Senator Simmons moved the following:

Senate Amendment (with title amendment)

Delete lines 41 - 342

and insert:

Section 1. Paragraphs (d) and (h) of subsection (2) of section 1002.385, Florida Statutes, are amended, present paragraphs (i) and (j) of that subsection are redesignated as paragraphs (j) and (k), respectively, a new paragraph (i) is added to that subsection, paragraph (a) of subsection (3) of that section is amended, paragraph (e) is added to subsection (4) of that section, and subsection (5), paragraph (b) of
subsection (6), subsection (8), paragraph (f) of subsection (11), and paragraph (j) of subsection (12) of that section are amended, to read:

1002.385 The Gardiner Scholarship.—

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

(d) “Disability” means, for a 3- or 4-year-old child or for a student in kindergarten to grade 12, autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association; cerebral palsy, as defined in s. 393.063(6); Down syndrome, as defined in s. 393.063(15); an intellectual disability, as defined in s. 393.063(24); Phelan-McDermid syndrome, as defined in s. 393.063(28); Prader-Willi syndrome, as defined in s. 393.063(29); spina bifida, as defined in s. 393.063(40); being a high-risk child, as defined in s. 393.063(23)(a); muscular dystrophy; and Williams syndrome; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States, as defined by the National Organization for Rare Disorders; anaphylaxis; deaf; visually impaired; dual sensory impaired; traumatic brain injured; or hospital or homebound, as defined by rules of the State Board of Education and evidenced by reports from local school districts. The term “hospital or homebound” includes a student who has a medically diagnosed physical or psychiatric condition or illness, as defined by the state board in rule, and who is confined to the home or hospital for more than 6 months.

(h) “IEP” means individual education plan, regardless of whether the plan has been reviewed or revised within the last 12 months.
(i) “Inactive” means that eligible expenditures have not
been made from an account funded pursuant to paragraph (13)(d).

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

(a) The student:
   1. Is a resident of this state;
   2. Is 3 or 4 years of age on or before September 1 of the
      year in which the student applies for program participation, or is eligible to enroll in kindergarten through grade 12 in a
      public school in this state;
   3. Has a disability as defined in paragraph (2)(d); and
   4. Is the subject of an IEP written in accordance with
      rules of the State Board of Education or with the applicable
      rules of another state or has received a diagnosis of a
      disability from a physician who is licensed under chapter 458 or
      chapter 459, or a psychologist who is licensed under chapter
      490, or a physician who holds an active license issued by
      another state or territory of the United States, the District of
      Columbia, or the Commonwealth of Puerto Rico.

(4) PROGRAM PROHIBITIONS.—A student is not eligible for the
program if he or she is:

(e) Enrolled in the Florida School for the Deaf and the
Blind.

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

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

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

(c) Specialized services by approved providers or by a hospital in this state which are selected by the parent. These specialized services may include, but are not limited to:

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

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

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

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

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

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

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

(f) Contributions to the Stanley G. Tate Florida Prepaid College Program pursuant to s. 1009.98 or the Florida College Savings Program pursuant to s. 1009.981, for the benefit of the eligible student.

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

(h) Tuition and fees for part-time tutoring services provided by a person who holds a valid Florida educator’s certificate pursuant to s. 1012.56; a person who holds an adjunct teaching certificate pursuant to s. 1012.57; or a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5). As used in this paragraph, the term “part-time tutoring services” does not qualify as regular school attendance as defined in s. 1003.01(13)(e).

(i) Fees for specialized summer education programs.

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

(k) Transition services provided by job coaches.

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

(m) Tuition and fees associated with programs offered by Voluntary Prekindergarten Education Program providers approved pursuant to s. 1002.55 and school readiness providers approved.
pursuant to s. 1002.88.

(n) Fees for services provided at a center that is a member of the Professional Association of Therapeutic Horsemanship International.

(o) Fees for services provided by a therapist who is certified by the Certification Board for Music Therapists or credentialed by the Art Therapy Credentials Board.

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

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

(b)1. A student’s scholarship account must be closed and any remaining funds, including, but not limited to, contributions made to the Stanley G. Tate Florida Prepaid College Program or earnings from or contributions made to the Florida College Savings Program using program funds pursuant to paragraph (5)(f), shall revert to the state after upon:

a. Denial or revocation of program eligibility by the commissioner for fraud or abuse, including, but not limited to, the student or student’s parent accepting any payment, refund, or rebate, in any manner, from a provider of any services received pursuant to subsection (5); or

b. After Any period of 3 consecutive years after high
school completion or graduation during which the student has not been enrolled in an eligible postsecondary educational institution or a program offered by the institution; or-

c. Three consecutive fiscal years in which an account has been inactive.

2. The commissioner must notify the parent and the organization when a Gardiner Scholarship account is closed and program funds revert to the state.

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

(a) Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421.

(b) Provide to the organization, upon request, all documentation required for the student’s participation, including the private school’s and student’s fee schedules.

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

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

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

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

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

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

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

(e) Annually contract with an independent certified public accountant to perform the agreed-upon procedures developed under s. 1002.395(6)(o) and produce a report of the results if the private school receives more than $250,000 in funds from scholarships awarded under this section in the 2014-2015 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must annually submit the report by September 15, 2015, and annually thereafter to the organization that awarded the majority of the school’s scholarship funds. The agreed-upon procedures must be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants.

If The inability of a private school is unable to meet the requirements of this subsection or has in consecutive years had
material exceptions listed in its agreed-upon procedures

reports, there is constitutes a basis for the ineligibility of

the private school to participate in the program as determined

by the commissioner.

(11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM

PARTICIPATION.—A parent who applies for program participation

under this section is exercising his or her parental option to
determine the appropriate placement or the services that best
meet the needs of his or her child. The scholarship award for a

student is based on a matrix that assigns the student to support
Level III services. If a parent receives an IEP and a matrix of

services from the school district pursuant to subsection (7),
the amount of the payment shall be adjusted as needed, when the
school district completes the matrix.

(f) The parent is responsible for procuring the services
necessary to educate the student. 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 verifies
that expenditures from the account have occurred. When the
student receives a Gardiner Scholarship, the district school
board is not obligated to provide the student with a free
appropriate public education. For purposes of s. 1003.57 and the
Individuals with Disabilities in Education Act, a participating
student has only those rights that apply to all other
unilaterally parentally placed students, except that, when
requested by the parent, school district personnel must develop
an individual education plan or matrix level of services.
A parent who fails to comply with this subsection forfeits the Gardiner Scholarship.

(12) OBLIGATIONS OF SCHOLARSHIP-FUNDING ORGANIZATIONS.—An organization may establish Gardiner Scholarships for eligible students by:

(j) Documenting each scholarship student’s eligibility for a fiscal year before granting a scholarship for that fiscal year pursuant to paragraph (3)(b). A student is ineligible for scholarship funding if the student’s account has been inactive for 2 consecutive fiscal years. However, once an eligible expenditure is made pursuant to paragraph (11)(f), the student may resume scholarship funding, based on available funds.

And the title is amended as follows:

Delete lines 3 - 15

and insert:

1002.385, F.S.; redefining the terms “disability” and “IEP”; defining the term “inactive”; prohibiting a student who is enrolled in the Florida School for the Deaf and the Blind from being eligible for the Gardiner Scholarship Program; revising the purposes for which program funds may be used; requiring that a student’s account be closed and program funds revert to the state after the account is inactive for a specified number of years; specifying that certain actions of a private school are a basis for program ineligibility; revising parent and student
responsibilities for program participation; revising obligations of scholarship-funding organizations; amending s. 1002.395,