

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 731 Home Education
SPONSOR(S): PreK-12 Innovation Subcommittee and Sullivan
TIED BILLS: None **IDEN./SIM. BILLS:** SB 732

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	12 Y, 0 N, As CS	Dehmer	Healy
2) PreK-12 Appropriations Subcommittee	12 Y, 0 N	Seifert	Potvin
3) 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 students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

The bill:

- clarifies the definition of "parent," the home education registration process and the home education notice requirements;
- authorizes school districts to provide a home education student access to career and technical courses and programs;
- authorizes districts to offer industry certifications, national assessments and statewide, standardized assessments to home education students;
- prohibits school superintendents from requiring evidence of a child's age if the child meets regular attendance requirements by attending certain educational institutions or programs;
- authorizes school superintendents to refer student nonenrollment cases to a child study team in order to conduct intervention services;
- clarifies the court procedures and penalties for enforcement of compulsory school attendance; and
- exempts a home education student from the grade point average requirement for admission to dual enrollment programs if the student meets the minimum score on a college placement test.

The bill has no fiscal impact to the state.

The bill is effective on July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Home Education Programs

Present Situation

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 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

Parents of home education students are required to provide a signed, written notice of intent that includes the names of the students who will be home schooled to the district school superintendent in the parent's county of residence.²

Parents of home education students are also required to maintain a portfolio of a student's records and educational materials for two years which must be available for inspection.³

Effect of Proposed Changes

The bill clarifies that a home education program is not a school district program and clarifies that the program must register with the district superintendent for compliance with Florida's school attendance requirements.

The bill defines the term "parent" to mean either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent and maintains a home education program. The bill clarifies that the notice to establish a home education program must include the full legal names of the students and requires the district superintendent to accept the notice and immediately register the program.

The bill prohibits the district from requiring additional information from the parent of a home education student unless the student participates in a school district program or service. The bill also prohibits district superintendents from assigning a grade level to the home education student or including a social security number or any other personal information of the student in any school district or state database unless the student chooses to participate in a school district program or service.

The bill clarifies that the parent determines the content of a home education student's portfolio. The bill also authorizes, but does not require, a school district to provide access to career and technical courses and programs to a home education student and to report those students as full-time equivalent students (FTE) for funding in the Florida Education Finance Program (FEFP).

The bill requires school districts to notify home education students of the date, time and availability of industry certifications, national assessments and statewide standardized assessments. A home

¹ The Florida Department of Education, *Home Education*, available at: <http://www.fldoe.org/schools/school-choice/other-school-choice-options/home-edu/> (last visited December 18, 2017).

² Section 1002.41(1)(a), F.S.

³ Section 1002.41(b), F.S.

education student must notify the school district of the intent to take the available certificates or assessments.

The bill also prohibits a school district from further regulating, exercising control over or requiring documentation from parents of home education students beyond the requirements of law.

School Attendance

Present Situation

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.⁴ The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.⁵

When there is no valid reason for a student to not to be enrolled in school, a designated school representative must give written notice to the parent that requires student enrollment or attendance within 3 days after the date of notice. If the notice and requirement are ignored, the designated school representative must report the case to the district superintendent, and may refer the case to the case staffing committee. The district school superintendent must take the necessary steps to bring criminal prosecution against the parent.⁶

With few exceptions, all children who will be six years of age on February 1, of each school year and are less than 16 years of age are required to attend school regularly. Children who will be five years of age by September 1, of each school year are eligible for public kindergarten.⁷

A principal may request evidence that a child has attained the appropriate age for kindergarten before admitting the student. The district superintendent may require evidence of the age of any child believed to be within the limits of compulsory attendance.⁸

Effect of Proposed Changes

The bill authorizes the district superintendent to refer student nonenrollment cases to a child study team or a case staffing committee. The child study team is required to diligently facilitate intervention services and report to the district superintendent when all reasonable efforts to resolve the nonenrollment are exhausted.

The bill prohibits district school superintendents from requiring evidence of a child's age, prior to admitting the child to kindergarten, when the child meets regular attendance requirements by attending a:

- parochial, religious or denominational school;
- private school supported by tuition charges, endowments or gifts;
- home education program; or
- private tutoring program.

The bill also clarifies that school district superintendents may only request age information of a child who enrolls in a public school.

⁴ Section 1003.24, F.S. (flush-left provisions at end of section).

⁵ Section 1003.26, F.S.

⁶ Section 1003.26(2), F.S.

⁷ Section 1003.21(1)(a), F.S.

⁸ Section 1003.21(4), F.S.

Court Procedure and Penalties

Present Situation

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.⁹

In cases where an unexcused student does not enroll or attend school as required by law, the district school superintendent must initiate a criminal prosecution against the student's parent.¹⁰ Each public school principal or designee must notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days.¹¹

Effect of Proposed Changes

The bill clarifies that court procedures and penalties for the enforcement of compulsory school attendance may not be instituted against a student's parent until the school and district comply with the steps to promote and enforce regular school attendance.

Interscholastic Athletic Participation

Present Situation

Students enrolled in a home education program may participate in interscholastic athletics at a traditional public school, if certain requirements are met.¹² Such eligibility is provided because home education programs do not field athletic teams. In order to participate, home education students must:

- demonstrate educational progress or meet grade point average (GPA) requirements;
- meet the same residency requirements as other students in the school;
- meet the same standards of acceptance, behavior, and performance required of other participating students; and
- register their intent to participate in interscholastic extracurricular activities with the school before the beginning date of the season for the activity for which the student wishes to participate.¹³

Effect of Proposed Changes

The bill requires home education students to register their intent to participate prior to participation instead of prior to the beginning date of the season.

⁹ Section 984.03(27)(a), F.S.

¹⁰ Section 1003.27(2)(a), F.S.

¹¹ Section 1003.27(2)(b), F.S.

¹² Section 1006.15(3)(c), F.S.

¹³ *Id.* Generally speaking, the student must be allowed to participate in curricular activities if such participation is a requirement for an extracurricular activity. Section 1006.15(3)(c)5., (d)5., and (e)5., F.S.

Dual Enrollment Program

Present Situation

The dual enrollment program is an acceleration mechanism that authorizes an eligible secondary¹⁴ or home education student to enroll in a postsecondary course creditable toward high school completion and an associate or baccalaureate degree or career certificate.¹⁵ Upon successful completion of a dual enrollment course, the student simultaneously receives high school and college, university or career certificate credit.¹⁶

Students must demonstrate readiness for college-level or career-level coursework. The student must have a 3.0 GPA for enrollment in college-level courses and a 2.0 unweighted GPA for enrollment in career certificate courses. Students must demonstrate adequate pre-collegiate preparation on a basic computation and communication skills assessment through the common placement examination when enrolling in a college credit course. Exceptions to the required GPAs may be granted if the participating educational entities agree and the terms of such agreement are contained in the dual enrollment interinstitutional articulation agreement.¹⁷

Home education students can participate in the dual enrollment program. To participate in dual enrollment, a home education student must:¹⁸

- provide proof of enrollment in a home education program that meets statutory requirements;¹⁹
- be responsible for his or her own instructional materials unless provided for in the articulation agreement; and
- sign a home education articulation agreement²⁰ with the postsecondary institution in which the student plans to enroll.

Each postsecondary institution eligible to participate in the dual enrollment program is required to enter into a home education articulation agreement with each eligible home education student seeking enrollment in a dual enrollment course and the student's parent. Initial and continued eligibility requirements for home education students may not exceed those required of other dually enrolled students. Articulation agreements must be annually submitted by the postsecondary institution to the Department of Education on or before August 1.²¹

Effect of Proposed Changes

The bill permits a home education program student to participate in a dual enrollment course without a high school GPA if the home school program student meets a minimum score on a common placement test. The home education program student is required to maintain a minimum GPA for continued enrollment.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.41, F.S., relating to home education programs.

¹⁴ For purposes of dual enrollment, "secondary" is defined as a student who is enrolled in grades 6-12 in a Florida public school or Florida private school. Section 1007.271(2), F.S.

¹⁵ Section 1007.271(1), F.S.

¹⁶ Florida Department of Education, Office of Articulation, *Dual Enrollment Frequently Asked Questions*, available at <http://fldoe.org/core/fileparse.php/5421/urlt/DualEnrollmentFAQ.pdf> (last visited December 19, 2017).

¹⁷ Section 1007.271(3), F.S.

¹⁸ Section 1007.271(13), F.S.

¹⁹ Requirements for home education programs are outlined in s. 1002.41, F.S.

²⁰ Section 1007.271(13)(b), F.S.

²¹ *Id.*

Section 2. Amends s. 1003.21, F.S., relating to school attendance.

Section 3. Amends s. 1003.26, F.S., relating to enforcement of school attendance.

Section 4. Amends s. 1003.27, F.S., relating to court procedures and penalties.

Section 5. Amends s. 1006.15, F.S., relating to student participation in interscholastic and intrascholastic extracurricular activities.

Section 6. Amends s. 1007.271, F.S., relating to dual enrollment programs.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

If a school district elects to implement the provision of Section 1 that allows a school district to provide access to career and technical courses and programs for home education program students; there may likely be a fiscal impact; which is indeterminate at this time.

A school district may provide access to career and 144 technical courses and programs for a home education program 145 student who enrolls in a public school solely for the career and 146 technical courses or programs.

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.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 9, 2018, the PreK-12 Innovation Subcommittee adopted a substitute amendment and reported the bill favorably as a committee substitute. The amendment restored current statutory language so participation in extracurricular activities at public schools, the acceptance requirements, and the residency requirements for home education students are consistent with traditional public school students.