

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Goodlette offered the following:

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3 **Amendment to Amendment (308089) (with title amendment)**

4 Remove line(s) 144-381 and insert:

5 such records. The Department of Education shall approve a
6 process for verifying the information provided by the private
7 school.

8 (j) The Department of Education shall regularly cross-
9 check the list of participating scholarship students with the
10 public school enrollment lists to avoid duplication.

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

14 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
15 participate in the John M. McKay Scholarships for Students with
16 Disabilities Program, a private school must be a Florida private

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17 school, as defined in s. 1002.01(2), may be sectarian or
18 nonsectarian, and must:

19 (a) Demonstrate fiscal soundness by being in operation for
20 2 or more consecutive school years or obtain 1 school year or
21 ~~provide the Department of Education with a statement by a~~
22 ~~certified public accountant confirming that the private school~~
23 ~~desiring to participate is insured and the owner or owners have~~
24 ~~sufficient capital or credit to operate the school for the~~
25 ~~upcoming year serving the number of students anticipated with~~
26 ~~expected revenues from tuition and other sources that may be~~
27 ~~reasonably expected. In lieu of such a statement, a surety bond~~
28 ~~or letter of credit for the amount equal to the scholarship~~
29 ~~funds for any quarter~~ to may be filed with the Department of
30 Education. The surety bond or letter of credit shall serve to
31 secure expenditures of scholarship funds should such funds be
32 found to have been used for unlawful purposes. However, if
33 during the school year a private school exhibits financial
34 difficulty or is otherwise not in compliance with this section,
35 the Commissioner of Education may impose additional requirements
36 on the private school, which may include additional security
37 bonding.

38 (b) Notify the Department of Education of its intent to
39 participate in the program under this section. The notice must
40 specify the grade levels and services that the private school
41 has available for students with disabilities who are
42 participating in the scholarship program.

43 (c) Comply with the antidiscrimination provisions of 42
44 U.S.C. s. 2000d.

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45 (d) Meet state and local health and safety laws and codes,
46 including, but not limited to, laws pertaining to:

47 1. Fire safety.

48 2. Building codes.

49 (e)1. Require each John M. McKay Scholarship student to
50 participate at least annually in a student assessment which, as
51 determined by the private school in consultation with the
52 student's parent, will demonstrate the student's skill level to
53 the student's parent.

54 2. Notify the student's parent at least annually about the
55 student's skill level on a student assessment that is determined
56 by the private school. ~~Be academically accountable to the parent~~
57 ~~for meeting the educational needs of the student.~~

58 (f) Employ or contract with teachers who hold
59 baccalaureate or higher degrees, or have at least 3 years of
60 teaching experience in public or private schools, or have
61 special skills, knowledge, or expertise that qualifies them to
62 provide instruction in subjects taught.

63 (g) Comply with all state laws relating to general
64 regulation of private schools, including, but not limited to,
65 laws pertaining to:

66 1. Annual private school survey required in s. 1002.42(2).

67 2. Retention of records required in s. 1002.42(3).

68 3. Attendance records and reports required in s.
69 1003.23(2).

70 4. School-entry health examinations and immunizations
71 required in s. 1003.22.

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72 5. Attendance requirements prescribed in ss. 1003.01(13)
73 and 1003.21(1).

74 (h) Publish and adhere to the tenets of its adopted
75 ~~published~~ disciplinary procedures prior to the expulsion of a
76 scholarship student.

77 (i) Within 60 days after employment, for any individual
78 with direct student contact with John M. McKay Scholarship
79 students, file with the Department of Law Enforcement a complete
80 set of fingerprints for state processing for a criminal
81 background check. The Department of Law Enforcement shall in
82 turn submit the fingerprints to the Federal Bureau of
83 Investigation for federal processing for a background check. An
84 "individual with direct student contact with John M. McKay
85 Scholarship students" means any individual who:

86 1. Is employed by a private school in any capacity,
87 including an individual employed as a child care provider, a
88 teacher, or another member of school personnel, and who is
89 responsible for the provision of care, treatment, education,
90 training, instruction, supervision, or recreation of John M.
91 McKay Scholarship students;

92 2. Is the owner or operator of the private school
93 accepting John M. McKay Scholarship students; or

94 3. Has unsupervised access to a John M. McKay Scholarship
95 student for whom the private school is responsible.

96
97 The costs of fingerprinting and the background check shall not
98 be borne by the state. The results of a criminal background
99 check for private school owners shall be reported to the

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100 Department of Education. The owner or operator of the private
101 school shall receive the results of a criminal background check
102 for all other persons subject to the private school background
103 check requirements and immediately report to the Department of
104 Education any individual with direct student contact with John
105 M. McKay Scholarship students who has failed the Level 2
106 background check. Employment of such an individual shall cause a
107 private school to be ineligible for participation in the
108 scholarship program. An individual holding a valid Florida
109 teaching certificate who has been fingerprinted pursuant to s.
110 1012.32 shall not be required to comply with the provisions of
111 this paragraph.

112 (j) Annually comply with the requirements of the
113 Department of Education to submit a notarized sworn compliance
114 statement certifying compliance with state laws pursuant to
115 subsection (3). The form and timeline for submission of the
116 compliance statement shall be specified in rules adopted by the
117 State Board of Education. The statement must be filed with the
118 Department of Education.

119 (k) Comply with all applicable state agency rules relating
120 to private schools.

121 (l) Not operate as a private tutoring program as described
122 in s. 1002.43, a correspondence school, or a distance learning
123 school or provide instruction to students at home.

124 (m) Maintain a physical private school location where a
125 scholarship student regularly attends classes.

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126 (n) Require the parent of each scholarship student to
127 personally restrictively endorse the scholarship check to the
128 school. The school may not:

129 1. Act as attorney in fact for parents of a scholarship
130 student under the authority of a power of attorney executed by
131 such parents, or under any other authority, to endorse
132 scholarship warrants on behalf of parents.

133 2. Send or direct John M. McKay Scholarship funds to
134 parents of a scholarship student who receives instruction at
135 home.

136 3. Accept a John M. McKay Scholarship student until the
137 notarized sworn compliance statement has been completed and has
138 been submitted to and verified by the Department of Education.

139 (o) Annually register with the Department of Education.
140 Each owner or administrator of a private school must provide the
141 following information:

142 1. The legal business and trade name, mailing address, and
143 business location of the private school.

144 2. The full name, address, and telephone number of each
145 owner or administrator of the private school.

146 3. A notification of the private school's intent to
147 participate in the program under this section. The notice must
148 specify the grade levels and services that the private school
149 has available for students with disabilities who are
150 participating in the scholarship program.

151 (p) Provide the Department of Education with all
152 documentation required for each scholarship student's

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153 participation in the scholarship program, including, but not
154 limited to:

155 1. The private school's fee schedule, including, but not
156 limited to, fees for services, tuition, and instructional
157 materials, and each individual scholarship student's schedule of
158 fees and charges, at least 30 days before the first quarterly
159 scholarship payment is made for the student.

160 2. The enrollment and attendance information, including an
161 on-line attendance verification form, for each scholarship
162 student at the private school, prior to each scholarship
163 payment.

164 (q) Notify the Department of Education of any change in
165 the school's registered name or location prior to any such
166 change and notify the Department of Education within 15 days
167 after any other change in the registration information submitted
168 to the department.

169 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

170 (f) Upon receipt of a scholarship warrant, the parent to
171 whom the warrant is made must restrictively endorse the warrant
172 to the private school for deposit into the account of the
173 private school. The parent of a student participating in the
174 scholarship program may not designate any participating private
175 school as the parent's attorney in fact to sign a scholarship
176 warrant.

177 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

178 (e) Following notification on July 1, September 1,
179 December 1, or February 1 of the number of program participants,
180 the Department of Education shall transfer, from General Revenue

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181 funds only, the amount calculated under paragraph (b) from the
182 school district's total funding entitlement under the Florida
183 Education Finance Program and from authorized categorical
184 accounts to a separate account for the scholarship program for
185 quarterly disbursement to the parents of participating students.
186 When a student enters the scholarship program, the Department of
187 Education must receive all documentation required for the
188 student's participation, including, but not limited to, the
189 private school's and student's fee schedules, at least 30 days
190 before the first quarterly scholarship payment is made for the
191 student. The Department of Education may not make any
192 retroactive payments.

193 (f) Upon proper documentation reviewed and approved by the
194 Department of Education, the Chief Financial Officer shall make
195 scholarship payments in four equal amounts no later than
196 September 1, November 1, February 1, and April 1 ~~15~~ of each
197 academic year in which the scholarship is in force. The initial
198 payment shall be made after Department of Education verification
199 of admission acceptance, and subsequent payments shall be made
200 upon verification of continued enrollment and attendance at the
201 private school. Payment must be by individual warrant made
202 payable to the student's parent and mailed by the Department of
203 Education to the private school of the parent's choice, and the
204 parent shall restrictively endorse the warrant to the private
205 school for deposit into the account of the private school.

206 (g) Subsequent to each scholarship payment, the Department
207 of Financial Services shall randomly review endorsed warrants to
208 confirm compliance with endorsement requirements.

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209 (8) COMMISSIONER AUTHORITY.--The Commissioner of Education
210 may suspend or prohibit a private school or a student from
211 participation in the scholarship program and take other action
212 necessary to ensure compliance with the provisions of this
213 section.

214 (9)(8) RULES.--The State Board of Education shall may
215 adopt rules pursuant to ss. 120.536(1) and 120.54 to administer
216 this section, including rules for:

217 (a) Administering the annual notarized sworn compliance
218 statement to all participating private schools.

219 (b) Establishing forms for changes to a matrix by a school
220 district and the Department of Education.

221 (c) Implementing the requirement that a private school
222 timely notify the Department of Education of material changes to
223 the school's registration information.

224 (d) Establishing attendance-verification procedures and
225 forms.

226 (e) Establishing procedures for determining student
227 eligibility and approving scholarships.

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229 The rules related to the annual notarized sworn compliance
230 statement shall establish a deadline for the receipt of the
231 initial notarized sworn compliance statement from the private
232 school and shall enumerate the items to be included in the
233 statement. The rules shall enumerate the items to be included in
234 a subsequent annual notarized sworn compliance statement that is
235 required in January of each year from the private school.
236 However, the inclusion of eligible private schools within

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===== T I T L E A M E N D M E N T =====

Remove line(s) 975-976 and insert:

of the department, annual assessment of students, and
maintenance of a physical location in the state; requiring
fingerprinting