

U.S. DEPARTMENT OF EDUCATION

# State Regulation of Private Schools



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**U.S. Department of Education  
Office of Innovation and Improvement  
Office of Non-Public Education**

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# FLORIDA

## **Accreditation/Registration/Licensing/Approval**

- No requirement for *Accreditation*.
- *Registration* is mandatory.
  - All private schools are required to register with the Department of Education. S. 1002.42, *F.S.*
- No requirement for *Licensing*.
- No requirement for *Approval*.

## **Teacher Certification**

- Teacher certification is not required for instructional personnel in private schools. However, an owner of a private school may require school employees to file a complete set of fingerprints with the Department of Law Enforcement for processing and criminal records checking. Findings from such processing and checking shall be reported to the owner for use in employment decisions. S. 1002.42(2)(c)3, *F.S.*

## **Length of School Year/Days**

- Attendance at a private school satisfies the compulsory school attendance law if the child maintains regular attendance during the school term of either 180 actual school days or a minimum of 170 actual school days and the hourly equivalent of 180 actual school days, (i.e. Kindergarten, 540 net instructional hours; Grade 1 through 3, 720 net instructional hours; and, Grades 4 through 12, 900 net instructional hours). Rule 6A-1.09512, *F.A.C.*

## **Curriculum**

- The state and local school district do not have the authority to oversee or control the curriculum or academic programs of private schools or home instruction programs. S. 1002.42(2)(h), *F.S.*
- Florida regulates biological experiments performed on living subjects conducted in grades K–12. For example, no dissection may be performed on any living mammalian vertebrate or bird. Students can be excused upon written request by parent or guardian from dissection of nonliving mammals or birds. Private schools keeping live animals on the premises must house in a humane and safe manner. Teachers failing to comply with these provisions may be disciplined by the school authorities. S. 1003.47, *F.S.*
- Private school students are eligible to participate in Florida's Bright Future Scholarship Program established to reward Florida high school graduates who merit recognition of high academic achievement. S. 1009.531, *F.S.*
- A private secondary school may participate in athletic competition with public secondary schools in accordance with S. 1006.20(1) and 1002.42(8), *F.S.*

### **Recordkeeping/Reports**

- Parochial, denominational, and private schools must keep a register of student enrollment and daily attendance in a manner prescribed by the state and open for inspection by the local superintendent or attendance assistant (S. 1003.23. *F.S.*). The register may be used as evidence in a court procedure for the enforcement of the Florida compulsory education statute. S. 1003.27(5), *F.S.*
- Prior to admission to pre-kindergarten or kindergarten, a private school principal must require that the child provide evidence of age such as a transcript of the child's birth record or certificate of baptism. S. 1003.21(4), *F.S.*
- An Immunization Annual Report of Compliance must be completed for private schools that enroll kindergarten or 7th grade students. Private schools may collect the necessary form (Department of Health Form 684) from Florida county health departments. S. 1002.42(6) and 1003.22 (8), *F.S.*
- Private schools which become defunct must arrange for the transfer of student records to the local public school superintendent, or if a member, the principal office of a private school system or association. Notice of transfer must be given to the Department of Education. S. 1002.42(3)(b) and (c), *F.S.*
- Private schools serving K–12 students must file a database survey form with the Florida Department of Education indicating the name of the institution, address, telephone number, type, administrative officers, enrollment by grade or special group, number of graduates, number of instructional and administrative personnel, number of school days, and other data as needed under S. 1002.42(2), *F.S.*

### **Health and Safety Requirements**

- Private schools must require each student, upon his initial entrance into school, to present a certification of school-entry health examination performed within one year of enrollment. Students are exempt if parents or guardians object on religious grounds in a written statement. S. 1002.42(5), *F.S.*
- Prior to admittance to a private school, children must submit a certification of immunization (Department of Health Form 680) for the prevention of communicable diseases as required by the Department of Health and Rehabilitative Services, including immunizations for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, and tetanus. Private schools must also provide appropriate screening for its pupils for scoliosis at the proper age. Students are exempt if their parents or guardians object in writing based on a conflict with religious tenets or practices. S. 1002.42(6), *F.S.*
- Private schools that prepare food intended for individual portion service must comply with the minimum sanitation standards promulgated by the Department of Health. S. 381.0072 (1)(b), *F.S.*
- Chief administrative officers of private schools must file a complete set of fingerprints for state processing and checking for criminal background. The cost must be borne by the applicant or private school. Persons convicted of crimes involving moral turpitude are prohibited from owning or operating a private school. The chief administrative officer may also require school employees to file a complete set of fingerprints. S. 1002.42(2)(c)1., *F.S.*

- Private school teachers, officials, and other personnel, who know or have reasonable cause to suspect that a child is abused or neglected must report the information to the Department of Children and Families' central abuse registry and tracking system. S. 39.201, *F.S.*

### **Transportation**

- Private schools operating school buses with a seating capacity of 24 or more pupils must comply with state requirements outlined in S. 1006 and 316.615(1), *F.S.*
- Private schools operating school buses seating less than 24 students must comply with state requirements regarding inspections, equipment, liability insurance, and driver physical examination requirements. S. 316.615(2)(a), *F.S.*
- District school boards may make available, by contract, bus driver training programs to private school bus drivers. S. 1002.42(14).and 1012.45(4), *F.S.*
- Florida private schools with racially nondiscriminatory student admission policies may purchase school buses through the state pool purchase program. S. 1002.42(15)(a), *F.S.*
- School crossing guard training programs administered by local government entities may provide training to private schools by contract. S. 316.75, *F.S.*

### **Textbooks**

- Florida Department of Education is authorized to sell at cost educational materials and products developed by or under its direction to private schools and the general public. S. 1002.42(9) and 1006.39(2), *F.S.*
- Local district school boards may give private schools instructional materials when they become surplus, unserviceable, or no longer on state contact, in accordance with S.1006.41(1)(a) and 1002.42(10), *F.S.*

### **Testing**

- No statutory requirement for student assessment. The owners of private elementary and secondary schools in Florida are solely responsible for all aspects of their educational programs, including student assessment. S. 1002.42(2)(h), *F.S.*

### **Special Education**

- Diagnostic and resource centers are authorized to provide testing and evaluation services to private school students. S. 1002.42(11) and 1006.03(3), *F.S.*
- The local district school boards may provide instruction for exceptional students through contractual arrangements with approved private schools at a cost determined by the board. S. 1002.42(12) and 1003.57(1)(b), *F.S.* Rule 6A-6.0361, *F.A.C.*

### **Nursing and Health**

- Each county health department shall develop, jointly with the district school board and the local school health advisory committee, a school health services plan. The plan must include notification to the local private schools of the school health services program and the opportunity for representatives of the local private schools to participate in the development of the cooperative health services plan. A private school may request to participate in the school health services program. A private

school voluntarily participating in the school health services program shall fulfill certain requirements. S. 381.0056(5)(a)18., and 381.0056(6), *F.S.*

### **Technology**

- There is no state policy at this time.

### **Professional Development**

- Private school teachers and administrators may participate in in-service teacher education programs on comprehensive health education and substance abuse prevention, provided they assume the prorated share of the cost. S. 1012.985(1)(h) and 1012.98(6), *F.S.*
- “An organization of private schools that has no fewer than 10 member schools in this state may develop a professional development system to be filed with the Department of Education in accordance with the provisions of S. 1012.98(6), *F.S.*” This plan may be used for extension of a certificate or a new endorsement. S. 1012.585(3)(a) and 1002.42(13), *F.S.*

### **Reimbursement for Performing State/Local Functions**

- There is no state policy at this time.

### **Tax Exemption**

- Educational institutions, including parochial church or private schools and their property are exempt from taxation. S. 196.198 and 196.012(5), *F.S.*
- Educational institutions, including church and nonprofit private schools meeting certain requirements, are also exempt from tax on the sale and use of tangible personal property, annual and nonrecurring tax on intangible personal property and local occupational license tax. S. 212.08 and 199.183, *F.S.*
- Motor fuel taxes paid by private schools for operating school buses will be returned to the schools to be used for transportation related purposes. S. 206.41(4)(e), *F.S.*

### **Public Aid for Private Education**

- **Constitutional provisions:** "No revenue of the state or any political subdivision or agency thereof shall ever be taken from the public treasury directly or indirectly in aid of any church, sect, or religious denomination or in aid of any sectarian institution." *Fla. Const. Art. 1, §3.*
- **Programs for financial assistance for attendance at private schools:**  
Florida has two such programs.
  - 1) The John M. McKay Scholarships for Students with Disabilities Program was created in 1999 and provides students with disabilities, for whom an individual educational plan has been written in accordance with the rules of the State Board of Education, the option to attend a public school other than the one he or she is assigned to or a scholarship to attend a participating private school of choice. The amount of the annual scholarship is the estimated calculation of the amount the student has generated in the assigned public school, or the private school's tuition and fess, whichever is less. S. 1002.39, *F.S.*

2) The Corporate Tax Credit Scholarship Program was signed into law in 2001. The Corporate Tax Credit (CTC) Scholarship Program was established to encourage private, voluntary contributions from corporate donors to non-profit scholarship funding organizations that award scholarships to children from low-income families. A corporation can receive a dollar-for-dollar tax credit up to 75 percent of its state income tax liability, and the maximum the state may award has been increased from \$88 million to \$118 million in tax credits for the 2008–09 fiscal year. The CTC Scholarship Program expands educational opportunities and school choice for children of families that have limited financial resources.

### **Homeschooling**

- Home education is defined as “the sequentially progressive instruction of a student directed by his or her parent or guardian, in order to satisfy the requirement for compulsory attendance as defined in Section 1002.20, *F.S.*” S. 1002.01, *F.S.*
- The parent or legal guardian must notify the superintendent of schools of the county in which the parent or guardian resides of his or her intent to establish a home education program. The notice must be in writing, signed by the parent or guardian, and must include the names, addresses, and birth dates of the children being homeschooled. The parent or guardian is not required to hold a valid regular Florida certificate to teach. S. 1002.41(1), *F.S.*
- Home education programs must maintain a portfolio of educational records. Florida Statute defines a portfolio as “A log of educational activities which is made contemporaneously with the instruction and which designates by title any reading materials used, and samples of any writings, worksheets, workbooks or creative materials used or developed by the student.” The portfolio of education records must be available for inspection by the superintendent upon a 15-day written notice. S. 1002.41(1)(b), *F.S.*
- Home education programs must provide an annual evaluation of the student's educational progress to the superintendent. The evaluation must include one of the following options: a Florida certified teacher evaluation of the child's progress based on a review of the portfolio and discussion with the student, the student may participate in a national norm student achievement test administered by a certified teacher, the student may participate in a state student assessment test at a location and under testing conditions approved by the school district, the student may be evaluated by a psychologist holding a valid, active license pursuant to S. 490.003(7) or (8), *F.S.*, or the student may be evaluated with any other valid measurement tool as mutually agreed upon by the parent and the superintendent. S. 1002.41(1)(c), *F.S.*
- The student's portfolio must be preserved for a minimum of two years. S. 1002.41(1)(b), *F.S.*
- The requirements of the school day do not apply to home education programs.
- If the home education program is closed, the parent or guardian must submit a letter of termination to the school district superintendent. S. 1002.41(1)(a), *F.S.*

### **Information resources**

- [Florida Department of Education: Office of Independent Education and Parental Choice - Private School Information for Administrators](#)

<[http://www.floridaschoolchoice.org/Information/Private\\_Schools/default.asp?whichView=administrator](http://www.floridaschoolchoice.org/Information/Private_Schools/default.asp?whichView=administrator)>

- [Florida Department of Education: Office of Independent Education and Parental Choice - Home Education](#)

<[http://www.floridaschoolchoice.org/information/home\\_education/](http://www.floridaschoolchoice.org/information/home_education/)>

- [Florida Department of Education: Office of Independent Education and Parental Choice – Opportunity Scholarship Program](#)

<<http://www.floridaschoolchoice.org/Information/OSP/>>

- [Florida Department of Education: Office of Independent Education and Parental Choice – McKay Scholarships](#)

<<http://www.floridaschoolchoice.org/Information/McKay/>>

- [Florida Department of Education: Office of Independent Education and Parental Choice – Corporate Tax Credit Scholarship Program](#)

<<http://www.floridaschoolchoice.org/Information/ctc/>>

- [Florida Statutes](#) <<http://www.flsenate.gov/Statutes/>>

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