

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 1391 Education

SPONSOR(S): PreK-12 Innovation Subcommittee; Eisnaugle and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 1556

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	12 Y, 0 N, As CS	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education program students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

The bill:

- requires a parent's notice of intent to provide home education to their child(ren) include the student's full legal name and provides that the notice is prima facie evidence of the validity of the provided information;
- authorizes school districts to provide a home education student access to career and technical courses and programs;
- authorizes school districts to offer industry certifications, national assessments and statewide, standardized assessments to a home education student;
- prohibits a district school superintendent from requiring evidence of a child's age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- limits the documentation a school district can require from a home education student;
- exempts a home education program student from the grade point average requirement for admission to a dual enrollment program if the student meets the minimum score on a college placement test;
- exempts dual enrollment students from paying postsecondary institution technology fees and explicitly exempts public school, private school or home education dual enrollment students from payment of registration, tuition, technology and laboratory fees; and
- clarifies that private school and a home education program students are not required to reimburse tuition for dual enrollment.

The bill has no fiscal impact to the state.

The bill is effective on July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Home Education Programs

Present Situation

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Florida laws protecting home education became effective in 1985. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program. More than 84,000 students in approximately 58,000 families are in Home Education Programs throughout Florida.¹

Parents of home school students are required to provide a signed, written notice of intent that includes the names of the students who will be home schooled to the district school superintendent in the parent's county of residence.²

Effect of Proposed Changes

The bill requires the notice of intent to include the student's full legal name and provides that the notice is prima facie evidence that the information is valid. The bill requires the superintendent to accept the notice of intent and immediately register the home education program. The bill prohibits the superintendent from requesting additional information unless the student chooses to participate in a school district program or services or the school district receives evidence rebutting the notice of intent.

The bill also allows, but does not require, a school district to provide access to career and technical courses and programs to a home education student and to report those students as full-time equivalent students (FTE) for funding in the Florida Education Finance Program (FEFP).

The bill requires school districts to notify home education students in the district of the date, time and availability of industry certifications, national assessments and statewide standardized assessments. A home education student must notify the school district of intent to take the available certificates or assessments.

The bill also prohibits a school district from further regulating, exercising control over or requiring documentation from parents of home education students beyond the requirements of law.

School Attendance

Present Situation

With few exceptions, all children who will be six years of age on February 1, of each school year and are less than 16 years of age are required to attend school regularly. Children who will be five years of age by September 1, of each school year are eligible for public kindergarten.³

¹ Department of Education at: <http://www.fl DOE.org/schools/school-choice/other-school-choice-options/home-edu/> (last visited March 14, 2017).

² Section 1002.41(1)(a), F.S.

³ Section 1003.21(1)(a), F.S.

A principal may request evidence that a child has attained the appropriate age for kindergarten before admitting the student. The district superintendent may require evidence of the age of any child believed to be within the limits of compulsory attendance.⁴

Effect of Proposed Change

The bill prohibits a district school superintendent from requiring evidence of a child's age when the child meets regular attendance requirements by attending a:

- parochial, religious or denominational school;
- private school supported by tuition charges, endowments or gifts;
- home education program; or
- private tutoring program.

Court Procedure and Penalties

Present Situation

Florida law defines "habitual truant" as a student who has 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian and who is subject to compulsory school attendance.⁵

In cases where an unexcused student does not enroll or attend school as required by law, the district school superintendent must institute a criminal prosecution against the student's parent.⁶ Each public school principal or designee must notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days.⁷

Effect of Proposed Changes

The bill clarifies that court procedures and penalties for the enforcement of compulsory school attendance may not be instituted against a student's parent until the school and district comply with the steps to promote and enforce regular school attendance.

Dual Enrollment Program

Present Situation

The dual enrollment program is an acceleration mechanism that allows an eligible secondary⁸ or home education student to enroll in a postsecondary course creditable toward high school completion and an associate or baccalaureate degree or career certificate.⁹ Upon successful completion of a dual enrollment course, the student simultaneously receives high school and college, university or career certificate credit.¹⁰

Students must demonstrate readiness for college-level or career-level coursework. The student must have a 3.0 unweighted grade point average (GPA) for enrollment in college-level courses and a 2.0

⁴ Section 1003.21(4), F.S.

⁵ Section 984.03(27)(a), F.S.

⁶ Section 1003.27(2)(a), F.S.

⁷ Section 1003.27(2)(b), F.S.

⁸ For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

⁹ Section 1007.271(1), F.S.

¹⁰ Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions*, available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf> (last visited March 15, 2017).

unweighted GPA for enrollment in career certificate courses. Students must demonstrate adequate pre-collegiate preparation on a basic computation and communication skills assessment through the common placement examination when enrolling in a college credit course. Exceptions to the required GPAs may be granted if the participating educational entities agree and the terms of such agreement are contained in the dual enrollment interinstitutional articulation agreement.¹¹

Home education students can participate in the dual enrollment program. To participate in dual enrollment, a home education student must:¹²

- provide proof of enrollment in a home education program that meets statutory requirements;¹³
- be responsible for his or her own instructional materials unless provided for in the articulation agreement; and
- sign a home education articulation agreement¹⁴ with the postsecondary institution in which the student plans to enroll.

Each postsecondary institution eligible to participate in the dual enrollment program is required to enter into a home education articulation agreement with each eligible home education student seeking enrollment in a dual enrollment course and the student's parent. Initial and continued eligibility requirements for home education students may not exceed those required of other dually enrolled students. Articulation agreements must be annually submitted by the postsecondary institution to the DOE on or before August 1.¹⁵

Currently, a dual enrollment student is not required to pay registration, tuition or lab fees for dual enrollment courses taken at a public postsecondary career center, Florida College System (FCS) institution or state university.¹⁶ Home education students are responsible for their instructional materials and transportation. However, a FCS institution is not prohibited from providing instructional materials at no cost to a home education student.¹⁷

Effect of Proposed Changes

The bill permits a home education program student to participate in a dual enrollment course without a high school GPA if the home school program student meets a minimum score on a common placement test. The home education program student is required to maintain a minimum GPA for continued enrollment.

The bill exempts dual enrollment students from paying postsecondary institution technology fees and explicitly states that eligible public school, private school or home education program students are exempt from paying registration, tuition, technology and laboratory fees.

The bill clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students. Public schools continue to be required to reimburse tuition for each dual enrollment student in the district.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.41, F.S., relating to home education programs.

Section 2. Amends s. 1003.21, F.S., relating to school attendance.

¹¹ Section 1007.271(3), F.S.

¹² Section 1007.271(13), F.S.

¹³ Requirements for home education programs are outlined in s. 1002.41, F.S.

¹⁴ Section 1007.271(13)(b), F.S.

¹⁵ *Id.*

¹⁶ Section 1009.25(1)(a), F.S.; section 1007.271(2) and (16), F.S.

¹⁷ Section 1007.271(17), F.S.

Section 3. Amends s. 1003.27, F.S., relating to court procedures and penalties for students who do not enroll or attend class.

Section 4. Amends s. 1007.271, F.S., relating to dual enrollment programs.

Section 5. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 21, 2017, the PreK-12 Innovation Subcommittee adopted two amendments and reported the bill favorably as a committee substitute. The first amendment removes an \$80 reimbursement for dual enrollment instructional materials provided to home education students. The second amendment removes the \$1 million in recurring funds appropriated from the General Revenue Fund to the Department of Education for implementing the \$80 reimbursement for dual enrollment instructional materials. The bill analysis is drafted to the committee substitute as passed by the PreK-12 Innovation Subcommittee.