

By Representative Trovillion

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; amending s.
12 232.02, F.S.; providing that private tutoring
13 may be used to meet regular school attendance
14 requirements; revising provisions relating to
15 home education programs; clarifying inspection
16 of portfolio; providing for parental selection
17 of method of evaluation; revising process for
18 reporting and submitting written evaluation and
19 test results to superintendent; creating s.
20 232.0202, F.S.; providing requirements for
21 private tutoring programs; amending s. 232.021,
22 F.S.; providing that attendance reporting
23 requirements do not apply to home education
24 programs; amending ss. 232.425, 240.116,
25 240.321, 240.40202, 240.40205, and 240.40206,
26 F.S.; correcting cross references and
27 conforming provisions; providing an effective
28 date.

29
30 Be It Enacted by the Legislature of the State of Florida:
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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. Paragraph (b) of subsection (1) of section
10 232.01, Florida Statutes, is 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 Section 4. Section 232.02, Florida Statutes, is
27 amended, and subsection (4) of said section is renumbered as
28 section 232.0201, Florida Statutes, and amended, to read:

29 232.02 Regular school attendance.--Regular attendance
30 is the actual attendance of a pupil during the school day as
31 defined by law and regulations of the state board. Regular

1 attendance within the intent of s. 232.01 may be achieved by
2 attendance in:

- 3 (1) A public school supported by public funds;
4 (2) A parochial, religious, or denominational school;
5 (3) A private school supported in whole or in part by
6 tuition charges or by endowments or gifts; ~~or~~

7 (4) A home education program that meets the
8 requirements of s. 232.0201; or

9 (5) A private tutoring program that meets the
10 requirements of s. 232.0202.

11 232.0201 Home education programs.--

12 (1)(4) Regular attendance as defined in s. 232.02 may
13 be achieved by attendance in a home education program as
14 defined in s. 228.041., provided that at least one of the
15 following conditions is met:

16 ~~(a) The parent holds a valid regular Florida~~
17 ~~certificate to teach the subjects or grades in which~~
18 ~~instruction is given and complies with any other requirements~~
19 ~~prescribed by law or rules of the state board; or~~

20 (b) The parent or guardian is not required to does not
21 hold a valid regular Florida certificate to teach, and
22 complies with the following requirements:

23 (a)†. The parent or guardian shall notify ~~Notifies~~ the
24 superintendent of schools of the county in which the parent or
25 guardian resides of her or his intent to establish and
26 maintain a home education program. The notice shall be in
27 writing, signed by the parent or guardian, and shall include
28 the names, addresses, and birthdates of all children who shall
29 be enrolled as students in the home education program. The
30 notice shall be filed in the superintendent's office within 30
31 days of the establishment of the home education program. A

1 written notice of termination of the home education program
2 shall be filed in the superintendent's office within 30 days
3 of said termination.

4 ~~(b)2.~~ The parent or guardian shall maintain ~~Maintains~~
5 a portfolio of records and materials. The portfolio shall
6 consist of the following:

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

10 2. Samples of any writings, worksheets, workbooks, or
11 ~~and~~ creative materials used or developed by the student.

12
13 The portfolio shall be preserved by the parent or guardian for
14 2 years and shall be made available for inspection by the
15 superintendent, or the superintendent's agent, upon 15 days'
16 written notice. Nothing in this section shall require the
17 superintendent to inspect the portfolio.

18 ~~(c)3.~~ The parent or guardian shall provide ~~Provides~~
19 for an annual educational evaluation in which is documented
20 the pupil's demonstration of educational progress at a level
21 commensurate with her or his ability. The parent or guardian
22 shall select the method of evaluation and shall file a copy of
23 the evaluation ~~shall be filed~~ annually with the
24 superintendent's district school board office in the county in
25 which the pupil resides. The annual educational evaluation
26 shall consist of one of the following:

27 1.a. A teacher selected by the parent or guardian
28 shall evaluate the pupil's educational progress upon review of
29 the portfolio and discussion with the pupil. Such teacher
30 shall hold a valid regular Florida certificate to teach
31 academic subjects at the elementary or secondary level. ~~The~~

1 ~~teacher shall submit a written evaluation to the school~~
2 ~~superintendent;~~

3 2.b. The pupil shall take any nationally normed
4 student achievement test ~~used by the district and~~ administered
5 by a certified teacher. ~~Such test results shall be reported to~~
6 ~~the school superintendent;~~

7 3.e. The pupil shall take a state student assessment
8 test used by the school district and administered by a
9 certified teacher. ~~Such test results shall be reported to the~~
10 ~~school superintendent;~~

11 4.d. The pupil shall be evaluated by an individual
12 holding a valid, active license pursuant to the provisions of
13 s. 490.003(7) or (8). ~~Such results shall be reported to the~~
14 ~~school superintendent; or~~

15 5.e. The pupil shall be evaluated with any other valid
16 measurement tool as mutually agreed upon by the school
17 superintendent of the district in which the pupil resides and
18 the pupil's parent or guardian. ~~Such results shall be reported~~
19 ~~to the superintendent.~~

20 (2) The school superintendent shall review and accept
21 the results of the annual educational evaluation of the pupil
22 in a home education program. If the pupil does not
23 demonstrate educational progress at a level commensurate with
24 her or his ability, the superintendent shall notify the parent
25 or guardian, in writing, that such progress has not been
26 achieved. The parent or guardian shall have 1 year from the
27 date of receipt of the written notification to provide
28 remedial instruction to the pupil. At the end of the 1-year
29 probationary period, the pupil shall be reevaluated as
30 specified in paragraph (1)(c)~~this subparagraph~~. Continuation
31 in a home education program shall be contingent upon the pupil

1 demonstrating educational progress commensurate with her or
2 his ability at the end of the probationary period.

3 (3) A home education program shall be excluded from
4 meeting the requirements of a school day as defined in s.
5 228.041.

6 Section 5. Section 232.0202, Florida Statutes, is
7 created to read:

8 232.0202 Private tutoring programs.--Regular
9 attendance as defined in s. 232.02 may be achieved by
10 attendance in a private tutoring program if the person
11 tutoring the student meets the following requirements:

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

14 (2) Keeps all records and makes all reports required
15 by the state and district school board and makes regular
16 reports on the attendance of students in accordance with the
17 provisions of s. 232.021.

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

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

22 232.021 Attendance records and reports required.--All
23 officials, teachers, and other employees in public, parochial,
24 denominational, and private schools, including private tutors,
25 shall keep all records and shall prepare and submit promptly
26 all reports that may be required by law and by regulations of
27 state and district boards. Such records shall include a
28 register of enrollment and attendance and all such persons
29 named above shall make such reports therefrom as may be
30 required by the state board. The enrollment register shall
31 show the absence or attendance of each child enrolled for each

1 school day of the year in a manner prescribed by the state
2 board. The register shall be open for the inspection by the
3 designated school representative or the superintendent of the
4 district in which the school is located. Violation of the
5 provisions of this section shall be a misdemeanor of the
6 second degree, punishable as provided by law. This section
7 shall not apply to home education programs provided in s.
8 232.0201.

9 Section 7. Paragraph (c) of subsection (3) and
10 subsection (4) of section 232.425, Florida Statutes, are
11 amended to read:

12 232.425 Student standards for participation in
13 interscholastic extracurricular student activities;
14 regulation.--

15 (3)

16 (c) An individual home education student is eligible
17 to participate at a public school, and may develop an
18 agreement to participate at a nonpublic school, in the
19 interscholastic extracurricular activities of that school,
20 provided the following conditions are met:

21 1. The home education student must meet the
22 requirements of the home education program pursuant to s.
23 232.0201 ~~232.02(4)~~.

24 2. During the period of participation at a school, the
25 home education student must demonstrate educational progress
26 as required in paragraph (b) in all subjects taken in the home
27 education program by a method of evaluation agreed upon by the
28 parent or guardian and the principal which may include: review
29 of the student's work by a certified teacher chosen by the
30 parent; grades earned through correspondence; grades earned in
31 courses taken at a community college, university, or trade

1 school; standardized test scores above the 35th percentile; or
2 any other method designated in s. 232.0201 ~~232.02(4)~~.

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

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

9 5. The student must register with the school his or
10 her intent to participate in interscholastic extracurricular
11 activities as a representative of the school before the
12 beginning date of the season for the activity in which he or
13 she wishes to participate. A home education student must be
14 able to participate in curricular activities if that is a
15 requirement for an extracurricular activity.

16 6. A student who transfers from a home education
17 program to a public school before or during the first grading
18 period of the school year is academically eligible to
19 participate in interscholastic extracurricular activities
20 during the first grading period provided the student has a
21 successful evaluation from the previous school year, pursuant
22 to subparagraph 2.

23 7. Any public school or nonpublic school student who
24 has been unable to maintain academic eligibility for
25 participation in interscholastic extracurricular activities is
26 ineligible to participate in such activities as a home
27 education student until the student has successfully completed
28 one grading period in home education pursuant to subparagraph
29 2. to become eligible to participate as a home education
30 student.

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1 (4) The student standards for participation in
2 interscholastic extracurricular activities must be applied
3 beginning with the student's first semester of the 9th grade.
4 Each student must meet such other requirements for
5 participation as may be established by the school district;
6 however, a school district may not establish requirements for
7 participation in interscholastic extracurricular activities
8 which make participation in such activities less accessible to
9 home education students than to other students. Except as set
10 forth in paragraph (3)(c), evaluation processes or
11 requirements that are placed on home education student
12 participants may not go beyond those that apply under s.
13 232.0201 ~~232.02~~ to home education students generally.

14 Section 8. Paragraph (b) of subsection (7) of section
15 240.116, Florida Statutes, is amended to read:

16 240.116 Articulated acceleration.--

17 (7)

18 (b) The dual enrollment program for home education
19 students consists of the enrollment of an eligible home
20 education secondary student in a postsecondary course
21 creditable toward an associate degree, a vocational
22 certificate, or a baccalaureate degree. To participate in the
23 dual enrollment program, an eligible home education secondary
24 student must:

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

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

29 Section 9. Paragraph (a) of subsection (2) of section
30 240.321, Florida Statutes, is amended to read:

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1 240.321 Community college district board of trustees;
2 rules for admissions of students.--The board of trustees shall
3 make rules governing admissions of students. These rules
4 shall include the following:

5 (2) Admission to associate degree programs is subject
6 to minimum standards adopted by the State Board of Education
7 and shall require:

8 (a) A high school diploma, a high school equivalency
9 diploma as prescribed in s. 229.814, previously demonstrated
10 competency in college credit postsecondary coursework, or, in
11 the case of a student who is home educated, a signed affidavit
12 submitted by the student's parent or legal guardian attesting
13 that the student has completed a home education program
14 pursuant to the requirements of s. 232.0201 ~~232.02(4)~~.
15 Students who are enrolled in a dual enrollment or early
16 admission program pursuant to s. 240.116 and secondary
17 students enrolled in college-level instruction creditable
18 toward the associate degree, but not toward the high school
19 diploma, shall be exempt from this requirement.

20 Section 10. Paragraph (b) of subsection (1) of section
21 240.40202, Florida Statutes, is amended to read:

22 240.40202 Florida Bright Futures Scholarship Program;
23 student eligibility requirements for initial awards.--

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

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

29 1. The student is enrolled full time in the early
30 admission program of an eligible postsecondary education
31

1 institution or completes a home education program according to
2 s. 232.0201 ~~232.02(4)~~; or

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

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

9 240.40205 Florida Academic Scholars award.--

10 (1) A student is eligible for a Florida Academic
11 Scholars award if the student meets the general eligibility
12 requirements for the Florida Bright Futures Scholarship
13 Program and the student:

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

19 (b) Has attained at least the score identified by
20 rules of the Department of Education on the combined verbal
21 and quantitative parts of the Scholastic Aptitude Test, the
22 Scholastic Assessment Test, or the recentered Scholastic
23 Assessment Test of the College Entrance Examination, or an
24 equivalent score on the American College Testing Program; or

25 (c) Has attended a home education program according to
26 s. 232.0201 ~~232.02(4)~~ during grades 11 and 12 or has completed
27 the International Baccalaureate curriculum but failed to earn
28 the International Baccalaureate Diploma, and has attained at
29 least the score identified by rules of the Department of
30 Education on the combined verbal and quantitative parts of the
31 Scholastic Aptitude Test, the Scholastic Assessment Test, or

1 the recentered Scholastic Assessment Test of the College
2 Entrance Examination, or an equivalent score on the American
3 College Testing Program; or

4 (d) Has been awarded an International Baccalaureate
5 Diploma from the International Baccalaureate Office; or

6 (e) Has been recognized by the merit or achievement
7 programs of the National Merit Scholarship Corporation as a
8 scholar or finalist.

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10 Effective with the 1998-1999 school year, a student must
11 complete a program of community service work, as approved by
12 the district school board or the administrators of a nonpublic
13 school, which shall include a minimum of 75 hours of service
14 work and require the student to identify a social problem that
15 interests him or her, develop a plan for his or her personal
16 involvement in addressing the problem, and, through papers or
17 other presentations, evaluate and reflect upon his or her
18 experience.

19 Section 12. Paragraph (c) of subsection (1) of section
20 240.40206, Florida Statutes, as amended by chapter 97-379,
21 Laws of Florida, is amended to read:

22 240.40206 Florida Merit Scholars award.--

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

27 (c) Has attended a home education program according to
28 s. 232.0201 ~~232.02(4)~~ during grades 11 and 12 or has completed
29 the International Baccalaureate curriculum but failed to earn
30 the International Baccalaureate Diploma, and has attained at
31 least the score identified by rules of the Department of

1 Education on the combined verbal and quantitative parts of the
2 Scholastic Aptitude Test, the Scholastic Assessment Test, or
3 the recentered Scholastic Assessment Test of the College
4 Entrance Examination, or an equivalent score on the American
5 College Testing Program.

6 Section 13. This act shall take effect upon becoming a
7 law.

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HOUSE SUMMARY

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12 With respect to school attendance: clarifies definition
13 of the term "home education program"; provides that
14 nonpublic school survey requirements and certain
15 attendance reporting requirements do not apply to home
16 education programs; clarifies provisions relating to
17 state or school district control of home education
18 programs; provides that private tutoring may be used to
19 meet regular school attendance requirements; and revises
20 certain requirements relating to home education programs.

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