

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 | the limitation of dual enrollment course enrollments
43 | under certain circumstances; prohibiting dual
44 | enrollment course and program limitations for home
45 | education students from exceeding limitations for
46 | other students; providing an exemption from the grade
47 | point average requirement for initial enrollment in a
48 | dual enrollment program for certain home education
49 | students; amending s. 1002.385, F.S.; conforming
50 | cross-references; providing an effective date.

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

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

1002.41 Home education programs.—

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

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

(b) The district school superintendent shall accept the

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

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

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

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

97 | 2. Samples of any writings, worksheets, workbooks, or
98 | creative materials used or developed by the student.

99 | (e) The parent shall determine the content of the
100 | portfolio, preserve it ~~shall be preserved by the parent~~ for 2

101 | years, and make it ~~shall be made~~ available for inspection, if
102 | requested, by the district school superintendent, or the
103 | district school superintendent's agent, upon 15 days' written
104 | notice. Nothing in this section shall require the district
105 | school superintendent to inspect the portfolio.

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

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

119 | 2. The student shall take any nationally normed student
120 | achievement test administered by a certified teacher;

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

125 | 4. The student shall be evaluated by an individual holding

126 a valid, active license pursuant to the provisions of s.
127 490.003(7) or (8); or

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

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

146 (11) A school district may provide access to career and
147 technical courses and programs for a home education program
148 student who enrolls in a public school solely for the career and
149 technical courses or programs. The school district that provides
150 the career and technical courses and programs shall report each

151 student as a full-time equivalent student in the class and in a
152 manner prescribed by the department, and funding shall be
153 provided through the Florida Education Finance Program pursuant
154 to s. 1011.62.

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

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

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

171 1003.21 School attendance.—

172 (4) Before admitting a child to kindergarten, the
173 principal shall require evidence that the child has attained the
174 age at which he or she should be admitted in accordance with the
175 provisions of subparagraph (1)(a)2. The district school

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

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

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

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

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

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

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

201 (g) If none of these evidences can be produced, an
202 affidavit of age sworn to by the parent, accompanied by a
203 certificate of age signed by a public health officer or by a
204 public school physician, or, if these are not available in the
205 county, by a licensed practicing physician designated by the
206 district school board, which states that the health officer or
207 physician has examined the child and believes that the age as
208 stated in the affidavit is substantially correct. Children and
209 youths who are experiencing homelessness and children who are
210 known to the department, as defined in s. 39.0016, shall be
211 given temporary exemption from this section for 30 school days.

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

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

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

242 (1) CONTACT, REFER, AND ENFORCE.—

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

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

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

276 noncompliance with the compulsory attendance requirements of s.
277 1003.21 and may result in criminal prosecution under s.
278 1003.27(2). Nothing contained herein shall restrict the ability
279 of the district school superintendent, or the ability of his or
280 her designee, to review the portfolio pursuant to s.
281 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

282 (2) GIVE WRITTEN NOTICE.—

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

301 criminal prosecution against the parent.

302 Section 4. Subsection (2) of section 1003.27, Florida
303 Statutes, is amended to read:

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

308 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

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

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

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

349 Section 5. Paragraph (c) of subsection (3) of section
350 1006.15, Florida Statutes, is amended to read:

351 1006.15 Student standards for participation in
352 interscholastic and intrascholastic extracurricular student
353 activities; regulation.—

354 (3)

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

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

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

375 3. The home education student must meet the same residency

376 requirements as other students in the school at which he or she
377 participates.

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

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

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

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

401 Section 6. Subsection (3) and paragraph (b) of subsection
402 (13) of section 1007.271, Florida Statutes, are amended to read:
403 1007.271 Dual enrollment programs.—

404 (3) Student eligibility requirements for initial
405 enrollment in college credit dual enrollment courses must
406 include a 3.0 unweighted high school grade point average and the
407 minimum score on a common placement test adopted by the State
408 Board of Education which indicates that the student is ready for
409 college-level coursework. Student eligibility requirements for
410 continued enrollment in college credit dual enrollment courses
411 must include the maintenance of a 3.0 unweighted high school
412 grade point average and the minimum postsecondary grade point
413 average established by the postsecondary institution. Regardless
414 of meeting student eligibility requirements for continued
415 enrollment, a student may lose the opportunity to participate in
416 a dual enrollment course if the student is disruptive to the
417 learning process such that the progress of other students or the
418 efficient administration of the course is hindered. Student
419 eligibility requirements for initial and continued enrollment in
420 career certificate dual enrollment courses must include a 2.0
421 unweighted high school grade point average. Exceptions to the
422 required grade point averages may be granted on an individual
423 student basis if the educational entities agree and the terms of
424 the agreement are contained within the dual enrollment
425 articulation agreement established pursuant to subsection (21).

426 Florida College System institution boards of trustees may
427 establish additional initial student eligibility requirements,
428 which shall be included in the dual enrollment articulation
429 agreement, to ensure student readiness for postsecondary
430 instruction. Additional requirements included in the agreement
431 may not arbitrarily prohibit students who have demonstrated the
432 ability to master advanced courses from participating in dual
433 enrollment courses or limit the number of dual enrollment
434 courses in which a student may enroll based solely upon
435 enrollment by the student at an independent postsecondary
436 institution.

437 (13)

438 (b) Each postsecondary institution eligible to participate
439 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
440 enter into a home education articulation agreement with each
441 home education student seeking enrollment in a dual enrollment
442 course and the student's parent. By August 1 of each year, the
443 eligible postsecondary institution shall complete and submit the
444 home education articulation agreement to the Department of
445 Education. The home education articulation agreement must
446 include, at a minimum:

447 1. A delineation of courses and programs available to
448 dually enrolled home education students. Courses and programs
449 may be added, revised, or deleted at any time by the
450 postsecondary institution. Any course or program limitations may

451 not exceed the limitations for other dually enrolled students.

452 2. The initial and continued eligibility requirements for
453 home education student participation, not to exceed those
454 required of other dually enrolled students. A high school grade
455 point average may not be required for home education students
456 who meet the minimum score on a common placement test adopted by
457 the State Board of Education which indicates that the student is
458 ready for college-level coursework; however, home education
459 student eligibility requirements for continued enrollment in
460 dual enrollment courses must include the maintenance of the
461 minimum postsecondary grade point average established by the
462 postsecondary institution.

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

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

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

470 1002.385 The Gardiner Scholarship.—

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

474 (1) Fees for an annual evaluation of educational progress
475 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~

476 ~~1002.41(1)(c)~~, if this option is chosen for a home education
477 student.

478
479 A provider of any services receiving payments pursuant to this
480 subsection may not share, refund, or rebate any moneys from the
481 Gardiner Scholarship with the parent or participating student in
482 any manner. A parent, student, or provider of any services may
483 not bill an insurance company, Medicaid, or any other agency for
484 the same services that are paid for using Gardiner Scholarship
485 funds.

486 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
487 PARTICIPATION.—A parent who applies for program participation
488 under this section is exercising his or her parental option to
489 determine the appropriate placement or the services that best
490 meet the needs of his or her child. The scholarship award for a
491 student is based on a matrix that assigns the student to support
492 Level III services. If a parent receives an IEP and a matrix of
493 services from the school district pursuant to subsection (7),
494 the amount of the payment shall be adjusted as needed, when the
495 school district completes the matrix.

496 (a) To satisfy or maintain program eligibility, including
497 eligibility to receive and spend program payments, the parent
498 must sign an agreement with the organization and annually submit
499 a notarized, sworn compliance statement to the organization to:

500 1. Affirm that the student is enrolled in a program that

501 meets regular school attendance requirements as provided in s.
 502 1003.01(13)(b)-(d).

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

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

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

510 b. Providing an annual evaluation in accordance with s.
 511 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

512 c. Requiring the child to take any preassessments and
 513 postassessments selected by the provider if the child is 4 years
 514 of age and is enrolled in a program provided by an eligible
 515 Voluntary Prekindergarten Education Program provider. A student
 516 with disabilities for whom a preassessment and postassessment is
 517 not appropriate is exempt from this requirement. A participating
 518 provider shall report a student's scores to the parent.

519 4. Affirm that the student remains in good standing with
 520 the provider or school if those options are selected by the
 521 parent.

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523 A parent who fails to comply with this subsection forfeits the
 524 Gardiner Scholarship.

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