



At-Risk Children Draft Legislation (Florida)

Coalition for Responsible Home Education

Recommended additions to s. 1002.41, Home education programs, indicated in green and underlined. Recommended language to be removed indicated in ~~red-strikethrough~~.

1002.41 Home education programs.—

(1) A “home education program” is defined in s. 1002.01. The parent is not required to hold a valid regular Florida teaching certificate.

(a) The parent shall notify the district school superintendent of the county in which the parent resides of her or his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent, and shall include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program and the names of all adults residing in the household. The notice shall be filed in the district school superintendent’s office within 30 days of the establishment of the home education program. A written notice of termination of the home education program shall be filed in the district school superintendent’s office within 30 days after said termination. The written notice shall include a statement that the student has graduated, or the name and address of the school in which the child is now enrolled, or, if the child has moved, the child’s new address.

(b) A parent is ineligible to operate a home education program if the parent, or any other person residing in the home, is convicted of any of the crimes designated in s. 1012.315, or has previously had a child removed from the home due to abuse. Upon receipt of a notice of intent to homeschool, the district school superintendent, or the district school superintendent’s agent, shall ensure that each adult residing in the home undergoes a background screening as required under s. 1012.465, and shall submit the names of all adults and all children residing in the home to the local agency responsible for child welfare, which shall notify the district school superintendent, or the district school superintendent’s agent, if the parent is ineligible to homeschool under this section.

(c) If a parent operating a home education program, or any other adult or child in the home, was the subject of a verified report of suspected abuse or neglect in the 5 years before the home education program was initiated, the agency responsible for child welfare shall conduct regular monitoring of the family for at least 2 years. If the parent or any other adult or child in the



home was not the subject of a verified report of suspected abuse or neglect in the last 5 years, the submission of a notice of intent to homeschool is insufficient to initiate an investigation.

(e d) The parent shall maintain a portfolio of records and materials. The portfolio shall consist of the following:

1. A log of educational activities that is made contemporaneously with the instruction and that designates by title any reading materials used.
2. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.

The portfolio shall be preserved by the parent for 2 years and shall be made available for inspection by the district school superintendent, or the district school superintendent's agent, upon 15 days' written notice. The district school superintendent, or the district school superintendent's agent, may require the child to be present when the portfolio is made available for inspection. Failure to make the portfolio available for inspection as required in this section shall lead to the termination of the home education program. Nothing in this section shall require the district school superintendent to inspect the portfolio.

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

1. A teacher selected by the parent shall evaluate the student's educational progress upon review of the portfolio and discussion with the student. Such teacher shall be unrelated to the child and hold a valid regular Florida certificate to teach academic subjects at the elementary or secondary level;
2. The student shall take any nationally normed student achievement test administered by a certified teacher unrelated to the child;
3. The student shall take a state student assessment test used by the school district and administered by a certified teacher unrelated to the child, at a location and under testing conditions approved by the school district;
4. The student shall be evaluated by an individual unrelated to the child and holding a valid, active license pursuant to the provisions of s. 490.003(7) or (8); or



5. The student shall be evaluated with any other valid measurement tool as mutually agreed upon by the district school superintendent of the district in which the student resides and the student's parent. This evaluation method must include the child being seen by either a certified teacher unrelated to the child or by a medical professional unrelated to the child.

(2) The district school superintendent shall review and accept the results of the annual educational evaluation of the student in a home education program. If the parent does not submit the annual evaluation, the district school superintendent, or the district school superintendent's agent, shall provide written notice that truancy proceedings will be initiated if the evaluation is not submitted to the district school superintendent's office within 15 days of receipt of the written notice. Continuation in a home education program shall be contingent upon the parent submitting the annual evaluation within 15 days of receipt of the written notice. If the student does not demonstrate educational progress at a level commensurate with her or his ability, the district school superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the student. At the end of the 1-year probationary period, the student shall be reevaluated as specified in paragraph (1)(~~d~~ e). Continuation in a home education program shall be contingent upon the student demonstrating educational progress commensurate with her or his ability at the end of the probationary period.

(3) A home education program shall be excluded from meeting the requirements of a school day.

(4) Home education students may participate in interscholastic extracurricular student activities in accordance with the provisions of s. 1006.15.

(5) Home education students may participate in the Bright Futures Scholarship Program in accordance with the provisions of ss. 1009.53-1009.538.

(6) Home education students may participate in dual enrollment programs in accordance with ss. 1007.27(4) and 1007.271(13).

(7) Home education students are eligible for admission to Florida College System institutions in accordance with the provisions of s. 1007.263.

(8) Home education students are eligible for admission to state universities in accordance with the policies and guidelines of the Board of Governors.

(9) Home education program students may receive testing and evaluation services at diagnostic and resource centers, in accordance with the provisions of s. 1006.03.



*Recommended additions to s. 1002.42, Private schools, indicated in green and underlined.
Recommended language to be removed indicated in ~~red strikethrough~~.*

1002.42 Private schools.—

(1) DEFINITION.—A “private school” is defined in s. 1002.01.

(2) ANNUAL PRIVATE SCHOOL SURVEY.—

(a) The Department of Education shall organize, maintain, and annually update a database of educational institutions within the state coming within the provisions of this section. There shall be included in the database of each institution the name, address, and telephone number of the institution; the type of institution; the names of administrative officers; the enrollment by grade or special group (e.g., career education and exceptional child education); the number of graduates; the number of instructional and administrative personnel; the number of days the school is in session; and such data as may be needed to meet the provisions of this section and s. 1003.23(2).

(b) For the purpose of organizing, maintaining, and updating this database, each private school shall annually execute and file a database survey form on a date designated by the Department of Education which shall include a notarized statement ascertaining that the owner of the private school has complied with the provisions of paragraph (c). For the purpose of this section, “owner” means any individual who is the chief administrative officer of a private school.

(c)1. Notwithstanding the provisions of paragraph (h), each person who is an owner or who establishes, purchases, or otherwise becomes an owner of a private school shall, within 5 days of assuming ownership of a school, file with the Department of Law Enforcement a complete set of fingerprints for state processing and checking for criminal background. The fingerprints shall be taken by an authorized law enforcement officer or an employee of the school who is trained to take fingerprints. The costs of fingerprinting, criminal records checking, and processing shall be borne by the applicant or private school. The result of the criminal records checking by the Department of Law Enforcement shall be forwarded to the owner of the private school and shall be made available for public inspection in the private school office as soon as it is received.

2. It shall be unlawful for a person who has been convicted of a crime involving moral turpitude to own or operate a private school.

3. An owner of a private school ~~shall~~ **may** require school employees and other individuals who provide instruction to file a complete set of fingerprints with the Department of Law



Enforcement for processing and criminal records checking. Findings from such processing and checking shall be reported to the owner for use in employment decisions. School employees and other individuals who provide instruction to children shall not be eligible for such employment if convicted of any of the crimes listed under s. 1012.315.

4. Owners or employees of private schools who have been fingerprinted pursuant to this paragraph, s. 1012.32, or s. 402.3055 shall not be required to be re-fingerprinted if they have not been unemployed or unassociated with a private school or child care facility for more than 90 days.

5. Persons holding a valid Florida teaching certificate who have been fingerprinted pursuant to s. 1012.35 shall not be required to comply with the provisions of this paragraph.

...

(4) ATTENDANCE RECORDS AND REPORTS.—All officials, teachers, and other employees in parochial, religious, denominational, and private schools shall keep and prepare records in accordance with the provisions of s. 1003.23(2). If the primary instruction takes place at a student's home or any location other than the school's primary place of doing business, a school official, teacher, or other employee unrelated to the student shall meet with the student in-person a minimum of one time per school year, and shall document the meeting in the attendance records.