

By the Committee on Education; and Senator Baxley

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1                   A bill to be entitled  
2       An act relating to K-12 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

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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. 1007.35, F.S.; updating  
45 terminology; requiring the Department of Education to  
46 provide certain teacher and student ACT and PreACT  
47 information for the evaluation of certain services and  
48 activities; amending s. 1002.385, F.S.; conforming  
49 cross-references; providing an effective date.

50  
51 Be It Enacted by the Legislature of the State of Florida:

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

56 1002.41 Home education programs.—

57 (1) As used in this section, the term A "home education  
58 program" has the same meaning as ~~is defined~~ in s. 1002.01. A

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59 home education program is not a school district program and is  
60 registered with the district school superintendent only for the  
61 purpose of complying with the state's attendance requirements  
62 under s. 1003.21(1). The parent is not required to hold a valid  
63 regular Florida teaching certificate.

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

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

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

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

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

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

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

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

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

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117 elementary or secondary level;

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

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

124 4. The student shall be evaluated by an individual holding  
125 a valid, active license pursuant to the provisions of s.  
126 490.003(7) or (8); or

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

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

145 (11) A school district may provide access to career and

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146 technical courses and programs for a home education program  
147 student who enrolls in a public school solely for the career and  
148 technical courses or programs. The school district that provides  
149 the career and technical courses and programs shall report each  
150 student as a full-time equivalent student in the class and in a  
151 manner prescribed by the department, and funding shall be  
152 provided through the Florida Education Finance Program pursuant  
153 to s. 1011.62.

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

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

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

170 1003.21 School attendance.—

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

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

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

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

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

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

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

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

200 (g) If none of these evidences can be produced, an  
201 affidavit of age sworn to by the parent, accompanied by a  
202 certificate of age signed by a public health officer or by a  
203 public school physician, or, if these are not available in the

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204 county, by a licensed practicing physician designated by the  
205 district school board, which states that the health officer or  
206 physician has examined the child and believes that the age as  
207 stated in the affidavit is substantially correct. Children and  
208 youths who are experiencing homelessness and children who are  
209 known to the department, as defined in s. 39.0016, shall be  
210 given temporary exemption from this section for 30 school days.

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

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



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233 unexcused absence from school, or an absence from school for  
234 which the reason is unknown, to prevent the development of  
235 patterns of nonattendance. The Legislature finds that early  
236 intervention in school attendance is the most effective way of  
237 producing good attendance habits that will lead to improved  
238 student learning and achievement. Each public school shall  
239 implement the following steps to promote and enforce regular  
240 school attendance:

241 (1) CONTACT, REFER, AND ENFORCE.—

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

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262           2. If the parent fails to provide a portfolio to the  
263 committee, the committee shall notify the district school  
264 superintendent. The district school superintendent shall then  
265 terminate the home education program and require the parent to  
266 enroll the child in an attendance option that meets the  
267 definition of "regular school attendance" under s.  
268 1003.01(13) (a), (b), (c), or (e), within 3 days. Upon  
269 termination of a home education program pursuant to this  
270 subparagraph, the parent shall not be eligible to reenroll the  
271 child in a home education program for 180 calendar days. Failure  
272 of a parent to enroll the child in an attendance option as  
273 required by this subparagraph after termination of the home  
274 education program pursuant to this subparagraph shall constitute  
275 noncompliance with the compulsory attendance requirements of s.  
276 1003.21 and may result in criminal prosecution under s.  
277 1003.27(2). Nothing contained herein shall restrict the ability  
278 of the district school superintendent, or the ability of his or  
279 her designee, to review the portfolio pursuant to s.  
280 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

281           (2) GIVE WRITTEN NOTICE.—

282           (a) Under the direction of the district school  
283 superintendent, a designated school representative shall give  
284 written notice that requires enrollment or attendance within 3  
285 days after the date of notice, in person or by return-receipt  
286 mail, to the parent when no valid reason is found for a  
287 student's nonenrollment in school. If the notice and requirement  
288 are ignored, the designated school representative shall report  
289 the case to the district school superintendent, who ~~and~~ may  
290 refer the case to the child study team in paragraph (1)(b) at

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291 the school the student would be assigned according to district  
 292 school board attendance area policies or to the case staffing  
 293 committee, established pursuant to s. 984.12. The child study  
 294 team shall diligently facilitate intervention services and shall  
 295 report the case back to the district school superintendent only  
 296 when all reasonable efforts to resolve the nonenrollment  
 297 behavior are exhausted. If the parent still refuses to cooperate  
 298 or enroll the child in school, the district school  
 299 superintendent shall take such steps as are necessary to bring  
 300 criminal prosecution against the parent.

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

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

307 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

316 (b) Each public school principal or the principal's  
 317 designee shall notify the district school board of each minor  
 318 student under its jurisdiction who accumulates 15 unexcused  
 319 absences in a period of 90 calendar days. ~~Each designee of the~~

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

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

348 Section 5. Paragraph (c) of subsection (3) of section

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349 1006.15, Florida Statutes, is amended to read:

350 1006.15 Student standards for participation in  
351 interscholastic and intrascholastic extracurricular student  
352 activities; regulation.—

353 (3)

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

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

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

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

377 4. The home education student must meet the same standards

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378 of acceptance, behavior, and performance as required of other  
379 students in extracurricular activities.

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

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

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

400 Section 6. Paragraph (b) of subsection (13) of section  
401 1007.271, Florida Statutes, is amended to read:

402 1007.271 Dual enrollment programs.—

403 (13)

404 (b) Each postsecondary institution eligible to participate  
405 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
406 enter into a home education articulation agreement with each

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407 home education student seeking enrollment in a dual enrollment  
408 course and the student's parent. By August 1 of each year, the  
409 eligible postsecondary institution shall complete and submit the  
410 home education articulation agreement to the Department of  
411 Education. The home education articulation agreement must  
412 include, at a minimum:

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

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

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

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

433 Section 7. Subsection (5), paragraph (j) of subsection (6),  
434 and subsection (8) of section 1007.35, Florida Statutes, are  
435 amended to read:

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436 1007.35 Florida Partnership for Minority and  
437 Underrepresented Student Achievement.—

438 (5) Each public high school, including, but not limited to,  
439 schools and alternative sites and centers of the Department of  
440 Juvenile Justice, shall provide for the administration of the  
441 Preliminary SAT/National Merit Scholarship Qualifying Test  
442 (PSAT/NMSQT), or the PreACT ~~preliminary~~ ACT to all enrolled 10th  
443 grade students. However, a written notice shall be provided to  
444 each parent which must include the opportunity to exempt his or  
445 her child from taking the PSAT/NMSQT or the PreACT ~~preliminary~~  
446 ACT.

447 (a) Test results will provide each high school with a  
448 database of student assessment data which certified school  
449 counselors will use to identify students who are prepared or who  
450 need additional work to be prepared to enroll and be successful  
451 in credit-bearing college coursework, including dual enrollment  
452 programs, AP courses, or other advanced high school courses.

453 (b) Funding for the PSAT/NMSQT or the PreACT ~~preliminary~~  
454 ACT for all 10th grade students shall be contingent upon annual  
455 funding in the General Appropriations Act.

456 (c) Public school districts must choose either the  
457 PSAT/NMSQT or the PreACT ~~preliminary~~ ACT for districtwide  
458 administration.

459 (6) The partnership shall:

460 (j) Provide information to students, parents, teachers,  
461 counselors, administrators, districts, Florida College System  
462 institutions, and state universities regarding PSAT/NMSQT or the  
463 PreACT ~~preliminary~~ ACT administration, including, but not  
464 limited to:



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465 1. Test administration dates and times.

466 2. That participation in the PSAT/NMSQT or the PreACT  
467 ~~preliminary ACT~~ is open to all 10th grade students.

468 3. The value of such tests in providing diagnostic feedback  
469 on student skills.

470 4. The value of student scores in predicting the  
471 probability of success on AP or other advanced course  
472 examinations.

473 (8) (a) By September 30 of each year, the partnership shall  
474 submit to the department a report that contains an evaluation of  
475 the effectiveness of the delivered services and activities.  
476 Activities and services must be evaluated on their effectiveness  
477 at raising student achievement and increasing the number of AP  
478 or other advanced course examinations in low-performing middle  
479 and high schools. Other indicators that must be addressed in the  
480 evaluation report include the number of middle and high school  
481 teachers trained; the effectiveness of the training; measures of  
482 postsecondary readiness of the students affected by the program;  
483 levels of participation in 10th grade PSAT/NMSQT or the PreACT  
484 ~~preliminary ACT~~ testing; and measures of student, parent, and  
485 teacher awareness of and satisfaction with the services of the  
486 partnership.

487 (b) The department shall contribute to the evaluation  
488 process by providing access, consistent with s. 119.071(5) (a),  
489 to student and teacher information necessary to match against  
490 databases containing teacher professional development data and  
491 databases containing assessment data for the PSAT/NMSQT, SAT,  
492 ACT, PreACT, AP, and other appropriate measures. The department  
493 shall also provide student-level data on student progress from

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494 middle school through high school and into college and the  
 495 workforce, if available, in order to support longitudinal  
 496 studies. The partnership shall analyze and report student  
 497 performance data in a manner that protects the rights of  
 498 students and parents as required in 20 U.S.C. s. 1232g and s.  
 499 1002.22.

500 Section 8. Paragraph (1) of subsection (5) and paragraph  
 501 (a) of subsection (11) of section 1002.385, Florida Statutes,  
 502 are amended to read:

503 1002.385 The Gardiner Scholarship.—

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

507 (1) Fees for an annual evaluation of educational progress  
 508 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~  
 509 ~~1002.41(1)(e)~~, if this option is chosen for a home education  
 510 student.

511  
 512 A provider of any services receiving payments pursuant to this  
 513 subsection may not share, refund, or rebate any moneys from the  
 514 Gardiner Scholarship with the parent or participating student in  
 515 any manner. A parent, student, or provider of any services may  
 516 not bill an insurance company, Medicaid, or any other agency for  
 517 the same services that are paid for using Gardiner Scholarship  
 518 funds.

519 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
 520 PARTICIPATION.—A parent who applies for program participation  
 521 under this section is exercising his or her parental option to  
 522 determine the appropriate placement or the services that best

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523 meet the needs of his or her child. The scholarship award for a  
524 student is based on a matrix that assigns the student to support  
525 Level III services. If a parent receives an IEP and a matrix of  
526 services from the school district pursuant to subsection (7),  
527 the amount of the payment shall be adjusted as needed, when the  
528 school district completes the matrix.

529 (a) To satisfy or maintain program eligibility, including  
530 eligibility to receive and spend program payments, the parent  
531 must sign an agreement with the organization and annually submit  
532 a notarized, sworn compliance statement to the organization to:

533 1. Affirm that the student is enrolled in a program that  
534 meets regular school attendance requirements as provided in s.  
535 1003.01(13)(b)-(d).

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

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

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

543 b. Providing an annual evaluation in accordance with s.  
544 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

545 c. Requiring the child to take any preassessments and  
546 postassessments selected by the provider if the child is 4 years  
547 of age and is enrolled in a program provided by an eligible  
548 Voluntary Prekindergarten Education Program provider. A student  
549 with disabilities for whom a preassessment and postassessment is  
550 not appropriate is exempt from this requirement. A participating  
551 provider shall report a student's scores to the parent.

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552           4. Affirm that the student remains in good standing with  
553 the provider or school if those options are selected by the  
554 parent.

555

556 A parent who fails to comply with this subsection forfeits the  
557 Gardiner Scholarship.

558           Section 9. This act shall take effect July 1, 2018.