

# HOME EDUCATION

## Statutory Requirements:

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### 1. What is the definition of a home education program?

Section 228.041, Florida Statutes -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 s. 232.01, F.S. (school attendance). (For purposes of this document, "parent" means "parent or guardian.")

### 2. How may a parent who has established a home education program provide "sequentially progressive instruction" as a means to satisfy regular attendance s. 232.02 F.S.?

A family who has established a home education program as required by statute may elect to enroll a student in courses part-time in a public or private school, enlist the help of a tutor, the online Florida High School, correspondence courses, or any other means to provide the sequentially progressive instruction.

The definition of a home education program was modified in the 1998 Legislative session. The previous definition was "*A home education program is sequentially progressive instruction of a student in his or her home by his or her parent or guardian in order to satisfy the requirements of s. 232.01,*" F.S.

It is clear that the provision in his or her "home" was removed and the word "directed" was added to provide greater flexibility to the parent or guardian in providing "sequentially progressive instruction."

### 3. Are parents required to have a Florida teaching certificate to home educate?

No. A parent is not required to have a valid Florida teaching certificate to home educate a child. Furthermore, the instruction no longer is required to be in the home nor must the parent deliver the instruction.

### 4. What are the responsibilities of parents who wish to establish a home education program?

As required by section 232.0201, F.S. to establish a home education program and maintain compliance, the parent must:

- Send a notice of intent to the school district superintendent.
- Maintain a portfolio of records.

- Make the portfolio available for inspection by the superintendent upon a 15-day notice.
- Submit an annual evaluation for each child to the school district superintendent.
- Preserve each child's portfolio for two years.
- Submit a letter of termination upon completion of the home education program or change of residence.

### **5. What must be Included in the portfolio?**

Section 232.0201, 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 law further requires the parent or guardian to preserve the portfolio for 2 years and to make the portfolio available for inspection upon 15 days' written notice by the superintendent, or the superintendent's designee. Nothing in the Legislation requires the superintendent to inspect all portfolios.

### **6. Are there standards for the quality of the portfolio review?**

No. However, a portfolio shall consist of a log of educational activities, writings, worksheets, and creative materials.

### **7. May home education students participate In extra-ecurrfular activities offered at public schools?**

Yes, as long as they meet the requirements of s. 232.425(3)(c), F.S. Home education students must be given the same opportunity as public school students. The law prohibits any requirements that would make participation less accessible for home education students. and creates a broad definition of "extracurricular" that covers any activity occurring during or outside the regular school day.

Section 232.425, F.S. *only* addresses the participation and requirements of public school and home education students. There is no requirement that public schools provide activities to private school students.

### **8. What grade levels are allowed to participate in extracurricular activities?**

Section 232.425, F.S. primarily applies to students in grades 9-12 but does not prohibit students in lower grades from participation. Generally, permitting student participation in extracurricular activities at lower grades is the district's decision.

However, the statute does require that if a public school is a member of an organization or entity that regulates extracurricular activities, then home education students must be

allowed to participate. The by-laws of the governing organization regulate which students and under what circumstances those students *may* participate in the extracurricular activity. For example, s. 232.60, F.S. designated the Florida High School Activities Association as the governing organization for athletics. For the purpose of athletics, the Association defines "high school" as grades 6-12. If athletics are offered in a 6-8 school which is governed by this Association, they must be available upon request, subject to applicable standards, to home education students at that grade level also.

### **9. How is the term "extracurricular activity" defined by the law?**

"Extracurricular" is defined as "any school-authorized or education-related activity occurring during or outside the regular instructional day: Section 232.425(2), F.S. According to the legislative analysis of this bill, the definition was added to the Act to make it clear that any activity outside of classroom activities and instruction should be considered extracurricular. For example, some school districts had excluded home education students from musical clubs and ensembles by stating that the performance groups were part of curricular instruction and outside of the realm of extracurricular activities. The 1997 amendment clarifies that a district may not define "extracurricular" in such a narrow way. District policies that apply a more narrow interpretation of "extracurricular" and exclude students on this basis are contrary to the law and Legislative intent. Activities outside of classroom instruction are generally defined as extracurricular and open to home education students.

### **10. What is the difference between "extracurricular" and "interscholastic extracurricular?"**

The legislature intended for home education students to have the opportunity to participate in a broad spectrum of activities. As stated in s. 232.425(2), F.S., "participation in a comprehensive extracurricular and academic program contributes to student development of the social and intellectual skills necessary to become a well-rounded adult."

The terms "extracurricular activities" and "interscholastic extracurricular activities" are both used in s. 232.425, F.S. The word "interscholastic" could be used to limit the participation of home education students to *only* those activities that involve competition among schools.

Based on legislative intent, the Department of Education recommends that school districts not limit participation in this manner and permit participation in all extracurricular activities.

### **11. Must home education student who participate In extracurricular activities offered at public schools comply with school entry Immunization requirements?**

Yes. Home education students who participate in extracurricular activities must meet the same immunization requirements as students attending any non-home education program.

**12. May a district develop policies that restrict the access of home education students to extracurricular activities?**

Districts may establish policies for participation that apply to all students, such as prerequisites, evidence of required immunizations, medical clearance for sports activities, auditions and class participation. However, the district may not enact policies that would apply different standards to home education students or make it more difficult for them to participate.

**13. What If the extracurricular activity requires a class to be taken in order to participate?**

If a class is required to take part in the extracurricular activity, such as band class during the day in order to take part in the school's marching band, the district must afford the home education student the opportunity to enroll for that class in accordance with s.232.425(3)(c)5. F.S.

**14. Do districts receive any funding when home education students participate in extra-curricular activities?**

If the home education student enrolls in a class required for participation in an extracurricular activity, the district may report that student for FTE purposes. Additionally, home education students must pay any of the fees or costs that are required of all participating students.

**15. How does the district determine at which school the home education student may participate?**

Districts generally permit home education students to attend the school for which they would be zoned based on residence. In the case of magnet or opportunity schools, districts use the same standards of eligibility and enrollment as those applied to public school students.

**16. How are the grade point average requirements applied to extra-curricular activities?**

In 1997, the Legislature raised the requirement to a 2.0 or better grade point average in academic courses. This applies to both public and home education students. The law allows for a method of evaluation of the student's progress to be agreed upon by the parent and the principal. The evaluation may be based on a teacher's review of the

student's work, grades earned through correspondence or at a post-secondary school, standardized test scores, or other method allowed by s. 232.0201, F. S..

**17. What If the extracurricular activity is regulated by an association or an organization that does not permit home education students to participate?**

Section 232.425(6), F.S. states that public schools may not belong to any governing organization that discriminates against an eligible home education student.

**18. May home education students enroll at specialized or magnet schools?**

Most districts have established a selection process for any student wishing to attend a magnet school which would also impact the availability of courses for home education students.

**19. May home education parents dually enroll a home education student at a postsecondary institution?**

Yes. Home education students may enroll directly with the postsecondary institution pursuant to s. 240.116(7), F.S., or use the district's inter-institutional articulation agreement.

If the home education student enrolls through the district's inter-institutional articulation agreement as the basis for dual enrollment, the student is effectively enrolled in the district for the course(s) and the district may earn FTE and must provide instructional materials.

A home education student not using the district's inter-institutional articulation agreement must provide proof of enrollment in the home education program and be responsible for instructional materials.

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

Section 232.0201, 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. Noncompliance with this requirement should trigger the district's policy regarding noncompliance with compulsory school attendance.

**21. May a home education student be automatically dropped at the age of 16?**

No. Section 232.01(1)(c), F.S. requires that a child having attained the age of 16 must file a declaration of intent to terminate school enrollment. The parent must sign such a declaration and must be notified when the school district receives the declaration.

A child who attains the age 18 is no longer subject to compulsory attendance requirements and may be withdrawn as a home education student.

It is the best interest of the student to maintain student records until the student finishes high school.

**22. May home education students participate in local district course offerings?**

Although there is no requirement to do so, some districts provide opportunities for home education students to enroll in specified courses in district schools.

Districts may report FTE funding for home education students enrolled in district courses

**23. If a home education parent hires a tutor to teach a child, who is responsible for the records?**

If this is a home education program as defined in the law, the parent is responsible for all records.

**24. Are there any requirements for the teacher conducting the annual evaluation of a home education student?**

As is defined in s. 232.0201, F.S. a teacher who evaluates a home education student must hold current certification in academic subjects at the elementary or secondary level in the state of Florida. There are five evaluation options described in the law, three of them involve a certified teacher. Only one specifies a "Florida" certified teacher.

**25. What is the distinction between a home education program and an umbrella/satellite school?**

A home education program is one in which the parent is registered with the local district home education office.

An umbrella/satellite school refers to programs or services offered to home educators by private schools.