

# **Frequently Asked Questions: Home Education Student Eligibility for Interscholastic Extracurricular Activities with Florida High School Athletic Association (FHSAA)**

## **1. Are home education students eligible for interscholastic extracurricular activities?**

Yes. Home education students who meet the standards for participation in interscholastic extracurricular activities (s.1006.15 F.S.) and the requirements of the Home Education Program (s.1002.41 F.S.) are eligible.

## **2. Is a student taught at home through a Florida private school a home education student?**

No. According to Florida Statute a parent must choose one way to comply with regular attendance under the compulsory attendance law.

F.S.1003.01 (13) "Regular school attendance" means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. 1003.21 F.S. may be achieved by attendance in:

- (a) A public school supported by public funds;
- (b) A parochial, religious, or denominational school;
- (c) A private school supported in whole or in part by tuition charges or by endowments or gifts;
- (d) A home education program that meets the requirements of chapter 1002; OR
- (e) A private tutoring program that meets the requirements of chapter 1002.

Notice the OR between (d) and (e). It is not an AND. Although many organizations tell parents that they can "home school" their children three ways, Florida law provides only one way.

Therefore, a student is only eligible for extracurricular activities (s.1006.15 F.S.) by registering with the school district in a Home Education Program and meeting the requirements of s. 1002.41 F.S.

A student cannot be enrolled/registered as a full-time student, working toward high school completion or a diploma with a Florida private school, at the same time he/she is registered in a home education program.

## **3. Does Florida law distinguish between the various kinds of private schools?**

No. A private school by any name is a Florida private school if it has a Florida Department of Education school number. Private or religious schools in Florida are not required to have a physical location nor have certified teachers. Although there are many names for private schools or religious schools, such as umbrella school, correspondence school, non-traditional private school or a "600" school, the Florida

Statutes do not recognize those names for schools. Those are descriptive names which have circulated for years. Parents who teach their children at home through one of these schools are actually teachers in a private school and must keep the attendance records required by s. 1003.23 F.S. Home education programs are specifically exempted from these requirements.

#### **4. How does a student meet the conditions of “regular attendance?”**

There are two different measures of “regular attendance.”

A private school or religious school student must “attend” school a certain number of hours or days as designated by s. 1003.23 F.S. and the Florida Administrative Code 6A-1.09512.

A home education student under s. 1002.41 F.S. must submit an annual evaluation to the Superintendent or the home education designee in the county in which the student resides.

#### **5. Can a student be registered in a Florida private school, for record keeping purposes only, and be eligible for extracurricular activities?**

No. A student registered or enrolled in a Florida private school is a private school student, regardless of the name or terminology used for that school. According to s. 1002.42 F.S. private schools in Florida are required to register with the Florida Department of Education and are assigned a school number. Private school students must qualify for Bright Futures Scholarships by documenting certain courses and having a specified GPA. Teachers must keep attendance records and follow the curriculum specified by the private school. The school maintains the transcripts and issues a diploma.

#### **6. Can a student be enrolled in an out-of-state private school and be eligible for extracurricular activities?**

Yes. Out-of-state correspondence schools, such as Bob Jones, Calvert or the American School, generally do not have a Florida private school number. Therefore, students registered in a school or program without a Florida school number do not meet the requirements of s. 1003.01(13) F.S. for attendance purposes and **must be registered** in a home education program in the county in which the student resides.

#### **7. Does home education have to take place solely in the home?**

No. A home education program as defined in s. 1002.01(1) must be directed by the parent. The parent must maintain the portfolio and submit the annual evaluation to the superintendent’s/ designee’s office. However, parents have many educational options from which to choose.

Some of those options are correspondence courses, video courses, online courses, the Florida Virtual School, dual enrollment, early admission, part-time enrollment in a public school or private school, cooperatives formed by parents, and tutors.

Home education students do not receive school district diplomas. There are other avenues for diplomas, including those issued by the parent or the student can take the GED and receive a State of Florida diploma. Home education students may also earn an AA or AS diploma at a community college through dual enrollment, early admission or after completion of a home education program. A home education student may earn a diploma from an **out-of-state** correspondence school, such as the American School and University of Nebraska-Lincoln. A list of regionally accredited correspondence programs can be found on the Florida Department of Education website at: [http://www.floridaschoolchoice.org/information/home\\_education/regionac.asp](http://www.floridaschoolchoice.org/information/home_education/regionac.asp).

**8. Can a student take the majority of his/her courses in a Florida private or public school while registered in a home education program?**

No. The issue is where the student is registered for attendance purposes. If the child takes more than half of his/her courses, reports attendance or earns enough credits to receive a diploma at a single Florida private or public school, then the student becomes a student of that school and is not a home education student. A student registered with the school district's Home Education Office, however, may take most or all courses through Florida Virtual School, which does not report attendance or issue diplomas (also see 12B).

As noted in question #2, s. 1003.01(13) F.S. regular attendance requires a choice. A student cannot be enrolled in two options. Either the parent maintains the records in a home education program or the Florida private school maintains the records and the student is eligible to receive a diploma from the private school.

**9. What are the consequences for a student being enrolled in a home education program and a private school at the same time?**

Athletics are very competitive and the stakes are high. Winning a state championship is what drives many coaches and parents. A student who is registered in both a home education program and a Florida private school during the same school year could be reported to the FHSAA and found ineligible to participate in extracurricular activities.

If a school has an ineligible player on the team, regardless of the reason, the entire team could be disqualified for the state play-off series and required to forfeit all games in which the ineligible player participated. This happened in 2004 to a home education cooperative which had reached the state baseball play-off series. The team was disqualified and all the students on the team lost their chance to play for a state title.

Parents need to carefully consider the consequences for not only their child, but other students who have worked so hard to participate in extracurricular activities.

**10. Are home education students required to declare a grade level to participate in extracurricular activities?**

Yes. To be eligible for extracurricular activities a home education student must declare a grade level when submitting the FHSAA EL7 form Registration Form for Home Education Students to Participate in Athletic Program at Member School [http://www.fhsaa.org/forms/pdf/EL07\\_home\\_reg.pdf](http://www.fhsaa.org/forms/pdf/EL07_home_reg.pdf). Students are also required to provide proof of immunizations, home address, and GPA.

**11. Can home education be used as a means to “red shirt” a student?**

No. Home education is defined as sequentially progressive instruction s.1002.01 F.S. and may not be used as a means for “red shirting” a student. There is no “red shirting” in high school. If a student successfully completes eighth grade, through promotion documented by a public or private school or registration in a home education, then the student is a ninth grader. If the student does not successfully complete eighth grade, then that student, by virtue of grades, may not be eligible for ninth grade athletics and may lose a year of eligibility until the student achieves the required GPA. The FHSAA bylaws only allow 4 years of eligibility in high school athletics beginning in the ninth grade and students are ineligible to participate in athletics upon reaching 19 years and 9 months of age.

Registering a public or private school student in a home education program does not erase the student’s previous documentation of a grade level. Once the student is enrolled in either a public or private school, the time clock begins to run. If a student passes the eighth grade in a public or private school and enrolls in a home education program the next year, the student will be considered, by the FHSAA, as a ninth grade home education student. The annual evaluation needs to show educational progress commensurate with the child’s ability or the student will be put on probation by the school superintendent in accordance with s.1002.41((2) and the student would be ineligible for participation in athletics based on grades.

**12. Can a student participate in extracurricular activities if enrolled in a virtual school?**

It depends on which virtual school the student is enrolled in.

**A) School District Virtual Schools**

If the student is enrolled in a virtual school through the school district for 50% or more of their courses, then he/she is a public school student. That student is eligible to participate in extracurricular activities at the public school to which he/she is assigned by the school district.

A student who is enrolled full-time in a K-8 virtual school through the school district in the sixth through eighth grade is a public school student. If that student lives in the attendance area of a middle school, which is a member of the FHSAA, the student is eligible to participate in athletics, if he/she meets all the other requirements of s.1006.15 F.S.

If the student is registered with the school district as a home education student and takes less than 50% of the courses through a district virtual school, then the student is eligible to participate as a home education student at the zoned public school or at a private school.

#### B) Florida Virtual School

If the student is registered with the school district as a home education student and takes part-time or full-time classes through the Florida Virtual School, the student is eligible to participate as a home education student. Participation would be at the public school to which the student would be normally assigned according to the district school board attendance area policies or the public school the student could choose to attend pursuant to district or interdistrict controlled open enrollment provision, or may develop an agreement to participate at a private school.

#### C) Out-of-State Virtual Schools

If a student is taking classes through an out-of-state virtual school or distance learning program, then the student must register as a home education student with the superintendent in the school district in which the student resides to be in compliance with the attendance requirements. The student would then be eligible to participate under the same options as described above in 12 B.