriate party to
761 participate in the program, including approval, suspension, and
762 termination of eligibility;

763 (b) Establishing uniform forms for use by organizations for
764 parents and students;

765 (c) Approving providers pertaining to the Florida K-20
766 Education Code;

767 (d) Incorporating program participation in existing private
768 school scholarship program applications, including, but not
769 limited to, ensuring that the process for obtaining eligibility
770 under s. 1002.385, Florida Statutes, is as administratively
771 convenient as possible for a private school;

772 (e) Establishing a matrix of services calculations and
773 timelines, so that the initial and revised matrix is completed
774 by a school district in time to be included in the completed
775 application;

776 (f) Establishing a deadline for an organization to provide
777 annual notice of the ability for a parent to request an initial
778 or revised matrix of services, which must enable the initial or
779 revised matrix to be included in the completed application;

780 (g) Establishing additional records, documents, or
781 materials a parent must collect and retain in the student's
782 portfolio;

783 (h) Establishing preliminary timelines and procedures that

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784 enable a parent to submit a completed application to the
785 organization, and for the organization to review and approve the
786 completed application; and

787 (i) Defining terms, including, but not limited to, the
788 terms "participating student," "new student," "eligible
789 student," "award letter," "program funds," "associated
790 interest," "program payments," "program expenditures," "initial
791 program participation," "program renewal," "wait list," "timely
792 filed application," and "late-filed application."

793 (2) Such rules should maximize flexibility and ease of
794 program use for the parent and student.

795 Section 4. This act shall take effect upon becoming a law.