

**HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS**

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| BILL #: | CS/CS/HB 731 | FINAL HOUSE FLOOR ACTION: | | |
| SUBJECT/SHORT TITLE | Home Education | 101 | Y's 0 | N's |
| SPONSOR(S): | Education Committee; PreK-12 Innovation Subcommittee; Sullivan and others | GOVERNOR'S ACTION: | Approved | |
| COMPANION BILLS: | HB 1095; CS/HB 7055; CS/CS/SB 732; SB 1270 | | | |

SUMMARY ANALYSIS

CS/CS/HB 731 passed the House on February 21, 2018. The bill was amended in the Senate on March 8, 2018, and returned to the House. The House concurred in the Senate amendment and subsequently passed the bill as amended on March 9, 2018.

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
- revises the name of the preliminary ACT to the PreACT to be consistent with the correct name of the assessment and includes the ACT and the PreACT as specified assessments in databases for which the DOE must provide access for evaluation purposes.

The bill was approved by the Governor on March 30, 2018, ch. 2018-134, L.O.F., and will become effective on July 1, 2018.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF 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 the Bill

The bill clarifies that a home education program is not a school district program and clarifies that the program must be registered 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 March 13, 2018).

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 certification exams 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 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 the Bill

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.

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.

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

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 the Bill

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.

The bill authorizes the Department of Highway Safety and Motor Vehicles to refuse to issue a driver license or learner's permit, and requires the suspension of any drivers license or learner's permit, of any minor student who fails to satisfy relevant attendance requirements.

Florida Partnership for Minority and Underrepresented Student Achievement

Present Situation

The Florida Partnership for Minority and Underrepresented Student Achievement (Florida partnership), was created in 2004¹² to prepare, inspire, and connect students to postsecondary success and opportunity, with a particular focus on minority students and students who are underrepresented in postsecondary education.¹³

The Florida partnership provides to students enrolled in grade 10 in public schools access to the preliminary ACT and another specified assessment.¹⁴ Test results provide each high school with a database of student assessment data that certified school counselors must use to identify students who are prepared or who need additional work to be prepared to enroll and be successful in AP courses or other advanced high school courses.¹⁵

The Florida partnership is required to provide information to students and other specified recipients regarding the preliminary ACT or PSAT/NMSQT administration and participation by 10th grade

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 1, ch. 2004-63, L.O.F.

¹³ Section 1007.35(4), F.S.

¹⁴ *Id.* at (5). Public high schools are required to provide for the administration of the Preliminary ACT or the Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT). *Id.*

¹⁵ *Id.* at (5)(a), F.S.

students.¹⁶ The Florida partnership must also submit to the DOE a report that, among other items, evaluates the level of participation in the preliminary ACT.¹⁷

Additionally, the DOE must contribute to the evaluation of the Florida partnership by providing access to student and teacher information necessary to match against databases containing teacher professional development data and against databases containing assessment data for the PSAT/NMSQT, SAT, AP, and other appropriate measures.¹⁸

Effect of the Bill

The bill revises the name of the preliminary ACT to the PreACT to be consistent with the correct name of the assessment.¹⁹ The bill also includes the ACT and the PreACT as specified assessments in databases for which the DOE must provide access for evaluation purposes.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:
2. Expenditures:

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:
2. Expenditures:

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

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.

¹⁶ *Id.* at (6)(j), F.S.

¹⁷ *Id.* at (8)(a), F.S.

¹⁸ *Id.*

¹⁹ ACT, *PreACT*, <https://www.act.org/content/act/en/products-and-services/preact/preact-classroom.html> (last visited March 13, 2018).