

By the Committee on Education and Senators Lee and Grant

304-1942-98

1 A bill to be entitled
2 An act relating to school attendance; amending
3 s. 228.041, F.S.; clarifying definition of the
4 term "home education program"; amending s.
5 229.808, F.S.; providing that definition of the
6 term "nonpublic school" does not include home
7 education program for purpose of survey
8 requirements; amending s. 232.01, F.S.,
9 relating to school attendance; clarifying
10 provisions relating to state or school district
11 control of home education programs; revising
12 provisions relating to compulsory school
13 attendance; amending s. 232.02, F.S.; providing
14 that private tutoring may be used to meet
15 regular school attendance requirements;
16 revising provisions relating to home education
17 programs; clarifying inspection of portfolio;
18 providing for parental selection of method of
19 evaluation; revising process for reporting and
20 submitting written evaluation and test results
21 to superintendent; creating s. 232.0202, F.S.;
22 providing requirements for private tutoring
23 programs; amending s. 232.021, F.S.; providing
24 that attendance reporting requirements do not
25 apply to home education programs; amending ss.
26 232.425, 240.116, 240.321, 240.40202,
27 240.40205, and 240.40206, F.S.; correcting
28 cross references and conforming provisions;
29 providing an effective date.

30
31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Subsection (34) of section 228.041, Florida
2 Statutes, is amended to read:

3 228.041 Definitions.--Specific definitions shall be as
4 follows, and wherever such defined words or terms are used in
5 the Florida School Code, they shall be used as follows: shall
6 be used as follows:

7 (34) HOME EDUCATION PROGRAM.--A home education program
8 is sequentially progressive instruction of a student directed
9 ~~in his or her home~~ by his or her parent or guardian in order
10 to satisfy the requirements of ~~ss. s-~~232.01 and 232.0201.

11 Section 2. Subsection (2) of section 229.808, Florida
12 Statutes, is amended to read:

13 229.808 Annual nonpublic school survey.--

14 (2) For the purpose of organizing, maintaining, and
15 updating this database, each nonpublic school shall annually
16 execute and file a database survey form on a date designated
17 by the Department of Education which shall include a notarized
18 statement ascertaining that the owner of the nonpublic school
19 has complied with the provisions of subsection (3). For the
20 purpose of this section, "owner" means any individual who is
21 the chief administrative officer of a nonpublic school. For
22 the purpose of this section, a "nonpublic school" is defined
23 as an individual, association, copartnership, or corporation,
24 or department, division, or section of such organization,
25 which designates itself as an educational center which
26 includes kindergarten or a higher grade or as an elementary,
27 secondary, business, technical, or trade school below college
28 level or any organization which provides instructional
29 services which meet the intent of s. 232.02 or which gives
30 preemployment or supplementary training in technology or in
31 fields of trade or industry or which offers academic,

1 literary, or vocational training below college level, or any
2 combination of the above, including an institution which
3 performs the functions of the above schools through
4 correspondence or extension, except those licensed under the
5 provisions of chapter 246. This definition shall not include
6 home education programs conducted in accordance with s.
7 232.0201. ~~"Owner" means any individual who is the chief~~
8 ~~administrative officer of a nonpublic school.~~

9 Section 3. Paragraphs (b) and (c) of subsection (1) of
10 section 232.01, Florida Statutes, are amended to read:

11 232.01 School attendance.--

12 (1)

13 (b) Any child who has attained the age of 6 years on
14 or before September 1 of the school year and who has been
15 enrolled in a public school or who has attained the age of 6
16 years on or before September 1 and has satisfactorily
17 completed the requirements for kindergarten in a nonpublic
18 school from which the district school board accepts transfer
19 of academic credit, or who otherwise meets the criteria for
20 admission or transfer in a manner similar to that applicable
21 to other grades, shall progress according to the district's
22 pupil progression plan. However, nothing in this section shall
23 authorize the state or any school district to oversee or
24 exercise control over the curricula or academic programs of
25 nonpublic schools or home education programs.

26 (c) A child who attains the age of 16 years during the
27 school year is not subject to compulsory school attendance
28 beyond the date upon which he or she attains that age if the
29 child files a formal declaration of intent to terminate school
30 enrollment with the district school board. The declaration
31 must acknowledge that terminating school enrollment is likely

1 to reduce the student's earning potential and must be signed
2 by the child and the child's parent or legal guardian. The
3 school district must notify the child's parent or legal
4 guardian of receipt of the child's declaration of intent to
5 terminate school enrollment. A child who attains the age of 18
6 years during the school year is not subject to compulsory
7 school attendance beyond the date upon which he or she attains
8 that age.

9 Section 4. Section 232.02, Florida Statutes, is
10 amended, and subsection (4) of said section is renumbered as
11 section 232.0201, Florida Statutes, and amended, to read:

12 232.02 Regular school attendance.--Regular attendance
13 is the actual attendance of a pupil during the school day as
14 defined by law and regulations of the state board. Regular
15 attendance within the intent of s. 232.01 may be achieved by
16 attendance in:

- 17 (1) A public school supported by public funds;
18 (2) A parochial, religious, or denominational school;
19 (3) A private school supported in whole or in part by
20 tuition charges or by endowments or gifts; ~~or~~
21 (4) A home education program that meets the
22 requirements of s. 232.0201; or
23 (5) A private tutoring program that meets the
24 requirements of s. 232.0202.

25 232.0201 Home education programs.--
26 (1)(4) Regular attendance as defined in s. 232.02 may
27 be achieved by attendance in a home education program as
28 defined in s. 228.041., provided that at least one of the
29 following conditions is met:

- 30 ~~(a) The parent holds a valid regular Florida~~
31 ~~certificate to teach the subjects or grades in which~~

1 ~~instruction is given and complies with any other requirements~~
2 ~~prescribed by law or rules of the state board; or~~

3 (b) ~~The parent or guardian is not required to~~ does not
4 hold a valid regular Florida certificate to teach, and
5 ~~complies with the following requirements:~~

6 (a) ~~1. The parent or guardian shall notify~~ Notifies the
7 superintendent of schools of the county in which the parent or
8 guardian resides of her or his intent to establish and
9 maintain a home education program. The notice shall be in
10 writing, signed by the parent or guardian, and shall include
11 the names, addresses, and birthdates of all children who shall
12 be enrolled as students in the home education program. The
13 notice shall be filed in the superintendent's office within 30
14 days of the establishment of the home education program. A
15 written notice of termination of the home education program
16 shall be filed in the superintendent's office within 30 days
17 of said termination.

18 (b) ~~2. The parent or guardian shall maintain~~ Maintains
19 a portfolio of records and materials. The portfolio shall
20 consist of the following:

21 1. A log of educational activities which is, made
22 contemporaneously with the instruction and, which designates
23 by title any ~~the~~ reading materials used, and

24 2. Samples of any writings, worksheets, workbooks, or
25 and creative materials used or developed by the student.

26
27 The portfolio shall be preserved by the parent or guardian for
28 2 years and shall be made available for inspection by the
29 superintendent, or the superintendent's agent, upon 15 days'
30 written notice. Nothing in this section shall require the
31 superintendent to inspect the portfolio.

1 ~~(c)3.~~ The parent or guardian shall provide ~~Provides~~
2 for an annual educational evaluation in which is documented
3 the pupil's demonstration of educational progress at a level
4 commensurate with her or his ability. The parent or guardian
5 shall select the method of evaluation and shall file a copy of
6 the evaluation ~~shall be filed~~ annually with the
7 superintendent's district school board office in the county in
8 which the pupil resides. The annual educational evaluation
9 shall consist of one of the following:
10 1.a. A teacher selected by the parent or guardian
11 shall evaluate the pupil's educational progress upon review of
12 the portfolio and discussion with the pupil. Such teacher
13 shall hold a valid regular Florida certificate to teach
14 academic subjects at the elementary or secondary level. ~~The~~
15 ~~teacher shall submit a written evaluation to the school~~
16 ~~superintendent;~~
17 2.b. The pupil shall take any nationally normed
18 student achievement test ~~used by the district and administered~~
19 ~~by a certified teacher. Such test results shall be reported to~~
20 ~~the school superintendent;~~
21 3.c. The pupil shall take a state student assessment
22 test used by the school district and administered by a
23 certified teacher, at a location and under testing conditions
24 approved by the school district. ~~Such test results shall be~~
25 ~~reported to the school superintendent;~~
26 4.d. The pupil shall be evaluated by an individual
27 holding a valid, active license pursuant to the provisions of
28 s. 490.003(7) or (8). ~~Such results shall be reported to the~~
29 ~~school superintendent; or~~
30 5.e. The pupil shall be evaluated with any other valid
31 measurement tool as mutually agreed upon by the school

1 superintendent of the district in which the pupil resides and
2 the pupil's parent or guardian. ~~Such results shall be reported~~
3 ~~to the superintendent.~~

4 (2) The school superintendent shall review and accept
5 the results of the annual educational evaluation of the pupil
6 in a home education program. If the pupil does not
7 demonstrate educational progress at a level commensurate with
8 her or his ability, the superintendent shall notify the parent
9 or guardian, in writing, that such progress has not been
10 achieved. The parent or guardian shall have 1 year from the
11 date of receipt of the written notification to provide
12 remedial instruction to the pupil. At the end of the 1-year
13 probationary period, the pupil shall be reevaluated as
14 specified in paragraph (1)(c)~~this subparagraph~~. Continuation
15 in a home education program shall be contingent upon the pupil
16 demonstrating educational progress commensurate with her or
17 his ability at the end of the probationary period.

18 (3) A home education program shall be excluded from
19 meeting the requirements of a school day as defined in s.
20 228.041.

21 Section 5. Section 232.0202, Florida Statutes, is
22 created to read:

23 232.0202 Private tutoring programs.--Regular
24 attendance as defined in s. 232.02 may be achieved by
25 attendance in a private tutoring program if the person
26 tutoring the student meets the following requirements:

27 (1) Holds a valid Florida certificate to teach the
28 subjects or grades in which instruction is given.

29 (2) Keeps all records and makes all reports required
30 by the state and district school board and makes regular
31

1 reports on the attendance of students in accordance with the
2 provisions of s. 232.021.

3 (3) Requires students to be in actual attendance for
4 the minimum length of time prescribed by s. 228.041(16).

5 Section 6. Section 232.021, Florida Statutes, is
6 amended to read:

7 232.021 Attendance records and reports required.--All
8 officials, teachers, and other employees in public, parochial,
9 denominational, and private schools, including private tutors,
10 shall keep all records and shall prepare and submit promptly
11 all reports that may be required by law and by regulations of
12 state and district boards. Such records shall include a
13 register of enrollment and attendance and all such persons
14 named above shall make such reports therefrom as may be
15 required by the state board. The enrollment register shall
16 show the absence or attendance of each child enrolled for each
17 school day of the year in a manner prescribed by the state
18 board. The register shall be open for the inspection by the
19 designated school representative or the superintendent of the
20 district in which the school is located. Violation of the
21 provisions of this section shall be a misdemeanor of the
22 second degree, punishable as provided by law. This section
23 shall not apply to home education programs provided in s.
24 232.0201.

25 Section 7. Paragraph (c) of subsection (3) and
26 subsection (4) of section 232.425, Florida Statutes, are
27 amended to read:

28 232.425 Student standards for participation in
29 interscholastic extracurricular student activities;
30 regulation.--

31 (3)

1 (c) An individual home education student is eligible
2 to participate at a public school, and may develop an
3 agreement to participate at a nonpublic school, in the
4 interscholastic extracurricular activities of that school,
5 provided the following conditions are met:

6 1. The home education student must meet the
7 requirements of the home education program pursuant to s.
8 232.0201 ~~232.02(4)~~.

9 2. During the period of participation at a school, the
10 home education student must demonstrate educational progress
11 as required in paragraph (b) in all subjects taken in the home
12 education program by a method of evaluation agreed upon by the
13 parent or guardian and the principal which may include: review
14 of the student's work by a certified teacher chosen by the
15 parent; grades earned through correspondence; grades earned in
16 courses taken at a community college, university, or trade
17 school; standardized test scores above the 35th percentile; or
18 any other method designated in s. 232.0201 ~~232.02(4)~~.

19 3. The home education student must meet the same
20 residency requirements as other students in the school at
21 which he or she participates.

22 4. The home education student must meet the same
23 standards of acceptance, behavior, and performance as required
24 of other students in extracurricular activities.

25 5. The student must register with the school his or
26 her intent to participate in interscholastic extracurricular
27 activities as a representative of the school before the
28 beginning date of the season for the activity in which he or
29 she wishes to participate. A home education student must be
30 able to participate in curricular activities if that is a
31 requirement for an extracurricular activity.

1 6. A student who transfers from a home education
2 program to a public school before or during the first grading
3 period of the school year is academically eligible to
4 participate in interscholastic extracurricular activities
5 during the first grading period provided the student has a
6 successful evaluation from the previous school year, pursuant
7 to subparagraph 2.

8 7. Any public school or nonpublic school student who
9 has been unable to maintain academic eligibility for
10 participation in interscholastic extracurricular activities is
11 ineligible to participate in such activities as a home
12 education student until the student has successfully completed
13 one grading period in home education pursuant to subparagraph
14 2. to become eligible to participate as a home education
15 student.

16 (4) The student standards for participation in
17 interscholastic extracurricular activities must be applied
18 beginning with the student's first semester of the 9th grade.
19 Each student must meet such other requirements for
20 participation as may be established by the school district;
21 however, a school district may not establish requirements for
22 participation in interscholastic extracurricular activities
23 which make participation in such activities less accessible to
24 home education students than to other students. Except as set
25 forth in paragraph (3)(c), evaluation processes or
26 requirements that are placed on home education student
27 participants may not go beyond those that apply under s.
28 232.0201 ~~232.02~~ to home education students generally.

29 Section 8. Paragraph (b) of subsection (7) of section
30 240.116, Florida Statutes, is amended to read:

31 240.116 Articulated acceleration.--

1 (7)

2 (b) The dual enrollment program for home education
3 students consists of the enrollment of an eligible home
4 education secondary student in a postsecondary course
5 creditable toward an associate degree, a vocational
6 certificate, or a baccalaureate degree. To participate in the
7 dual enrollment program, an eligible home education secondary
8 student must:

9 1. Provide proof of enrollment in a home education
10 program pursuant to s. 232.0201 ~~232.02(4)~~.

11 2. Be responsible for his or her own instructional
12 materials and transportation unless provided for otherwise.

13 Section 9. Paragraph (a) of subsection (2) of section
14 240.321, Florida Statutes, is amended to read:

15 240.321 Community college district board of trustees;
16 rules for admissions of students.--The board of trustees shall
17 make rules governing admissions of students. These rules
18 shall include the following:

19 (2) Admission to associate degree programs is subject
20 to minimum standards adopted by the State Board of Education
21 and shall require:

22 (a) A high school diploma, a high school equivalency
23 diploma as prescribed in s. 229.814, previously demonstrated
24 competency in college credit postsecondary coursework, or, in
25 the case of a student who is home educated, a signed affidavit
26 submitted by the student's parent or legal guardian attesting
27 that the student has completed a home education program
28 pursuant to the requirements of s. 232.0201 ~~232.02(4)~~.

29 Students who are enrolled in a dual enrollment or early
30 admission program pursuant to s. 240.116 and secondary
31 students enrolled in college-level instruction creditable

1 toward the associate degree, but not toward the high school
2 diploma, shall be exempt from this requirement.

3 Section 10. Paragraph (b) of subsection (1) of section
4 240.40202, Florida Statutes, is amended to read:

5 240.40202 Florida Bright Futures Scholarship Program;
6 student eligibility requirements for initial awards.--

7 (1) To be eligible for an initial award from any of
8 the three types of scholarships under the Florida Bright
9 Futures Scholarship Program, a student must:

10 (b) Earn a standard Florida high school diploma or its
11 equivalent as described in s. 232.246 or s. 229.814 unless:

12 1. The student is enrolled full time in the early
13 admission program of an eligible postsecondary education
14 institution or completes a home education program according to
15 s. 232.0201 ~~232.02(4)~~; or

16 2. The student earns a high school diploma from a
17 non-Florida school while living with a parent or guardian who
18 is on military or public service assignment away from Florida.

19 Section 11. Subsection (1) of section 240.40205,
20 Florida Statutes, as amended by chapter 97-379, Laws of
21 Florida, is amended to read:

22 240.40205 Florida Academic Scholars award.--

23 (1) A student is eligible for a Florida Academic
24 Scholars award if the student meets the general eligibility
25 requirements for the Florida Bright Futures Scholarship
26 Program and the student:

27 (a) Has achieved a 3.5 weighted grade point average as
28 calculated pursuant to s. 240.40202, or its equivalent, in
29 high school courses that are adopted by the Board of Regents
30 and recommended by the State Board of Community Colleges as
31 college-preparatory academic courses; and

1 (b) Has attained at least the score identified by
2 rules of the Department of Education on the combined verbal
3 and quantitative parts of the Scholastic Aptitude Test, the
4 Scholastic Assessment Test, or the recentered Scholastic
5 Assessment Test of the College Entrance Examination, or an
6 equivalent score on the American College Testing Program; or

7 (c) Has attended a home education program according to
8 s. 232.0201 ~~232.02(4)~~ during grades 11 and 12 or has completed
9 the International Baccalaureate curriculum but failed to earn
10 the International Baccalaureate Diploma, and has attained at
11 least the score identified by rules of the Department of
12 Education on the combined verbal and quantitative parts of the
13 Scholastic Aptitude Test, the Scholastic Assessment Test, or
14 the recentered Scholastic Assessment Test of the College
15 Entrance Examination, or an equivalent score on the American
16 College Testing Program; or

17 (d) Has been awarded an International Baccalaureate
18 Diploma from the International Baccalaureate Office; or

19 (e) Has been recognized by the merit or achievement
20 programs of the National Merit Scholarship Corporation as a
21 scholar or finalist.

22
23 Effective with the 1998-1999 school year, a student must
24 complete a program of community service work, as approved by
25 the district school board or the administrators of a nonpublic
26 school, which shall include a minimum of 75 hours of service
27 work and require the student to identify a social problem that
28 interests him or her, develop a plan for his or her personal
29 involvement in addressing the problem, and, through papers or
30 other presentations, evaluate and reflect upon his or her
31 experience.

1 Section 12. Paragraph (c) of subsection (1) of section
2 240.40206, Florida Statutes, as amended by chapter 97-379,
3 Laws of Florida, is amended to read:

4 240.40206 Florida Merit Scholars award.--

5 (1) A student is eligible for a Florida Merit Scholars
6 award if the student meets the general eligibility
7 requirements for the Florida Bright Futures Scholarship
8 Program and the student:

9 (c) Has attended a home education program according to
10 s. 232.0201 ~~232.02(4)~~ during grades 11 and 12 or has completed
11 the International Baccalaureate curriculum but failed to earn
12 the International Baccalaureate Diploma, and has attained at
13 least the score identified by rules of the Department of
14 Education on the combined verbal and quantitative parts of the
15 Scholastic Aptitude Test, the Scholastic Assessment Test, or
16 the recentered Scholastic Assessment Test of the College
17 Entrance Examination, or an equivalent score on the American
18 College Testing Program.

19 Section 13. This act shall take effect upon becoming a
20 law.

21
22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 SB 2110

25 The Committee Substitute differs from SB 2110 as follows:

26 A declaration of intent to drop out of school submitted by a
27 child between the ages of 16 and 18 must include the signature
28 of the child's parent or guardian. The school board must
29 notify the parent or guardian of receipt of the declaration.

30 A state student assessment test administered by a certified
31 teacher to evaluate a home education student must be
administered at a location and under testing conditions
approved by the school board.