

By Senator Perry

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1 A bill to be entitled
2 An act relating to the Gardiner Scholarship; amending
3 s. 1002.385, F.S., and reenacting subsection (18),
4 relating to the Gardiner Scholarship; revising
5 eligibility requirements for the Gardiner Scholarship
6 Program; providing that scholarship funds may be spent
7 for tuition and fees associated with programs relating
8 to art, music, or theatre; revising requirements
9 relating to compliance statements required for program
10 participation; requiring the Department of Education
11 to implement a certain system; providing an effective
12 date.

13
14 Be It Enacted by the Legislature of the State of Florida:

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16 Section 1. Paragraph (a) of subsection (3) of section
17 1002.385, Florida Statutes, is amended, paragraph (q) is added
18 to subsection (5) of that section, paragraph (a) of subsection
19 (11) of that section is amended, and subsection (18) of that
20 section is reenacted, to read:

21 1002.385 The Gardiner Scholarship.—

22 (3) PROGRAM ELIGIBILITY.—A parent of a student with a
23 disability may request and receive from the state a Gardiner
24 Scholarship for the purposes specified in subsection (5) if:

25 (a) The student:

26 1. Is a resident of this state;

27 2. Is 3 or 4 years of age when ~~on or before September 1 of~~
28 ~~the year in which~~ the student applies for program participation,
29 or is eligible to enroll in kindergarten through grade 12 in a

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30 public school in this state;

31 3. Has a disability as defined in paragraph (2) (d); and

32 4. Is the subject of an IEP written in accordance with
33 rules of the State Board of Education or with the applicable
34 rules of another state or has received a diagnosis of a
35 disability from a physician who is licensed under chapter 458 or
36 chapter 459, a psychologist who is licensed under chapter 490,
37 or a physician who holds an active license issued by another
38 state or territory of the United States, the District of
39 Columbia, or the Commonwealth of Puerto Rico.

40 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be
41 used to meet the individual educational needs of an eligible
42 student and may be spent for the following purposes:

43 (q) Tuition and fees associated with programs relating to
44 art, music, or theatre.

45
46 A provider of any services receiving payments pursuant to this
47 subsection may not share, refund, or rebate any moneys from the
48 Gardiner Scholarship with the parent or participating student in
49 any manner. A parent, student, or provider of any services may
50 not bill an insurance company, Medicaid, or any other agency for
51 the same services that are paid for using Gardiner Scholarship
52 funds.

53 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
54 PARTICIPATION.—A parent who applies for program participation
55 under this section is exercising his or her parental option to
56 determine the appropriate placement or the services that best
57 meet the needs of his or her child. The scholarship award for a
58 student is based on a matrix that assigns the student to support

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59 Level III services. If a parent receives an IEP and a matrix of
60 services from the school district pursuant to subsection (7),
61 the amount of the payment shall be adjusted as needed, when the
62 school district completes the matrix.

63 (a) To satisfy or maintain program eligibility, including
64 eligibility to receive and spend program payments, the parent
65 must sign an agreement with the organization and annually submit
66 a ~~notarized~~, sworn compliance statement, which for initial
67 eligibility must be notarized, to the organization to:

68 1. Affirm that the student is enrolled in a program that
69 meets regular school attendance requirements as provided in s.
70 1003.01(13)(b)-(d).

71 2. Affirm that the program funds are used only for
72 authorized purposes serving the student's educational needs, as
73 described in subsection (5).

74 3. Affirm that the parent is responsible for the education
75 of his or her student by, as applicable:

76 a. Requiring the student to take an assessment in
77 accordance with paragraph (8)(b);

78 b. Providing an annual evaluation in accordance with s.
79 1002.41(1)(f); or

80 c. Requiring the child to take any preassessments and
81 postassessments selected by the provider if the child is 4 years
82 of age and is enrolled in a program provided by an eligible
83 Voluntary Prekindergarten Education Program provider. A student
84 with disabilities for whom a preassessment and postassessment is
85 not appropriate is exempt from this requirement. A participating
86 provider shall report a student's scores to the parent.

87 4. Affirm that the student remains in good standing with

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88 the provider or school if those options are selected by the
89 parent.

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91 The department shall implement a system that allows parents to
92 submit all required information to maintain program eligibility
93 under this paragraph through a secure Internet website or other
94 secure electronic means.

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96 A parent who fails to comply with this subsection forfeits the
97 Gardiner Scholarship.

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

101 Section 2. This act shall take effect July 1, 2019.