

1 A bill to be entitled
2 An act relating to home education; amending s.
3 1002.41, F.S.; specifying that a home education
4 program is not a school district program and is
5 registered with the district school superintendent
6 only for the purpose of complying with the state's
7 attendance requirements; revising the content
8 requirements of a notice of enrollment of a student in
9 a home education program; requiring the district
10 school superintendent to immediately register a home
11 education program upon receipt of the notice;
12 prohibiting a school district from requiring
13 additional information or verification of a home
14 education student except in specified circumstances;
15 authorizing a school district to provide home
16 education program students with access to certain
17 courses and programs offered by the school district;
18 requiring reporting and funding through the Florida
19 Education Finance Program; requiring home education
20 program students be provided access to certain
21 certifications and assessments offered by the school
22 district; prohibiting a school district from taking
23 certain actions against a home education program
24 student's parent unless such action is necessary for a
25 school district program; amending s. 1003.21, F.S.;

26 | prohibiting a district school superintendent from
27 | requiring certain evidence relating to a child's age
28 | from children enrolling in specified schools and
29 | programs; amending s. 1003.26, F.S.; authorizing a
30 | school district superintendent to refer certain cases
31 | relating to student nonenrollment to the child study
32 | team of certain schools; requiring the child study
33 | team to provide specified services in such instances;
34 | conforming cross-references; amending s. 1003.27,
35 | F.S.; requiring a school and school district to comply
36 | with specified provisions before instituting criminal
37 | prosecution against certain parents relating to
38 | compulsory school attendance; amending s. 1006.15,
39 | F.S.; revising the standards required for a home
40 | education student to participate in extracurricular
41 | activities; amending s. 1007.271, F.S.; prohibiting
42 | dual enrollment course and program limitations for
43 | home education students from exceeding limitations for
44 | other students; providing an exemption from the grade
45 | point average requirement for initial enrollment in a
46 | dual enrollment program for certain home education
47 | students; amending s. 1002.385, F.S.; conforming
48 | cross-references; providing an effective date.

49 |
50 | Be It Enacted by the Legislature of the State of Florida:

51
52 Section 1. Subsections (1) and (2) of section 1002.41,
53 Florida Statutes, are amended, and subsections (11), (12), and
54 (13) are added to that section, to read:

55 1002.41 Home education programs.—

56 (1) As used in this section, the term a "home education
57 program" has the same meaning as is defined in s. 1002.01. A
58 home education program is not a school district program and is
59 registered with the district school superintendent only for the
60 purpose of complying with the state's attendance requirements
61 under s. 1003.21(1). The parent is not required to hold a valid
62 regular Florida teaching certificate.

63 (a) The parent, as defined in s. 1000.21, who establishes
64 and maintains a home education program shall notify the district
65 school superintendent of the county in which the parent resides
66 of her or his intent to establish and maintain a home education
67 program. The notice must ~~shall~~ be in writing, signed by the
68 parent, and ~~shall~~ include the full legal names, addresses, and
69 birthdates of all children who shall be enrolled as students in
70 the home education program. The notice must ~~shall~~ be filed in
71 the district school superintendent's office within 30 days of
72 the establishment of the home education program.

73 (b) The district school superintendent shall accept the
74 notice and immediately register the home education program upon
75 receipt of the notice. The district may not require any

76 additional information or verification from the parent unless
 77 the student chooses to participate in a school district program
 78 or service. The district school superintendent may not assign a
 79 grade level to the home education student or include a social
 80 security number or any other personal information of the student
 81 in any school district or state database unless the student
 82 chooses to participate in a school district program or service.

83 (c) The parent shall file a written notice of termination
 84 upon completion of the home education program with ~~shall be~~
 85 ~~filed in~~ the district school superintendent, along with the
 86 annual evaluation required in paragraph (f), within
 87 ~~superintendent's office within 30 days of after said~~
 88 termination.

89 (d) ~~(b)~~ The parent shall maintain a portfolio of records
 90 and materials. The portfolio must ~~shall~~ consist of the
 91 following:

92 1. A log of educational activities that is made
 93 contemporaneously with the instruction and that designates by
 94 title any reading materials used.

95 2. Samples of any writings, worksheets, workbooks, or
 96 creative materials used or developed by the student.

97 (e) The parent shall determine the content of the
 98 portfolio, preserve it ~~shall be preserved by the parent~~ for 2
 99 years, and make it ~~shall be made~~ available for inspection, if
 100 requested, by the district school superintendent, or the

101 district school superintendent's agent, upon 15 days' written
102 notice. Nothing in this section shall require the district
103 school superintendent to inspect the portfolio.

104 (f)~~(e)~~ The parent shall provide for an annual educational
105 evaluation in which is documented the student's demonstration of
106 educational progress at a level commensurate with her or his
107 ability. The parent shall select the method of evaluation and
108 shall file a copy of the evaluation annually with the district
109 school superintendent's office in the county in which the
110 student resides. The annual educational evaluation shall consist
111 of one of the following:

112 1. A teacher selected by the parent shall evaluate the
113 student's educational progress upon review of the portfolio and
114 discussion with the student. Such teacher shall hold a valid
115 regular Florida certificate to teach academic subjects at the
116 elementary or secondary level;

117 2. The student shall take any nationally normed student
118 achievement test administered by a certified teacher;

119 3. The student shall take a state student assessment test
120 used by the school district and administered by a certified
121 teacher, at a location and under testing conditions approved by
122 the school district;

123 4. The student shall be evaluated by an individual holding
124 a valid, active license pursuant to the provisions of s.
125 490.003(7) or (8); or

126 5. The student shall be evaluated with any other valid
127 measurement tool as mutually agreed upon by the district school
128 superintendent of the district in which the student resides and
129 the student's parent.

130 (2) The district school superintendent shall ~~review and~~
131 accept the results of the annual educational evaluation of the
132 student in a home education program. If the student does not
133 demonstrate educational progress at a level commensurate with
134 her or his ability, the district school superintendent shall
135 notify the parent, in writing, that such progress has not been
136 achieved. The parent shall have 1 year from the date of receipt
137 of the written notification to provide remedial instruction to
138 the student. At the end of the 1-year probationary period, the
139 student shall be reevaluated as specified in paragraph (1) (f)
140 ~~(1) (e)~~. Continuation in a home education program shall be
141 contingent upon the student demonstrating educational progress
142 commensurate with her or his ability at the end of the
143 probationary period.

144 (11) A school district may provide access to career and
145 technical courses and programs for a home education program
146 student who enrolls in a public school solely for the career and
147 technical courses or programs. The school district that provides
148 the career and technical courses and programs shall report each
149 student as a full-time equivalent student in the class and in a
150 manner prescribed by the department, and funding shall be

151 provided through the Florida Education Finance Program pursuant
152 to s. 1011.62.

153 (12) Industry certifications, national assessments, and
154 statewide, standardized assessments offered by a school district
155 shall be available to home education program students. Each
156 school district shall notify home education program students of
157 the available certifications and assessments; the date, time,
158 and locations for the administration of each certification and
159 assessment; and the deadline for notifying the school district
160 of the student's intent to participate and the student's
161 preferred location.

162 (13) A school district may not further regulate, exercise
163 control over, or require documentation from parents of home
164 education program students beyond the requirements of this
165 section unless the regulation, control, or documentation is
166 necessary for participation in a school district program.

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

169 1003.21 School attendance.—

170 (4) Before admitting a child to kindergarten, the
171 principal shall require evidence that the child has attained the
172 age at which he or she should be admitted in accordance with the
173 provisions of subparagraph (1)(a)2. The district school
174 superintendent may require evidence of the age of any child who
175 is being enrolled in public school and who the district school

176 superintendent ~~whom he or she~~ believes to be within the limits
177 of compulsory attendance as provided for by law; however, the
178 district school superintendent may not require evidence from any
179 child who meets regular attendance requirements by attending a
180 school or program listed in s. 1003.01(13)(b)-(e). If the first
181 prescribed evidence is not available, the next evidence
182 obtainable in the order set forth below shall be accepted:

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

186 (b) A duly attested transcript of a certificate of baptism
187 showing the date of birth and place of baptism of the child,
188 accompanied by an affidavit sworn to by the parent;

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

191 (d) A bona fide contemporary religious record of the
192 child's birth accompanied by an affidavit sworn to by the
193 parent;

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

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

199 (g) If none of these evidences can be produced, an
200 affidavit of age sworn to by the parent, accompanied by a

201 certificate of age signed by a public health officer or by a
202 public school physician, or, if these are not available in the
203 county, by a licensed practicing physician designated by the
204 district school board, which states that the health officer or
205 physician has examined the child and believes that the age as
206 stated in the affidavit is substantially correct. Children and
207 youths who are experiencing homelessness and children who are
208 known to the department, as defined in s. 39.0016, shall be
209 given temporary exemption from this section for 30 school days.

210 Section 3. Paragraph (f) of subsection (1) and paragraph
211 (a) of subsection (2) of section 1003.26, Florida Statutes, are
212 amended to read:

213 1003.26 Enforcement of school attendance.—The Legislature
214 finds that poor academic performance is associated with
215 nonattendance and that school districts must take an active role
216 in promoting and enforcing attendance as a means of improving
217 student performance. It is the policy of the state that each
218 district school superintendent be responsible for enforcing
219 school attendance of all students subject to the compulsory
220 school age in the school district and supporting enforcement of
221 school attendance by local law enforcement agencies. The
222 responsibility includes recommending policies and procedures to
223 the district school board that require public schools to respond
224 in a timely manner to every unexcused absence, and every absence
225 for which the reason is unknown, of students enrolled in the

226 | schools. District school board policies shall require the parent
227 | of a student to justify each absence of the student, and that
228 | justification will be evaluated based on adopted district school
229 | board policies that define excused and unexcused absences. The
230 | policies must provide that public schools track excused and
231 | unexcused absences and contact the home in the case of an
232 | unexcused absence from school, or an absence from school for
233 | which the reason is unknown, to prevent the development of
234 | patterns of nonattendance. The Legislature finds that early
235 | intervention in school attendance is the most effective way of
236 | producing good attendance habits that will lead to improved
237 | student learning and achievement. Each public school shall
238 | implement the following steps to promote and enforce regular
239 | school attendance:

240 | (1) CONTACT, REFER, AND ENFORCE.—

241 | (f)1. If the parent of a child who has been identified as
242 | exhibiting a pattern of nonattendance enrolls the child in a
243 | home education program pursuant to chapter 1002, the district
244 | school superintendent shall provide the parent a copy of s.
245 | 1002.41 and the accountability requirements of this paragraph.
246 | The district school superintendent shall also refer the parent
247 | to a home education review committee composed of the district
248 | contact for home education programs and at least two home
249 | educators selected by the parent from a district list of all
250 | home educators who have conducted a home education program for

251 at least 3 years and who have indicated a willingness to serve
252 on the committee. The home education review committee shall
253 review the portfolio of the student, as defined by s. 1002.41,
254 every 30 days during the district's regular school terms until
255 the committee is satisfied that the home education program is in
256 compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first
257 portfolio review must occur within the first 30 calendar days of
258 the establishment of the program. The provisions of subparagraph
259 2. do not apply once the committee determines the home education
260 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

261 2. If the parent fails to provide a portfolio to the
262 committee, the committee shall notify the district school
263 superintendent. The district school superintendent shall then
264 terminate the home education program and require the parent to
265 enroll the child in an attendance option that meets the
266 definition of "regular school attendance" under s.
267 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
268 termination of a home education program pursuant to this
269 subparagraph, the parent shall not be eligible to reenroll the
270 child in a home education program for 180 calendar days. Failure
271 of a parent to enroll the child in an attendance option as
272 required by this subparagraph after termination of the home
273 education program pursuant to this subparagraph shall constitute
274 noncompliance with the compulsory attendance requirements of s.
275 1003.21 and may result in criminal prosecution under s.

276 1003.27(2). Nothing contained herein shall restrict the ability
277 of the district school superintendent, or the ability of his or
278 her designee, to review the portfolio pursuant to s.
279 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

280 (2) GIVE WRITTEN NOTICE.—

281 (a) Under the direction of the district school
282 superintendent, a designated school representative shall give
283 written notice that requires enrollment or attendance within 3
284 days after the date of notice, in person or by return-receipt
285 mail, to the parent when no valid reason is found for a
286 student's nonenrollment in school. If the notice and requirement
287 are ignored, the designated school representative shall report
288 the case to the district school superintendent, who ~~and~~ may
289 refer the case to the child study team in paragraph (1)(b) at
290 the school the student would be assigned according to district
291 school board attendance area policies or to the case staffing
292 committee, established pursuant to s. 984.12. The child study
293 team shall diligently facilitate intervention services and shall
294 report the case back to the district school superintendent only
295 when all reasonable efforts to resolve the nonenrollment
296 behavior are exhausted. If the parent still refuses to cooperate
297 or enroll the child in school, the district school
298 superintendent shall take such steps as are necessary to bring
299 criminal prosecution against the parent.

300 Section 4. Subsection (2) of section 1003.27, Florida

301 Statutes, is amended to read:

302 1003.27 Court procedure and penalties.—The court procedure
 303 and penalties for the enforcement of the provisions of this
 304 part, relating to compulsory school attendance, shall be as
 305 follows:

306 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

307 (a) In each case of nonenrollment or of nonattendance upon
 308 the part of a student who is required to attend some school,
 309 when no valid reason for such nonenrollment or nonattendance is
 310 found, the district school superintendent shall institute a
 311 criminal prosecution against the student's parent. However,
 312 criminal prosecution may not be instituted against the student's
 313 parent until the school and school district have complied with
 314 s. 1003.26.

315 (b) Each public school principal or the principal's
 316 designee shall notify the district school board of each minor
 317 student under its jurisdiction who accumulates 15 unexcused
 318 absences in a period of 90 calendar days. ~~Each designee of the~~
 319 ~~governing body of each private school, and each parent whose~~
 320 ~~child is enrolled in a home education program, may provide the~~
 321 ~~Department of Highway Safety and Motor Vehicles with the legal~~
 322 ~~name, sex, date of birth, and social security number of each~~
 323 ~~minor student under his or her jurisdiction who fails to satisfy~~
 324 ~~relevant attendance requirements and who fails to otherwise~~
 325 ~~satisfy the requirements of s. 322.091.~~ The district school

326 superintendent must provide the Department of Highway Safety and
327 Motor Vehicles the legal name, sex, date of birth, and social
328 security number of each minor student who has been reported
329 under this paragraph and who fails to otherwise satisfy the
330 requirements of s. 322.091. The Department of Highway Safety and
331 Motor Vehicles may not issue a driver license or learner's
332 driver license to, and shall suspend any previously issued
333 driver license or learner's driver license of, any such minor
334 student, pursuant to the provisions of s. 322.091.

335 (c) Each designee of the governing body of each private
336 school and each parent whose child is enrolled in a home
337 education program may provide the Department of Highway Safety
338 and Motor Vehicles with the legal name, sex, date of birth, and
339 social security number of each minor student under his or her
340 jurisdiction who fails to satisfy relevant attendance
341 requirements and who fails to otherwise satisfy the requirements
342 of s. 322.091. The Department of Highway Safety and Motor
343 Vehicles may not issue a driver license or learner's driver
344 license to, and shall suspend any previously issued driver
345 license or learner's driver license of, any such minor student
346 pursuant to s. 322.091.

347 Section 5. Paragraph (c) of subsection (3) of section
348 1006.15, Florida Statutes, is amended to read:

349 1006.15 Student standards for participation in
350 interscholastic and intrascholastic extracurricular student

351 activities; regulation.—

352 (3)

353 (c) An individual home education student is eligible to
354 participate at the public school to which the student would be
355 assigned according to district school board attendance area
356 policies or which the student could choose to attend pursuant to
357 s. 1002.31, or may develop an agreement to participate at a
358 private school, in the interscholastic extracurricular
359 activities of that school, provided the following conditions are
360 met:

361 1. The home education student must meet the requirements
362 of the home education program pursuant to s. 1002.41.

363 2. During the period of participation at a school, the
364 home education student must demonstrate educational progress as
365 required in paragraph (b) in all subjects taken in the home
366 education program by a method of evaluation agreed upon by the
367 parent and the school principal which may include: review of the
368 student's work by a certified teacher chosen by the parent;
369 grades earned through correspondence; grades earned in courses
370 taken at a Florida College System institution, university, or
371 trade school; standardized test scores above the 35th
372 percentile; or any other method designated in s. 1002.41.

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

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

379 5. The student must register with the school his or her
380 intent to participate in interscholastic extracurricular
381 activities as a representative of the school before
382 participation ~~the beginning date of the season for the activity~~
383 ~~in which he or she wishes to participate~~. A home education
384 student must be able to participate in curricular activities if
385 that is a requirement for an extracurricular activity.

386 6. A student who transfers from a home education program
387 to a public school before or during the first grading period of
388 the school year is academically eligible to participate in
389 interscholastic extracurricular activities during the first
390 grading period provided the student has a successful evaluation
391 from the previous school year, pursuant to subparagraph 2.

392 7. Any public school or private school student who has
393 been unable to maintain academic eligibility for participation
394 in interscholastic extracurricular activities is ineligible to
395 participate in such activities as a home education student until
396 the student has successfully completed one grading period in
397 home education pursuant to subparagraph 2. to become eligible to
398 participate as a home education student.

399 Section 6. Paragraph (b) of subsection (13) of section
400 1007.271, Florida Statutes, is amended to read:

401 1007.271 Dual enrollment programs.—

402 (13)

403 (b) Each postsecondary institution eligible to participate
404 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
405 enter into a home education articulation agreement with each
406 home education student seeking enrollment in a dual enrollment
407 course and the student's parent. By August 1 of each year, the
408 eligible postsecondary institution shall complete and submit the
409 home education articulation agreement to the Department of
410 Education. The home education articulation agreement must
411 include, at a minimum:

412 1. A delineation of courses and programs available to
413 dually enrolled home education students. Courses and programs
414 may be added, revised, or deleted at any time by the
415 postsecondary institution. Any course or program limitations may
416 not exceed the limitations for other dually enrolled students.

417 2. The initial and continued eligibility requirements for
418 home education student participation, not to exceed those
419 required of other dually enrolled students. A high school grade
420 point average may not be required for home education students
421 who meet the minimum score on a common placement test adopted by
422 the State Board of Education which indicates that the student is
423 ready for college-level coursework; however, home education
424 student eligibility requirements for continued enrollment in
425 dual enrollment courses must include the maintenance of the

426 minimum postsecondary grade point average established by the
427 postsecondary institution.

428 3. The student's responsibilities for providing his or her
429 own instructional materials and transportation.

430 4. A copy of the statement on transfer guarantees
431 developed by the Department of Education under subsection (15).

432 Section 7. Paragraph (1) of subsection (5) and paragraph
433 (a) of subsection (11) of section 1002.385, Florida Statutes,
434 are amended to read:

435 1002.385 The Gardiner Scholarship.—

436 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must
437 be used to meet the individual educational needs of an eligible
438 student and may be spent for the following purposes:

439 (1) Fees for an annual evaluation of educational progress
440 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~
441 ~~1002.41(1)(e)~~, if this option is chosen for a home education
442 student.

443

444 A provider of any services receiving payments pursuant to this
445 subsection may not share, refund, or rebate any moneys from the
446 Gardiner Scholarship with the parent or participating student in
447 any manner. A parent, student, or provider of any services may
448 not bill an insurance company, Medicaid, or any other agency for
449 the same services that are paid for using Gardiner Scholarship
450 funds.

451 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
452 PARTICIPATION.—A parent who applies for program participation
453 under this section is exercising his or her parental option to
454 determine the appropriate placement or the services that best
455 meet the needs of his or her child. The scholarship award for a
456 student is based on a matrix that assigns the student to support
457 Level III services. If a parent receives an IEP and a matrix of
458 services from the school district pursuant to subsection (7),
459 the amount of the payment shall be adjusted as needed, when the
460 school district completes the matrix.

461 (a) To satisfy or maintain program eligibility, including
462 eligibility to receive and spend program payments, the parent
463 must sign an agreement with the organization and annually submit
464 a notarized, sworn compliance statement to the organization to:

465 1. Affirm that the student is enrolled in a program that
466 meets regular school attendance requirements as provided in s.
467 1003.01(13)(b)-(d).

468 2. Affirm that the program funds are used only for
469 authorized purposes serving the student's educational needs, as
470 described in subsection (5).

471 3. Affirm that the parent is responsible for the education
472 of his or her student by, as applicable:

473 a. Requiring the student to take an assessment in
474 accordance with paragraph (8)(c);

475 b. Providing an annual evaluation in accordance with s.

476 | 1002.41(1)(f) ~~s. 1002.41(1)(c)~~; or

477 | c. Requiring the child to take any preassessments and
 478 | postassessments selected by the provider if the child is 4 years
 479 | of age and is enrolled in a program provided by an eligible
 480 | Voluntary Prekindergarten Education Program provider. A student
 481 | with disabilities for whom a preassessment and postassessment is
 482 | not appropriate is exempt from this requirement. A participating
 483 | provider shall report a student's scores to the parent.

484 | 4. Affirm that the student remains in good standing with
 485 | the provider or school if those options are selected by the
 486 | parent.

487 |
 488 | A parent who fails to comply with this subsection forfeits the
 489 | Gardiner Scholarship.

490 | Section 8. This act shall take effect July 1, 2018.