



Capital Office for Administrative, Accreditation & Legislative Services

February 11, 2009

TO: All FACCS Administrators

FROM: Dr. Howard G. Burke, FACCS Executive Director

RE: Capital Update Highlighting HB 659

FDOE DATA BASE SURVEY RELEASED

The Private School Mid-Year Report has been released by the FDOE. The report is a fascinating read for those that are interested in trends throughout the private sector. Consider the current enrollment reported is 250,782 students statewide in preschool through grade twelve. In earlier years the statistics did not cover the preschool/early childhood/child care areas (Not all child care is included).

Reduce the provided grand total by the number of pre-school children and it leaves a grand total of 222,453. Further, the total number of schools reporting is 1459. If this statistic is stable throughout the balance of the current school year it would appear there is a significant loss in the private sector.

How can such a statement be claimed? Simply stated, less than a decade ago there were over 2100 nonpublic schools in Florida, without the early childhood/preschool readiness programs that have dominantly developed as a result of the VPK Program in the most recent years. Additionally, one statewide umbrella association of associations, the Florida Association of Academic Nonpublic Schools (FAANS) representing 85% of private schools in Florida, at that time, had a combined student population that exceeded this current total enrollment and during that period over 1000 of the reporting schools were accredited.

Given the economic situation in Florida, a look back may help determine steps needed for the future. The annual report for Legislative review includes enrollment statistics for private schools that submitted a 2008-09 Private School Annual Survey on or before November 30, 2008. This report and prior reports are available on the School Choice Web site at:

http://www.floridaschoolchoice.org/Information/Private_Schools/annual_reports.asp.

PRE-FILED LEGISLATION COULD MEAN A FOUR -DAY WEEK FOR STUDENTS & TEACHERS

Students and teachers could possibly see regular three-day weekends under a measure proposed by Sen. Evelyn Lynn. The bill would give school districts the flexibility to plan their school weeks around an hourly requirement (SB 530/ HB 765). Thus, students could see a four-day week with longer days instead of their regular five-day schedule.

SEXUAL MISCONDUCT WITH STUDENTS BILL HAS BROAD LANGUAGE

The language and intent of HB 659 is interesting. On the surface this bill looks reasonable and is well intentioned to stop the onslaught of sexual predators that prey on children of all ages. However, take a closer look at the broad language and one will find the terms used and depth will cover the private sector, religious ministries, training programs of any type, and one could argue much more as a result of the wording.

For instance the primary feature is an application to any student that “*reasonably believes*” the undefined teacher/instructor/religious worker, etc... of unspecified age is an “*authority figure*.” Question: Would a student assistant in the sixth grade helping a teacher in the Kindergarten be an “*authority figure*” in the absence of a teacher for some unknown reason? There are many additional scenarios that cause one to pause when reflecting on such language.

Note line 24 ... “*Or any other institution...*” There is no definition of intent of coverage. With minor rearrangement of a few words could this not easily be applied, under the progressive socialist system we are culturally progressing toward, to a parent in a legitimate home school? Is this possibly an overreach of big-brother power? You be the judge!

Note line 28-30... “*Transfer to them knowledge....*” Think outside of the box for a moment and let your imagination roam. There are many ways for to construe an application to a “*transfer of knowledge*.”

So that you may make up your own mind, this bill is **attached in the PDF Acrobat Reader format**. It will also be posted on the FACCS Web Site at www.FACCS.ORG for your future reference.

NRA STUMPS FOR ALAN LAWSON TO BE NAMED TO SUPREME COURT

The following are excerpts from two publications that may be of interest. While this issue deviates from the basic areas of FACCS review, this is none the less a pivotal concern for the direction of the judicial system in Florida. The most recent decisions impacting the private sector, religious ministries, and liberty causes ruled on by the courts have not exactly been supportive of issues that concern religious, private education, family, or liberty matters.

The ... “**National Rifle Association** officials are urging members of the organization to contact Gov. Charlie Crist and his legal counsel to urge him to choose 5th District Court of Appeals Judge Alan Lawson to replace retiring Justice Charles Wells on the Supreme Court. “*This appointment is absolutely critical to*

gun owners," said a memo to NRA members from the group's Tallahassee lobbyist Marion Hammer. She said that of four candidates whose names have been sent to Crist as possible justices, Lawson was the "only candidate we trust with our rights, our freedoms and our values." The gun-rights group USA Carry also sent out a similar message. Florida Governor Charlie Crist will make one of the most important and defining decisions of his future career as an elected official. He will appoint the fourth and final vacancy to the Florida Supreme Court to fill the vacancy created by retiring Justice Charles Wells."

The **Florida Family Action Alert** states, "We need judges we can trust and who will strictly uphold the Constitution and not legislate from the bench. This final appointment is absolutely critical to issues that Florida Values Voters and Social Conservatives are concerned about including pro-life issues, gay adoption ban (which is now on appeal), parents rights, religious liberty and a host of other legal issues.

Of the four candidates under consideration for appointment, Judge Alan Lawson is the ONLY candidate we trust with our rights, our freedoms and our values. Further he is, without question, the most qualified candidate. Finally, the appointment of Judge Alan Lawson is critical to the balance of the Court and to justice in Florida. Therefore, we need to let Governor Crist know that we only TRUST and SUPPORT JUDGE ALAN LAWSON for appointment to the Florida Supreme Court in the upcoming vacancy. Please e-mail Governor Crist IMMEDIATELY and respectfully urge him to appoint Judge Alan Lawson to the Florida Supreme Court as he is the only candidate we can trust to uphold the whole constitution.

Call, Send your e-mail or faxed letter to the Governor at these e-mail addresses: Charlie.Crist@MyFlorida.com and fl_governor@eog.state.fl.us Fax letters to (850) 487-0801 Call (850) 488-7146 AND TO: the Governor's Chief Legal Counsel Mr. Jason Gonzalez at: Jason.Gonzalez@eog.myflorida.com Fax (850) 488-9810"

HB 659 and additional Legislative jewels will be discussed at the FACCS Administrator's Conference at 1:40 PM on February 19th.

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