



Marva Johnson, *Chair*
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Members
Gary Chartrand
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Michael Olenick

October 17, 2017

VIA CERTIFIED AND REGULAR MAIL

Yakol Christian (8998)
Attn: Inez Honsell
4940 Stack Blvd. C-1
Melbourne, FL 32901

Re: Administrative Complaint – Immediate Suspension and Revocation of Scholarship Program Eligibility and Payments

Dear Private School Administrator:

As explained in the enclosed Administrative Complaint, scholarship payments to Yakol Christian are immediately suspended and the school's eligibility to participate in the John M. McKay Scholarships for Students with Disabilities Program, the Florida Tax Credit Scholarship Program, and the Gardiner Scholarship Program is being revoked. The reasons for the revocation and means to challenge this decision are identified therein.

Once the referenced administrative action becomes final, parents of enrolled scholarship students will be notified of your school's ineligibility to participate in the scholarship program. Scholarship students will be required to transfer to another participating private school to maintain scholarship eligibility.

If you have any questions related to scholarship program requirements, please contact the School Choice information hotline at 800-447-1636, or visit our website at www.floridaschoolchoice.org.

Sincerely,

Pam Stewart

Enclosures

cc: Step Up for Students
A.A.A. Scholarship Foundation



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FILED AGENCY CLERK
2017 OCT 17 AM 9:13
DEPT OF EDUCATION
TALLAHASSEE FLA

TO: Inez Honsell
Private School Administrator

FROM: Pam Stewart

SUBJECT: Administrative Complaint
Stewart v. Yakol Christian (8998)
Agency Case Number: **DOE-2017-3570**

Yakol Christian (8998) (Yakol) is a private school participating in the Gardiner Scholarship Program, the John M. McKay Scholarships for Students with Disabilities Program, and the Florida Tax Credit Scholarship Program, providing services to eligible students pursuant to sections 1002.385, 1002.39, 1002.395, and 1002.421, Florida Statutes and rules 6A-6.0970, 6A-6.0960, and 6A-6.03315, Florida Administrative Code. For the following reasons, the Florida Department of Education (Department) is immediately suspending Gardiner, McKay, and FTC payments and revoking Yakol’s eligibility to participate in Gardiner, McKay, and FTC:

1. **Owner/Director:** On August 23, 2017, an employee from Step Up for Students (SUFS), a scholarship funding organization that administers Gardiner and FTC, visited Yakol’s documented location at 4940 Stack Blvd. C-1, Melbourne, FL 32901. The employee stated that a man approached him in the parking lot of the school. The employee advised that upon requesting to speak with Inez Honsell, listed owner/director of Yakol, the man told him that the administrator was “elderly” and that he “really ran the place.” As a result, the Department has concluded Yakol failed to notify the Department of a change in directors.

Pursuant to sections 1002.421(2)(c), 1002.42(2)(e), and 1002.42(2)(c)1., Florida Statutes, private schools participating in a state scholarship program are required to notify the Department within fifteen days of a director change and to submit: (1) A copy of the new director's background check results completed by the Florida Department of Law Enforcement; (2) An updated, signed, and notarized Scholarship Compliance Form with the new director’s name and signature; and (3) an updated, signed, and notarized Private School Annual Survey with the new director’s name (and signature if the director is also the owner). To date, the Department has not received notification of a director change or any of the documents required.

2. **Regular and Direct Contact of Scholarship Students:** On this August 23, 2017 visit, the SUFS employee advised no students were present at the location. The SUFS employee also advised that he visited again, on September 22, 2017, and that no students, parents, or teachers were present. As a result, the Department has concluded that Yakol has failed to maintain direct contact with students, failed to maintain a location where students regularly attend classes or has failed to notify the Department of a change in school location. The Department has concluded this action to be fraudulent in nature.

Requirements for participation in the McKay and FTC Scholarship Programs include, but are not limited to: (1) the private school maintaining in this state a physical location where scholarship students regularly attend classes (sections 1002.39(8)(d), and 1002.395(8)(d), Florida Statutes and rule 6A-6.03315, Florida Administrative Code); (2) the private school meeting applicable state and local health, safety, and welfare laws, codes, and rules, including fire safety and building safety (section 1002.421(2)(g), F.S.); and (3) the private school notifying the Department of any change in the school's mailing address or physical location within 15 days after the change (section 1002.421(2)(c), Florida Statutes).

Additionally, Rule 6A-6.03315, Florida Administrative Code, requires participating private schools to have regular and direct contact with students and to deliver a program of instruction that provides for a minimum of one hundred seventy (170) actual school instruction days with required instructional hours under the direct instruction of the private school teacher at the school's physical location with occasional off-site activities under the supervision of the private school teacher.

Sections 1002.39(7)(a) and 1002.395(11)(a), Florida Statutes, provide that the Department may revoke a private school's participation in the scholarship programs if it is determined that the private school failed to comply with all requirements of sections 1002.421 and 1002.42, Florida Statutes, as well as specific requirements identified within scholarship program laws and other provisions of Florida law that apply to private schools. Furthermore, sections 1002.39(7)(c) and 1002.395(11)(c), Florida Statutes, provide that the Department may immediately suspend payments to a private school if fraudulent activity on the part of the school is suspected. Therefore, scholarship payments to Yakol are immediately suspended, and the schools' eligibility to participate in the state scholarship programs is revoked.

NOTICE OF RIGHT TO APPEAL

Pursuant to sections 120.569, 120.57, 1002.39(7), and 1002.395(11), Florida Statutes you are entitled to dispute this decision through legal administrative procedures and to be represented by counsel or other qualified representatives. If you wish to do so, you must make a written request for an administrative hearing in accordance with the provisions of Chapter 28-106, Florida Administrative Code. The written request must be received by the Department's agency clerk within 15 calendar days of the date you receive this letter.

The written request must be submitted to:

Chris Emerson, Agency Clerk
Department of Education
325 West Gaines Street, Room 1520
Tallahassee, Florida 32399-0400

If the written request is not received by the Department within 15 days of receipt of this letter, you will waive the opportunity to contest the decision through administrative proceedings and the Commissioner of Education will issue a final order, subject only to judicial review pursuant to section 120.68, Florida Statutes. Pursuant to section 120.573, Florida Statutes, respondent is advised that mediation is not available.

Executed on this 17 day of October, 2017.



Pam Stewart

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by certified and regular U.S. Mail to:

Yakol Christian (8998)
Attn: Inez Honsell
4940 Stack Blvd. C-1
Melbourne, FL 32901

this 17 day of October, 2017.


Agency Clerk