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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to students with disabilities;
amending s. 1002.385, F.S.; revising definitions;
revising scholarship application deadlines and
guidelines; requiring authorized program funds to
support the student's educational needs; requiring the
Florida Prepaid College Board to create certain
procedures; authorizing part-time private tutoring
services by persons meeting certain requirements;
authorizing program funds to be spent for specified
education programs and services; clarifying and
expanding responsibilities of the Department of
Education; revising the conditions under which a
student's personal learning scholarship account must
be closed; revising the responsibilities for school
districts; revising private school eligibility
requirements; revising responsibilities for parents
and students who participate in the program; requiring
a parent to affirm program funds are only used for
authorized purposes that serve the student's
educational needs; revising responsibilities of
eligible nonprofit scholarship-funding organizations
pertaining to the administration of personal learning
scholarship accounts; revising the wait list and
priority of approving renewal and new applications;
revising the notice requirement of an organization;
authorizing accrued interest to be used for authorized



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

45

46 Be It Enacted by the Legislature of the State of Florida:

47

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

50 1002.385 Florida personal learning scholarship accounts.—

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

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

56 (a) "Approved provider" means a provider approved by the



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57 Agency for Persons with Disabilities, a health care practitioner
58 as defined in s. 456.001(4), or a provider approved by the
59 department pursuant to s. 1002.66. The term also includes
60 providers outside this state which are subject to similar
61 regulation or approval requirements.

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

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

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

76 (e) "Eligible nonprofit scholarship-funding organization"
77 or "organization" means a nonprofit scholarship-funding
78 organization that is approved pursuant to s. 1002.395(2)(f). The
79 organization must have a copy of its annual operational audit
80 provided to the Commissioner of Education as required by this
81 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



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86 that is eligible to participate in the William L. Boyd, IV,
87 Florida Resident Access Grant Program under s. 1009.89;~~7~~ or an
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~~7~~
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 or will be 3 or 4 years old on or before September 1
112 of the year in which the student applies for program
113 participation, or is eligible to enroll in kindergarten through
114 grade 12 in a public school in this state;



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

116 4. Is the subject of an IEP written in accordance with
117 rules of the State Board of Education or has received a
118 diagnosis of a disability ~~as defined in subsection (2)~~ from a
119 physician who is licensed under chapter 458 or chapter 459 or a
120 psychologist who is licensed under chapter 490 ~~in this state~~.

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

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

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

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

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

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

143 b. A letter of admission or enrollment from an eligible



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144 private school for the school year in which the student wishes
145 to participate;

146 c. A copy of the notice of the parent's intent to establish
147 and maintain a home education program required by s.
148 1002.41(1)(a), or a copy of the district school superintendent's
149 review of the annual educational evaluation of the student in a
150 home education program required by s. 1002.41(2); or

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

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

172 (4) PROGRAM PROHIBITIONS.—



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

175 1. Enrolled in a public school, including, but not limited
176 to, the Florida School for the Deaf and the Blind; the Florida
177 Virtual School; the College-Preparatory Boarding Academy; a
178 developmental research school authorized under s. 1002.32; a
179 charter school authorized under s. 1002.33, s. 1002.331, or s.
180 1002.332; or a virtual education program authorized under s.
181 1002.45;

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

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

189 4. Receiving any other educational scholarship pursuant to
190 this chapter.

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

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

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

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

201 4. The student's application for program eligibility has



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202 been denied by an organization.

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

206 (a) Instructional materials, including digital devices,
207 digital periphery devices, and assistive technology devices that
208 allow a student to access instruction or instructional content
209 and training on the use of and maintenance agreements for these
210 devices.

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

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

216 1. Applied behavior analysis services as provided in ss.
217 627.6686 and 641.31098.

218 2. Services provided by speech-language pathologists as
219 defined in s. 468.1125.

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

221 4. Services provided by physical therapists as defined in
222 s. 486.021.

223 5. Services provided by listening and spoken language
224 specialists and an appropriate acoustical environment for a
225 child who is deaf or hard of hearing and who has received an
226 implant or assistive hearing device.

227
228 Specialized services outside this state are authorized under
229 this paragraph if the services are subject to similar regulation
230 or approval requirements.



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231 (d) Enrollment in, or tuition or fees associated with
232 enrollment in, an eligible private school, an eligible
233 postsecondary educational institution or a program offered by
234 the institution, a private tutoring program authorized under s.
235 1002.43, a virtual program offered by a department-approved
236 private online provider that meets the provider qualifications
237 specified in s. 1002.45(2)(a), the Florida Virtual School as a
238 private paying student, or an approved online course offered
239 pursuant to s. 1003.499 or s. 1004.0961.

240 (e) Fees for nationally standardized, norm-referenced
241 achievement tests, Advanced Placement Examinations, industry
242 certification examinations, assessments related to postsecondary
243 education, or other assessments.

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

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



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260 (h) Tuition and fees for part-time tutoring services
261 provided by a person who holds a valid Florida educator's
262 certificate pursuant to s. 1012.56; a person who holds an
263 adjunct teaching certificate pursuant to s. 1012.57; or a person
264 who has demonstrated a mastery of subject area knowledge
265 pursuant to 1012.56(5). The term "part-time tutoring services"
266 as used in this paragraph does not meet the definition of the
267 term "regular school attendance" in s. 1003.01(13)(e).

268 (i) Fees for specialized summer education programs.

269 (j) Fees for specialized after-school education programs.

270 (k) Transition services provided by job coaches.

271 (l) Fees for an annual evaluation of educational progress
272 by a state-certified teacher, if this option is chosen for a
273 home education student pursuant to s. 1002.41(1)(c)1.

274
275 A specialized service provider, eligible private school,
276 eligible postsecondary educational institution, private tutoring
277 program provider, online or virtual program provider, public
278 school, school district, or other entity receiving payments
279 pursuant to this subsection may not share, refund, or rebate any
280 moneys from the Florida personal learning scholarship account
281 with the parent or participating student in any manner.

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

284 (a) The program payments made by the state to an
285 organization for a personal learning scholarship account under
286 this section shall continue ~~remain in force~~ until the parent
287 does not renew program eligibility; the organization determines
288 a student is not eligible for program renewal; the commissioner



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289 denies, suspends, or revokes program participation or use of
290 funds; or a student enrolls in participating in the program
291 participates in any of the prohibited activities specified in
292 subsection (4), has funds revoked by the Commissioner of
293 Education pursuant to subsection (10), returns to a public
294 school, graduates from high school, or attains 22 years of age,
295 whichever occurs first. A participating student who enrolls in a
296 public school or public school program is considered to have
297 returned to a public school for the purpose of determining the
298 end of the program's term.

299 (b) Program expenditures by the parent from the program
300 account are authorized until a student's personal learning
301 scholarship account is closed pursuant to paragraph (c).

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

306 1. The eligible student no longer being enrolled in an
307 eligible postsecondary educational institution;

308 2. Denial or revocation of program eligibility by the
309 commissioner;

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

311 4. After any period of 4 consecutive years after high
312 school completion or graduation in which the student is not
313 enrolled in an eligible postsecondary educational institution or
314 a program offered by the institution.

315
316 The commissioner must notify the parent and organization of any
317 reversion determination.



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(7) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—
(a)1. For a student with a disability who does not have a matrix of services under s. 1011.62(1)(e), or who wants a revised matrix of services, and for whom the parent requests a new or revised matrix of services, the school district must complete a matrix that assigns the student to one of the levels of service as they existed before the 2000-2001 school year.
2.a. Within 10 calendar school days after a school district receives notification of a parent's request for completion of a matrix of services, the school district must notify the student's parent if the matrix of services has not been completed and inform the parent that the district is required to complete the matrix within 30 days after receiving notice of the parent's request for the matrix of services. This notice must include the required completion date for the matrix.
b. The school district shall complete the matrix of services for a student whose parent has made a request. The school district must provide the student's parent, the organization, and the department with the student's matrix level within 10 calendar school days after its completion.
c. The department shall notify the parent and the ~~eligible nonprofit scholarship-funding~~ organization of the amount of the funds awarded within 10 days after receiving the school district's notification of the student's matrix level.
d. A school district may change a matrix of services only if the change is to correct a technical, typographical, or calculation error, except that a parent may annually request a matrix reevaluation for each student participating in the program pursuant to paragraph (12)(h).



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347 (b) For each student participating in the program who
348 chooses to participate in statewide, standardized assessments
349 under s. 1008.22 or the Florida Alternate Assessment, the school
350 district in which the student resides must notify the student
351 and his or her parent about the locations and times to take all
352 statewide, standardized assessments.

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

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

358 (a) Comply with all requirements for private schools
359 participating in state school choice scholarship programs
360 pursuant to s. 1002.421. To participate in the program, a
361 private school must submit to the department a notification for
362 eligibility to participate in its application for the John M.
363 McKay Scholarships for Students with Disabilities and Florida
364 Tax Credit Scholarship programs identified in ss. 1002.39 and
365 1002.395.

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

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

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

374 2. Annually administering or making provision for students
375 participating in the program in grades 3 through 10 to take one



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376 of the nationally norm-referenced tests identified by the State
377 Board Department of Education or the statewide assessments
378 pursuant to s. 1008.22. Students with disabilities for whom
379 standardized testing is not appropriate are exempt from this
380 requirement. A participating private school shall report a
381 student's scores to the parent.

382 3. Cooperating with the scholarship student whose parent
383 chooses to have the student participate in the statewide
384 assessments pursuant to s. 1008.22 or, if a private school
385 chooses to offer the statewide assessments, administering the
386 assessments at the school.

387 a. A participating private school may choose to offer and
388 administer the statewide assessments to all students who attend
389 the private school in grades 3 through 10.

390 b. A participating private school shall submit a request in
391 writing to the Department of Education by March 1 of each year
392 in order to administer the statewide assessments in the
393 subsequent school year.

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

397 (e) Annually contract with an independent certified public
398 accountant to perform the agreed-upon procedures developed under
399 s. 1002.395(6)(o) ~~s. 1002.395(6)(n)~~ and produce a report of the
400 results if the private school receives more than \$250,000 in
401 funds from scholarships awarded under this section in the 2014-
402 2015 state fiscal year or a state fiscal year thereafter. A
403 private school subject to this paragraph must submit the report
404 by September 15, 2015, and annually thereafter to the



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405 ~~scholarship-funding~~ organization that awarded the majority of
406 the school's scholarship funds. The agreed-upon procedures must
407 be conducted in accordance with attestation standards
408 established by the American Institute of Certified Public
409 Accountants.

410
411 The inability of a private school to meet the requirements of
412 this subsection constitutes a basis for the ineligibility of the
413 private school to participate in the program as determined by
414 the commissioner ~~department~~.

415 (9) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department
416 shall:

417 (a) Maintain a list of approved providers pursuant to s.
418 1002.66, and eligible postsecondary educational institutions,
419 eligible private schools, and organizations on its website. The
420 department may identify or provide links to lists of other
421 approved providers on its website.

422 (b) Require each ~~eligible nonprofit scholarship-funding~~
423 organization to preapprove ~~verify eligible~~ expenditures to be
424 ~~before the distribution of funds for any expenditures~~ made
425 pursuant to paragraphs (5) (a) and (b). Review of expenditures
426 made for services in paragraphs (5) (c) - (h) must ~~(5) (e) - (g) may~~
427 be completed after the purchase ~~payment~~ has been made.

428 (c) Investigate any written complaint of a violation of
429 this section by a parent, student, private school, public school
430 or school district, organization, provider, or other appropriate
431 party in accordance with the process established by s.
432 1002.395(9) (f).

433 (d) Require annually by December 1 ~~quarterly~~ reports by an



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434 ~~eligible nonprofit scholarship funding~~ organization, which must
435 include, but need not be limited to, regarding the number of
436 students participating in the program, demographics of program
437 participants; disability category; matrix level of services, if
438 known; award amount per student; total expenditures for the
439 categories in subsection (5); and the types of providers of
440 services to students, ~~and other information deemed necessary by~~
441 ~~the department.~~

442 (e) Compare the list of students participating in the
443 program with the public school student enrollment lists and the
444 list of students participating in school choice scholarship
445 programs established pursuant to this chapter, throughout the
446 school year, before each program payment to avoid duplicate
447 payments and confirm program eligibility.

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

449 (a) The Commissioner of Education:

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

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

456 3. May ~~deny, suspend, or revoke an~~ authorized use of
457 program funds for material failure to comply with this section
458 and applicable State Board of Education ~~department~~ rules if the
459 noncompliance is correctable within a reasonable period of time.
460 Otherwise, the commissioner shall ~~deny, suspend,~~ or revoke an
461 authorized use for failure to materially comply with the law and
462 rules adopted under this section.



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463 4. Shall require compliance by the appropriate party by a
464 date certain for all nonmaterial failures to comply with this
465 section and applicable State Board of Education ~~department~~
466 rules.

467 5. Notwithstanding the other provisions of this section,
468 the commissioner may deny, suspend, or revoke program
469 participation or use of program funds by the student; or
470 participation or eligibility of an organization, eligible
471 private school, eligible postsecondary educational institution,
472 approved provider, or other appropriate party for a violation of
473 this section. The commissioner may determine the length of, and
474 conditions for lifting, the suspension or revocation specified
475 in this paragraph. The length of suspension or revocation may
476 not exceed 5 years, except for instances of fraud, in which case
477 the length of suspension or revocation may not exceed 10 years.
478 The commissioner may employ mechanisms allowed by law to recover
479 unexpended program funds or withhold payment of an equal amount
480 of program funds to recover program funds that were not
481 authorized for use under this section thereafter.

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

485 (b) In determining whether to deny, suspend, ~~or~~ revoke, or
486 lift a suspension or revocation, in accordance with this
487 subsection, the commissioner may consider factors that include,
488 but are not limited to, acts or omissions that ~~by a~~
489 ~~participating entity which~~ led to a previous denial, suspension,
490 or revocation of participation in a state or federal program or
491 an education scholarship program; failure to reimburse the



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492 ~~eligible nonprofit scholarship funding~~ organization for program
493 funds improperly received or retained ~~by the entity~~; failure to
494 reimburse government funds improperly received or retained;
495 imposition of a prior criminal sanction related to the person or
496 entity or its officers or employees; imposition of a civil fine
497 or administrative fine, license revocation or suspension, or
498 program eligibility suspension, termination, or revocation
499 related to a person's or ~~an~~ entity's management or operation; or
500 other types of criminal proceedings in which the person or the
501 entity or its officers or employees were found guilty of,
502 regardless of adjudication, or entered a plea of nolo contendere
503 or guilty to, any offense involving fraud, deceit, dishonesty,
504 or moral turpitude.

505 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
506 PARTICIPATION.—A parent who applies for program participation
507 under this section is exercising his or her parental option to
508 determine the appropriate placement or the services that best
509 meet the needs of his or her child. The scholarship award for a
510 student is based on a matrix that assigns the student to support
511 Level III services. If a parent chooses to request and receive
512 an IEP and a matrix of services from the school district, the
513 amount of the payment shall be adjusted as needed, when the
514 school district completes the matrix.

515 (a) To satisfy or maintain program eligibility, including,
516 but not limited to, eligibility to receive program payments and
517 expend program payments ~~enroll an eligible student in the~~
518 ~~program~~, the parent must sign an agreement with the ~~eligible~~
519 ~~nonprofit scholarship funding~~ organization and annually submit a
520 notarized, sworn compliance statement to the organization to:



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521 1. Affirm that the student is enrolled in a program that
522 meets regular school attendance requirements as provided in s.
523 1003.01(13)(b)-(d).

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

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

529 a. If the parent enrolls the child in an eligible private
530 school, the student must take an assessment selected by the
531 private school pursuant to s. 1002.395(7)(e) or, if requested by
532 the parent, the statewide, standardized assessments pursuant to
533 s. 1002.39(8)(c)2. and (9)(e).

534 b. If the parent enrolls the child in a home education
535 program, the parent may choose to participate in an assessment
536 as part of the annual evaluation provided for in s.
537 1002.41(1)(c).

538 4. Notify the school district that the student is
539 participating in the program ~~Personal Learning Scholarship~~
540 ~~Accounts~~ if the parent chooses to enroll in a home education
541 program as provided in s. 1002.41.

542 5. File a completed application for initial program
543 participation with an organization ~~Request participation in the~~
544 ~~program~~ by the dates ~~date~~ established pursuant to this section
545 ~~by the eligible nonprofit scholarship funding organization.~~

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



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

552 8. Annually file a completed application to renew
553 participation in the program if renewal is desired by the
554 parent. Notwithstanding any changes to the student's IEP, a
555 student who was previously eligible for participation in the
556 program shall remain eligible to apply for renewal ~~as provided~~
557 ~~in subsection (6)~~. However, in order for a high-risk child to
558 continue to participate in the program in the school year after
559 he or she reaches 6 years of age, the child's completed
560 application for renewal of program participation must contain
561 documentation that the child has a disability defined in
562 paragraph (2) (d) other than high-risk status.

563 9. Affirm that the parent will not transfer any prepaid
564 college savings funds contributed pursuant to paragraph (5) (f)
565 to another beneficiary.

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

569 11. Affirm that the parent will maintain a portfolio of
570 records and materials which must be preserved ~~by the parent~~ for
571 2 years and be made available for inspection by the
572 organization, the department, or the district school
573 superintendent or the superintendent's designee upon 15 days'
574 written notice. This paragraph does not require inspection of
575 ~~the superintendent to inspect~~ the portfolio. The portfolio of
576 records and materials must consist of:

577 a. A log of educational instruction and services which is
578 made contemporaneously with delivery of the instruction and



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579 services and which designates by title any reading materials
580 used; ~~and~~

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

583 c. Other records, documents, or materials required by the
584 organization or specified by the department in rule, to
585 facilitate program implementation.

586 (b) The parent is responsible for procuring the services
587 necessary to educate the student. When the student receives a
588 personal learning scholarship account, the district school board
589 is not obligated to provide the student with a free appropriate
590 public education. For purposes of s. 1003.57 and the Individuals
591 with Disabilities in Education Act, a participating student has
592 only those rights that apply to all other unilaterally
593 parentally placed students, except that, when requested by the
594 parent, school district personnel must develop an individual
595 education plan or matrix level of services.

596 (c) The parent is responsible for ~~the payment of all~~
597 eligible expenses in excess of the amount of the personal
598 learning scholarship account ~~in accordance with the terms agreed~~
599 ~~to between the parent and the providers.~~

600

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

603 (12) ADMINISTRATION OF PERSONAL LEARNING SCHOLARSHIP
604 ACCOUNTS.—~~An eligible nonprofit scholarship-funding organization~~
605 ~~participating in the Florida Tax Credit Scholarship Program~~
606 ~~established under s. 1002.395 may establish personal learning~~
607 ~~scholarship accounts for eligible students, in accordance with~~



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608 the deadlines established in this section, by:

609 (a) Receiving completed applications and final verification
610 and determining student eligibility in accordance with the
611 requirements of this section. For initial program participation,
612 preference must first be provided to students retained on a wait
613 list created by the organization in the order that completed
614 applications are approved ~~The organization shall notify the~~
615 ~~department of the applicants for the program by March 1 before~~
616 ~~the school year in which the student intends to participate.~~
617 When a completed an application and final verification are is
618 received and approved, the ~~scholarship funding~~ organization must
619 provide the department with information on the student to enable
620 the department to report the student for funding in an amount
621 determined in accordance with subsection (13).

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

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

631 (d) Establishing a date and process pursuant to paragraph
632 (3) (b) by which completed applications may be approved and
633 students on the wait list or late-filing applicants may be
634 allowed to participate in the program during the school year,
635 within the amount of funds provided for this program in the
636 General Appropriations Act. The process must allow timely filed



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637 completed applications to take precedence before late-filed
638 completed applications for purposes of creating a wait list for
639 participation in the program.

640 (e) Establishing and maintaining separate accounts for each
641 eligible student. For each account, the organization must
642 maintain a record of interest accrued that is retained in the
643 student's account and available only for authorized program
644 expenditures.

645 (f) Verifying qualifying educational expenditures pursuant
646 to the requirements of subsection (5) paragraph (8) (b).

647 (g) Returning any remaining program unused funds pursuant
648 to paragraph (6) (c) to the department when the student is no
649 longer authorized to expend program funds. The organization may
650 reimburse a parent for authorized program expenditures made
651 during the fiscal year before funds are deposited in the
652 student's eligible for a personal scholarship learning account.

653 (h) Annually notifying the parent about the availability of
654 and the requirements associated with requesting an initial
655 matrix or matrix reevaluation annually for each student
656 participating in the program.

657 (13) FUNDING AND PAYMENT.—

658 (a)1. The maximum funding amount granted for an eligible
659 student with a disability, pursuant to this section ~~subsection~~
660 ~~(3)~~, shall be equivalent to the base student allocation in the
661 Florida Education Finance Program multiplied by the appropriate
662 cost factor for the educational program which would have been
663 provided for the student in the district school to which he or
664 she would have been assigned, multiplied by the district cost
665 differential.



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666 2. In addition, an amount equivalent to a share of the
667 guaranteed allocation for exceptional students in the Florida
668 Education Finance Program shall be determined and added to the
669 amount in subparagraph 1. The calculation shall be based on the
670 methodology and the data used to calculate the guaranteed
671 allocation for exceptional students for each district in chapter
672 2000-166, Laws of Florida. Except as provided in subparagraph
673 3., the calculation shall be based on the student's grade, the
674 matrix level of services, and the difference between the 2000-
675 2001 basic program and the appropriate level of services cost
676 factor, multiplied by the 2000-2001 base student allocation and
677 the 2000-2001 district cost differential for the sending
678 district. The calculated amount must also include an amount
679 equivalent to the per-student share of supplemental academic
680 instruction funds, instructional materials funds, technology
681 funds, and other categorical funds as provided in the General
682 Appropriations Act.

683 3. Except as otherwise provided, the calculation for all
684 students participating in the program shall be based on the
685 matrix that assigns the student to support Level III of
686 services. If a parent chooses to request and receive a matrix of
687 services from the school district, when the school district
688 completes the matrix, the amount of the payment shall be
689 adjusted as needed.

690 (b) The amount of the awarded funds shall be 90 percent of
691 the calculated amount. One hundred percent of the funds
692 appropriated for this program shall be released in the first
693 quarter of each fiscal year. Accrued interest is in addition to,
694 and not part of, the awarded funds. Program funds include both



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695 the awarded funds and the accrued interest.

696 ~~(c) Upon an eligible student's graduation from an eligible~~
697 ~~postsecondary educational institution or after any period of 4~~
698 ~~consecutive years after high school graduation in which the~~
699 ~~student is not enrolled in an eligible postsecondary educational~~
700 ~~institution, the student's personal learning scholarship account~~
701 ~~shall be closed, and any remaining funds shall revert to the~~
702 ~~state.~~

703 ~~(c)(d)~~ The eligible nonprofit scholarship funding
704 organization shall develop a system for payment of benefits by
705 electronic funds transfer, including, but not limited to, debit
706 cards, electronic payment cards, or any other means of
707 electronic payment that the department deems to be commercially
708 viable or cost-effective. Commodities or services related to the
709 development of such a system shall be procured by competitive
710 solicitation unless they are purchased from a state term
711 contract pursuant to s. 287.056.

712 ~~(d)(e)~~ Moneys received pursuant to this section do not
713 constitute taxable income to the student or parent of the
714 qualified student.

715 (14) OBLIGATIONS OF THE AUDITOR GENERAL.—

716 (a) The Auditor General shall conduct an annual ~~financial~~
717 ~~and~~ operational audit of accounts and records of each ~~eligible~~
718 ~~scholarship-funding~~ organization that participates in the
719 program. As part of this audit, the Auditor General shall
720 verify, at a minimum, the total amount of students served and
721 eligibility of reimbursements made by each ~~eligible nonprofit~~
722 ~~scholarship-funding~~ organization and transmit that information
723 to the department.



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

727 (c) The Auditor General shall provide the Commissioner of
728 Education with a copy of each annual operational audit performed
729 pursuant to this subsection within 10 days after each audit is
730 finalized.

731 (15) OBLIGATIONS RELATED TO APPROVED PROVIDERS.—The
732 Department of Health, the Agency for Persons with Disabilities,
733 and the Department of Education shall work with an ~~eligible~~
734 ~~nonprofit scholarship-funding~~ organization for easy or automated
735 access to lists of licensed providers of services specified in
736 paragraph (5) (c) to ensure efficient administration of the
737 program.

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

740 (17) SCOPE OF AUTHORITY.—This section does not expand the
741 regulatory authority of this state, its officers, or any school
742 district to impose additional regulation on participating
743 private schools, independent ~~nonpublic~~ postsecondary educational
744 institutions, and private providers beyond those reasonably
745 necessary to enforce requirements expressly set forth in this
746 section.

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

750 (19) IMPLEMENTATION SCHEDULE FOR THE 2014-2015 SCHOOL
751 YEAR.—Notwithstanding the provisions of this section related to
752 notification and eligibility timelines, an ~~eligible nonprofit~~



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753 ~~scholarship-funding~~ organization may enroll parents on a rolling
754 schedule on a first-come, first-served basis, within the amount
755 of funds provided in the General Appropriations Act. This
756 subsection is repealed effective July 1, 2015.

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

759 1009.98 Stanley G. Tate Florida Prepaid College Program.-

760 (11) PROCEDURES.-Notwithstanding any other provision in
761 this section, a prepaid college plan may be purchased, accounted
762 for, used, and terminated as provided in s. 1002.385. The board
763 shall, by July 1, 2015, develop procedures, contracts, and any
764 other required forms or documentation necessary to fully
765 implement this subsection.

766 Section 3. The Department of Education shall promulgate
767 rules to implement s. 1002.385, Florida Statutes.

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

770 (a) Establishing procedures concerning the student,
771 organization, eligible private school, eligible postsecondary
772 educational institution, or other appropriate party to
773 participate in the program, including approval, suspension, and
774 termination of eligibility;

775 (b) Establishing uniform forms for use by organizations for
776 parents and students;

777 (c) Approving providers pertaining to the Florida K-20
778 Education Code;

779 (d) Incorporating program participation in existing private
780 school scholarship program applications, including, but not
781 limited to, ensuring that the process for obtaining eligibility



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782 under s. 1002.385, Florida Statutes, is as administratively
783 convenient as possible for a private school;

784 (e) Establishing a matrix of services calculations and
785 timelines, so that the initial and revised matrix is completed
786 by a school district in time to be included in the completed
787 application;

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

792 (g) Establishing additional records, documents, or
793 materials a parent must collect and retain in the student's
794 portfolio;

795 (h) Establishing preliminary timelines and procedures that
796 enable a parent to submit a completed application to the
797 organization, and for the organization to review and approve the
798 completed application; and

799 (i) Defining terms, including, but not limited to, the
800 terms "participating student," "new student," "eligible
801 student," "award letter," "program funds," "associated
802 interest," "program payments," "program expenditures," "initial
803 program participation," "program renewal," "wait list," "timely
804 filed application," and "late-filed application."

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

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