

McKay Scholarship Accountability

History of DOE Investigations of McKay Schools

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1. McKay accountability legislation passed in 2006, and the “Ethics in Education Act” passed in 2008. Among many other requirements, McKay compliance measures include requirements that participating private schools:

- Be registered with the Florida DOE
- Notify DOE of intent to participate and any changes in name, location or leadership
- Complete enrollment and attendance verification
- Demonstrate fiscal soundness
- Comply with federal law prohibiting discrimination
- Meet state and local health, safety & welfare laws
- Employ qualified teachers and provide ethics training
- Complete an annual scholarship compliance statement certifying background screening & submit a notarized annual survey
- Provide parents with written explanations of student progress
- Provide instruction at the school’s physical location for a minimum of 170 school days each year

2. Since 2008, there has been a dramatic increase in the number of DOE investigations (120+) of McKay scholarship program schools. However, there has been a significant decrease in the number of infractions found.

Of the 26 findings of wrongdoing reported by DOE since 2000:

14 incidents began before 2006, with most of the funds in question (\$565,000) being returned for 3 of the 9 schools where misuse of funds was alleged

11 incidents began in 2006-08, with most of the funds in question (\$456,000) being returned for 6 of the 8 schools where misuse of funds was alleged

1 incident began after 2008, with no misuse of funds alleged

3. There are two primary issues involved in current concerns about McKay program accountability:

- Unscrupulous people who abuse the system or break the law:
Unfortunately, there are some people who will abuse any system and who will break the law regardless of what accountability measures are put into place. Additional regulations will not stop these people who already show a disregard for the law.

- Misleading reporting in the media:
We have reached a “tipping point” in educational choice, both in Florida and around the nation. Parental choice has become bipartisan, and this year has produced “legislative breakthroughs that surpass anything the movement has seen before” (Foundation for Educational Choice) as “school choice victories...have captivated the nation” (Alliance for School Choice). Despite evidence that vouchers and other choice options work (Greg Forster, *A Win-Win Solution: The Empirical Evidence on School Vouchers*, 2011), the NEA and others are fighting back and held a rally at the end of July opposing education reform.

The most sensational recent attack against the McKay program and other parental choice options was the June 23, 2011 Miami New Times article that presented “half-truths, twisted facts and misinformation” (DOE). This paper is a free, alternative weekly that is not recognized as a credible news source by major Florida newspapers. The three “notable cases” reported that involved misuse of funds occurred in 2005 (X2) and 2007 prior to the passage of laws which address fraud or misuse of funds.

4. Rather than create legislation that, no matter how stringent, will not appease those who seek the elimination of parental choice programs (*charter schools give the FCAT & have full audits but still have fraud & are criticized for taking funds from “public schools”*), the following options may be considered:

- Provide comprehensive information to legislators, media and others about the scholarship program accountability and compliance measures and enforcement activities
- Request greater assistance from the attorney general to investigate and prosecute those who abuse the program
- Support DOE in enforcing regulations, possibly by increasing DOE school visits