

1 A bill to be entitled
2 An act relating to educational options; amending s.
3 1002.385, F.S.; revising definitions for the Gardiner
4 Scholarship Program; defining the term "inactive" for
5 the purposes of the program; revising student
6 eligibility criteria; authorizing program funds to be
7 used for specified purposes and by specified entities;
8 prohibiting billing of certain entities for services
9 paid for through the program; revising private school
10 eligibility requirements; providing that consecutive
11 years of certain material exceptions constitutes
12 program ineligibility for certain private schools;
13 prohibiting certain students from receiving additional
14 scholarship payments until certain conditions are met;
15 revising funding calculations; amending s. 1002.39,
16 F.S.; revising eligibility criteria for the John M.
17 McKay Scholarships for Students with Disabilities
18 Program; revising requirements for certain students in
19 a transition-to-work program; amending s. 1002.395,
20 F.S.; revising student eligibility criteria for the
21 Florida Tax Credit Scholarship Program; requiring the
22 Department of Education to provide a letter of denial
23 to participate in the program to a specified entity
24 within a certain period; requiring the department to
25 provide a letter of acceptance or denial of specified

26 | actions related to a tax credit to a specified entity
27 | and include that entity on certain letters and
28 | correspondence; authorizing a child of a parent who is
29 | a member of the United States Armed Forces to apply
30 | for a scholarship at any time; requiring a parent to
31 | approve each payment made by funds transfer;
32 | prohibiting a parent from designating certain entities
33 | or individuals to approve a funds transfer; requiring
34 | certain private schools to submit a report by a
35 | specified date; providing that consecutive years of
36 | certain material exceptions constitutes program
37 | ineligibility for certain private schools; revising
38 | the annual limits of a scholarship awarded to certain
39 | students; authorizing payment of the scholarship to be
40 | made by funds transfer; specifying approved means of
41 | funds transfer; requiring a parent to approve a funds
42 | transfer before funds are deposited; amending s.
43 | 1012.98, F.S.; authorizing certain nonprofit
44 | scholarship-funding organizations to develop a
45 | specified professional development system; providing
46 | appropriations; providing an effective date.

47 |
48 | Be It Enacted by the Legislature of the State of Florida:

49 |
50 | Section 1. Paragraphs (i) and (j) of subsection (2) of

51 section 1002.385, Florida Statutes, are redesignated as
52 paragraphs (j) and (k), respectively, paragraphs (d) and (h) of
53 subsection (2), paragraph (a) of subsection (3), subsection (5),
54 paragraph (b) of subsection (6), subsection (8), paragraphs (e)
55 and (f) of subsection (11), paragraph (j) of subsection (12),
56 and paragraph (a) of subsection (13) are amended, and a new
57 paragraph (i) is added to subsection (2) of that section, to
58 read:

59 1002.385 The Gardiner Scholarship.—

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

61 (d) "Disability" means, for a 3- or 4-year-old child or
62 for a student in kindergarten to grade 12, autism spectrum
63 disorder, as defined in the Diagnostic and Statistical Manual of
64 Mental Disorders, Fifth Edition, published by the American
65 Psychiatric Association; cerebral palsy, as defined in s.
66 393.063(6); Down syndrome, as defined in s. 393.063(15); an
67 intellectual disability, as defined in s. 393.063(24); Phelan-
68 McDermid syndrome, as defined in s. 393.063(28); Prader-Willi
69 syndrome, as defined in s. 393.063(29); spina bifida, as defined
70 in s. 393.063(40); being a high-risk child, as defined in s.
71 393.063(23) (a); muscular dystrophy; rare diseases which affect
72 patient populations of fewer than 200,000 individuals in the
73 United States; anaphylaxis; and Williams syndrome or
74 identification as orthopedically impaired, deaf, visually
75 impaired, hospital or homebound, dual sensory impaired,

76 traumatic brain injured, or other health impaired, as defined by
 77 rules of the State Board of Education and evidenced by reports
 78 from the local school district.

79 (h) "IEP" means individual education plan, regardless of
 80 whether the plan has been reviewed or revised within the last 12
 81 months.

82 (i) "Inactive" means that no eligible expenditures have
 83 been made from an account funded pursuant to paragraph (13)(d).

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

87 (a) The student:

88 1. Is a resident of this state;

89 2. Is 3 ~~er~~ 4 years of age or older when ~~on or before~~
 90 ~~September 1 of the year in which~~ the student applies for program
 91 participation or is eligible to enroll in kindergarten through
 92 grade 12 in a public school in this state; and

93 3. Meets one or more of the following criteria:

94 a. Has a disability as defined in paragraph (2)(d) which
 95 is documented by an IEP or by a diagnosis of a disability from a
 96 physician who is licensed under chapter 458 or chapter 459, a
 97 psychologist who is licensed under chapter 490, or a physician
 98 who holds an active license issued by another state or territory
 99 of the United States or the District of Columbia;

100 b. Is currently participating in the program, is 5 years

101 of age or older, and has previously been identified as a high-
102 risk child, as defined in s. 393.063(23)(a); ~~or and~~

103 c.4. Is the subject of an IEP written in accordance with
104 rules of the State Board of Education or with the applicable
105 rules of another state. However, a student with an IEP whose
106 sole exceptionality is gifted is not eligible for the Gardiner
107 Scholarship ~~has received a diagnosis of a disability from a~~
108 ~~physician who is licensed under chapter 458 or chapter 459 or a~~
109 ~~psychologist who is licensed under chapter 490.~~

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

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

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

119 (c) Specialized services by approved providers or a
120 Florida hospital that are selected by the parent. These
121 specialized services may include, but are not limited to:

122 1. Applied behavior analysis services as provided in ss.
123 627.6686 and 641.31098.

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

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

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

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

133 (d) Enrollment in, or tuition or fees associated with
134 enrollment in, a home education program, an eligible private
135 school, an eligible postsecondary educational institution or a
136 program offered by the institution, a private tutoring program
137 authorized under s. 1002.43, a virtual program offered by a
138 department-approved private online provider that meets the
139 provider qualifications specified in s. 1002.45(2)(a), the
140 Florida Virtual School as a private paying student, or an
141 approved online course offered pursuant to s. 1003.499 or s.
142 1004.0961.

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

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

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

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

164 (i) Fees for specialized summer education programs.

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

166 (k) Transition services provided by job coaches.

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

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

174 (n) Fees for services provided at a center that is a
175 member of the Professional Association of Therapeutic

176 Horsemanship International.

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

180

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

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

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

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

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

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

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

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

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

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

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

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

223 2. Annually administering or making provision for students
 224 participating in the program in grades 3 through 10 to take one
 225 of the nationally norm-referenced tests identified by the

226 Department of Education or the statewide assessments pursuant to
227 s. 1008.22. Students with disabilities for whom standardized
228 testing is not appropriate are exempt from this requirement. A
229 participating private school shall report a student's scores to
230 the parent.

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

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

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

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

246 (e) Provide a report from ~~Annually contract with~~ an
247 independent certified public accountant who performs ~~to perform~~
248 the agreed-upon procedures developed under s. 1002.395(6)(o) ~~and~~
249 ~~produce a report of the results~~ if the private school receives
250 more than \$250,000 in funds from scholarships awarded under this

251 section in ~~the 2014-2015 state fiscal year or~~ a state fiscal
252 year ~~thereafter~~. A private school subject to this paragraph must
253 submit the report by August 15, 2017 ~~September 15, 2015~~, and
254 annually thereafter to the organization that awarded the
255 majority of the school's scholarship funds. The agreed-upon
256 procedures must be conducted in accordance with attestation
257 standards established by the American Institute of Certified
258 Public Accountants.

259
260 If ~~The inability of~~ a private school is unable to meet the
261 requirements of this subsection or has consecutive years of
262 material exceptions listed in the report required under
263 paragraph (e), the commissioner may determine that ~~constitutes a~~
264 ~~basis for the ineligibility of~~ the private school is ineligible
265 to participate in the program as determined by the commissioner.

266 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
267 PARTICIPATION.—A parent who applies for program participation
268 under this section is exercising his or her parental option to
269 determine the appropriate placement or the services that best
270 meet the needs of his or her child. The scholarship award for a
271 student is based on a matrix that assigns the student to support
272 Level III services. If a parent receives an IEP and a matrix of
273 services from the school district pursuant to subsection (7),
274 the amount of the payment shall be adjusted as needed, when the
275 school district completes the matrix.

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

285 (f) The parent is responsible for procuring the services
286 necessary to educate the student. If a parent does not procure
287 the necessary educational services for the student and the
288 student's account has been inactive for 2 consecutive fiscal
289 years, the student is ineligible for additional scholarship
290 payments until the scholarship funding organization verifies
291 that expenditures from the account have occurred. When the
292 student receives a Gardiner Scholarship, the district school
293 board is not obligated to provide the student with a free
294 appropriate public education. For purposes of s. 1003.57 and the
295 Individuals with Disabilities in Education Act, a participating
296 student has only those rights that apply to all other
297 unilaterally parentally placed students, except that, when
298 requested by the parent, school district personnel must develop
299 an individual education plan or matrix level of services.

300

301 A parent who fails to comply with this subsection forfeits the
302 Gardiner Scholarship.

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

306 (j) Documenting each scholarship student's eligibility for
307 a fiscal year before granting a scholarship for that fiscal year
308 pursuant to paragraph (3) (b). A student is ineligible for a
309 scholarship if the student's account has been inactive for 2
310 consecutive fiscal years. However, once an eligible expenditure
311 is made pursuant to paragraph (11) (f), the student is eligible
312 for a scholarship based on available funds.

313 (13) FUNDING AND PAYMENT.—

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

322 2. In addition, an amount equivalent to a share of the
323 guaranteed allocation for exceptional students in the Florida
324 Education Finance Program shall be determined and added to the
325 amount in subparagraph 1. The calculation shall be based on the

326 methodology and the data used to calculate the guaranteed
327 allocation for exceptional students for each district in chapter
328 2000-166, Laws of Florida. Except as provided in subparagraph
329 3., the calculation shall be based on the student's grade, the
330 matrix level of services, and the difference between the 2000-
331 2001 basic program and the appropriate level of services cost
332 factor, multiplied by the 2000-2001 base student allocation and
333 the 2000-2001 district cost differential for the sending
334 district. The calculated amount must also include an amount
335 equivalent to the per-student share of supplemental academic
336 instruction funds, instructional materials funds, technology
337 funds, and other categorical funds as provided in the General
338 Appropriations Act.

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

350 Section 2. Section 1002.39, Florida Statutes, is amended

351 to read:

352 1002.39 The John M. McKay Scholarships for Students with
353 Disabilities Program. ~~There is established a program that is~~
354 ~~separate and distinct from the Opportunity Scholarship Program~~
355 ~~and is named the John M. McKay Scholarships for Students with~~
356 ~~Disabilities Program.~~

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

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

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

367
368 Students with disabilities include K-12 students who are
369 documented as having an intellectual disability; a speech
370 impairment; a language impairment; a hearing impairment,
371 including deafness; a visual impairment, including blindness; a
372 dual sensory impairment; an orthopedic impairment; an other
373 health impairment; an emotional or behavioral disability; a
374 specific learning disability, including, but not limited to,
375 dyslexia, dyscalculia, or developmental aphasia; a traumatic

376 brain injury; a developmental delay; or autism spectrum
377 disorder.

378 (2) JOHN M. MCKAY SCHOLARSHIP ELIGIBILITY.—The parent of a
379 student with a disability may request and receive from the state
380 a John M. McKay Scholarship for the child to enroll in and
381 attend a private school in accordance with this section if:

382 (a) The student ~~has~~:

383 1. Has received specialized instructional services under
384 the Voluntary Prekindergarten Education Program pursuant to s.
385 1002.66 during the previous school year and the student has a
386 current individual educational plan developed by the local
387 school board in accordance with rules of the State Board of
388 Education for the John M. McKay Scholarships for Students with
389 Disabilities Program or a 504 accommodation plan has been issued
390 under s. 504 of the Rehabilitation Act of 1973; or

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

398 a. A school district, ~~for funding during the preceding~~
399 ~~October and February Florida Education Finance Program surveys~~
400 in kindergarten through grade 12, which includes time spent in a

401 Department of Juvenile Justice commitment program if funded
402 under the Florida Education Finance Program;

403 b. The Florida School for the Deaf and the Blind, during
404 ~~the preceding October and February student membership surveys~~ in
405 kindergarten through grade 12; or

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

410

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

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

426 (3) JOHN M. MCKAY SCHOLARSHIP PROHIBITIONS.—A student is
 427 not eligible for a John M. McKay Scholarship:

428 (a) While he or she is enrolled in a school operating for
 429 the purpose of providing educational services to youth in
 430 Department of Juvenile Justice commitment programs;

431 (b) While he or she is receiving a Florida tax credit
 432 scholarship under s. 1002.395;

433 (c) While he or she is receiving an educational
 434 scholarship pursuant to this chapter;

435 (d) While he or she is participating in a home education
 436 program as defined in s. 1002.01(1);

437 (e) While he or she is participating in a private tutoring
 438 program pursuant to s. 1002.43;

439 (f) While he or she is participating in a virtual school,
 440 correspondence school, or distance learning program that
 441 receives state funding pursuant to the student's participation
 442 unless the participation is limited to no more than two courses
 443 per school year;

444 (g) While he or she is enrolled in the Florida School for
 445 the Deaf and the Blind;

446 (h) While he or she is not having regular and direct
 447 contact with his or her private school teachers at the school's
 448 physical location unless he or she is enrolled in the private
 449 school's transition-to-work program pursuant to subsection (10);
 450 or

451 (i) If he or she has been issued a temporary 504
452 accommodation plan under s. 504 of the Rehabilitation Act of
453 1973 which is valid for 6 months or less.

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

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

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

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

473 (5) SCHOOL DISTRICT OBLIGATIONS; PARENTAL OPTIONS.—

474 (a)1. By April 1 of each year and within 10 days after an
475 individual education plan meeting or a 504 accommodation plan is

476 issued under s. 504 of the Rehabilitation Act of 1973, a school
477 district shall notify the parent of the student of all options
478 available pursuant to this section, inform the parent of the
479 availability of the department's telephone hotline and Internet
480 website for additional information on John M. McKay
481 Scholarships, and offer that student's parent an opportunity to
482 enroll the student in another public school in the district.

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

489 3. If the parent chooses a public school consistent with
490 the district school board's choice plan under s. 1002.31, the
491 school district shall provide transportation to the public
492 school selected by the parent. The parent is responsible to
493 provide transportation to a public school chosen that is not
494 consistent with the district school board's choice plan under s.
495 1002.31.

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

501 2.a. Within 10 school days after it receives notification
502 of a parent's request for a John M. McKay Scholarship, a school
503 district must notify the student's parent if the matrix of
504 services has not been completed and inform the parent that the
505 district is required to complete the matrix within 30 days after
506 receiving notice of the parent's request for a John M. McKay
507 Scholarship. This notice should include the required completion
508 date for the matrix.

509 b. The school district must complete the matrix of
510 services for any student who is participating in the John M.
511 McKay Scholarships for Students with Disabilities Program and
512 must notify the department of the student's matrix level within
513 30 days after receiving notification of a request to participate
514 in the scholarship program. The school district must provide the
515 student's parent with the student's matrix level within 10
516 school days after its completion.

517 c. The department shall notify the private school of the
518 amount of the scholarship within 10 days after receiving the
519 school district's notification of the student's matrix level.

520 d. A school district may change a matrix of services only
521 if the change is to correct a technical, typographical, or
522 calculation error.

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

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

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

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

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

549 (a) Establish a toll-free hotline that provides parents
550 and private schools with information on participation in the

551 John M. McKay Scholarships for Students with Disabilities
552 Program.

553 (b) Annually verify the eligibility of private schools
554 that meet the requirements of subsection (8).

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

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

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

574 (f)1. Conduct random site visits to private schools
575 participating in the John M. McKay Scholarships for Students

576 with Disabilities Program. The purpose of the site visits is
577 solely to verify the information reported by the schools
578 concerning the enrollment and attendance of students, the
579 credentials of teachers, background screening of teachers, and
580 teachers' fingerprinting results, which information is required
581 by rules of the State Board of Education, subsection (8), and s.
582 1002.421. The Department of Education may not make more than
583 three random site visits each year and may not make more than
584 one random site visit each year to the same private school.

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

595 (7) COMMISSIONER OF EDUCATION AUTHORITY AND OBLIGATIONS.—

596 (a) The Commissioner of Education:

597 1. Shall deny, suspend, or revoke a private school's
598 participation in the scholarship program if it is determined
599 that the private school has failed to comply with the provisions
600 of this section. However, if the noncompliance is correctable

601 within a reasonable amount of time and if the health, safety, or
602 welfare of the students is not threatened, the commissioner may
603 issue a notice of noncompliance which provides the private
604 school with a timeframe within which to provide evidence of
605 compliance before taking action to suspend or revoke the private
606 school's participation in the scholarship program.

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

613 a. In making such a determination, the commissioner may
614 consider factors that include, but are not limited to, acts or
615 omissions by an owner or operator which led to a previous denial
616 or revocation of participation in an education scholarship
617 program; an owner's or operator's failure to reimburse the
618 Department of Education for scholarship funds improperly
619 received or retained by a school; imposition of a prior criminal
620 sanction related to an owner's or operator's management or
621 operation of an educational institution; imposition of a civil
622 fine or administrative fine, license revocation or suspension,
623 or program eligibility suspension, termination, or revocation
624 related to an owner's or operator's management or operation of
625 an educational institution; or other types of criminal

626 | proceedings in which an owner or operator was found guilty of,
627 | regardless of adjudication, or entered a plea of nolo contendere
628 | or guilty to, any offense involving fraud, deceit, dishonesty,
629 | or moral turpitude.

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

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

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

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

651 Administrative Hearings.

652 3. Upon receipt of a request referred pursuant to this
653 paragraph, the director of the Division of Administrative
654 Hearings shall expedite the hearing and assign an administrative
655 law judge who shall commence a hearing within 30 days after the
656 receipt of the formal written request by the division and enter
657 a recommended order within 30 days after the hearing or within
658 30 days after receipt of the hearing transcript, whichever is
659 later. Each party shall be allowed 10 days in which to submit
660 written exceptions to the recommended order. A final order shall
661 be entered by the agency within 30 days after the entry of a
662 recommended order. The provisions of this subparagraph may be
663 waived upon stipulation by all parties.

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

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

669 2. Fraudulent activity on the part of the private school.
670 Notwithstanding s. 1002.22, in incidents of alleged fraudulent
671 activity pursuant to this section, the Department of Education's
672 Office of Inspector General is authorized to release personally
673 identifiable records or reports of students to the following
674 persons or organizations:

675 a. A court of competent jurisdiction in compliance with an

676 order of that court or the attorney of record in accordance with
677 a lawfully issued subpoena, consistent with the Family
678 Educational Rights and Privacy Act, 20 U.S.C. s. 1232g.

679 b. A person or entity authorized by a court of competent
680 jurisdiction in compliance with an order of that court or the
681 attorney of record pursuant to a lawfully issued subpoena,
682 consistent with the Family Educational Rights and Privacy Act,
683 20 U.S.C. s. 1232g.

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

690

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

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

699 (a) Comply with all requirements for private schools
700 participating in state school choice scholarship programs

701 pursuant to s. 1002.421.

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

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

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

713 2. Cooperating with the scholarship student whose parent
714 chooses to participate in the statewide assessments pursuant to
715 s. 1008.22.

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

718

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

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

726 his or her child in a private school.

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

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

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

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

739 (e) If the parent requests that the student participating
740 in the John M. McKay Scholarships for Students with Disabilities
741 Program take all statewide assessments required pursuant to s.
742 1008.22, the parent is responsible for transporting the student
743 to the assessment site designated by the school district.

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

751 the scholarship.

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

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

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

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

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

774 4. Provide a release of liability form that must be signed
775 by the student's parent, the student, and a representative of

776 the business offering the volunteer or paid work experience.

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

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

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

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

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

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

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

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

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

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

799 (a)1. The maximum scholarship granted for an eligible
800 student with disabilities shall be equivalent to the base

801 student allocation in the Florida Education Finance Program
802 multiplied by the appropriate cost factor for the educational
803 program that would have been provided for the student in the
804 district school to which he or she was assigned, multiplied by
805 the district cost differential.

806 2. In addition, a share of the guaranteed allocation for
807 exceptional students shall be determined and added to the amount
808 in subparagraph 1. The calculation shall be based on the
809 methodology and the data used to calculate the guaranteed
810 allocation for exceptional students for each district in chapter
811 2000-166, Laws of Florida. Except as provided in subparagraphs
812 3. and 4., the calculation shall be based on the student's
813 grade, matrix level of services, and the difference between the
814 2000-2001 basic program and the appropriate level of services
815 cost factor, multiplied by the 2000-2001 base student allocation
816 and the 2000-2001 district cost differential for the sending
817 district. The calculated amount shall include the per-student
818 share of supplemental academic instruction funds, instructional
819 materials funds, technology funds, and other categorical funds
820 as provided in the General Appropriations Act.

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

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

832 5. The scholarship amount for a student eligible under s.
833 504 of the Rehabilitation Act of 1973 shall be based on the
834 program cost factor the student currently generates through the
835 Florida Education Finance Program.

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

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

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

849 2. For program participants who are eligible under sub-
850 subparagraph (2)(a)2.b., the school district that is used as the

851 basis for the calculation of the scholarship amount as provided
852 in subparagraph (a)3. shall:

853 a. Report to the department all such students who are
854 attending a private school under this program.

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

858 (d) Following notification on July 1, September 1,
859 December 1, or February 1 of the number of program participants,
860 the department shall transfer, from General Revenue funds only,
861 the amount calculated under paragraph (b) from the school
862 district's total funding entitlement under the Florida Education
863 Finance Program and from authorized categorical accounts to a
864 separate account for the scholarship program for quarterly
865 disbursement to the parents of participating students. Funds may
866 not be transferred from any funding provided to the Florida
867 School for the Deaf and the Blind for program participants who
868 are eligible under sub-subparagraph (2)(a)2.b. For a student
869 exiting a Department of Juvenile Justice commitment program who
870 chooses to participate in the scholarship program, the amount of
871 the John M. McKay Scholarship calculated pursuant to paragraph
872 (b) shall be transferred from the school district in which the
873 student last attended a public school before commitment to the
874 Department of Juvenile Justice. When a student enters the
875 scholarship program, the department must receive all

876 documentation required for the student's participation,
877 including the private school's and the student's fee schedules,
878 at least 30 days before the first quarterly scholarship payment
879 is made for the student.

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

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

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

900 (13) SCOPE OF AUTHORITY.—The inclusion of eligible private

901 schools within options available to Florida public school
902 students does not expand the regulatory authority of the state,
903 its officers, or any school district to impose any additional
904 regulation of private schools beyond those reasonably necessary
905 to enforce requirements expressly set forth in this section.

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

921 Section 3. Paragraph (f) of subsection (5) of section
922 1002.395, Florida Statutes, is redesignated as paragraph (g),
923 subsection (3), paragraph (b) of subsection (5), paragraph (h)
924 of subsection (6), paragraph (f) of subsection (7), subsection
925 (8), and paragraphs (a) and (b) of subsection (12) are amended,

926 and a new paragraph (f) is added to subsection (5) of that
 927 section, to read:

928 1002.395 Florida Tax Credit Scholarship Program.—

929 (3) PROGRAM; SCHOLARSHIP ELIGIBILITY.—

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

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

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

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

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

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

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

951 the federal poverty level; or

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

955 3. The student's household income level is greater than
 956 185 percent of the federal poverty level but does not exceed 260
 957 percent of the federal poverty level.

958

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

967 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

968 (b) A taxpayer may submit an application to the department
 969 for a tax credit or credits under one or more of s. 211.0251, s.
 970 212.1831, s. 220.1875, s. 561.1211, or s. 624.51055.

971 1. The taxpayer shall specify in the application each tax
 972 for which the taxpayer requests a credit and the applicable
 973 taxable year for a credit under s. 220.1875 or s. 624.51055 or
 974 the applicable state fiscal year for a credit under s. 211.0251,
 975 s. 212.1831, or s. 561.1211. The department shall approve tax

976 | credits on a first-come, first-served basis and must obtain the
 977 | division's approval before approving a tax credit under s.
 978 | 561.1211.

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

983 | (f) Within 10 days after approving or denying an
 984 | application for a carryforward tax credit under paragraph (c),
 985 | the conveyance, transfer, or assignment of a tax credit under
 986 | paragraph (d), or the rescindment of a tax credit under
 987 | paragraph (e), the department shall provide a copy of its
 988 | approval or denial letter to the eligible nonprofit scholarship-
 989 | funding organization specified by the taxpayer. The department
 990 | shall also include the eligible nonprofit scholarship-funding
 991 | organization specified by the taxpayer on all letters or
 992 | correspondence of acknowledgment for tax credits under s.
 993 | 212.1831.

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

997 | (h) Must allow a student in foster care or out-of-home
 998 | care or a dependent child of a parent who is a member of the
 999 | United States Armed Forces to apply for a scholarship at any
 1000 | time.

1001
1002 Information and documentation provided to the Department of
1003 Education and the Auditor General relating to the identity of a
1004 taxpayer that provides an eligible contribution under this
1005 section shall remain confidential at all times in accordance
1006 with s. 213.053.

1007 (7) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
1008 PARTICIPATION.—

1009 (f) Upon receipt of a scholarship warrant from the
1010 eligible nonprofit scholarship-funding organization, the parent
1011 to whom the warrant is made must restrictively endorse the
1012 warrant to the private school for deposit into the account of
1013 the private school. If payments are made by funds transfer, the
1014 parent must approve each payment before the scholarship funds
1015 may be deposited. The parent may not designate any entity or
1016 individual associated with the participating private school as
1017 the parent's attorney in fact to endorse a scholarship warrant
1018 or approve a funds transfer. A participant who fails to comply
1019 with this paragraph forfeits the scholarship.

1020 (8) PRIVATE SCHOOL ELIGIBILITY AND OBLIGATIONS.—An
1021 eligible private school may be sectarian or nonsectarian and
1022 must:

1023 (a) Comply with all requirements for private schools
1024 participating in state school choice scholarship programs
1025 pursuant to s. 1002.421.

1026 (b) Provide to the eligible nonprofit scholarship-funding
1027 organization, upon request, all documentation required for the
1028 student's participation, including the private school's and
1029 student's fee schedules.

1030 (c) Be academically accountable to the parent for meeting
1031 the educational needs of the student by:

1032 1. At a minimum, annually providing to the parent a
1033 written explanation of the student's progress.

1034 2. Annually administering or making provision for students
1035 participating in the scholarship program in grades 3 through 10
1036 to take one of the nationally norm-referenced tests identified
1037 by the Department of Education or the statewide assessments
1038 pursuant to s. 1008.22. Students with disabilities for whom
1039 standardized testing is not appropriate are exempt from this
1040 requirement. A participating private school must report a
1041 student's scores to the parent. A participating private school
1042 must annually report by August 15 the scores of all
1043 participating students to the Learning System Institute
1044 described in paragraph (9)(j).

1045 3. Cooperating with the scholarship student whose parent
1046 chooses to have the student participate in the statewide
1047 assessments pursuant to s. 1008.22 or, if a private school
1048 chooses to offer the statewide assessments, administering the
1049 assessments at the school.

1050 a. A participating private school may choose to offer and

1051 administer the statewide assessments to all students who attend
1052 the private school in grades 3 through 10.

1053 b. A participating private school must submit a request in
1054 writing to the Department of Education by March 1 of each year
1055 in order to administer the statewide assessments in the
1056 subsequent school year.

1057 (d) Employ or contract with teachers who have regular and
1058 direct contact with each student receiving a scholarship under
1059 this section at the school's physical location.

1060 (e) Provide a report from ~~Annually contract with an~~
1061 independent certified public accountant who performs ~~to perform~~
1062 the agreed-upon procedures developed under paragraph (6)(o) ~~and~~
1063 ~~produce a report of the results~~ if the private school receives
1064 more than \$250,000 in funds from scholarships awarded under this
1065 section in ~~the 2010-2011 state fiscal year or~~ a state fiscal
1066 year ~~thereafter~~. A private school subject to this paragraph must
1067 submit the report by August 15, 2017 ~~September 15, 2011~~, and
1068 annually thereafter to the scholarship-funding organization that
1069 awarded the majority of the school's scholarship funds. The
1070 agreed-upon procedures must be conducted in accordance with
1071 attestation standards established by the American Institute of
1072 Certified Public Accountants.

1073
1074 If ~~The inability of~~ a private school is unable to meet the
1075 requirements of this subsection or has consecutive years of

1076 material exceptions listed in the report required under
 1077 paragraph (e), the commissioner may determine that shall
 1078 ~~constitute a basis for the ineligibility of the private school~~
 1079 is ineligible to participate in the scholarship program as
 1080 determined by the Department of Education.

1081 (12) SCHOLARSHIP AMOUNT AND PAYMENT.—

1082 (a) Except as provided in subparagraph 2., the scholarship
 1083 ~~amount of a scholarship~~ provided to any student for any single
 1084 school year by an eligible nonprofit scholarship-funding
 1085 organization from eligible contributions shall be for total
 1086 costs authorized under paragraph (6) (d), not to exceed annual
 1087 limits, which shall be determined as follows:

1088 1.a. The base amount ~~For a scholarship~~ awarded to a
 1089 student enrolled in an eligible private school, ~~the limit~~ shall
 1090 be determined as a percentage ~~by multiplying the unweighted FTE~~
 1091 ~~funding amount in that state fiscal year by the percentage used~~
 1092 ~~to determine the limit in the prior state fiscal year. However,~~
 1093 ~~in each state fiscal year that the tax credit cap amount~~
 1094 ~~increases pursuant to paragraph (5) (a), the prior year~~
 1095 ~~percentage shall be increased by 4 percentage points and the~~
 1096 ~~increased percentage shall be used to determine the limit for~~
 1097 ~~that state fiscal year. If the percentage so calculated reaches~~
 1098 ~~80 percent in a state fiscal year, no further increase in the~~
 1099 ~~percentage is allowed and the limit shall be 80 percent of the~~
 1100 ~~unweighted FTE funding amount for that state fiscal year and~~

1101 ~~thereafter. Beginning in the 2016-2017 state fiscal year, the~~
1102 ~~amount of a scholarship awarded to a student enrolled in an~~
1103 ~~eligible private school shall be equal to 82 percent of the~~
1104 ~~unweighted FTE funding amount for that state fiscal year and~~
1105 ~~thereafter as follows:-~~

1106 (I) Eighty-eight percent for a student enrolled in
1107 kindergarten through grade 5.

1108 (II) Ninety-two percent for a student enrolled in grade 6
1109 through grade 8.

1110 (III) Ninety-six percent for a student enrolled in grade 9
1111 through grade 12.

1112 b. The ~~For a~~ scholarship amount awarded to a student
1113 enrolled in a Florida public school that is located outside the
1114 district in which the student resides or in a lab school as
1115 defined in s. 1002.32, is limited to \$750 ~~the limit shall be~~
1116 ~~\$500.~~

1117 ~~2. The annual limit for a scholarship under sub-~~
1118 ~~subparagraph 1.a. shall be reduced by:~~

1119 ~~a. Twenty-five percent if the student's household income~~
1120 ~~level is equal to or greater than 200 percent, but less than 215~~
1121 ~~percent, of the federal poverty level.~~

1122 ~~b. Fifty percent if the student's household income level~~
1123 ~~is equal to or greater than 215 percent, but equal to or less~~
1124 ~~than 230 percent, of the federal poverty level.~~

1125 2.3. ~~For the 2016-2017 state fiscal year and thereafter,~~

1126 The annual limit for a scholarship under sub-subparagraph 1.a.
 1127 shall be reduced by:

1128 a. Twelve percent if the student's household income level
 1129 is greater than or equal to 200 percent, but less than 215
 1130 percent, of the federal poverty level.

1131 b. Twenty-six percent if the student's household income
 1132 level is greater than or equal to 215 percent, but less than 230
 1133 percent, of the federal poverty level.

1134 c. Forty percent if the student's household income level
 1135 is greater than or equal to 230 percent, but less than 245
 1136 percent, of the federal poverty level.

1137 d. Fifty percent if the student's household income level
 1138 is greater than or equal to 245 percent, but less than or equal
 1139 to 260 percent, of the federal poverty level.

1140 (b) Payment of the scholarship by the eligible nonprofit
 1141 scholarship-funding organization shall be by individual warrant
 1142 made payable to the student's parent or by funds transfer,
 1143 including, but not limited to, debit cards, electronic payment
 1144 cards, or any other means of payment that the department deems
 1145 to be commercially viable or cost-effective. If the payment is
 1146 made by warrant ~~parent chooses that his or her child attend an~~
 1147 ~~eligible private school,~~ the warrant must be delivered by the
 1148 eligible nonprofit scholarship-funding organization to the
 1149 private school of the parent's choice, and the parent shall
 1150 restrictively endorse the warrant to the private school. An

1151 eligible nonprofit scholarship-funding organization shall ensure
1152 that the parent to whom the warrant is made restrictively
1153 endorsed the warrant to the private school for deposit into the
1154 account of the private school or that the parent has approved a
1155 funds transfer before any scholarship funds are deposited.

1156 Section 4. Subsection (6) of section 1012.98, Florida
1157 Statutes, is amended to read:

1158 1012.98 School Community Professional Development Act.—

1159 (6) An organization of private schools, a ~~or~~ consortium of
1160 charter schools which has no fewer than 10 member schools in
1161 this state, or an eligible nonprofit scholarship-funding
1162 organization as defined in s. 1002.395, which publishes and
1163 files with the Department of Education copies of its standards,
1164 and the member schools of which comply with the provisions of
1165 part II of chapter 1003, relating to compulsory school
1166 attendance, may also develop a professional development system
1167 that includes a master plan for inservice activities. The system
1168 and inservice plan must be submitted to the commissioner for
1169 approval pursuant to state board rules.

1170 Section 5. For the 2017-2018 fiscal year, the sum of \$200
1171 million in recurring funds from the General Revenue Fund is
1172 appropriated to the Department of Education for scholarship
1173 awards under the Gardiner Scholarship Program in s. 1002.385,
1174 Florida Statutes. In addition to the funds appropriated for the
1175 scholarship awards, the sum of \$6 million in recurring funds

1176 | from the General Revenue Fund is appropriated to the Department
1177 | of Education for each nonprofit scholarship-funding
1178 | organization's reasonable and necessary administrative expenses
1179 | to manage and distribute scholarship awards under the program
1180 | pursuant to s. 1002.385(13)(g).

1181 | Section 6. This act shall take effect July 1, 2017.