

STATE BOARD OF EDUCATION

Consent Item

December 2, 2008

SUBJECT: Approval of Amendment to Rule 6A-6.03315, Private School Scholarship Compliance

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1002.421, Florida Statutes

EXECUTIVE SUMMARY

Rule 6A-6.03315, was created to implement Section 1002.421, Florida Statutes, related to the accountability of private schools participating in the Corporate Tax Credit and John M. McKay Scholarships for Students with Disabilities Scholarship Programs. The rule established the compliance reporting requirements for the participation of a Florida private school, registered with the Department, to be deemed eligible to participate in the scholarship programs. The rule also incorporated IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs.

During the 2008 Legislative Session, Senate Bill 1712 was passed related to Ethics in Education. The Ethics in Education Act established requirements for private schools participating in the state scholarship programs to:

- Adopt policies establishing standards of ethical conduct for instructional personnel and school administrators, including the requirement of training on the standards, responsibilities and procedures for reporting misconduct affecting the health, safety, and welfare of students by instructional personnel and school administrators, and liability protections.
- Ban confidentiality agreements with terminated or dismissed instructional personnel and school administrators (or those that resign in lieu of termination) based on misconduct and require that employment recommendations for future educational settings disclose the misconduct.
- Void the purpose and effect of agreements or contracts that conceal misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student.
- Disqualify instructional personnel and school administrators from employment in any position that required direct contact with students if they have been convicted of offenses listed in Section 1012.315, Florida Statutes.

- Conduct employment history checks for instructional personnel and school administrator candidates for positions requiring direct student contact, screen with DOE tools and document findings.
- Post in a prominent place, at the school and online, the policies for reporting abuse and misconduct, contact information, and penalties for failure to report.

The purpose of this agenda item is to incorporate the new statutory requirements of the Ethics in Education Act into the rule and accompanying Scholarship Compliance Form. The revised rule also deletes provisions relating to private schools' providing documentation explaining their failure to meet certain safety inspection requirements. These provisions are unnecessary in that a failure to meet such requirements is grounds for revocation of participation regardless of the explanation for such failure.

Supporting Documentation Included: Proposed Rule 6A-6.03315, Private School Scholarship Compliance and Form IEPC SCF-1, Scholarship Compliance Form for Private School Participants in State Scholarship Programs 2008

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