



COMMISSION FOR INDEPENDENT EDUCATION STAFF NEWS

SAMUEL L. FERGUSON, EXECUTIVE DIRECTOR

Volume XII
Number 1
August 6, 2012

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Dates to Remember

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Contact Us

325 West Gaines Street
Suite 1414
Tallahassee, FL 32399

Email: cieinfo@fldoe.org
Web: www.fldoe.org/cie
Phone: (850) 245-3200
Fax: (850) 245-3233

Commission Meeting Information

September 19, 2012 beginning at 9 a.m.

[Orlando Marriott Lake Mary](#)

1501 International Parkway
Lake Mary, Florida 32746

(800) 380-7724

[Map](#)

Visit the Commission [website](#) for the agenda and to view the webcast.

NEW LEGISLATION AFFECTS NONPUBLIC INSTITUTIONS

House Bill 1355 - Relating to Vulnerable Persons

This legislation was approved by Governor Scott on April 27, 2012 and will become effective on October 1, 2012. The substance of the law relates to insuring that acts of childhood sexual abuse are reported to the proper authorities in a timely manner.

The portions that relate to nonpublic postsecondary educational institutions specifically refer to the penalties that may be imposed on institutions where such abuse has occurred and was not then reported to the proper authorities. The law also names who is responsible to report such incidents and to whom the incident should be reported.

The law imposes a fine of one million dollars (\$1,000,000) on any institution that fails to comply with the law.

Section 39.205, Florida Statutes is the most pertinent section of the legislation (as it relates to licensed institutions). It is modified to now read:

"39.205 Penalties relating to reporting of child abuse, abandonment, or neglect.-

(1) A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so, ~~commits is guilty of a felony-misdemeanor~~ of the third ~~first~~ degree, punishable as provided in s. 775.082, or s. 775.083, or s. 775.084. A judge subject to discipline pursuant to s. 12, Art. V of the Florida Constitution shall not be subject to criminal prosecution when the information was received in the course of official duties.

(3) Any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02, whose administrators knowingly and willfully, upon receiving information from faculty, staff, or other institution employees, fail to report known or suspected child abuse, abandonment,

or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, or who knowingly and willfully prevent another person from doing so, shall be subject to fines of \$1 million for each such failure.

(a) A Florida College System institution subject to a fine shall be assessed by the State Board of Education.

(b) A state university subject to a fine shall be assessed by the Board of Governors.

(c) A nonpublic college, university, or school subject to a fine shall be assessed by the Commission for Independent Education.

(4) Any Florida College System institution, state university, or nonpublic college, university, or school, as defined in s. 1000.21 or s. 1005.02, whose law enforcement agency fails to report known or suspected child abuse, abandonment, or neglect committed on the property of the university, college, or school, or during an event or function sponsored by the university, college, or school, shall be subject to fines of \$1 million for each such failure assessed in the same manner as subsection (3).

(5) Any Florida College System institution, state university, or nonpublic college, university or school, as defined in s. 1000.21 or s. 1005.02, shall have the right to challenge the determination that the institution acted knowingly and willfully under subsection (3) or subsection (4) in an administrative hearing pursuant to s. 120.57; however, if it is found that actual knowledge and information of known or suspected child abuse was in fact received by the institution's administrators and was not reported, a presumption of a knowing and willful act will be established."

Due to the societal and economic ramifications of this new law, it is recommended that each licensed institution review the legislation very carefully and take steps to inform its staff of the consequences of non-compliance.

This legislation can be found at <http://www.flsenate.gov/Session/Bill/2012/1355>

House Bill 45 – Relating to Postsecondary Education Course Registration for Veterans

Also signed by Governor Scott on April 27, 2012, this legislation encourages all independent postsecondary educational institutions to include veterans in any "priority course registration" that occurs at the institution. The law becomes effective on July 1, 2012.

The specific portion of the legislation that affects the Commission makes the following revisions to Section 1005.09, Florida Statutes:

"1005.09 Priority course registration for veterans.—Each independent postsecondary educational institution defined in s. 1005.02(11) that offers priority course registration for a segment of the student population, or upon implementation of priority course registration for a segment of the student population, is encouraged to provide priority course registration for each veteran of the United States Armed Forces, or his or her spouse or dependent children, who is receiving GI Bill educational benefits, in accordance with s. 1004.075."

This legislation can be found at <http://www.flsenate.gov/Session/Bill/2012/45>

DON'T FORGET THE CONTINUING EDUCATION REQUIREMENTS

The Commission Rule 6E-2.004(3)(e) states that "Pursuant to Section 1005.39, F.S., individuals holding the following or similar positions in licensed institutions shall complete at least eight continuing education contact hours of training related to their positions each year: school director, Florida director, or chief executive officer; chief education/academic officer or director of education or training; placement director; admissions director; and financial aid director. If an individual holds more than one of these positions, the documentation shall indicate for which position the training

was appropriate. Records of actual training shall be available for inspection at the institution. Compliance with this requirement is a condition of licensure or renewal of licensure.”

This is a good time to review your records and make sure that each affected person’s continuing education requirements have been met. If you need more information about approved vendors (such as MaxKnowledge) that can provide continuing education for your staff members, contact your Program Specialist.

A MESSAGE FROM THE FLORIDA BOARD OF MASSAGE

The Commission for Independent Education has received the following communication from Anthony Jusevitch, the Executive Director of the Florida Board of Massage. That message is repeated in its entirety below:

Dear Program Directors,

The rule below has changed significantly. It has been re-arranged and a new provision has been added to ensure the students attending Florida Board Approved Massage Therapy Schools are receiving the best education available. The highlighted sections (1) (c) and (6) (a) and (6) (b) are new requirements. If an approved program has a pass rate for first time test takers that falls more than 10 percentage points below the national average for either exam that program may be placed on probation and even have their approval withdrawn.

This new requirement does not go into effect until January 1, 2013. This will give programs time to make any necessary changes to their program. It also allows the Board to work with the national test vendors to develop a reporting and tracking system for first time test takers from Florida Programs.

I anticipate there will be questions. If you could send me your questions by May 31, 2012 I will gather them into one document and create a Frequently Asked Questions document and send it out to everybody.

Thank you all for your continued support in developing the model for the practice of massage in the United States.

64B7-32.003 Minimum Requirements for Board Approved Massage Schools.

(1) In order to receive and maintain Board of Massage Therapy approval, a massage school, and any satellite location of a previously approved school, must:

(a) Meet the requirements of and be licensed by the Department of Education pursuant to Chapter 1005, F.S., or the equivalent licensing authority of another state or county, or be within the public school system of the State of Florida; and

(b) Offer a course of study that includes, at a minimum, the 500 classroom hours listed below, completed at the rate of no more than 6 classroom hours per day and no more than 30 classroom hours per calendar week:

Course of Study	Classroom Hours
Anatomy and Physiology	150
Basic Massage Theory and History	100
Clinical Practicum	125
Allied Modalities	76
Business	15
Theory and Practice of Hydrotherapy	15
Florida Laws and Rules (Chapters 456 and 480, F.S. and Chapter 64B7, F.A.C.)	10
Professional Ethics	4
HIV/AIDS Education	3

(c) An approved program must achieve a graduate passage rate that is not lower than 10 percentage points less than the average passage rate for graduates of comparable degree programs who are first-time test takers on the Board approved exam during a calendar year, as calculated by the contract testing service of the Board approved exam vendor.

(d) Apply directly to the Board of Massage Therapy and provide the following information:

1. Sample transcript and diploma; and
2. Copy of curriculum, catalog or other course descriptions;

(2) All faculty members of the massage therapy school must meet the minimum requirements of the Department of Education.

(3) Board of Massage Therapy approval shall be withdrawn or other action taken if the massage school, which it regulates under Chapter 480, F.S., and this rule:

(a) Modifies its curriculum to fall below the minimum standards set out in this rule, or fails to require its students to complete the minimum standards in order to graduate;

(b) Submits to the Board of Massage Therapy on behalf of an applicant for licensure documents containing information the school, through its owner, manager, instructors, or other employees or agents, knows to be false;

(c) Violates any standard applicable to the school pursuant to licensure by the Department of Education;

(d) Violates any applicable rule herein.

(4) A Board of Massage Therapy-approved school must notify the Board of Massage Therapy within 90 days of:

- (a) Changes in curriculum; and
- (b) Changes in address.

(5) Any change in ownership of a Board of Massage Therapy approved school must be approved by the Board of Massage Therapy.

(6) Beginning with graduate passage rates for calendar year 2013:

(a) If an approved program's graduate passage rates do not equal or exceed the required passage rates for two consecutive calendar years, the Board may place the program on probationary status pursuant to Chapter 120, F.S., and may require the program director to appear before the Board to present a plan for remediation. If the program is placed on probationary status the program shall remain on probationary status until it achieves a graduate passage rate that equals or exceeds the required passage rate for any one calendar year.

(b) Upon the program's achievement of a graduate passage rate that equals or exceeds the required passage rate, the Board, at its regularly scheduled meeting following release of the program's graduate passage rate by the Board approved testing vendor, shall remove the program's probationary status. However, if the program, during the two calendar years following its placement on probationary status, does not achieve the required passage rate for any one calendar year, the Board shall terminate the program pursuant to Chapter 120, F.S.

(7) If a massage school is alleged to have violated any provision of Chapter 480, F.S. and Rule Chapter 64B7-32, F.A.C., or part therein;

(a) The Board shall inform the school of any alleged violations in writing. The school shall respond in writing and/or request to appear before the Board at the next scheduled meeting to explain any mitigating factors;

(b) If the Board determines that a school is in noncompliance, it may impose one of the following:

1. Corrective action required which shall include the time period in which the school must comply; or
2. Withdrawal of Board approval.

(c) The Board shall inform the Florida Department of Education or if an out of

state school, the equivalent licensing authority, of the action taken.
Rulemaking Authority 480.035(7) FS. Law Implemented 480.033(9), 480.041(1)(b) FS. History—New 3-25-86, Amended 8-15-89, 12-22-92, Formerly 21L-32.003, Amended 10-20-96, Formerly 61G11-32.003, Amended 8-16-98, 10-30-07, 4-25-10, 5-8-12.

**Please contact the Board of Massage if you
have any questions regarding this e-mail.**

Phone number - 850-245-4162

Fax number - 850-412-2680

E-Mail - anthony_jusevitch@doh.state.fl.us

Commission Meeting Dates and Locations

November 14, 2012

Howey-In-The-Hills

New Institution Applications Due: July 18, 2012

All Other Applications Due: August 17, 2012

January 16, 2013

Howey-In-The-Hills

New Institution Applications Due: September 18, 2012

All Other Applications Due: October 18, 2012