

McKay Scholarship Program Accountability

Report Presented to
Florida Association for Choice in Education
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All private schools that participate in the McKay Scholarship Program must meet the fiscal requirements of Florida Statute 1002.39 and the Accountability and Ethics Acts of 2006 and 2008. Any failures to comply or complaints of infractions are investigated by the Department of Education and may result in loss of eligibility, return of funds to the state, and criminal prosecution.

Private school administrators are responsible for knowledge of and compliance with the requirements outlined in Sections 1002.42, 1002.421, 1002.39 and 1002.395, Florida Statutes, as well as 6A-6.03315, 6A-6.0970 and 6A-6.0960, Florida Administrative Code.

Fiscal requirements include, but are not limited to:

- Submit a fee schedule, including special education and related services available and associated fees
- Fees applied to the McKay scholarship program must be the same as those for other students at the school
- Complete student enrollment and attendance verification requirements
- Annually complete and submit to the Department a notarized scholarship compliance statement certifying that all school employees and contracted personnel with direct student contact have undergone background screening pursuant to s. 943.0542
- Demonstrate fiscal soundness and accountability by being in operation for at least three school years or obtaining a surety bond or letter of credit

- Require the parent of each scholarship student to personally restrictively endorse the scholarship warrant to the school
- Require each employee and contracted personnel to undergo a state and national background screening and deny employment to or terminate an employee if he or she fails to meet the screening standards under s. 435.04
- Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators
- Require all personnel to complete training on ethical standards
- Screen personnel or administrators through educator screening tools described in s. 1001.10(5), including participation in the Bureau of Educator Certification Partnership Access & Services System database and the Professional Practices Database of Disciplinary Action
- Timely respond to requests for information from the DOE, including responses to Departmental inquiries based upon complaints against the school
- Return any funds received for services on a student's fee schedule that were not provided
- Accurately report student withdrawal dates
- Withdraw a student from the school's register of McKay scholarship students when requested by the parent
- Complete and submit the signed and notarized Private School Annual Survey required by s. 1002.42

In addition, obligations of the Department of Education and the Commissioner of Education include:

- Annually verify the eligibility of private schools
- Establish a process by which individuals may notify the department of any violation of state laws
- Conduct an inquiry of any written complaint of a violation, or make a referral to the appropriate agency for an investigation
- Require an annual, notarized, sworn compliance statement
- Cross-check the list of participating scholarship students with the public school enrollment
- Conduct random site visits to private schools participating in the program
- Annually report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the DOE's actions
- Deny, suspend, or revoke a private school's participation in the scholarship program if it is determined that the private school has failed to comply with the provisions of 1002.39
- May deny, suspend, or revoke a private school's participation if an owner or operator of the school is operating or has operated an educational institution in a manner contrary to the health, safety, or welfare of the public
- The commissioner may consider factors that include, but are not limited to, any offense involving fraud, deceit, dishonesty, or moral turpitude.
- May immediately suspend payment of scholarship funds if there is probable cause to believe there is an imminent threat to the health, safety, or welfare of the students or fraudulent activity on the part of the school.

Additional private school educational, health, safety, and welfare requirements include:

- Comply with all requirements for private schools participating in state school choice scholarship programs pursuant to s. 1002.421
- Provide to the Department of Education all documentation required for a student's participation
- Be academically accountable to the parent by providing to the parent a written explanation of the student's progress and by cooperating if parents choose to participate in statewide assessments pursuant to s. 1008.22
- Be registered as a private school in accordance with s. 1002.42
- Comply with the antidiscrimination provisions of 42 U.S.C. s. 2000d
- Notify the Department of intent to participate
- Notify the Department of any change in the school's name, director, mailing address, or physical location within 15 days after the change
- Maintain current contact information on the Department's website, including e-mail addresses
- Meet applicable state and local health, safety, and welfare laws, codes, and rules, including: fire safety, building safety
- Employ or contract with teachers who hold baccalaureate or higher degrees, have at least three years of teaching experience, or have special skills, knowledge, or expertise
- Inform the Department of Law Enforcement of any change in employment or contractual status of personnel whose fingerprints are retained

- Ensure that employees meet screening standards every five years following initial employment by requesting that the Department of Law Enforcement forward fingerprints to the FBI for national processing
- Disqualify instructional personnel and school administrators if they are ineligible for employment under s. 1012.315
- Provide an explanation of the employee liability protections provided under ss. 39.203 and 768.095, F.S.
- Require all personnel to report alleged misconduct by other instructional personnel and school administrators
- Post at the school site and on the school's website the policies and procedures for reporting misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student
- Report legally sufficient allegations of misconduct by Florida certified educators to the Office of Professional Practices using the Educator Misconduct Reporting Form
- Post a notice at the school stating that all employees have a duty to report actual or suspected cases of child abuse, abandonment, or neglect
- Prohibit the school or any employees from entering into a confidentiality agreement regarding terminated or dismissed employees based in whole or in part on misconduct
- Conduct employment history checks of previous employers and document findings
- Provide a program of instruction for a minimum of 170 actual school instruction days with the required instructional hours (per rule 6A-1.09512) under the direct instruction of the teacher at the school's physical location with occasional supervised off-site activities

- Require students to present certification of a school entry health examination
- Maintain a current semi-annual Public/Private School Inspection Report (DH 4030)
- Maintain a current and acceptable Mandatory Measurements Nonresidential Radon Measurement Report (DH 1777 and lab results)
- Maintain a current, violation-free or satisfactory Fire Code Inspection Report