

By Senator Baxley

12-00519B-18

2018732__

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 enrolled in specified schools and
29 programs; amending s. 1003.26, F.S.; revising

12-00519B-18

2018732__

30 reporting requirements for specified issues relating
31 to compulsory school attendance; amending s. 1003.27,
32 F.S.; requiring a school and school district to comply
33 with specified provisions before instituting criminal
34 prosecution against certain parents relating to
35 compulsory school attendance; amending s. 1006.15,
36 F.S.; revising the standards required for a home
37 education student to participate in extracurricular
38 activities; amending s. 1007.271, F.S.; prohibiting
39 dual enrollment course and program limitations for
40 home education students from exceeding limitations for
41 other students; providing an exemption from the grade
42 point average requirement for initial enrollment in a
43 dual enrollment program for certain home education
44 students; amending s. 1002.385, F.S.; conforming
45 cross-references; providing an effective date.

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

48
49 Section 1. Subsections (1) and (2) of section 1002.41,
50 Florida Statutes, are amended, and subsections (11), (12), and
51 (13) are added to that section, to read:

52 1002.41 Home education programs.—

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

12-00519B-18

2018732__

59 regular Florida teaching certificate.

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

70 (b) The district school superintendent shall accept the
71 notice and immediately register the home education program upon
72 receipt of the notice. The district may not require any
73 additional information or verification from the parent unless
74 the student chooses to participate in a school district program
75 or service. The district school superintendent may not assign a
76 grade level to the home education student or include a social
77 security number or any other personal information of the student
78 in any school district or state database unless the student
79 chooses to participate in a school district program or service;
80 and

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

87 (d) ~~(b)~~ The parent shall maintain a portfolio of records and

12-00519B-18

2018732__

88 materials. The portfolio must ~~shall~~ consist of the following:

89 1. A log of educational activities that is made
90 contemporaneously with the instruction and that designates by
91 title any reading materials used.

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

94 (e) The parent shall determine the content of the
95 portfolio, preserve it ~~shall be preserved by the parent~~ for 2
96 years, and make it ~~shall be made~~ available for inspection, if
97 requested, by the district school superintendent, or the
98 district school superintendent's agent, upon 15 days' written
99 notice. Nothing in this section shall require the district
100 school superintendent to inspect the portfolio.

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

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

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

116 3. The student shall take a state student assessment test

12-00519B-18

2018732__

117 used by the school district and administered by a certified
118 teacher, at a location and under testing conditions approved by
119 the school district;

120 4. The student shall be evaluated by an individual holding
121 a valid, active license pursuant to the provisions of s.
122 490.003(7) or (8); or

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

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

141 (11) A school district may provide access to career and
142 technical courses and programs for a home education program
143 student who enrolls in a public school solely for the career and
144 technical courses or programs. The school district that provides
145 the career and technical courses and programs shall report each

12-00519B-18

2018732__

146 student as a full-time equivalent student in the class and in a
147 manner prescribed by the department, and funding shall be
148 provided through the Florida Education Finance Program pursuant
149 to s. 1011.62.

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

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

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

166 1003.21 School attendance.—

167 (4) Before admitting a child to kindergarten, the principal
168 shall require evidence that the child has attained the age at
169 which he or she should be admitted in accordance with the
170 provisions of subparagraph (1)(a)2. The district school
171 superintendent may require evidence of the age of any child who
172 is being enrolled in public school who the district school
173 superintendent ~~whom he or she~~ believes to be within the limits
174 of compulsory attendance as provided for by law; however, the

12-00519B-18

2018732__

175 district school superintendent may not require evidence from any
176 child who meets regular attendance requirements by attending a
177 school or program listed in s. 1003.01(13)(b)-(e). If the first
178 prescribed evidence is not available, the next evidence
179 obtainable in the order set forth below shall be accepted:

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

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

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

188 (d) A bona fide contemporary religious record of the
189 child's birth accompanied by an affidavit sworn to by the
190 parent;

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

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

196 (g) If none of these evidences can be produced, an
197 affidavit of age sworn to by the parent, accompanied by a
198 certificate of age signed by a public health officer or by a
199 public school physician, or, if these are not available in the
200 county, by a licensed practicing physician designated by the
201 district school board, which states that the health officer or
202 physician has examined the child and believes that the age as
203 stated in the affidavit is substantially correct. Children and

12-00519B-18

2018732__

204 youths who are experiencing homelessness and children who are
205 known to the department, as defined in s. 39.0016, shall be
206 given temporary exemption from this section for 30 school days.

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

210 1003.26 Enforcement of school attendance.—The Legislature
211 finds that poor academic performance is associated with
212 nonattendance and that school districts must take an active role
213 in promoting and enforcing attendance as a means of improving
214 student performance. It is the policy of the state that each
215 district school superintendent be responsible for enforcing
216 school attendance of all students subject to the compulsory
217 school age in the school district and supporting enforcement of
218 school attendance by local law enforcement agencies. The
219 responsibility includes recommending policies and procedures to
220 the district school board that require public schools to respond
221 in a timely manner to every unexcused absence, and every absence
222 for which the reason is unknown, of students enrolled in the
223 schools. District school board policies shall require the parent
224 of a student to justify each absence of the student, and that
225 justification will be evaluated based on adopted district school
226 board policies that define excused and unexcused absences. The
227 policies must provide that public schools track excused and
228 unexcused absences and contact the home in the case of an
229 unexcused absence from school, or an absence from school for
230 which the reason is unknown, to prevent the development of
231 patterns of nonattendance. The Legislature finds that early
232 intervention in school attendance is the most effective way of

12-00519B-18

2018732__

233 producing good attendance habits that will lead to improved
234 student learning and achievement. Each public school shall
235 implement the following steps to promote and enforce regular
236 school attendance:

237 (1) CONTACT, REFER, AND ENFORCE.—

238 (f)1. If the parent of a child who has been identified as
239 exhibiting a pattern of nonattendance enrolls the child in a
240 home education program pursuant to chapter 1002, the district
241 school superintendent shall provide the parent a copy of s.
242 1002.41 and the accountability requirements of this paragraph.
243 The district school superintendent shall also refer the parent
244 to a home education review committee composed of the district
245 contact for home education programs and at least two home
246 educators selected by the parent from a district list of all
247 home educators who have conducted a home education program for
248 at least 3 years and who have indicated a willingness to serve
249 on the committee. The home education review committee shall
250 review the portfolio of the student, as defined by s. 1002.41,
251 every 30 days during the district's regular school terms until
252 the committee is satisfied that the home education program is in
253 compliance with s. 1002.41(1)(b). The first portfolio review
254 must occur within the first 30 calendar days of the
255 establishment of the program. The provisions of subparagraph 2.
256 do not apply once the committee determines the home education
257 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

258 2. If the parent fails to provide a portfolio to the
259 committee, the committee shall notify the district school
260 superintendent. The district school superintendent shall then
261 terminate the home education program and require the parent to

12-00519B-18

2018732__

262 enroll the child in an attendance option that meets the
263 definition of "regular school attendance" under s.
264 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
265 termination of a home education program pursuant to this
266 subparagraph, the parent shall not be eligible to reenroll the
267 child in a home education program for 180 calendar days. Failure
268 of a parent to enroll the child in an attendance option as
269 required by this subparagraph after termination of the home
270 education program pursuant to this subparagraph shall constitute
271 noncompliance with the compulsory attendance requirements of s.
272 1003.21 and may result in criminal prosecution under s.
273 1003.27(2). Nothing contained herein shall restrict the ability
274 of the district school superintendent, or the ability of his or
275 her designee, to review the portfolio pursuant to s.
276 1002.41(1)(b).

277 (2) GIVE WRITTEN NOTICE.—

278 (a) Under the direction of the district school
279 superintendent, a designated school representative shall give
280 written notice that requires enrollment or attendance within 3
281 days after the date of notice, in person or by return-receipt
282 mail, to the parent when no valid reason is found for a
283 student's nonenrollment in school. If the notice and requirement
284 are ignored, the designated school representative shall report
285 the case to the district school superintendent, who and may
286 refer the case to the child study team in paragraph (1)(b) at
287 the school the student would be assigned according to district
288 school board attendance area policies or to the case staffing
289 committee, established pursuant to s. 984.12. The child study
290 team shall diligently facilitate intervention services and shall

12-00519B-18

2018732__

291 report the case back to the district school superintendent only
292 when all reasonable efforts to resolve the nonenrollment
293 behavior are exhausted. If the parent still refuses to cooperate
294 or enroll the child in school, the district school
295 superintendent shall take such steps as are necessary to bring
296 criminal prosecution against the parent.

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

299 1003.27 Court procedure and penalties.—The court procedure
300 and penalties for the enforcement of the provisions of this
301 part, relating to compulsory school attendance, shall be as
302 follows:

303 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

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

12-00519B-18

2018732__

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

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

344 Section 5. Paragraph (c) of subsection (3) of section
345 1006.15, Florida Statutes, is amended to read:

346 1006.15 Student standards for participation in
347 interscholastic and intrascholastic extracurricular student
348 activities; regulation.-

12-00519B-18

2018732__

349 (3)

350 (c) An individual home education student is eligible to
351 participate at the public school to which the student would be
352 assigned according to district school board attendance area
353 policies or which the student could choose to attend pursuant to
354 s. 1002.31, regardless of capacity requirements as indicated by
355 the definition of extracurricular courses under s. 1003.01(15),
356 which excludes the courses from maximum class size requirements;
357 or may develop an agreement to participate at a private school,
358 in the interscholastic extracurricular activities of that
359 school, provided the following conditions are met:

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

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

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

375 3.4. The home education student must meet the same
376 standards of ~~acceptance~~, behavior, and performance as required
377 of other students in extracurricular activities.

12-00519B-18

2018732__

378 ~~4.5.~~ The student must register with the school his or her
379 intent to participate in interscholastic extracurricular
380 activities as a representative of the school before
381 participation ~~the beginning date of the season for the activity~~
382 ~~in which he or she wishes to participate.~~ A home education
383 student must be able to participate in curricular activities if
384 that is a requirement for an extracurricular activity.

385 ~~5.6.~~ A student who transfers from a home education program
386 to a public school before or during the first grading period of
387 the school year is academically eligible to participate in
388 interscholastic extracurricular activities during the first
389 grading period provided the student has a successful evaluation
390 from the previous school year, pursuant to subparagraph 2.

391 ~~6.7.~~ Any public school or private school student who has
392 been unable to maintain academic eligibility for participation
393 in interscholastic extracurricular activities is ineligible to
394 participate in such activities as a home education student until
395 the student has successfully completed one grading period in
396 home education pursuant to subparagraph 2. to become eligible to
397 participate as a home education student.

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

400 1007.271 Dual enrollment programs.—

401 (13)

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

12-00519B-18

2018732__

407 eligible postsecondary institution shall complete and submit the
408 home education articulation agreement to the Department of
409 Education. The home education articulation agreement must
410 include, at a minimum:

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

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

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

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

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

434 1002.385 The Gardiner Scholarship.—

435 (5) AUTHORIZED USES OF PROGRAM FUNDS.—Program funds must be

12-00519B-18

2018732__

436 used to meet the individual educational needs of an eligible
437 student and may be spent for the following purposes:

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

442

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

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

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

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

12-00519B-18

2018732__

465 meets regular school attendance requirements as provided in s.
466 1003.01(13)(b)-(d).

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

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

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

474 b. Providing an annual evaluation in accordance with s.
475 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

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

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

486

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

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