A bill to be entitled
An act relating to educational options; amending s. 1002.385, F.S.; revising definitions for the Gardiner Scholarship Program; defining the term "inactive" for the purposes of the program; revising student eligibility criteria; authorizing program funds to be used for specified purposes and by specified entities; prohibiting billing of certain entities for services paid for through the program; revising private school eligibility requirements; providing that consecutive years of certain material exceptions constitutes program ineligibility for certain private schools; prohibiting certain students from receiving additional scholarship payments until certain conditions are met; revising funding calculations; amending s. 1002.39, F.S.; revising eligibility criteria for the John M. McKay Scholarships for Students with Disabilities Program; revising requirements for certain students in a transition-to-work program; amending s. 1002.395, F.S.; revising student eligibility criteria for the Florida Tax Credit Scholarship Program; requiring the Department of Education to provide a letter of denial to participate in the program to a specified entity within a certain period; requiring the department to provide a letter of acceptance or denial of specified

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actions related to a tax credit to a specified entity
and include that entity on certain letters and
correspondence; authorizing a child of a parent who is
a member of the United States Armed Forces to apply
for a scholarship at any time; requiring a parent to
approve each payment made by funds transfer;
prohibiting a parent from designating certain entities
or individuals to approve a funds transfer; requiring
certain private schools to submit a report by a
specified date; providing that consecutive years of
certain material exceptions constitutes program
ineligibility for certain private schools; revising
the annual limits of a scholarship awarded to certain
students; authorizing payment of the scholarship to be
made by funds transfer; specifying approved means of
funds transfer; requiring a parent to approve a funds
transfer before funds are deposited; amending s.
1012.98, F.S.; authorizing certain nonprofit
scholarship-funding organizations to develop a
specified professional development system; providing
appropriations; providing an effective date.

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

Section 1. Paragraphs (i) and (j) of subsection (2) of
section 1002.385, Florida Statutes, are redesignated as paragraphs (j) and (k), respectively, paragraphs (d) and (h) of subsection (2), paragraph (a) of subsection (3), subsection (5), paragraph (b) of subsection (6), subsection (8), paragraphs (e) and (f) of subsection (11), paragraph (j) of subsection (12), and paragraph (a) of subsection (13) are amended, and a new paragraph (i) is added to subsection (2) of that section, 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; rare diseases which affect patient populations of fewer than 200,000 individuals in the United States; anaphylaxis; and Williams syndrome or identification as orthopedically impaired, deaf, visually impaired, hospital or homebound, dual sensory impaired,
traumatic brain injured, or other health impaired, as defined by rules of the State Board of Education and evidenced by reports from the local school district.

(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 no eligible expenditures have 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 or older when 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; and
   3. Meets one or more of the following criteria:
      a. Has a disability as defined in paragraph (2)(d) which is documented by an IEP or by 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;
      b. Is currently participating in the program, is 5 years of age or older, and has previously been identified as a high-risk child, as defined in s. 393.063(23)(a); or and
c.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. However, a student with an IEP whose sole exceptionality is gifted is not eligible for the Gardiner Scholarship 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.

(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 a Florida hospital that 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
credentialled 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 for using 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) Provide a report from an independent certified public accountant who performs 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

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submit the report by August 15, 2017 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 consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that constitutes a basis for the ineligibility of the private school is ineligible 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.

(e) The parent must annually renew participation in the program. Notwithstanding any changes to the student's IEP, a
student who was previously eligible for participation in the
program shall remain eligible to apply for renewal. However, for
a high-risk child to continue to participate in the program in
the school year after he or she reaches 6 years of age, the
child's application for renewal of program participation must
contain documentation that the child has a disability defined in
paragraph (2)(d) other than high-risk status.

(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 a scholarship 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 is eligible for a scholarship based on available funds.

(13) FUNDING AND PAYMENT.—

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

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

3. Beginning with the 2017-2018 fiscal year and each fiscal year thereafter, the calculation for a new student entering the program shall be based on the student's matrix level of services. The funding for a student without a matrix of services Except as otherwise provided in subsection (7), the calculation for all students participating in the program shall be based on the matrix that assigns the student to support Level III of services. If a parent chooses to request and receive a matrix of services from the school district, when the school district completes the matrix, the amount of the payment shall be adjusted as needed.

Section 2. Section 1002.39, Florida Statutes, is amended to read:

1002.39 The John M. McKay Scholarships for Students with
Disabilities Program. There is established a program that is separate and distinct from the Opportunity Scholarship Program and is named the John M. McKay Scholarships for Students with Disabilities Program.

(1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH DISABILITIES PROGRAM.—The John M. McKay Scholarships for Students with Disabilities Program is established to provide the option to attend a public school other than the one to which assigned, or to provide a scholarship to a private school of choice, for students with disabilities for whom:

(a) An individual educational plan has been written in accordance with rules of the State Board of Education; or

(b) A 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973.

Students with disabilities include K-12 students who are documented as having an intellectual disability; a speech impairment; a language impairment; a hearing impairment, including deafness; a visual impairment, including blindness; a dual sensory impairment; an orthopedic impairment; an other health impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; a traumatic brain injury; a developmental delay; or autism spectrum disorder.
(2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a student with a disability may request and receive from the state a John M. McKay Scholarship for the child to enroll in and attend a private school in accordance with this section if:

(a) The student has:

1. Has received specialized instructional services under the Voluntary Prekindergarten Education Program pursuant to s. 1002.66 during the previous school year and the student has a current individual educational plan developed by the local school board in accordance with rules of the State Board of Education for the John M. McKay Scholarships for Students with Disabilities Program or a 504 accommodation plan has been issued under s. 504 of the Rehabilitation Act of 1973; or

2. Spent the prior school year in attendance at a Florida public school or the Florida School for the Deaf and the Blind. For purposes of this subparagraph, prior school year in attendance means that the student was enrolled and reported for funding in the October or February Florida Education Finance Program survey immediately preceding the request to participate in the program pursuant to paragraph (b) by:

   a. A school district, for funding during the preceding October and February Florida Education Finance Program surveys in kindergarten through grade 12, which includes time spent in a Department of Juvenile Justice commitment program if funded under the Florida Education Finance Program;
b. The Florida School for the Deaf and the Blind, during
the preceding October and February student membership surveys in
kindergarten through grade 12; or

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

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

(b) The parent has obtained acceptance for admission of
the student to a private school that is eligible for the program
under subsection (8) and has requested from the department a
scholarship at least 60 days before the date of the first
scholarship payment. The request must be communicated directly
to the department in a manner that creates a written or
electronic record of the request and the date of receipt of the
request. The department must notify the district of the parent's
intent upon receipt of the parent's request.

(3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
not eligible for a John M. McKay Scholarship:
(a) While he or she is enrolled in a school operating for the purpose of providing educational services to youth in Department of Juvenile Justice commitment programs;  
(b) While he or she is receiving a Florida tax credit scholarship under s. 1002.395;  
(c) While he or she is receiving an educational scholarship pursuant to this chapter;  
(d) While he or she is participating in a home education program as defined in s. 1002.01(1);  
(e) While he or she is participating in a private tutoring program pursuant to s. 1002.43;  
(f) While he or she is participating in a virtual school, correspondence school, or distance learning program that receives state funding pursuant to the student's participation unless the participation is limited to no more than two courses per school year;  
(g) While he or she is enrolled in the Florida School for the Deaf and the Blind;  
(h) While he or she is not having regular and direct contact with his or her private school teachers at the school's physical location unless he or she is enrolled in the private school's transition-to-work program pursuant to subsection (10); or  
(i) If he or she has been issued a temporary 504 accommodation plan under s. 504 of the Rehabilitation Act of
1973 which is valid for 6 months or less.

(4) TERM OF JOHN M. MCKAY SCHOLARSHIP.—

(a) For purposes of continuity of educational choice, a
John M. McKay Scholarship shall remain in force until the
student returns to a public school, graduates from high school,
or reaches the age of 22, whichever occurs first. A scholarship
student who enrolls in a public school or public school program
is considered to have returned to a public school for the
purpose of determining the end of the scholarship's term.
However, if a student enters a Department of Juvenile Justice
detention center for a period of no more than 21 days, the
student is not considered to have returned to a public school
for that purpose.

(b) Upon reasonable notice to the department and the
school district, the student's parent may remove the student
from the private school and place the student in a public school
in accordance with this section.

(c) Upon reasonable notice to the department, the
student's parent may move the student from one participating
private school to another participating private school.

(5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

(a)1. By April 1 of each year and within 10 days after an
individual education plan meeting or a 504 accommodation plan is
issued under s. 504 of the Rehabilitation Act of 1973, a school
district shall notify the parent of the student of all options
available pursuant to this section, inform the parent of the availability of the department's telephone hotline and Internet website for additional information on John M. McKay Scholarships, and offer that student's parent an opportunity to enroll the student in another public school in the district.

2. The parent is not required to accept the offer of enrolling in another public school in lieu of requesting a John M. McKay Scholarship to a private school. However, if the parent chooses the public school option, the student may continue attending a public school chosen by the parent until the student graduates from high school.

3. If the parent chooses a public school consistent with the district school board's choice plan under s. 1002.31, the school district shall provide transportation to the public school selected by the parent. The parent is responsible to provide transportation to a public school chosen that is not consistent with the district school board's choice plan under s. 1002.31.

(b)1. For a student with disabilities who does not have a matrix of services under s. 1011.62(1)(e), the school district must complete a matrix that assigns the student to one of the levels of service as they existed prior to the 2000-2001 school year.

2.a. Within 10 school days after it receives notification of a parent's request for a John M. McKay Scholarship, a 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 a John M. McKay
Scholarship. This notice should include the required completion
date for the matrix.

b. The school district must complete the matrix of
services for any student who is participating in the John M.
McKay Scholarships for Students with Disabilities Program and
must notify the department of the student's matrix level within
30 days after receiving notification of a request to participate
in the scholarship program. The school district must provide the
student's parent with the student's matrix level within 10
school days after its completion.

c. The department shall notify the private school of the
amount of the scholarship 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.

(c) A school district shall provide notification to
parents of the availability of a reevaluation at least every 3
years of each student who receives a John M. McKay Scholarship.

(d) If the parent chooses the private school option and
the student is accepted by the private school pending the
availability of a space for the student, the parent of the student must notify the department 60 days prior to the first scholarship payment and before entering the private school in order to be eligible for the scholarship when a space becomes available for the student in the private school.

(e) The parent of a student may choose, as an alternative, to enroll the student in and transport the student to a public school in an adjacent school district which has available space and has a program with the services agreed to in the student's individual education plan or 504 accommodation plan already in place, and that school district shall accept the student and report the student for purposes of the district's funding pursuant to the Florida Education Finance Program.

(f) For a student who participates in the John M. McKay Scholarships for Students with Disabilities Program whose parent requests that the student take the statewide assessments under s. 1008.22, the district in which the student attends private school shall provide locations and times to take all statewide assessments.

(6) DEPARTMENT OF EDUCATION OBLIGATIONS.—The department shall:

(a) Establish a toll-free hotline that provides parents and private schools with information on participation in the John M. McKay Scholarships for Students with Disabilities Program.
(b) Annually verify the eligibility of private schools that meet the requirements of subsection (8).

(c) Establish a process by which individuals may notify the department of any violation by a parent, private school, or school district of state laws relating to program participation. The department shall conduct an inquiry of any written complaint of a violation of this section, or make a referral to the appropriate agency for an investigation, if the complaint is signed by the complainant and is legally sufficient. A complaint is legally sufficient if it contains ultimate facts that show that a violation of this section or any rule adopted by the State Board of Education has occurred. In order to determine legal sufficiency, the department may require supporting information or documentation from the complainant. A department inquiry is not subject to the requirements of chapter 120.

(d) Require an annual, notarized, sworn compliance statement by participating private schools certifying compliance with state laws and shall retain such records.

(e) Cross-check the list of participating scholarship students with the public school enrollment lists prior to each scholarship payment to avoid duplication.

(f)1. Conduct random site visits to private schools participating in the John M. McKay Scholarships for Students with Disabilities Program. The purpose of the site visits is solely to verify the information reported by the schools.
concerning the enrollment and attendance of students, the
credentials of teachers, background screening of teachers, and
teachers' fingerprinting results, which information is required
by rules of the State Board of Education, subsection (8), and s.
1002.421. The Department of Education may not make more than
three random site visits each year and may not make more than
one random site visit each year to the same private school.

2. Annually, by December 15, report to the Governor, the
President of the Senate, and the Speaker of the House of
Representatives the Department of Education's actions with
respect to implementing accountability in the scholarship
program under this section and s. 1002.421, any substantiated
allegations or violations of law or rule by an eligible private
school under this program concerning the enrollment and
attendance of students, the credentials of teachers, background
screening of teachers, and teachers' fingerprinting results and
the corrective action taken by the Department of Education.

(7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

(a) The Commissioner of Education:

1. Shall deny, suspend, or revoke a private school's
participation in the scholarship program if it is determined
that the private school has failed to comply with the provisions
of this section. However, if the noncompliance is correctable
within a reasonable amount of time and if the health, safety, or
welfare of the students is not threatened, the commissioner may
issue a notice of noncompliance which provides the private school with a timeframe within which to provide evidence of compliance before taking action to suspend or revoke the private school's participation in the scholarship program.

2. May deny, suspend, or revoke a private school's participation in the scholarship program if the commissioner determines that an owner or operator of the private school is operating or has operated an educational institution in this state or in another state or jurisdiction in a manner contrary to the health, safety, or welfare of the public.

   a. In making such a determination, the commissioner may consider factors that include, but are not limited to, acts or omissions by an owner or operator which led to a previous denial or revocation of participation in an education scholarship program; an owner's or operator's failure to reimburse the Department of Education for scholarship funds improperly received or retained by a school; imposition of a prior criminal sanction related to an owner's or operator's management or operation of an educational institution; imposition of a civil fine or administrative fine, license revocation or suspension, or program eligibility suspension, termination, or revocation related to an owner's or operator's management or operation of an educational institution; or other types of criminal proceedings in which an owner or operator was found guilty of, regardless of adjudication, or entered a plea of nolo contendere.
or guilty to, any offense involving fraud, deceit, dishonesty, or moral turpitude.

b. For purposes of this subparagraph, the term "owner or operator" includes an owner, operator, superintendent, or principal of, or a person who has equivalent decisionmaking authority over, a private school participating in the scholarship program.

(b) The commissioner's determination is subject to the following:

1. If the commissioner intends to deny, suspend, or revoke a private school's participation in the scholarship program, the department shall notify the private school of such proposed action in writing by certified mail and regular mail to the private school's address of record with the department. The notification shall include the reasons for the proposed action and notice of the timelines and procedures set forth in this paragraph.

2. The private school that is adversely affected by the proposed action shall have 15 days from receipt of the notice of proposed action to file with the department's agency clerk a request for a proceeding pursuant to ss. 120.569 and 120.57. If the private school is entitled to a hearing under s. 120.57(1), the department shall forward the request to the Division of Administrative Hearings.

3. Upon receipt of a request referred pursuant to this
paragraph, the director of the Division of Administrative
Hearings shall expedite the hearing and assign an administrative
law judge who shall commence a hearing within 30 days after the
receipt of the formal written request by the division and enter
a recommended order within 30 days after the hearing or within
30 days after receipt of the hearing transcript, whichever is
later. Each party shall be allowed 10 days in which to submit
written exceptions to the recommended order. A final order shall
be entered by the agency within 30 days after the entry of a
recommended order. The provisions of this subparagraph may be
waived upon stipulation by all parties.

(c) The commissioner may immediately suspend payment of
scholarship funds if it is determined that there is probable
cause to believe that there is:

1. An imminent threat to the health, safety, or welfare of
the students; or

2. Fraudulent activity on the part of the private school.

Notwithstanding s. 1002.22, in incidents of alleged fraudulent
activity pursuant to this section, the Department of Education's
Office of Inspector General is authorized to release personally
identifiable records or reports of students to the following
persons or organizations:

a. A court of competent jurisdiction in compliance with an
order of that court or the attorney of record in accordance with
a lawfully issued subpoena, consistent with the Family

b. A person or entity authorized by a court of competent jurisdiction in compliance with an order of that court or the attorney of record pursuant to a lawfully issued subpoena, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

c. Any person, entity, or authority issuing a subpoena for law enforcement purposes when the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed, consistent with the Family Educational Rights and Privacy Act, 20 U.S.C. s. 1232g, and 34 C.F.R. s. 99.31.

The commissioner's order suspending payment pursuant to this paragraph may be appealed pursuant to the same procedures and timelines as the notice of proposed action set forth in paragraph (b).

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

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

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

(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. Cooperating with the scholarship student whose parent chooses to participate in the statewide assessments pursuant to s. 1008.22.

(d) Maintain in this state a physical location where a scholarship student regularly attends classes.

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

(9) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—A parent who applies for a John M. McKay Scholarship is exercising his or her parental option to place his or her child in a private school.

(a) The parent must select the private school and apply
for the admission of his or her child.

(b) The parent must have requested the scholarship at least 60 days prior to the date of the first scholarship payment.

(c) Any student participating in the John M. McKay Scholarships for Students with Disabilities Program must remain in attendance throughout the school year unless excused by the school for illness or other good cause.

(d) Each parent and each student has an obligation to the private school to comply with the private school's published policies.

(e) If the parent requests that the student participating in the John M. McKay Scholarships for Students with Disabilities Program take all statewide assessments required pursuant to s. 1008.22, the parent is responsible for transporting the student to the assessment site designated by the school district.

(f) Upon receipt of a scholarship warrant, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant. A participant who fails to comply with this paragraph forfeits the scholarship.

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

(a) To offer a transition-to-work program, a participating private school must:

1. Develop a transition-to-work program plan, which must include a written description of the academic instruction and work skills training students will receive and the goals for students in the program.

2. Submit the transition-to-work program plan to the Office of Independent Education and Parental Choice.

3. Develop a personalized transition-to-work program plan for each student enrolled in the program. The student's parent, the student, and the school principal must sign the personalized plan. The personalized plan must be submitted to the Office of Independent Education and Parental Choice upon request by the office.

4. Provide a release of liability form that must be signed by the student's parent, the student, and a representative of the business offering the volunteer or paid work experience.

5. Assign a case manager or job coach to visit the
student's job site on a weekly basis to observe the student and, if necessary, provide support and guidance to the student.

6. Provide to the parent and student a quarterly report that documents and explains the student's progress and performance in the program.

7. Maintain accurate attendance and performance records for the student.

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

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

2. Participate in 10 hours of work per week at the student's volunteer or paid work experience.

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

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

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

(11) JOHN M. MCKAY SCHOLARSHIP FUNDING AND PAYMENT.—

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

2. In addition, a share of the guaranteed allocation for
exceptional students shall be determined and added to the amount
in subparagraph 1. The calculation shall be based on the
methodology and the data used to calculate the guaranteed
allocation for exceptional students for each district in chapter
2000-166, Laws of Florida. Except as provided in subparagraphs
3. and 4., the calculation shall be based on the student's
grade, matrix level of services, and the difference between the
2000-2001 basic program and the appropriate level of services
cost factor, multiplied by the 2000-2001 base student allocation
and the 2000-2001 district cost differential for the sending
district. The calculated amount shall include the per-student
share of supplemental academic instruction funds, instructional
materials funds, technology funds, and other categorical funds
as provided in the General Appropriations Act.

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

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

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

6. The scholarship amount granted for an eligible student with disabilities is not subject to the maximum value for funding a student under s. 1011.61(4).

(b) The amount of the John M. McKay Scholarship shall be the calculated amount or the amount of the private school's tuition and fees, whichever is less. The amount of any assessment fee required by the participating private school may be paid from the total amount of the scholarship.

(c)1. The school district shall report all students who are attending a private school under this program. The students with disabilities attending private schools on John M. McKay Scholarships shall be reported separately from other students reported for purposes of the Florida Education Finance Program.

2. For program participants who are eligible under sub-subparagraph (2)(a)2.b., the school district that is used as the basis for the calculation of the scholarship amount as provided in subparagraph (a)3. shall:
a. Report to the department all such students who are attending a private school under this program.

b. Be held harmless for such students from the weighted enrollment ceiling for group 2 programs in s. 1011.62(1)(d)3.b. during the first school year in which the students are reported.

(d) Following notification on July 1, September 1, December 1, or February 1 of the number of program participants, the department shall transfer, from General Revenue funds only, the amount calculated under paragraph (b) from the school district's total funding entitlement under the Florida Education Finance Program and from authorized categorical accounts to a separate account for the scholarship program for quarterly disbursement to the parents of participating students. Funds may not be transferred from any funding provided to the Florida School for the Deaf and the Blind for program participants who are eligible under sub-subparagraph (2)(a)2.b. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the John M. McKay Scholarship calculated pursuant to paragraph (b) shall be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the department must receive all documentation required for the student's participation, including the private school's and the student's fee schedules,
at least 30 days before the first quarterly scholarship payment is made for the student.

(e) Upon notification by the department that it has received the documentation required under paragraph (d), the Chief Financial Officer shall make scholarship payments in four equal amounts no later than September 1, November 1, February 1, and April 1 of each academic year in which the scholarship is in force. The initial payment shall be made after department verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by individual warrant made payable to the student's parent and mailed by the department to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school for deposit into the account of the private school.

(f) Subsequent to each scholarship payment, the department shall request from the Department of Financial Services a sample of endorsed warrants to review and confirm compliance with endorsement requirements.

(12) LIABILITY.—No liability shall arise on the part of the state based on the award or use of a John M. McKay Scholarship.

(13) SCOPE OF AUTHORITY.—The inclusion of eligible private schools within options available to Florida public school students does not expand the regulatory authority of the state,
its officers, or any school district to impose any additional
regulation of private schools beyond those reasonably necessary
to enforce requirements expressly set forth in this section.

(14) RULES.—The State Board of Education shall adopt rules
pursuant to ss. 120.536(1) and 120.54 to administer this
section, including rules that school districts must use to
expedite the development of a matrix of services based on an
active individual education plan from another state or a foreign
country for a transferring student with a disability who is a
dependent child of a member of the United States Armed Forces.
The rules must identify the appropriate school district
personnel who must complete the matrix of services. For purposes
of these rules, a transferring student with a disability is one
who was previously enrolled as a student with a disability in an
out-of-state or an out-of-country public or private school or
agency program and who is transferring from out of state or from
a foreign country pursuant to a parent's permanent change of
station orders.

Section 3. Paragraph (f) of subsection (5) of section
1002.395, Florida Statutes, is redesignated as paragraph (g),
subsection (3), paragraph (b) of subsection (5), paragraph (h)
of subsection (6), paragraph (f) of subsection (7), subsection
(8), and paragraphs (a) and (b) of subsection (12) are amended,
and a new paragraph (f) is added to subsection (5) of that
section, to read:
1002.395  Florida Tax Credit Scholarship Program.—

(3)  PROGRAM; SCHOLARSHIP ELIGIBILITY.—

(a)  The Florida Tax Credit Scholarship Program is established.

(b) For the 2014-2015 and 2015-2016 school years, contingent upon available funds, a student is eligible for a Florida tax credit scholarship under this section if the student meets one or more of the following criteria:

1.  The student qualifies for free or reduced-price school lunches under the National School Lunch Act or is on the direct certification list;

2.  The student is currently placed, or during the previous state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01; or

3.  The student continues in the scholarship program as long as the student's household income level does not exceed 230 percent of the federal poverty level.

(b)(c) For the 2016-2017 school year and thereafter, contingent upon available funds, a student is eligible for a Florida tax credit scholarship under this section if the student meets one or more of the following criteria:

1.  The student is on the direct certification list or the student's household income level does not exceed 185 percent of the federal poverty level; or

2.  The student is currently placed, or during the previous
state fiscal year was placed, in foster care or in out-of-home care as defined in s. 39.01.

3. The student's household income level is greater than 185 percent of the federal poverty level but does not exceed 260 percent of the federal poverty level.

A student who initially receives a scholarship based on eligibility under subparagraph (b)2. or subparagraph (c)2. remains eligible to participate until the student graduates from high school or attains the age of 21 years, whichever occurs first, regardless of the student's household income level. A sibling of a student who is participating in the scholarship program under this subsection is eligible for a scholarship if the student resides in the same household as the sibling.

(5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

(b) A taxpayer may submit an application to the department for a tax credit or credits under one or more of s. 211.0251, s. 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

1. The taxpayer shall specify in the application each tax for which the taxpayer requests a credit and the applicable taxable year for a credit under s. 220.1875 or s. 624.51055 or the applicable state fiscal year for a credit under s. 211.0251, s. 212.1831, or s. 561.1211. The department shall approve tax credits on a first-come, first-served basis and must obtain the division's approval before approving a tax credit under s.
561.1211.

2. Within 10 days after approving or denying an application, the department shall provide a copy of its approval or denial letter to the eligible nonprofit scholarship-funding organization specified by the taxpayer in the application.

(f) Within 10 days after approving or denying an application for a carryforward tax credit under paragraph (c), the conveyance, transfer, or assignment of a tax credit under paragraph (d), or the rescindment of a tax credit under paragraph (e), the department shall provide a copy of its approval or denial letter to the eligible nonprofit scholarship-funding organization specified by the taxpayer. The department shall also include the eligible nonprofit scholarship-funding organization specified by the taxpayer on all letters or correspondence of acknowledgment for tax credits under s. 212.1831.

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(h) Must allow a student in foster care or out-of-home care or a dependent child of a parent who is a member of the United States Armed Forces to apply for a scholarship at any time.

Information and documentation provided to the Department of
Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

(7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM PARTICIPATION.—

(f) Upon receipt of a scholarship warrant from the eligible nonprofit scholarship-funding organization, the parent to whom the warrant is made must restrictively endorse the warrant to the private school for deposit into the account of the private school. If payments are made by funds transfer, the parent must approve each payment before the scholarship funds may be deposited. The parent may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship warrant or approve a funds transfer. A participant who fails to comply with this paragraph forfeits the scholarship.

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

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

(b) Provide to the eligible nonprofit scholarship-funding 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 scholarship 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 must report a student's scores to the parent. A participating private school must annually report by August 15 the scores of all participating students to the Learning System Institute described in paragraph (9)(j).

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 must 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) Provide a report from an independent certified public accountant who performs the agreed-upon procedures developed under paragraph (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 2010-2011 state fiscal year or a state fiscal year thereafter. A private school subject to this paragraph must submit the report by August 15, 2017, and annually thereafter to the scholarship-funding 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 consecutive years of material exceptions listed in the report required under paragraph (e), the commissioner may determine that...
constitute a basis for the ineligibility of the private school
is ineligible to participate in the scholarship program as
determined by the Department of Education.

(12) SCHOLARSHIP AMOUNT AND PAYMENT.—
(a) Except as provided in subparagraph 2., the scholarship
amount of a scholarship provided to any student for any single
school year by an eligible nonprofit scholarship-funding
organization from eligible contributions shall be for total
costs authorized under paragraph (6)(d), not to exceed annual
limits, which shall be determined as follows:

1.a. The base amount For a scholarship awarded to a
student enrolled in an eligible private school, the limit shall
be determined as a percentage by multiplying the unweighted FTE
funding amount in that state fiscal year by the percentage used
to determine the limit in the prior state fiscal year. However,
in each state fiscal year that the tax credit cap amount
increases pursuant to paragraph (5)(a), the prior year
percentage shall be increased by 4 percentage points and the
increased percentage shall be used to determine the limit for
that state fiscal year. If the percentage so calculated reaches
80 percent in a state fiscal year, no further increase in the
percentage is allowed and the limit shall be 80 percent of the
unweighted FTE funding amount for that state fiscal year and
thereafter. Beginning in the 2016-2017 state fiscal year, the
amount of a scholarship awarded to a student enrolled in an
eligible private school shall be equal to 82 percent of the unweighted FTE funding amount for that state fiscal year and thereafter as follows:

(I) Eighty-eight percent for a student enrolled in kindergarten through grade 5.

(II) Ninety-two percent for a student enrolled in grade 6 through grade 8.

(III) Ninety-six percent for a student enrolled in grade 9 through grade 12.

b. The amount awarded to a student enrolled in a Florida public school that is located outside the district in which the student resides or in a lab school as defined in s. 1002.32, is limited to $750 the limit shall be $500.

2. The annual limit for a scholarship under sub-subparagraph 1.a. shall be reduced by:

a. Twenty-five percent if the student's household income level is equal to or greater than 200 percent, but less than 215 percent, of the federal poverty level.

b. Fifty percent if the student's household income level is equal to or greater than 215 percent, but equal to or less than 230 percent, of the federal poverty level.

2.3. For the 2016-2017 state fiscal year and thereafter, The annual limit for a scholarship under sub-subparagraph 1.a. shall be reduced by:
a. Twelve percent if the student's household income level is greater than or equal to 200 percent, but less than 215 percent, of the federal poverty level.

b. Twenty-six percent if the student's household income level is greater than or equal to 215 percent, but less than 230 percent, of the federal poverty level.

c. Forty percent if the student's household income level is greater than or equal to 230 percent, but less than 245 percent, of the federal poverty level.

d. Fifty percent if the student's household income level is greater than or equal to 245 percent, but less than or equal to 260 percent, of the federal poverty level.

(b) Payment of the scholarship by the eligible nonprofit scholarship-funding organization shall be by individual warrant made payable to the student's parent or by funds transfer, including, but not limited to, debit cards, electronic payment cards, or any other means of payment that the department deems to be commercially viable or cost-effective. If the payment is made by warrant, parent chooses that his or her child attend an eligible private school, the warrant must be delivered by the eligible nonprofit scholarship-funding organization to the private school of the parent's choice, and the parent shall restrictively endorse the warrant to the private school. An eligible nonprofit scholarship-funding organization shall ensure that the parent to whom the warrant is made restrictively
endorsed the warrant to the private school for deposit into the account of the private school or that the parent has approved a funds transfer before any scholarship funds are deposited.

Section 4. Subsection (6) of section 1012.98, Florida Statutes, is amended to read:

1012.98 School Community Professional Development Act.—

(6) An organization of private schools, a consortium of charter schools which has no fewer than 10 member schools in this state, or an eligible nonprofit scholarship--funding organization as defined in s. 1002.395, which publishes and files with the Department of Education copies of its standards, and the member schools of which comply with the provisions of part II of chapter 1003, relating to compulsory school attendance, may also develop a professional development system that includes a master plan for inservice activities. The system and inservice plan must be submitted to the commissioner for approval pursuant to state board rules.

Section 5. For the 2017-2018 fiscal year, the sum of $200 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for scholarship awards under the Gardiner Scholarship Program in s. 1002.385, Florida Statutes. In addition to the funds appropriated for the scholarship awards, the sum of $6 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for each nonprofit scholarship-funding
organization's reasonable and necessary administrative expenses to manage and distribute scholarship awards under the program pursuant to s. 1002.385(13)(g).

Section 6. This act shall take effect July 1, 2017.