

# **PreK - 12 Committee**

**Meeting**

**Thursday, September 15, 2005**

**9:00 a.m.—12:00 p.m.**

**Morris Hall**

Allan G. Bense  
Speaker

Ralph Arza  
Committee Chair



# Florida House of Representatives

## PreK-12 Committee

Allan G. Bense  
Speaker

Ralph Arza  
Chair

### AGENDA

#### September 15, 2005

- I. Call to Order
- II. Chairman's Remarks
- III. School District K-12 Comprehensive Reading Plans
- IV. Fingerprint Requirements Pursuant to HB1877
- V. Presentation by Department of Education Inspector General
  - John Franco, Inspector General, Florida Department of Education
- VI. Chairman's Closing Remarks
- VII. Adjournment



## **FY 2005-2006 PROVISIO RE: K-12 READING PLANS:**

From the funds in Specific Appropriation 73, \$89,000,000 is provided for a K-12 comprehensive, district-wide system of research-based reading instruction. The amount of \$50,000 shall be allocated to each district and the remaining balance shall be allocated based on each district's proportion of the state total K-12 base funding. By July 1, 2005, districts shall submit a plan in a format prescribed by the Department of Education's Just Read, Florida! Office. Upon approval of a district's plan by the Just Read, Florida! Office, the department shall release the district's allocation of these funds.

3531 district, subject to the provisions of paragraph (d). The  
 3532 commissioner shall use the official final taxable value for  
 3533 school purposes for each school district in the final  
 3534 calculation of the annual Florida Education Finance Program  
 3535 allocations.

3536 2. For the purposes of this paragraph, the official final  
 3537 taxable value for school purposes shall be the taxable value for  
 3538 school purposes on which the tax bills are computed and mailed  
 3539 to the taxpayers, adjusted to reflect final administrative  
 3540 actions of value adjustment boards and judicial decisions  
 3541 pursuant to part I of chapter 194. By September 1 of each year,  
 3542 the Department of Revenue shall certify to the commissioner the  
 3543 official prior year final taxable value for school purposes. For  
 3544 each county that has not submitted a revised tax roll reflecting  
 3545 final value adjustment board actions and final judicial  
 3546 decisions, the Department of Revenue shall certify the most  
 3547 recent revision of the official taxable value for school  
 3548 purposes. The certified value shall be the final taxable value  
 3549 for school purposes, and no further adjustments shall be made,  
 3550 except those made pursuant to subparagraph ~~(10)~~(9)(a)2.

3551 (8) RESEARCH-BASED READING INSTRUCTION ALLOCATION.--

3552 (a) The research-based reading instruction allocation is  
 3553 created to provide comprehensive reading instruction to students  
 3554 in kindergarten through grade 12.

3555 (b) Funds for comprehensive, research-based reading  
 3556 instruction shall be allocated annually to each school district  
 3557 in the amount provided in the General Appropriations Act. Each  
 3558 eligible school district shall receive the same minimum amount

3559 as specified in the General Appropriations Act, and any  
 3560 remaining funds shall be distributed to eligible school  
 3561 districts based on each school district's proportionate share of  
 3562 K-12 base funding.

3563 (c) Funds must be used to provide a system of  
 3564 comprehensive reading instruction to students enrolled in the K-  
 3565 12 programs, which may include the following:

3566 1. The provision of highly qualified reading coaches.

3567 2. Professional development for school district teachers  
 3568 in scientifically based reading instruction.

3569 3. The provision of summer reading camps for students who  
 3570 score at Level 1 on FCAT Reading.

3571 4. The provision of supplemental instructional materials  
 3572 that are grounded in scientifically based reading research, and  
 3573 comprehensive training in their use, for which teachers shall  
 3574 receive inservice credit. Each school district, in partnership  
 3575 with the publisher of the material, shall provide the training  
 3576 and the school district shall certify that the teacher has  
 3577 achieved mastery in using the material correctly. Data on this  
 3578 training shall be collected by the Department of Education.

3579 5. The provision of intensive interventions for middle and  
 3580 high school students reading below grade level.

3581 (d) Annually, by a date determined by the Department of  
 3582 Education but before May 1, school districts shall submit a plan  
 3583 for the specific use of the research-based reading instruction  
 3584 allocation in the format prescribed by the department for review  
 3585 and approval by the Just Read, Florida! Office created pursuant  
 3586 to s. 1001.215. The plan annually submitted by school districts

3587 shall be deemed approved unless the department rejects the plan  
 3588 on or before June 1. If a school district and the Just Read,  
 3589 Florida! Office cannot reach agreement on the contents of the  
 3590 plan, the school district may appeal to the State Board of  
 3591 Education. The plan format shall be developed with input from  
 3592 school district personnel, including teachers and principals,  
 3593 and shall allow courses in core, career, and alternative  
 3594 programs that deliver intensive reading remediation through  
 3595 integrated curricula. No later than July 1 annually, the  
 3596 department shall release the school district's allocation of  
 3597 appropriated funds to those districts with approved plans. A  
 3598 school district that spends 100 percent of this allocation on  
 3599 its approved plan shall be deemed to have been in compliance  
 3600 with the plan. The department may withhold funds upon a  
 3601 determination that reading instruction allocation funds are not  
 3602 being used to implement the approved plan.

3603 (9)~~(8)~~ QUALITY ASSURANCE GUARANTEE.--The Legislature may  
 3604 annually in the General Appropriations Act determine a  
 3605 percentage increase in funds per K-12 unweighted FTE as a  
 3606 minimum guarantee to each school district. The guarantee shall  
 3607 be calculated from prior year base funding per unweighted FTE  
 3608 student which shall include the adjusted FTE dollars as provided  
 3609 in subsection (10)~~(9)~~, quality guarantee funds, and actual  
 3610 nonvoted discretionary local effort from taxes. From the base  
 3611 funding per unweighted FTE, the increase shall be calculated for  
 3612 the current year. The current year funds from which the  
 3613 guarantee shall be determined shall include the adjusted FTE  
 3614 dollars as provided in subsection (10)~~(9)~~ and potential nonvoted

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February 11, 2005

## MEMORANDUM

**TO:** District School Superintendents

**FROM:** Mary Laura Openshaw  
Director, Just Read, Florida!

**SUBJECT:** K-12 Comprehensive District Reading Plan Regional Technical Assistance Workshops

We are pleased to announce a series of regional technical assistance workshops to provide information on the K-12 Comprehensive District Reading Plans. As you know, Florida has made unprecedented gains in reading student achievement, and we want to ensure that funds continue to be available to sustain the momentum of this exciting trend.

In order to make funding permanent for reading, the Governor and the State Board of Education propose, pending legislative action, that reading funds be distributed through the Florida Education Finance Program (FEFP) to each district, instead of through the traditional allocation of grants.

In order to receive this allocation, each district must write a K-12 Comprehensive District Reading Plan that will be reviewed and approved by the Just Read, Florida! office. Funds will not be released until the plan has all the requisite components. Plans are due on July 1, 2005 with a preliminary draft to be submitted by April 15, 2005.

We are asking that districts send teams of eight educators to the technical assistance meetings. (Please see the attachment for a description of the suggested team members.) We recognize that large districts with area offices may need to send eight educators from each area office.

MARY LAURA OPENSHAW

DIRECTOR, JUST READ, FLORIDA!



Memo to District School Superintendents

Page 2

Conversely, smaller districts may not send a full team of eight since their responsibilities may overlap.

The day will include presentations from Just Read, Florida! team members in the morning and team discussion/writing in the afternoon. The meetings will be held from 9:00 a.m.-3:00 p.m. in each location. Please refer to the attachments for dates, district assignments, location of the workshops and directions.

We look forward to seeing you soon!

MLO/be/sv

Attachment

## Openshaw, Mary Laura

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**From:** Openshaw, Mary Laura

**Sent:** Tuesday, March 01, 2005 6:59 PM

**To:** Volusia - Susan Schilsky; brevard - Debbie Lyons; brevard - Debbie Wood; brevard - Jocelyn Downs; Brevard - John Turrle; Brevard - Lynn Spadaccini; Brevard - Patrick Shelton; Brevard - Walter Christy ; Cirtus - karen Lisa; Cirtus - mark Brunner; Citrus - Bill Farrell; Citrus - charla Bauer; Citrus - Leanne Bradshaw; FLARE - marcia Halpin; Hernando - Betty harper; hernando - Debbie Pfenning; Hernando - Marvin Gordon; Lake - Jeannette Tietjen; Lake - Alicia Bermudez; Lake - Diane Mullen; lake - Doreathe Cole ; Lake - Joy Marshall; Lake - Linda Bradley; Lake - Lisa Gross; Mariann Schmudd; marion - janet williams; Marion - Julie Shealy; Marion - Kara English; marion - Mary Lou Vannote; Marion - Nancy Leonard; marion - Shirley Gonzalez-Day; marion - Woody Clymer; Orange - Amanda Ellis; Orange - Guy Kinney; Orange - jean Washburn; Orange - Jocelyn Gleen; Orange - Judy Frank; Orange - Julie Teal; Orange - Linda Grinnell; Orange - Mark Brown; Orange - Susan Kelly; ORange - Vertis Lane; Osceola - Bererly Brizendine; Osceola - Mark Conners; Osceola - Randy Shuttera; pasco - Marti Meacher; Pasco - Randy koenig; Pasco - Sandy Ramos; Pasco - Tammy Rabon; Seminole - Anna Marie Cote; Seminole - Carol Chanter; Seminole - Cherly Nicholas; Seminole - Debbie Warner; Seminole - Geraldine Wright; Seminole - jane Moore; Seminole - Kathe Horner; Seminole - Sallie Jenkins; Volusia - Emily Cortest; Volusia - Joann Doyle; Volusia - Karli Ruscoe; Volusia - Marta Pascale; Volusia - Mary Cool; Volusia - Mary Diez; Volusia - Nicki Jenkins; Volusia - Richard Jones; susan martelli; Bay - Anita Dilla; Bay - lendy Willis; Bay - Lisa Churchwell; Bay - Sue Harrell; BayWanda Robbins; Calhoun - Harrierr Peacock; Calhoun - Kay Tipton; Calhoun - Mike Johnson; Calhoun - Ronnie hand; Calhoun - Wynette Peacock; Columbia - Marsha Hill; Columbia - Barbara Thomas; Columbia - Joanne Chamberlin; Columbia - Kitty ; Columbia - L.C. Bradley; Columbia - Lana Boone; Columbia - Tom Dorsett; Dixie - Beverly Baumer; Dixie - Charlotte Lord; Dixie - Garry Durham; Dixie - Howard Wadsworth; Carraway, Charlie; Ceci, Patricia; Escambia - Alan Scott; Escambia - Debra Henderson; Escambia - Jamie Moore; Escambia - Linda Longacre; Escambia - Pam Thompson; Escambia - Sara Lewis; Escambia - Steve ; Franklin - Brenda Wilson; Gilchrist - Betty Lee; Gilchrist - janet Bradley; Gilchrist - Janet Langford; Gilchrist - Jim Surrency; Gilchrist - Nancy Rowe; Gilchrist - Sherry lindsey; Jackson - Ellen marsh; Jackson - Frank waller; Jefferson - Cynthia ; Jefferson - Kathy Joyner; Jefferson - Nancy Wideman; Jefferson - Phil Barker; Lafayette - Betina Hurst; Lafayette - Dabbie land; Lafayette - Derek H; Lafayette - Fred Ward; Leon - ; Leon - Hadgetta Huckaby; Leon - K caleenk; Frempon, Kwaku; Leon - Maria Cambell; leon - Marsha Glover; Leon - Merry Ortegall; Liberty - Sue summers; marlene west; OSI - Gerry Miller; Richards, Robin; Putnam - Cynthia Asia; RFPD - Yvette Lerner; Washington - Pat Suggs; Brevard - Mark Tormoen; Citrus - Regina Allegretta; Citrus - Tom Curry; DOE - Dawn Saunders; FLARE - Cindee Easton; Gadsden - Millie Anderson; Gadsden - Verna Norris; Gulf - Bill Carr; Gulf - Duane McFarland; Gulf - Sara Joe Wooten; Hendry - Garry Ensar; Hendry - Gordon Swaggerty; Hendry - Paul Puletti; Hendry - R. Scott Cooper; Hendry - Tom Conner; Hernando - Jean Ferris; Highlands - Anne Lindsay; Highlands - Jean Brown; Highlands - Julia Burnett; Highlands - Karin Doty; Highlands - Pam Burnham; Highlands - Ruth Heckman; Holmes - Bradford Locke; Holmes - Sheri Brooks; Holmes - Steve Griffin; Madison - Dale Rickards; Madison - Julia Waldres; Madison - Lori Newman; Madison - Robin Hill; Okaloosa - Annette Maldonado; Okaloosa - Guyla Hendricks; Okaloosa - Sally Henderson; Okeechobee - Brian Greseth; Okeechobee - Debbie Gillis; Okeechobee - Mary Hurley; Okeechobee - Sharon Suits; Osceola - Annalee Meadows; Osceola - Elaine Grohol; Osceola - Holly Strawn; Osceola - Janice Welch; Osceola - John Campbell; Osceola - Melba Luciano; Palm Beach - Brenda Magee; Palm Beach - Cella Elrod; Palm Beach - Connie Gregory; Palm Beach - Connie Tuman; Palm Beach - Denise Doyle; Palm Beach - Dexter Nichols; Palm Beach - Diana Williams; Palm Beach - Gale Fulford; Palm Beach - Janice Miller; Palm Beach - JoAnne Beckner; Palm Beach - Kathy Pasquarello; Palm Beach - Kay Scott; Palm Beach - Kim Stansell; Palm Beach - Mary Wilkeson; Palm Beach - Nora Rosensweig ; Palm Beach - Sharon Brannon; Palm Beach - Shela Khanal; Palm Beach - Sue Millas; Santa Rosa - Bill Price; Santa Rosa - Cheree Davis; Santa Rosa - Emma Fillingim; Santa Rosa - Farica King; Santa Rosa - Gayle Cowley; Santa Rosa - Lewis Lynn; Santa Rosa - Martha Todd; Santa Rosa - Pamela Martinez; Santa Rosa - Tim Wyrosdick; Santa Rosa - Wanda Baker; Santa Rosa - Warren Stevens; Suwannee - Nancy Roberts; Suwannee - Terri Garrett; Taylor - Carol Hendry; Taylor - Michael Thompson; Taylor - Pam Padgett; Taylor - Sandy MacDonald; Taylor - Wanda Kemp; Wakulla - Beth Mims; Walton - David Jeselnik; Walton - Kay Dailey; Walton - Linda Patterson; Walton - Marsha

Pugh; Walton - Sara Hall; Washington - Given Welch; Washington - Mike Welch

Dear Colleagues,

Thanks so much for attending our regional workshops the past two weeks. We received great feedback from each workshop, and have tried our best to respond to that feedback – in so many cases, your comments made our document a much better one!

As promised, here is the template for the 2005-06 K-12 Comprehensive Research-Based Reading Plan. There are a TON of documents attached here, and we apologize. The official paperless memo that will go out in the next week will direct you to our website where all of these will be posted. However, in an effort to get you the information today, we are emailing all the documents so that you will have them at your fingertips.

Attached please find the following:

- An electronic copy of the 43 page guidance document you received at the workshop (FINAL guidance-FEFP.doc)
- An electronic copy of the template that you will use to build your plan (this is basically the guidance document with all the guidance stripped out) (FINAL Template – FEFP.doc)
- All of the required charts in Excel format.

We plan on issuing our first Q and A by the end of this week, so please bear with us as we work to finish that. The powerpoint used at the workshops will be posted as well on our website.

Also, we will be sending out a VERY simple budget form for you to use as you continue planning as well. That should be sent to you within the next week as well.

Again, we appreciate your patience with us as we work to serve you better through the FEFP funding process. Thanks for all you do for reading in our great state!

Mary Laura Openshaw  
Director, Just Read, Florida!  
325 West Gaines Street, Room 1548  
Tallahassee, FL 32399  
850.245.0503  
850.245.9530 fax  
[www.justreadflorida.com](http://www.justreadflorida.com)

9/7/2005

## Mizereck, Kathy

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**From:** SchmidtK@stlucie.k12.fl.us  
**Sent:** Friday, April 22, 2005 2:06 PM  
**To:** s stiteler; j bryant; Cobb, Walt; Kenneth Allen; Westcott, Dianne; Albritton, Sylvia; Storms, Bill (E-mail); Davis, Sandra; Borgen, Rosa D; Pentiuk, Ronald; Olsen, Ken; Miller, Terry; Miller, Susan; Donohue, Mike; Schiffer, Michael; McCoy, Joe; Linville, Barry; Morgan, Lesa; Laux, Warren; James, Ken; Willis, Judith; Collier, Janice Carter; Parker, James V; Kidd, James; Johnson, Gwendolyn; Ryder, Fred; Etheredge, Charlie (E-mail); Carr, Elliot L; Bailey, Dorothy; Culpepper, Diane (E-mail); Crawford, Bob; Clark, Bob; Cothron, Chris; Cassity, Clide; Pearson, Carole; Cantrell, Mary; Martinez, Antonio; Parker, Paul; Desue, Clarence; Jensen, Mariann; Pratt, Jan; ely vidaillet; arlene black; Bobbie Morgan; Addair, Kenneth; Baker, Cheryl; Barnes, Dave; Boatright, Walter; Bruno, Mary; Buchanon, Judi; Cobb, Sharon; Cole, Gail; Collins, Nan; Edwards, David; Falatic, Bob; Fugel, Paula; Grego, Michael; Hughes, Norman; James, Cheryl; Johnson, Anne; Kapusta, Gerald; Land, Debra; Lewis, Margaret; Mathews, Keith; Miracola, John (E-mail); Mitchell, Rex; Mizereck, Kathy; Moore, Larry; Myhre, Judy; O'Donnell, Larry; Pam Cunningham; Pittman, Ed; Robinson, David; Rogers, Raymond; Sapp, Ralph; Schmidt, Kathy; Sharon Suits; Shaw, Ruth; Shelton, Sheila D; Skinner (E-mail), Marshall; Smith, Grace; Taylor, Tommy; Thomas, Albert; Wagner, Doug; Webb, Garlon; Weber, John B; Whittamore, James L; Willis, Denise; Witte, Gene; Wood, Sharyl; frank fuller; leroy gillis; greg Jones; Catherine Barfield; vernea Randolph; Beth Beth; Stanley, Anne; Cindy Fatkin; janice scholz; ellen albano; Gayle Twitty; Lucia C Herrera; jack Pause; tonya ditty; judy Hudson; Louis Simmons; Kelly Ferranti; Wally Bouchillon; Jodi Geiger; Rosalind Lassiter-roker; Ada Brown; jerry Hamm; Mary Crew; Courtney, Robin; Nobles, Lynn; Ross, Carla; Fred Devore; DerienzoA@aol.com; factexec@facte.org

**Subject:** Memo Regarding A++ Reading Requirements

**Attachments:** Pending Legislation 4-22.doc



Pending Legislation  
4-22.doc (...)

Attached is the memo that Marsan was referring to in her previous email. Unfortunately, required District Reading Plans were due in to Tallahassee last week. Confusion over what was actually already in law has resulted in major rescheduling of students for next year who are Levels I and II, and surplusung of a number of elective teachers.

Kathie Schmidt  
Director / Career and Technical Education St. Lucie County School Board  
4204 Okeechobee Road  
Fort Pierce, FL 34947  
(772) 429-3963 / Fax - 3962  
schmidtk@stlucie.k12.fl.us

(See attached file: Pending Legislation 4-22.doc)

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April 22, 2005

## MEMORANDUM

TO: District School Superintendents

FROM: Jim Warford, K-12 Chancellor  
Mary Laura Openshaw, Director, Just Read, Florida!

RE: Personnel Decisions and Pending Legislation

As you know, the House and Senate are currently considering legislation relating to middle and high school reform and reading requirements. Any changes may impact your staffing decisions. Unfortunately, these proposals are still under consideration, and we cannot predict the ultimate outcome of the legislation. We strongly urge you to wait until session ends before you make decisions with regard to personnel and reading courses. We are recommending that intensive reading remediation be provided in alternative, career or core programs, to the extent possible, and developed and directed through the reading plan process.

The Department of Education is committed to immediate communication of the outcome of legislation regarding middle and high school reform, and the K-12 Research-Based district reading plan. The last day of the regular legislative session is May 6. We appreciate all you do each day to ensure rising student achievement in our state.

cc: Principals

JIM WARFORD  
K-12 CHANCELLOR

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June 1, 2005

## MEMORANDUM

**TO:** District School Superintendents  
Reading and Language Arts Supervisors  
K-12 Comprehensive Reading Plan Contacts

**FROM:** Mary Laura Openshaw  
Director, Just Read, Florida!

**SUBJECT:** K-12 Comprehensive Reading Plan

I am pleased to inform you that the Florida Legislature funded the first ever reading allocation as part of the 2005-06 FEFP. Although the funding (\$89,000,000) does not reflect the Governor's full request (\$111,800,000), this allocation is still more than was allocated in state reading funds last year (\$46,000,000)! The most important thing for your district to do is to prioritize this funding to the Level 1 and 2 students in your district.

A number of questions have been raised in regard to this, and this question and answer document attempts to address some of the recurring questions that have arisen.

1. Under what conditions would it be acceptable to exempt or exit a Level 2 student from an intensive reading course?
  - The district may develop criteria for dealing with this situation; however it is strongly encouraged that districts keep students in an intensive reading course until they score Level 3 on the FCAT. A district making this decision about a student must feel guaranteed that the student will score Level 3 on the FCAT the following year. Criteria that may be considered might include:
    - \* Past history with the FCAT

MARY LAURA OPENSHAW

DIRECTOR, JUST READ, FLORIDA!

- \* NRT
- \* Grade level benchmark assessments
- \* Current diagnostic assessments
- \* Teacher recommendation.

2. Which students must receive extended time in an intensive reading course?

- Those students who score Level 1 or Level 2 who are not fluent readers should be given extended time in an intensive reading course. Students scoring at Level 1 and 2 who are fluent readers can be served through a single period of intensive reading.

3. Must the extended time for intensive reading be in addition to a language arts class?

- The ideal situation for students requiring additional time for intensive reading (i.e. 90 minutes) is for this to occur in addition to the regular language arts class. Given current capacity issues and in order to provide added flexibility, schools may block together a period of intensive reading with a period of language arts to create the extended time that many students will need to be remediated. This block of time must be taught by the same teacher. This teacher must be highly qualified to teach reading or working towards that status. Additionally, this block of time must follow the intensive reading course description and include on a daily basis:
  - \* whole group explicit instruction
  - \* small group instruction
  - \* independent reading practice monitored by the teacher
  - \* infusion of language arts benchmarks
  - \* a focus on informational text at a ratio matching FCAT

4. Must intensive reading classes use a 15:1 student to teacher ratio?

- While intensive reading classes of 15:1 or less are ideal, schools must prioritize their smallest classes to their students who have the greatest need. This would include students who are not fluent readers and require an extended block of time for reading.

5. Which course should be used for remediation of Level 1 and Level 2 students?

- Intensive reading should be used as the course for Level 1 and Level 2 readers in grades 6-12. The middle school course code is 1000010. The high school course code is 1000410. Any course that is used to provide reading remediation must require the reading endorsement or reading certification.

6. What assistance is being provided from the Department of Education to increase the state capacity of reading endorsed teachers?

- We are exploring the possibility of expanding the number of teachers who can be served in the online courses for Competency 1, 2, and 3 for next year.

7. Will there be added flexibility to the deadline of June 30, 2006 for teachers to become highly qualified to teach reading?
  - While there is no guarantee of approval, the state department will engage in conversations with the federal department of education during the spring of 2006 to discuss flexibility of the deadline for highly qualified reading teachers.
8. Will there be an interim call for reading intervention materials?
  - The release of specifications for the interim call for K-12 reading intervention materials is planned for next month. The purpose of this interim call is to provide districts with a greater variety of reading intervention materials on the state-adopted list. Since this is an interim adoption, there will not be new instructional material funds attached to this adoption.
9. What flexibility is provided by the memorandum from Chancellor Jim Warford and Mary Laura Openshaw dated April 22?
  - This memorandum presents schools with additional options for serving the needs of Level 1 and Level 2 students. These “alternative, career, or core program” remediation options would take place in addition to placing a student in an intensive reading course
10. Must schools that choose to use research-based programs use these programs with time frame recommended by the publisher?
  - Yes. Fidelity of implementation is of utmost importance when using research-based programs. The research base that most programs use to support the use of their program is based upon strict adherence to a particular model. Failure to utilize the programs under the same conditions as which the research was conducted will limit the success with the program. For example, the research base for Read 180 was conducted based on a 90 minute model. If a school chooses to use Read 180, it must be implemented using this 90 minute model.
11. Will districts have to provide the NCLB data required in charts B, E, and H?
  - No. This data will automatically be uploaded to each school improvement plan by the department.
12. Will middle schools still have to complete the Rigorous Reading Requirement?
  - While all middle schools with less than 75% of their students in grades 6, 7, or 8 will have to complete the Rigorous Reading Requirement, all elements of RRR have been incorporated into the K-12 Comprehensive Research-Based Reading. Plan. In order to fulfill the RRR, schools must complete the online school improvement template.



13. If a school district does not have sufficient certified/endorsed teachers, but will be phasing those in over time, is it acceptable to identify the courses being provided to Level 1 or 2 students in another way?
- No. The course used for remediation should be coded as reading because teachers still have until June 30, 2006 to become reading endorsed or certified.
14. Given that the appropriations are reduced and the number of Level 1 and Level 2 students may be significant in a district, is it appropriate to target the Level 1 and lower Level 2 students? For example, waive those higher Level 2 students based on some objective criteria?
- The expectation is that all level 1 and level 2 students are being offered services adequate to remediate their reading needs and bring them up to grade level. The needs of level one students should be prioritized before those of level 2. In the event that a level 2 student was not in a reading class, the K-12 plan should very specifically detail what remediation efforts are taking place. These efforts must include remediation during the school day.
15. What programs are considered scientifically based? For example, those programs reviewed and posted by FCRR on the website are not “approved,” but district staffs are being referred to that list.
- The reason for referring districts to the FCRR website is for the sole purpose for districts to have the opportunity to read reports of programs that have been reviewed. Each program on the FCRR website has a report. The reports are intended to be informational and factual. The reports are helpful to teachers, principals, and district personnel in their choice of materials for use in the classroom. A listing of the districts implementing a particular program will be at the bottom of each report with their contact numbers. This allows districts to inquire more about the program before purchase. This is a valuable tool when choosing the appropriate programs for the district according to the needs of students.
16. May districts choose programs that are not on the FCRR list?
- Yes. Many K-12 Comprehensive Plans for Reading state that only programs with a favorable FCRR review will be used in the district. While this is the safest and most admirable course, many strong research based programs have not been reviewed. District and school leadership have become very adept at discerning the scientific basis for a program, and we urge them to continue this course in evaluating a program that has not been reviewed by FCRR.
17. Do districts have to identify which materials are being used in each school?
- Yes, in charts F and I.

18. If districts have adopted comprehensive core reading programs that are scientifically based, do districts need to describe such instruction. Should the focus be on how it will be delivered vs. a description of approved instruction?
- Yes.
19. How will the K-12 Comprehensive Research-Based Reading Plan tie in with the School Improvement Plan (SIP) and the District Improvement Plan (DIP)?
- As part of Florida's continuous effort to streamline the school improvement planning and reporting process, the Just Read, Florida! Office and the Bureau of School Improvement have been working to incorporate the new school requirements and also the Comprehensive District K-12 District reading plan requirements into Florida's School Improvement Plan template. This effort will provide schools and districts with one comprehensive school improvement plan that will address the federal and state compliance requirements. Schools and districts will then be able to submit this single, comprehensive plan to their school boards and to the State.
  - Bureau of School Improvement will provide the newly revised School Improvement Plan for your use in the near future. The SIP will include instructions to assist you in entering the necessary information for the new reading requirements.
20. What happens if a district does not achieve "final approval" by July 1?
- The Just Read, Florida! Office will work with districts until they receive final approval, although the goal is to have all plans approved by July 1. If a district does not meet the deadline, JRF staff will continue to work with them until the plans are approved. At that time, funds will be sent to the district, including any back payments that were missed in the interim.
21. On the feedback sheets for the middle and high school sections of the plan, what specifically needs to be addressed and revised?
- Only the comments in red need to be addressed.

MLO/be

FACTE Legislative Forum  
July 19, 2005

**Area of Concern - Secondary Reading Plan Requirements & Impact on Career & Technical Education Enrollment**

Every school district across the state has worked diligently to update Career & Technical Education programs to make them responsive to preparing Florida's workplace. We have exploratory programs at the middle schools and job preparatory programs at the high school level that are articulated with post-secondary programs that target business and industry needs. We have developed industry recognized certifications that give our completers a credential that will enable them to get a job in anywhere in the state. We have Dual Enrollment agreements in place that enable our students to take Community College Career & Technical Education programs while still enrolled in high school.

In addition, in Pasco County, we have trained over 90% of the Career & Technical Education teachers in the District in how to teach reading in the content area using CRISS strategies and provided the FCAT Connections training as well.

In mid April, our District had to turn in to the Department of Education a K-12 Reading Plan that addressed improving the reading levels of all of our students, especially those scoring at levels 1 and 2 on FCAT. We turned in a plan that addressed the issue, but made sure the plan did not pull students out of electives. Our plan was not accepted, so we rewrote it and submitted it again....and again. In the final analysis, the only plan that the Department of Education would accept was one that mandated at least ninety minutes a day of uninterrupted instruction in reading. Despite the memo date April 22, 2005, and also one dated June 1, 2005, that indicated districts had some flexibility for "additional options", we have not been approved to do anything tied to reading remediation other than to follow very prescriptive reading interventions such as the

Scholastic "Read 180 Program". Pasco County has millions of dollars at stake that we will not receive unless our reading plan is approved and unfortunately the approval does not allow us to teach reading in any options other than the prescriptive programs identified by the Department of Education.

What this means in Pasco County is that more and more of our secondary students are being removed from Career & Technical Education classes (and other electives) and put into intensive reading classes for two periods per day on top of the required for graduation classes such as language arts, math, science, and social studies. This means that in a 6 period day, students have no room for even one elective, much less a planned program of study to enable the student to complete a career and technical education program and thus prepare them to enter Florida's workforce.

We believe that the lack of flexibility with the Reading Plan is going to have a very negative impact on our Career & Technical Education enrollments at the middle and high school levels. Once we lose programs due to lack of enrollment, it is just about impossible to get them back. We believe that more students will drop out of school because of the inability to take any electives. Yes, we need students who can read, but we need flexibility as to what strategies we are allowed to use to remediate their reading skills. If more students drop out, what has been accomplished?

We feel we should be given the opportunity to allow Career & Technical Education teachers to teach the FCAT reading skills within the Career & Technical Education content area so our students can stay enrolled in Career & Technical Education programs and exit high school with credentials that make him/her both job ready and able to read at a level necessary to be successful in the workplace.





# Florida Department of Law Enforcement

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## CRIMINAL HISTORY RECORD CHECKS / BACKGROUND CHECKS FACT SHEET SEPTEMBER 1, 2005

### Definitions:

**Criminal History Background Check:** The term "background check" has been used interchangeably with "criminal history check" or "criminal history background check" which has caused some confusion. From the FDLE perspective, a background check is a criminal history record check to determine if a person has been arrested and/or convicted of a crime. Although some companies use the phrase background check to include drivers record checks, credit checks, or interviews with neighbors and employers, for purposes of this paper, it is a search of the following databases:

- the Florida Computerized Criminal History Central Repository for Florida arrests (**STATE CHECK**),
- the Florida Computerized Criminal History Central Repository for Florida arrests AND the national criminal history database at the FBI for federal arrests and arrests from other states (**STATE AND NATIONAL CHECK**) and
- the Florida Crime Information Center for warrants and domestic violence injunctions (**HOT FILES CHECK**).

The national check is based on the submission of a fingerprint. For state checks submissions may be based on a name (and other descriptors) or a fingerprint.

**Level 1 and Level 2 Background checks:** Level 1 and Level 2 Background Checks are terms used in Florida Statutes to convey the method of the criminal record check and the extent of the data searched, however, the terms may also refer to certain disqualifying offenses if certain statutes are used as reference. Level 1 and Level 2 are terms that pertain only to Florida and are not used by the FBI or other states. They are defined in Chapter 435, F.S., but are used elsewhere in statute without definition and appear not to be associated with all of the provisions in Chapter 435.

- Level 1 generally refers to a state only name based check AND an employment history check.
- Level 2 generally refers to a state and national fingerprint based check and consideration of disqualifying offenses, and applies to those employees designated by law as holding positions of responsibility or trust. Section 435.04, mandates that Level 2 background security investigations be conducted on employees, defined as individuals required by law to be fingerprinted pursuant to Chapter 435.

## Frequently Asked Questions Regarding Criminal History Record Information

### 1. What are the requirements for a state criminal history background check and national criminal history background check?

**State Check:** May be obtained by submitting a name request or by submitting a fingerprint card.

**National Check:** The following must be in place as required by the FBI in order to receive a national check:

- The statute must exist as a result of a legislative enactment;
- It must require the fingerprinting of applicants who are to be subjected to national criminal history background check;
- It must expressly ("submit to the FBI") or by implication ("submit for a national check") authorize the use of FBI records for the screening of applicants;
- It must identify the specific category(ies) of licensees,/employees falling within its purview;
- It must not be against public policy;
- It may not authorize receipt of the criminal history record information by a private entity;
- The results of the check must go back to a governmental entity;
- The governmental entity must sign a user agreement indicating that it will abide by the terms and conditions set forth in rule by the FBI
- The fingerprint must be first processed through the state repository for a search of its records.

### 2. Are local background checks available?

Yes. These may be obtained from the individual counties and reflect criminal record information solely for their area of jurisdiction.

### 3. What are the costs associated with criminal history background checks for school board personnel and contractors?

FDLE cost:	\$23.00*
FBI cost:	\$24.00
Total:	\$47.00

Cost by school district added on:	\$5.00(This is determined by school boards)
Cost for use of Cogent Livescan:	\$9.00 (See Note below)
<b>Standard cost to applicant:</b>	<b>\$61.00</b>

\* This amount may vary based on legislative policy.

**NOTE: Requests submitted electronically are assessed the same fees as hard copy submissions. If a customer chooses to make electronic submissions via a livescan service provider, the service provider may assess a fee in addition to the cost of a criminal history background check.**

**4. What entities are currently authorized by statute to receive a state and national criminal history record check?**

<b>STATUTORY REFERENCE</b>	<b>REGULATORY AGENCY</b>	<b>GROUP SUBJECT TO CHECK</b>
550.105; 550.054	DBPR Division of Para-mutuel wagering	Pari-mutuel wagering permits; racetrack/jai alai employees
493.6105(3) 493.6108(1)	State	Private investigative agencies; private investigator
790.06	DOACS	Concealed firearm license
633.34(3)	DFS, Bureau of Fire Standards and Training	Fire fighters
648.34(4)	DFS	Bail bondsmen
475.175	DBPR	Real estate license
494.033(2)	DBPR	Mortgage brokers and solicitors
552.092(2)	DFS; Bureau of Fire Investigation	Explosive- 1. blasters 2.dealers 3. User 4. Manufacture-distribution
561.17(1)	DBPR; Division of Beverage	Alcoholic beverage manufacturer, bottler, distributor, seller
517.12(7)	DFS; Division of Securities	Securities dealers and associates, investment advisors
498.031	DBPR	Subdivider registration license
454.026	FI Bar	Bar applicants
110.1127	State agencies	Designated state employees
624.34	DFS; Bureau of Insurance Examinations	Insurance agents
A 402; 409; 435.04	DCF	Child care facility, family day care home, family foster home, residential child caring agency, child placing agency, summer or recreation camp owners and operators
B 394; 435.04	DCF	As above plus "mental health facilities and programs providing care for children – directors, professional clinicians, staff members and volunteers
C 393; 435.04	DCF	As above plus "day care or residential caretakers providing treatment to retarded or developmentally disabled individuals (children or adults)"
D 397; 435.04	DCF	As above plus "treatment resource personnel including program directors, staff volunteers and foster parents providing alcohol/drug abuse treatment for minors
E 984, 985, 435.04	DCF, DJJ	As above plus "juvenile delinquency programs personnel providing care for children
499.63	Health	Ether license for manufacturers, distributors and dealers of ether; ether permit for purchasers of ether
24.108(4)	Lottery	Lottery vendors, lottery retailers, and lottery employees
320.27, 320.77, 320.771	DHSMV	Motor vehicle, mobile home and recreational vehicle dealers license



<b>STATUTORY REFERENCE</b>	<b>REGULATORY AGENCY</b>	<b>GROUP SUBJECT TO CHECK</b>
538.09	Revenue	Second hand dealer license
538.25	Revenue	Secondary metals recycler license
1012.35; 1012.32; 1012.56	Public school boards	Public school system employment/certification
468.525, 468.524(4)(c)	DBPR	Employee leasing companies
326.004	DBPR	Yacht and ship brokers license
A. 285.18(3)	Miccosukee and Seminole Tribe Police Dept.	Tribal education, Head Start or day care programs
B. 285.18(3)	Miccosukee and Seminole Tribe Police Dept.	Tribal government employment
C. 285.18(3)	Miccosukee and Seminole Tribe Police Dept.	Tribal gaming employees, primary management officials and persons having a financial interest in a class II Indian tribal gaming enterprise
468.433	DBPR	Licensing of community association managers
849.086	DBPR	Card room occupational license
409.907	AHCA	Medicaid provider
744.3135	Clerks of the Court	Non professional guardian
744.3135	Clerks of the Court	Professional or public guardian
458.311, 458.313, 458.319	Health	Physicians license and renewal
459.0055, 459.008	Health	Osteopathic physicians license and renewal
460.406, 460.407	Health	Chiropractors
461.006, 461.007	Health	Podiatrists
A 435.04, 112.0455	AHCA	Drug free workplace labs
B 435.04, 381.60225	AHCA	Organ transplant advisory council
C 435.04, 383.305	AHCA	Birth centers
D 435.04, 390.015	AHCA	Abortion clinics
E 435.04, 400.906	AHCA	Prescribed pediatric extended care centers
F 435.04, 393.067	AHCA	Intermediate care facilities for developmentally disabled
G 435.04 394.875,	AHCA	Crisis stabilization units
H 435.04, 395.0055	AHCA	Hospitals and other licensed facilities
I 435.04, 395.0199	AHCA	Private utilization review
J 435.04, 400.071	AHCA	Nursing homes

STATUTORY REFERENCE	REGULATORY AGENCY	GROUP SUBJECT TO CHECK
K 435.04, 400.4174	AHCA	Assisted living facilities
L 435.04, 400.471	AHCA	Home health agencies
M 435.04, 400.506	AHCA	Nurse registries
N 435.04, 400.5572	AHCA	Adult day care
O 435.04, 400.6065	AHCA	Hospice
P 435.04, 400.801	AHCA	Homes for special services
Q 435.04, 400.805	AHCA	Transitional living facilities
R 435.04, 483.101	AHCA	Clinical laboratory
S 435.04, 483.30	AHCA	Multi-phasic health testing service
T 456.0391	Health	Advanced registered nurse practitioners
400.215, 435.04	AHCA	Employees of nursing facilities licensed under part II
475.615	DBPR	Real estate appraiser applicant
468.453	DBPR	Athlete agent licensee
539.001(5)	DOACS	Pawn broker licensee
943.14(8)	Each criminal justice training school	Criminal justice training school applicant
537.004	DFS	Title loan lender
311.12(3)	Seaport authorities	Seaport applicant
400.215 464.203	Health	Certified nursing assistant
464.009	Health	Nursing applicant for endorsement licensure
560.306	DFS	Check casher/Foreign currency exchanger
A 125.5801 plus individual County ordinance	VOLUNTARY: Various County governments and municipalities	Various County government employees and volunteers
B 166.0442 plus individual City ordinance	VOLUNTARY: Various County governments and municipalities	Various City government employees and volunteers

**5. Can an entity have a National (FBI) check only and not a state (Florida) check?**

No. Persons or organizations must go through their state repository (FDLE) in order to obtain the FBI information. The FBI rejects hard copy inked fingerprints without the FDLE date stamp. Electronic submissions must be sent to the FDLE server and then forwarded to the FBI.

**6. How are fees determined and what are they used for?**

Fees associated with each request for a criminal history background check are mandated by federal laws and Florida Statute 943.053. Such fees are used to offset the cost of producing the record information and reflect the total cost of creating, storing, maintaining, updating, retrieving, improving, and providing criminal history information in a centralized, automated database and also include personnel, technology, and infrastructure expenses. Electronic submission of requests are assessed the same fees as hard copy submissions.

**7. Besides the agencies that are statutorily required to conduct criminal history background checks, are there others who are allowed to request criminal history checks on individuals?**

Yes. Private citizens, companies, and governmental entities are authorized under Florida's public records law to request a state only (name-based) criminal history check. Examples of these entities include grocery stores, taxi drivers, summer camp employees, etc. Additionally, provisions of the National Child Protection Act, implemented through Florida's Volunteer and Employee Criminal History System (VECHS), authorize checks of employees and volunteers of certain qualified entities that provide care to children, elderly, or disabled persons. See Questions 29-33 below for more information about the VECHS program.

**8. What information from a state and national criminal history record check can be disclosed to a private employer?**

Pursuant to Federal law, regulatory and employing agencies may not share any of the information obtained from a state and national criminal history check with a private entity, however, these agencies can indicate whether or not the person is eligible for licensing or employment based on their established criteria. Prior to being granted access to the records, authorized agencies sign a Memorandum of Understanding with FDLE agreeing to abide by state and federal law.

**9. When can a non-governmental agency receive the results of a state and national background check?**

Non-governmental entities are not authorized to receive state and national criminal history information under statutory licensing and employment provisions. The only time that non-governmental entities are eligible to obtain national information is if the fingerprints are submitted under the National Child Protection Act, which is described in detail in questions 30-34 below.

**10. Can agencies share the results of a state and national check with other agencies that require similar checks?**

Although generally state and national criminal history information may not be shared between agencies, exceptions apply only if the purposes of the checks are the same and the agencies are both entitled to the same information. Thus, school districts may share criminal history information with other school districts because the checks are conducted for the same purpose and all districts receive the same data (for example, they get sealed criminal record information). Likewise, a county health department could share with another county health department because checks are conducted for the same purpose and they receive the same data.

Sharing of criminal history information is not allowed when it has been obtained for different purposes, even if the data received is the same. For example, criminal history information received by the Department of Financial Services for licensing insurance agents may not be shared with the Department of Agriculture and Consumer Affairs for licensing of security guards.

**11. What steps must be completed to allow an entity to submit electronic requests for criminal history information to the system?**

FDLE has established a five-step process that must be completed when bringing any new civil applicant livescan into the agency's internal computer processing environment.

1. The livescan device must successfully pass the FBI **CERTIFICATION** processes.
2. Potential customers must submit a livescan registration form for each potential device. Each specific livescan device must pass a **QUALIFICATIONS** test to ensure that the equipment is capable of transmitting an approved standard fingerprint format to FDLE via the internet.
3. Appropriate data must be submitted from each qualified livescan device into a test system and must pass **VALIDATION** routines administered by the FDLE.
4. Accepted customers (*excluding those that are classified specifically as livescan service providers*) must submit individual **REGISTRATION** forms provided by FDLE for each account (based on the Originating Agency Identifier, referred to as an ORI number) they will be utilizing. This step ensures that the submitter and recipient are in full compliance with all applicable statutes governing the submission and receipt of state and/or federal criminal history information. Additionally, this step confirms the appropriate invoice and/or payment information.
5. After successfully completing the above steps, customers begin **OPERATIONS** by submitting electronic requests for criminal history information.

Additionally, if the purchase of a live scan device is not an option, there are numerous service providers initiating business within the state of Florida. Each of these service providers is required to both register and certify their devices with FDLE before being granted authorization to submit electronic criminal history requests on behalf of an agency. Operational Team staff can be contacted for information regarding these service providers.

**12. If a fingerprint based criminal history background check is conducted, will the requesting entity also have to conduct a separate check of the sex offender registry for registered sex offenders?**

No, if the state and national fingerprint based check is completed, the agency will be notified of all persons designated as sexual predators or offenders in Florida and in the national system.

**13. Is sealed or expunged information released as part of a criminal history record check?**

*Sealed* information is returned only to those agencies authorized by provisions in s. 943.059. Agencies not specified in the statutes are not given the sealed information.

*Expunged* information is not returned, however, a notification that a record has been expunged is provided to agencies consistent with provisions in s. 943.0585. Agencies not specified in the statutes are not given the expunged notification.

**14. Are there Florida criminal history records that are included in the state repository and not at the FBI?**

Yes. FDLE has records that the FBI does not have access to because they are not gathered at the FBI.

**15. What issues should be considered regarding whether or not a criminal history record check is up to date?**

Florida adds about 800,000 arrests a year in addition to warrants added on a daily basis. Therefore, reliance on outdated criminal history records is not advised.

**16. Are agencies required to conduct a recheck on individuals who previously received a criminal history record check?**

FDLE does not have any requirements for rechecks, however, some employees are required by law or policy to have periodic state and/or national criminal history rechecks through the regulatory or licensing agency. The recheck may be required annually or every 3 or 5 years. This is decided by legislative policy.

**17. How long does it take an agency to get results back from an FDLE/FBI check when an inked fingerprint card [hard card] is submitted?**

The state portion of the criminal history check is processed within five working days or less. When the FDLE processing is completed, the fingerprint card is then mailed to the FBI using overnight shipping. The FBI typically takes anywhere from two to six weeks to complete the national portion of the criminal history check. Regulatory agencies often have their own internal processes which must be accomplished before forwarding the fingerprint card to FDLE.

**18. How long does it take an agency to get results back from an FDLE/FBI check when fingerprints are submitted electronically?**

Typically, within two to three working days of the receipt of the electronic print, FDLE notifies the entity that the results are available. The results include both the state and the national criminal history information as well as any warrants or other information related to the individual.

**19. Which entities submit fingerprint cards electronically?**

Currently there are many agencies submitting electronically, including all 67 school districts and the Department of Insurance, the Department of Children and Families (DCF), the Department of Agriculture and Consumer Services (DOACS), local counties, and some private companies.

The Department of Juvenile Justice is beginning to submit prints electronically and the Department of Business and Professional Regulation will be submitting realtors electronically by June 30, 2006.

**20. Can an agency provide a copy of the FDLE and FBI criminal record to an applicant if the applicant is denied employment, licensing, or the opportunity to volunteer?**

Yes. The applicant may be shown his or her own criminal record. A copy may be provided, however, the applicant must be cautioned that the record may not be used for any other purpose. The applicant is not allowed to take a copy of the record to any other organization.

## RETENTION AND REVERSE SEARCHES

### **21. What is meant by “retention of applicant fingerprints for reverse searches” and “arrest hit notifications”?**

Specific statutory authorization allows FDLE to keep certain electronically submitted applicant fingerprints in its database. In 2004, the legislature mandated the retention of fingerprints for employees of school districts and seaports. Incoming Florida arrest fingerprints are searched against these retained applicant fingerprints. If a fingerprint match is made on an individual, FDLE notifies the licensing or employing agency that the applicant was arrested, and provides the name of the county where the arrest occurred as well as contact information for the sheriff of that county.

***FDLE retains only those applicant fingerprints authorized by law. All other applicant prints submitted to FDLE ARE NOT stored in the database.***

### **22. What requirements are necessary in order to have arrest hit notifications on retained fingerprints?**

Arrest hit notifications are based on fingerprints submitted to the FDLE and retained in a database authorized by law. The retention is for a single submitting agency and currently FDLE can only notify the agency that submitted the fingerprint if there is a subsequent arrest in the state of Florida. If another agency wants a notification of subsequent arrest, a fingerprint must be submitted.

### **23. What are the fees associated with retention of prints?**

The fee for the retention of applicant fingerprints is \$6 per year per applicant. The retention of the fingerprint eliminates the necessity to have a state criminal history record recheck at a cost of \$23, since all incoming Florida arrest information is continuously compared to the retained applicant database. If a recheck is required, it would only need to be for a national criminal history background check.

### **24. Do other states retain fingerprints on their applicants?**

Yes, there are some other states that retain fingerprints and provide notification of new arrests.

### **25. Does the FBI retain fingerprints at the national level?**

No. The FBI does not retain applicant fingerprint cards submitted by the states.

### **26. What agencies are currently authorized to have fingerprints retained?**

Electronic submissions from school districts, the Department of Juvenile Justice, and seaports are authorized for retention by FDLE.

### **27. Is FDLE authorized to retain volunteers' fingerprints?**

No. FDLE does not have authority to retain volunteer fingerprints. In the case of school districts, volunteers' fingerprints should not be submitted along with the prints of employees and contractors, since employee/contractor prints are retained in the database and volunteer fingerprints are not. If state and national checks are desired on volunteers, they should be submitted under the National Child Protection Act.

**28. Under Florida law, school districts are required to screen contractors, many of whom work in multiple school districts. Is there an easy way for school districts to share these criminal history records?**

The sharing of criminal history information between districts would reduce the need for these persons and potentially others to be fingerprinted multiple times and pay fees for criminal history checks in each county in which the individual works. However, a problem exists in that notification regarding a new arrest on an applicant is directly related to the fingerprint that is submitted and retained in the database; therefore, there is no mechanism for arrest notification for those districts that did not submit fingerprints but instead received criminal history information through a sharing agreement.

If a district shares criminal history information with another district, they are required to maintain a log of the record shared, to whom it was provided, and the date it was given to the other district. FDLE is working with legislative staff to develop an automated method to share criminal history information.

**Florida's Volunteer and Employee Criminal History System (VECHS)**  
**National Child Protection Act**

**29. What is the VECHS program?**

The VECHS program is another way to obtain state and national criminal history information where the print is necessary for the protection of children, elderly or disabled persons. This mechanism is defined in section 943.0542, F.S., where the National Child Protection Act implementation provisions are provided. Florida's program under the National Child Protection Act, as amended, is called the Volunteer and Employee Criminal History System (VECHS).

**30. What is the difference between the National Child Protection Act (NCPA) and the Volunteers for Children Act?**

Names you may hear that refer to the same federal law and its amendment are as follows: the National Child Protection Act, the Foley Act, and the Volunteers for Children Act. These laws are sometimes named for sponsors or persons who supported the new laws or amendments. For the purposes of the available criminal history information, these different names refer to the same basic law.

**31. Are volunteers required to have background checks conducted?**

No. However, some school districts require that volunteers undergo checks if they will be with children unsupervised – this criminal history check **MUST** be conducted through the VECHS program and not the regular submission with other personnel fingerprints. The decision to conduct criminal history checks on volunteers remains a local decision, but schools are required by Florida law to check volunteers' names against the state sex offender registry which is available via the Internet at no charge.

Additionally, s. 943.04531, Florida Statutes requires checks of the sexual offender/predator registry for certain volunteers, appointees or employees.

**32. What is a “qualified entity”? Who can obtain criminal history record checks under the NCPA and section 943.0542, Florida Statutes?**

To be qualified to participate in the VECHS Program, an entity must provide some type of "care" or "care placement services" for children, the elderly, or the disabled, even if only as a limited part of the entity's overall business. Once qualified to participate in the program, an entity may request criminal history information on all current and prospective employees and volunteers, not only those who work with vulnerable persons. A qualified entity may also request criminal history information on employees or volunteers who have or who seek to have unsupervised access to the populations described above.

"Qualified entities" are authorized to obtain criminal history record information as described under the NCPA and related federal guidelines. Under the NCPA and our Florida statute, a "qualified entity" is a business or organization, whether public, private, for profit, not-for-profit, or voluntary, that provides care or care placement services, including a business or organization that licenses or certifies others to provide care or care placement services. "Care" means the provision of care, treatment, education, training, instruction, supervision, or recreation to children, the elderly, or individuals with disabilities.

**33. How can an organization become a qualified entity?**

If a business or organization meets the criteria of a "qualified entity", they may download and complete a copy of the Qualified Entity Application and the User Agreement via the Internet, or they may contact the VECHS Unit at the Florida Department of Law Enforcement at (850) 410-VECHS (850-410-8324), to request a copy of each document.

**34. Can qualified entities share criminal history information with other qualified entities?**

Criminal history information may be obtained from other qualified entities, if the employee or volunteer agrees to this on the Waiver form required to be signed when he/she was fingerprinted and if the transfer of information is recorded by the other qualified entity on its Dissemination Log. The restrictions on this process are described in the User Agreement that qualified entities must sign.



THE FLORIDA DEPARTMENT OF EDUCATION

# Technical Assistance Paper

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JESSICA LUNSFORD ACT

## **Background**

The Jessica Lunsford Act was passed by the 2005 Florida Legislature and signed into law by Governor Bush following the assault and murder of Jessica Lunsford in Homosassa Springs, Florida. This crime was allegedly committed by an individual who had at one time worked as a subcontracted mason at Jessica Lunsford's school. The Act focused primarily on increasing the measures used to monitor sexual offenders or predators. However, part of the Act specifically related to individuals with access to school district campuses. This Technical Assistance Paper (TAP) is to provide assistance to districts and contractual personnel to implement s. 1012.465, Florida Statutes, as amended by the 2005 Legislature.

Section 1012.465, Florida Statutes, now states (amendments underlined):

- (1) Noninstructional school district employees or contractual personnel who are permitted access on school grounds when students are present, who have direct contact with students or who have access to or control of school funds must meet Level 2 screening requirements as described in s. 1012.32, F.S. Contractual personnel shall include any vendor, individual, or entity under contract with the school board.

The statute, as amended, applies to three categories of either noninstructional or contractual personnel, all of whom must meet Level 2 background screening requirements, including those:

1. Who are permitted access on school grounds when students are present,
2. Who have direct contact with students, or
3. Who have access to or control of school funds.

The statute applies to such persons employed or contracted with any Florida public school district in any Florida public school, including:

- Traditional Public Schools
- Charter Schools
- Alternative Schools

## **District Responsibilities**

1. Background Screening:

School districts must conduct the fingerprinting/background screening of noninstructional or contractual personnel at a location designated by the district using the code (ORI - Originating Agency Identifier) issued to the district by the Florida Department of Law Enforcement (FDLE), and determine whether the individual has been convicted of a crime of moral turpitude.

2. Costs:

According to the Lunsford Act, the costs associated with the background screenings may be borne by the district, the contractor, or the individual. Each district must establish payment procedures. The costs associated with the initial screenings themselves may vary from district to district (approximately \$60 to \$90). In addition, for each record, districts will be charged by FDLE for:

- Annual Retention Fee: \$6.00 (Note: Districts will not be charged the retention fees until the full system is operational.)
- Fifth Year National Background Check fee: \$24.00 + \$6.00 = \$30.00

Districts may use their unrestricted operating funds to cover the cost of background screenings.

**Schools will be invoiced by the Florida Department of Law Enforcement for these services.**

3. Verification of Personnel on School Campuses:

For affected persons, each district must establish policies and procedures to ensure that only individuals who have undergone a background screening and have been approved to come on campus are allowed access on school grounds when students are present, or to have direct contact with students, or to have access or control over school funds.

In addition, each district must establish communication policies and procedures to ensure that all pertinent parties are notified when an individual terminates service with the district.

4. Sharing of Records:

Districts may share background screening results with other public school districts and are encouraged to do so to reduce the time and fiscal impact on certain service providers who may be providing contractual services in multiple districts.

Such persons may include:

- Vendors, including soda/milk/snack vendors under contract with the district
- Sports officials
- Construction contractors and subcontractors
- Senior ring, photography, or yearbook vendors

Should districts choose to share records, it is recommended that the cooperating districts execute a Memorandum of Understanding which clearly spells out the role to be played by each district. Additionally, districts are required to keep a record of each time results are shared. The record must include:

- 1) The name of each individual whose records are being shared
- 2) The date of the transmission of the record
- 3) The type of transmission (Fax, USPS, secured electronic...)
- 4) The recipient of the transmission
- 5) Notification to the individual that the record was shared and to which entity

Any employee provided access to criminal history records should be cautioned as to the confidentiality of the information contained within the record, and should not discuss such information outside of those also legally allowed access to such record.

#### 5. Maintenance of Records:

After receiving the initial background check results from the FDLE, the original submitting district will thereafter be electronically notified by FDLE, in writing, of any new arrests. The original submitting district should forward the arrest information to any districts with which they have shared the criminal record. In addition, s. 1012.32(3), F.S., requires each school district to inform the FDLE of any change in the affiliation, employment, or contractual status of an individual previously fingerprinted.

The prints of an individual who terminates service with a district and is later re-engaged to provide additional services must be re-submitted to the FDLE. Those individuals who provide services on a periodic basis pursuant to an on-going contract and who do not effectively break service should continue to have their arrest record results transmitted to the district by the FDLE.

The requirements applicable to those entities receiving fingerprint background check results are set forth in Rule 11C-6.010, promulgated by the FDLE pursuant to authority in s. 1012.32(3), F.S.

#### **Disqualification of Individuals**

Section 1012.465, F.S., as amended, states that those required to be screened must meet Level 2 screening requirements “as described in s. 1012.32, F.S.”

Some districts have questioned whether they may simply adopt the crimes enumerated in s. 435.04, F.S., the general Level 2 screening statute, as the disqualifiers. Such an interpretation would be incorrect, as s. 435.01, F.S., states:

“Whenever a background screening for employment or a background security check is required by law for employment, *unless otherwise provided by law*, the provisions of this chapter shall apply.” (Emphasis added.) In the case of background screenings for employment at schools, the law, (s. 1012.465, F.S.) *otherwise provides* that districts must apply the standards found in s. 1012.32, F.S. Thus districts must look to the language in s. 1012.32, F.S., to determine the scope of disqualifying offenses, using the “crimes of moral turpitude” standard, just as schools have been previously doing for their own employees. Rule 6B-4.009(6), used by many school districts for their own employees, defines moral turpitude as:

“Moral turpitude is a crime that is evidenced by an act of baseness, vileness, or depravity in the private and social duties, which, according to the accepted standards of the time a man owes to his or her fellow man or to society in general, and the doing of the act itself and not its prohibition by statute fixes the moral turpitude.”

Any of the offenses listed in s. 435.04, F.S., may certainly be a disqualifier for employment at a district. However, each district must make its own case-by-case determination of whether an act or acts revealed in a background check disqualifies an individual from employment at the district. *See*, Palm Beach County Sch. Brd. v. Ray Ano, DOAH Case No. 03-2497, (Amended Recommended Order, July 1, 2004). In effect, the law now holds all contractual employees to the same standards as the district’s own employees with regard to background screening.

### **Questions and Answers**

1. What is a Level 2 background check?

A Level 2 background check includes fingerprinting the individual and submitting the prints to the Florida Department of Law Enforcement (FDLE) to compare those records against the statewide criminal and juvenile records maintained by the FDLE and federal criminal records maintained through the Federal Bureau of Investigation. It may also include a local criminal records check through local law enforcement agencies.

2. Can the results of the background screening be shared among public school districts?

Yes, since an individual or agency independently authorized to view the background check information may receive such information from another similarly authorized if shared for the same purpose. See 28 CFR §20.21.

3. Are districts required to print individuals such as sports officials, musical event judges/conductors, charter bus drivers, or supplemental service providers?

TECHNICAL ASSISTANCE PAPER – JESSICA LUNSFORD ACT – AUGUST 2005

Yes, if the individual (or the association for whom the individual acts as an agent) is contracted with the district to provide services, they must undergo a background screening. If there is no contract with the district and the individual is instead serving in a volunteer capacity, the individual is not required to undergo background screening, but must have his/her name searched against the sexual offender/predator database. Districts may wish to assist contracted vendors who serve multiple counties with the implementation of a mechanism to share the prints among the districts that utilize the same services.

4. Does the Lunsford Act apply to school volunteers who serve as mentors or chaperones?

No, since the Lunsford Act does not apply to volunteers, the background check requirement would not apply to such persons, unless they had contracted with the district for some other reason unrelated to their duties as a volunteer. However, districts are advised that they have the discretion to establish standards applicable to volunteers, and must search volunteers against the sexual offender/predator database. See s. 943.04351, F.S.

5. Can a district print an individual under the age of 18?

Yes. Section 1012.465, F.S., does not contain an age limitation for the background check requirement.

6. Does the Lunsford Act require all contractors and their subcontractors, including any of their employees working at a public school, to be screened?

Yes. Contractual personnel are described as any vendor, individual, or entity under contract with the school board. Subcontractors are considered to also be a contractor with the district for purposes of the Act. Thus, any employee of an entity under contract with a district would need to be screened. For example: If “ACME Construction Company” is a subcontractor to “ABC Construction,” the prime contractor, and both have personnel on-site at a public school, any employee of either company who goes on-site at a public school while students are present needs to first be fingerprinted.

7. Are contractors who are building a new classroom on an existing campus, separated by a fence and held to a “no fraternization” rule, required to be screened?

Yes. The statute specifically states “contractual personnel who are permitted access on school grounds when students are present.” There are no stipulations to mitigate the requirement.

8. Are school districts required to do the actual printing of contractual vendors?

Yes. The school district ORI must be utilized; however, it is up to the district to determine what live scan device(s) to use. Pursuant to s. 1012.465(2), F.S., the person must file a complete electronic set of fingerprints with the district school superintendent of the employee or contracting school district.

9. Are persons serving as a School Advisory Council (SAC) member required to be screened?

No. If the SAC member is a parent volunteer, no printing is required. However, districts are required to search volunteers against the sexual offender/predator database. See s. 943.04351, F.S. Additionally, if the person is also contracted with or employed by the school, a background screening would be required for school-based activities conducted pursuant to the contract.

10. Will there be a statewide database available to assist school districts with vendor printing so vendors will not be required to be printed in multiple districts?

Not at this time. Since each district reviews the records to make its own determination of whether an act constitutes a “crime of moral turpitude,” unless there is a decision among districts to agree on whether a specific act should disqualify an individual, no statewide database would work. However, nothing bars multiple districts, or all districts, from working together to agree on standards and to share records of individuals working in multiple districts to avoid duplication of efforts.

11. What funding sources may be available to the districts to assist with implementation of the Act?

The Act states that the cost of background screening may be borne by the district school board, the contractor, or the person being fingerprinted; however, no specific funds were allocated to pay for such costs. Districts may use their unrestricted operating funds to cover the cost of background screenings.

12. Does a contractor/vendor or employee who fails to pass a Level 2 background check have a right to a hearing to challenge the accuracy of the screening results?

Yes. Federal regulations provide that such persons may be entitled to request an opportunity to obtain a copy of the relevant information for the purposes of challenge and correction if he or she disputes its accuracy. The regulations also provide that the state should provide procedures for an administrative appeal should the state criminal justice agency refuse to correct challenged information to the satisfaction of the individual to whom the information relates. See 28 CFR §20.21(g). Those wanting to dispute the accuracy of the results of a criminal history record should call the FDLE Quality Control Section at 850-410-7898, if the concern is with the Florida record. If the concern is with the out-of-state record, the call should go to the FBI at 304-625-2000.

13. May districts condition the award of contractual services on the prospective vendor warranting that all employees coming onto school premises have been fingerprinted?

Yes. Contracts should state that failure to do so will constitute a material breach and subject the offending contractor to liquidated damages.

14. How should the districts monitor who has been printed and who should be allowed on campus or not?

The key for any monitoring program is to ensure that, once printed, when an individual returns to the district to work, the district can ensure that the person returning today is the same person they printed last week. Districts should establish methods such as issuance of photo ID badges, sign-in logs, check-in points, or biometric technology to verify a positive match to the identification presented. Ultimately, the responsibility to ensure that campuses are accessed by properly screened and approved individuals remains with each district, and each district must implement processes that are effective based on each school's unique situation.

15. Who makes the decision after the print has been taken as to whether or not the vendor/subcontractor is allowed on campus (i.e., is possessed of "good moral character")?

The employing or contracting district makes the decision to allow the individual to be "cleared" or not. The results of the criminal history check may not be released to the employer or the contractor. (See Question 17 for further information.)

16. Will any statewide standard be implemented to define acts of moral turpitude applicable in all districts?

No. It is the employing district that must determine whether the information revealed in the background check renders an individual fit to serve in that district. Pursuant to efforts to increase cooperation, districts may consult and agree on disqualifying offenses.

17. What are the specific responsibilities of the school district once the prints have been taken?

Background screening records conducted pursuant to s. 1012.465 or s. 1012.32, F.S., may contain confidential information. The district may only share the background screening results and the details of the record with the individual (or his/her attorney in fact) that is being screened or with other public school districts. For example, John Smith is subcontracted through Company A. John Smith may



TECHNICAL ASSISTANCE PAPER – JESSICA LUNSFORD ACT – AUGUST 2005

review the results; however, other employees, including supervisory employees of Company A, may not.

18. How are emergency situations handled? For example, in a state of emergency such as a hurricane, how would a district print and screen all of those workers?

For repair and maintenance matters, districts may wish to use the services of individuals who have been screened and previously determined to be cleared. Many times, those providing services in times of natural disaster or state of emergency are volunteers; in such cases there is no requirement for background screening. Additionally, those called to assist with natural disaster emergency services are often from FEMA and/or the National Guard, and are not contracted to provide services, but rather to assess the damage, assist with recovery, and maintain problems associated with looting and vandalism. These individuals (FEMA/National Guard) would not be required to undergo background screening.

19. Are the employees of Federal Express, UPS/Postal Service, or utility type providers required to be screened prior to coming onto a public school campus?

No, since these individuals are not typically contracted with districts. However, in the event a district executes a contract with a provider, for example to lock in a certain rate for services, then such delivery personnel would need to be screened.

20. Are employees of food service vendors for items such as milk, sodas, and snacks required to be screened if coming onto public school campuses?

Yes, if the individual is employed or contracted with a district, the requirement to be background screened is applicable. Districts may choose to allow vendors to access school grounds during hours when no students are present, which would negate the background screening requirement.

21. Are persons who may be employed with a company that contracts with a district, but who come onto school grounds for unrelated purposes such as to volunteer or mentor, required by the Lunsford Act to undergo a Level 2 background screening?

No. The act applies to “contractual personnel,” i.e., those coming onto a campus for purposes specifically associated with the contract.

22. Should districts background screen individual recruiters for universities, the military/ROTC, or college sports whose employers do not have a contract with the district?

No, if a district has verified that no contractual relationship exists. If there is no contract with the district, the individual is not required to undergo background

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screening, but should be treated as a volunteer and have their name searched against the sexual offender/predator database.

23. Should districts background screen vendors for high school rings, caps, and gowns?

Yes, if there is a contractual relationship, the individuals should be background screened. Organizations that provide such services generally have contractual relationships to provide the services and would, therefore, be required to undergo background screening.

24. Must affected persons, who may have been previously fingerprinted for other reasons in the past, again be fingerprinted prior to coming onto school grounds when children are present?

Yes. The Act requires that the Level 2 background checks be of the current records maintained in the FDLE/FBI databases for an individual, thus necessitating a new background screening prior to going to work for the first time on a public school campus.

25. Are vendors who provide goods or services to a district pursuant to a purchase order issued against a State Term Contract between the vendor and the state of Florida subject to a Level 2 background check?

No. Under the terms of the State Term Contract (Contract), the parties to the Contract are the vendor and the Department of Management Services. The terms also provide that the vendor and the district have no remedies as to one another and that the school board, as a customer under the Contract, does not become a party to the Contract. Thus, such vendors who are not under contract with the school board are not subject to the Act.

**Statement to the House K-12 Education Committee**

**Thursday, September 15, 2005**

**Sonny Hester**

**FHSAA**

**Senior Director Athletic Operations/Officials**

Chairman Arza, members of the committee, thank you for allowing me the opportunity to speak today regarding the impact of the Jessica Lunsford Act on the Florida High School Athletic Association.

The Association staff has had the difficult task of convincing the more than seven thousand individuals who officiate the games, matches and meets in which our schools compete, to undergo the level 2 background screening mandated by the Act.

Contest officials are independent contractors. They officiate as an avocation, not as a profession. Their numbers are few and, in proportion to the number of schools, growing fewer each year. Over the past 10 years the FHSAA membership has increased by more than 170 schools. The number of officials, meanwhile, has

not increased at all. And we don't foresee a change in either trend. So, when the FHSAA staff heard that officials were debating whether to renew their registrations because of the Act, we knew we faced a very real problem.

Some officials, we are told, consider the screening a violation of their privacy. Others question why the Act should apply to them when they are never out of public view while interacting with student-athletes. Most officials, however, simply ask us why they should take their time and spend their money to undergo the screening.

The Association in response has done everything within its limited power to encourage officials to renew their registrations and undergo the screenings.

The FHSAA has volunteered to be a one-stop clearinghouse through which each of the 67 school districts can verify the eligibility of any contest official who has been screened in any another district. The Florida Department of Law Enforcement, however, says that because the FHSAA is not a state agency it

cannot legally provide this service. Regrettably, no state agency has stepped forward to do so.

The FHSAA has enlisted and received the assistance of the Florida School Boards Association and the Florida Association of District School Superintendents in encouraging school districts to share with each other the results of officials' background screenings. At the advice of their attorneys, however, some districts are refusing to share the results of the screenings they conduct or even to accept the results of screenings conducted by others. While this has had minimal impact on regular season competition, it will become a serious issue when state playoffs begin and the FHSAA, by rule, is required to assign geographically neutral officiating crews. Unless those school districts can be convinced to change their position, the FHSAA — in the interest of fairness to all — may have no choice but to prohibit schools in those districts from hosting playoff events.

Finally, the FHSAA has offered to reimburse this year's thirty-four dollar registration fee to each official who undergoes the screening. While we won't know the exact impact of this

incentive on the FHSAA budget for some time, we estimate that it will cost the Association in excess of one hundred thousand dollars — possibly double that amount. It is an incentive we can afford to offer only this one time. And we ask that the Legislature, if it be in the position to do so, consider providing whatever financial assistance it can in helping the FHSAA to recover this loss.

I can report to you today that the number of officials renewing their registrations for this school year has dropped only slightly. What we don't know is how many of the officials who have renewed their registrations have also undergone the screening process. But what we are hearing from the field is that some of them, for whatever reason, have not and will not.

The FHSAA, for more than a decade, has required officials to attest on their application for registration that they have never been arrested for or convicted of a felony, or any crime that involves dishonesty; the possession, use or distribution of an illegal substance; or immoral conduct. The FHSAA understands

the importance of keeping our children as safe as possible and wholly supports the intent of the Jessica Lunsford Act.

That being said, the FHSAA also has an obligation to student-athletes to ensure that their opportunities for interscholastic athletic participation are not jeopardized. Contest officials are needed to ensure that games, matches and meets happen, and that they happen fairly and safely.

Therefore, to provide for the safety and security of student-athletes as well as to ensure their opportunities to participate are not abated, the FHSAA proposes that contest officials be exempted from the requirements of the Jessica Lunsford Act; and, instead, that section 1006.20 of Florida Statutes, which governs the FHSAA, be amended to require that the Association office each year verify that each individual who registers as a contest official is not on the sexual offender-predator list as published on the FDLE web site.

The FHSAA is and remains committed to the health and safety of the more than two hundred thousand student-athletes who

participate in interscholastic sports in our state each year. We believe that our proposal will satisfy the intent of the Jessica Lunsford Act by preventing sexual predators from becoming contest officials, while not discouraging upstanding citizens from taking up or continuing in this avocation. As always, however, we defer to the wisdom of this body and stand ready to do what is necessary to carry out the will of the people of this great state.

Thank you for listening to our concerns and for your consideration of our proposal.





# OFFICE OF THE INSPECTOR GENERAL

REPORT

TO

SCHOOL BOARD MEMBERS

2004-2005



**OFFICE OF THE INSPECTOR GENERAL  
MIAMI-DADE COUNTY PUBLIC SCHOOLS**



**Herbert Cousins, Jr., CIG  
Inspector General**

4770 Biscayne Boulevard, Suite 950  
Miami, FL 33137  
Telephone: (305) 438-2360 • Fax: (305) 438-2399

*A Message  
From the  
Inspector General*



The School Board of Miami-Dade County, Florida  
Mr. John M. Franco, Inspector General, Florida Department of Education

Ladies and Gentlemen:

I am pleased to present to you the Office of the Inspector General (OIG) 2005 Report, which contains a summary of priority cases completed from July 1, 2004 to June 30, 2005.

The OIG conducts investigations, reviews/audits of the Miami-Dade County Public Schools (M-DCPS) programs and operations to detect and prevent waste, fraud and abuse. We have made significant progress since the office's inception in June 2003. We started with only one secretary, one Lieutenant and a Detective from Miami-Dade Schools Police. The Lieutenant's detachment ended in December 2003 and he was replaced with another detective in February 2004. Recognizing the limitations and obstacles the office was facing, at my request, the School Board and the former Superintendent approved additional funding for much needed resources and new office space. In April 2004, we completed the hiring of three investigators and one more secretary and, in August 2004, we completed the hiring of an investigative analyst. Also at my request, the former Superintendent instructed the Office of Management and Compliance Audits to assist the OIG by assigning an auditor to work on major investigations requiring audits. Unfortunately, the current Superintendent discontinued the auditor's detailed assignment to the OIG in September 2004.

As part of added responsibilities, the OIG is reviewing complaints referred by the Ethics Advisory Committee and the Office of Management and Compliance Audits as well as Whistle Blower complaints. The OIG is working to promote honesty, integrity and credibility in M-DCPS through investigations, reviews/audits, and research.

I would like to take this opportunity to recognize M-DCPS employees who have courageously provided information regarding OIG investigations. I would also like to encourage those employees who have important information regarding fraud, waste, and abuse to contact the OIG. We take pride in our commitment to serve the students and tax payers of Miami-Dade County Public Schools.

Sincerely,

A handwritten signature in black ink that reads "Herbert Cousins, Jr." The signature is written in a cursive, slightly slanted style.

Herbert Cousins, Jr., OIG  
Inspector General

HC:wwd

cc: Dr. Rudolph F. Crew, Superintendent of Schools, M-DCPS  
Mr. Frederick Thornburg, Chair, Ethics Advisory Committee  
Members, Ethics Advisory Committee

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Sincerely,

Herbert Cousins, Jr., CIG  
Inspector General

HC:wvd

cc: Dr. Rudolph F. Crew, Superintendent of Schools, M-DCPS  
Mr. Frederick Thornburg, Chair, Ethics Advisory Committee  
Members, Ethics Advisory Committee

## **ABOUT THE OFFICE**

At its meeting of September 12, 2002, The School Board of Miami-Dade County, Florida established and classified the position of the Inspector General and began efforts to establish an effective unit within the school system whose primary mission is detecting and preventing waste, fraud, abuse and mismanagement. The Florida Department of Education Office of the Inspector General (FDOE-OIG) and the Miami-Dade County Public Schools (M-DCPS) School Board agreed to establish the independent special unit within the school system, the M-DCPS Inspector General (M-DCPS-IG), pursuant to Section 20.055, Florida Statutes and Section 1001.20(4)(e) of the newly enacted School Code revision, found in Section 26 of SB 20E, passed by the 2002 Florida Legislature. At its May 14, 2003 meeting, the School Board entered into a contractual agreement for the position of the Inspector General. The M-DCPS-IG officially became operational on June 30, 2003. The M-DCPS-IG is under the jurisdiction of the FDOE-OIG. Florida Statute, Section 20.055(6), states that investigations are designed to detect, deter, prevent, and eradicate fraud, waste, mismanagement, misconduct, and other abuses in state government.

The OIG reports to the Florida Department of Education, Office of the Inspector General. This reporting structure gives the OIG investigative independence, which is crucial because there is a natural tendency for employees to be protective of the programs they administer. In some cases, the discovery of waste, mismanagement or wrongdoing could personally involve some of the involved employees.

The staff in the OIG reflects the diversity of the Miami-Dade County community and is composed of a team of highly qualified individuals. The investigative staff is comprised of two Senior Investigators, one Investigator and one Investigative Analyst. The Senior Investigators have federal and local law enforcement backgrounds, which include public corruption, fraud and white-collar investigations. The Investigator has an extensive background in construction related matters. The Investigative Analyst is a former federal supervisory support employee with a diversified investigative background. Additionally, the OIG has one assigned Miami-Dade Schools Police detective with extensive investigative experience.

The OIG has established liaison contact with other agencies that have assisted the OIG with specific investigations. They are:

- Federal Bureau of Investigations
- U.S. Secret Service
- Florida Department of Law Enforcement
- United States Attorney's Office
- State Attorney's Office, Miami-Dade
- Florida State Compliance Office
- Miami-Dade County Police Department
- U.S. Postal Inspection Service
- U.S. Social Security Administration
- Miami-Dade Schools Police Department



## ***MISSION STATEMENT***

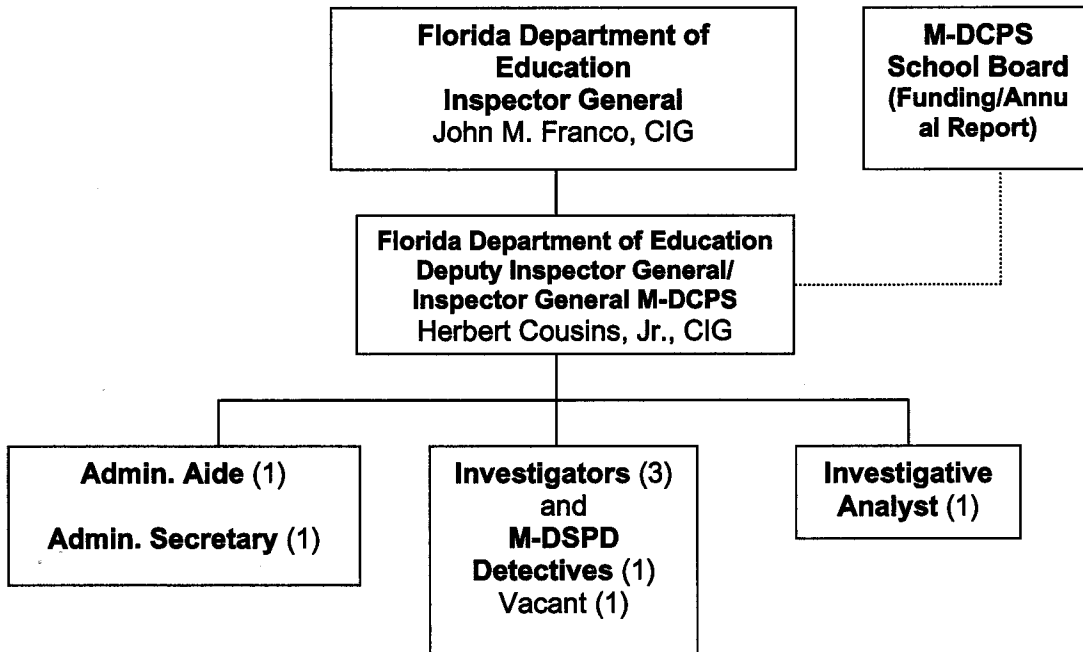
### **Office of the Inspector General**

The Office of the Inspector General (OIG) was created to promote honesty, integrity and credibility in the Miami-Dade County Public Schools (M-DCPS) District. The OIG will expeditiously investigate and assist in preventing mismanagement, fraud, waste, and abuse. Additionally, the OIG will conduct reviews/audits, when deemed necessary by the Inspector General, and will endorse professional and ethical conduct.



# ORGANIZATIONAL CHART

## OFFICE OF THE INSPECTOR GENERAL MIAMI-DADE COUNTY PUBLIC SCHOOLS



*CIG – Certified Inspector General*

## **OFFICE EVOLUTION**

These two years have been transition years for the Office of the Inspector General (OIG). The OIG budget for fiscal year 2003-04 was \$250,000 including salaries, employee benefits and non-salary items. After approximately six months on the job, the Inspector General outlined needs for increasing staff and resources in order to address the issues developed. At its November 19, 2003 Board meeting, the School Board authorized additional funding for the OIG to approximately \$522,000 for the entire year, including salaries, employee benefits and non-salary items. The School Board also authorized the OIG to hire three investigators, one additional secretary and one investigative analyst. Currently, the OIG budget is \$955,000 including salaries, employee benefits and non-salary items.

Due to the numerous investigative issues being addressed by the OIG, there is a crucial need for more resources, including the service of an attorney to provide legal counsel. Currently, the OIG has to request the assistance of the School Board Attorney's Office (which could result in a possible conflict of interest). Nevertheless, the OIG is grateful for the assistance given by the School Board Attorney's Office, recognizing their limitations and the fact that their primary responsibility is not to assist the OIG.

As previously stated, the former Superintendent authorized the appointment of a fulltime auditor to assist the OIG. The auditor was working on the audit of a major OIG investigation when he/she was removed. The OIG is in critical need of an audit component which is not compelled to reveal to administration officials information of pending OIG investigations.

Despite the obstacles we have encountered, this office has made substantial progress in combating fraud, waste and abuse within M-DCPS. This report provides me with the opportunity to highlight major investigations and special projects completed, which have identified deficiencies in program operations, safety-to-life issues, construction/maintenance related issues, document retention issues, etc. We have also conducted investigations which resulted in thousands of dollars in savings to the District.

## **BREAKDOWN OF CASES/COMPLAINTS**

M-DCPS employees or concerned citizens are encouraged to report allegations of fraud, waste, abuse (of resources/funds), or mismanagement. The following is a breakdown of cases/complaints received at the OIG for FY 2004-05, with a carryover from FY 2003-04.

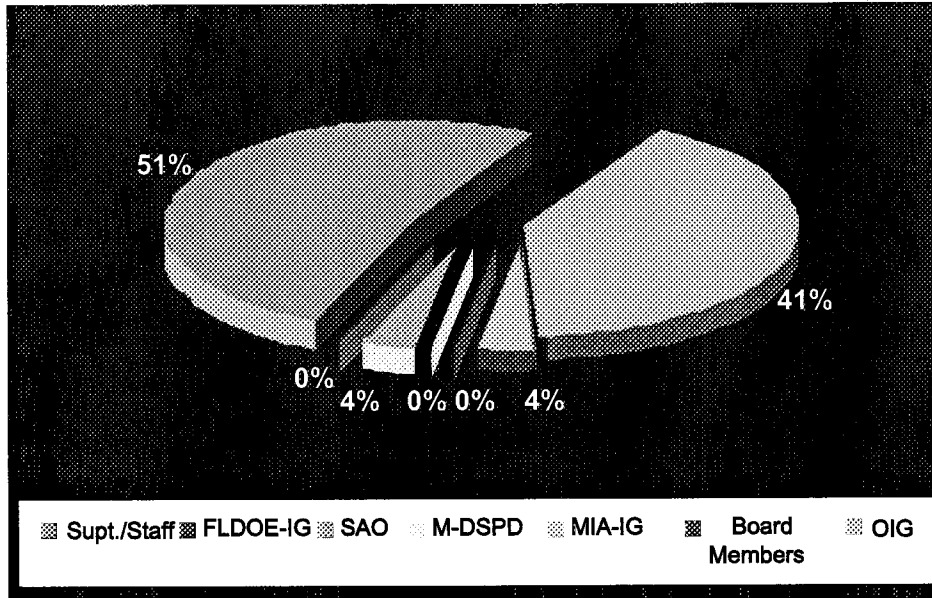
<b>Cases</b>	<b>Intake</b>	<b>Closed</b>	<b>Remain open/pending</b>
Carryover from FY 2003-04			64
FY 2004-05	27	8	19
<b>Total</b>			<b>83</b>

<b>Complaints</b>	<b>Intake</b>	<b>Zero File*</b>	<b>Remain open/pending</b>
Carryover from FY 2003-04			22 <i>5 - Unaddressed Work** 17 - Preliminary Review*** (of these 17, 14 became cases)</i>
FY 2004-05	39	25	14 <i>7 - Unaddressed Work** 7 - Preliminary Review***</i>
<b>TOTAL</b>			<b>36</b>

*\* not within purview of OIG/does not merit opening case  
 \*\* cannot be handled due to lack of manpower/not a priority  
 \*\*\*\* conducting initial review to determine if merits opening case*

<b>Special Projects</b>	<b>Intake</b>	<b>Completed</b>
FY 2004-05	3	3

## FY 2004-05 CASES



**Legend:**

*Supt./Staff – Cases referred by M-DCPS administrators or the Superintendent.*

*FLDOE-IG – Cases referred by the Florida Department of Education, Office of the Inspector General.*

*SAO – Cases referred by the State Attorney's Office.*

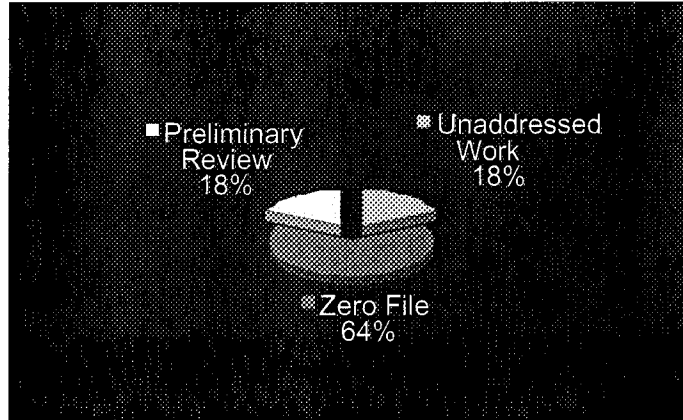
*M-DSPD – Cases referred by the Miami-Dade Schools Police Department.*

*MIA-IG – Cases referred by the Miami-Dade County Inspector General.*

*Board Members – Cases referred by School Board Members.*

*OIG – Cases received at the Office of the Inspector General either by fax, mail, phone calls, hotline, or walk-in.*

## FY 2004-05 COMPLAINTS



**Legend:**

*Preliminary Review - Initial review to determine if merits opening case*

*Unaddressed Work - Cannot be handled due to lack of manpower/not a priority*

*Zero File - Not within purview of OIG/does not merit opening case*

## ***SUMMARY OF COMPLETED INVESTIGATIONS***

Over the past year, the school system's leadership has made some meaningful reforms that improved the management and operations of the District. While important changes have begun, more effort is needed to produce tangible and lasting improvements, as well as instilling a sharper focus on performance and accountability.

The OIG recognizes that improving student achievement and smaller class sizes are among the District's top priorities. However, the District must not neglect those areas that could have an adverse effect on the school system's primary mission of providing the highest quality education to all students.

Below you will find summaries of several investigations/projects completed by the OIG during Fiscal Year 2004-05. I have also included summaries of some recommendations made to the School Board and/or the Superintendent as well as responses received to date.

### **▣Falsification of Registration Input forms**

**Allegation:** Concerned citizen complained that an Adult Education Center was falsifying Registration Input forms (RIFs).

**Results:** The OIG investigated the allegations and determined that, even though there were some irregularities, no evidence was found that indicates the school was altering RIFs for non-resident students.

The OIG recommended that the District adopt policy where non-resident students provide proof of residence by filing a Declaration of Domicile with County Clerk of Courts and that the Office of Adult/Vocational Education implement spot-checking RIFs to assure compliance.

**Response:** On July 9, 2004, the OIG received a letter from the administration accepting recommendations. According to the letter, a declaration of domicile is being requested to prove residency of students, along with other documentation. The letter also states that additional control procedures were established to verify RIFs; signature lines have been added for student and staff; "under penalty of perjury" clause was added for students; forms will be imaged and kept for audit purposes; and control procedures have been established to spot check images against electronic data in system to ensure accuracy and compliance.

Status: Closed

### **▣Conflict of Interest – Mr. Ronald E. Frazier**

**Allegation:** That Mr. Ronald E. Frazier, President of Ronald E. Frazier & Associates, Building Code Consultant and Uniform Building Code Inspector, contracted by M-DCPS, had a conflict of interest by not disclosing his affiliation with A.C.T. Services, Inc., the company performing construction/renovation work at three schools.

**Results:** The OIG conducted an investigation, which revealed that Mr. Frazier was listed as an officer/director of A.C.T. Services, Inc. from 1991 to 2004. In April 2004, Mr. Frazier removed his name from the Board of A.C.T. Services, Inc., which ended his official affiliation with this firm. It

was also found that work performed by A.C.T. Services, Inc. in the three schools was inspected by personnel from Ronald E. Frazier & Associates. However, the investigation also found that Mr. Frazier disclosed his affiliation as an Officer/Director of A.C.T. Services, Inc. through the Minority/Women Business Enterprise Certification Application he submitted annually to M-DCPS officials from 1991 through 1999 and every two years thereafter. Despite that fact, M-DCPS officials assigned Mr. Frazier to inspect the schools. It was noted that School Board Rule 6Gx13- 7B-1.02, had no disclosure provision for firms providing the aforementioned services. On June 16, 2004, language was added to Ronald E. Frazier & Associates' contract stating that the Building Code Consultant or any of its subcontractors would not be allowed, under any circumstances, to inspect or review its own work as that will be considered a Conflict of Interest.

The OIG recommended that the Superintendent instruct staff to take appropriate action to ensure that individuals affiliated with firms who perform construction/renovation work are not affiliated with individuals involved with the inspection process of said work. Additionally, it was recommended that School Board Rule 6Gx13- 7B-1.02 be amended to include a Conflict of Interest disclosure provision, that a Conflict of Interest disclosure be provided, in writing, to all firms contracting with M-DCPS, and that a database be created to store the disclosure information to assist administrators with the selection and assignment of firms to specific projects.

Status: Closed

#### **North Dade Community Charter School (NDCCS)**

**Allegation:** The OIG received a complaint alleging that during September 2003, Ms. Sharon Donald, the director of NDCCS, defrauded the school District by illegally placing 20 under-age students into three separate kindergarten classes at the NDCCS. The students were registered in the Pre-K program at Tiny Tots Day Care Center, adjacent to NDCCS.

The OIG immediately initiated an investigation. The children were returned to Tiny Tots after the NDCCS' Principal sent a letter to an M-DCPS administrator advising that 20 kindergarten children needed to be changed "to Pre-K status in the computer." This change was requested following the filing of the initial complaint with the OIG and its subsequent investigation. The investigation revealed that, from September 2003 until February 2004, Ms. Donald fraudulently received FTE funds, exceeding \$20,000 but less than \$100,000, for those students. Based on information received by the OIG, two search warrants were executed – one for the office of the NDCCS, the other one for Ms. Donald's personal vehicle, a Cadillac Escalade. Records, files and a computer, which corroborated the allegation, were confiscated. During the course of the investigation, more than 20 subpoenas were served on witnesses, potential targets, accounting firms and banks. The OIG referred the alleged fraudulent activities conducted at the Tiny Tots Program to the Florida Department of Law Enforcement (FDLE). Moreover, as a result of the OIG investigation, School of Choice and Parental Options and the District administration revoked Ms. Donald's charter school contract. The State Attorney's Office issued an arrest warrant for Sharon M. Donald on November 10, 2004 for a felony crime of grand theft in the second degree. She was arrested and processed on November 12, 2004. Trial has been set for August 29, 2005.

Search Warrants Executed: 2

Subpoenas served: 23

Status: Pending

**Construction/Maintenance related issues**

**Allegation:** During 2004, the Office of the Inspector General (OIG) received numerous complaints regarding construction/maintenance related issues at 12 schools.

**Results:** In a memorandum to the Superintendent, dated October 22, 2004, the OIG highlighted the preliminary findings identified as a result of several site visits made by IG Cousins and OIG Investigators, information provided by sources, and OIG cases under investigation. The memorandum, which was a comprehensive report, included pictures of some of the problems at the 12 schools visited. We have included a sample of those pictures (Exhibit 1) in this report. The OIG recommended to the Superintendent that corrective action(s) be implemented to ensure that these issues are resolved in a timely manner.

**Response:** In a memorandum dated November 10, 2004, the Superintendent responded to the OIG suggesting that we work jointly with his staff to ensure corrective action is taken. To this date, some of the issues identified have been resolved as a result of the Superintendent's actions while some issues, identified by the OIG, have not yet been resolved. The OIG plans to schedule follow-up site visits with respective District personnel in order to conduct an assessment to implement corrective actions and take appropriate measures to prevent re-occurrence.

The following are the 12 schools included in the OIG report:

Calusa Elementary  
Caribbean Elementary  
Frank C. Martin Elementary  
G.W. Carver Elementary  
Lakeview Elementary  
Leisure City Elementary

Phillis Wheatley Elementary  
Lamar Louise Curry Middle  
Nautilus Middle School  
Miami Killian Senior High  
Southwest Miami Senior High  
Miami Lakes Educational Center

Status: Pending

**Miami Lakes Educational Center**

**Allegation:** An anonymous source complained that due to lack of maintenance, inadequate construction practices and delays during a 5-year period, there were still serious Safety-to-Life issues at Miami Lakes Educational Center. The complainant advised that the fire alarm, PA, and burglar alarm systems were either inoperable or not working as integrated systems per code and design specifications.

**Results:** The OIG conducted an on-site investigation and security assessment, which confirmed the imminent threat to the safety and security of students and staff. The results, which were brought to the attention of the Superintendent, including pictures (Exhibit 2), revealed that the PA system was not properly working throughout the school and an electrical short in the system between buildings C & E generated an emergency callback condition in error. Additionally, it was determined that the fire alarm system did not comply with Miami-Dade County fire and safety codes, due to the fact it was inoperable throughout most areas of the school campus, and the burglar alarm had various deficiencies and did not properly identify zones and specific points of entry, posing potential hazards for law enforcement silent alarm response units. The



investigation also revealed that, in order to make up for these deficiencies, measures were taken, such as hiring fire watch personnel, to visually monitor for indications of a fire incident throughout the campus, a remedy that should have only been a temporary measure, which commenced on September 2000 and ended on February 2005 as a result of the OIG investigation.

Note: To date, the OIG has ensured that all Safety-to-Life issues have been corrected. It is noted that on January 21, 2005, a fire incident occurred at Miami Lakes Educational Center, and the Principal stated that, as a result of the OIG efforts, since most systems finally operated as designed, potential loss of life and a potential financial loss was prevented. The OIG estimates approximately \$1.4 million loss was prevented. In addition, as a result of having an operational fire and PA system, the removal of the fire watch personnel represented a future 5-year cost savings of approximately \$262,557 (5-Yr. Net Present Value at 6% Discount Factor). Had this measure been utilized as only a temporary measure during a 2 to 3 week period, as intended per Fire Watch Procedures referenced in a memo dated September 12, 2000 (Exhibit 3), the District could have realized almost a \$300,000 cost avoidance year-to-date.

Status: Pending additional inspections

**▀Suspension form signed by an elementary school student**

Allegation: Parent complained that his/her child, an elementary school student who is a minor, was suspended and was told to sign the suspension form (Form 1625E) without the parent being present or without the parent's signature on the form.

Results: The OIG contacted school officials. The investigation determined that Form 1625E is a standard form utilized throughout M-DCPS and that students are indeed required to sign the form, while at school, after being notified by the principal that their behavior/action(s) have warranted suspension. A meeting was held between the parent, school administration and staff from ACCESS Center overseeing students' school. The outstanding cooperation and professionalism displayed by M-DCPS employees involved contributed to a positive resolution of this matter.

Recommendation: The OIG recommended that the Superintendent instruct staff to review policies in place regarding suspension of minor students and, if possible, that Form 1625E - Notice of Suspension, be revised to add parents/guardian consent before minor students are required to sign the suspension form. It was also recommended that the form be modified to include language below the signature line, indicating that signing the form only serves to acknowledge receipt by the student.

Response: On June 3, 2004, the Superintendent sent a memorandum to the OIG explaining the purpose of suspensions. Additionally, the memorandum stated that "District ACCESS Centers does not feel that the suspension notification should require the parent's signature before assigning the suspension; however, the age of the child and the offense should be considered when notification to the parent is not made." Furthermore, the memorandum agreed "...with the recommendation that suspension Form 1625E includes language below the signature line indicating that signing the form only serves to acknowledge receipt by the students; however if the parent/guardian does not avail themselves of the opportunity to discuss the suspension, it will stand as written in the notification."

NOTE: A follow-up review of Form 1625E revealed that it has not been revised (Exhibit 4).

Status: Closed

**▣Fraud: Issuing of counterfeit checks**

Allegation: The OIG received information from a fraud investigator at the South Florida Educational Federal Credit Union (SFEFCU), that a District school bus driver had admitted to depositing three counterfeit checks into her account totaling \$5,446.92, and that she withdrew nearly all of those funds. The bus driver implicated a second bus driver as the individual that supplied the counterfeit checks. SFEFCU contacted Miami-Dade Police Department (M-DPD) and filed a police report.

Results: The OIG assisted an M-DPD detective with this matter. Sufficient evidence was gathered and both bus drivers were arrested by M-DPD. At this time, it has not been determined whether a check fraud ring exists within the District. OIG investigators continue to work with M-DPD on this matter.

Status: Pending

## ***SPECIAL PROJECTS***

### **1. Records Retention Review – Security Inspection and Site Assessment**

The OIG received complaints, concerns and suggestions from the Miami-Dade State Attorney's Office and other law enforcement agencies regarding the District's document retention process and retrieval system and the way in which the District handles subpoenas.

As a result of the allegations and/or concerns received, the OIG initiated an examination of the District's record retention program. During the course of the examination, the scope and objectives were expanded to include subpoena processing and document imaging. The OIG found deficiencies in the manner in which M-DCPS administers, processes and stores records. Additionally, the OIG determined that the District's system to receive and process subpoenas was inadequate. The OIG issued a report on the review and its findings, including pictures. A sample of those pictures is included in this report (Exhibit 5).

The OIG recommended that the District implement a system of optical imaging technology to facilitate the process of locating and retrieving documents; improvement and strengthening of security measures in specific areas and/or offices; and the establishment of a Legal Research Unit to safeguard the confidentiality of subpoenas and their compliance, along with a tracking system to streamline the processing of subpoenas. Other recommendations specifically related to document retention were also included.

Response: The OIG received a copy of a memorandum from Chief Gerald Darling, M-DSPD, to Superintendent Crew, dated April 11, 2005. The memorandum highlights measures that have been taken to enhance security. Furthermore, the memorandum agrees with the OIG's recommendation of centralizing the District's records management system.

NOTE: As a result of our review, Agenda Item B-9, regarding security issues, presented by School Board Chairman Mr. Frank Bolaños, was approved at the May 18, 2005 School Board meeting (Exhibit 6).

Status: Completed

### **2. Professional Assessment and Comprehensive Evaluation System (PACES) – CDE Research Associates, Inc. (CDERA) – Dr. Chad Ellett**

Superintendent Rudy Crew requested the OIG conduct an independent review of the Personnel Assessment and Comprehensive Evaluation System (PACES) contract and payments made to the individual and the company that was contracted to implement this system for the District during the period of June 1996 through June 2002. The Superintendent also asked the OIG to determine whether the District had properly investigated allegations of pornographic images found on the internal hard drive of the District owned laptop computer that was assigned to the contractor during the above-mentioned time frame.

The OIG initiated an investigative review. A cost analysis revealed that the original projected budget proposed by CDERA was \$250,750 and the RFP's projected cost for this project was \$250,000. However, the OIG could not identify the discrepancy or cost differential (\$112,837) between the CDERA's proposal and the actual award of \$363,587, which was approved by the Board during its August 28, 1996 meeting, Agenda Item I-10.

The Office of Professional Standards (OPS) requested an analysis of the laptop computer that was assigned to the contractor. M-DSPD took the laptop computer to United States Secret Service (USSS) for analysis. Pornographic images were found on the computer's hard drive. OIG investigators requested a second analysis on the computer to determine whether District proprietary information was illegally removed and/or e-mailed to anyone other than approved District employees and/or contractors. This second analysis provided negative results.

Recommendation: The OIG recommended that the Superintendent implement a basic internal control in which payment approvals should require a level of review separate and apart from the person charged with negotiating and administering a contract. The OIG also recommended that computers assigned to contractors/vendors be checked periodically to ensure users are not violating School Board rules. Additionally, the OIG recommended that the Superintendent instruct staff to review the legal issues involved to determine if it is necessary to modify or supplement PACES and that contracts of the magnitude of PACES be reviewed periodically to determine whether the contract is in compliance with Florida State Statutes and/or School Board rules.

NOTE: As a result of our review, Agenda Item B-5, regarding PACES, presented by School Board Member Ms. Perla Tabares Hantman, was approved at the July 13, 2005 School Board meeting (Exhibit 7).

Status: Completed

### **3. Election of School Board Audit Committee Chair**

This was a special request from the Ethics Advisory Committee (EAC) regarding the issue of propriety of the June 20, 2004 election of the Chair of the Audit Committee under the governing provision of School Board Rule 6Gx13- 2C-1.142, which became effective August 30, 2003.

The OIG gathered factual information regarding the election of the Chair of the School Board Audit Committee. A comprehensive package was prepared, which included the School Board Rule, the School Board Attorney's legal opinion, and an independent legal opinion from outside counsel, provided by Ms. Perla Tabares Hantman, School Board Member, to the EAC. The report was provided to Mr. Frederick Thornburg, Chair, EAC. The issue was discussed at the EAC meeting of October 22, 2004. After the discussion, the EAC unanimously agreed and concluded that the election of the former Chair of the Audit Committee "was improper ethically, since the election contravened the spirit of, and violated the clear and plain meaning of, the governing provisions of School Board Rule 6Gx13- 2C-1.142."

Status: Completed

## **INITIATIVES**

### **DEDICATED HOTLINE**

The OIG established a complaint dedicated Hotline to receive information regarding allegations of fraud, waste and abuse.

**The OIG's Hotline number is 305-819-3744.** Since its establishment on May 2004, we have received numerous calls from employees and/or the general public. Calls to the hotline represent one of the ways in which employees and concerned citizens provide information to the OIG. The OIG also receives complaints by mail, in person, by fax, and by referral from other departments and agencies.



### **WEBSITE**

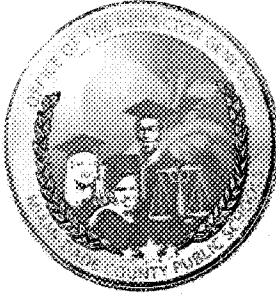
The OIG website (<http://oig.dadeschools.net>) was established in April 2005. For more information about the Office of the Inspector General and what we do, please go on-line and visit our website.

## **COMMUNITY INVOLVEMENT**

The OIG is committed to serve the students of M-DCPS, including its staff, faculty and the entire Miami-Dade County community. To that effect, the Inspector General has been involved in various community activities, to include:

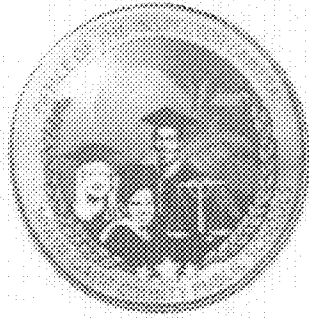
- 2005 Junior FBI Academy – On June 17, 2005, the Inspector General and one of his senior investigators were invited to make a presentation for the culmination of a two-week camp, called the Junior FBI Academy, for high school students, at Nova Southeastern University (NSEU). Of the students participating, 23 were from Miami Carol City Senior High School's magnet program focusing on criminal justice studies and law and 2 were from North Miami Beach Senior High School. All presenters received a \$175 stipend, which Mr. Cousins and the Senior Investigator donated to NSEU for student scholarships. IG Cousins and the Senior Investigator were also invited to participate in the Awards Ceremony for the academy's participants. The program is a joint venture of the FBI's Miami Office, Nova Southeastern University, Florida Memorial University, Miami-Dade County Public Schools and the Bleibetry/Glass Foundation. Dr. Robert B. Ingram, School Board Vice Chair, who assisted NSEU in securing some funding to support this program, was a keynote speaker at this year's graduation. This program gives students a taste of what working with the FBI is really like and provides scholarships to students. The performance of M-DCPS students was outstanding.
- St. Thomas University President's Board of Advisors – Mr. Cousins was invited to serve on this Board since 2003. He participates in fundraising activities to generate funding for scholarships for prospective and current students.
- Carlos Albizu University Business Program Advisory Board – Mr. Cousins has been serving on this Board since the beginning of 2004. This board participates in meetings geared towards providing recommendations to the University regarding the business program.
- M-DCPS Employees United Way Campaign 2004-05 – Although not fully staffed by the end of the campaign in 2004, the OIG participated by making a generous donation. Mr. Cousins, a long time contributor before coming on board, joined the Superintendent's Leadership Circle in 2003-2004 and in 2004-2005. OIG staff joined the School Bell Club in 2003-2004, echoing the same generosity in the 2004-2005 United Way Campaign.
- Florida Women in Government (FWG) – On Saturday, June 26, 2004, the FWG held a one-day Ethics Training as part of their 41<sup>st</sup> Annual Conference. The Greater Miami Chapter, in cooperation with the Metropolitan Center – Florida International University, hosted the event. Inspector General Cousins was invited to participate as a member of the Ethics Panel. Participants received a \$100 stipend, which Mr. Cousins donated to the American Cancer Society, Miami Chapter.
- Annual Spirit Awards Breakfast – On November 14, 2003, Inspector General Cousins was invited by the Doral Airport West Chamber of Commerce to be the Keynote Speaker at their Spirits Award Breakfast. The event, sponsored by Planet Dodge, recognized students from Doral area schools for their outstanding achievement.

## **Summary**



In addition to the aforementioned investigations, the OIG has several major cases pending, which I am unable to include or discuss in this report. Some of those major cases are at the State Attorney's Office (SAO) and they involve multiple subjects and the potential for recovering thousands of dollars in restitution for the District and the taxpayers of Miami-Dade County.

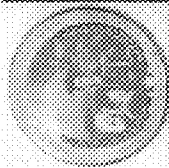
During Fiscal Year 2004-2005, and to date, the bulk of the office resources are being utilized to address the pending investigations at the SAO. These matters have required the review of volumes of documents, the conducting of a large number of interviews in the State of Florida and out of state, and serving a number of subpoenas. It is anticipated that some of the subjects in these cases will be charged in the near future.



## EXHIBIT 1

*Office of the Inspector General  
2004-2005 Report*

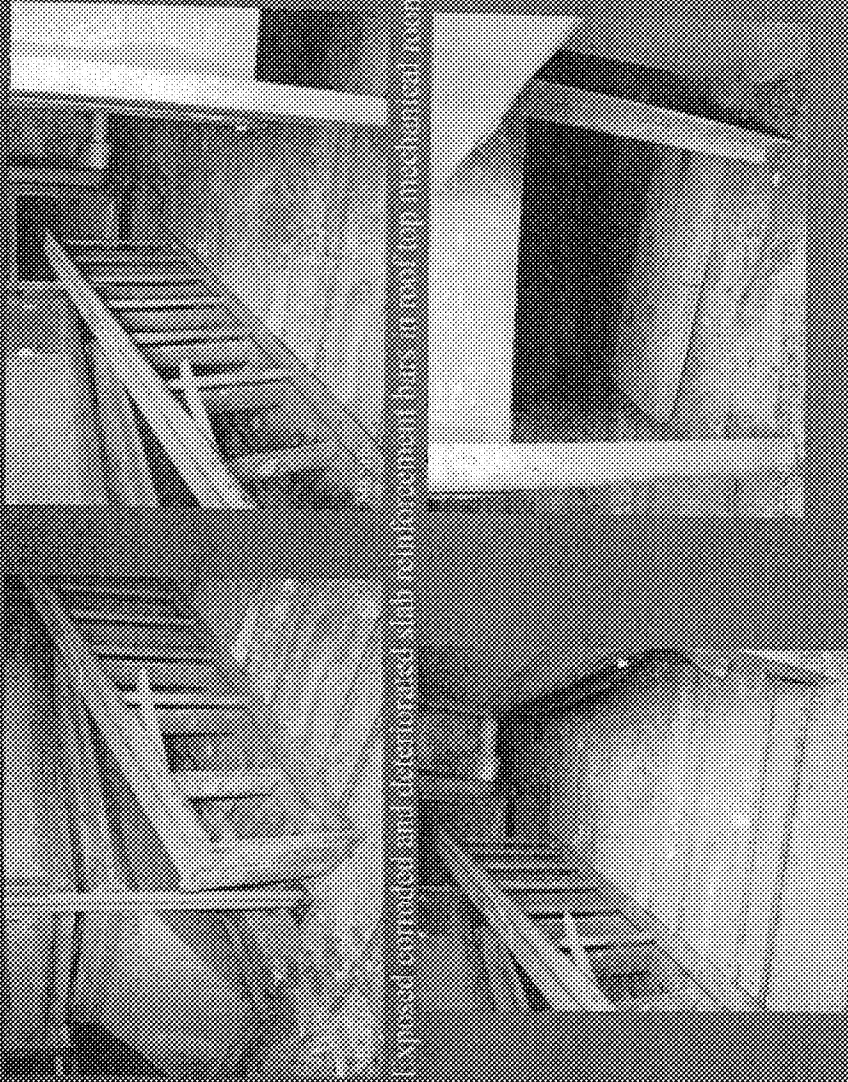




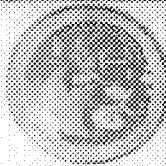
Office of the Inspector General

# Miami Killian Senior High School

## Preliminary Findings



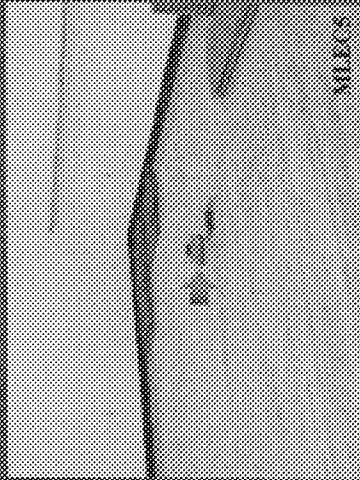
Exposed corroded and deteriorated slab reinforcement bars in most top-meshed areas.



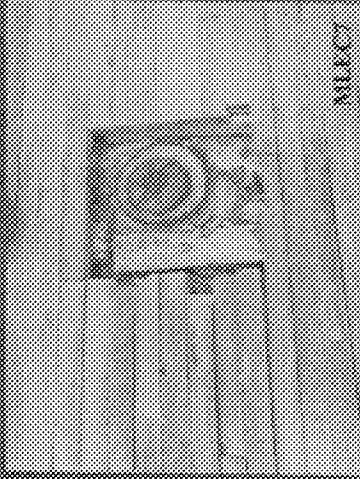
Office of the Inspector General

# Miami Lakes Educational Center

## Preliminary Findings



MLECS

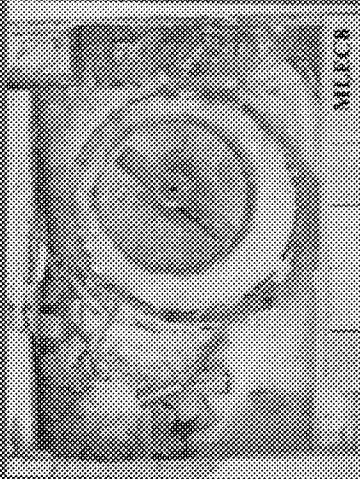


MLEC7

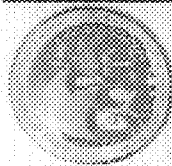
Powerful hand/shoulder cranked pipe, left the cabinet, damage to wood/plastering (to be repaired)



MLECS



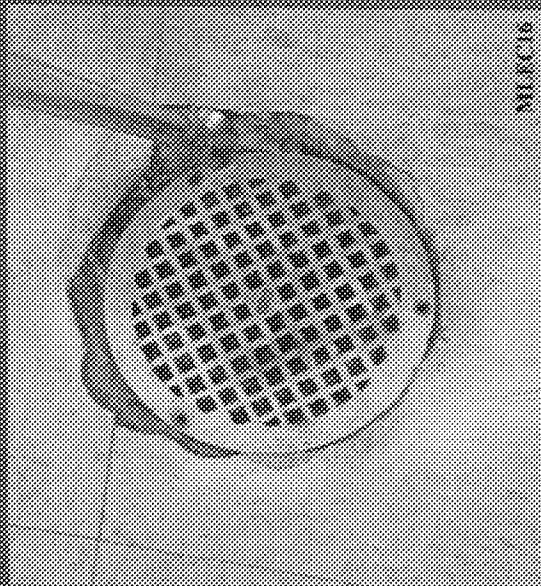
MLECF1



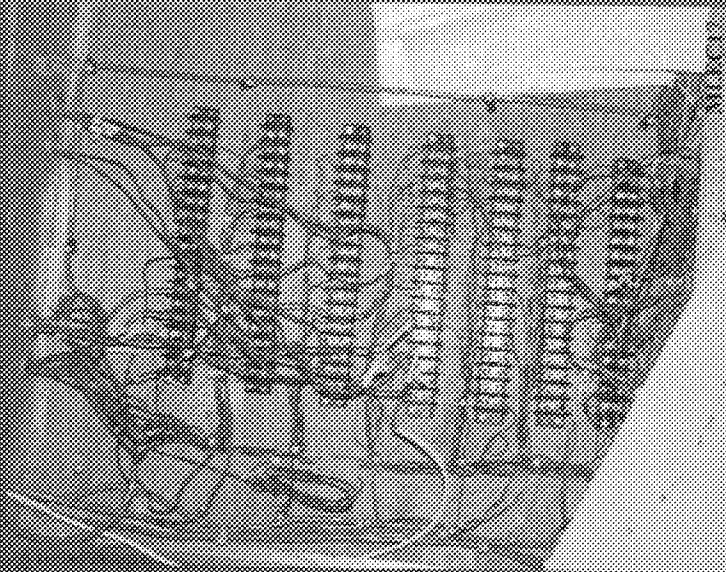
Office of the Inspector General

# Miami Lakes Educational Center

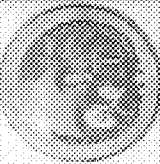
## Preliminary Findings



Grid in floor drain removed by contractor



RV system used and wiring

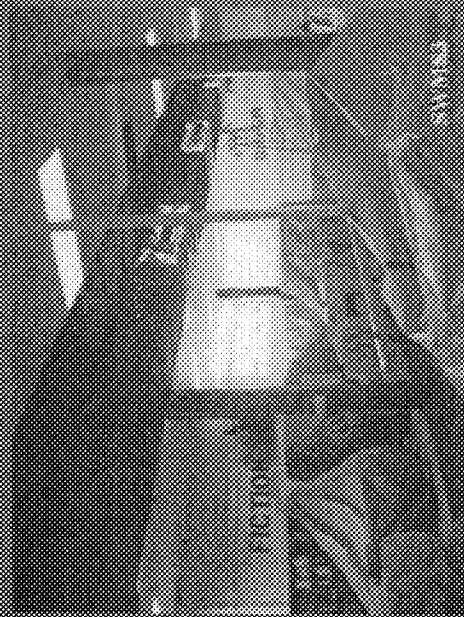
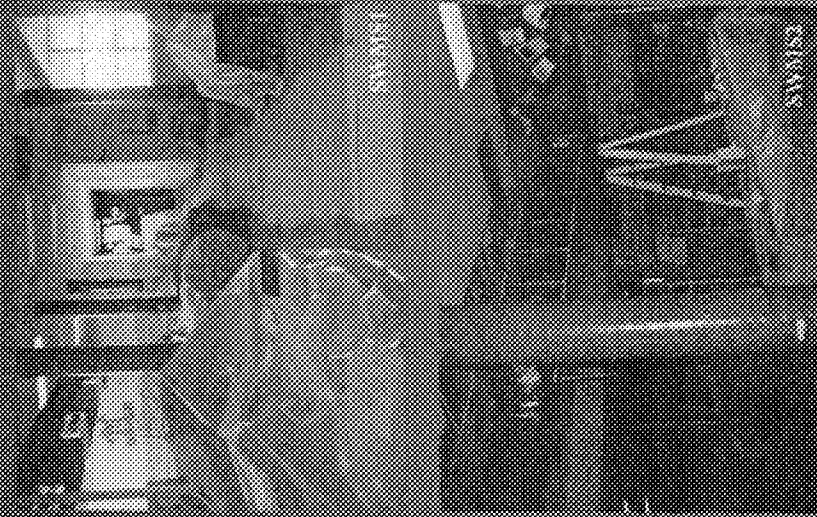


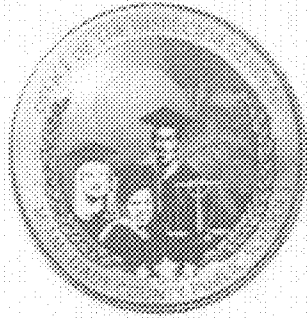
# Office of the Inspector General

## Southwest Miami Senior High School

### Preliminary Findings

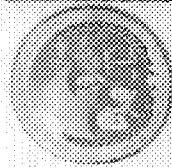
Academic Performance Review Follow-up  
December 1998 - March 2000





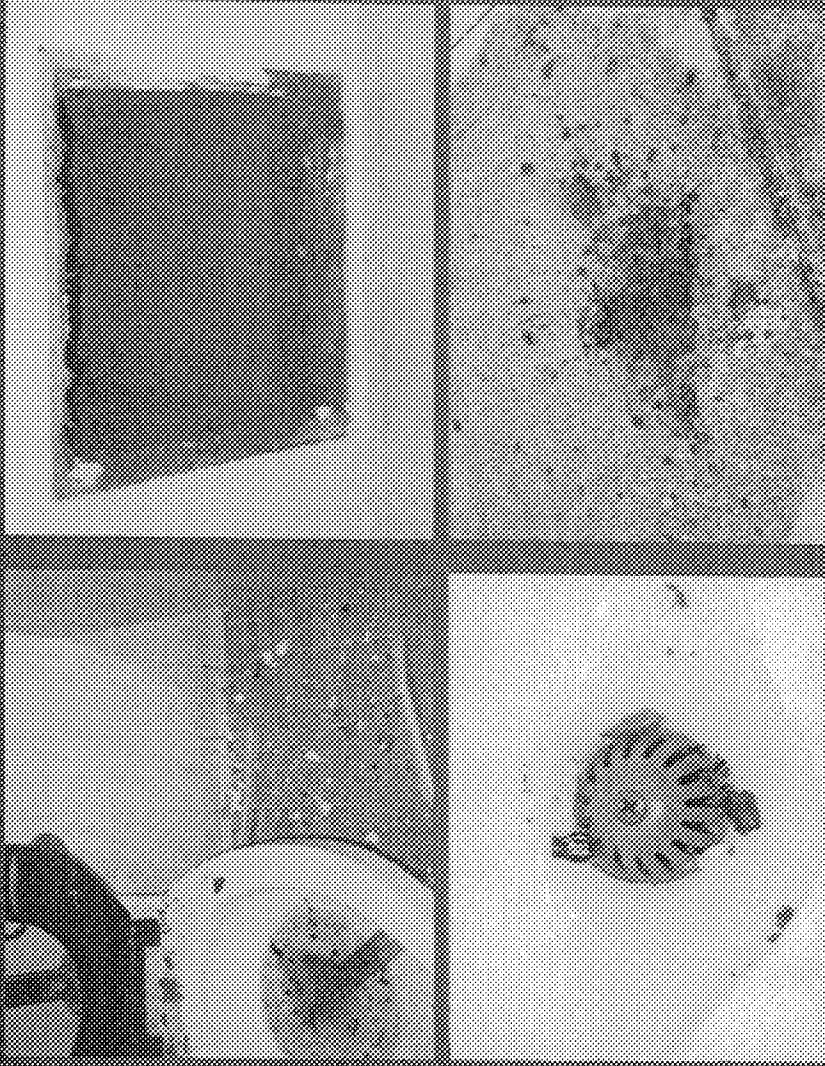
**EXHIBIT 2**

*Office of the Inspector General  
2004-2005 Report*

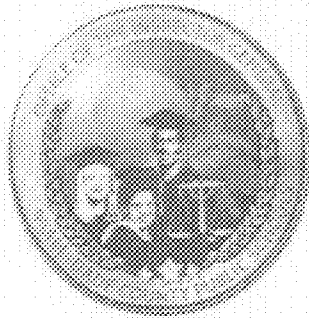


# Miami Lakes Educational Center

January 21, 2005 Fire Incident



Office of the Inspector General



## EXHIBIT 3

*Office of the Inspector General  
2004-2005 Report*

MEMORANDUM

RECEIVED  
FIVE

*file*  
*F.Y.I.*  
*file forward*

MOS-DGDD/2000-01  
September 12, 2000  
305-995-4702

TO: Mr. Howard Dean, Principal  
Miami Lakes Technological Senior High School

FROM: Dale G. Diaz, Assistant Chief  
Facilities Support Services

SUBJECT: FIRE WATCH PROCEDURES

*copy*  
*Adminstrator*  
*[Signature]*

As a result of the District's continuing efforts to correct fire safety deficiencies and provide a safe learning environment for students and staff, fire watch procedures have been implemented at schools that do not have a fully functional fire alarm system. The procedures will now be in effect at Miami Lakes Technological Senior High School, and will terminate once the fire alarm system is certified to be in working order.

To that end, fire watch personnel from Vanguard or Gabriel security companies, have been hired and assigned to monitor areas of your building where the fire alarm is not operational.

These guards were trained by District staff on Thursday, August 24, 2000. When they report to your school, your school's safety-to-life inspector, who will determine the area(s) where the fire watch is needed, will accompany them. I am enclosing a copy of fire watch procedures and standards and ask you to review them, particularly sections 2 and 3. Please provide a sign-in sheet for the fire watchers and be advised that they should be on the job one-half hour before school starts, and terminate their responsibilities one-half hour after students are dismissed.

Strict adherence to these procedures is extremely important in order to satisfy the Department of Education and the State Fire Marshal's office.

Questions relative to this memorandum should be directed to Mr. John DiBenedetto, Director, Safety, Environment and Hazards Management. Mr. DiBenedetto may be reached at (305) 995-4800 or by fax at (305) 995-4924.

Thank you in advance for your anticipated cooperation.

*[Signature]*  
DGD

DGD:dma  
Attachments

- cc: Mr. Roger C. Cuevas
- Dr. Paul J. Phillips
- Mr. Eddie T. Pearson
- Mr. Nelson J. Perez
- Mr. John S. DiBenedetto

*438-2395*

*26 040/2000 serial # 16*



THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA  
UNIFORM FIRE WATCH PERSONNEL  
INFORMATION

METHOD OF PURCHASE  
BY THE VENDOR

MODELS/ISSUED EQUIPMENT AND GEAR  
COMPRESSED AIR SCATHOON  
SAFETY GRABBER VEST  
CELLULAR PHONE  
PORTABLE RADIO

DATE  
7/23/00

\*M-DCPS is requesting the above bid and also to short notice given in bid questions, requesting service for emergency uniformed, armed, security guard personnel, required for 11 M-DCPS schools needing fire watch personnel.

HOUSE  
TOWARD TO 1200PM

ESTIMATED TERM OF SERVICE  
12 MONTHS

NUMBER OF VEHICLES (SEE ATTACHED LIST)  
VANGUARD (3)  
GARRILL (8)

NUMBER OF SECURITY PERSONNEL TO TRAIN  
VANGUARD (3)  
GARRILL (20)

ACTUAL NUMBER OF SECURITY PERSONNEL NEEDED STARTING MONDAY, 8/28/00  
VANGUARD (12)  
GARRILL (18)

LANGUAGE  
THE ABILITY TO COMMUNICATE EFFECTIVELY IN THE ENGLISH LANGUAGE

TRAINING INFORMATION  
MIAMI-DADE COUNTY PUBLIC SCHOOLS  
7015 N.W. 13  
13131 N.W. 24 AVENUE  
MIAMI, FL 33147  
(305) 493-4913  
DATE: THURSDAY, AUGUST 24, 2000  
TIME: 1:00PM TO 1:30PM  
INSTRUCTOR: CALVIN BLAWSON, 955-4999

\*AWARDEES SHALL BE IN A MAXIMUM OF 4 HOURS, PER GUARD, UP TO 20 GUARDS PER COMPANY, FOR THE TRAINING OF ITS PERSONNEL.

PARTICIPATING AWARDEES

VANGUARD SECURITY, INC.  
13131 N.W. 24 AVENUE, #100  
MIAMI, FL 33147  
CONTACT: FERNANDO TAPIA  
TELEPHONE: 305-292-2797

GARRILL SECURITY CORPORATION, INC.  
4625 N.W. 27 AVENUE, #100  
MIAMI, FL 33147  
CONTACT: ANSELGA S. ADENY (GARRILL)  
TELEPHONE: 305-492-7941

**DRAFT**  
**TO: JOHN DIBENEDETTO**

Page 1 of 2

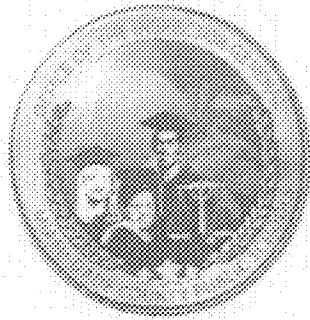
Page 2 of 2

Miami Elementary	Matech	2	1 story Small 2 <sup>nd</sup> story Reading room	8:00a.m.-3:00p.m.
Miami Lakes Middle	Miami-Dade	3	2 story Reading room	8:30a.m.-4:10p.m.

Re: Fire Watch System

Where there are conditions precluding having a functional fire alarm in place by the deadline stated in the Commissioner's memo the following alternative of establishing a "fire watch" shall be installed. The Department of Education (DOE), in accordance with NFPA 1 - Fire Prevention Code, and in consultation with the State Fire Marshal's Office (SFMO), establishes the following standards for an acceptable fire watch:

- 1. Prior to implementation of the fire watch the district shall submit for review a compliance schedule and a description of the school facility to include: size in area, school population, number of stories, number of buildings, other factors affecting fire safety such as the presence of an approved building fire sprinkler system, fire rated corridors or direct exit from occupied spaces. DOE, in consultation with the SFMO, will review requests for the use of a fire watch in each facility on a case by case basis. The department may deny, approve or approve with conditions, each request. The district shall issue a status report to the department at no less than 30 day intervals including the status of progress on the completion of a functional fire alarm system and a request, subject to approval or disapproval, to continue the fire watch for an additional 30 days.
- 2. Persons who are firewatchers shall meet all of the following criteria:
  - (a) Persons who are dedicated to this purpose and who shall not be subject to call or removal from this duty during hours of school occupancy.
  - (b) Persons in sufficient in number to safely monitor the particular facility at least one firewatcher per floor, per building without a functional fire alarm system. (Two buildings of two floors each = four fire watchmen)
  - (c) Persons who are trained in the use of fire extinguishers.
  - (d) Persons who are familiar with the building floor plan and fire alarm sounding routes and be capable of recognizing fire safety hazards such as blocked exits, propped open metal doors, etc.
  - (e) Persons who are equipped with radio communication to each other and other significant persons throughout the building and be capable of transmitting an alarm directly to the fire department (cell phone).
  - (f) Persons who wear a standard safety orange vest, and who are equipped with a general sounding device, such as a compressed air "bead horn", to provide a warning sound for building evacuees.
- 3. Buildings/facilities with an approved fire watch in place may be subject to unannounced inspections by DOE, SFMO or local fire officials and withdrawal from use if shown, at that inspection, to be in noncompliance with this directive.



**EXHIBIT 4**

*Office of the Inspector General  
2004-2005 Report*



MIAMI-DADE COUNTY PUBLIC SCHOOLS

NOTICE OF SUSPENSION

Miami-Dade County, Florida \_\_\_\_\_ 20\_\_\_\_

TO \_\_\_\_\_ STUDENT \_\_\_\_\_  
(Last) (First) (Middle)

\_\_\_\_\_ SCHOOL \_\_\_\_\_ Grade \_\_\_\_\_  
Number and Street (City) (Zip Code)

Student I.D. No. \_\_\_\_\_ Ethnicity \_\_\_\_\_ Sex \_\_\_\_\_

SCM No. \_\_\_\_\_ *(This action must be reflected in the SCMS) SPAR#*

This is to inform you that the above named student has been suspended from school for a period \_\_\_\_\_ days and may not return until \_\_\_\_\_

This action is being taken as a result of \_\_\_\_\_

This suspension is based upon the facts which have thus far been presented to me. We have informally discussed the misconduct with your child who has been presented with the evidence. Also, your child has been given an opportunity to present his/her side of the story.

This suspension may be shortened, if and when we can be assured that the student is willing to conform to the regulations of the school. If you desire to attend a conference on this matter, please call this office so that one may be arranged as soon as possible. At the conference you and your child will be given the opportunity to present witnesses and to present any facts or reasons, orally or in writing, which in your opinion relate to this suspension. Please be advised that your failure to respond to this letter and to avail yourself of the opportunity to be heard in the manner provided will signify your desire not to have a conference and your agreement with the action taken.

During the duration of the suspension, your child should be in your custody and should not return to the school campus during that time. An unauthorized appearance could result in a charge of trespassing.

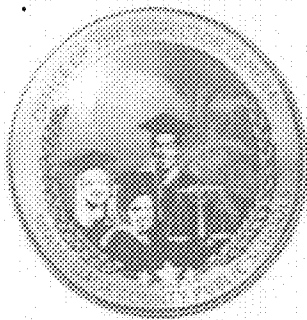
Upon completion of the suspension, it is the responsibility of your child to obtain make-up work from all teachers.

Our telephone number is \_\_\_\_\_

\_\_\_\_\_  
Signature of Suspended Student

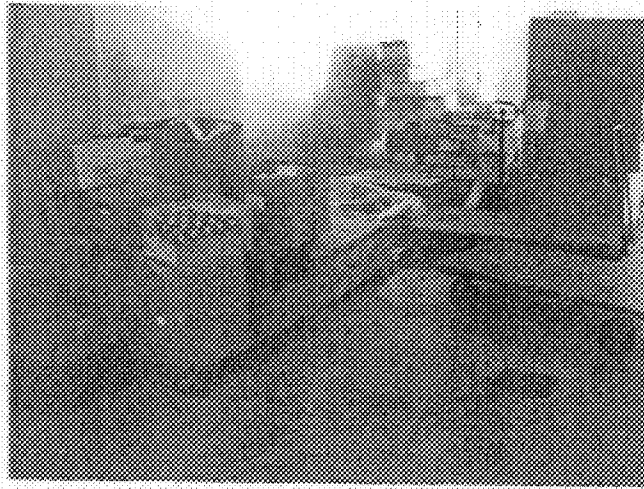
\_\_\_\_\_  
Signature of Principal or Designee

A copy of this notice shall be filed in the student's Cumulative Record Folder.



**EXHIBIT 5**

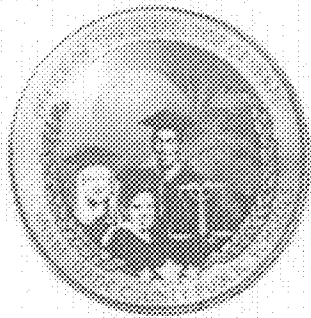
*Office of the Inspector General  
2004-2005 Report*



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**EXHIBIT 6**

*Office of the Inspector General  
2004-2005 Report*

Office of School Board Members  
Board Meeting of May 18, 2005

May 9, 2005

Frank J. Bolaños, Chairman

**DISCUSSION ITEM: SECURITY AT SCHOOL BOARD ADMINISTRATION  
BUILDING DURING MONTHLY MEETINGS**

**COMMITTEE: INNOVATION, EFFICIENCY & GOVERNMENTAL  
RELATIONS**

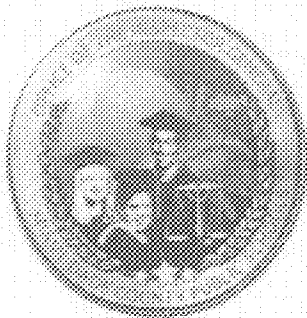
Recent investigations by the Inspector General have outlined deficiencies in the security at the SBAB complex and the opportunities to better monitor access to and from the buildings within its campus. Additionally, several board members have raised concern recently on the need to enhance security measures on the days of school board meetings.

It is recommended that the board discuss this in plenary to reach consensus on the implementation of new measures on board meeting days.

**RECOMMENDED BY  
MR. FRANK J. BOLAÑOS:**

That The School Board of Miami-Dade County discuss security procedures used at the School Board Administration Building complex on Board Meeting Days.

**B-9**



## EXHIBIT 7

*Office of the Inspector General  
2004-2005 Report*

June 29, 2005

Ms. Perla Tabares Hartman, Member

**SUBJECT:** THAT THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA DIRECT THE SUPERINTENDENT TO REVIEW THE LEGAL ISSUES INVOLVED TO DETERMINE WHETHER IT IS NECESSARY AND FEASIBLE FOR THE DISTRICT TO MODIFY OR SUPPLEMENT PACES

**COMMITTEE:** INNOVATION, EFFICIENCY AND GOVERNMENTAL RELATIONS.

On June 22, 2005, we received a revised report from The Office of the Inspector General of Miami-Dade County Public Schools (OIG Case 04-58017) pertaining to the District's instructional assessment instrument named Professional Assessment and Comprehensive Evaluation System (PACES).

PACES was approved by the Florida Department of Education on September 24, 2001 and is incorporated in the contract with United Teachers of Dade.

Florida law requires annual assessment of instructional personnel and sets forth various criteria that must be considered.

PACES is the instrument used by MDCPS and is generally believed to be an adequate, if not superior, system to accomplish the objective. However, it has been successfully challenged in administrative hearings for lacking some of the criteria required in the State of Florida. Furthermore, the District did not protect itself through copyrighting PACES and the consultant who oversaw the development in conjunction with MDCPS personnel did file copyright applications which may give the consultant some rights superior to the District's.

The District's main responsibility is to provide quality education to the children of Miami-Dade County. Our efforts to provide quality education to our students may be hampered if our instructional assessment instrument has been challenged in courts of law and found weak and inadequate.

It would seem that MDCPS must evaluate its position as to how best to comply with Florida's requirements for assessment of instructional personnel.

The alternatives seem to be to either "Protect" the District's rights to the PACES system and revise PACES to comply with Florida law, or in the alternative, to find and adopt a replacement system.

B-5

**ACTION PROPOSED BY  
MS. PERLA TABARES HANTMAN:**

That The School Board of Miami-Dade County, Florida, direct and authorize the Superintendent to:

1. Retain Intellectual property counsel to review, evaluate and report upon the legal status of MDCPS:
  - a. as to MDCPS' right to modify and use PACES, and
  - b. as to MDCPS' right to market and license the PACES system.
2. Determine the desirability and feasibility of modifying PACES to achieve compliance with Florida law as opposed to acquiring a replacement system.
3. Report to the Board at its October 19, 2005 meeting.



## OFFICE OF THE INSPECTOR GENERAL

HELP US COMBAT FRAUD, WASTE AND ABUSE!!!

### CONTACT US:

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