

FLORIDA DEPARTMENT OF EDUCATION

# Scholarship Programs

## ACCOUNTABILITY REPORT



**December 16, 2019**

Submitted as required by:  
Section 1002.421(2)(c), Florida Statutes

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

## Introduction

This report is submitted in accordance with Section 1002.421(2)(c), Florida Statutes (F.S.), which provides that the Florida Department of Education shall:

*Annually, by December 15, report to the Governor, the President of the Florida Senate, and the Speaker of the Florida House of Representatives its actions in implementing accountability in the scholarship programs under this section, any substantiated allegations or violations of law or rule by an eligible private school under this section, and the corrective action taken.*

Section 1002.421(1), F.S., establishes accountability measures for private schools participating in the John M. McKay, Florida Tax Credit, Gardiner Scholarship, Hope Scholarship, and the Family Empowerment Scholarship Programs outlined in s. 1002.39, 1002.395, 1002.385, 1002.40, and 1002.394, F.S., respectively. State Board Rule 6A-6.0970, Florida Administrative Code (F.A.C.) and State Board Rule 6A-6.0960, F.A.C., clarify and establish requirements for private schools and student participation in the state scholarship programs and establish procedures and roles for both the Florida Department of Education (Department) and Commissioner of Education. State Board Rule 6A-6.03315, F.A.C., 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 corresponding statutes and rules.

This report 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 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 in this section 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 applicable 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 any new or amended State Board of Education rules, as well as legislative changes.

For questions related to the information contained in this document, please contact:

Laura Mazyck  
Interim Executive Director  
Office of Independent Education and Parental Choice

Florida Department of Education  
325 W. Gaines Street, Suite 1044  
Tallahassee, FL 32399-0400

Phone: 850-245-0502

Fax: 850-245-0875

Email: [Laura.Mazyck@fldoe.org](mailto:Laura.Mazyck@fldoe.org)

Website: [www.floridaschoolchoice.org](http://www.floridaschoolchoice.org)

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# **Part I**

# **Scholarship Program Compliance**

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## **Compliance Renewal Process**

Section 1002.421(2)(a)4., F.S., states that the Department shall require and retain an annual, notarized, sworn compliance statement from participating private schools certifying compliance with applicable state laws. Additionally, participating private schools are required by s. 1002.421(1)(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 screenings pursuant to s. 943.0542, F.S and have met the screening standards as provided in s. 435.04, 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 as provided in State Board Rule 6A-6.03315, F.A.C.

Renewing schools, as defined in State Board Rule 6A-6.03315, F.A.C., are required to complete and submit a notarized Annual Survey, a Scholarship Compliance Form and satisfactory health and fire inspections. Every third consecutive year of scholarship participation, a renewing private school must also submit documentation from the Florida Division of Corporations establishing ownership of the school, documentation demonstrating the school has a satisfactory radon inspection (if applicable), school policies establishing standards of ethical conduct for instructional personnel and school administrators, a surety bond or letter of credit if required by s. 1002.421(1)(f)1., F.S., and a copy of state and national criminal history check results for each owner or operator of the school as defined by s. 1002.421(1)(p), F.S.

For the 2019-2020 school year, the Compliance Renewal Process began in November 2018, at which time the 2019-2020 Scholarship Compliance Form was made available 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 upcoming 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 in order to be eligible to participate in scholarship programs 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.

**Notifications**

The Department began notifying participating private schools about the compliance deadlines in November 2018. The Department's efforts to notify participating private schools about the Compliance Renewal Process for the 2019-2020 school year included a letter and checklist of the documentation needed to renew; regular posting of information on the School Choice website; regular email notifications; and ongoing communication through the customer service call center and regional managers.

**Private School Eligibility**

Renewing private schools that fail to meet the May 1<sup>st</sup> compliance deadline established in State Board Rule 6A-6.03315, F.A.C., 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 2,117 schools requested compliance renewal for the 2019-2020 school year. Of the 2,117 schools, 2,078 schools timely submitted the required documentation in order to meet compliance requirements and were able to renew their participation in scholarship programs. The Department worked with the remaining 39 schools on establishing and maintaining eligibility. Therefore, no schools were denied eligibility to participate for the 2019-2020 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. Supporting documentation includes documentation from the Florida Division of Corporations establishing ownership of the school, documentation demonstrating the school has a satisfactory Radon inspection (if applicable), school policies establishing standards of ethical conduct for instructional personnel and school administrators, a surety bond or letter of credit if required by s. 1002.421(1)(f)1., F.S., and a copy of state and national criminal history check results for each owner or operator of the school as defined by s.1002.421(1)(p), F.S.

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 131 new private schools began participating in the scholarship programs for the period of November 1, 2018 to October 31, 2019.

## **Ongoing Compliance Monitoring**

In addition to processing compliance renewals each spring along with 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 1002.39(7), 1002.395(8), 1002.421, and 1002.394, 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 scholarship programs. The types of violations related to these sections and actions taken by the Department are described in the following subsections.

### **Maintaining a Physical Location**

Section 1002.421(1)(i), F.S., requires private schools that participate in a state scholarship program to maintain a physical location in Florida where scholarship students have regular and direct contact with the private school's teachers. In addition, participating schools must meet applicable state and local health, safety, and welfare laws, codes, and rules per s. 1002.421(1)(g), F.S. If the physical location cannot meet the health and safety requirements applicable to all participating private schools, the private school cannot provide services to scholarship students at that specific location.

During the period of November 1, 2018, to October 31, 2019, the Commissioner of Education issued Administrative Complaints immediately suspending the eligibility of four private schools for failure to maintain an approved physical location. The reasons for suspension included failure to provide sufficient health or fire inspection documentation and failure to update documentation after a change in location. Upon notice, two of the four schools provided the necessary documentation immediately to continue participation in the scholarship programs and had their suspensions rescinded. Of the two schools suspended, one school provided the necessary documentation and the remaining school was removed from scholarship participation.

### **Demonstrating Fiscal Soundness**

Section 1002.421(1)(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. Forty-nine private schools with fiscal soundness documentation less than the amount of scholarship funds the school received for any one quarter during the 2018-2019 school year were issued Notices of Noncompliance. Forty-five of these 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. Three schools were suspended for failure to maintain fiscal soundness documentation, but subsequently submitted the required fiscal soundness and suspensions were rescinded. The Department worked with one school who did not have a new surety bond or letter of credit issued to maintain participation in scholarship programs.

### **Failure to Return Funds**

In accordance with State Board Rule 6A-6.0970, F.A.C., related to the McKay Scholarship Program, private schools are responsible for the return of all scholarship funds received in error. Failure to return the funds to the Department or to provide a sufficient explanation detailing why the funds were properly retained 30 days after notification from the Department results in the initiation of noncompliance procedures. During the period of November 1, 2018 to October 31, 2019, the Commissioner of Education issued 175 Notices of Noncompliance for failure to return scholarship funds received in error. All schools returned requested funds with the exception of three schools. Those schools were issued Administrative Complaints suspending their eligibility to participate in scholarship programs. Two schools either returned scholarship funds to the Department or supplied the necessary documentation to continue participation in scholarship programs and had their suspensions rescinded. At the time this report was filed, one school remains suspended from scholarship participation.

### **Fraudulent Activity**

Section 1002.421(3)(d)3., F.S., provides 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.

During the period of November 1, 2018, to October 31, 2019, the Commissioner of Education issued Administrative Complaints immediately suspending the eligibility of ten private schools based upon probable cause of fraudulent activity. Two schools provided the necessary documentation showing that no fraud was committed, and their suspension was rescinded. The Department entered into a settlement agreement with one of the eight remaining schools, and their suspension were rescinded. At the time this report was filed, one of those seven remaining schools was rescinded, resulting in six schools being removed from participation in the scholarship programs.

### **Agreed-Upon Procedures**

Section 1002.395(6)(o), F.S., requires a participating private school receiving more than \$250,000 in Florida Tax Credit and Gardiner Scholarship funds during the state fiscal year to file an accountability report. This accountability report focuses on the use of the scholarship money and the financial procedures the school has in place. The report, filed in the form of Agreed-Upon Procedures, is 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 (Step Up for Students and the AAA Foundation).

During the 2018-2019 school year there were 1,081 participating private schools that received more than \$250,000 in Florida Tax Credit and Gardiner Scholarship funds. Of these 1,081 schools, 449 submitted a report with no material exceptions; 307 submitted a report with material exceptions and were directed to create a corrective action plan; and 136 schools submitted incomplete reports. A total of 94 schools did not file any report.

The remaining 95 schools were classified as having reportable exceptions. Reportable exceptions are considered “lesser issues” and automatically become a material exception after three occurrences.

At the time of the filing of this report, Notices of Noncompliance were being drafted to all schools that did not comply with this requirement.

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## **Part II**

# **Additional Accountability Measures**

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## **Private School Employee Fingerprinting**

Section 1002.421(1)(m), F.S. requires each employee and contracted personnel with direct student contact to undergo a state and national background screening, pursuant to s. 943.0542, F.S. by electronically filing with the Florida Department of Law Enforcement (FDLE) a complete set of fingerprints taken by an authorized law enforcement agency or an employee of the private school, a school district, or a private company trained in fingerprint collection. The school must deny employment or terminate an employee who fails to meet the screening standards under s. 435.04, F.S.

As of July 1, 2007, fingerprints must be submitted electronically via a live scan device and must be retained by FDLE. The retained fingerprints are searched against all incoming arrest fingerprint submissions in the Applicant Fingerprint Retention and Notification Program. Any matches are reported directly 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 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 s. 1002.421(1)(m), F.S.?*

In addition, pursuant to s. 1002.421(1)(e), F.S., the Scholarship Compliance Form includes a certified statement that reads:

*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 s. 943.0542, F.S.*

Private schools unable to answer positively or that 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 with FDLE to direct participating private schools to register with the Volunteer and Employee Criminal History System (VECHS) Program. Private schools can submit electronic fingerprints for both 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 in order to remain eligible to participate.

## Private School Site Visits

Section 1002.421(2)(a)6., F.S., states the Department shall conduct site visits to private schools entering a state scholarship program for the first time. Beginning in the 2019-2020 school year, a private school will not be eligible to receive scholarship payments until a satisfactory site visit has been conducted and the school is found to be in compliance with all other requirements of s. 1002.421(1), F.S. The sole purpose of the site visits is to verify the information reported by the school concerning facility and safety documents, the enrollment and attendance of students, teacher credentials, background screenings and fingerprint results of teachers and administrators. Additionally, s. 1002.421(2)(b), F.S., authorizes the Department to conduct site visits to any private school participating in a scholarship program that has received a Notice of Noncompliance or a Notice of Proposed Action within the previous two years, or received a complaint about a violation of state law or State Board Rule pursuant to s. 1002.421(2)(a)3., F.S.

The Department began conducting site visits for the 2019-2020 school year in November 2018. Two-hundred and twenty private schools were formally notified of the site visit via mail and e-mail. Each site visit was conducted by one to three staff members from the Office of Independent Education and Parental Choice with the aid of the Site Visit Procedure Manual. The Site Visit Procedure Manual identifies procedures to be followed by Department staff conducting the site visits and includes statutory references for each private school requirement, 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 s. 1002.42(4) and s. 1003.23(2), F.S., does the school have appropriate documentation regarding the enrollment and attendance of students?
- In accordance with s. 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 s. 1002.42(2)(c), F.S., does the school possess FDLE VECHS Level 2 clearances for all employees and contracted persons?
- In accordance with s. 1002.421(1)(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?

Of the 220 private schools visited, 86 were found to be fully compliant during the visit. An additional 44 schools resolved their issues before a Site Visit Report could be sent. Ninety of the 220 schools were issued a Site Visit Report detailing issues to resolve in order to become fully compliant. Fifty-six of these 90 schools resolved their issues in a timely manner, but 34 did not and were issued a Notice of Non-Compliance (NNC). Reasons for issuing NNCs 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. One school did not resolve the NNC issue in a timely manner and was eventually revoked from scholarship participation.

## **Norm-Referenced Assessment Requirements for State Scholarship Programs**

Section 1002.395(8)(b), F.S., states that a private school participating in the Florida Tax Credit Scholarship Program must demonstrate academic accountability to the parent of participating students 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 both the parent and to the independent research organization identified in statute, the Learning Systems Institute-Florida State University.

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 s. 1002.395(8)(b) and 1002.385(8)(b), F.S., by administering or making provisions for scholarship students to take a state assessment pursuant to s. 1008.22, F.S., or a national norm-referenced test identified by the Department of Education and reporting the student's scores to the parent and, pursuant to s. 1002.395(8)(b), F.S., the independent research organization selected in s. 1002.395(9)(f), 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.

Sections 1002.394(8)(c), 1002.385(8)(b), and 1002.40(7)(b), F.S., require private schools participating in the Family Empowerment, Gardiner, or Hope Scholarship Programs must also demonstrate academic accountability to the parent of participating students 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. Participating private schools are then required to report a student's scores to his or her parent.

### **Notification of Testing Requirement**

The Department maintains a page on the School Choice website describing the testing requirement and listing the assessments approved 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 2018, February 2019, March 2019, April 2019, May 2019, August 2019, and September 2019 Scholarship Program Newsletters.

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

Section 1002.395(9)(f), F.S., requires the Department to contract with an independent research organization to which participating private schools must report the scores of students participating in the Florida Tax Credit Scholarship Program.

The Learning Systems Institute at Florida State University directed the collection of test scores for the 2018-2019 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 2019, the Learning Systems Institute provided the Department with a list of 234 private schools that had either not submitted complete test scores or indicated that results from their chosen testing company was delayed. Each school was contacted several times by phone and mail by both the Learning Systems Institute and the Department. Twenty-eight schools were able to submit their test scores prior to receiving a Notice of Noncompliance.

On September 11, 2019, the Department issued Notices of Noncompliance to the remaining 206 schools. Of the 206 schools that received a Notice of Noncompliance, 183 schools submitted test scores to the Learning Systems Institute.

At the time this report was filed, suspensions were being drafted, but had not yet been issued, to the 23 schools that did not submit test scores to the Learning Systems Institute.

### **Identification of Approved Tests**

Section 1002.395(9)(e), F.S., requires the Department to maintain a list of nationally norm-referenced tests that meet testing requirements. The Office of Independent Education and Parental Choice collaborated with the Office of Assessments during the 2018-2019 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, intra-class 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.

Looking ahead, the following norm-referenced assessments were approved by the Department for use during the 2019-20 school year:

1. ACT Aspire
2. Basic Achievement Skills Inventory-Comprehensive Version
3. Comprehensive Testing Program 5 (CTP 5)
4. Comprehensive Testing Program Online
5. Curriculum Associates – i-Ready Assessments (approved for grades 3-12 only)
6. Educational Development Series (EDSERIES), Forms J and K
7. Iowa Assessments-Core Battery, Forms E, F, and G.
8. Iowa Tests of Basic Skills (ITBS)-Core Battery, Forms A and B
9. Iowa Tests of Basic Skills (ITBS)-Core Battery, Form C
10. Iowa Tests of Basic Skills (ITBS)-Complete Battery, Form C
11. Iowa Tests of Educational Development® (ITED®), Form C
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) – [Must use 2018 updated norms]
18. STAR (Math Enterprise, Reading Enterprise)
19. TerraNova, Third Edition (TerraNova 3)
20. Wide Range Achievement Test, Fourth Edition (WRAT4)

## Complaint and Inquiry Summary

Section 1002.421(2)(a)3., F.S., requires the Department to establish a process by which individuals may notify the Department of any violation of state laws relating to program participation by a parent, private school or school district. To comply with this section, the Office of Independent Education and Parental Choice assigned two full-time positions to fulfill the duties of a complaint specialist. The complaint specialists are 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-6.03315, F.A.C., and tracked through an administrative function on the School Choice website. Below is the complaint and inquiry summary for the period of November 1, 2018, to October 31, 2019:

<u>Action</u>	<u>Total</u>
Legally Sufficient – Inquiry	93
Not Legally Sufficient	35
Total Signed Complaint Forms Received	128

A total of 128 written formal complaints were submitted to the Department from November 1, 2018, to October 31, 2019. Eighty-one of the 93 legally sufficient inquiries have been resolved either by the subject demonstrating compliance with program requirements or by the Department requiring the school to take corrective action. At the time this report was filed, 12 inquiries opened before October 31, 2019, remained opened. None of these inquiries were referred to the Office of the Inspector General.

State Board Rule 6A-6.03315, F.A.C., related to Private School Scholarship Compliance, 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. The circulation of information related to program requirements is an integral aspect of the Department's accountability measures. Private schools and parents of scholarship students are notified of compliance deadlines, participation requirements and program deadlines by phone, email and regular mail. The established methods of communication used by the Department are outlined in the following sub-sections.

### **Toll-Free Hotline**

As required by s. 1002.421(2)(a)2., F.S., the Office of Independent Education and Parental Choice operates a toll-free hotline with five part-time staff including two customer service representatives fluent in Spanish. Customer service representatives are available to answer incoming questions and concerns and refer callers to the appropriate staff if necessary. During the period of November 1, 2018, to October 31, 2019, the Customer Service Center received 21,752 live phone calls, 12,072 voicemails and 9,809 emails. In addition to receiving calls, customer service representatives are also utilized to make proactive calls to participating private schools reminding them of approaching compliance deadlines.

The Department has also used 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. For example, parents may choose to hear information on how to apply for a McKay Scholarship, how to check the status of an application or information regarding program deadlines. This year, we added options for more information about the Family Empowerment Scholarship Program for students and parents. Private schools may also call regarding instructions for applying to participate in a scholarship program or for information on 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 based in Tallahassee to maintain scholarship program files for the participating private schools in their assigned area of the state. This includes the annual, notarized, sworn compliance statement certifying compliance with state laws required by the Department as outlined in s. 1002.421(1)(e), F.S.

During the period of November 1, 2018, to October 31, 2019, the seven regional managers collectively handled, 14,656 live phone calls and 12,158 voicemails. Regional managers also responded to 67,653 emails from private schools, parents and school districts. 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 parents.

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

Parents that choose the private school McKay Scholarship option by enrolling their student in a participating private school are also able to securely login to the website and view information such as their student's fee schedule and scholarship amount. Parents may also view a payment checklist and update their contact information if needed. 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's intent and information on the available options for eligible McKay Scholarship students, including a selection of participating private schools and contact information for the public school district in order to request public school transfer options.

Parents were able to file intent for the 2019-2020 school year beginning February 1, 2019. Since this date, an average of 2,833 McKay Student Intent forms were filed each month. Intent Confirmation Notifications were sent to parents each week.

### **Newsletters**

Eight IEPC Scholarship Program newsletters were emailed to scholarship-approved private schools between November 1, 2018, and October 31, 2019. 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, notices of new requirements, detailed NRT information, Department contact information and a chart of McKay Scholarship Program deadlines. Newsletters were emailed in November 2018, December 2018, January 2019, February 2019, March 2019, April 2019, May 2019, August 2019, and September 2019. These newsletters are also posted and archived on the scholarship program website in PDF format.

Three Scholarship Program Parent Newsletters were also distributed to parents that either applied for, or were currently participating in the McKay Scholarship Program. In March 2019 and September 2019, parents of students currently enrolled in the McKay Scholarship received

information on how to keep their information up to date with the IEPC office, parent responsibilities, changes to the scholarship program and eligibility and re-enrollment procedures. In July 2019, parents of new McKay Scholarship students received information regarding program deadlines, affidavit requirements, payment information and tips for parents new to the program. All three newsletters were distributed via email.

### **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 replaced the published technical assistance papers previously posted on the School Choice website. The CTVs are posted on the School Choice website and can be accessed by private schools using their secure login. There are currently 16 CTVs available on the following topics: criminal background screenings, school staff and teachers, employment history checks, fiscal soundness, instructor qualifications, the 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 within the School Choice website.

## **Outreach Activities**

In the past year, the Office of Independent Education and Parental Choice 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. Each outreach activity provides an opportunity for representatives to distribute information about scholarship 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 attended by Department staff is listed in the following sub-sections.

### **Association of Independent Schools of Florida**

The Association of Independent Schools of Florida held a conference in Fort Lauderdale, Florida in February 2019. Laura Mazyck, Interim Executive Director, spoke on School Choice options in Florida.

### **Florida Catholic Conference**

The Florida Catholic Conference hosted an annual conference in Orlando, Florida in March 2019. Laura Mazyck, Interim Executive Director, gave a presentation on Florida's School Choice options at the conference.

### **Coalition of Gardiner Providers**

The Coalition of Gardiner providers held an annual conference in Lakeland, Florida in June 2019. Laura Mazyck, Interim Executive Director, gave a presentation on Florida School Choice options.

### **Family Café**

The annual Family Café Conference, an event for children and adults with disabilities and their families, was held in Orlando on June 7-9, 2019. Rashawn Williams, Scholarship Program Manager, and Kate Goff, Scholarship Program Data Manager, provided an update on Florida's school choice scholarship programs.

### **McKay Coalition of Schools**

The Coalition works with Legislators and the Florida Department of Education to keep the McKay Scholarship Program an option for parents and students with disabilities in Florida. Laura Mazyck, Interim Executive Director for the School Choice office provided an update on Florida's school choice scholarship programs in September 2019.



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# **Part III**

## **Legislative Changes**

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## **Senate Bill 7070, K-12 Education** **Effective July 1, 2019**

### **Executive Summary:**

The bill created the Family Empowerment Scholarship Program, which provides scholarships to low-income families to use toward tuition and fees at a participating private school. Additionally, this bill revised the Hope Scholarship law to allow a percentage of unobligated contributions to be used to fund scholarships for low-income students participating in the Florida Tax Credit Scholarship Program.

### **Family Empowerment Scholarship:**

- The bill created Section 1002.394, The Family Empowerment Scholarship Program (FESP)
- The purpose of the FESP is to provide children of families with limited resources with educational options to achieve success in their education
- Eligibility: The student must meet the following criteria:
  - Be on the direct certification list or have a household income level which does not exceed 260% of the federal poverty level (\$63,960 for a family of four), or be currently placed in foster care or out of home care as defined in s. 39.01; and
  - Be eligible to enroll in Kindergarten or spent the prior year in attendance at a Florida public school
    - Once a student is determined eligible, future household income changes do no effect eligibility
    - A student who is a dependent child of a member of the military who transfers to the state due to parent's permanent change of station orders is exempt from the prior public school requirement
  - Parent must have obtained acceptance for admission to a participating private school and have requested a scholarship from the Department at least 60 days before the date of the first scholarship payment.
- The FESP remains in force until the student returns to public school, graduates from high school, or reaches the age of 21 (whichever occurs first)
- A student is not eligible for a FESP scholarship while he/she is enrolled in a public school, enrolled in a school operating for the purposes of providing educational services to youth in a Department of Juvenile Justice commitment program, receiving any other educational scholarship authorized pursuant to Chapter 1002 Laws of Florida, participating in a home education or private tutoring program, or participating in a state funded virtual education program or school.
- School districts must, by July 15, 2019 and April 1 of each year thereafter, inform all households within the district receiving free or reduced-priced meals of their eligibility to

apply to the Department for a FESP scholarship. The district must use a form developed and provided by the Department.

- The district must inform participating students about the locations and times to take state assessments if the student chooses to participate in the state assessment program. The district is responsible, similar to current responsibilities under s. 1002.395, to implement test administrations at a participating private school that requests to administer the statewide assessment.
- Each district must publish information about the FESP on the district's website homepage, which must include a link to the Department's website as well as a telephone number and email that parents may use if they have questions.
- The Department is required to publish and update information on the website about the FESP, including student eligibility, parental responsibilities, and relevant data.
- The Department is required to cross-check the list of participating scholarship students with the public school enrollment lists before each payment to avoid duplication.
- Private schools may participate in the program and must:
  - Comply with all requirements in s. 1002.421
  - Provide the department all documentation required for a student's participating, including student's fee schedule, at least 30 days before any quarterly scholarship payment.
  - Annually administer or make provision for students in grades 3 through 10 to take one of the nationally norm-referenced tests identified by the department or to take the statewide assessment. The school must report the test scores to the parent.
- Parents must:
  - Select the private school and apply for admission
  - Request the scholarship at least 60 days before the date of the first scholarship payment
  - Inform the school district when the parent withdraws his/her student from a public school to attend a private school
  - Ensure the student remains in attendance throughout the school year
  - Comply with the private school's policies
  - Ensure the student takes the assessment as required
  - Upon receipt of the scholarship warrant, restrictively endorse the warrant to the private school for deposit into the private school's account
- The FESP is established for up to 15,000 students annually on a first-come, first served basis beginning with the 2019-20 school year. Beginning in 2020-2021, the number of students participating may increase in accordance with the percentage increase in the state's public school enrollment.
- The scholarship shall be for tuition and fees, not to exceed annual limits. The calculated amount for a student to attend an eligible private school shall be 95% of the unweighted FTE funding amount at the district level for that state fiscal year and shall be adjusted

with each FEFP calculation. The scholarship amount is the lesser of the amount calculated or the school's tuition and fees.

- The district is required to report all students who are attending a private school under the FESP, but report them separately from other student reported for the purposes of the Florida Education Finance Program.
- The Department is required to transfer, from general revenue funds only, the scholarship amount calculated for each student, from the districts total funding entitlement under the FEFP. The Department must transfer the amount to a separate account for quarterly disbursements to parents. The scholarship payments must be made in four equal amounts no later than September 1, November 1, February 1, and April 1 of each year.
- The Department must, after each payment, request a sample of endorsed warrants to review and confirm compliance with endorsement requirements.
- The bill includes an implementation schedule for 2019-20:
  - Parent must obtain acceptance from a private school and request a scholarship from the Department no later than August 15, 2019.
  - First payment must be made by October 1, 2019
- Adds new language related to the administration of statewide, standardized assessments for private school students receiving the Family Empowerment Scholarship that is not currently provided for in statute for FTC, Gardiner, or Hope Scholarship recipients.
  - Language in the newly-created section 1002.394(5)(b), F.S., is somewhat inconsistent with existing statutory language (which is also incorporated into this bill) related to how FTC, Gardiner, and Hope Scholarship recipients participate in statewide, standardized assessments and the responsibilities of the student, parent, private school, district and department in doing so.
    - Section 1002.394(5)(b), F.S., indicates that a student may choose whether to participate in statewide, standardized assessments, whereas section 1002.394(7)(c)2., F.S., requires the school to request permission to administer statewide, standardized assessments locally. If the private school does not choose to administer the statewide, standardized assessments (in favor of an alternate, Department-approved norm-referenced test), s. 1002.394(8)(f-g), F.S., allows the parent to work with the district to have his or her students participate in the statewide, standardized assessments. (Sections 1002.394(7)(c)2. and (8)(f-g) mirror statutory language provided for FTC, Gardiner, and Hope Scholarship recipients.) Providing consistent guidance for students, parents, and schools in each section would assist stakeholders with bill implementation.
    - Similarly, while section 1002.394(7)(c), F.S., and similar statutory language for FTC, Gardiner, and Hope Scholarship recipients requires the private school to submit a written request to the Department to administer statewide, standardized assessments locally and then to work directly with the

Department to do so, section 1002.394(5)(b), F.S., indicates that it is the responsibility of the district to coordinate the private school's participation in statewide, standardized assessments.

**Florida Tax Credit and Hope Scholarship Programs:**

- The bill established that, beginning in the 2019-20 fiscal year, if a non-profit scholarship funding organization has unobligated contributions under the Hope Scholarship Program, the SFO may use up to 50% of those unobligated contributions to provide scholarships to students in the Florida Tax Credit (FTC) Scholarship program.
  - If the SFO uses unobligated Hope funds for the purposes of providing FTC scholarships, they must use them for only for students who meet one of the following eligibility criteria:
    - Student is on the direct certification list;
    - Student's household income does not exceed 185% of the federal poverty limit
    - Student is currently placed, or during the previous year was placed, in foster care or out of home care as defined in s. 39.01

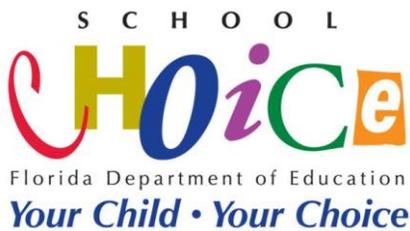
The form that auto dealers provide to purchases will be revised to include the following language, "IN THE EVENT THAT THE HOPE SCHOLARSHIP PROGRAM HAS SURPLUS CONTRIBUTIONS AFTER FUNDING SCHOLARSHIPS FOR ALL ELIGIBLE STUDENTS, THE SURPLUS CONTRIBUTIONS MAY BE USED FOR FLORIDA TAX CREDIT SCHOLARSHPS."



Florida Department of Education

Pam Stewart, Commissioner

[www.fldoe.org](http://www.fldoe.org)



Office of Independent Education and Parental Choice

325 West Gaines Street, Suite 1044

Tallahassee, FL 32399-0400

Toll-Free School Choice Hotline 800-447-1636

[www.floridaschoolchoice.org](http://www.floridaschoolchoice.org)