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Proposed Committee Substitute by the Committee on Appropriations  
(Appropriations Subcommittee on Pre-K - 12 Education)

A bill to be entitled

An act relating to K-12 education; amending s. 1002.41, F.S.; specifying that a home education program is not a school district program and is registered with the district school superintendent only for the purpose of complying with the state's attendance requirements; revising the content requirements of a notice of enrollment of a student in a home education program; requiring the district school superintendent to immediately register a home education program upon receipt of the notice; prohibiting a school district from requiring additional information or verification of a home education student except in specified circumstances; authorizing a school district to provide home education program students with access to certain courses and programs offered by the school district; requiring reporting and funding through the Florida Education Finance Program; requiring home education program students be provided access to certain certifications and assessments offered by the school district; prohibiting a school district from taking certain actions against a home education program student's parent unless such action is necessary for a school district program; amending s. 1003.21, F.S.; prohibiting a district school superintendent from requiring certain evidence relating to a child's age



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28 from children enrolled in specified schools and  
29 programs; amending s. 1003.26, F.S.; revising  
30 reporting requirements for specified issues relating  
31 to compulsory school attendance; amending s. 1003.27,  
32 F.S.; requiring a school and school district to comply  
33 with specified provisions before instituting criminal  
34 prosecution against certain parents relating to  
35 compulsory school attendance; amending s. 1006.15,  
36 F.S.; revising the standards required for a home  
37 education student to participate in extracurricular  
38 activities; amending s. 1007.271, F.S.; prohibiting  
39 the dual enrollment articulation agreement from  
40 including course enrollment limitations for certain  
41 students; prohibiting dual enrollment course and  
42 program limitations for home education students from  
43 exceeding limitations for other students; providing an  
44 exemption from the grade point average requirement for  
45 initial enrollment in a dual enrollment program for  
46 certain home education students; amending s. 1007.35,  
47 F.S.; updating terminology; requiring the Department  
48 of Education to provide certain teacher and student  
49 ACT and PreACT information for the evaluation of  
50 certain services and activities; amending s. 1002.385,  
51 F.S.; conforming cross-references; providing an  
52 effective date.

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

55  
56 Section 1. Subsections (1) and (2) of section 1002.41,



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57 Florida Statutes, are amended, and subsections (11), (12), and  
58 (13) are added to that section, to read:

59 1002.41 Home education programs.—

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

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

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



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86 chooses to participate in a school district program or service;  
87 and

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

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

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

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

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

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



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115 of one of the following:

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

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

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

127 4. The student shall be evaluated by an individual holding  
128 a valid, active license pursuant to the provisions of s.  
129 490.003(7) or (8); or

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

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



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144 ~~(1)(e)~~. Continuation in a home education program shall be  
145 contingent upon the student demonstrating educational progress  
146 commensurate with her or his ability at the end of the  
147 probationary period.

148 (11) A school district may provide access to career and  
149 technical courses and programs for a home education program  
150 student who enrolls in a public school solely for the career and  
151 technical courses or programs. The school district that provides  
152 the career and technical courses and programs shall report each  
153 student as a full-time equivalent student in the class and in a  
154 manner prescribed by the department, and funding shall be  
155 provided through the Florida Education Finance Program pursuant  
156 to s. 1011.62.

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

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

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



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173           1003.21 School attendance.—  
174           (4) Before admitting a child to kindergarten, the principal  
175 shall require evidence that the child has attained the age at  
176 which he or she should be admitted in accordance with the  
177 provisions of subparagraph (1) (a)2. The district school  
178 superintendent may require evidence of the age of any child who  
179 is being enrolled in public school who the district school  
180 superintendent ~~whom he or she~~ believes to be within the limits  
181 of compulsory attendance as provided for by law; however, the  
182 district school superintendent may not require evidence from any  
183 child who meets regular attendance requirements by attending a  
184 school or program listed in s. 1003.01(13) (b)-(e). If the first  
185 prescribed evidence is not available, the next evidence  
186 obtainable in the order set forth below shall be accepted:  
187           (a) A duly attested transcript of the child's birth record  
188 filed according to law with a public officer charged with the  
189 duty of recording births;  
190           (b) A duly attested transcript of a certificate of baptism  
191 showing the date of birth and place of baptism of the child,  
192 accompanied by an affidavit sworn to by the parent;  
193           (c) An insurance policy on the child's life that has been  
194 in force for at least 2 years;  
195           (d) A bona fide contemporary religious record of the  
196 child's birth accompanied by an affidavit sworn to by the  
197 parent;  
198           (e) A passport or certificate of arrival in the United  
199 States showing the age of the child;  
200           (f) A transcript of record of age shown in the child's  
201 school record of at least 4 years prior to application, stating



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202 date of birth; or

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

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

217 1003.26 Enforcement of school attendance.—The Legislature  
218 finds that poor academic performance is associated with  
219 nonattendance and that school districts must take an active role  
220 in promoting and enforcing attendance as a means of improving  
221 student performance. It is the policy of the state that each  
222 district school superintendent be responsible for enforcing  
223 school attendance of all students subject to the compulsory  
224 school age in the school district and supporting enforcement of  
225 school attendance by local law enforcement agencies. The  
226 responsibility includes recommending policies and procedures to  
227 the district school board that require public schools to respond  
228 in a timely manner to every unexcused absence, and every absence  
229 for which the reason is unknown, of students enrolled in the  
230 schools. District school board policies shall require the parent





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

244 (1) CONTACT, REFER, AND ENFORCE.—

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



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260 compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~. The first  
261 portfolio review must occur within the first 30 calendar days of  
262 the establishment of the program. The provisions of subparagraph  
263 2. do not apply once the committee determines the home education  
264 program is in compliance with s. 1002.41(1)(d) ~~s. 1002.41(1)(b)~~.

265 2. If the parent fails to provide a portfolio to the  
266 committee, the committee shall notify the district school  
267 superintendent. The district school superintendent shall then  
268 terminate the home education program and require the parent to  
269 enroll the child in an attendance option that meets the  
270 definition of "regular school attendance" under s.  
271 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon  
272 termination of a home education program pursuant to this  
273 subparagraph, the parent shall not be eligible to reenroll the  
274 child in a home education program for 180 calendar days. Failure  
275 of a parent to enroll the child in an attendance option as  
276 required by this subparagraph after termination of the home  
277 education program pursuant to this subparagraph shall constitute  
278 noncompliance with the compulsory attendance requirements of s.  
279 1003.21 and may result in criminal prosecution under s.  
280 1003.27(2). Nothing contained herein shall restrict the ability  
281 of the district school superintendent, or the ability of his or  
282 her designee, to review the portfolio pursuant to s.  
283 1002.41(1)(e) ~~s. 1002.41(1)(b)~~.

284 (2) GIVE WRITTEN NOTICE.—

285 (a) Under the direction of the district school  
286 superintendent, a designated school representative shall give  
287 written notice that requires enrollment or attendance within 3  
288 days after the date of notice, in person or by return-receipt



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289 mail, to the parent when no valid reason is found for a  
290 student's nonenrollment in school. If the notice and requirement  
291 are ignored, the designated school representative shall report  
292 the case to the district school superintendent, who and may  
293 refer the case to the child study team in paragraph (1)(b) at  
294 the school the student would be assigned according to district  
295 school board attendance area policies or to the case staffing  
296 committee, established pursuant to s. 984.12. The child study  
297 team shall diligently facilitate intervention services and shall  
298 report the case back to the district school superintendent only  
299 when all reasonable efforts to resolve the nonenrollment  
300 behavior are exhausted. If the parent still refuses to cooperate  
301 or enroll the child in school, the district school  
302 superintendent shall take such steps as are necessary to bring  
303 criminal prosecution against the parent.

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

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

310 (2) NONENROLLMENT AND NONATTENDANCE CASES.—

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



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318 s. 1003.26.

319 (b) Each public school principal or the principal's  
320 designee shall notify the district school board of each minor  
321 student under its jurisdiction who accumulates 15 unexcused  
322 absences in a period of 90 calendar days. ~~Each designee of the~~  
323 ~~governing body of each private school, and each parent whose~~  
324 ~~child is enrolled in a home education program, may provide the~~  
325 ~~Department of Highway Safety and Motor Vehicles with the legal~~  
326 ~~name, sex, date of birth, and social security number of each~~  
327 ~~minor student under his or her jurisdiction who fails to satisfy~~  
328 ~~relevant attendance requirements and who fails to otherwise~~  
329 ~~satisfy the requirements of s. 322.091.~~ The district school  
330 superintendent must provide the Department of Highway Safety and  
331 Motor Vehicles the legal name, sex, date of birth, and social  
332 security number of each minor student who has been reported  
333 under this paragraph and who fails to otherwise satisfy the  
334 requirements of s. 322.091. The Department of Highway Safety and  
335 Motor Vehicles may not issue a driver license or learner's  
336 driver license to, and shall suspend any previously issued  
337 driver license or learner's driver license of, any such minor  
338 student, pursuant to the provisions of s. 322.091.

339 (c) Each designee of the governing body of each private  
340 school and each parent whose child is enrolled in a home  
341 education program may provide the Department of Highway Safety  
342 and Motor Vehicles with the legal name, sex, date of birth, and  
343 social security number of each minor student under his or her  
344 jurisdiction who fails to satisfy relevant attendance  
345 requirements and who fails to otherwise satisfy the requirements  
346 of s. 322.091. The Department of Highway Safety and Motor



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347 Vehicles may not issue a driver license or learner's driver  
348 license to, and shall suspend any previously issued driver  
349 license or learner's driver license of, any such minor student,  
350 pursuant to s. 322.091.

351 Section 5. Paragraph (c) of subsection (3) of section  
352 1006.15, Florida Statutes, is amended to read:

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

356 (3)

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

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

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



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376 percentile; or any other method designated in s. 1002.41.

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

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

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

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

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

403 Section 6. Subsection (3) and paragraph (b) of subsection  
404 (13) of section 1007.271, Florida Statutes, are amended to read:



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405           1007.271 Dual enrollment programs.-  
406           (3) Student eligibility requirements for initial enrollment  
407 in college credit dual enrollment courses must include a 3.0  
408 unweighted high school grade point average and the minimum score  
409 on a common placement test adopted by the State Board of  
410 Education which indicates that the student is ready for college-  
411 level coursework. Student eligibility requirements for continued  
412 enrollment in college credit dual enrollment courses must  
413 include the maintenance of a 3.0 unweighted high school grade  
414 point average and the minimum postsecondary grade point average  
415 established by the postsecondary institution. Regardless of  
416 meeting student eligibility requirements for continued  
417 enrollment, a student may lose the opportunity to participate in  
418 a dual enrollment course if the student is disruptive to the  
419 learning process such that the progress of other students or the  
420 efficient administration of the course is hindered. Student  
421 eligibility requirements for initial and continued enrollment in  
422 career certificate dual enrollment courses must include a 2.0  
423 unweighted high school grade point average. Exceptions to the  
424 required grade point averages may be granted on an individual  
425 student basis if the educational entities agree and the terms of  
426 the agreement are contained within the dual enrollment  
427 articulation agreement established pursuant to subsection (21).  
428 Florida College System institution boards of trustees may  
429 establish additional initial student eligibility requirements,  
430 which shall be included in the dual enrollment articulation  
431 agreement, to ensure student readiness for postsecondary  
432 instruction. Additional requirements included in the agreement  
433 may not arbitrarily prohibit students who have demonstrated the



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434 ability to master advanced courses from participating in dual  
435 enrollment courses or limit the number of dual enrollment  
436 courses in which a student may enroll based solely upon  
437 enrollment by the student at an independent postsecondary  
438 institution.

439 (13)

440 (b) Each postsecondary institution eligible to participate  
441 in the dual enrollment program pursuant to s. 1011.62(1)(i) must  
442 enter into a home education articulation agreement with each  
443 home education student seeking enrollment in a dual enrollment  
444 course and the student's parent. By August 1 of each year, the  
445 eligible postsecondary institution shall complete and submit the  
446 home education articulation agreement to the Department of  
447 Education. The home education articulation agreement must  
448 include, at a minimum:

449 1. A delineation of courses and programs available to  
450 dually enrolled home education students. Courses and programs  
451 may be added, revised, or deleted at any time by the  
452 postsecondary institution. Any course or program limitations may  
453 not exceed the limitations for other dually enrolled students.

454 2. The initial and continued eligibility requirements for  
455 home education student participation, not to exceed those  
456 required of other dually enrolled students. A high school grade  
457 point average may not be required for home education students  
458 who meet the minimum score on a common placement test adopted by  
459 the State Board of Education which indicates that the student is  
460 ready for college-level coursework; however, home education  
461 student eligibility requirements for continued enrollment in  
462 dual enrollment courses must include the maintenance of the





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463 minimum postsecondary grade point average established by the  
464 postsecondary institution.

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

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

469 Section 7. Subsection (5), paragraph (j) of subsection (6),  
470 and subsection (8) of section 1007.35, Florida Statutes, are  
471 amended to read:

472 1007.35 Florida Partnership for Minority and  
473 Underrepresented Student Achievement.—

474 (5) Each public high school, including, but not limited to,  
475 schools and alternative sites and centers of the Department of  
476 Juvenile Justice, shall provide for the administration of the  
477 Preliminary SAT/National Merit Scholarship Qualifying Test  
478 (PSAT/NMSQT), or the PreACT ~~preliminary ACT~~ to all enrolled 10th  
479 grade students. However, a written notice shall be provided to  
480 each parent which must include the opportunity to exempt his or  
481 her child from taking the PSAT/NMSQT or the PreACT ~~preliminary~~  
482 ~~ACT~~.

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

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

491 (c) Public school districts must choose either the



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492 PSAT/NMSQT or the PreACT ~~preliminary ACT~~ for districtwide  
493 administration.

494 (6) The partnership shall:

495 (j) Provide information to students, parents, teachers,  
496 counselors, administrators, districts, Florida College System  
497 institutions, and state universities regarding PSAT/NMSQT or the  
498 PreACT ~~preliminary ACT~~ administration, including, but not  
499 limited to:

500 1. Test administration dates and times.

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

503 3. The value of such tests in providing diagnostic feedback  
504 on student skills.

505 4. The value of student scores in predicting the  
506 probability of success on AP or other advanced course  
507 examinations.

508 (8) (a) By September 30 of each year, the partnership shall  
509 submit to the department a report that contains an evaluation of  
510 the effectiveness of the delivered services and activities.  
511 Activities and services must be evaluated on their effectiveness  
512 at raising student achievement and increasing the number of AP  
513 or other advanced course examinations in low-performing middle  
514 and high schools. Other indicators that must be addressed in the  
515 evaluation report include the number of middle and high school  
516 teachers trained; the effectiveness of the training; measures of  
517 postsecondary readiness of the students affected by the program;  
518 levels of participation in 10th grade PSAT/NMSQT or the PreACT  
519 ~~preliminary ACT~~ testing; and measures of student, parent, and  
520 teacher awareness of and satisfaction with the services of the



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521 partnership.

522 (b) The department shall contribute to the evaluation  
523 process by providing access, consistent with s. 119.071(5)(a),  
524 to student and teacher information necessary to match against  
525 databases containing teacher professional development data and  
526 databases containing assessment data for the PSAT/NMSQT, SAT,  
527 ACT, PreACT, AP, and other appropriate measures. The department  
528 shall also provide student-level data on student progress from  
529 middle school through high school and into college and the  
530 workforce, if available, in order to support longitudinal  
531 studies. The partnership shall analyze and report student  
532 performance data in a manner that protects the rights of  
533 students and parents as required in 20 U.S.C. s. 1232g and s.  
534 1002.22.

535 Section 8. Paragraph (1) of subsection (5) and paragraph  
536 (a) of subsection (11) of section 1002.385, Florida Statutes,  
537 are amended to read:

538 1002.385 The Gardiner Scholarship.—

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

542 (1) Fees for an annual evaluation of educational progress  
543 by a state-certified teacher under s. 1002.41(1)(f) ~~s.~~  
544 ~~1002.41(1)(e)~~, if this option is chosen for a home education  
545 student.

546  
547 A provider of any services receiving payments pursuant to this  
548 subsection may not share, refund, or rebate any moneys from the  
549 Gardiner Scholarship with the parent or participating student in



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550 any manner. A parent, student, or provider of any services may  
551 not bill an insurance company, Medicaid, or any other agency for  
552 the same services that are paid for using Gardiner Scholarship  
553 funds.

554 (11) PARENT AND STUDENT RESPONSIBILITIES FOR PROGRAM  
555 PARTICIPATION.—A parent who applies for program participation  
556 under this section is exercising his or her parental option to  
557 determine the appropriate placement or the services that best  
558 meet the needs of his or her child. The scholarship award for a  
559 student is based on a matrix that assigns the student to support  
560 Level III services. If a parent receives an IEP and a matrix of  
561 services from the school district pursuant to subsection (7),  
562 the amount of the payment shall be adjusted as needed, when the  
563 school district completes the matrix.

564 (a) To satisfy or maintain program eligibility, including  
565 eligibility to receive and spend program payments, the parent  
566 must sign an agreement with the organization and annually submit  
567 a notarized, sworn compliance statement to the organization to:

568 1. Affirm that the student is enrolled in a program that  
569 meets regular school attendance requirements as provided in s.  
570 1003.01(13)(b)-(d).

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

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

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

578 b. Providing an annual evaluation in accordance with s.



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579 1002.41(1)(f) ~~s. 1002.41(1)(e)~~; or

580       c. Requiring the child to take any preassessments and  
581 postassessments selected by the provider if the child is 4 years  
582 of age and is enrolled in a program provided by an eligible  
583 Voluntary Prekindergarten Education Program provider. A student  
584 with disabilities for whom a preassessment and postassessment is  
585 not appropriate is exempt from this requirement. A participating  
586 provider shall report a student's scores to the parent.

587       4. Affirm that the student remains in good standing with  
588 the provider or school if those options are selected by the  
589 parent.

590

591 A parent who fails to comply with this subsection forfeits the  
592 Gardiner Scholarship.

593       Section 9. This act shall take effect July 1, 2018.