

STATE BOARD OF EDUCATION
Consent Item
June 24, 2015

SUBJECT: Approval of Amendment to Rule 6A-6.0970, John M. McKay Scholarship for Students with Disabilities

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1002.39, Florida Statutes

EXECUTIVE SUMMARY

The proposed rule amendment will clarify the factors a district may consider when approving a school transfer request under the McKay public school transfer option, allowing a district to only consider whether the requested school can meet the needs of the student. The proposed amendment also clarifies that while a parent affidavit must still be submitted for ongoing McKay eligibility, it will not affect the student's payment eligibility should affidavit not be submitted prior to first payment. Lastly, the proposed rule amendment correctly reflects the updated website link to the parent affidavit.

Supporting Documentation Included: Proposed Rule 6A-6.0970, F.A.C.

Facilitator: Adam Miller, Executive Director, Office of Independent Education and Parental Choice

6A-6.0970 John M. McKay Scholarship for Students with Disabilities Program.

The John M. McKay Scholarship for Students with Disabilities Program will be implemented as required by Section 1002.39, F.S., in an effective and equitable manner that will maintain the integrity of the program.

(1) No change.

(2) Public school McKay Scholarship option. Pursuant to Section 1002.39(5), F.S., a student meeting the McKay eligibility requirements may choose to attend another public school in the student's school district or in an adjacent school district.

(a) The McKay Scholarship public school options available are ~~determined by the school district and may be subject to both capacity limitations and~~ the ability of the public school to provide the required services for the individual student.

(b) Pursuant to Section 1002.39(4), F.S., the parent of a student receiving a McKay Scholarship to attend a private school may upon giving notice choose to exercise the public school McKay option.

1. Notice shall be no less than thirty (30) days prior to entering the public school, unless agreed to by the school district.

2. Notice shall be given to the Department and the school district through use of the Department's website.

3. Public school options are ~~still determined by the school district and may be~~ subject to ~~both capacity limitations and~~ the ability of the public school to provide the required services for the individual student.

4. After exercising the educational choice described in this paragraph, a student seeking to reenter a private school under the McKay Scholarship must re-establish initial eligibility requirements including the prior year public school attendance requirement.

(3) through (5)(c)2. No change.

3. As a condition of ~~Prior to~~ receiving a scholarship payment, all parents of participating students must have on file with the Department Form IEPC-AFF1, Affidavit, signed and notarized affirming the validity of the parent's signature. Form IEPC-AFF1 is hereby incorporated by reference in this rule to become effective with the effective date of this rule and may be obtained from the Department's website at <http://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/mckay/mckay-parent-info.stml> ~~http://www.floridaschoolchoice.org/~~.

4. through (9) No change.

Rulemaking Authority 1002.39(13) FS. Law Implemented 1002.39 FS. History—New 1-18-07, Amended 4-21-09,
11-12-09, 2-28-12,