

The Florida Statute relating to home education is F.S. 1003.01.

**F.S. 1003.01 Regular school attendance.--**

Regular attendance is the actual attendance of a pupil during the school day as defined by law and regulations of the state board. Regular attendance within the intent of s. 1003.21 may be achieved by attendance in:

- (1) A public school supported by public funds;
- (2) A parochial, religious, or denominational school;
- (3) A private school supported in whole or in part by tuition charges or by endowments or gifts;
- (4) A home education program that meets the requirements of s. 1002.41; or
- (5) A private tutoring program that meets the requirements of s. 1002.44

**F.S. 1002.41 Home education programs.--**

(1) Regular attendance as defined in s. 1003.01 may be achieved by attendance in a home education program as defined in s. 1000.21. The parent or guardian is not required to hold a valid regular Florida certificate to teach.

(a) The parent or guardian shall notify the superintendent of schools of the county in which the parent or guardian resides of her or his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent or guardian, and shall include the names, addresses, and birth dates of all children who shall be enrolled as students in the home education program. The notice shall be filed in the 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 superintendent's office within 30 days of said termination.

(b) The parent or guardian shall maintain a portfolio of records and materials. The portfolio shall consist of the following:

1. A log of educational activities which is made contemporaneously with the instruction and which 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 or guardian for 2 years and shall be made available for inspection by the superintendent, or the superintendent's agent, upon 15 days' written notice. Nothing in this section shall require the superintendent to inspect the portfolio.

(c) The parent or guardian shall provide for an annual educational evaluation in which is documented the pupil's demonstration of educational progress at a level commensurate with her or his ability. The parent

or guardian shall select the method of evaluation and shall file a copy of the evaluation annually with the superintendent's office in the county in which the pupil resides. The annual educational evaluation shall consist of one of the following:

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

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

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

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

5. The pupil shall be evaluated with any other valid measurement tool as mutually agreed upon by the school superintendent of the district in which the pupil resides and the pupil's parent or guardian.

(2) The school superintendent shall review and accept the results of the annual educational evaluation of the pupil in a home education program. If the pupil does not demonstrate educational progress at a level commensurate with her or his ability, the superintendent shall notify the parent or guardian, in writing, that such progress has not been achieved. The parent or guardian shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the pupil. At the end of the 1-year probationary period, the pupil shall be reevaluated as specified in paragraph (1)(c). Continuation in a home education program shall be contingent upon the pupil 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 as defined in s. 1000.21.

**F.S. 1000.21 (34) Home Education Program.--**

A home education program is sequentially progressive instruction of a student directed by his or her parent or guardian in order to satisfy the requirements of ss. 1003.21 and 1002.41.

**F.S. 1003.21 School Attendance.--**

(1)(a) All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years . . . are required to attend school regularly during the entire school term.

**F.S. 1003.26 Enforcement of School Attendance -<sup>2</sup>**

(1)(f)1. If the parent or guardian of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to s.1002.41, the superintendent of schools shall provide the parent a copy of s. 1002.41 and the accountability requirements of this paragraph. The superintendent of schools shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. 1002.41 (1) (b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the superintendent of schools. The superintendent of schools shall then terminate the home education program and require the parent to enroll the child in an attendance option provided under s. 1003.01(1), (2), (3), or (5), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent or guardian shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent or guardian to enroll the child in an attendance option provided under s. 1003.01 (1), (2), (3), or (5) after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. 1003.21 and may result in criminal prosecution under s. 1003.27(2).

Nothing contained herein shall restrict the ability of the superintendent of schools, or the ability of his or her designee, to review the portfolio pursuant to s. 1002.41(1)(b).

2002 Legislature