



**SB 672 Educational Options
(CH. 2016-2, Laws of Florida)**

Bill Sponsor: Senator Gaetz

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Executive Summary:

The bill establishes mechanisms for the approval of unique postsecondary education programs tailored to the needs of students with intellectual disabilities and the statewide coordination of information about programs for students with disabilities. In addition, the bill awards incentive payments to school districts and charter schools that implement districtwide or schoolwide, standard student attire policies applicable to students in kindergarten through grade 8. Each school district or charter school qualifies for a minimum award of \$10 per student. Finally, the bill amends a number of provisions of the Personal Learning Scholarship Program by changing the name of the scholarship program to the Gardiner Scholarship program increase student access, tighten accountability, and streamline administration.

Section 1.

Creates 1004.6495, F.S., Florida Postsecondary Comprehensive Transition Program and Florida Center for Students with Unique Abilities, to:

- Establish the Florida Postsecondary Comprehensive Transition Program and the Florida Center for Students with Unique Abilities.
- State that the legislative intent is that students with intellectual disabilities and students with disabilities have access to meaningful postsecondary education credentials and be afforded the opportunity to have a meaningful campus experience.
- Define the following terms: center, director, eligible institution, Florida Postsecondary Comprehensive Transition Program (FPCTP) and transitional student.
- Require that, to be eligible to enroll in an FPCTP at an eligible institution, a student must:
 - Be a "student with an intellectual disability" as defined in 20 U.S.C. s. 1140 (2);
 - Physically attend the eligible institution; and
 - Submit documentation regarding his/her intellectual disabilities.
- Establish the Florida Center for Students with Unique Abilities at the University of Central Florida.
- Define the responsibilities of the Florida Center for Students with Unique Abilities.



- Create eligibility and responsibilities for participating postsecondary institutions.
- Create the Florida Postsecondary Comprehensive Transition Program Scholarship.
- Require that, by October 1 of each year, the center provide the Governor, the President of the Senate, the Speaker of the House of Representatives, the Chancellor of the State University System and the Commissioner of Education a report on the status of the program.
- Require, beginning in 2016-17, that the center collaborate with the Board of Governors, State Board of Education and Higher Education of Coordinating Council to submit statutory and budget recommendations to the Governor, President of the Senate and the Speaker of the House of Representatives no later than December 1 of each year.
- Require the Board of Governors and the State Board of Education to adopt rules and regulations.

Section 2.

Creates s. 1011.78, F.S., Standard student attire incentive payments, to:

- Provide an incentive payment for school districts and charter schools that implement a standard student attire policy for all students in kindergarten through grade 8.
- Cite this section as the "Students Attired for Education (SAFE) Act."
- Provide a purpose for the standard student attire policy as providing a safe environment for students that fosters learning and improves school safety and discipline.
- Provide qualifications for the incentive payment that require a standard attire policy, at a minimum, must:
 - Apply to all students in kindergarten through grade 8 in the school district or charter school, regardless of individual school grade configurations;
 - Prohibit certain types or styles of clothing and require solid-colored clothing and fabrics for pants, skirts, shorts or similar clothing, and short- or long-sleeved shirts with collars; and
 - Allow reasonable accommodations based on a student's religion, disability or medical conditions.
- Specify that, subject to the appropriation of funds by the Legislature, a qualified school district or charter school shall receive an annual award of not less than \$10 per student in kindergarten through grade 8.
- Require the district school superintendent or the charter school governing board to certify to the commissioner that the school district or charter school has implemented a district-wide or school-wide standard student attire policy, respectively, prior to funding but no later than September 1 of each year. A charter school may also qualify by participating in its sponsor's qualifying policy.



- Provide that the commissioner make payment of awards to school districts and charter schools in the order in which certifications are received.
- Require that as of June 30 of each year, any funds provided pursuant to this section that have not been disbursed to qualified school districts and charter schools revert to the fund from which they were appropriated.
- Provide that a district school board or governing board of a charter school that implements a district-wide or school-wide standard student attire policy, respectively, is immune from civil liability resulting from adoption of the policy.

Section 3.

Amends s. 1001.43, F.S., Supplemental powers and duties of district school board, to:

- Provide that a district school board that implements a district-wide standard student attire policy pursuant to s. 1011.78, F.S., is eligible to receive incentive payments.

Section 4.

Amends s. 1002.33, F.S., Charter schools, to:

- Provide that a charter school that implements a school-wide standard student attire policy pursuant to s. 1011.78, F.S., is eligible to receive incentive payments.

Section 5.

Amends s. 1002.385, F.S., The Gardiner Scholarship, to:

- Change the name of the "Florida Personal Learning Scholarship Account Program" to the "Gardiner Scholarship Program".
- Modify the term "curriculum" to include associated online instruction.
- Revise eligibility of The Gardiner Scholarship related to a diagnosis of autism to include students diagnosed with an autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition (DSM-V). This is a broader definition than contained in s. 393.063, F.S.
- Provide that a student determined eligible under the "high-risk child" criteria must establish eligibility under a different disability in the school year after he or she reaches the age of six, or the student will no longer be eligible to participate.
- Expand eligibility of the Gardiner Scholarship to include students with muscular dystrophy.
- Revise the definition of an "eligible nonprofit scholarship-funding organization" or "organization" to mean a nonprofit scholarship-funding organization that is approved pursuant to s. 1002.395(16) F.S.



- Expand the list of eligible postsecondary educational institutions to include an independent college or university that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program under s. 1009.89, F.S.
- Expand eligibility of students participating to include those who are 3 or 4 years of age on or before September 1 of the year in which the student applies for program participation.
- Allow the parent to submit a final verification document to receive scholarship funds in the student's account before the department confirms program eligibility.
- Establish the following items as final verification documents the parent can submit:
 - A completed withdrawal form from the school district, if the student was enrolled in a public school before the determination of program eligibility.
 - A letter of admission or enrollment from an eligible private school for the fiscal year in which the student wishes to participate and, if applicable, a copy of the notification from the private school where the student has withdrawn from the John M. McKay Scholarships for Students with Disabilities Program or the Florida Tax Credit Scholarship Program.
 - A copy of the notice of the parent's intent to establish and maintain a home education program required by s. 1002.41(1)(a), F.S., or the annual educational evaluation of the student in a home education program, which is required by s. 1002.41(2), F.S.
- Clarify that, for the purposes of this program, 3 and 4 year old students receiving services funded through FEFP would be considered enrolled in public school. Students participating in The Gardiner Scholarship would not be eligible to participate in VPK and would not receive additional funding.
- Include the following as additional authorized uses of program funds:
 - Training and maintenance associated with assistive technology devices;
 - Fees associated with enrollment in a home education program;
 - Tuition or fees associated with enrollment in a program offered by an eligible postsecondary institution;
 - Contributions to the Florida College Savings Program;
 - Tuition and fees for part-time tutoring services by a person who holds a permanent or adjunct teaching certificate or someone who has demonstrated a mastery of subject area knowledge;
 - Fees for a summer education or after-school program;
 - Transition services provided by a job coach;



- Fees for annual evaluation by a Florida certified teacher for a home education program student choosing this option; and
 - Tuition and fees for programs offered by approved Voluntary Prekindergarten and school readiness providers.
- Provide that scholarship payments from the department to a Gardiner Scholarship account would continue unless:
 - The parent does not renew;
 - The SFO determines the student is not eligible;
 - The commissioner denies, suspends, or revokes program participation or use of funds; or
 - Student enrolls in a public school, graduates from high school, or attains 22 years of age (whichever comes first).
- Provide that a scholarship account must be closed and funds returned, including contributions to Florida Prepaid College Program and earnings from or contributions made to the Florida College Savings Program made with program funds upon:
 - Denial or revocation of program eligibility by the commissioner due to fraud or abuse; or
 - After any three consecutive years after high school completion during which the student has not been enrolled in an eligible postsecondary program.
- Require the Commissioner to notify the parent and the Scholarship Funding Organization (SFO) when the scholarship account is closed and program funds must revert to state.
- Provide that a parent of a student with a disability who seeks an initial evaluation or a reevaluation of an existing Individualized Education Plan (IEP) may request an IEP meeting and evaluation from the school district in order to obtain or revise a matrix of services. The school district shall notify a parent who has made a request for an IEP that the district is required to complete the IEP and matrix of services within 30 days after receiving notice of the parent's request. The school district shall conduct a meeting and develop an IEP and a matrix of services within 30 days after receipt of the parent's request in accordance with State Board of Education rules.
- Clarify that a school district may change a matrix of services only if the change is a result of an IEP reevaluation or to correct a technical, typographical or calculation error.
- Require the department to maintain on its website a list of approved providers as required in s. 1002.66, F.S., including eligible postsecondary educational institutions and eligible private schools and organizations, and may identify or provide links to lists of other approved providers.
- Require that the information provided in an SFO quarterly report must include:
 - The demographics of program participants;



- The disability category of program participants;
 - The matrix level of services, if known;
 - The program award amount per student; and
 - The total expenditures for the program.
- Require the department to crosscheck the list of students participating in the program with Voluntary Prekindergarten Education Program enrollment lists, and the list of students participating in other school choice scholarship programs before each scholarship award is provided to the organization, and subsequently throughout the school year, to confirm program eligibility. Nevertheless, scholarship payments must be made immediately upon request for parents that have filed final verification documents or for approved 3-4 year olds.
- Authorize the department to determine the length of and conditions for lifting any suspension or revocation.
- Authorize the department to withhold or recover unexpended program funds to recover unauthorized expenditures.
- Clarify that suspension from a state or federal program or failure to reimburse government funds improperly received or retained by a person or entity may be considered by the Commissioner in suspension or revocation decisions.
- Clarify that, to receive and expend program funds, parents must annually submit a sworn statement. The sworn statement requires the parent to affirm:
 - The student is in a program that satisfies mandatory attendance requirements;
 - Funds are used only to serve educational needs;
 - The student remains in good standing with provider or school; and
 - The parent is responsible for student's education, by:
 - Requiring student to take annual assessment, if appropriate, or;
 - Providing an annual evaluation, in accordance with s. 1002.41(1)(c), F.S.
- Remove the requirement for program students not participating in a home education program to maintain a portfolio of records.
- Require parents to notify the school district if the student is participating in the Gardiner Scholarship program and enrolling the student in home education.
- Prohibit a parent from transferring any prepaid college plan or college saving plan funds to another beneficiary while the plan contains program funds.



- Provide that SFOs would review applications and award scholarship funds to approved applicants using the following priorities (in order):
 - Renewing students from the previous school year;
 - Students retained on the previous school year's wait list;
 - Newly approved applicants; and
 - Late-filed applicants.
- Require SFOs to create and maintain wait lists.
- Require that, for each account, the SFO must maintain a record of accrued interest that is retained in the student's account and available only for authorized program expenditures.
- Establish procedures for return of funds by the SFO to the state upon closing of an account.
- Require the SFO to notify the parent about the availability of, and the requirements associated with, requesting an initial IEP or IEP reevaluation every three years for each student participating in the program.
- Require the release of 100 percent of appropriated funds to the department in the first quarter of the fiscal year.
- Require the department to release funds to the SFO to be deposited into the student's account for an approved 3 or 4 year old student or when a parent has filed a final verification document with SFO.
- Provide that students determined to be eligible by:
 - September 1 shall receive 100 percent of the total awarded funds;
 - November 1 shall receive 75 percent of the total awarded funds;
 - February 1 shall receive 50 percent of the total awarded funds; and
 - April 1 shall receive 25 percent of the total awarded funds.
- Prohibit a reduction of a student's scholarship award for debit card or electronic payment fees.
- Allow SFOs to receive funds for administrative purposes. The administrative funds can be no more than three percent of each scholarship amount. To request and receive administrative funds:
 - The SFO must have operated as a nonprofit organization for at least the prior three years;
 - There can be no findings of material weakness or material noncompliance in most recent audit;
 - The funds must be used for reasonable and necessary expenses; and



- The funds may not be used for lobbying or political activity.
- Change the Auditor General requirement to an operational audit only for the SFOs, instead of the financial and operational audits that are currently required.

Section 6.

Amends s. 1002.395, F.S., Florida Tax Credit Scholarship Program, to:

- Prohibit SFOs from charging an application fee for participation in the Florida Tax Credit program.
- Require the Auditor General to provide the commissioner with a copy of required annual operational audit within 10 days of completion.
- Require net eligible funds in excess of 25 percent allowed and any remaining funds held by an SFO no longer participating to be transferred to other SFOs to provide scholarships.
- Require that the surety bond or letter of credit submitted for initial and renewal applications must specify that any claim against the bond or letter of credit may be made only by an eligible nonprofit scholarship-funding organization to provide scholarships to and on behalf of students who would have had scholarships funded if it were not for the diversion of funds giving rise to the claim against the bond or letter of credit.

General Implementation Timeline:

July 1, 2016	This act shall take effect
June 30 of each year	Incentive payments must be made to qualified school districts and charter school governing boards or funds revert.
September 1 of each year	Deadline for school districts and charter school governing boards to certify to the commissioner that they have implemented a qualifying standard student attire policy.