

STATE BOARD OF EDUCATION
Action Item
January 21, 2014

SUBJECT: Approval of New Rule 6E-6.001, Failure of Nonpublic College, University, or School Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment or Neglect

PROPOSED BOARD ACTION

For Approval

AUTHORITY FOR STATE BOARD ACTION

Section 1005.22(1)(e)1., Florida Statutes

EXECUTIVE SUMMARY

The Commission for Independent Education is the entity responsible for licensing private postsecondary institutions in Florida. While Commission members are appointed by the Governor under Section 1005.22(1)(e), Florida Statutes, the Commission is required to submit its rules to the State Board of Education for approval. The Commission approved the proposed rule at its meeting on November 19, 2013.

In 2012, the legislature amended the statute that provides penalties for the failure to report child abuse so that it includes a penalty of \$1 million for the failure of an administrator of a university, college, or nonpublic educational entity to report child abuse that occurs on the campus or at an event sponsored by these entities.

In 2013, the legislature amended the statute to require rulemaking by the Board of Governors, the Board of Education and the Commission for Independent Education for the educational entities under the jurisdiction of these Boards and the Commission.

The proposed rule sets forth the process for the Commission to receive complaints and impose a fine for the failure to report child abuse as required by the law.

Supporting Documentation Included: Proposed Rule 6E-6.001, Failure of Nonpublic College, University or School Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment, or Neglect

Facilitator/Presenter: Samuel L. Ferguson, Executive Director, Commission for Independent Education

6E-6.001 Failure of Nonpublic College, University or School Administrator or Law Enforcement Agency to Report Child Abuse, Abandonment or Neglect.

(1) Definitions. For purposes of this rule, the following definitions apply:

(a) The term “administrator” means the personnel who have been assigned the responsibilities of institution-wide or campus-wide academic or administrative functions.

(b) The term “Commission” means the Commission for Independent Education.

(c) The term “law enforcement agency” means any unit of the nonpublic college, university, or school, as defined in Section 1000.21 or Section 1005.02, Florida Statutes, which is vested with the authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

(2) Failure to Report.

(a) Any person who has knowledge that a nonpublic college, university or school administrator knowingly and willfully failed to report information of known or suspected child abuse, abandonment or neglect, or knowingly and willfully prevented another person from doing so, as required by Section 39.205, Florida Statutes, may file a complaint with the Commission at www.fldoe.org/cie, by fax at (850) 245-3238, or by writing to the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, FL 32399-0400.

(b) Any person who has knowledge that a law enforcement agency failed to report information of known or suspected child abuse, abandonment or neglect, as required by Section 39.205, Florida Statutes, may file a complaint with the Commission at www.fldoe.org/cie, by fax at (850)245-3238, or by writing to the Commission at 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

(c) Upon receipt of a complaint, the Commission shall investigate it within thirty (30) days.

(d) The institution shall be provided with the complaint, the Commission’s investigation, and a copy of Section 39.205, Florida Statutes, and shall have twenty (20) working days after receipt to submit a written response to the Commission.

(3) Action by the Commission. Prior to imposing a fine, the Commission shall consider the complaint, the investigation, and the institution’s response at a publically noticed meeting. Any order imposing a fine shall be reduced to writing and a copy provided to the institution or agency.

(4) Fines. Fines assessed under this section shall be paid to the Chief Financial Officer of the Department of

Education for deposit into the Institutional Assessment Trust Fund in accordance with subsection 6E-4.001(9).

F.A.C.

Rulemaking Authority 39.205(10) FS. Law Implemented 39.205 FS. History-New