

## FLORIDA

- Compulsory Attendance Ages:** “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.” Florida Statutes § 1003.21(1).
- Required Days of Instruction:** 180 days for public and private schools. Fla. Stat. § 1003.02(1)(g)(1). However, homeschoolers operating under Option 1 are specifically excluded from this requirement. Fla. Stat. § 1002.41(3).
- Required Subjects:** None.

***Homeschools have three options:***

**Option 1:** Homeschools can operate under the home education law. Fla. Stat. § 1002.41.

1. The definition of a “home education program” is “sequentially progressive instruction of a student directed by his or her parent (or guardian)”. Fla. Stat. § 1002.01(1) and Fla. Stat. § 1000.21(5).
2. The parent must meet the following requirements:
  - a. notify the county superintendent in writing within 30 days of establishing the home education program (must be signed but it is not required to be filed annually) [A notice of termination is required to be submitted within 30 days whenever the home education program is terminated or the family moves to a new district.];
  - b. give the full legal names, addresses, and birth dates of the homeschool students; and
  - c. maintain a portfolio of records and materials consisting of a log of educational activities made contemporaneously with the instruction and designating by title any reading materials used, along with samples of any writings, worksheets, workbooks, or creative materials used or developed by the student. The portfolio must be preserved for two years and 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 and school officials have no authority to enter the home to inspect the portfolio. Fla. Stat. §§ 1002.41(1)(d) and (e).

**Effective July 1, 2018** (Added by House Bill 731):

The district school superintendent shall accept the notice and immediately register the home education program upon receipt of the notice. The district may not require any additional information or verification from the parent unless the student chooses to participate in a school district program or service. The district school superintendent may not assign a grade level to the home education student or include a social security number or any other personal information of

the student in any school district or state database unless the student chooses to participate in a school district program or service. Fla. Stat. § 1002.41(1)(b).

**Option 2:** More than one homeschool can operate as a private school. Any child who “attends” a private, parochial, religious, or denominational school is exempt from compulsory attendance. Fla. Stat. § 1002.01(2). Florida’s intermediate appellate court ruled in *State v. Buckner*, 472 So. 2d 1228 (Fla. Dist. Ct. App. 1985) that one homeschool does not qualify as a private school by itself. However, groups of homeschools can file as private schools under Fla. Stat. Ch. 623 (the Private School Corporation Law of 1959) [25 or more persons], Ch. 617 (the Florida Not for Profit Corporation Act) [one or more persons may be an incorporator], or Ch. 607 (the Florida Business Corporation Act).

Ch. 623 schools must file a charter with their local circuit court and file an annual database form. In some localities, they may be required to obtain a business license. Although in practice these schools have operated for years, the Deputy General Counsel for the Board of Education has issued a non-binding memorandum dated November 2, 1988, stating that homeschools cannot satellite with Ch. 623 private schools because they must be in “attendance” at the school.

The memorandum, however, did not deal with Ch. 607 and 617 schools, which must merely incorporate and file an annual database form. The memorandum also ignored the fact that children enrolled in Ch. 623 schools are actually “in attendance” at various classroom sites located in each home and that the Ch. 623, Ch. 607, and Ch. 617 schools meet all the statutory requirements for private schools. Thousands of students are educated at home by their parents and legally enrolled in these schools throughout the state. The Florida Department of Education acknowledges this as a legal option and states that it does not matter “where, or by whom, they receive instruction.”

**Option 3:** Homeschools can operate under the private tutor law. Fla Stat. § 1002.43. A person may teach a child if the person meets the following requirements:

- a. Holds a valid Florida certificate to teach the subjects or grades in which instruction is given;
- b. Keeps all records and makes all reports required by the state and district school board; and
- c. Requires students to be in actual attendance for 180 days or the equivalent on an hourly basis.

**Teacher Qualifications:** None for parents.

**Standardized Tests:** Only required for parents homeschooling under the homeschool law in Option 1 above. The parent must file a copy of the evaluation with the local district school superintendent annually. The evaluation should be submitted by the date the home education program was originally established. Fla. Stat. § 1002.41(1)(c). Each student must do one of the following each year:

- 1) Have educational progress evaluated by a teacher holding a valid regular Florida teaching certificate and selected by the parent. The evaluation must include review of a portfolio and discussion with the student;
- 2) Take any nationally normed student achievement test administered by a certified teacher;
- 3) 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) Be evaluated by a Florida licensed psychologist or school psychologist; or

- 5) Be “evaluated with any other valid measurement tool as mutually agreed upon by the... superintendent of the district in which the student resides and the student’s parent.”

“The district school superintendent shall review and accept the results of the annual educational evaluation.... If the pupil does not demonstrate educational progress at a level commensurate with her or his ability, the district school superintendent shall notify the parent, in writing.... The parent shall have 1 year... to provide remedial instruction to the student.” At the end of the 1 year probationary period, the student’s annual evaluation has to verify that he or she has shown “educational progress commensurate with her or his ability.” Fla. Stat. § 1002.41(2).

**Religious Freedom Act:** Fla. Stat. §§ 761.01–.05.