

Physical Location of Private Schools

General Background

Private schools that participate in the McKay Scholarship Program and the Corporate Tax Credit Scholarship Program are required to maintain a physical location in Florida where scholarship students regularly attend classes and have regular and direct contact with private school teachers. [ss. 220.187\(8\)\(d\)](#) and [1002.39\(8\)\(d\) & \(3\)\(h\), F.S.](#) The private school's physical location, where the regular and direct contact occurs, must meet applicable state and local health, safety, and welfare laws, codes, and rules. [s. 1002.421\(2\)\(g\), F.S.](#) and Rule [6A-6.03315\(1\)\(d\), F.A.C.](#)

The Department of Education is not the regulatory agency that enforces these laws, codes and rules; however the Department has compiled a detailed list of requirements to operate a private school in the state of Florida. To view this list, please visit the School Choice website at https://www.floridaschoolchoice.org/Information/Private_Schools/detailed_requirements.asp. As noted on this list, some of the documentation needed in order to maintain compliance are:

- Private School Inspection Report (Department of Health Form 4030)
- Fire Code Inspection Report
- Nonresidential Radon Report- *if applicable* (Department of Health Form 1777)
- Occupational licensing and local zoning requirements – *if applicable*
- Drinking water system sanitation survey – *if applicable*
- Food service inspection reports – *if applicable*

By signing and notarizing the Scholarship Compliance Form, a private school is certifying that it is currently in compliance with all scholarship program rules and reporting requirements **and will remain in compliance** throughout the school year.

If a physical location where regular and direct contact occurs does not comply with the health, safety, and welfare requirements applicable to all private schools, the private school must bring that physical location into compliance or move to a compliant physical location; otherwise, the private school will not be eligible to participate in the state school choice scholarship programs. Likewise, private schools in these scholarship programs must ensure that their physical location, where regular and direct contact occurs, continues to comply with these requirements, or the Commissioner of Education may deny, suspend, or revoke the private school's participation in the scholarship programs. [ss. 220.187\(10\)](#) and [1002.39\(7\), F.S.](#)

Distinction Between Compliance with Regulations and Department Notification of Move

Before scholarship students may begin attending classes at any private school's physical location where regular and direct contact occurs, the location must comply with the applicable state and local health, safety, and welfare, laws, codes, and rules discussed above. Again, if the physical location does not comply with these health, safety, and welfare requirements, the private school will not be allowed to participate in the state school choice scholarship programs.

It is important to take care to note the distinction between the timeline for complying with such regulations and the timeline to notify the Department that the school has changed locations. The private school is required to notify the Department of Education within 15 days after a change in physical location. [s. 1002.421\(2\)\(c\), F.S.](#) This time period is a notification period, and it does not allow the private school to operate at a noncompliant physical location.

Changing a Private School's Physical Location

In order to notify the Department of Education of a change in physical location, a school must mail or fax a **Status Change Notification Form** to the Office of Independent Education and Parental Choice. This form is available when logged in as a private school on the School Choice website at <http://www.floridaschoolchoice.org>. (see *Question 3 below for instructions on accessing this form*) The Status Change Notification Form will indicate to the Department of Education that there has been a change of school/facility address, and the school's Regional Manager will verify that the updated physical address appears in the database for the school.

The school will also need to submit the following documentation to the Office of Independent Education and Parental Choice before scholarship students begin attending the new physical location:

1. **Annual Survey Correction Form (signed, dated, and notarized)**
2. **Scholarship Compliance Correction Form (signed, dated, and notarized)**
3. **Copy of Private School Inspection Report (DOH Form 4030)**
4. **Copy of Fire Code Inspection Report**
5. **Copy of Nonresidential Radon Report – *if applicable***

These forms will be used to verify that the new physical location is in compliance with all scholarship program requirements before scholarship students begin attending the new location. (see *Question 3 below for instructions on accessing the Annual Survey Correction Form and Scholarship Compliance Correction Form*)

If scholarship students are attending a physical location that is not compliant with all scholarship program requirements, the Commissioner of Education may deny, revoke, or suspend the private school from participation in the scholarship programs. [ss. 220.187\(8\)\(d\) & \(10\)\(a\)](#) and [1002.39\(7\)\(a\) & \(8\)\(d\), F.S.](#)

Questions and Answers

1. **What should the administrators of a private school do when they know the school will be changing locations?**

Administrators should contact the Department of Health, local fire inspector, and other appropriate regulatory federal, state, and local agencies to conduct all of the necessary inspections at the new location before any students begin attending school at the new location to ensure eligibility in the scholarship programs.

2. **What documentation will the private school need to have completed for the new physical location before scholarship students begin attending?**

The private school will need to have completed the following documentation for the new physical location, as certified on the Scholarship Compliance Form, before scholarship students begin attending:

- Private School Inspection Report (Department of Health Form DH 4030)
- Fire Code Inspection Report
- Nonresidential Radon Report – *if applicable* (Department of Health Form DH 1777)

Note: A private school's physical location must also meet all occupational licensing and local zoning requirements. Note that the Department's list at https://www.floridaschoolchoice.org/Information/Private_Schools/detailed_requirements.asp may not be all inclusive. While the Department checks what reports it can, the school is required to comply with all laws, rules, and regulations. The Department may request other forms or reports when necessary.

3. Where can I find the Status Change Form, Annual Survey Correction Form, and Scholarship Compliance Correction Form?

1. Sign on to the School Choice website at <http://www.floridaschoolchoice.org>
2. Click on "Private School Login"
3. Enter your 4-digit school code and password to Login
4. When the "Welcome" page appears, click on either the:
 - a. Status Change Notification Form (found on the Quick Nav bar)
 - b. Annual Survey Correction Form (found under Step One)
 - c. Scholarship Compliance Correction Form (found under Step Three)

4. After a private school notifies the Department of Education that it is operating at a new physical location, will the private school be allowed additional time to meet scholarship compliance requirements?

The new physical location must pass all health, fire, and radon inspections (if applicable) before any scholarship students begin attending the facility. The private school must complete all of the documentation necessary to maintain the school's continued compliance with scholarship program rules and requirements.

5. What will happen if a private school changes locations and the new location is not compliant with the required health, fire, and radon inspections?

The Commissioner of Education may immediately suspend payment of scholarship funds if the Commissioner finds probable cause to believe that there is an imminent threat to the health, safety, or welfare of the students, or fraudulent activity on the part of the private school. The Commissioner has used this provision to suspend payment for private schools based on the inability of the private school to maintain a physical location that is compliant with certain state and local health and safety laws and rules.

6. Does this mean that if a private school changes physical locations that it will be suspended from participating in scholarship programs?

No. It does, however, mean that private schools need to plan to ensure that all health, safety, and welfare requirements are met in the new location before providing services to scholarship students. The Office of Independent Education and Parental Choice has trained staff available to assist a private school contemplating a change in the school's physical location. Many schools choose to continue operating at their previously approved location as the new location is readied for students.

7. How does the location change process differ for a private school that is opening a new location as opposed to changing locations?

If a private school is opening, or an existing private school is opening an additional school location, the school must apply as a “new school” for the new location only. A new school has 60 days from the time when the signed, notarized Scholarship Compliance Form is submitted to resolve any outstanding compliance issues to become eligible to participate in the scholarship programs. [Rule 6A-6.03315\(3\), F.A.C.](#) However, the school cannot have students at the new location until the new location meets all health and safety laws and rules. In this regard, an existing private school that is already participating in a scholarship program and is moving to a new physical location must likewise meet all applicable state and local health, safety, and welfare laws, codes, and rules that a “new school” must meet before students can attend the physical location.

Additional Resources and Information

[§ 220.187\(8\), Fla. Stat. \(2007\)](#)- CTC Scholarship Program, Private School Eligibility and Obligations

[§ 1002.39\(8\), Fla. Stat. \(2007\)](#)- McKay Scholarship Program, Private School Eligibility and Obligations

[§ 1002.421\(2\)\(c\), Fla. Stat. \(2007\)](#)- Accountability of Private Schools Participating in State School Choice Scholarship Programs

[Rule 6A-6.03315, F.A.C.](#)- Private School Scholarship Compliance

For additional information on the McKay Scholarship Program or CTC Scholarship Program, contact the Florida Department of Education, Office of Independent Education and Parental Choice:

<http://www.floridaschoolchoice.org>

Toll-Free Information Hotline: 1-800-447-1636

Contact Information:
Regional Manager for
your county at
1-800-447-1636



Office of Independent
Education and
Parental Choice

January 2008