

1 A bill to be entitled
2 An act relating to home 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 enrolling in specified schools and
29 | programs; amending s. 1003.26, F.S.; authorizing a
30 | school district superintendent to refer certain cases
31 | relating to student nonenrollment to the child study
32 | team of certain schools; requiring the child study
33 | team to provide specified services in such instances;
34 | conforming cross-references; amending s. 1003.27,
35 | F.S.; requiring a school and school district to comply
36 | with specified provisions before instituting criminal
37 | prosecution against certain parents relating to
38 | compulsory school attendance; amending s. 1006.15,
39 | F.S.; providing that a home education student is
40 | eligible to participate in extracurricular activities
41 | at any public school in the state; revising the
42 | standards required for a home education student to
43 | participate in extracurricular activities; amending s.
44 | 1007.271, F.S.; prohibiting dual enrollment course and
45 | program limitations for home education students from
46 | exceeding limitations for other students; providing an
47 | exemption from the grade point average requirement for
48 | initial enrollment in a dual enrollment program for
49 | certain home education students; amending s. 1002.385,
50 | F.S.; conforming cross-references; providing an

51 effective date.

52

53 Be It Enacted by the Legislature of the State of Florida:

54

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

58 1002.41 Home education programs.—

59 (1) As used in this section, the term a "home education
 60 program" has the same meaning as is defined in s. 1002.01. A
 61 home education program is not a school district program and is
 62 registered with the district school superintendent only for the
 63 purpose of complying with the state's attendance requirements
 64 under s. 1003.21(1). The parent is not required to hold a valid
 65 regular Florida teaching certificate.

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

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

86 (c) The parent shall file a written notice of termination
 87 upon completion of the home education program with ~~shall be~~
 88 ~~filed in~~ the district school superintendent, along with the
 89 annual evaluation required in paragraph (f), within
 90 ~~superintendent's office within 30 days of after said~~
 91 termination.

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

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

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

100 (e) The parent shall determine the content of the

101 | portfolio, preserve it ~~shall be preserved by the parent~~ for 2
102 | years, and make it ~~shall be made~~ available for inspection, if
103 | requested, by the district school superintendent, or the
104 | district school superintendent's agent, upon 15 days' written
105 | notice. Nothing in this section shall require the district
106 | school superintendent to inspect the portfolio.

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

115 | 1. A teacher selected by the parent shall evaluate the
116 | student's educational progress upon review of the portfolio and
117 | discussion with the student. Such teacher shall hold a valid
118 | regular Florida certificate to teach academic subjects at the
119 | elementary or secondary level;

120 | 2. The student shall take any nationally normed student
121 | achievement test administered by a certified teacher;

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

126 4. The student shall be evaluated by an individual holding
 127 a valid, active license pursuant to the provisions of s.
 128 490.003(7) or (8); or

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

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

147 (11) A school district may provide access to career and
 148 technical courses and programs for a home education program
 149 student who enrolls in a public school solely for the career and
 150 technical courses or programs. The school district that provides

151 the career and technical courses and programs shall report each
152 student as a full-time equivalent student in the class and in a
153 manner prescribed by the department, and funding shall be
154 provided through the Florida Education Finance Program pursuant
155 to s. 1011.62.

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

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

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

172 1003.21 School attendance.—

173 (4) Before admitting a child to kindergarten, the
174 principal shall require evidence that the child has attained the
175 age at which he or she should be admitted in accordance with the

176 provisions of subparagraph (1) (a)2. The district school
177 superintendent may require evidence of the age of any child who
178 is being enrolled in public school and who the district school
179 superintendent ~~whom he or she~~ believes to be within the limits
180 of compulsory attendance as provided for by law; however, the
181 district school superintendent may not require evidence from any
182 child who meets regular attendance requirements by attending a
183 school or program listed in s. 1003.01(13) (b)-(e). If the first
184 prescribed evidence is not available, the next evidence
185 obtainable in the order set forth below shall be accepted:

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

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

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

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

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

199 (f) A transcript of record of age shown in the child's
200 school record of at least 4 years prior to application, stating

201 date of birth; or

202 (g) If none of these evidences can be produced, an
203 affidavit of age sworn to by the parent, accompanied by a
204 certificate of age signed by a public health officer or by a
205 public school physician, or, if these are not available in the
206 county, by a licensed practicing physician designated by the
207 district school board, which states that the health officer or
208 physician has examined the child and believes that the age as
209 stated in the affidavit is substantially correct. Children and
210 youths who are experiencing homelessness and children who are
211 known to the department, as defined in s. 39.0016, shall be
212 given temporary exemption from this section for 30 school days.

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

216 1003.26 Enforcement of school attendance.—The Legislature
217 finds that poor academic performance is associated with
218 nonattendance and that school districts must take an active role
219 in promoting and enforcing attendance as a means of improving
220 student performance. It is the policy of the state that each
221 district school superintendent be responsible for enforcing
222 school attendance of all students subject to the compulsory
223 school age in the school district and supporting enforcement of
224 school attendance by local law enforcement agencies. The
225 responsibility includes recommending policies and procedures to

226 | the district school board that require public schools to respond
227 | in a timely manner to every unexcused absence, and every absence
228 | for which the reason is unknown, of students enrolled in the
229 | schools. District school board policies shall require the parent
230 | of a student to justify each absence of the student, and that
231 | justification will be evaluated based on adopted district school
232 | board policies that define excused and unexcused absences. The
233 | policies must provide that public schools track excused and
234 | unexcused absences and contact the home in the case of an
235 | unexcused absence from school, or an absence from school for
236 | which the reason is unknown, to prevent the development of
237 | patterns of nonattendance. The Legislature finds that early
238 | intervention in school attendance is the most effective way of
239 | producing good attendance habits that will lead to improved
240 | student learning and achievement. Each public school shall
241 | implement the following steps to promote and enforce regular
242 | school attendance:

243 | (1) CONTACT, REFER, AND ENFORCE.—

244 | (f)1. If the parent of a child who has been identified as
245 | exhibiting a pattern of nonattendance enrolls the child in a
246 | home education program pursuant to chapter 1002, the district
247 | school superintendent shall provide the parent a copy of s.
248 | 1002.41 and the accountability requirements of this paragraph.
249 | The district school superintendent shall also refer the parent
250 | to a home education review committee composed of the district

251 contact for home education programs and at least two home
252 educators selected by the parent from a district list of all
253 home educators who have conducted a home education program for
254 at least 3 years and who have indicated a willingness to serve
255 on the committee. The home education review committee shall
256 review the portfolio of the student, as defined by s. 1002.41,
257 every 30 days during the district's regular school terms until
258 the committee is satisfied that the home education program is in
259 compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first
260 portfolio review must occur within the first 30 calendar days of
261 the establishment of the program. The provisions of subparagraph
262 2. do not apply once the committee determines the home education
263 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

264 2. If the parent fails to provide a portfolio to the
265 committee, the committee shall notify the district school
266 superintendent. The district school superintendent shall then
267 terminate the home education program and require the parent to
268 enroll the child in an attendance option that meets the
269 definition of "regular school attendance" under s.
270 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
271 termination of a home education program pursuant to this
272 subparagraph, the parent shall not be eligible to reenroll the
273 child in a home education program for 180 calendar days. Failure
274 of a parent to enroll the child in an attendance option as
275 required by this subparagraph after termination of the home

276 education program pursuant to this subparagraph shall constitute
277 noncompliance with the compulsory attendance requirements of s.
278 1003.21 and may result in criminal prosecution under s.
279 1003.27(2). Nothing contained herein shall restrict the ability
280 of the district school superintendent, or the ability of his or
281 her designee, to review the portfolio pursuant to s.
282 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

283 (2) GIVE WRITTEN NOTICE.—

284 (a) Under the direction of the district school
285 superintendent, a designated school representative shall give
286 written notice that requires enrollment or attendance within 3
287 days after the date of notice, in person or by return-receipt
288 mail, to the parent when no valid reason is found for a
289 student's nonenrollment in school. If the notice and requirement
290 are ignored, the designated school representative shall report
291 the case to the district school superintendent, who ~~and~~ may
292 refer the case to the child study team in paragraph (1)(b) at
293 the school the student would be assigned according to district
294 school board attendance area policies or to the case staffing
295 committee, established pursuant to s. 984.12. The child study
296 team shall diligently facilitate intervention services and shall
297 report the case back to the district school superintendent only
298 when all reasonable efforts to resolve the nonenrollment
299 behavior are exhausted. If the parent still refuses to cooperate
300 or enroll the child in school, the district school

301 superintendent shall take such steps as are necessary to bring
 302 criminal prosecution against the parent.

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

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

309 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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

318 (b) Each public school principal or the principal's
 319 designee shall notify the district school board of each minor
 320 student under its jurisdiction who accumulates 15 unexcused
 321 absences in a period of 90 calendar days. ~~Each designee of the~~
 322 ~~governing body of each private school, and each parent whose~~
 323 ~~child is enrolled in a home education program, may provide the~~
 324 ~~Department of Highway Safety and Motor Vehicles with the legal~~
 325 ~~name, sex, date of birth, and social security number of each~~

326 ~~minor student under his or her jurisdiction who fails to satisfy~~
327 ~~relevant attendance requirements and who fails to otherwise~~
328 ~~satisfy the requirements of s. 322.091.~~ The district school
329 superintendent must provide the Department of Highway Safety and
330 Motor Vehicles the legal name, sex, date of birth, and social
331 security number of each minor student who has been reported
332 under this paragraph and who fails to otherwise satisfy the
333 requirements of s. 322.091. The Department of Highway Safety and
334 Motor Vehicles may not issue a driver license or learner's
335 driver license to, and shall suspend any previously issued
336 driver license or learner's driver license of, any such minor
337 student, pursuant to the provisions of s. 322.091.

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

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

351 1006.15, Florida Statutes, is amended to read:

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

355 (3)

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

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

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

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

379 3.4. The home education student must meet the same
380 standards of ~~acceptance,~~ behavior, and performance as required
381 of other students in extracurricular activities.

382 ~~4.5.~~ The student must register with the school his or her
383 intent to participate in interscholastic extracurricular
384 activities as a representative of the school before
385 participation ~~the beginning date of the season for the activity~~
386 ~~in which he or she wishes to participate.~~ A home education
387 student must be able to participate in curricular activities if
388 that is a requirement for an extracurricular activity.

389 5.6. A student who transfers from a home education program
390 to a public school before or during the first grading period of
391 the school year is academically eligible to participate in
392 interscholastic extracurricular activities during the first
393 grading period provided the student has a successful evaluation
394 from the previous school year, pursuant to subparagraph 2.

395 ~~6.7.~~ Any public school or private school student who has
396 been unable to maintain academic eligibility for participation
397 in interscholastic extracurricular activities is ineligible to
398 participate in such activities as a home education student until
399 the student has successfully completed one grading period in
400 home education pursuant to subparagraph 2. to become eligible to

401 participate as a home education student.

402 Section 6. Paragraph (b) of subsection (13) of section
403 1007.271, Florida Statutes, is amended to read:

404 1007.271 Dual enrollment programs.—

405 (13)

406 (b) Each postsecondary institution eligible to participate
407 in the dual enrollment program pursuant to s. 1011.62(1)(i) must
408 enter into a home education articulation agreement with each
409 home education student seeking enrollment in a dual enrollment
410 course and the student's parent. By August 1 of each year, the
411 eligible postsecondary institution shall complete and submit the
412 home education articulation agreement to the Department of
413 Education. The home education articulation agreement must
414 include, at a minimum:

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

420 2. The initial and continued eligibility requirements for
421 home education student participation, not to exceed those
422 required of other dually enrolled students. A high school grade
423 point average may not be required for home education students
424 who meet the minimum score on a common placement test adopted by
425 the State Board of Education which indicates that the student is

426 ready for college-level coursework; however, home education
427 student eligibility requirements for continued enrollment in
428 dual enrollment courses must include the maintenance of the
429 minimum postsecondary grade point average established by the
430 postsecondary institution.

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

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

435 Section 7. Paragraph (1) of subsection (5) and paragraph
436 (a) of subsection (11) of section 1002.385, Florida Statutes,
437 are amended to read:

438 1002.385 The Gardiner Scholarship.—

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

442 (1) Fees for an annual evaluation of educational progress
443 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~
444 ~~1002.41(1)(e)~~, if this option is chosen for a home education
445 student.

446

447 A provider of any services receiving payments pursuant to this
448 subsection may not share, refund, or rebate any moneys from the
449 Gardiner Scholarship with the parent or participating student in
450 any manner. A parent, student, or provider of any services may

451 not bill an insurance company, Medicaid, or any other agency for
452 the same services that are paid for using Gardiner Scholarship
453 funds.

454 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM
455 PARTICIPATION.—A parent who applies for program participation
456 under this section is exercising his or her parental option to
457 determine the appropriate placement or the services that best
458 meet the needs of his or her child. The scholarship award for a
459 student is based on a matrix that assigns the student to support
460 Level III services. If a parent receives an IEP and a matrix of
461 services from the school district pursuant to subsection (7),
462 the amount of the payment shall be adjusted as needed, when the
463 school district completes the matrix.

464 (a) To satisfy or maintain program eligibility, including
465 eligibility to receive and spend program payments, the parent
466 must sign an agreement with the organization and annually submit
467 a notarized, sworn compliance statement to the organization to:

468 1. Affirm that the student is enrolled in a program that
469 meets regular school attendance requirements as provided in s.
470 1003.01(13)(b)-(d).

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

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

476 a. Requiring the student to take an assessment in
477 accordance with paragraph (8)(c);
478 b. Providing an annual evaluation in accordance with s.
479 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or
480 c. Requiring the child to take any preassessments and
481 postassessments selected by the provider if the child is 4 years
482 of age and is enrolled in a program provided by an eligible
483 Voluntary Prekindergarten Education Program provider. A student
484 with disabilities for whom a preassessment and postassessment is
485 not appropriate is exempt from this requirement. A participating
486 provider shall report a student's scores to the parent.

487 4. Affirm that the student remains in good standing with
488 the provider or school if those options are selected by the
489 parent.

490

491 A parent who fails to comply with this subsection forfeits the
492 Gardiner Scholarship.

493 Section 8. This act shall take effect July 1, 2018.