



Capital Office for Administrative, Accreditation & Legislative Services

February 10, 2009

TO: All Administrators  
FROM: Dr. Howard G. Burke, FACCS Executive Director  
RE: Legislative Alert

With untold numbers of Legislative bills filed, the 2009 Florida Legislative Session is only three weeks away. At this time there are approximately 40 House and Senate Bills that have a potential impact on the Christian & nonpublic school sector.

The current issues addressed in the pre-filed legislation randomly cover: *“Compulsory attendance, VPK Programs, screening requirements for coaches, revised definition of sex discrimination, school bus safety, early learning program transfer, summer camps, new sexual misconduct definitions for all areas of private education and settings that extend even to instruction of religious doctrines, Bright Futures Scholarships, Corporate Tax & McKay Scholarship limitations & additional accountability or program expansion, school nurses, pre-kindergarten mandated training, character development, criminal conduct/corporal punishment, equal rights for men and women, expanded criminal background checks, changes to private post-secondary degree granting options, post-secondary accreditation, health education, PE wellness, and a major modification to the screening requirements for religious exempt & nonpublic schools offering child care, kindergarten, or VPK services.”*

To give a sample of such initiatives and how they may affect your ministry, the following is offered in regard to SB 7050 filed this week as a Committee Bill that expands screening and other accountability measures for those holding a “religious exemption” under FS 402.316 or identified as a “nonpublic school/private school, or VPK Provider” in FS 402.3025.

SB 7050 on the surface appears to outline the current process for those that have opted to participate in a State Scholarship or the VPK Program. Up to this date many of these procedures have been generally followed policy but are not enshrined in statute. However, in review of the proposed bill there are some potential red flags that all “religious exempt, nonpublic schools with kindergartens or before/after care programs, & other private providers offering the VPK Program may want to consider in the following areas:

*Line 123: “Screening is not limited to...”* if it is not limited to Level 2 mandates then what else may be provided or required through the rule making process after the legislation is passed?

*Line 175 “Definition of Good Moral Character”* is a DCF prerogative, to be set by developed rule, and is not established in the bill. Thus, this may or may not be in agreement with your definition of such, governance policies, etc. and may be changed at any time by the Department. This definition should be stated up-front so everyone is on the same page as this goes through the legislative process. Since the statute currently has a “definitions section” put this in black and white and bind the hands of the state agencies given rule-making authority.

*Line 209 "Screened before employment"* could create a complication for a highly qualified or interim replacement that, as has been experienced when the department or other agency (FDLE/FBI) cannot read the fingerprints and the person completes the process several times. There needs to be a reasonable limitation of time for good faith to be achieved if there is not an identifiable reason to deny employment based on historical records available that would evidence an unacceptable criminal history.

Line 237-249 has enough verbiage to cause some question.

Line 279-283 opens the door for potential conflict.

Physical access of faith-based ministries by the DCF/designated agency for review of screening verification is one thing but this bill does open the door beyond screening verification. If this review is conducted by an uninformed state/county employee or representative it may, as has been the case due to the perpetual transition of personnel in such positions, create issues based on a lack of knowledge or personal whim. Additionally, with the deficit funding of the DCF, etc. who is going to pay for such site review at exempt programs (FS 402.318/FS 402.3025) or private/nonpublic schools. This could create an unfunded mandate expense set through the promulgation of DCF rules and/or by county edict.

To assist your review of this legislation, a PDF copy of the bill is attached that may be opened with Adobe Acrobat Reader. This will be posted on the FACCS web site at [www.FACCS.Org](http://www.FACCS.Org) for your further reading.

The above mentioned issues and more will be discussed at the FACCS  
Administrative Conference at 1:40 PM February 19<sup>th</sup>.