

# District

## Frequently Asked Questions and Answers

### Definition and Responsibilities

#### What is home education?

Section 1002.01, Florida Statutes (F.S.), defines home education as the sequentially progressive instruction of a student directed by his/her parent or guardian, in order to satisfy the requirement for compulsory education as defined in s. 1002.20(2), 1003.01(13), and 1003.21(1), F.S. Current law does **not** prescribe a curriculum or course of study for home education programs.

#### 1. Does the school district have authority to exceed the Florida Statutes with local policies?

No, the school district must abide by the Florida Statutes regarding home education.

#### 2. How can districts store home school information?

Districts may use a database, as long as they are not including any supplemental information not already provided on a student's Letter of Intent.

#### 3. Is there a specific format districts should utilize to maintain home education student records?

According to s. 1002.41, F.S., district should maintain the following records for Home Education students: Letter of Intent, Annual Evaluation, the Letter of Termination and correspondences. Any additional information, required for the student's participation in district services, dual enrollment, Bright Futures, etc., may also be obtained and maintained for the home education student. All other home education student records are the responsibility of the parent to maintain.

#### 4. How should districts handle a change in residency?

Should there be a change of residence and the parent does not wish to terminate the home education program in Florida, the parent should notify the new district to which the child is moving to that they are transferring their home education program to the new district and provide the previous district with information on the change in district. The previous district shall simply close out the student's files. A home education transfer between districts does not require the parent to terminate the home education program (as they are not terminating; simply moving) and the parent does not need to provide an annual evaluation to the previous district.

#### 5. May a parent implement a home education program for a 5-year old who will not turn 6 by February 1 of the school year, even though regular attendance is not required until the following school year?

Districts are not required to accept a Letter of Intent for a 5-year old who will not turn 6 by February 1 of the school year; however, some districts have chosen to accept these letters. In that case, the home education parent should comply with s.1002.41 F.S.

## **Instruction**

### **6. May a home education student participate in virtual school classes, and if so, is there a limit on the number of courses a home education student may take?**

A home education student may take virtual classes through the district's virtual school or Florida Virtual School FLEX once the **Letter of Intent** has been filed with the school district. There is no limit to the number of courses a student may take.

### **7. Is FLVS FLEX considered a school?**

FLVS FLEX is not a "regular school" which in s. 1003.26(f)2, F.S. states the superintendent shall require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. 1003.01(13)(a), (b), (c), or (e) within 3 days. Failure to do so may result in criminal prosecution under s. 1003.27(2), F.S. Therefore, the parent should file a **Letter of Intent** to homeschool their student prior to enrolling them in FLVS FLEX.

### **8. Are home education students eligible for Bright Futures Scholarships?**

Yes. Home education students may qualify for a scholarship through the Bright Futures Scholarship Program if they are registered with their districts as home education students for grades 11 and 12. Districts only responsibility is to record the volunteer hours, not verify them.

### **9. Does a home education student have to receive permission from the school district to participate in dual enrollment on the community college campus?**

No. College and state universities often request proof that the student is registered and in compliance with a home education program. If the student has to provide that information, it can be obtained from the local school district home education coordinator. If a home education student has an articulation agreement with the community college or state university, the school district must provide them with proof that the student is enrolled in a home education program pursuant to s. 1002.41 F.S. The district is not responsible for the transportation of a home education student to dual-enrollment classes.

### **10. May home education students take dual enrollment courses at district high schools?**

Yes. Districts that have a part-time enrollment policy may enroll home education students in the school district. This is a local decision that is articulated in the district pupil progression plan. Districts are not responsible, however, for keeping course grades for the student.

### **11. Is there a minimum GPA for home education students to participate in dual enrollment?**

A high school grade point average may not be required for home education students who meet the minimum score on a common placements test adopted by the State Board of Education which indicates that the student is ready for college-level course work; however, home education student eligibility requirements for continued enrollment in dual enrollment courses must include the maintenance of the minimum postsecondary grade point average established by the postsecondary institution.

### **12. Do home education students receive a diploma?**

There is **no diploma** issued by the public school system in Florida for the completion of a home education program. A signed affidavit of completion (notarized letter) submitted by the student's parent attesting that the student has completed a home education program, pursuant to the requirements of s.1002.41, F.S. is the legal document of completion. As stated in s.1007 263(2)(a), F.S. it is equivalent to a high school diploma and is regularly accepted by state colleges and universities as proof of high school completion. This statement can be included on a student's academic transcript or parent-issued diploma. While not required, some students elect to culminate their home education program by taking the General

Educational Development (GED) test. A student is issued a diploma from the Department of Education upon passage of the GED. The toll-free number for information pertaining to the GED is 1-800-237-5113.

**13. Can a home education student use an out of state private online school?**

Yes, any private school a home education student is enrolled in **outside** of Florida will be considered a curriculum choice and that student will have to be registered as a home education student and the Letter of Intent must be filed with the school district. If it is a private school located in Florida, students are not required to register as a home education student in their district.

## **Evaluation**

**14. What does the annual educational evaluation include?**

A student in a home education setting must be evaluated once a year to demonstrate educational progress at a level commensurate to the child's abilities. The parent/guardian selects the method of evaluation from those provided in Florida Statute, then files a copy of the evaluation annually in the superintendent's office. The evaluation must consist of one of the following:

- a. A Florida certified teacher chosen by the parent may evaluate the child's progress based on the review of the portfolio and discussion with the student;
- b. The student may take any nationally normed student achievement test administered by a certified teacher;
- c. The student may 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;
- d. The student may be evaluated by a psychologist holding a valid, active license pursuant to the provisions of Section 490.003 (7) or (8), F.S.; or
- e. The student may be evaluated with any other valid measurement tool as mutually agreed upon by the school superintendent of the district in which the student resides and the student's parent.

**15. What is the definition of a portfolio?**

Section 1002.41, F.S., defines a portfolio as "A log of educational activities which is made contemporaneously with the instruction and which designates by title any reading materials used and samples of any writings, worksheets, workbooks, or creative materials used or developed by the student." The portfolio shall be preserved by the parent for two years and shall be made available for inspection by the superintendent, or the superintendent's designee, upon a 15-day written notice. The superintendent, or the superintendent's designee, is not required to inspect portfolios.

**16. How does a parent locate an evaluator for the annual evaluation?**

Parents may contact the local district home education office or a state or local parent group to obtain the names of available evaluators. All evaluators for home education students must have a current certification in academic subjects at the elementary or secondary level in the state of Florida.

**17. May a district set a deadline for the annual evaluation?**

According to s. 1002.41, F.S., a parent of a home education student must submit an **annual** evaluation demonstrating educational progress commensurate with their child's abilities. "**Annually**" is defined in Florida Statute as one year from the date of the Letter of Intent, therefore the parent may submit as close to that start date as possible.

**18. Does the home education student have the right to take standardized tests at the local school district?**

Yes, school districts are required in s. 1002.41(12), F.S. to provide industry certifications, national assessments and statewide, standardized assessments that are offered by the school district to home education students.

**19. What is the appropriate recourse when a district does not receive an annual evaluation on a home education student?**

Section 1002.41, F.S., requires the parent to provide for an annual evaluation of the home education student. Failure to do so places the home education program in non-compliance and permits the superintendent, after notice to the parent, to terminate the program.

**20. If a home education student, who is 16, does not submit an annual evaluation, are districts permitted to terminate the home education program for the student?**

Yes, if the district has notified the parent of failure to complete an annual evaluation, the parent does not provide a portfolio for review, AND the student has not submitted documentation to “drop-out”, the district may terminate the home education program. **Otherwise, the district may not terminate a home education student upon turning 16.** Should a student wish to terminate their home education program at 16, the family must notify the school district. Section 1003.21, F.S. requires that students terminating enrollment at age 16 must be notified that their earning power is likely to be reduced. The district should maintain home education records for at least four years after the completion (or termination) of the home education program.

**21. Are districts permitted to use FLVS transcripts as a method of evaluation?**

FLVS transcripts may be used as an option regarding annual evaluations for home education students if the parent chooses that method of evaluation. There is no statutory language prohibiting a parent of a home education student from providing a FLVS transcript for an annual evaluation **IF** it is a mutually agreed upon method between the district and the parent under s. 1002.41(1)(f)(5), F.S.

**22. May a parent receive an extension to the annual evaluation deadline?**

A parent who is unable to meet the evaluation deadline should communicate with the school district and request an extension. The fifth evaluation method listed in statute allows districts and parents to work out an alternative evaluation method if none of the other four methods are available. However, nothing in the law requires a district to give an extension.

**Interscholastic Extracurricular Activities**

**23. May home education students participate in “interscholastic extracurricular activities” offered at public schools?**

Yes. An “extracurricular activity” is defined as “any school-authorized or education-related activity occurring during or outside the regular instructional day”, (s. 1006.15, F.S.). Home education students are eligible to participate at the public school to which they would be assigned according to district school board attendance area policies or the school which the student could choose to attend through the district’s Controlled Open Enrollment Policy under s.1002.31 F.S. District policies will determine which schools are available for a student to choose under s.1002.31 F.S. based on same residency requirements as other students. The district must allow home education students to participate in a class during the day if the class is required in order to take part in the extracurricular activity, such as band class in order to take part in the school’s marching band or strength and conditioning class for participation on the football team, pursuant to s. 1006.15(5), F.S. Under s. 1006.15, F.S., the student must meet the same immunization requirements as students attending any public or private school.

Furthermore, a district cannot develop policies that restrict the access of home education students to extracurricular activities.

**24. What grade levels are allowed to participate in interscholastic extracurricular activities?**

Section 1006.15, F.S., primarily addresses students in grades 9-12 but does not prohibit students in lower grades from participation. Section 1006.20(1) defines “high school” as grades 6-12. Home education students may participate in extracurricular activities in grades 6-8 if the school is a member of the FHSAA. The by-laws of the governing organization regulate which students, and under what circumstances those students, may participate in the interscholastic extracurricular activity.

**25. How are grade point average requirements applied to extracurricular activities?**

In order to participate in extracurricular activities, a home education student must have the required 2.0 or better grade point average in academic courses. The law allows for a method of evaluation of the home education student’s progress to be agreed upon by the parent and the principal. In s.1006.15(3)(c)(2), F.S., the evaluation may be based on a teacher’s review of the student’s work, grades earned through correspondence or at a postsecondary school, standardized test scores above the 35<sup>th</sup> percentile, or other method as allowed by s. 1002.41, F.S.

**26. Do districts receive any funding when home education students participate in extracurricular activities?**

No, unless the home education student enrolls in a class required to participate in the extracurricular activity. The district may report that student for funding purposes. Additionally, home education students may be required to pay fees that are required of all participating students.

**Exceptional Student Education**

**27. If a home education parent suspects that their child has a disability, is the school district required to evaluate the child?**

The school district is obligated to “identify, locate, and evaluate” all children with disabilities, including those attending private schools and home education programs, in accordance with the Individuals with Disabilities Education Act (IDEA). This evaluation must be at no cost to the parent. If the parent chooses to take advantage of these evaluation services in order to get an IEP, the parent should contact the exceptional student education administrator in the school district in which they reside.

**28. What would be required of the home education parent?**

The school district would require that the parent sign a written consent for the evaluation. The district is also required to review existing information on the child before conducting an evaluation. The parent may be asked to provide information from the child’s portfolio and may also be asked to complete checklists and/or informal observations.

**29. What is the school district’s obligation, if the child is eligible for services?**

After the evaluation is conducted, the parents will be invited to attend a meeting in which school district staff will review the outcome of their child’s evaluation. The parent may choose to hire an educational advocate at the parent’s expense to be included in the meeting. Following that review, a determination will be made regarding whether the child is considered as an eligible child with a disability as defined by Florida State Board of Education Rules. The district may propose to provide some level of service to the child through the use of a **services plan**. For instance, if it is determined that the child needs speech/language therapy services, the school district could allow the child to come to a public school near the child’s home for these services during the week. Section 1002.41(1), F.S., provides the mechanism for districts to report that child for funding purposes. If the district cannot provide these

services and the parent chooses to enroll their child into a public school, the school must ensure that a free and appropriate education is made available to the child.

**30. Are scholarships available for home education students?**

Information can be found here: <https://www.fldoe.org/schools/school-choice/k-12-scholarship-programs/sfo/>

**Nonattendance-Truancy**

**31. Can the parent of a student who has been found to exhibit a pattern of nonattendance enroll that student in a home education program?**

Yes. However, at the time that a student who has been found to exhibit a pattern of nonattendance is enrolled in a home education program, the home education contact will:

- a. Provide the parent or guardian with a copy of the home education law, s. 1002.41, F.S., and the accountability requirements of the truancy law, s. 1003.26(1)(f), F.S.; and
- b. Refer the parent to a home education review committee composed of members as specified in s. 1003.26, F.S.

Once the committee determines that the home education program is in compliance, the parent will no longer be required to submit a portfolio to the home education review committee. The parent will be required to comply with the requirements of a home education program pursuant to s. 1002.41, F.S., as is with any parent involved in a home education program. If a truant student who has been enrolled in a home education program fails to provide a portfolio for review by the committee, the district shall terminate their program. The parent may not enroll that student into a home education program for 180 days after termination, and must enroll the student into a different attendance option found in s. 1003.01(13) F.S. within three days, or the parent may be subject to criminal prosecution under s.1003.27(2), F.S.

**32. How will the home education contact know which students have been found to exhibit a pattern of nonattendance?**

When a public school student's study team determines that a student has been found to exhibit a pattern of nonattendance within the public school, the law requires that the principal of the school notify the superintendent of schools and the district home education contact. The home education contact is expected to maintain this information to verify whether a student who is being enrolled in a home education program has been found to exhibit a pattern of nonattendance. Once a student has been found to exhibit a previous pattern of nonattendance, the parent must submit a portfolio, as defined by s.1002.41, F.S., to be reviewed by a home education review committee every 30 days until the committee determines that the home education program is in compliance with s. 1003.26, F.S. The first portfolio review must occur within the first 30 calendar days of the establishment of the home education program.

**33. How can I get more information about truancy and driver's licenses for home education students?**

As part of the penalty for non-attendance, a public or private school principal is required to report the student who accumulates 15 unexcused absences in a 90-day period to the Department of Highway Safety and Motor Vehicles under s.1003.27(2)(b) & (c). The DHSMV will either not issue a driver license or suspend any previously issued driver license to that individual. For more information contact the Florida Department of Motor Vehicles at (850) 922-9000 or visit their website at <https://www.flhsmv.gov/>.

**34. Which member of district personnel is responsible for processing waivers for employment of home education students?**

School districts are not required to process waivers for employment of home education students except to confirm, with a release for information from the parent, that the student is enrolled in home education. For more information about waivers go to <http://www.myfloridalicense.com/DBPR/child-labor/>.

**35. Do students who have been home educated have the option to return to public school and receive credit for their home education courses?**

Any school age student who has been continuously registered as a home education student has the right to enroll in a Florida public school. Students with documented disabilities may enroll in a public school through age 21. Section 1003.4282(7), F.S. and the Florida State Board of Education Rule 6A-1.09941, govern the grade placement and transfer of credit for home education students. According to State Board Rule 6A-1.09941, a home education student transferring into a public school shall be placed at the appropriate sequential course level and should have a minimum grade point average of 2.0 at the end of the first grading period in order to receive credits. Students who do not meet this requirement shall have credits validated through an Alternative Validation Procedure.

**36. Is there an “age out” limit for home education students?**

No. Primarily, home education is a way to meet compulsory attendance requirements which goes to age 16. With dropout prevention requirements and driver license restrictions, compulsory attendance practically speaking, goes to 18. Districts are encouraged to continue to accept home education Letters of Intent and evaluations for students that would otherwise be attending public school, if the parents want to continue submitting them until the student turns 21.