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1
2 An act relating to education programs for individuals
3 with disabilities; amending s. 1002.39, F.S.;
4 exempting a foster child from specified eligibility
5 provisions; providing that a student enrolled in a
6 transition-to-work program is eligible for a John M.
7 McKay Scholarship; creating a transition-to-work
8 program for specific students enrolled in the John M.
9 McKay Scholarships for Students with Disabilities
10 Program; providing program requirements; providing
11 participation requirements for schools, students, and
12 businesses; exempting a John M. McKay Scholarship
13 award from a specified funding calculation; amending
14 s. 1002.41, F.S.; authorizing a school district to
15 provide exceptional student education-related services
16 to certain home education program students; requiring
17 reporting and funding through the Florida Education
18 Finance Program; amending s. 1004.935, F.S.; deleting
19 the scheduled termination of the Adults with
20 Disabilities Workforce Education Pilot Program;
21 changing the name of the program to the "Adults with
22 Disabilities Workforce Education Program"; amending s.
23 1007.271, F.S.; requiring a home education secondary
24 student to be responsible for his or her own
25 instructional materials and transportation in order to
26 participate in the dual enrollment program unless the



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27 articulation agreement provides otherwise; requiring a
28 postsecondary institution eligible to participate in
29 the dual enrollment program to enter into a home
30 education articulation agreement; requiring the
31 postsecondary institution to annually complete and
32 submit the agreement to the Department of Education by
33 a specified date; conforming provisions to changes
34 made by the act; requiring a district school board and
35 a Florida College System institution to annually
36 complete and submit to the department by a specified
37 date a dual enrollment articulation agreement with a
38 state university or an eligible independent college or
39 university, as applicable; providing requirements for
40 a private school student to participate in a dual
41 enrollment program; requiring a postsecondary
42 institution to annually complete and submit the
43 articulation agreement to the department by a
44 specified date; requiring specified information to be
45 included in dual enrollment articulation agreements
46 and disseminated to students with disabilities;
47 amending s. 1011.61, F.S.; exempting a John M. McKay
48 Scholarship award from a specified funding calculation
49 for purposes of the Florida Education Finance Program;
50 providing effective dates.

51
52 Be It Enacted by the Legislature of the State of Florida:



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54 Section 1. Subsections (10) through (13) of section
55 1002.39, Florida Statutes, are renumbered as subsections (11)
56 through (14), respectively, paragraph (a) of subsection (2),
57 paragraph (h) of subsection (3), paragraph (b) of subsection
58 (8), and paragraph (a) of present subsection (10) are amended,
59 and a new subsection (10) is added to that section, to read:
60 1002.39 The John M. McKay Scholarships for Students with
61 Disabilities Program.—There is established a program that is
62 separate and distinct from the Opportunity Scholarship Program
63 and is named the John M. McKay Scholarships for Students with
64 Disabilities Program.

65 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
66 student with a disability may request and receive from the state
67 a John M. McKay Scholarship for the child to enroll in and
68 attend a private school in accordance with this section if:
69 (a) The student has:
70 1. Received specialized instructional services under the
71 Voluntary Prekindergarten Education Program pursuant to s.
72 1002.66 during the previous school year and the student has a
73 current individual educational plan developed by the local
74 school board in accordance with rules of the State Board of
75 Education for the John M. McKay Scholarships for Students with
76 Disabilities Program or a 504 accommodation plan has been issued
77 under s. 504 of the Rehabilitation Act of 1973; or
78 2. Spent the prior school year in attendance at a Florida



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79 public school or the Florida School for the Deaf and the Blind.
80 For purposes of this subparagraph, prior school year in
81 attendance means that the student was enrolled and reported by:

82 a. A school district for funding during the preceding
83 October and February Florida Education Finance Program surveys
84 in kindergarten through grade 12, which includes time spent in a
85 Department of Juvenile Justice commitment program if funded
86 under the Florida Education Finance Program;

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

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

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

101 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
102 not eligible for a John M. McKay Scholarship:

103 (h) While he or she is not having regular and direct
104 contact with his or her private school teachers at the school's



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105 | physical location unless he or she is enrolled in the private
 106 | school's transition-to-work program pursuant to subsection (10);
 107 | or

108 | (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—To be
 109 | eligible to participate in the John M. McKay Scholarships for
 110 | Students with Disabilities Program, a private school may be
 111 | sectarian or nonsectarian and must:

112 | (b) Provide to the department all documentation required
 113 | for a student's participation, including the private school's
 114 | and student's fee schedules, at least 30 days before any
 115 | quarterly scholarship payment is made for the student pursuant
 116 | to paragraph (11)(e) ~~(10)(e)~~. A student is not eligible to
 117 | receive a quarterly scholarship payment if the private school
 118 | fails to meet this deadline.

119 |
 120 | The inability of a private school to meet the requirements of
 121 | this subsection shall constitute a basis for the ineligibility
 122 | of the private school to participate in the scholarship program
 123 | as determined by the department.

124 | (10) TRANSITION-TO-WORK PROGRAM.—A student participating
 125 | in the John M. McKay Scholarships for Students with Disabilities
 126 | Program who is at least 17 years, but not older than 22 years,
 127 | of age and who has not received a high school diploma or
 128 | certificate of completion is eligible for enrollment in his or
 129 | her private school's transition-to-work program. A transition-
 130 | to-work program shall consist of academic instruction, work



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- 131 skills training, and a volunteer or paid work experience.
- 132 (a) To offer a transition-to-work program, a participating
133 private school must:
- 134 1. Develop a transition-to-work program plan, which must
135 include a written description of the academic instruction and
136 work skills training students will receive and the goals for
137 students in the program.
- 138 2. Submit the transition-to-work program plan to the
139 Office of Independent Education and Parental Choice.
- 140 3. Develop a personalized transition-to-work program plan
141 for each student enrolled in the program. The student's parent,
142 the student, and the school principal must sign the personalized
143 plan. The personalized plan must be submitted to the Office of
144 Independent Education and Parental Choice upon request by the
145 office.
- 146 4. Provide a release of liability form that must be signed
147 by the student's parent, the student, and a representative of
148 the business offering the volunteer or paid work experience.
- 149 5. Assign a case manager or job coach to visit the
150 student's job site on a weekly basis to observe the student and,
151 if necessary, provide support and guidance to the student.
- 152 6. Provide to the parent and student a quarterly report
153 that documents and explains the student's progress and
154 performance in the program.
- 155 7. Maintain accurate attendance and performance records
156 for the student.



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157 | (b) A student enrolled in a transition-to-work program
158 | must, at a minimum:

159 | 1. Receive 15 instructional hours at the private school's
160 | physical facility, which must include academic instruction and
161 | work skills training.

162 | 2. Participate in 10 hours of work at the student's
163 | volunteer or paid work experience.

164 | (c) To participate in a transition-to-work program, a
165 | business must:

166 | 1. Maintain an accurate record of the student's
167 | performance and hours worked and provide the information to the
168 | private school.

169 | 2. Comply with all state and federal child labor laws.

170 | ~~(11)-(10)~~ JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

171 | (a)1. The maximum scholarship granted for an eligible
172 | student with disabilities shall be equivalent to the base
173 | student allocation in the Florida Education Finance Program
174 | multiplied by the appropriate cost factor for the educational
175 | program that would have been provided for the student in the
176 | district school to which he or she was assigned, multiplied by
177 | the district cost differential.

178 | 2. In addition, a share of the guaranteed allocation for
179 | exceptional students shall be determined and added to the amount
180 | in subparagraph 1. The calculation shall be based on the
181 | methodology and the data used to calculate the guaranteed
182 | allocation for exceptional students for each district in chapter



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183 2000-166, Laws of Florida. Except as provided in subparagraphs
184 3. and 4., the calculation shall be based on the student's
185 grade, matrix level of services, and the difference between the
186 2000-2001 basic program and the appropriate level of services
187 cost factor, multiplied by the 2000-2001 base student allocation
188 and the 2000-2001 district cost differential for the sending
189 district. The calculated amount shall include the per-student
190 share of supplemental academic instruction funds, instructional
191 materials funds, technology funds, and other categorical funds
192 as provided in the General Appropriations Act.

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

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

204 5. The scholarship amount for a student eligible under s.
205 504 of the Rehabilitation Act of 1973 shall be based on the
206 program cost factor the student currently generates through the
207 Florida Education Finance Program.

208 6. The scholarship amount granted for an eligible student



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209 with disabilities is not subject to the maximum value for
210 funding a student under s. 1011.61(4).

211 Section 2. Subsection (9) of section 1002.41, Florida
212 Statutes, is amended, and subsection (10) is added to that
213 section, to read:

214 1002.41 Home education programs.—

215 (9) ~~Home education program students may receive~~ Testing
216 and evaluation services at diagnostic and resource centers shall
217 be available to home education program students, including, but
218 not limited to, student with disabilities, in accordance with
219 the provisions of s. 1006.03.

220 (10) A school district may provide exceptional student
221 education-related services, as defined in State Board of
222 Education rule, to a home education program student with a
223 disability who is eligible for the services and who enrolls in a
224 public school solely for the purpose of receiving those related
225 services. The school district providing the services shall
226 report each student as a full-time equivalent student in the
227 class and in a manner prescribed by the Department of Education,
228 and funding shall be provided through the Florida Education
229 Finance Program pursuant to s. 1011.62.

230 Section 3. Effective June 29, 2016, section 1004.935,
231 Florida Statutes, is amended to read:

232 1004.935 Adults with Disabilities Workforce Education
233 ~~Pilot~~ Program.—

234 (1) The Adults with Disabilities Workforce Education ~~Pilot~~



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235 Program is established in the Department of Education ~~through~~
236 ~~June 30, 2016,~~ in Hardee, DeSoto, Manatee, and Sarasota Counties
237 to provide the option of receiving a scholarship for instruction
238 at private schools for up to 30 students who:

239 (a) Have a disability;

240 (b) Are 22 years of age;

241 (c) Are receiving instruction from an instructor in a
242 private school to meet the high school graduation requirements
243 in s. 1002.3105(5) or s. 1003.4282;

244 (d) Do not have a standard high school diploma or a
245 special high school diploma; and

246 (e) Receive "supported employment services," which means
247 employment that is located or provided in an integrated work
248 setting with earnings paid on a commensurate wage basis and for
249 which continued support is needed for job maintenance.

250
251 As used in this section, the term "student with a disability"
252 includes a student who is documented as having an intellectual
253 disability; a speech impairment; a language impairment; a
254 hearing impairment, including deafness; a visual impairment,
255 including blindness; a dual sensory impairment; an orthopedic
256 impairment; another health impairment; an emotional or
257 behavioral disability; a specific learning disability,
258 including, but not limited to, dyslexia, dyscalculia, or
259 developmental aphasia; a traumatic brain injury; a developmental
260 delay; or autism spectrum disorder.



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261 (2) A student participating in the ~~pilot~~ program may
262 continue to participate in the program until the student
263 graduates from high school or reaches the age of 40 years,
264 whichever occurs first.

265 (3) Supported employment services may be provided at more
266 than one site.

267 (4) The provider of supported employment services must be
268 a nonprofit corporation under s. 501(c)(3) of the Internal
269 Revenue Code which serves Hardee County, DeSoto County, Manatee
270 County, or Sarasota County and must contract with a private
271 school in this state which meets the requirements in subsection
272 (5).

273 (5) A private school that participates in the ~~pilot~~
274 program may be sectarian or nonsectarian and must:

275 (a) Be academically accountable for meeting the
276 educational needs of the student by annually providing to the
277 provider of supported employment services a written explanation
278 of the student's progress.

279 (b) Comply with the antidiscrimination provisions of 42
280 U.S.C. s. 2000d.

281 (c) Meet state and local health and safety laws and codes.

282 (d) Provide to the provider of supported employment
283 services all documentation required for a student's
284 participation, including the private school's and student's fee
285 schedules, at least 30 days before any quarterly scholarship
286 payment is made for the student. A student is not eligible to



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287 receive a quarterly scholarship payment if the private school
288 fails to meet this deadline.

289

290 The inability of a private school to meet the requirements of
291 this subsection constitutes a basis for the ineligibility of the
292 private school to participate in the ~~pilot~~ program.

293 (6) (a) If the student chooses to participate in the ~~pilot~~
294 program and is accepted by the provider of supported employment
295 services, the student must notify the Department of Education of
296 his or her acceptance into the program 60 days before the first
297 scholarship payment and before participating in the ~~pilot~~
298 program in order to be eligible for the scholarship.

299 (b) Upon receipt of a scholarship warrant, the student or
300 parent to whom the warrant is made must restrictively endorse
301 the warrant to the provider of supported employment services for
302 deposit into the account of the provider. The student or parent
303 may not designate any entity or individual associated with the
304 participating provider of supported employment services as the
305 student's or parent's attorney in fact to endorse a scholarship
306 warrant. A participant who fails to comply with this paragraph
307 forfeits the scholarship.

308 (7) Funds for the scholarship shall be provided from the
309 appropriation from the school district's Workforce Development
310 Fund in the General Appropriations Act for students who reside
311 in the Hardee County School District, the DeSoto County School
312 District, the Manatee County School District, or the Sarasota



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313 County School District. ~~During the pilot program,~~ The
314 scholarship amount granted for an eligible student with a
315 disability shall be equal to the cost per unit of a full-time
316 equivalent adult general education student, multiplied by the
317 adult general education funding factor, and multiplied by the
318 district cost differential pursuant to the formula required by
319 s. 1011.80(6)(a) for the district in which the student resides.

320 (8) Upon notification by the Department of Education that
321 it has received the required documentation, the Chief Financial
322 Officer shall make scholarship payments in four equal amounts no
323 later than September 1, November 1, February 1, and April 1 of
324 each academic year in which the scholarship is in force. The
325 initial payment shall be made after the Department of Education
326 verifies that the student was accepted into the ~~pilot~~ program,
327 and subsequent payments shall be made upon verification of
328 continued participation in the ~~pilot~~ program. Payment must be by
329 individual warrant made payable to the student or parent and
330 mailed by the Department of Education to the provider of
331 supported employment services, and the student or parent shall
332 restrictively endorse the warrant to the provider of supported
333 employment services for deposit into the account of that
334 provider.

335 (9) Subsequent to each scholarship payment, the Department
336 of Education shall request from the Department of Financial
337 Services a sample of endorsed warrants to review and confirm
338 compliance with endorsement requirements.



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339 Section 4. Subsections (13), (22), (23), and (24) of
340 section 1007.271, Florida Statutes, are amended, and subsection
341 (25) is added to the section, to read:

342 1007.271 Dual enrollment programs.—

343 (13) (a) The dual enrollment program for a home education
344 student, including, but not limited to, students with
345 disabilities, consists of the enrollment of an eligible home
346 education secondary student in a postsecondary course creditable
347 toward an associate degree, a career certificate, or a
348 baccalaureate degree. To participate in the dual enrollment
349 program, an eligible home education secondary student must:

350 1. Provide proof of enrollment in a home education program
351 pursuant to s. 1002.41.

352 2. Be responsible for his or her own instructional
353 materials and transportation unless provided for in the
354 articulation agreement ~~otherwise~~.

355 3. Sign a home education articulation agreement pursuant
356 to paragraph (b).

357 (b) Each postsecondary institution eligible to participate
358 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
359 ~~shall~~ enter into a home education articulation agreement with
360 each home education student seeking enrollment in a dual
361 enrollment course and the student's parent. By August 1 of each
362 year, the eligible postsecondary institution shall complete and
363 submit the home education articulation agreement to the
364 Department of Education. The home education articulation



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365 | agreement must ~~shall~~ include, at a minimum:

366 | 1. A delineation of courses and programs available to
367 | dually enrolled home education students. Courses and programs
368 | may be added, revised, or deleted at any time by the
369 | postsecondary institution.

370 | 2. The initial and continued eligibility requirements for
371 | home education student participation, not to exceed those
372 | required of other dually enrolled students.

373 | 3. The student's responsibilities for providing his or her
374 | own instructional materials and transportation.

375 | 4. A copy of the statement on transfer guarantees
376 | developed by the Department of Education under subsection (15).

377 | (22) The Department of Education shall develop an
378 | electronic submission system for dual enrollment articulation
379 | agreements and shall review, for compliance, each dual
380 | enrollment articulation agreement submitted pursuant to
381 | subsections (13), ~~subsection~~ (21), and (24). The Commissioner of
382 | Education shall notify the district school superintendent and
383 | the Florida College System institution president if the dual
384 | enrollment articulation agreement does not comply with statutory
385 | requirements and shall submit any dual enrollment articulation
386 | agreement with unresolved issues of noncompliance to the State
387 | Board of Education.

388 | (23) District school boards and Florida College System
389 | institutions may enter into additional dual enrollment
390 | articulation agreements with state universities for the purposes



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391 of this section. School districts may also enter into dual
392 enrollment articulation agreements with eligible independent
393 colleges and universities pursuant to s. 1011.62(1)(i). By
394 August 1 of each year, the district school board and the Florida
395 College System institution shall complete and submit the dual
396 enrollment articulation agreement with the state university or
397 an eligible independent college or university, as applicable, to
398 the Department of Education.

399 (24) (a) The dual enrollment program for a private school
400 student consists of the enrollment of an eligible private school
401 student in a postsecondary course creditable toward an associate
402 degree, a career certificate, or a baccalaureate degree. In
403 addition, a private school in which a student, including, but
404 not limited to, students with disabilities, is enrolled must
405 award credit toward high school completion for the postsecondary
406 course under the dual enrollment program. To participate in the
407 dual enrollment program, an eligible private school student
408 must:

409 1. Provide proof of enrollment in a private school
410 pursuant to subsection (2).

411 2. Be responsible for his or her own instructional
412 materials and transportation unless provided for in the
413 articulation agreement.

414 3. Sign a private school articulation agreement pursuant
415 to paragraph (b).

416 (b) Each postsecondary institution eligible to participate



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417 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
418 enter into a private school articulation agreement with each
419 eligible private school in its geographic service area seeking
420 to offer dual enrollment courses to its students, including, but
421 not limited to, students with disabilities. By August 1 of each
422 year, the eligible postsecondary institution shall complete and
423 submit the private school articulation agreement to the
424 Department of Education. The private school articulation
425 agreement must include, at a minimum:

426 1. A delineation of courses and programs available to the
427 private school student. The postsecondary institution may add,
428 revise, or delete courses and programs at any time.

429 2. The initial and continued eligibility requirements for
430 private school student participation, not to exceed those
431 required of other dual enrollment students.

432 3. The student's responsibilities for providing his or her
433 own instructional materials and transportation.

434 4. A provision clarifying that the private school will
435 award appropriate credit toward high school completion for the
436 postsecondary course under the dual enrollment program.

437 5. A provision expressing that costs associated with
438 tuition and fees, including registration, and laboratory fees,
439 will not be passed along to the student.

440 6. A provision stating whether the private school will
441 compensate the postsecondary institution for the standard
442 tuition rate per credit hour for each dual enrollment course



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443 taken by its students ~~Postsecondary institutions may enter into~~
 444 ~~dual enrollment articulation agreements with private secondary~~
 445 ~~schools pursuant to subsection (2).~~

446 (25) For students with disabilities, a postsecondary
 447 institution eligible to participate in dual enrollment pursuant
 448 to s. 1011.62(1)(i) shall include in its dual enrollment
 449 articulation agreement, services and resources that are
 450 available to students with disabilities who register in a dual
 451 enrollment course at the eligible institution and provide
 452 information regarding such services and resources to the Florida
 453 Center for Students with Unique Abilities. The Department of
 454 Education shall provide to the center the Internet website link
 455 to dual enrollment articulation agreements specific to students
 456 with disabilities. The center shall include in the information
 457 that it is responsible for disseminating to students with
 458 disabilities and their parents pursuant to s. 1004.6495, dual
 459 enrollment articulation agreements and opportunities for
 460 meaningful campus experience through dual enrollment.

461 Section 5. Subsection (4) of section 1011.61, Florida
 462 Statutes, is amended to read:

463 1011.61 Definitions.—Notwithstanding the provisions of s.
 464 1000.21, the following terms are defined as follows for the
 465 purposes of the Florida Education Finance Program:

466 (4) The maximum value for funding a student in
 467 kindergarten through grade 12 or in a prekindergarten program
 468 for exceptional children as provided in s. 1003.21(1)(e) shall



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469 be the sum of the calculations in paragraphs (a), (b), and (c)
470 as calculated by the department.

471 (a) The sum of the student's full-time equivalent student
472 membership value for the school year or the equivalent derived
473 from paragraphs (1)(a) and (b), subparagraph (1)(c)1., sub-
474 subparagraphs (1)(c)2.b. and c., subparagraph (1)(c)3., and
475 subsection (2). If the sum is greater than 1.0, the full-time
476 equivalent student membership value for each program or course
477 shall be reduced by an equal proportion so that the student's
478 total full-time equivalent student membership value is equal to
479 1.0.

480 (b) If the result in paragraph (a) is less than 1.0 full-
481 time equivalent student and the student has full-time equivalent
482 student enrollment pursuant to sub-sub-subparagraph
483 (1)(c)1.b.(VIII), calculate an amount that is the lesser of the
484 value in sub-sub-subparagraph (1)(c)1.b.(VIII) or the value of
485 1.0 less the value in paragraph (a).

486 (c) The full-time equivalent student enrollment value in
487 sub-subparagraph (1)(c)2.a.

488
489 A scholarship award provided to a student enrolled in the John
490 M. McKay Scholarships for Students with Disabilities Program
491 pursuant to s. 1002.39 is not subject to the maximum value for
492 funding a student under this subsection.

493 Section 6. Except as otherwise expressly provided in this
494 act, this act shall take effect July 1, 2016.