

1 A bill to be entitled

2 An act relating to home education; amending s.
3 1002.41, F.S.; revising the content requirements of a
4 notice of enrollment of a student in a home education
5 program; providing that the notice constitutes prima
6 facie evidence of certain information; requiring the
7 district school superintendent to immediately register
8 a home education program upon receipt of the notice;
9 providing that registration of a home education
10 program is a ministerial act by the district school
11 superintendent; prohibiting a school district from
12 requiring additional information or verification of a
13 home education student except in specified
14 circumstances; specifying that a home education
15 program is not a school district program; authorizing
16 a school district to provide home education program
17 students with access to certain courses and programs
18 offered by the school district; requiring reporting
19 and funding through the Florida Education Finance
20 Program; requiring home education program students be
21 provided access to certain certifications and
22 assessments offered by the school district;
23 prohibiting a school district from taking certain
24 actions against a home education program student's
25 parent unless such action is required for a school

26 district program; amending s. 1003.21, F.S.;

27 prohibiting a district school superintendent from

28 requiring certain evidence relating to a child's age

29 from children enrolled in specified schools and

30 programs; amending s. 1003.27, F.S.; requiring a

31 school and school district to comply with specified

32 provisions before instituting criminal prosecution

33 against certain parents relating to compulsory school

34 attendance; amending s. 1007.271, F.S.; exempting dual

35 enrollment students from paying technology fees;

36 prohibiting dual enrollment course and program

37 limitations for home education students from exceeding

38 limitations for other students; providing an exemption

39 from the grade point average requirement for initial

40 enrollment in a dual enrollment program for certain

41 home education students; providing that articulation

42 agreements for private schools and home education

43 students may not contain specified payment provisions;

44 providing an effective date.

45

46 Be It Enacted by the Legislature of the State of Florida:

47

48 Section 1. Paragraph (a) of subsection (1) and subsection

49 (3) of section 1002.41, Florida Statutes, are amended, and

50 subsections (11) through (13) are added to that section, to

51 read:

52 1002.41 Home education programs.—

53 (1) A "home education program" is defined in s. 1002.01.

54 The parent is not required to hold a valid regular Florida
55 teaching certificate.

56 (a)1. The parent shall notify the district school
57 superintendent of the county in which the parent resides of her
58 or his intent to establish and maintain a home education
59 program. The notice shall be in writing, signed by the parent,
60 and shall include the full legal names, addresses, and
61 birthdates of all children who shall be enrolled as students in
62 the home education program. The notice constitutes prima facie
63 evidence of the validity of each student's information provided
64 in the written notice. The notice shall be filed in the district
65 school superintendent's office within 30 days of the
66 establishment of the home education program.

67 2. The district school superintendent shall accept the
68 notice provided in subparagraph 1. and immediately register the
69 home education program upon receipt of the notice. The
70 registration of a home education program is a ministerial act by
71 the school district and may not require the parent to provide
72 additional information or verification unless the student
73 chooses to participate in a school district program or service
74 or the school district receives evidence rebutting information
75 provided in the notice.

76 3. The parent shall file a written notice of termination
77 of the home education program ~~shall be filed~~ in the district
78 school superintendent's office within 30 days after said
79 termination.

80 (3) A home education program is not a school district
81 program and shall be excluded from meeting the requirements of a
82 school day.

83 (11) A school district may provide access to career and
84 technical courses and programs for a home education program
85 student who enrolls in a public school solely for the career and
86 technical courses or programs. The school district providing the
87 career and technical courses and programs shall report each
88 student as a full-time equivalent student in the class and in a
89 manner prescribed by the Department of Education, and funding
90 shall be provided through the Florida Education Finance Program
91 pursuant to s. 1011.62.

92 (12) Industry certifications, national assessments, and
93 statewide, standardized assessments offered by the school
94 district shall be available to home education program students.
95 Each school district shall notify home education program
96 students of the available certifications and assessments; the
97 date, time, and locations for the administration of each
98 certification and assessment; and the deadline for notifying the
99 school district of the student's intent to participate and the
100 student's preferred location.

101 (13) A school district may not further regulate, exercise
 102 control over, or require documentation from parents of home
 103 education program students beyond the requirements of this
 104 section unless the regulation, control, or documentation is
 105 necessary for participation in a school district program.

106 Section 2. Subsection (4) of section 1003.21, Florida
 107 Statutes, is amended to read:

108 1003.21 School attendance.—

109 (4) Before admitting a child to kindergarten, the
 110 principal shall require evidence that the child has attained the
 111 age at which he or she should be admitted in accordance with the
 112 provisions of subparagraph (1)(a)2. The district school
 113 superintendent may require evidence of the age of any child whom
 114 he or she believes to be within the limits of compulsory
 115 attendance as provided for by law; however, he or she may not
 116 require evidence from children meeting regular attendance
 117 requirements by attending a school or program listed in s.
 118 1003.01(13)(b)-(e). If the first prescribed evidence is not
 119 available, the next evidence obtainable in the order set forth
 120 below shall be accepted:

121 (a) A duly attested transcript of the child's birth record
 122 filed according to law with a public officer charged with the
 123 duty of recording births;

124 (b) A duly attested transcript of a certificate of baptism
 125 showing the date of birth and place of baptism of the child,

126 accompanied by an affidavit sworn to by the parent;

127 (c) An insurance policy on the child's life that has been
128 in force for at least 2 years;

129 (d) A bona fide contemporary religious record of the
130 child's birth accompanied by an affidavit sworn to by the
131 parent;

132 (e) A passport or certificate of arrival in the United
133 States showing the age of the child;

134 (f) A transcript of record of age shown in the child's
135 school record of at least 4 years prior to application, stating
136 date of birth; or

137 (g) If none of these evidences can be produced, an
138 affidavit of age sworn to by the parent, accompanied by a
139 certificate of age signed by a public health officer or by a
140 public school physician, or, if these are not available in the
141 county, by a licensed practicing physician designated by the
142 district school board, which states that the health officer or
143 physician has examined the child and believes that the age as
144 stated in the affidavit is substantially correct. Children and
145 youths who are experiencing homelessness and children who are
146 known to the department, as defined in s. 39.0016, shall be
147 given temporary exemption from this section for 30 school days.

148 Section 3. Subsection (2) of section 1003.27, Florida
149 Statutes, is amended to read:

150 1003.27 Court procedure and penalties.—The court procedure

151 and penalties for the enforcement of the provisions of this
152 part, relating to compulsory school attendance, shall be as
153 follows:

154 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

155 (a) In each case of nonenrollment or of nonattendance upon
156 the part of a student who is required to attend some school,
157 when no valid reason for such nonenrollment or nonattendance is
158 found, the district school superintendent shall institute a
159 criminal prosecution against the student's parent. However,
160 criminal prosecution may not be instituted against the student's
161 parent until the school and school district have complied with
162 s. 1003.26.

163 (b) Each public school principal or the principal's
164 designee shall notify the district school board of each minor
165 student under its jurisdiction who accumulates 15 unexcused
166 absences in a period of 90 calendar days. ~~Each designee of the~~
167 ~~governing body of each private school, and each parent whose~~
168 ~~child is enrolled in a home education program, may provide the~~
169 ~~Department of Highway Safety and Motor Vehicles with the legal~~
170 ~~name, sex, date of birth, and social security number of each~~
171 ~~minor student under his or her jurisdiction who fails to satisfy~~
172 ~~relevant attendance requirements and who fails to otherwise~~
173 ~~satisfy the requirements of s. 322.091.~~ The district school
174 superintendent must provide the Department of Highway Safety and
175 Motor Vehicles the legal name, sex, date of birth, and social

176 security number of each minor student who has been reported
177 under this paragraph and who fails to otherwise satisfy the
178 requirements of s. 322.091. The Department of Highway Safety and
179 Motor Vehicles may not issue a driver license or learner's
180 driver license to, and shall suspend any previously issued
181 driver license or learner's driver license of, any such minor
182 student, pursuant to the provisions of s. 322.091.

183 (c) Each designee of the governing body of each private
184 school and each parent whose child is enrolled in a home
185 education program may provide the Department of Highway Safety
186 and Motor Vehicles with the legal name, sex, date of birth, and
187 social security number of each minor student under his or her
188 jurisdiction who fails to satisfy relevant attendance
189 requirements and who fails to otherwise satisfy the requirements
190 of s. 322.091. The Department of Highway Safety and Motor
191 Vehicles may not issue a driver license or learner's driver
192 license to, and shall suspend any previously issued driver
193 license or learner's driver license of, any such minor student,
194 pursuant to the provisions of s. 322.091.

195 Section 4. Subsections (2), (10), and (11), paragraph (b)
196 of subsection (13), subsection (16), and paragraph (n) of
197 subsection (21) of section 1007.271, Florida Statutes, are
198 amended, to read:

199 1007.271 Dual enrollment programs.—

200 (2) For the purpose of this section, an eligible secondary

201 student is a student who is enrolled in any of grades 6 through
202 12 in a Florida public school or in a Florida private school
203 that is in compliance with s. 1002.42(2) and provides a
204 secondary curriculum pursuant to s. 1003.4282. A student
205 ~~Students~~ who is ~~are~~ eligible for dual enrollment pursuant to
206 this section may enroll in dual enrollment courses conducted
207 during school hours, after school hours, and during the summer
208 term. However, if the student is projected to graduate from high
209 school before the scheduled completion date of a postsecondary
210 course, the student may not register for that course through
211 dual enrollment. The student may apply to the postsecondary
212 institution and pay the required registration, tuition, and fees
213 if the student meets the postsecondary institution's admissions
214 requirements under s. 1007.263. Instructional time for dual
215 enrollment may vary from 900 hours; however, the full-time
216 equivalent student membership value is ~~shall be~~ subject to ~~the~~
217 ~~provisions in~~ s. 1011.61(4). A student enrolled as a dual
218 enrollment student is exempt from the payment of registration,
219 tuition, technology, and laboratory fees. Applied academics for
220 adult education instruction, developmental education, and other
221 forms of precollegiate instruction, as well as physical
222 education courses that focus on the physical execution of a
223 skill rather than the intellectual attributes of the activity,
224 are ineligible for inclusion in the dual enrollment program.
225 Recreation and leisure studies courses shall be evaluated

226 | individually in the same manner as physical education courses
 227 | for potential inclusion in the program.

228 | (10) Early admission is a form of dual enrollment through
 229 | which an eligible secondary student enrolls ~~students enroll~~ in a
 230 | postsecondary institution on a full-time basis in courses that
 231 | are creditable toward the high school diploma and the associate
 232 | or baccalaureate degree. A student must enroll in a minimum of
 233 | 12 college credit hours per semester or the equivalent to
 234 | participate in the early admission program; however, a student
 235 | may not be required to enroll in more than 15 college credit
 236 | hours per semester or the equivalent. A student ~~Students~~
 237 | enrolled pursuant to this subsection is ~~are~~ exempt from the
 238 | payment of registration, tuition, technology, and laboratory
 239 | fees.

240 | (11) Career early admission is a form of career dual
 241 | enrollment through which an eligible secondary student enrolls
 242 | ~~students enroll~~ full time in a career center or a Florida
 243 | College System institution in postsecondary programs leading to
 244 | industry certifications, as listed in the CAPE Postsecondary
 245 | Industry Certification Funding List pursuant to s. 1008.44,
 246 | which are creditable toward the high school diploma and the
 247 | certificate or associate degree. Participation in the career
 248 | early admission program is limited to students who have
 249 | completed a minimum of 4 semesters of full-time secondary
 250 | enrollment, including studies undertaken in ~~the ninth~~ grade 9. A

251 student ~~Students~~ enrolled pursuant to this section is ~~are~~ exempt
252 from the payment of registration, tuition, technology, and
253 laboratory fees.

254 (13)

255 (b) Each postsecondary institution eligible to participate
256 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
257 enter into a home education articulation agreement with each
258 home education student seeking enrollment in a dual enrollment
259 course and the student's parent. By August 1 of each year, the
260 eligible postsecondary institution shall complete and submit the
261 home education articulation agreement to the Department of
262 Education. The home education articulation agreement must
263 include, at a minimum:

264 1. A delineation of courses and programs available to
265 dually enrolled home education students. Courses and programs
266 may be added, revised, or deleted at any time by the
267 postsecondary institution. Any course or program limitations may
268 not exceed the limitations for other dually enrolled students.

269 2. The initial and continued eligibility requirements for
270 home education student participation, not to exceed those
271 required of other dually enrolled students. A high school grade
272 point average may not be required for home education students
273 who meet the minimum score on a common placement test adopted by
274 the State Board of Education which indicates that the student is
275 ready for college-level coursework; however, home education

276 | student eligibility requirements for continued enrollment in
277 | college credit dual enrollment courses must include the
278 | maintenance of the minimum postsecondary grade point average
279 | established by the postsecondary institution.

280 | 3. The student's responsibilities for providing his or her
281 | own instructional materials and transportation.

282 | 4. A copy of the statement on transfer guarantees
283 | developed by the Department of Education under subsection (15).

284 | (16) Public school, private school, or home education
285 | program students who meet the eligibility requirements of this
286 | section and who choose to participate in dual enrollment
287 | programs are exempt from the payment of registration, tuition,
288 | technology, and laboratory fees.

289 | (21) Each district school superintendent and each public
290 | postsecondary institution president shall develop a
291 | comprehensive dual enrollment articulation agreement for the
292 | respective school district and postsecondary institution. The
293 | superintendent and president shall establish an articulation
294 | committee for the purpose of developing the agreement. Each
295 | state university president may designate a university
296 | representative to participate in the development of a dual
297 | enrollment articulation agreement. A dual enrollment
298 | articulation agreement shall be completed and submitted annually
299 | by the postsecondary institution to the Department of Education
300 | on or before August 1. The agreement must include, but is not

301 limited to:

302 (n) A funding provision that delineates costs incurred by
303 each entity.

304 1. School districts shall pay public postsecondary
305 institutions the standard tuition rate per credit hour from
306 funds provided in the Florida Education Finance Program when
307 dual enrollment course instruction takes place on the
308 postsecondary institution's campus and the course is taken
309 during the fall or spring term. When dual enrollment is provided
310 on the high school site by postsecondary institution faculty,
311 the school district shall reimburse the costs associated with
312 the postsecondary institution's proportion of salary and
313 benefits to provide the instruction. When dual enrollment course
314 instruction is provided on the high school site by school
315 district faculty, the school district is not responsible for
316 payment to the postsecondary institution. A postsecondary
317 institution may enter into an agreement with the school district
318 to authorize teachers to teach dual enrollment courses at the
319 high school site or the postsecondary institution. A school
320 district may not deny a student access to dual enrollment unless
321 the student is ineligible to participate in the program subject
322 to provisions specifically outlined in this section.

323 2. Subject to annual appropriation in the General
324 Appropriations Act, a public postsecondary institution shall
325 receive an amount of funding equivalent to the standard tuition

CS/HB 1391

2017

326 | rate per credit hour for each dual enrollment course taken by a
327 | student during the summer term.

328 | 3. The payment provisions of this paragraph do not apply
329 | to an articulation agreement with a private school or a home
330 | education student.

331 | Section 5. This act shall take effect July 1, 2017.