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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/22/2018	.	
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The Committee on Education (Baxley) recommended the following:

Senate Amendment

Delete lines 253 - 424
and insert:
compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first
portfolio review must occur within the first 30 calendar days of
the establishment of the program. The provisions of subparagraph
2. do not apply once the committee determines the home education
program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.
2. If the parent fails to provide a portfolio to the
committee, the committee shall notify the district school



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12 superintendent. The district school superintendent shall then
13 terminate the home education program and require the parent to
14 enroll the child in an attendance option that meets the
15 definition of "regular school attendance" under s.
16 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
17 termination of a home education program pursuant to this
18 subparagraph, the parent shall not be eligible to reenroll the
19 child in a home education program for 180 calendar days. Failure
20 of a parent to enroll the child in an attendance option as
21 required by this subparagraph after termination of the home
22 education program pursuant to this subparagraph shall constitute
23 noncompliance with the compulsory attendance requirements of s.
24 1003.21 and may result in criminal prosecution under s.
25 1003.27(2). Nothing contained herein shall restrict the ability
26 of the district school superintendent, or the ability of his or
27 her designee, to review the portfolio pursuant to s.
28 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

29 (2) GIVE WRITTEN NOTICE.—

30 (a) Under the direction of the district school
31 superintendent, a designated school representative shall give
32 written notice that requires enrollment or attendance within 3
33 days after the date of notice, in person or by return-receipt
34 mail, to the parent when no valid reason is found for a
35 student's nonenrollment in school. If the notice and requirement
36 are ignored, the designated school representative shall report
37 the case to the district school superintendent, who and may
38 refer the case to the child study team in paragraph (1)(b) at
39 the school the student would be assigned according to district
40 school board attendance area policies or to the case staffing



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41 committee, established pursuant to s. 984.12. The child study
42 team shall diligently facilitate intervention services and shall
43 report the case back to the district school superintendent only
44 when all reasonable efforts to resolve the nonenrollment
45 behavior are exhausted. If the parent still refuses to cooperate
46 or enroll the child in school, the district school
47 superintendent shall take such steps as are necessary to bring
48 criminal prosecution against the parent.

49 Section 1. Subsection (2) of section 1003.27, Florida
50 Statutes, is amended to read:

51 1003.27 Court procedure and penalties.—The court procedure
52 and penalties for the enforcement of the provisions of this
53 part, relating to compulsory school attendance, shall be as
54 follows:

55 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

56 (a) In each case of nonenrollment or of nonattendance upon
57 the part of a student who is required to attend some school,
58 when no valid reason for such nonenrollment or nonattendance is
59 found, the district school superintendent shall institute a
60 criminal prosecution against the student's parent. However,
61 criminal prosecution may not be instituted against the student's
62 parent until the school and school district have complied with
63 s. 1003.26.

64 (b) Each public school principal or the principal's
65 designee shall notify the district school board of each minor
66 student under its jurisdiction who accumulates 15 unexcused
67 absences in a period of 90 calendar days. ~~Each designee of the~~
68 ~~governing body of each private school, and each parent whose~~
69 ~~child is enrolled in a home education program, may provide the~~



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70 ~~Department of Highway Safety and Motor Vehicles with the legal~~
71 ~~name, sex, date of birth, and social security number of each~~
72 ~~minor student under his or her jurisdiction who fails to satisfy~~
73 ~~relevant attendance requirements and who fails to otherwise~~
74 ~~satisfy the requirements of s. 322.091.~~ The district school
75 superintendent must provide the Department of Highway Safety and
76 Motor Vehicles the legal name, sex, date of birth, and social
77 security number of each minor student who has been reported
78 under this paragraph and who fails to otherwise satisfy the
79 requirements of s. 322.091. The Department of Highway Safety and
80 Motor Vehicles may not issue a driver license or learner's
81 driver license to, and shall suspend any previously issued
82 driver license or learner's driver license of, any such minor
83 student, pursuant to the provisions of s. 322.091.

84 (c) Each designee of the governing body of each private
85 school and each parent whose child is enrolled in a home
86 education program may provide the Department of Highway Safety
87 and Motor Vehicles with the legal name, sex, date of birth, and
88 social security number of each minor student under his or her
89 jurisdiction who fails to satisfy relevant attendance
90 requirements and who fails to otherwise satisfy the requirements
91 of s. 322.091. The Department of Highway Safety and Motor
92 Vehicles may not issue a driver license or learner's driver
93 license to, and shall suspend any previously issued driver
94 license or learner's driver license of, any such minor student,
95 pursuant to s. 322.091.

96 Section 2. Paragraph (c) of subsection (3) of section
97 1006.15, Florida Statutes, is amended to read:

98 1006.15 Student standards for participation in



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99 interscholastic and intrascholastic extracurricular student
100 activities; regulation.—

101 (3)

102 (c) An individual home education student is eligible to
103 participate at the public school to which the student would be
104 assigned according to district school board attendance area
105 policies or which the student could choose to attend pursuant to
106 s. 1002.31, or may develop an agreement to participate at a
107 private school, in the interscholastic extracurricular
108 activities of that school, provided the following conditions are
109 met:

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

112 2. During the period of participation at a school, the home
113 education student must demonstrate educational progress as
114 required in paragraph (b) in all subjects taken in the home
115 education program by a method of evaluation agreed upon by the
116 parent and the school principal which may include: review of the
117 student's work by a certified teacher chosen by the parent;
118 grades earned through correspondence; grades earned in courses
119 taken at a Florida College System institution, university, or
120 trade school; standardized test scores above the 35th
121 percentile; or any other method designated in s. 1002.41.

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

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



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128 5. The student must register with the school his or her
129 intent to participate in interscholastic extracurricular
130 activities as a representative of the school before
131 participation ~~the beginning date of the season for the activity~~
132 ~~in which he or she wishes to participate~~. A home education
133 student must be able to participate in curricular activities if
134 that is a requirement for an extracurricular activity.

135 6. A student who transfers from a home education program to
136 a public school before or during the first grading period of the
137 school year is academically eligible to participate in
138 interscholastic extracurricular activities during the first
139 grading period provided the student has a successful evaluation
140 from the previous school year, pursuant to subparagraph 2.

141 7. Any public school or private school student who has been
142 unable to maintain academic eligibility for participation in
143 interscholastic extracurricular activities is ineligible to
144 participate in such activities as a home education student until
145 the student has successfully completed one grading period in
146 home education pursuant to subparagraph 2. to become eligible to
147 participate as a home education student.

148 Section 3. Paragraph (b) of subsection (13) of section
149 1007.271, Florida Statutes, is amended to read:

150 1007.271 Dual enrollment programs.—

151 (13)

152 (b) Each postsecondary institution eligible to participate
153 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
154 enter into a home education articulation agreement with each
155 home education student seeking enrollment in a dual enrollment
156 course and the student's parent. By August 1 of each year, the



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157 eligible postsecondary institution shall complete and submit the
158 home education articulation agreement to the Department of
159 Education. The home education articulation agreement must
160 include, at a minimum:

161 1. A delineation of courses and programs available to
162 dually enrolled home education students. Courses and programs
163 may be added, revised, or deleted at any time by the
164 postsecondary institution. Any course or program limitations may
165 not exceed the limitations for other dually enrolled students.

166 2. The initial and continued eligibility requirements for
167 home education student participation, not to exceed those
168 required of other dually enrolled students. A high school grade
169 point average may not be required for home education students
170 who meet the minimum score on a common placement test adopted by
171 the State Board of Education which indicates that the student is
172 ready for college-level coursework; however, home education
173 student eligibility requirements for continued enrollment in
174 dual enrollment courses must include the