

FLORIDA DEPARTMENT OF EDUCATION

# Scholarship Programs

## ACCOUNTABILITY REPORT



**December 15, 2017**

Submitted as required by:  
Section 1002.39(6)(f)2., Florida Statutes  
Section 1002.395(9)(n)2., Florida Statutes

**Office of Independent Education and Parental Choice**  
*Improving K-12 Educational Choice Options*

## Introduction

This report is submitted in accordance with sections 1002.39(6)(f)2., and 1002.395(9)(n)2., Florida Statutes (F.S.), which provide:

*Annually, by December 15, report to the Governor, the President of the Senate, and the Speaker of the House of Representatives the Department of Education's actions with respect to implementing accountability in the scholarship program under this section and s. 1002.421, any substantiated allegations or violations of law or rule by an eligible private school under this program concerning the enrollment and attendance of students, the credentials of teachers, background screening of teachers, and teachers' fingerprinting results and the corrective action taken by the Department of Education.*

In addition to sections 1002.39 and 1002.395, F.S., governing the McKay and Florida Tax Credit Scholarship Programs, respectively, section 1002.421, F.S., establishes accountability measures for private schools participating in these programs. State Board Rule 6A-6.0970, Florida Administrative Code (F.A.C.), related to the McKay Scholarship Program and State Board Rule 6A-6.0960, F.A.C., related to the Florida Tax Credit Scholarship Program, clarify and establish requirements for private school and student participation in the state scholarship programs and establish procedures and roles for the department and Commissioner of Education. State Board Rule 6A-6.03315, F.A.C., related to private school scholarship compliance, codifies program-related definitions and compliance requirements.

This report will focus on the actions taken by the department to implement accountability measures in the scholarship programs in accordance with the above-named statutes and rules and is divided into three parts.

Part I presents an account of the department's actions in monitoring the compliance of participating private schools with scholarship program requirements. Specifically, this section of the report focuses on the compliance renewal process and the enforcement of renewal deadlines specified in State Board Rule 6A-6.03315, F.A.C. Also included is a brief summary of the application process for new participants and a summary of the department's ongoing compliance monitoring activities.

Part II discusses the department's enforcement of accountability measures such as the fingerprinting requirement for private school staff and contracted personnel, the norm-referenced testing of Florida Tax Credit Scholarship students, the department's site visits to participating private schools, the complaint and inquiry process, and a summary of the department's established communication measures and outreach activities.

Part III explains the department's ongoing actions regarding State Board of Education rules, and legislative changes.

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# **Part I: Scholarship Program Compliance**

## **Compliance Renewal Process**

Sections 1002.39(6)(d) and 1002.395(9)(g), F.S., state that the department shall require and retain an annual, notarized, sworn compliance statement by participating private schools certifying compliance with applicable state laws. Additionally, participating private schools are required by section 1002.421(2)(e), F.S., to 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 section 943.0542, F.S.

These requirements are specified in the Scholarship Compliance Form which is referenced as Form IEPC SCF-1 in State Board Rule 6A-6.03315, F.A.C.

One of the primary ways in which the department implements accountability measures for private schools is through the Compliance Renewal Process. The Compliance Renewal Process is the process of annually submitting a Scholarship Compliance Form and any required supporting documentation. A renewing school is defined in rule as a private school that had scholarship students during the current or previous school year.

Renewing schools are required to submit a Scholarship Compliance Form, Private School Annual Survey, and fiscal soundness documentation (if in operation for less than three years) to renew participation for the next school year. Pursuant to State Board Rule 6A-6.03315, F.A.C., every third year a renewing private school is required to complete a full renewal. This means that the private school must submit all applicable compliance documentation for review such as the school's health and safety inspection reports and the owner's fingerprint report in addition to the standard compliance documentation.

For the 2017-2018 school year, the Compliance Renewal Process began in November 2016, when the 2017-2018 Scholarship Compliance Form was posted on the School Choice website at [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org). At that time, private schools participating in the state scholarship programs were able to begin submitting renewal documentation in order to establish eligibility for the subsequent school year.

### **Renewal Deadlines**

State Board Rule 6A-6.03315, F.A.C., requires renewing private schools to postmark and mail the Scholarship Compliance Form by March 1 of each year to be eligible to participate for the subsequent school year. Following timely submission of the Scholarship Compliance Form, the participating private school must resolve any outstanding compliance issues, including the submission of supporting compliance documentation, on or before May 1 in order to remain eligible to participate in the scholarship programs.

### **Notifications**

The department began notifying participating private schools about the compliance deadlines beginning November 2016. The department's efforts to notify participating private schools about the Compliance Renewal Process for the 2017-2018 school year included a letter and checklist sent by mail and electronically, notifying the schools of the documentation needed to renew;

regular posting of information on the School Choice website; and regular email notifications, in addition to maintaining ongoing communication through the customer service call center and regional managers.

### **Private School Eligibility**

Renewing private schools that fail to meet the compliance renewal deadlines established in rule are issued a Notice of Proposed Action revoking the school's eligibility to participate for the upcoming school year. The Notice of Proposed Action is issued in the form of an Administrative Complaint executed by the Commissioner of Education.

A total of 1,972 schools requested compliance renewal for the 2017-2018 school year, an increase of 106 schools over the 2016-2017 school year. All schools that submitted the required documentation met compliance requirements and were able to renew their participation in the scholarship programs. Four schools were denied eligibility to participate for the 2017-2018 school year for failure to meet the compliance renewal deadlines.

## **New Schools**

State Board Rule 6A-6.03315, F.A.C., defines a new school as a private school that did not have scholarship students during the current or previous school year. New schools may submit the Scholarship Compliance Form at any time; however, the department does not allow the school to enroll scholarship students until the school has adequately demonstrated compliance with all program requirements.

Upon the department's receipt of the signed and notarized Scholarship Compliance Form, new schools have 60 days to submit supporting documentation and resolve any outstanding compliance issues with the department. Supporting documentation includes fiscal soundness documentation (if in operation for less than three years), the Private School Annual Survey, applicable health and safety inspection reports, ethics policy and procedures, and the owner's fingerprint report. If any outstanding compliance issues have not been resolved after 60 days, the department administratively closes the private school's application. The application can be reopened at any time during the same school year by request of the private school.

A total of 237 new private schools began participating in the scholarship programs for the period of November 1, 2016, to October 31, 2017.

## **Ongoing Compliance Monitoring**

In addition to processing compliance renewals each spring and new school applications as they are submitted, the Office of Independent Education and Parental Choice monitors private schools for adherence to scholarship program compliance requirements throughout the school year, as provided for in statute.

Sections 1002.421(5), 1002.39(8) and 1002.395(8), F.S., establish that the inability of a private school to meet the requirements of these sections shall constitute a basis for revoking the

eligibility of the private school to participate in a scholarship program. The types of violations related to these sections and actions taken by the department are described below.

### **Maintaining a Physical Location**

Sections 1002.395(8)(d) and 1002.39(8)(d), F.S., require private schools that participate in a state scholarship program to maintain a physical location in Florida where scholarship students regularly attend classes and have regular and direct contact with the private school teachers. In addition, the private school's physical location, where the regular and direct contact occurs, must meet applicable state and local health, safety, and welfare laws, codes, and rules. If the physical location cannot, for whatever reason, meet the health and safety requirements applicable to all private schools then the private school cannot provide services to scholarship students at that location.

During the period of November 1, 2016, to October 31, 2017, the Commissioner of Education issued Administrative Complaints immediately suspending the eligibility of five private schools for failure to maintain an approved physical location. The reasons for suspension included failure to provide sufficient health inspection documentation or fire inspection documentation, and changing location without updating documentation. Two of the schools provided the necessary documentation to continue participation in the scholarship programs, and their suspension was rescinded, while three schools remain suspended.

### **Demonstrating Fiscal Soundness**

Section 1002.421(2)(f)1., F.S., requires a participating private school in operation for less than three years to demonstrate fiscal soundness by obtaining a surety bond or letter of credit for the amount equal to the scholarship funds for any quarter and filing the surety bond or letter of credit with the department. Sixty-eight private schools with fiscal soundness documentation filed for an amount less than the amount of scholarship funds the school received for any one quarter during the 2016-2017 school year and were issued Notices of Noncompliance. Sixty of the schools obtained a new surety bond or letter of credit for the appropriate amount and were able to continue uninterrupted participation in the scholarship programs. Eight schools were suspended for failure to maintain fiscal soundness documentation. Six of the eight schools suspended submitted fiscal soundness documentation to the department to continue participation in scholarship programs, and their suspensions were rescinded.

### **Failure to Return Funds**

In accordance with Rule 6A-6.0970 (5)(d), F.A.C., private schools are responsible for the return of all scholarship funds that were received in error. Failure to return the funds to the department or to provide a sufficient explanation within 30 days results in the initiation of noncompliance procedures. During the period of November 1, 2016, to October 31, 2017, the Commissioner of Education issued Administrative Complaints suspending the eligibility of six private schools for failure to return funds. All six of the schools either returned scholarship funds to the department or supplied the necessary documentation to continue participation in scholarship programs, and their suspensions were rescinded.



### **Agreed-Upon Procedures**

Section 1002.395(8)(e), F.S., requires a participating private school receiving more than \$250,000 in Florida Tax Credit Scholarship funds during the fiscal year July 1 to June 30 to file an accountability report. This accountability report focuses on the use of the scholarship money and the financial procedures and controls in place at the school. The report, filed in the form of Agreed-Upon Procedures, is to be completed by an independent Certified Public Accountant (CPA) and submitted to the Scholarship Funding Organization (SFO) that administers the majority of the school's scholarships.

There were 689 private schools that received more than \$250,000 in Florida Tax Credit scholarship funds during the 2016-2017 school year. Of the 689 schools, 95 schools submitted a report with no material exceptions, 166 schools submitted a report with material exceptions. Of the 166 schools with material exceptions, four already have corrective action plans from prior years. Schools that submitted reports with material exceptions were directed to create a corrective action plan. 280 schools submitted an incomplete report, of which one school also has a material exception with a corrective action plan from prior years. Thirty-one schools did not submit a report. At the time of the filing of this report, Notices of Noncompliance are being drafted to all schools that did not comply with this requirement.

### **Fraudulent Activity**

Sections 1002.39(7)(c) and 1002.395(11)(c), F.S., provide that the Commissioner of Education may immediately suspend payment of scholarship funds if it is determined that there is probable cause to believe that there is fraudulent activity on the part of the private school or if there is an imminent threat to the health, safety or welfare of the students. In addition, sections 1002.39(7)(a) and 1002.395(11)(a), F. S., provide that the department may 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 that section.

During the period of November 1, 2016, to October 31, 2017, the Commissioner of Education issued Administrative Complaints immediately suspending the eligibility of thirteen private schools based upon probable cause.. The department entered into a settlement agreement with two of the thirteen schools, and their suspensions were rescinded. Two schools provided the necessary documentation showing that no fraud was committed, and their suspensions were rescinded. Five schools appealed the department's action; the schools remain ineligible until the appeals process has been concluded. Four schools have been removed from participation in the scholarship programs.

# **Part II: Additional Accountability Measures**

## **Private School Employee Fingerprinting**

Section 1002.421(2)(i), F.S., states that a participating private school must require each employee and contracted personnel with direct student contact, upon employment or engagement to provide services, to undergo a state and national background screening. The school must deny employment to or terminate an employee who fails to meet the screening standards under sections 435.04 and 1012.315, F.S.

As of July 1, 2007, fingerprints must be submitted electronically via a live scan device and must be retained by the Florida Department of Law Enforcement. The retained fingerprints are searched against all incoming arrest fingerprint submissions in the Applicant Fingerprint Retention and Notification Program. Any matches are reported to the private school. Private schools certify compliance with the employee and contracted personnel fingerprint requirement when they submit the signed and notarized Scholarship Compliance Form. The form includes a question which reads:

Have all employees and contracted personnel with direct student contact submitted their fingerprints to the Florida Department of Law Enforcement for a state and national background screening in accordance with section 1002.421(2)(i), F.S.?

In addition to the question, pursuant to section 1002.421(2)(e), F.S., a certified statement is included on the Scholarship Compliance Form and states:

By signing below, I hereby certify compliance with all relevant state laws including the requirement for all private school employees and contracted personnel with direct student contact to have undergone a background screening pursuant to section 943.0542, F.S.

Private schools unable to answer the question positively or who fail to submit a signed and notarized Scholarship Compliance Form are not eligible to participate in the state scholarship programs.

The department has continued its efforts to notify private schools about this requirement through the Scholarship Programs Newsletter and detailed instructions in the Scholarship Compliance Renewal Packet.

The department also continues to work in conjunction with the Florida Department of Law Enforcement to direct participating private schools to register with the Volunteer and Employee Criminal History System (VECHS) Program. Private schools can submit electronic fingerprints for their employees and contracted personnel and will directly receive both state and federal background check results. The department requires all new participating private schools to supply their VECHS entity number prior to becoming eligible to participate. In addition, a renewing private school must continue to maintain a valid VECHS entity number to remain eligible to participate.

## Private School Site Visits

Section 1002.39(6)(f)1., F.S., requires the department to conduct random site visits to three private schools participating in the McKay Scholarship Program. The sole purpose of the site visits is to verify the information reported by the school concerning the enrollment and attendance of students, teacher credentials, background screenings and fingerprint results of teachers. Additionally, section 1002.395(9)(n)1., F.S., requires the department to conduct seven site visits to Florida Tax Credit Scholarship schools, with additional visits allowed for schools that received a Notice of Noncompliance or Notice of Proposed Action within the previous two years.

The department conducted site visits for the 2016-2017 school year in October 2016. Fourteen private schools were formally notified of the upcoming site visit via mail and e-mail. Each site visit was conducted by three staff members from the Office of Independent Education and Parental Choice with the aid of the Site Visit Procedure Manual, developed by the department. The manual identifies procedures to be followed by department staff conducting the site visits. The manual includes statutory references for each private school requirement and background information and copies of supporting compliance documentation submitted by the selected private schools.

Department staff were guided in their site visits by the following questions:

- In accordance with sections 1002.42(3)(a)2.a. and b., 1003.22(1), 1003.22(4) and 1003.23(2), F.S., does the school have appropriate documentation regarding the enrollment and attendance of students?
- In accordance with section 1003.23(2), F.S., does the school maintain an enrollment register which shows the absence or attendance of each student enrolled for each school day of the year in a manner prescribed by the State Board of Education?
- In accordance with sections 1002.42(2)(c) and 1002.421(2)(i), F.S., does the school have a file for fingerprint cards or Level 2 clearances for all employees and contracted persons?
- In accordance with section 1002.421(2)(h), F.S., does the school have evidence that it employs or contracts with teachers who hold baccalaureate degrees or higher, have at least three years of teaching in public or private schools, or have special skills, knowledge or expertise that qualifies them to provide instruction in the subjects taught as mandated?

Thirteen schools were not able to demonstrate compliance with the statutes related to program documentation at the time of the site visit. Reasons included incomplete documentation of teacher qualifications and background screening results, insufficient evidence of required student

records, and missing or insufficient compliance documentation for the physical location of the school.

At the conclusion of each site visit, the private schools were provided with a copy of the Site Visit Review Form, which documented any required corrective action. If warranted, Notices of Noncompliance were issued to establish a timeline for correcting the deficiencies. Schools able to comply with requirements within the specified timeline continue in the programs uninterrupted. Schools failing to comply by the established deadline are issued an Administrative Complaint executed by the Commissioner of Education that suspends the school's eligibility to participate in the scholarship programs. Schools failing to comply with final deadline requirements have their participation in scholarship programs revoked.

All schools visited were able to supply the required documentation and were able to continue uninterrupted participation in the scholarship programs.

## **Florida Tax Credit Scholarship Norm-Referenced Assessment**

Section 1002.395(8)(c)2., F.S., states that a private school participating in the Florida Tax Credit Scholarship Program must demonstrate academic accountability to the parent for meeting the educational needs of the student by annually administering or making provision for students participating in the scholarship program to take one of the nationally norm-referenced tests identified by the department. A participating private school must report a student's scores to the parent and to the Learning Systems Institute at Florida State University, the independent research organization identified in statute.

Private schools participating in the Florida Tax Credit Scholarship Program certify compliance with this academic accountability requirement when they submit the signed and notarized Scholarship Compliance Form. The form includes a question which reads:

Does the school demonstrate academic accountability pursuant to section 1002.395(8)(c)2., F.S., by administering or making provisions for scholarship students to take a nationally norm-referenced test identified by the Department of Education and reporting the student's scores to the parent and the independent research organization selected in section 1002.395(9)(j), F.S.?

Private schools that are unable to answer positively to this question are not eligible to participate in the Florida Tax Credit Scholarship Program.

### **Notification of Testing Requirement**

The department maintains a page on the School Choice website describing the testing requirement and listing the approved assessments provided by the Office of Assessments. Detailed technical assistance is also posted on this page and includes an extensive question and answer section. The department notified private schools of this requirement in the November 2016, February 2017, March 2017, April 2017, July 2017, August 2017, September 2017 and October 2017 Scholarship Program Newsletters.

### **Submission of Test Scores to Independent Research Organization**

Section 1002.395(9)(j), F.S., requires the department to contract with an independent research organization to which participating private schools must report the scores of participating students on the national norm-referenced tests administered by the private school.

The Learning Systems Institute directed the collection of test scores for the 2016-2017 school year. They worked closely with the state's scholarship funding organizations to contact participating private schools and request the submission of test scores from eligible scholarship students.

In September 2017, the Learning Systems Institute provided the department with a list of 116 private schools that had either not submitted complete test scores or indicated their testing company was delayed. Each school was contacted several times by phone and mail by both the Learning Systems Institute and the department. On September 20, 2017, the department issued Notices of Noncompliance to the 116 schools. Ninety-nine of the 116 schools subsequently submitted test scores to the Learning Systems Institute. At the time of the filing of this report, the department is continuing the process of initiating administrative actions against the 17 schools that have yet to submit the required test scores. Additionally, in November 2017, Learning Systems Institute became aware of additional delinquent scores from schools. Therefore, the department issued another round of Notices of Noncompliance to 78 schools on November 15, 2017. At the time of filing this report, the department was waiting to receive responses regarding the second mailing of Notices of Noncompliance.

### **Identification of Approved Tests**

Section 1002.395(9)(i), F.S., requires the department to maintain a list of nationally norm-referenced tests that meet the testing requirement. The Office of Independent Education and Parental Choice collaborated with the Office of Assessment during the 2016-2017 school year to identify assessments that met the criteria listed below as well as remove those that did not.

1. Norming studies that show dates of the studies, definition of the populations sampled, the procedure used to draw the samples, sample sizes, participation rates, and any weighting or smoothing procedure used to make the sample data better represent the population. Norming studies must have been conducted within the last 10 years, with 5 years being preferable.
2. Internal consistency/reliability must be reported for content sub-domains (e.g., mathematics, reading) at a minimum of 0.80, and that reliability data be reported for each grade level.
3. For any open-ended, constructed-response items, rater agreement information (e.g., exact rater agreement rates, intraclass correlations, or kappa coefficients) should be reported.
4. The standard error of measurement and conditional standard error of measurement (at various test score levels) should also be reported.
5. The test developer must include a clear description of the construct to be measured, the purpose of the test, intended interpretation of the scores/other test results, and intended test-taking population.

6. Documentation must include conceptual, empirical, and theoretical evidence that the test meets its intended purposes and support the intended interpretations of test results for the intended populations.
7. Documentation must include evidence that each test is aligned with rigorous content standards, and serves as an adequate measure of K-12 student achievement in core academic areas.

As a result, the following norm-referenced assessments were approved by the department for use during the 2017-18 school year:

1. ACT Aspire
2. Basic Achievement Skills Inventory-Comprehensive Version
3. Comprehensive Testing Program 4 (CTP 4)
4. Curriculum Associates – i-Ready Assessments (approved for grades 3-12 only)
5. Educational Development Series (EDSERIES), Forms J and K
6. Iowa Assessments-Core Battery, Forms E, F, and G.
7. Iowa Tests of Basic Skills (ITBS)-Core Battery, Forms A and B
8. Iowa Tests of Basic Skills (ITBS)-Core Battery, Form C
9. Iowa Tests of Basic Skills (ITBS)-Complete Battery, Form C
10. Iowa Tests of Educational Development® (ITED®), Form C
11. Kaufman Test of Educational Achievement Third Edition, Brief Form (KTEA-III Brief)
12. Kaufman Test of Educational Achievement Third Edition, Comprehensive Form (KTEA-III)
13. NWEA Measures of Academic Progress (MAP)
14. Pivot INSPECT Summative Assessment
15. PSAT/NMSQT®
16. Scantron Performance Series
17. Stanford Achievement Test, Tenth Edition (Stanford 10)
18. STAR (Math Enterprise, Reading Enterprise)
19. TerraNova, Third Edition (TerraNova 3)
20. Wide Range Achievement Test, Fourth Edition (WRAT4)

## **Complaint and Inquiry Summary**

Sections 1002.39(6)(c) and 1002.395(9)(f), F.S., require the department to establish a process by which individuals may notify the department of any violation by a parent, private school or school district of state laws relating to program participation. To comply with this section, the Office of Independent Education and Parental Choice assigned a position to fulfill the duties of a complaint specialist. The complaint specialist is responsible for receiving the initial complaints via email or telephone through the toll-free information hotline and assisting the complainant in completing and submitting the formal complaint form.

When a signed formal complaint form is received, it is reviewed by the department for legal sufficiency. A complaint is legally sufficient if it contains ultimate facts that show that a violation of applicable law or rule may have occurred. Formal complaints found legally sufficient either have an inquiry opened or the complaint is referred to the appropriate organization for investigation.

The department's complaint and inquiry process is codified in State Board Rule 6A-6.0960, F.A.C., Florida Tax Credit Scholarship Program, and State Board Rule 6A-6.0970, F.A.C., McKay Scholarship Program, and tracked through an administrative function on the School Choice website. Below is the complaint and inquiry summary for the period of November 1, 2016, to October 31, 2017:

<b>Action</b>	<b>Total</b>
Legally Sufficient – Inquiry	52
Not Legally Sufficient	51
Total Signed Complaint Forms Received	103

A total of 103 written formal complaints were submitted to the department during the time period noted above. Inquiries were opened for 52 of the formal complaints and 51 of the 52 opened inquiries have been resolved either by the subject demonstrating compliance with program requirements or by the department requiring the school to take corrective action. One inquiry opened before October 31, 2017 remains open at this time.

State Board Rule 6A-6.0970, F.A.C., McKay Scholarship for Students with Disabilities Program, also provides the department with the option of performing a site audit/inspection to obtain more information related to an inquiry.

## **Communications**

The department works to ensure that relevant communications related to scholarship program requirements and student eligibility reach participating private schools and parents of scholarship students in a timely and efficient manner. Dissemination of information related to program requirements is an integral aspect of the department's accountability measures. Private schools are notified of compliance deadlines and participation requirements by phone, email and regular mail. Parents are notified of program deadlines and participation requirements in many of the same ways. The established methods of communication used by the department are outlined below.

### **Toll-Free Hotline**

As required by sections 1002.39(6)(a) and 1002.395(9)(e), F.S., the Office of Independent Education and Parental Choice operates a toll-free hotline with six part-time staff. There are two customer service representatives who are fluent in Spanish. Customer service representatives are



available to answer incoming questions and concerns and refer to the appropriate staff. During the period of November 1, 2016, to October 31, 2017, the Customer Service Center received an average of more than 1,950 live phone calls and voicemails per month. Customer service representatives are also utilized to make proactive calls to participating private schools reminding the schools of approaching compliance deadlines.

Lastly, the department has been using an automated call tree on the toll-free hotline since September 2008. The call tree is updated periodically so that callers are able to select English or Spanish prompts and receive recorded answers to commonly asked questions. Parents may choose to hear information such as how to apply for a McKay Scholarship, how to check the status of an application, or a list of important program deadlines. Private schools may choose to hear instructions for applying to participate in a scholarship program or a list of important program deadlines. All callers may select to speak to a representative or leave a message at any time.

### **Regional Managers**

The Office of Independent Education and Parental Choice employs seven regional managers. The regional managers are in place to maintain scholarship program files for the participating private schools. This includes the annual, notarized, sworn compliance statement certifying compliance with state laws required by the department as outlined in sections 1002.39(6)(d) and 1002.395(9)(g), F.S. Based in Tallahassee, each regional manager is in charge of maintaining files for schools in one area of the state.

During the period of November 1, 2016, to October 31, 2017, the seven regional managers collectively handled, on average, more than 1,815 live phone calls and voicemails per month. Regional managers also respond to emails from private schools, parents and school districts, averaging more than 2,900 emails per month. Due to continued growth, three of the seven regional managers were given additional duties necessary to administer the scholarship programs.

### **School Choice Website**

The School Choice website ([www.floridaschoolchoice.org](http://www.floridaschoolchoice.org)) provides detailed information about the scholarship programs and participation requirements for both private schools and students.

Private schools are able to log in as administrators and view their compliance status and the date the Scholarship Compliance Form and Private School Annual Survey were received by the department. In addition, messages are posted as deadlines approach, links to statutes are provided, and McKay technical assistance and compliance tutorial videos are available on the private schools' homepage.

Parents that choose the private school McKay Scholarship option by enrolling their student in a participating private school are also able to login securely to the website and view information such as their student's fee schedule and scholarship amount. Parents are also able to view a payment checklist and update contact information. The parent webpage educates parents about the McKay Scholarship Program and encourages them to be involved in their student's education and the school choice option they have selected.

### **Intent Confirmation Letters**

In addition to providing information through the School Choice website, the department sends every parent an Intent Confirmation Notification after the parent files intent for the McKay Scholarship Program. The notification offers much of the same information provided on the website including the parent's intent confirmation number, instructions for checking the status of a student intent, and information on the available options for eligible McKay Scholarship students, including selecting a participating private school or contacting the public school district to request public school transfer options.

Parents were able to file intent for the 2016-2017 school year beginning February 1, 2016. Since this date, an average of 3,314 McKay Student Intents were filed each month, and Intent Confirmation Notifications were sent to parents each week.

### **Newsletters**

A Scholarship Program Newsletter was distributed via email each month to participating private schools during the 2016-2017 school year. Newsletters are also posted and archived on the scholarship program website in PDF format. Each Scholarship Program Newsletter contains reminders of upcoming events and deadlines, articles about department procedures related to scholarship program participation and compliance, helpful hints for successful demonstration of compliance, and notices of new requirements. Contact information and a chart of McKay Scholarship Program deadlines are also included in each newsletter.

Three Scholarship Program Parent Newsletters were also distributed via email to parents that apply for or participate in the McKay Scholarship Program. Two of the newsletters are sent to parents who have students enrolled in participating private schools. These newsletters provide parents information on how to keep their information up to date with our office, parent responsibilities, changes to the scholarship program, eligibility and re-enrollment procedures. One newsletter is sent to any parent who applied to the scholarship program, regardless of the student's enrollment status in a private participating school. This newsletter includes tips for new parents to the program, deadline information, information regarding the affidavit requirement and payment information.

### **Web Tutorial Videos**

The department has created Compliance Tutorial Videos (CTV) on a variety of topics to detail specific private school compliance requirements. These videos replace the published technical assistance papers. The CTVs are posted on the School Choice website and can be accessed by private schools using their secure login. There are currently 20 CTVs available on the following topics: criminal background screening, school staff and teachers, employment history check, fiscal soundness, instructor qualifications, scholarship compliance form, school facilities, site visits, standards of ethical conduct, student enrollment and withdrawal assistance, payment issues and other student issues. In addition to the CTVs, links to other compliance resources, commonly asked questions, and technical assistance videos are located on the private schools' homepage.

## **Outreach Activities**

In the past year, the department was invited to participate in several outreach activities hosted by external organizations that involved parents, private schools, districts and stakeholders affected by the state scholarship programs. The department uses each outreach opportunity to disseminate information about the programs and participation requirements. These outreach activities give department staff a presence in the community and improve accountability through the increased availability of information. When parents are informed about scholarship program requirements, they are better able to hold private schools accountable. Furthermore, the more exposure private schools have to the scholarship program requirements, the more familiar they will become with program procedures and statutory deadlines. A brief summary of events is listed below.

### **Choice Expo**

Pasco County held an expo providing information for School Choice related programs on January 21, 2017. Adam Miller, Executive Director of the Office of Independent Education and Parental Choice, gave a presentation on legislative changes.

### **FAANS Meeting**

The Florida Association of Academic Nonpublic Schools (FAANS) is an association of private school accrediting organizations. FAANS hosted a meeting in Tallahassee on March 22, 2017. Laura Mazyck, director of Scholarship Programs and Home Education, provided a presentation on issues related to scholarship programs and private schools in Florida.

### **Florida Catholic Conference**

The Florida Catholic Conference hosted an annual meeting in Orlando on February 23, 2017. Laura Mazyck, Director of Scholarship Programs and Home Education, presented on legislative issues and issues related to participating private schools.

### **The State Advisory Committee for the Education of Exceptional Students**

The State Advisory Committee for the Education of Exceptional Students (SAC) provides policy guidance with respect to the provision of exceptional education and related services for Florida's children with disabilities. The committee meets in Tallahassee for two days, twice a year. Laura Mazyck, director of Scholarship Programs and Home Education; Cathy Russell, Scholarship Programs Manager; and Patrick Montooth, Educational Policy Consultant, participate in this committee as representatives of the Office of Independent Education and Parental Choice. Most recently, meetings were attended on December 5 and 6, 2016; and on July 24 and 25, 2017.

### **The Gardiner Networking Group**

The Step Up for Students organization hosted a professional development meeting in Orlando on June 12, 2017, to discuss the changes within the Gardiner Program. The meeting was attended by Laura Mazyck, director of Scholarship Programs and Home Education and Patrick Montooth, Educational Policy Consultant.

### **Family Café**

The annual Family Café Conference, an event for children and adults with disabilities and their relatives, was held in Orlando, Fla. during June 2017. Cathy Russell, Scholarship Programs

Manager, and Scholarship Payment Specialist Kate Goff provided a presentation about the McKay Scholarship Program and operated an exhibit booth to provide information to attendees about Florida's school choice options.

**McKay Coalition Conference**

The Coalition of McKay Scholarship Schools hosted an annual meeting this year in Orlando on September 28 and 29, 2017. Laura Mazyck, director of Scholarship Programs and Home Education, gave a presentation focused on current issues related to compliance requirements for participating private schools as well as legislative changes.

# **Part III: Legislative Changes**

## House Bill 15 and Senate Bill 7069 – Effective July 1, 2017

### Gardiner Scholarship Program

Legislation passed in 2017 amended s. 1002.385, F.S., to:

- Expand the list of exceptionalities for which a student may qualify for a scholarship to include:
  - A rare disease or condition, which affects patient populations of fewer than 200,000 individuals in the United States as defined by the National Organization for Rare Disorders;
  - Anaphylaxis;
  - Deaf;
  - Visually impaired;
  - Dual sensory impaired, <sup>1</sup>as defined by rules of the State Board of Education and evidenced by reports from local school districts;
  - Traumatic brain injured; or
  - Hospital or homebound for more than 6 months, as defined by rules of the State Board of Education and evidenced by reports from local school districts.
- Provide that, for the purpose of eligibility, an Individualized Education Plan (IEP) would not have needed to be reviewed or revised within the last 12 months.
- <sup>2</sup>Define an inactive account for the purposes of the program as one having had no eligible expenditures made.
- Provide that students with an IEP which was written in accordance with the rules of another state be eligible for a scholarship.
- Provide that a diagnosis of a disability by a physician who holds an active license issued by another state or territory of the United States, the District of Columbia or the Commonwealth of Puerto Rico shall qualify a student for a scholarship.
- Provide that a student enrolled in the Florida School for the Deaf and the Blind is not eligible for a scholarship.
- <sup>2</sup>Provide that specialized services from a Florida hospital be an authorized use of program funds for the Gardiner Scholarship.
- <sup>2</sup>Expand the list of authorized uses of program funds to include fees for services provided by a center that is a member of the Professional Association of Therapeutic Horsemanship International.
- <sup>2</sup>Expand the list of authorized uses of program funds to include fees for services provided by a therapist certified by the Certification Board for Music Therapists or from the Art Therapy Credentials Board.

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<sup>1</sup> Language is included in conforming bill HB 7069 but not CS/CS/CS/HB 0015

<sup>2</sup> Language included in both HB 7069 and CS/CS/CS/HB 0015

- <sup>3</sup>Provide that a parent, student, or provider of any services may not bill an insurance company, Medicaid, or any other agency for the same services that are paid for using Gardiner Scholarship funds.
- <sup>3</sup>Establish that an account shall be closed and funds be reverted to the state after three consecutive fiscal years in which it has been inactive.
- <sup>3</sup>Provide that schools required to submit a report of the agreed-upon procedures developed under s. 1002.395(6)(o), F.S. must submit the report annually by September 15.
- <sup>4</sup>Provide that schools found to have material exceptions listed in their agreed-upon procedures report in consecutive years may be deemed ineligible to participate in the program by the commissioner.
- <sup>3</sup>Provide that for student accounts that have been inactive for 2 consecutive fiscal years, additional scholarship funds will not be paid until the scholarship funding organization verifies expenditures from the account have occurred.
- <sup>3</sup>Provide that for student accounts deemed inactive due to 2 consecutive fiscal years of no expenditures, eligibility will be restored once an eligible expenditure is made, based on the availability of funds.
- <sup>5</sup>Provide that for new students entering the program the calculation shall be based on the matrix level of services, unless the student does not have a matrix. Students without a matrix of services shall be based on the matrix that assigns the student to support level III of services.

Amended s. 1002.395, F.S., to:

- Remove obsolete language pertaining to student eligibility for the Florida Tax Credit scholarship program from past school years.
- Require the Department of Revenue to provide a copy of its approval or denial letter of a carryforward tax credit to the eligible nonprofit Scholarship Funding Organization (SFO) specified by the taxpayer within 10 days of the decision. The department must also include the SFO on all letters or correspondence of acknowledgement for tax credits
- Require an eligible nonprofit SFO to allow a dependent child of a parent who is a member of the United States Armed Forces to apply for a scholarship at any time.
- Require that if scholarship payments are made by funds transfer, the parent must approve each payment and clarifies that the parent may not designate the school as the agent to approve the deposit of funds.
- Provide that schools required to submit a report of the agreed-upon procedures developed under s. 1002.395(6)(o), F.S., must submit the report annually by September 15.

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<sup>3</sup> Language included in both HB 7069 and CS/CS/CS/HB 0015

<sup>4</sup> Substantively equivalent language included in both HB 7069 and CS/CS/CS/HB 0015

<sup>5</sup> Language is included in conforming bill HB 7069 but not CS/CS/CS/HB 0015

- Provide that schools found to have material exceptions listed in their agreed-upon procedures report in consecutive years may be deemed ineligible to participate in the program by the commissioner.
- Establish the amount of a scholarship as a percentage of unweighted FTE funding amount as follows:
  - For K-5th grade, 88%
  - For grades 6-8, 92%
  - For grades 9-12, 96%
- Provide that the scholarship awarded for transportation to out-of-district public schools be increased from the previous amount of no more than \$500 to no more than \$750.
- Provide that an eligible nonprofit SFO may make scholarship payments to private schools by funds transfer, including but not limited to, debit cards, electronic payment cards or any other means of payment deemed to be commercially viable or cost-effective by the department, and requires that the parent approve the transfer before deposit.

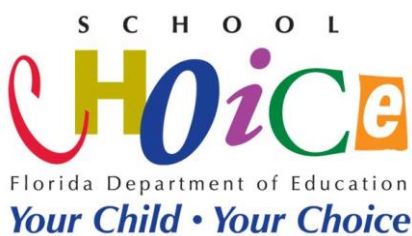




Florida Department of Education

Pam Stewart, Commissioner

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