



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. 1002.385,  
39 F.S.; conforming cross-references; amending s.  
40 1007.35, F.S.; updating terminology; requiring the  
41 department to provide certain teacher and student ACT  
42 and PreACT information for the evaluation of certain  
43 services and activities; providing an effective date.

44  
45 Be It Enacted by the Legislature of the State of Florida:

46  
47 Section 1. Subsections (1) and (2) of section 1002.41,  
48 Florida Statutes, are amended, and subsections (11), (12), and  
49 (13) are added to that section, to read:

50 1002.41 Home education programs.—



51           (1) As used in this section, the term a "home education  
52 program" has the same meaning as is defined in s. 1002.01. A  
53 home education program is not a school district program and is  
54 registered with the district school superintendent only for the  
55 purpose of complying with the state's attendance requirements  
56 under s. 1003.21(1). The parent is not required to hold a valid  
57 regular Florida teaching certificate.

58           (a) The parent, as defined in s. 1000.21, who establishes  
59 and maintains a home education program shall notify the district  
60 school superintendent of the county in which the parent resides  
61 of her or his intent to establish and maintain a home education  
62 program. The notice must ~~shall~~ be in writing, signed by the  
63 parent, and ~~shall~~ include the full legal names, addresses, and  
64 birthdates of all children who shall be enrolled as students in  
65 the home education program. The notice must ~~shall~~ be filed in  
66 the district school superintendent's office within 30 days of  
67 the establishment of the home education program.

68           (b) The district school superintendent shall accept the  
69 notice and immediately register the home education program upon  
70 receipt of the notice. The district may not require any  
71 additional information or verification from the parent unless  
72 the student chooses to participate in a school district program  
73 or service. The district school superintendent may not assign a  
74 grade level to the home education student or include a social  
75 security number or any other personal information of the student



76 in any school district or state database unless the student  
77 chooses to participate in a school district program or service.

78 (c) The parent shall file a written notice of termination  
79 upon completion of the home education program with ~~shall be~~  
80 ~~filed in~~ the district school superintendent, along with the  
81 annual evaluation required in paragraph (f), within  
82 ~~superintendent's office within 30 days of~~ after said  
83 termination.

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

87 1. A log of educational activities that is made  
88 contemporaneously with the instruction and that designates by  
89 title any reading materials used.

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

92 (e) The parent shall determine the content of the  
93 portfolio, preserve it ~~shall be preserved by the parent~~ for 2  
94 years, and make it ~~shall be made~~ available for inspection, if  
95 requested, by the district school superintendent, or the  
96 district school superintendent's agent, upon 15 days' written  
97 notice. Nothing in this section shall require the district  
98 school superintendent to inspect the portfolio.

99 (f) ~~(e)~~ The parent shall provide for an annual educational  
100 evaluation in which is documented the student's demonstration of



101 educational progress at a level commensurate with her or his  
102 ability. The parent shall select the method of evaluation and  
103 shall file a copy of the evaluation annually with the district  
104 school superintendent's office in the county in which the  
105 student resides. The annual educational evaluation shall consist  
106 of one of the following:

107 1. A teacher selected by the parent shall evaluate the  
108 student's educational progress upon review of the portfolio and  
109 discussion with the student. Such teacher shall hold a valid  
110 regular Florida certificate to teach academic subjects at the  
111 elementary or secondary level;

112 2. The student shall take any nationally normed student  
113 achievement test administered by a certified teacher;

114 3. The student shall take a state student assessment test  
115 used by the school district and administered by a certified  
116 teacher, at a location and under testing conditions approved by  
117 the school district;

118 4. The student shall be evaluated by an individual holding  
119 a valid, active license pursuant to the provisions of s.  
120 490.003(7) or (8); or

121 5. The student shall be evaluated with any other valid  
122 measurement tool as mutually agreed upon by the district school  
123 superintendent of the district in which the student resides and  
124 the student's parent.

125 (2) The district school superintendent shall ~~review and~~



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

139 | (11) A school district may provide access to career and  
140 | technical courses and programs for a home education program  
141 | student who enrolls in a public school solely for the career and  
142 | technical courses or programs. The school district that provides  
143 | the career and technical courses and programs shall report each  
144 | student as a full-time equivalent student in the class and in a  
145 | manner prescribed by the department, and funding shall be  
146 | provided through the Florida Education Finance Program pursuant  
147 | to s. 1011.62.

148 | (12) Industry certifications, national assessments, and  
149 | statewide, standardized assessments offered by a school district  
150 | shall be available to home education program students. Each



151 school district shall notify home education program students of  
152 the available certifications and assessments; the date, time,  
153 and locations for the administration of each certification and  
154 assessment; and the deadline for notifying the school district  
155 of the student's intent to participate and the student's  
156 preferred location.

157 (13) A school district may not further regulate, exercise  
158 control over, or require documentation from parents of home  
159 education program students beyond the requirements of this  
160 section unless the regulation, control, or documentation is  
161 necessary for participation in a school district program.

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

164 1003.21 School attendance.—

165 (4) Before admitting a child to kindergarten, the  
166 principal shall require evidence that the child has attained the  
167 age at which he or she should be admitted in accordance with the  
168 provisions of subparagraph (1)(a)2. The district school  
169 superintendent may require evidence of the age of any child who  
170 is being enrolled in public school and who the district school  
171 superintendent ~~whom he or she~~ believes to be within the limits  
172 of compulsory attendance as provided for by law; however, the  
173 district school superintendent may not require evidence from any  
174 child who meets regular attendance requirements by attending a  
175 school or program listed in s. 1003.01(13)(b)-(e). If the first



176 | prescribed evidence is not available, the next evidence  
177 | obtainable in the order set forth below shall be accepted:  
178 |       (a) A duly attested transcript of the child's birth record  
179 | filed according to law with a public officer charged with the  
180 | duty of recording births;  
181 |       (b) A duly attested transcript of a certificate of baptism  
182 | showing the date of birth and place of baptism of the child,  
183 | accompanied by an affidavit sworn to by the parent;  
184 |       (c) An insurance policy on the child's life that has been  
185 | in force for at least 2 years;  
186 |       (d) A bona fide contemporary religious record of the  
187 | child's birth accompanied by an affidavit sworn to by the  
188 | parent;  
189 |       (e) A passport or certificate of arrival in the United  
190 | States showing the age of the child;  
191 |       (f) A transcript of record of age shown in the child's  
192 | school record of at least 4 years prior to application, stating  
193 | date of birth; or  
194 |       (g) If none of these evidences can be produced, an  
195 | affidavit of age sworn to by the parent, accompanied by a  
196 | certificate of age signed by a public health officer or by a  
197 | public school physician, or, if these are not available in the  
198 | county, by a licensed practicing physician designated by the  
199 | district school board, which states that the health officer or  
200 | physician has examined the child and believes that the age as





201 stated in the affidavit is substantially correct. Children and  
202 youths who are experiencing homelessness and children who are  
203 known to the department, as defined in s. 39.0016, shall be  
204 given temporary exemption from this section for 30 school days.

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

208 1003.26 Enforcement of school attendance.—The Legislature  
209 finds that poor academic performance is associated with  
210 nonattendance and that school districts must take an active role  
211 in promoting and enforcing attendance as a means of improving  
212 student performance. It is the policy of the state that each  
213 district school superintendent be responsible for enforcing  
214 school attendance of all students subject to the compulsory  
215 school age in the school district and supporting enforcement of  
216 school attendance by local law enforcement agencies. The  
217 responsibility includes recommending policies and procedures to  
218 the district school board that require public schools to respond  
219 in a timely manner to every unexcused absence, and every absence  
220 for which the reason is unknown, of students enrolled in the  
221 schools. District school board policies shall require the parent  
222 of a student to justify each absence of the student, and that  
223 justification will be evaluated based on adopted district school  
224 board policies that define excused and unexcused absences. The  
225 policies must provide that public schools track excused and



226 unexcused absences and contact the home in the case of an  
227 unexcused absence from school, or an absence from school for  
228 which the reason is unknown, to prevent the development of  
229 patterns of nonattendance. The Legislature finds that early  
230 intervention in school attendance is the most effective way of  
231 producing good attendance habits that will lead to improved  
232 student learning and achievement. Each public school shall  
233 implement the following steps to promote and enforce regular  
234 school attendance:

235 (1) CONTACT, REFER, AND ENFORCE.—

236 (f)1. If the parent of a child who has been identified as  
237 exhibiting a pattern of nonattendance enrolls the child in a  
238 home education program pursuant to chapter 1002, the district  
239 school superintendent shall provide the parent a copy of s.  
240 1002.41 and the accountability requirements of this paragraph.  
241 The district school superintendent shall also refer the parent  
242 to a home education review committee composed of the district  
243 contact for home education programs and at least two home  
244 educators selected by the parent from a district list of all  
245 home educators who have conducted a home education program for  
246 at least 3 years and who have indicated a willingness to serve  
247 on the committee. The home education review committee shall  
248 review the portfolio of the student, as defined by s. 1002.41,  
249 every 30 days during the district's regular school terms until  
250 the committee is satisfied that the home education program is in



251 compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first  
252 portfolio review must occur within the first 30 calendar days of  
253 the establishment of the program. The provisions of subparagraph  
254 2. do not apply once the committee determines the home education  
255 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

256 2. If the parent fails to provide a portfolio to the  
257 committee, the committee shall notify the district school  
258 superintendent. The district school superintendent shall then  
259 terminate the home education program and require the parent to  
260 enroll the child in an attendance option that meets the  
261 definition of "regular school attendance" under s.  
262 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon  
263 termination of a home education program pursuant to this  
264 subparagraph, the parent shall not be eligible to reenroll the  
265 child in a home education program for 180 calendar days. Failure  
266 of a parent to enroll the child in an attendance option as  
267 required by this subparagraph after termination of the home  
268 education program pursuant to this subparagraph shall constitute  
269 noncompliance with the compulsory attendance requirements of s.  
270 1003.21 and may result in criminal prosecution under s.  
271 1003.27(2). Nothing contained herein shall restrict the ability  
272 of the district school superintendent, or the ability of his or  
273 her designee, to review the portfolio pursuant to s.  
274 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

275 (2) GIVE WRITTEN NOTICE.—



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

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

297 1003.27 Court procedure and penalties.—The court procedure  
298 and penalties for the enforcement of the provisions of this  
299 part, relating to compulsory school attendance, shall be as  
300 follows:



301 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

302 (a) In each case of nonenrollment or of nonattendance upon  
303 the part of a student who is required to attend some school,  
304 when no valid reason for such nonenrollment or nonattendance is  
305 found, the district school superintendent shall institute a  
306 criminal prosecution against the student's parent. However,  
307 criminal prosecution may not be instituted against the student's  
308 parent until the school and school district have complied with  
309 s. 1003.26.

310 (b) Each public school principal or the principal's  
311 designee shall notify the district school board of each minor  
312 student under its jurisdiction who accumulates 15 unexcused  
313 absences in a period of 90 calendar days. ~~Each designee of the~~  
314 ~~governing body of each private school, and each parent whose~~  
315 ~~child is enrolled in a home education program, may provide the~~  
316 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
317 ~~name, sex, date of birth, and social security number of each~~  
318 ~~minor student under his or her jurisdiction who fails to satisfy~~  
319 ~~relevant attendance requirements and who fails to otherwise~~  
320 ~~satisfy the requirements of s. 322.091.~~ The district school  
321 superintendent must provide the Department of Highway Safety and  
322 Motor Vehicles the legal name, sex, date of birth, and social  
323 security number of each minor student who has been reported  
324 under this paragraph and who fails to otherwise satisfy the  
325 requirements of s. 322.091. The Department of Highway Safety and



326 Motor Vehicles may not issue a driver license or learner's  
327 driver license to, and shall suspend any previously issued  
328 driver license or learner's driver license of, any such minor  
329 student, pursuant to the provisions of s. 322.091.

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

342 Section 5. Paragraph (1) of subsection (5) and paragraph  
343 (a) of subsection (11) of section 1002.385, Florida Statutes,  
344 are amended to read:

345 1002.385 The Gardiner Scholarship.—

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

349 (1) Fees for an annual evaluation of educational progress  
350 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~



351 ~~1002.41(1)(c)~~, if this option is chosen for a home education  
352 student.

353

354 A provider of any services receiving payments pursuant to this  
355 subsection may not share, refund, or rebate any moneys from the  
356 Gardiner Scholarship with the parent or participating student in  
357 any manner. A parent, student, or provider of any services may  
358 not bill an insurance company, Medicaid, or any other agency for  
359 the same services that are paid for using Gardiner Scholarship  
360 funds.

361 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
362 PARTICIPATION.—A parent who applies for program participation  
363 under this section is exercising his or her parental option to  
364 determine the appropriate placement or the services that best  
365 meet the needs of his or her child. The scholarship award for a  
366 student is based on a matrix that assigns the student to support  
367 Level III services. If a parent receives an IEP and a matrix of  
368 services from the school district pursuant to subsection (7),  
369 the amount of the payment shall be adjusted as needed, when the  
370 school district completes the matrix.

371 (a) To satisfy or maintain program eligibility, including  
372 eligibility to receive and spend program payments, the parent  
373 must sign an agreement with the organization and annually submit  
374 a notarized, sworn compliance statement to the organization to:

375 1. Affirm that the student is enrolled in a program that



376 | meets regular school attendance requirements as provided in s.  
377 | 1003.01(13)(b)-(d).

378 |         2. Affirm that the program funds are used only for  
379 | authorized purposes serving the student's educational needs, as  
380 | described in subsection (5).

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

383 |             a. Requiring the student to take an assessment in  
384 | accordance with paragraph (8)(c);

385 |             b. Providing an annual evaluation in accordance with s.  
386 | 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

387 |             c. Requiring the child to take any preassessments and  
388 | postassessments selected by the provider if the child is 4 years  
389 | of age and is enrolled in a program provided by an eligible  
390 | Voluntary Prekindergarten Education Program provider. A student  
391 | with disabilities for whom a preassessment and postassessment is  
392 | not appropriate is exempt from this requirement. A participating  
393 | provider shall report a student's scores to the parent.

394 |         4. Affirm that the student remains in good standing with  
395 | the provider or school if those options are selected by the  
396 | parent.

397 |

398 | A parent who fails to comply with this subsection forfeits the  
399 | Gardiner Scholarship.

400 |         Section 6. Subsection (5), paragraph (j) of subsection





401 (6), and subsection (8) of section 1007.35, Florida Statutes,  
402 are amended to read:

403 1007.35 Florida Partnership for Minority and  
404 Underrepresented Student Achievement.—

405 (5) Each public high school, including, but not limited  
406 to, schools and alternative sites and centers of the Department  
407 of Juvenile Justice, shall provide for the administration of the  
408 Preliminary SAT/National Merit Scholarship Qualifying Test  
409 (PSAT/NMSQT), or the PreACT ~~preliminary~~ ACT to all enrolled 10th  
410 grade students. However, a written notice shall be provided to  
411 each parent which must include the opportunity to exempt his or  
412 her child from taking the PSAT/NMSQT or the PreACT ~~preliminary~~  
413 ACT.

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

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

422 (c) Public school districts must choose either the  
423 PSAT/NMSQT or the PreACT ~~preliminary~~ ACT for districtwide  
424 administration.

425 (6) The partnership shall:



426 (j) Provide information to students, parents, teachers,  
427 counselors, administrators, districts, Florida College System  
428 institutions, and state universities regarding PSAT/NMSQT or the  
429 PreACT ~~preliminary ACT~~ administration, including, but not  
430 limited to:

- 431 1. Test administration dates and times.
- 432 2. That participation in the PSAT/NMSQT or the PreACT  
433 ~~preliminary ACT~~ is open to all 10th grade students.
- 434 3. The value of such tests in providing diagnostic  
435 feedback on student skills.
- 436 4. The value of student scores in predicting the  
437 probability of success on AP or other advanced course  
438 examinations.

439 (8) (a) By September 30 of each year, the partnership shall  
440 submit to the department a report that contains an evaluation of  
441 the effectiveness of the delivered services and activities.  
442 Activities and services must be evaluated on their effectiveness  
443 at raising student achievement and increasing the number of AP  
444 or other advanced course examinations in low-performing middle  
445 and high schools. Other indicators that must be addressed in the  
446 evaluation report include the number of middle and high school  
447 teachers trained; the effectiveness of the training; measures of  
448 postsecondary readiness of the students affected by the program;  
449 levels of participation in 10th grade PSAT/NMSQT or the PreACT  
450 ~~preliminary ACT~~ testing; and measures of student, parent, and



451 teacher awareness of and satisfaction with the services of the  
452 partnership.

453 (b) The department shall contribute to the evaluation  
454 process by providing access, consistent with s. 119.071(5)(a),  
455 to student and teacher information necessary to match against  
456 databases containing teacher professional development data and  
457 databases containing assessment data for the PSAT/NMSQT, SAT,  
458 ACT, PreACT, AP, and other appropriate measures. The department  
459 shall also provide student-level data on student progress from  
460 middle school through high school and into college and the  
461 workforce, if available, in order to support longitudinal  
462 studies. The partnership shall analyze and report student  
463 performance data in a manner that protects the rights of  
464 students and parents as required in 20 U.S.C. s. 1232g and s.  
465 1002.22.

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