

The Florida Senate

2010 Florida Statutes (including Special Session A)

<u>TITLE XLVIII</u> K-20 EDUCATION CODE	<u>CHAPTER 1002</u> STUDENT AND PARENTAL RIGHTS AND EDUCATIONAL CHOICES	<u>VIEW ENTIRE CHAPTER</u>
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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. 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.

(b) 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. Nothing in this section shall require the district school superintendent to inspect the portfolio.

(c) 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 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;
3. The student 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 student 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 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.

(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 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)(c). 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. [1009.53-1009.539](#).

(6) Home education students may participate in dual enrollment programs in accordance with the provisions of ss. [1007.27](#)(4) and [1007.271](#)(10).

(7) Home education students are eligible for admission to ¹community colleges 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](#).

History.—s. 106, ch. 2002-387; s. 82, ch. 2007-217.

¹Note.—Section 21, ch. 2010-70, directs the Division of Statutory Revision to prepare a reviser's bill to substitute the term "Florida College System institution" for the terms "Florida college," "community college," and "junior college" where those terms appear in the Florida K-20 Education Code.