

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 835 Education
SPONSOR(S): Eisnaugle and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 1522

| REFERENCE | ACTION | ANALYST | STAFF DIRECTOR or BUDGET/POLICY CHIEF |
|--|---------------------|---------|--|
| 1) Education Appropriations Subcommittee | 13 Y, 0 N, As CS | Seifert | Heflin |
| 2) Education Committee | | | |

SUMMARY ANALYSIS

Home Education is a parent-directed educational option that satisfies the requirement for regular school attendance. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education program students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

The bill:

- Clarifies that a home education program is not a school district;
- Authorizes school districts to provide exceptional student education-related services to a home education program student and report them for FEFP funding for services provided;
- Authorizes school districts to provide a home education program student access to career and technical courses and programs;
- Authorizes school districts to offer industry certifications, national assessments, and statewide, standardized assessments to a home education program student;
- Reimburses dual enrollment instructional materials expenses to a home education program student;
- Limits the documentation a school district can require from a home education student;
- Exempts dual enrollment students from paying postsecondary institution technology fees;
- Exempts a home education program student from the grade point average requirement for admission to a dual enrollment program if the student meets the minimum score on a common placement test;
- Explicitly exempts public school, private school, or home education program dual enrollment students from payment of registration, tuition, technology, and laboratory fees;
- Clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students;
- Requires postsecondary institutions to have a dual enrollment articulation agreement with home education program students and with private schools; and
- Specifies a home education program student is eligible for a Florida Gold Seal Vocational Scholars award.

The bill provides an appropriation of \$1 million of recurring general revenue for the 2016-2017 Fiscal Year to be disbursed by a nonprofit Scholarship Funding Organization to provide reimbursement of up to \$80 per course for dual enrollment instruction materials expenditures made by home education program students.

The bill is effective on July 1, 2016.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Home Education Programs

Home Education is a parent-directed educational option that satisfies the requirement for regular school attendance. Florida Laws protecting home education became effective in 1985. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education program students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program. More than 84,000 students in approximately 58,000 families are in Home Education Programs throughout Florida.¹

Section 1002.01, Florida Statute, defines home education as the sequentially progressive instruction of a student directed by his or her parent or guardian, in order to satisfy the requirement for compulsory education as defined in Section 1002.20, Florida Statute. Current law does not prescribe a curriculum or course of study for home education programs.

The bill allows, but does not require, a school district to provide exceptional student education (ESE) services to a home education program student and to report those students as full-time equivalent (FTE) for funding in the Florida Education Finance Program (FEFP). The bill also allows, but does not require, a school district to provide access to career and technical courses and programs to a home education program student and to report those students as FTE for funding in the FEFP.

The bill requires school districts to notify home education program students in the district of the date, time, and availability of industry certifications, national assessments, and statewide standardized assessments. A home education program student must notify the school district of intent to take the available certificates or assessments.

The bill provides, subject to an appropriation, a reimbursement of up to \$80 per dual enrollment course instructional materials for a home school program student. The reimbursement must be verified by an eligible nonprofit scholarship funding organization. If the number of submissions for dual enrollment textbook reimbursement is greater than the appropriation, the available funds shall be prorated among the eligible requests.

Court Procedure and Penalties

Florida law defines "habitual truant" as a student who has 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian, and who is subject to compulsory school attendance.²

The bill clarifies that court procedure and penalties for the enforcement of compulsory school attendance may not be instituted against a student's parent until the school and school district comply with the steps to promote and enforce regular school attendance as provided in Section 1003.26, Florida Statutes.

Dual Enrollment Program

Dual enrollment allows high school students an opportunity to enroll in postsecondary courses and receive both high school and postsecondary credit.

¹ Department of Education at: <http://www.fl DOE.org/schools/school-choice/other-school-choice-options/home-edu/> (last visited Jan 23, 2016).

² Section 984.03(27)(a), F.S.

Home education program students may enroll directly with the postsecondary institution pursuant to Section 1007.271(10)(a), Florida Statutes, or use the district's interinstitutional articulation agreement. If the home education program student enrolls through the district's interinstitutional articulation agreement as the basis for dual enrollment, the student is effectively enrolled in the district for the course(s) and the district may earn FTE and must provide instructional materials.

A home education program student not using the district's interinstitutional articulation agreement must provide proof of enrollment in the home education program and is responsible for his or her own instructional materials.

The Dual Enrollment Articulation Agreement between a school district and a postsecondary institution establishes guidelines for implementing the program for eligible students. Section 1007.271(21), Florida Statutes, mandates that a school district and the local public postsecondary institution enter into an agreement.

Home education program students must present evidence to the postsecondary institution that the home education program is in compliance with Section 1002.41, Florida Statutes. It is not a requirement that home education program students present a transcript at the time of entry to the dual enrollment program. Each postsecondary institution must enter into a Home Education Articulation Agreement with each student seeking enrollment in a dual enrollment course and the student's parent.

Currently, a dual enrollment student is exempt from payment of registration, tuition, and laboratory fees. The bill exempts technology fees for dual enrollment students as well.

The bill allows a home education program student to participate in a dual enrollment course without a high school grade point average (GPA) if the home school program student meets a minimum score on a college placement test. The home education program student is required to maintain a minimum GPA for continued enrollment.

The bill explicitly states that public school, private school, or home education program students eligible for dual enrollment are exempt from paying registration, tuition, technology, and laboratory fees.

The bill clarifies that private schools and a home education program student are not required to reimburse tuition for dual enrollment students. Public schools continue to be required to reimburse tuition for each dual enrollment student in the district.

The bill requires a dual enrollment articulation agreement between home education program students and the postsecondary institution.

The bill requires that a copy of a postsecondary institution's dual enrollment articulation agreement with a private school be submitted to the Department of Education. In addition, the dual enrollment articulation agreement with a private school must explicitly state that the costs associated with tuition and fees may not be passed along to the private school student or the private school.

Florida Gold Seal Vocational Scholars Award

Students who are home-educated in Florida may apply for the Florida Bright Futures Scholarship Program. The Bright Futures home education requirements differ from public and private high school requirements. Student eligibility requirements are provided for home education program students participating in the Bright Futures Florida Academic and Florida Medallion Scholarship programs; however, there is currently no specific authority for home education program students to be eligible for the Florida Gold Seal Vocational Scholarship.

The Florida Gold Seal Vocational Scholarship may be used for the following programs at institutions that offer these specific programs:

- Applied Technology Diploma Programs,
- Technical Degree Programs (Associate Degree and Applied Associate of Science Degree); and
- Career Certificate Programs.

Florida high school students who wish to qualify for the Florida Gold Seal Vocational Scholars award must meet the following initial eligibility requirements:

- Graduate from high school with a Standard Diploma (high school graduation requirements);
- Achieve the required weighted minimum 3.0 GPA in the non-elective high school courses;
- Take at least 3 full credits in a single Career and Technical Education program;
- Achieve the required minimum 3.5 unweighted GPA in the career education courses;
- Achieve the required minimum score on the ACT®, SAT®, or Florida Postsecondary Education Readiness Test (P.E.R.T.) exams; and
- Complete 30 service hours.

The bill makes a technical correction to clarify that the student must earn a minimum unweighted grade point average of 3.5 on a 4.0 scale for the secondary school career courses required to be eligible for the Florida Gold Seal Vocational Scholars scholars award.

In lieu of earning a minimum cumulative weighted grade point average of 3.0, on all subjects required for a standard high school diploma, excluding elective courses, the bill clarifies that a student who has attended a home education program during grades 11 and 12 is eligible for a Florida Gold Seal Vocational Scholarship if the student meets the general eligibility requirements for the program.

B. SECTION DIRECTORY:

Section 1: Amends s. 1002.41, F.S.; specifies that a home education program is not a school district program; authorizes a school district to provide exceptional student education-related services to certain home education program students; requires reporting and funding through the Florida Education Finance Program; authorizes a school district to provide home education program students with access to certain courses and programs offered by the school district; requires reporting and funding through the Florida Education Finance Program; requires home education program students be provided access to certain certifications and assessments offered by the school district; provides for a textbook reimbursement for home education program students; provides for funding and the disbursement of the reimbursement; requires a home education program student be verified by the postsecondary institution before award of the reimbursement; requires the reimbursement to be prorated under certain circumstances; and prohibits a school district from taking certain actions against a home education program student's parent unless such action is required for a school district program.

Section 2: Amends s. 1003.27, F.S.; requires a school and school district to comply with specified provisions before instituting criminal prosecution against certain parents relating to compulsory school attendance.

Section 3: Amends s. 1007.271, F.S.; exempts dual enrollment students from paying technology fees; prohibits dual enrollment course and program limitations for home education program students from exceeding limitations for other students; provides an exemption from the grade point average requirement for initial enrollment in a dual enrollment program for certain home education program students; provides that articulation agreements for private schools and home education program students may not contain specified payment provisions; requires each public postsecondary institution to develop a comprehensive dual enrollment articulation agreement for home education program students; authorizes certain postsecondary institutions to enter into an articulation agreement with certain private schools; requires the articulation agreement be submitted to the Department of Education; and requires specified provisions be included in the agreement.

Section 4: Amends s. 1009.536, F.S.; clarifies student eligibility for the Florida Gold Seal Vocational Scholars award.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

See *Fiscal Comments*.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill allows, but does not require, school districts to serve non-public school ESE students and report them for FTE funding. It is unknown how many home education program students are eligible or may use these services. The cost is indeterminate.

The bill allows, but does not require, school districts to provide access to career and technical courses and programs to non-public school students and report them for FTE funding. It is unknown how many home education program students are eligible or may use these services. The cost is indeterminate.

The bill requires school districts to notify and allow participation of industry certifications, national assessments, and statewide standardized assessments to non-public school students. It is unknown how many home education program students may choose to participate in the testing of certifications or assessments. The cost is indeterminate.

The bill provides a dual enrollment instructional materials reimbursement to home education program students of up to \$80 per dual enrollment course material to be administered by a nonprofit Scholarship Funding Organization. The bill provides an appropriation of \$1 million to the Department of Education to meet this requirement. If the appropriation is insufficient to meet the full cost of the program, the amount of each reimbursement shall be prorated.

The bill codifies and clarifies the home education program students' participation in the dual enrollment program. The changes codify current practice and there is no fiscal impact.

The changes made to the Florida Gold Seal Vocational Scholars award qualifications is expected to be positive, but indeterminate, due to the unknown actual number of eligible home education program students in Florida.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None known.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 28, 2016, the Education Appropriations Subcommittee adopted a proposed committee substitute and reported the bill favorably as a committee substitute. The committee substitute allows home education program students access to public education programs. The bill provides a dual enrollment instructional materials reimbursement process for home education program students. The bill analysis is drafted to the committee substitute as passed by the Education Appropriations Subcommittee.