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LEGISLATIVE ACTION

Senate

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House

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Floor: 1/AE/2R

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03/08/2018 05:26 PM

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Senator Baxley moved the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

1002.41 Home education programs.—

(1) As used in this section, the term a "home education  
program" has the same meaning as is defined in s. 1002.01. A  
home education program is not a school district program and is



815502

12 registered with the district school superintendent only for the  
13 purpose of complying with the state's attendance requirements  
14 under s. 1003.21(1). The parent is not required to hold a valid  
15 regular Florida teaching certificate.

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

26 (b) The district school superintendent shall accept the  
27 notice and immediately register the home education program upon  
28 receipt of the notice. The district may not require any  
29 additional information or verification from the parent unless  
30 the student chooses to participate in a school district program  
31 or service. The district school superintendent may not assign a  
32 grade level to the home education student or include a social  
33 security number or any other personal information of the student  
34 in any school district or state database unless the student  
35 chooses to participate in a school district program or service.

36 (c) The parent shall file a written notice of termination  
37 upon completion of the home education program with ~~shall be~~  
38 ~~filed in~~ the district school superintendent, along with the  
39 annual evaluation required in paragraph (f), within  
40 ~~superintendent's office within 30 days of~~ after said



815502

41 termination.

42 (d)~~(b)~~ The parent shall maintain a portfolio of records and  
43 materials. The portfolio must ~~shall~~ consist of the following:

44 1. A log of educational activities that is made  
45 contemporaneously with the instruction and that designates by  
46 title any reading materials used.

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

49 (e) The parent shall determine the content of the  
50 portfolio, preserve it shall be preserved by the parent for 2  
51 years, and make it shall be made available for inspection, if  
52 requested, by the district school superintendent, or the  
53 district school superintendent's agent, upon 15 days' written  
54 notice. Nothing in this section shall require the district  
55 school superintendent to inspect the portfolio.

56 (f)~~(e)~~ The parent shall provide for an annual educational  
57 evaluation in which is documented the student's demonstration of  
58 educational progress at a level commensurate with her or his  
59 ability. The parent shall select the method of evaluation and  
60 shall file a copy of the evaluation annually with the district  
61 school superintendent's office in the county in which the  
62 student resides. The annual educational evaluation shall consist  
63 of one of the following:

64 1. A teacher selected by the parent shall evaluate the  
65 student's educational progress upon review of the portfolio and  
66 discussion with the student. Such teacher shall hold a valid  
67 regular Florida certificate to teach academic subjects at the  
68 elementary or secondary level;

69 2. The student shall take any nationally normed student



815502

70 achievement test administered by a certified teacher;

71 3. The student shall take a state student assessment test  
72 used by the school district and administered by a certified  
73 teacher, at a location and under testing conditions approved by  
74 the school district;

75 4. The student shall be evaluated by an individual holding  
76 a valid, active license pursuant to the provisions of s.  
77 490.003(7) or (8); or

78 5. The student shall be evaluated with any other valid  
79 measurement tool as mutually agreed upon by the district school  
80 superintendent of the district in which the student resides and  
81 the student's parent.

82 (2) The district school superintendent shall ~~review and~~  
83 accept the results of the annual educational evaluation of the  
84 student in a home education program. If the student does not  
85 demonstrate educational progress at a level commensurate with  
86 her or his ability, the district school superintendent shall  
87 notify the parent, in writing, that such progress has not been  
88 achieved. The parent shall have 1 year from the date of receipt  
89 of the written notification to provide remedial instruction to  
90 the student. At the end of the 1-year probationary period, the  
91 student shall be reevaluated as specified in paragraph (1)(f)  
92 ~~(1)(e)~~. Continuation in a home education program shall be  
93 contingent upon the student demonstrating educational progress  
94 commensurate with her or his ability at the end of the  
95 probationary period.

96 (11) A school district may provide access to career and  
97 technical courses and programs for a home education program  
98 student who enrolls in a public school solely for the career and



815502

99 technical courses or programs. The school district that provides  
100 the career and technical courses and programs shall report each  
101 student as a full-time equivalent student in the class and in a  
102 manner prescribed by the department, and funding shall be  
103 provided through the Florida Education Finance Program pursuant  
104 to s. 1011.62.

105 (12) Industry certifications, national assessments, and  
106 statewide, standardized assessments offered by a school district  
107 shall be available to home education program students. Each  
108 school district shall notify home education program students of  
109 the available certifications and assessments; the date, time,  
110 and locations for the administration of each certification and  
111 assessment; and the deadline for notifying the school district  
112 of the student's intent to participate and the student's  
113 preferred location.

114 (13) A school district may not further regulate, exercise  
115 control over, or require documentation from parents of home  
116 education program students beyond the requirements of this  
117 section unless the regulation, control, or documentation is  
118 necessary for participation in a school district program.

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

121 1003.21 School attendance.—

122 (4) Before admitting a child to kindergarten, the principal  
123 shall require evidence that the child has attained the age at  
124 which he or she should be admitted in accordance with the  
125 provisions of subparagraph (1)(a)2. The district school  
126 superintendent may require evidence of the age of any child who  
127 is being enrolled in public school and who the district school



815502

128 superintendent ~~whom he or she~~ believes to be within the limits  
129 of compulsory attendance as provided for by law; however, the  
130 district school superintendent may not require evidence from any  
131 child who meets regular attendance requirements by attending a  
132 school or program listed in s. 1003.01(13)(b)-(e). If the first  
133 prescribed evidence is not available, the next evidence  
134 obtainable in the order set forth below shall be accepted:

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

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

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

143 (d) A bona fide contemporary religious record of the  
144 child's birth accompanied by an affidavit sworn to by the  
145 parent;

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

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

151 (g) If none of these evidences can be produced, an  
152 affidavit of age sworn to by the parent, accompanied by a  
153 certificate of age signed by a public health officer or by a  
154 public school physician, or, if these are not available in the  
155 county, by a licensed practicing physician designated by the  
156 district school board, which states that the health officer or



815502

157 physician has examined the child and believes that the age as  
158 stated in the affidavit is substantially correct. Children and  
159 youths who are experiencing homelessness and children who are  
160 known to the department, as defined in s. 39.0016, shall be  
161 given temporary exemption from this section for 30 school days.

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

165 1003.26 Enforcement of school attendance.—The Legislature  
166 finds that poor academic performance is associated with  
167 nonattendance and that school districts must take an active role  
168 in promoting and enforcing attendance as a means of improving  
169 student performance. It is the policy of the state that each  
170 district school superintendent be responsible for enforcing  
171 school attendance of all students subject to the compulsory  
172 school age in the school district and supporting enforcement of  
173 school attendance by local law enforcement agencies. The  
174 responsibility includes recommending policies and procedures to  
175 the district school board that require public schools to respond  
176 in a timely manner to every unexcused absence, and every absence  
177 for which the reason is unknown, of students enrolled in the  
178 schools. District school board policies shall require the parent  
179 of a student to justify each absence of the student, and that  
180 justification will be evaluated based on adopted district school  
181 board policies that define excused and unexcused absences. The  
182 policies must provide that public schools track excused and  
183 unexcused absences and contact the home in the case of an  
184 unexcused absence from school, or an absence from school for  
185 which the reason is unknown, to prevent the development of



815502

186 patterns of nonattendance. The Legislature finds that early  
187 intervention in school attendance is the most effective way of  
188 producing good attendance habits that will lead to improved  
189 student learning and achievement. Each public school shall  
190 implement the following steps to promote and enforce regular  
191 school attendance:

192 (1) CONTACT, REFER, AND ENFORCE.—

193 (f)1. If the parent of a child who has been identified as  
194 exhibiting a pattern of nonattendance enrolls the child in a  
195 home education program pursuant to chapter 1002, the district  
196 school superintendent shall provide the parent a copy of s.  
197 1002.41 and the accountability requirements of this paragraph.  
198 The district school superintendent shall also refer the parent  
199 to a home education review committee composed of the district  
200 contact for home education programs and at least two home  
201 educators selected by the parent from a district list of all  
202 home educators who have conducted a home education program for  
203 at least 3 years and who have indicated a willingness to serve  
204 on the committee. The home education review committee shall  
205 review the portfolio of the student, as defined by s. 1002.41,  
206 every 30 days during the district's regular school terms until  
207 the committee is satisfied that the home education program is in  
208 compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first  
209 portfolio review must occur within the first 30 calendar days of  
210 the establishment of the program. The provisions of subparagraph  
211 2. do not apply once the committee determines the home education  
212 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

213 2. If the parent fails to provide a portfolio to the  
214 committee, the committee shall notify the district school





815502

215 superintendent. The district school superintendent shall then  
216 terminate the home education program and require the parent to  
217 enroll the child in an attendance option that meets the  
218 definition of "regular school attendance" under s.  
219 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon  
220 termination of a home education program pursuant to this  
221 subparagraph, the parent shall not be eligible to reenroll the  
222 child in a home education program for 180 calendar days. Failure  
223 of a parent to enroll the child in an attendance option as  
224 required by this subparagraph after termination of the home  
225 education program pursuant to this subparagraph shall constitute  
226 noncompliance with the compulsory attendance requirements of s.  
227 1003.21 and may result in criminal prosecution under s.  
228 1003.27(2). Nothing contained herein shall restrict the ability  
229 of the district school superintendent, or the ability of his or  
230 her designee, to review the portfolio pursuant to s.  
231 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

232 (2) GIVE WRITTEN NOTICE.—

233 (a) Under the direction of the district school  
234 superintendent, a designated school representative shall give  
235 written notice that requires enrollment or attendance within 3  
236 days after the date of notice, in person or by return-receipt  
237 mail, to the parent when no valid reason is found for a  
238 student's nonenrollment in school. If the notice and requirement  
239 are ignored, the designated school representative shall report  
240 the case to the district school superintendent, who and may  
241 refer the case to the child study team in paragraph (1)(b) at  
242 the school the student would be assigned according to district  
243 school board attendance area policies or to the case staffing



815502

244 committee, established pursuant to s. 984.12. The child study  
245 team shall diligently facilitate intervention services and shall  
246 report the case back to the district school superintendent only  
247 when all reasonable efforts to resolve the nonenrollment  
248 behavior are exhausted. If the parent still refuses to cooperate  
249 or enroll the child in school, the district school  
250 superintendent shall take such steps as are necessary to bring  
251 criminal prosecution against the parent.

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

254 1003.27 Court procedure and penalties.—The court procedure  
255 and penalties for the enforcement of the provisions of this  
256 part, relating to compulsory school attendance, shall be as  
257 follows:

258 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

259 (a) In each case of nonenrollment or of nonattendance upon  
260 the part of a student who is required to attend some school,  
261 when no valid reason for such nonenrollment or nonattendance is  
262 found, the district school superintendent shall institute a  
263 criminal prosecution against the student's parent. However,  
264 criminal prosecution may not be instituted against the student's  
265 parent until the school and school district have complied with  
266 s. 1003.26.

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



815502

273 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
274 ~~name, sex, date of birth, and social security number of each~~  
275 ~~minor student under his or her jurisdiction who fails to satisfy~~  
276 ~~relevant attendance requirements and who fails to otherwise~~  
277 ~~satisfy the requirements of s. 322.091.~~ The district school  
278 superintendent must provide the Department of Highway Safety and  
279 Motor Vehicles the legal name, sex, date of birth, and social  
280 security number of each minor student who has been reported  
281 under this paragraph and who fails to otherwise satisfy the  
282 requirements of s. 322.091. The Department of Highway Safety and  
283 Motor Vehicles may not issue a driver license or learner's  
284 driver license to, and shall suspend any previously issued  
285 driver license or learner's driver license of, any such minor  
286 student, pursuant to the provisions of s. 322.091.

287 (c) Each designee of the governing body of each private  
288 school and each parent whose child is enrolled in a home  
289 education program may provide the Department of Highway Safety  
290 and Motor Vehicles with the legal name, sex, date of birth, and  
291 social security number of each minor student under his or her  
292 jurisdiction who fails to satisfy relevant attendance  
293 requirements and who fails to otherwise satisfy the requirements  
294 of s. 322.091. The Department of Highway Safety and Motor  
295 Vehicles may not issue a driver license or learner's driver  
296 license to, and shall suspend any previously issued driver  
297 license or learner's driver license of, any such minor student  
298 pursuant to s. 322.091.

299 Section 5. Paragraph (1) of subsection (5) and paragraph  
300 (a) of subsection (11) of section 1002.385, Florida Statutes,  
301 are amended to read:



815502

302 1002.385 The Gardiner Scholarship.—

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

306 (1) Fees for an annual evaluation of educational progress  
307 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~  
308 ~~1002.41(1)(e)~~, if this option is chosen for a home education  
309 student.

310

311 A provider of any services receiving payments pursuant to this  
312 subsection may not share, refund, or rebate any moneys from the  
313 Gardiner Scholarship with the parent or participating student in  
314 any manner. A parent, student, or provider of any services may  
315 not bill an insurance company, Medicaid, or any other agency for  
316 the same services that are paid for using Gardiner Scholarship  
317 funds.

318 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
319 PARTICIPATION.—A parent who applies for program participation  
320 under this section is exercising his or her parental option to  
321 determine the appropriate placement or the services that best  
322 meet the needs of his or her child. The scholarship award for a  
323 student is based on a matrix that assigns the student to support  
324 Level III services. If a parent receives an IEP and a matrix of  
325 services from the school district pursuant to subsection (7),  
326 the amount of the payment shall be adjusted as needed, when the  
327 school district completes the matrix.

328 (a) To satisfy or maintain program eligibility, including  
329 eligibility to receive and spend program payments, the parent  
330 must sign an agreement with the organization and annually submit



815502

331 a notarized, sworn compliance statement to the organization to:

332 1. Affirm that the student is enrolled in a program that  
333 meets regular school attendance requirements as provided in s.  
334 1003.01(13)(b)-(d).

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

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

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

342 b. Providing an annual evaluation in accordance with s.  
343 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

344 c. Requiring the child to take any preassessments and  
345 postassessments selected by the provider if the child is 4 years  
346 of age and is enrolled in a program provided by an eligible  
347 Voluntary Prekindergarten Education Program provider. A student  
348 with disabilities for whom a preassessment and postassessment is  
349 not appropriate is exempt from this requirement. A participating  
350 provider shall report a student's scores to the parent.

351 4. Affirm that the student remains in good standing with  
352 the provider or school if those options are selected by the  
353 parent.

354  
355 A parent who fails to comply with this subsection forfeits the  
356 Gardiner Scholarship.

357 Section 6. Subsection (5), paragraph (j) of subsection (6),  
358 and subsection (8) of section 1007.35, Florida Statutes, are  
359 amended to read:



815502

360 1007.35 Florida Partnership for Minority and  
361 Underrepresented Student Achievement.—

362 (5) Each public high school, including, but not limited to,  
363 schools and alternative sites and centers of the Department of  
364 Juvenile Justice, shall provide for the administration of the  
365 Preliminary SAT/National Merit Scholarship Qualifying Test  
366 (PSAT/NMSQT), or the PreACT ~~preliminary ACT~~ to all enrolled 10th  
367 grade students. However, a written notice shall be provided to  
368 each parent which must include the opportunity to exempt his or  
369 her child from taking the PSAT/NMSQT or the PreACT ~~preliminary~~  
370 ~~ACT~~.

371 (a) Test results will provide each high school with a  
372 database of student assessment data which certified school  
373 counselors will use to identify students who are prepared or who  
374 need additional work to be prepared to enroll and be successful  
375 in AP courses or other advanced high school courses.

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

379 (c) Public school districts must choose either the  
380 PSAT/NMSQT or the PreACT ~~preliminary ACT~~ for districtwide  
381 administration.

382 (6) The partnership shall:

383 (j) Provide information to students, parents, teachers,  
384 counselors, administrators, districts, Florida College System  
385 institutions, and state universities regarding PSAT/NMSQT or the  
386 PreACT ~~preliminary ACT~~ administration, including, but not  
387 limited to:

388 1. Test administration dates and times.



815502

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

391           3. The value of such tests in providing diagnostic feedback  
392 on student skills.

393           4. The value of student scores in predicting the  
394 probability of success on AP or other advanced course  
395 examinations.

396           (8) (a) By September 30 of each year, the partnership shall  
397 submit to the department a report that contains an evaluation of  
398 the effectiveness of the delivered services and activities.  
399 Activities and services must be evaluated on their effectiveness  
400 at raising student achievement and increasing the number of AP  
401 or other advanced course examinations in low-performing middle  
402 and high schools. Other indicators that must be addressed in the  
403 evaluation report include the number of middle and high school  
404 teachers trained; the effectiveness of the training; measures of  
405 postsecondary readiness of the students affected by the program;  
406 levels of participation in 10th grade PSAT/NMSQT or the PreACT  
407 ~~preliminary ACT~~ testing; and measures of student, parent, and  
408 teacher awareness of and satisfaction with the services of the  
409 partnership.

410           (b) The department shall contribute to the evaluation  
411 process by providing access, consistent with s. 119.071(5) (a),  
412 to student and teacher information necessary to match against  
413 databases containing teacher professional development data and  
414 databases containing assessment data for the PSAT/NMSQT, SAT,  
415 ACT, PreACT, AP, and other appropriate measures. The department  
416 shall also provide student-level data on student progress from  
417 middle school through high school and into college and the



815502

418 workforce, if available, in order to support longitudinal  
419 studies. The partnership shall analyze and report student  
420 performance data in a manner that protects the rights of  
421 students and parents as required in 20 U.S.C. s. 1232g and s.  
422 1002.22.

423 Section 7. This act shall take effect July 1, 2018.

424

425 ===== T I T L E A M E N D M E N T =====

426 And the title is amended as follows:

427 Delete everything before the enacting clause  
428 and insert:

429 A bill to be entitled  
430 An act relating to home education; amending s.  
431 1002.41, F.S.; specifying that a home education  
432 program is not a school district program and is  
433 registered with the district school superintendent  
434 only for the purpose of complying with the state's  
435 attendance requirements; revising the content  
436 requirements of a notice of enrollment of a student in  
437 a home education program; requiring the district  
438 school superintendent to immediately register a home  
439 education program upon receipt of the notice;  
440 prohibiting a school district from requiring  
441 additional information or verification of a home  
442 education student except in specified circumstances;  
443 authorizing a school district to provide home  
444 education program students with access to certain  
445 courses and programs offered by the school district;  
446 requiring reporting and funding through the Florida





815502

447 Education Finance Program; requiring home education  
448 program students be provided access to certain  
449 certifications and assessments offered by the school  
450 district; prohibiting a school district from taking  
451 certain actions against a home education program  
452 student's parent unless such action is necessary for a  
453 school district program; amending s. 1003.21, F.S.;  
454 prohibiting a district school superintendent from  
455 requiring certain evidence relating to a child's age  
456 from children enrolling in specified schools and  
457 programs; amending s. 1003.26, F.S.; authorizing a  
458 school district superintendent to refer certain cases  
459 relating to student nonenrollment to the child study  
460 team of certain schools; requiring the child study  
461 team to provide specified services in such instances;  
462 conforming cross-references; amending s. 1003.27,  
463 F.S.; requiring a school and school district to comply  
464 with specified provisions before instituting criminal  
465 prosecution against certain parents relating to  
466 compulsory school attendance; amending s. 1002.385,  
467 F.S.; conforming cross-references; amending s.  
468 1007.35, F.S.; updating terminology; requiring the  
469 department to provide certain teacher and student ACT  
470 and PreACT information for the evaluation of certain  
471 services and activities; providing an effective date.