



PreK-12 Innovation Subcommittee

January 9, 2018

1:00 p.m.

Mashburn Hall (306 HOB)

Meeting Packet

**Richard Corcoran
Speaker**

**Chris Latvala
Chair**

Committee Meeting Notice

HOUSE OF REPRESENTATIVES

PreK-12 Innovation Subcommittee

Start Date and Time: Tuesday, January 09, 2018 01:00 pm
End Date and Time: Tuesday, January 09, 2018 02:00 pm
Location: Mashburn Hall (306 HOB)
Duration: 1.00 hrs

Consideration of the following bill(s):

HB 731 Home Education by Sullivan

NOTICE FINALIZED on 01/05/2018 4:16PM by Jones.Missy

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 731 Home Education
SPONSOR(S): Sullivan
TIED BILLS: None **IDEN./SIM. BILLS:** SB 732

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee		Dehmer	Healy
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program.

The bill:

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

The bill has no fiscal impact to the state.

The bill is effective on July 1, 2018.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Home Education Programs

Present Situation

Home education is a parent-directed educational option that satisfies the requirement for regular school attendance. Florida laws protecting home education became effective in 1985. Parents have the freedom to determine their child's educational path and the plan for reaching their goals. Students have the opportunity to explore and learn at their own pace, in any location or at any time. Home education students are able to enter institutions of higher learning and are eligible to participate in the Florida Bright Futures Scholarship Program. More than 84,000 students in approximately 58,000 families are in home education programs throughout Florida.¹

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

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

Effect of Proposed Changes

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

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

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

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

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

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

² Section 1002.41(1)(a), F.S.

³ Section 1002.41(b), F.S.

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

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

School Attendance

Present Situation

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

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

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

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

Effect of Proposed Changes

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

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

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

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

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

⁵ Section 1003.26, F.S.

⁶ Section 1003.26(2), F.S.

⁷ Section 1003.21(1)(a), F.S.

⁸ Section 1003.21(4), F.S.

Court Procedure and Penalties

Present Situation

Florida law defines "habitual truant" as a student who has 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian and who is subject to compulsory school attendance.⁹

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

Effect of Proposed Changes

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

Interscholastic Athletic Participation

Present Situation

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

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

Effect of Proposed Changes

The bill authorizes home education students to participate in interscholastic and intrascholastic extracurricular activities at any public school in Florida provided they meet all other eligibility requirements. The bill also requires home education students to register their intent to participate prior to participation instead of prior to the beginning date of the season.

⁹ Section 984.03(27)(a), F.S.

¹⁰ Section 1003.27(2)(a), F.S.

¹¹ Section 1003.27(2)(b), F.S.

¹² Section 1006.15(3)(c), F.S.

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

Dual Enrollment Program

Present Situation

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

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

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

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

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

Effect of Proposed Changes

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

B. SECTION DIRECTORY:

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

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

¹⁵ Section 1007.271(1), F.S.

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

¹⁷ Section 1007.271(3), F.S.

¹⁸ Section 1007.271(13), F.S.

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

²⁰ Section 1007.271(13)(b), F.S.

²¹ *Id.*

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

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

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

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

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

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

Not applicable.

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 ~~shall~~ must be in writing, signed by the
 71 parent, and ~~shall~~ must 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 ~~shall~~ must 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.



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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	_____	(Y/N)
ADOPTED AS AMENDED	_____	(Y/N)
ADOPTED W/O OBJECTION	_____	(Y/N)
FAILED TO ADOPT	_____	(Y/N)
WITHDRAWN	_____	(Y/N)
OTHER		

1 Committee/Subcommittee hearing bill: PreK-12 Innovation
 2 Subcommittee

3 Representative Sullivan offered the following:

4

5 **Amendment**

6 Remove lines 357-401 and insert:

7 participate at the public school to which the student would be
 8 assigned according to district school board attendance area
 9 policies or which the student could choose to attend pursuant to
 10 s. 1002.31, or may develop an agreement to participate at a
 11 private school, in the interscholastic extracurricular
 12 activities of that school, provided the following conditions are
 13 met:

- 14 1. The home education student must meet the requirements
 15 of the home education program pursuant to s. 1002.41.



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16 2. During the period of participation at a school, the
17 home education student must demonstrate educational progress as
18 required in paragraph (b) in all subjects taken in the home
19 education program by a method of evaluation agreed upon by the
20 parent and the school principal which may include: review of the
21 student's work by a certified teacher chosen by the parent;
22 grades earned through correspondence; grades earned in courses
23 taken at a Florida College System institution, university, or
24 trade school; standardized test scores above the 35th
25 percentile; or any other method designated in s. 1002.41.

26 3. The home education student must meet the same residency
27 requirements as other students in the school at which he or she
28 participates.

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

32 5. The student must register with the school his or her
33 intent to participate in interscholastic extracurricular
34 activities as a representative of the school before
35 ~~participation the beginning date of the season for the activity~~
36 ~~in which he or she wishes to participate.~~ A home education
37 student must be able to participate in curricular activities if
38 that is a requirement for an extracurricular activity.

39 6. A student who transfers from a home education program
40 to a public school before or during the first grading period of



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41 the school year is academically eligible to participate in
42 interscholastic extracurricular activities during the first
43 grading period provided the student has a successful evaluation
44 from the previous school year, pursuant to subparagraph 2.

45 7. Any public school or private school student who has
46 been unable to maintain academic eligibility for participation
47 in interscholastic extracurricular activities is ineligible to
48 participate in such activities as a home education student until
49 the student has successfully completed one grading period in
50 home education pursuant to subparagraph 2. to become eligible to
51 participate as a home education student.

52 (d) An individual charter school student pursuant to s.
53 1002.33 is eligible to participate at the public school to which
54 the student would be assigned according to district school board
55 attendance area policies or which the student could attend in
56 any interscholastic extracurricular activity of that school,
57 unless such activity is provided by the student's charter
58 school, if the following conditions are met:

59 1. The charter school student must meet the requirements
60 of the charter school education program as determined by the
61 charter school governing board.

62 2. During the period of participation at a school, the
63 charter school student must demonstrate educational progress as
64 required in paragraph (b).



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65 3. The charter school student must meet the same residency
66 requirements as other students in the school at which he or she
67 participates.

68 4. The charter school student must meet the same standards
69 of acceptance, behavior, and performance that are required of
70 other students in extracurricular activities.

71 5. The charter school student must register with the
72 school his or her intent to participate in interscholastic
73 extracurricular activities as a representative of the school
74 before participation ~~the beginning date of the season for the~~
75 ~~activity in which he or she wishes to participate.~~ A charter
76 school student must be able to participate in curricular
77 activities if that is a requirement for an extracurricular
78 activity.

79 6. A student who transfers from a charter school program
80 to a traditional public school before or during the first
81 grading period of the school year is academically eligible to
82 participate in interscholastic extracurricular activities during
83 the first grading period if the student has a successful
84 evaluation from the previous school year, pursuant to
85 subparagraph 2.

86 7. Any public school or private school student who has
87 been unable to maintain academic eligibility for participation
88 in interscholastic extracurricular activities is ineligible to
89 participate in such activities as a charter school student until

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90 the student has successfully completed one grading period in a
91 charter school pursuant to subparagraph 2. to become eligible to
92 participate as a charter school student.

93 (e) A student of the Florida Virtual School full-time
94 program may participate in any interscholastic extracurricular
95 activity at the public school to which the student would be
96 assigned according to district school board attendance area
97 policies or which the student could choose to attend pursuant to
98 s. 1002.31 if the student:

99 1. During the period of participation in the
100 interscholastic extracurricular activity, meets the requirements
101 in paragraph (a).

102 2. Meets any additional requirements as determined by the
103 board of trustees of the Florida Virtual School.

104 3. Meets the same residency requirements as other students
105 in the school at which he or she participates.

106 4. Meets the same standards of acceptance, behavior, and
107 performance that are required of other students in
108 extracurricular activities.

109 5. Registers his or her intent to participate in
110 interscholastic extracurricular activities with the school
111 before participation ~~the beginning date of the season for the~~
112 ~~activity in which he or she wishes to participate.~~ A Florida
113 Virtual School student must be able to participate in curricular



COMMITTEE/SUBCOMMITTEE AMENDMENT

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114 activities if that is a requirement for an extracurricular
115 activity.
116