

McKay Scholarship Program

A Historical Perspective

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November 2017

The McKay Scholarship Program began as a vision of Sen. John McKay over 20 years ago and his vision became a reality in 1999. For 18 years, the McKay Scholarship Program has changed the lives of thousands of children with disabilities and their families.

Many of the earlier legislative champions who shared McKay's vision and who helped to create the scholarship program are no longer in the legislature. Their perspective and reasoning for crafting the program as it is, and for the accountability legislation that came later, can be too easily forgotten. It is important to know the legislative history in order that future legislative actions allow this program to remain as flexible as it needs to be.

I have been honored to have been involved with the development of the McKay Scholarship Program since the beginning. My organization, Dyslexia Research Institute/Woodland Hall Academy, worked closely with Senator McKay and (then) Representative Wise as they developed the program.

This historical perspective is my observations of the many task force and legislative meetings held to craft legislation that would meet the needs of our children with disabilities and also be accountable to the state and the parent. As mentioned, Senator McKay and Representative Wise introduced the first legislation to create the program. Other champions that helped to lead the way were the late Sen. Jim King, Sen. Lee Constantine, and Rep. Dennis Baxley. Governor Jeb Bush supported the effort to pass the legislation for the first parent choice program for children with disabilities in the US.

These legislators, and many others, saw the need for parents of children with disabilities to access specialized programs for their children that did not necessarily exist in their public school. They understood that these programs might look very different from the public school or even other private schools and that is true today. Participating McKay Scholarship schools are as diverse as the school with a population of 7 students, all on the autism spectrum, to the school with 400 "typical" students and 53 McKay students.

However, private schools were very hesitant to enter into a relationship with the state education system for fear that their autonomy to develop their own curriculum and programs would be taken away from them. The legislators understood the private schools' hesitancy and

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were committed to developing statutes that would give parents and students choices, would provide a framework of accountability for the schools, but would allow the private schools the autonomy to develop their unique programs.

The original legislation was enacted in 1999. At that time there were few accountability measures in the statute. In 2004, The Coalition of McKay Scholarship Schools and other stakeholders began working with the legislature and Gov. Bush to develop stronger accountability measures. It took 3 years of legislative study and discourse to develop laws that would strengthen the program but not have unintended, harmful consequences to children, parents or schools. Health, safety, welfare and fiscal accountability were the 4 pillars the legislators built this legislation upon.

Gov. Bush held strongly to accepting “No law but a good law.” In 2006, the good law passed and McKay Accountability legislation was crafted. In 2008 more structure and accountability was added with the passage of “The Ethics in Education Act”. In 2009, State Rules were amended to require a parent affidavit be signed and notarized and sent to FLDOE which could be used to affirm the validity of a parent’s signature on the McKay checks.

Throughout these years of study and reflection concerning accountability measures for the McKay Scholarship, three accountability measures were examined and determined by the legislators to be *inappropriate* for the McKay Scholarship Program as requirements.

Accreditation

The legislators decided not to require accreditation for private schools taking the McKay Scholarship. By state law, the Florida Department of Education does not act as an approval or accrediting agency. In Florida, accreditation of all schools and programs, public and private, is entirely voluntary and done by private organizations.

During the accreditation process the physical plant, fiscal procedures, teacher training, educational media, data keeping, professional development plan, etc. are reviewed. In the past, the legislators noted that these were important areas to review but realized that the diverse, small programs of schools under 20 students would be at a tremendous disadvantage, and probably could not exist, if they had to go through the accreditation process.

These legislators also realized that accreditation **does not** ensure quality academic outcomes. I have updated the numbers to current times, but these types of numbers were also evident as the legislators were making their decision on accreditation.

For example, in 2016-2017, Duval County had 1 F public school and 16 D public schools. Orange County had 4 F public schools and 14 D public schools. All but one school is accredited by SACS-Casi, Advanced Ed or Northwest Association of Accredited Schools. At this writing, no school is in danger of losing their accreditation. This appears typical of other districts in Florida.

The past legislators determined that accreditation obviously does not review the elements that the State of Florida deem important when judging a school and that the accountability measures in the 2006 and 2008 legislation addressed many of the issues involved in an accreditation process (health, safety, welfare and fiscal accountability) without placing an undue burden on the smaller schools.

Teacher Certification:

The legislature determined that the needs of the children with disabilities are so diverse that requiring teacher certification could hamper development of programs that used a more medical model. A school working with children on the autism spectrum would need individuals trained as Behavioral Analyst or trained with the ABA Program. A program working with students with dyslexia would need to be trained through private training programs. The colleges in Florida did not have any training program for teaching students with dyslexia so teacher certification in dyslexia is not possible through the system.

The statute requires all teachers to have a baccalaureate or higher degree, have at least three years of teaching experience, or have special skills, knowledge, or expertise that qualifies them to provide instruction in subjects taught. The wisdom of the past legislators was in allowing for diversity in training and staffing.

State Testing:

The legislators examined the question of requiring either state tests or nationally normed testing for every McKay School.

Would a nationally normed test or the FSA really give parents or the schools information on a non-verbal autistic child in 5th grade who is learning basic words? Would a nationally normed test or the FSA really give information to parents of a high schooler with dyscalculia (math disability) who is learning math starting with subtraction?

The legislators realized that the schools had to be able to choose the appropriate measures of assessment for their students.

The statute requires the school to be academically accountable to the parent by providing a written explanation of the student's progress and by cooperating if parents choose to participate in statewide assessments.

In 2013 The Coalition of McKay Scholarship Schools surveyed private schools participating in the program. The survey revealed that 90.5% of the schools administered norm-referenced tests listed on the survey and 7% noted that they administered a norm referenced test that was not listed on the survey. A total of 97.5% indicated they gave a formal assessment.

In conclusion:

Our legislative body changes due to term limits. In the past 18 years, the original legislators who championed the development of the McKay Scholarship Program have left the legislature. We have many new faces that do not necessarily understand the historical perspective of the development of the McKay Scholarship legislation.

While changes may be made to the McKay Scholarship statute to strengthen its effectiveness, it is important to know that this is a "nonstandard program". Our students are not traditional students and the program must allow for the diversity that has made it one of the strongest special needs programs in the country. It is important that any change is viewed through this historical lens and that close examination is done before any changes are made so that unintended consequences do not occur which will preclude the parents of Florida's children with disabilities from having a full range of diverse educational choices from which to choose for their children.

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