

1 A bill to be entitled
 2 An act relating to the Gardiner Scholarship; amending
 3 s. 1002.385, F.S.; revising eligibility requirements
 4 for the Gardiner Scholarship Program; providing that
 5 scholarship funds may be spent for tuition and fees
 6 associated with programs relating to art, music, or
 7 theatre; revising requirements relating to compliance
 8 statements required for program participation;
 9 requiring the Department of Education to implement a
 10 certain system; providing an effective date.

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

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 14 Section 1. Paragraph (a) of subsection (3) of section
 15 1002.385, Florida Statutes, is amended, paragraph (q) is added
 16 to subsection (5) of that section, paragraph (a) of subsection
 17 (11) of that section is amended, and subsection (18) of that
 18 section is reenacted, to read:

19 1002.385 The Gardiner Scholarship.—

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

23 (a) The student:

24 1. Is a resident of this state;

25 2. Is 3 or 4 years of age when ~~on or before September 1 of~~

26 | ~~the year in which~~ the student applies for program participation,
 27 | or is eligible to enroll in kindergarten through grade 12 in a
 28 | public school in this state;

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

30 | 4. Is the subject of an IEP written in accordance with
 31 | rules of the State Board of Education or with the applicable
 32 | rules of another state or has received a diagnosis of a
 33 | disability from a physician who is licensed under chapter 458 or
 34 | chapter 459, a psychologist who is licensed under chapter 490,
 35 | or a physician who holds an active license issued by another
 36 | state or territory of the United States, the District of
 37 | Columbia, or the Commonwealth of Puerto Rico.

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

41 | (g) Tuition and fees associated with programs relating to
 42 | art, music, or theatre.

43 |
 44 | A provider of any services receiving payments pursuant to this
 45 | subsection may not share, refund, or rebate any moneys from the
 46 | Gardiner Scholarship with the parent or participating student in
 47 | any manner. A parent, student, or provider of any services may
 48 | not bill an insurance company, Medicaid, or any other agency for
 49 | the same services that are paid for using Gardiner Scholarship
 50 | funds.

51 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
 52 PARTICIPATION.—A parent who applies for program participation
 53 under this section is exercising his or her parental option to
 54 determine the appropriate placement or the services that best
 55 meet the needs of his or her child. The scholarship award for a
 56 student is based on a matrix that assigns the student to support
 57 Level III services. If a parent receives an IEP and a matrix of
 58 services from the school district pursuant to subsection (7),
 59 the amount of the payment shall be adjusted as needed, when the
 60 school district completes the matrix.

61 (a) To satisfy or maintain program eligibility, including
 62 eligibility to receive and spend program payments, the parent
 63 must sign an agreement with the organization and annually submit
 64 a ~~notarized~~, sworn compliance statement, which for initial
 65 eligibility must be notarized, to the organization to:

66 1. Affirm that the student is enrolled in a program that
 67 meets regular school attendance requirements as provided in s.
 68 1003.01(13)(b)-(d).

69 2. Affirm that the program funds are used only for
 70 authorized purposes serving the student's educational needs, as
 71 described in subsection (5).

72 3. Affirm that the parent is responsible for the education
 73 of his or her student by, as applicable:

74 a. Requiring the student to take an assessment in
 75 accordance with paragraph (8)(b);

76 b. Providing an annual evaluation in accordance with s.
77 1002.41(1)(f); or

78 c. Requiring the child to take any preassessments and
79 postassessments selected by the provider if the child is 4 years
80 of age and is enrolled in a program provided by an eligible
81 Voluntary Prekindergarten Education Program provider. A student
82 with disabilities for whom a preassessment and postassessment is
83 not appropriate is exempt from this requirement. A participating
84 provider shall report a student's scores to the parent.

85 4. Affirm that the student remains in good standing with
86 the provider or school if those options are selected by the
87 parent.

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89 The department shall implement a system that allows parents to
90 submit all required information to maintain program eligibility
91 under this paragraph through a secure Internet website or other
92 secure electronic means.

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94 A parent who fails to comply with this subsection forfeits the
95 Gardiner Scholarship.

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

99 Section 2. This act shall take effect July 1, 2019.