Committee on Education

CS/CS/CS/HB 15 — Educational Options

by Education Committee; PreK-12 Appropriations Subcommittee; PreK-12 Innovation Subcommittee; and Reps. Sullivan, Fischer, and others (CS/CS/SB 902 by Appropriations Committee; Education Committee; and Senator Simmons) (CS/CS/SB 1314 by Appropriations Committee; Education Committee; and Senators Grimsley and Mayfield)

The bill modifies the Gardiner Scholarship Program (GSP) and the Florida Tax Credit Scholarship Program. Specifically, regarding the GSP, the bill:

- Expands the definition of disability, for purposes of the GSP, to include a child:
  - Diagnosed with a rare disease or condition, which affects patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders.
  - Diagnosed as anaphylaxis; deaf; visually impaired; dual sensory impaired; traumatic brain injured; or hospital or homebound, as defined by rules of the State Board of Education (SBE) and evidenced by reports from local school districts.
- Modifies the definition of IEP used to qualify for the GSP, to mean an individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months.
- Revises program eligibility to allow a student to qualify for the scholarship if the student has an IEP written in accordance with the applicable rules of another state or the student has received a diagnosis of a disability from a physician who holds an active license issued by another state, and the student also meets the other eligibility requirements for the scholarship.
- Authorizes the use of GSP funds to procure services provided:
  - By a hospital in Florida which is selected by a parent,
  - By a certified music therapist or art therapist,
  - At a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- Specifies that a parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services paid through Gardiner Scholarship funds.
- Provides that if a private school is unable to meet the requirements in law or has consecutive years of material exceptions listed in its agreed-upon procedures reports, there is a basis for the ineligibility of the private school to participate in the program, as determined by the Commissioner of Education.
- Adds a condition for closing a student's scholarship account and reverting remaining funds to the state if the account has been inactive for three consecutive fiscal years. The bill defines inactive to mean that eligible expenditures have not been made from a student's scholarship account.
- Specifies that if a parent does not procure the necessary educational services for the student and the student's account has been inactive for 2 consecutive fiscal years, the

student is ineligible for additional scholarship payments until the scholarship-funding organization (SFO) verifies that expenditures have occurred from the account.

Regarding the Florida Tax Credit Scholarship Program (FTC), the bill:

- Requires the Florida Department of Revenue to provide an SFO a copy of its letter denying or approving certain transactions.
- Allows a dependent child of a parent or guardian who is a member of the U.S. Armed Forces to apply for the FTC scholarship at any time.
- Specifies that a parent must approve any payment made by funds transfer before the scholarship funds may be deposited.
- Provides that the Commissioner of Education may determine that a private school is ineligible to participate in the FTC program if the school has consecutive years of material exceptions listed in its agreed-upon procedures report.
- Increases the base FTC scholarship award amount as a percentage of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:
  - 88 percent for a student in kindergarten through grade 5.
  - 92 percent for a student enrolled in grades 6-8.
  - 96 percent for a student enrolled in grades 9-12.
- Raises the transportation scholarship award limit for a student enrolled in a Florida public school that is located outside the district in which the student resides from $500 to $750.
- Allows an SFO to make payments by fund transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the Department of Revenue deems to be commercially viable or cost-effective.

If approved by the Governor, these provisions take effect July 1, 2017.
Vote: Senate 27-11; House 101-11