

STORAGE NAME: h0755.tfs

DATE: February 16, 1999

**HOUSE OF REPRESENTATIVES
SELECT COMMITTEE ON
TRANSFORMING FLORIDA SCHOOLS
ANALYSIS**

BILL #: HB 755

RELATING TO: School Safety and Truancy Reduction

SPONSOR(S): Representative Melvin

COMPANION BILL(S): HB 753 (C)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) SELECT COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

HB 755 addresses school safety, truancy reduction, discipline, and drop-out prevention at the K-12 school level and in the college teacher preparation and professional educator certification programs. The bill contains the following provisions:

Discipline, Attendance, Truancy --

- Stipulates safety and discipline strategies that must be included in the school improvement plan
- Requires more accurate and timely reporting
- Provides additional authority for the principal to discipline or expel for controlled substances
- Simplifies and mainstreams the steps to enforce regular school attendance

Dropout Prevention -

- Provides priorities for districts projecting FTE for dropout prevention programs to address students who are at risk of dropping out due to repeated disruptive, violent, or delinquent behavior first
- Requires dropout prevention programs to employ diagnostic and assessment procedures and provide character education
- Expands the use of dropout prevention funds to incorporate grades 1 through 3
- Provides start-up grants for school districts to start a second chance school through private partnership

College Teacher Preparation --

- Increases college entrance examination scores for admission into teacher preparation program
- Expands criteria for continued teacher preparation program approval to emphasize outcome measures of student performance

Educator Certification --

- Adds to minimum competencies for professional educator certification to include the ability to demonstrate knowledge and skill in managing student behavior inside and outside a classroom setting; and the ability to recognize early signs of truancy in students and identify effective interventions to avoid or resolve nonattendance behavior

Pilot Project --

- Authorizes a pilot program in three counties to raise the compulsory age of attendance from 16 to 18

Fiscal Impact Estimates

- Use of dropout prevention program funding for students in grades 1-3 \$37 million
- Manatee County pilot project \$2.2 million
- Other two counties pilot project (Manatee times two) \$4.4 million
- Second chance schools grants and operating - indeterminate at this time.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

School Improvement Plans (SIP)

One of the duties of the district school board is to implement school improvement and accountability. The principal is to annually approve and require implementation of each school's improvement plan. The SIP is designed to achieve the state education goals, one of which is that communities provide an environment that is drug-free and protects students' health, safety, and civil rights as specified in s. 229.591(3), F.S.

Section 230.23(16)(a), F.S., specifies that, beginning in 1999-2000, school improvement plans must also address issues relative to budget, training, instructional materials, technology, staffing, student support services and other matters of resource allocation. No requirements are made for the SIP to address school safety or discipline.

Duties of Principals

Under current law, in s. 231.085, F.S., a principal is required to supervise the operation and management of a school and property. Additionally, the principal has duties related to administrative responsibility, including records and reports, instructional leadership, personnel recommendations, administration of corporal punishment and student suspension, and leadership in developing, revising, and implementing the SIP.

Authority of Principal

Under current law in s. 232.26(3), F.S., after three violations, a pupil may be disciplined or expelled for unlawful possession or use of any substance controlled under Florida's Drug Abuse and Prevention Control laws in Chapter 893, F.S.

Minimum Competencies for Professional Certification

Florida has a minimum competency system for professional educator certification. The competencies established in state board rule must include the 16 abilities specified in s. 231.17(5)(a), F.S. However, none of the abilities or competencies provide for any demonstration of knowledge and skill in managing student behavior or in recognizing early signs of truancy.

A 1998 Department of Education study reported that a majority of teachers agree that more training on discipline is necessary. A majority of teachers did not feel that their pre-service education and training prepared them to handle discipline and student misbehavior. They wanted more practical experience before being assigned to their own classroom.

Teacher Preparation Programs

Legislative intent established in s. 240.529(1), F.S., is for teacher preparation institutions to employ varied and innovative teacher preparation techniques while producing teachers with the competencies and skills for achieving Florida's education goals and sustaining the school improvement and education accountability system. The

school improvement and education accountability system consists of the state goals, pursuant to s. 229.591, F.S.; school improvement plans, pursuant to s. 299.592, F.S., and the Florida Commission on Education Reform and Accountability, pursuant to s. 229.593, F.S. One of the education goals of the state is: "*School safety and environment.*-- Communities provide an environment that is drug-free and protects students' health, safety, and civil rights," in s. 229.591(3)(e), F.S.

Program Approval

Each teacher preparation program approved by the Department of Education requires one of the following prerequisites for admission into the program:

- Student receive a passing score at the 40th percentile or above on a nationally standardized college entrance examination.
- Student have a grade point average of at least 2.5 on a 4.0 scale for the general education component of undergraduate studies.
- Student have completed requirements for a baccalaureate degree from any college or university accredited by a regional accrediting association.

If a program fails to meet the criteria of the approval process, it can lose approval. Additional criteria for continued program approval may be developed by the Education Standards Commission and approved by the State Board of Education. Such criteria must emphasize outcome measures.

Preservice Field Experience

All instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships must have either:

- Specialized training in clinical supervision;
- Valid professional teaching certificate;
- At least 3 years of successful teaching experience in prekindergarten through grade 12; or
- commitment to spend periods of time specified by State Board of Education rule teaching in public schools.

Additionally, all school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships must have evidence of "clinical educator" training.

School Attendance

Children between the ages of 6 and 16 years of age are required to attend school regularly during the entire school term, pursuant to s. 232.01, F.S. A child who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date when he or she attains that age if the child files a formal

declaration of intent to terminate school enrollment with the district school board. A child who attains the age of 18 years during the school year is not subject to compulsory school attendance beyond the date when he or she attains that age.

Enforcement of School Attendance

According to *The Florida Senate Interim Project Report 98-67*, the Juvenile Justice Accountability Board (JJAB) reports that nearly 20 percent of students statewide have missed 21 days in a school year and most school districts have difficulty in accurately documenting whether these absences are excused or unexcused.

Sections 232.17 and 232.19, F.S., outline the following activities to be taken by a designated school representative to determine the cause and attempt the remediation of truant behavior.

- Investigate the students' nonenrollment and unexcused absences.
- Give written notice, in person or by return-receipt mail, to parents, guardians, or other persons having control when no valid reason is found for the nonenrollment or when the child had a minimum of 3 but fewer than 6 unexcused absences within 90 calendar days.
- If the notice and requirement for attendance are ignored, the case is reported to the superintendent. The case may be, but is not required to be, referred to a case staffing committee; however, the following provisions of s. 232.19(3), F.S., must first have been made:
 - One or more meetings held between a school representative and the parents,¹ or the parents have refused to participate in the meeting;
 - Educational counseling; and
 - Educational evaluation.

The superintendent may, but is not required to, bring criminal prosecution against the parents.

- Return the child to the parent or to the principal or private tutor when the child was found.
- Report to the Division of Jobs and Benefits all violations of the Child Labor Law that may come to his or her attention.
- Has right of access to inspect establishments where minors may be employed for purpose of ascertaining whether school age children are working there.
- Resume series of escalating activities at the point where the child left off if child repeats pattern of nonattendance within one school year

¹ When the word "parent" is used in this analysis, it refers to "parent, guardian, or other person in charge of the child."

The student must have been the subject of the above activities without successful remediation of the truancy problem before being dealt with as a child-in-need-of-services according to the provisions of Chapter 984, F.S.²

Habitual Truancy

A habitual truant is defined in ss. 228.041(28) and 984.03(29), F.S., as a student of compulsory school age who accumulates 15 unexcused absences within a period of 90 calendar days, with or without the knowledge or consent of his or her parent or legal guardian, and who does not qualify for an exemption. Although the definition of habitual truant is for 15 unexcused absences, the maximum number of unexcused absences prior to commencing intervening activities (described in the prior section of this analysis from ss. 232.17 and 232.19, F.S.) to address truant behavior is 6. Besides the activities for enforcing school attendance in s. 232.17, F.S., additional criteria in s. 232.19, F.S., must be met and documented in writing in an effort to determine the cause and attempt to remediate a child's truant behavior and before a petition is filed. These activities include:

- One or more meetings, either in person or by phone, between the school representative, the child's parent, and the child, if necessary, after a minimum of 3 and before 6 unexcused absences within 90 calendar days. The purpose of the meetings are to report and to attempt to solve the truancy problem. If the parent has refused to participate in the meetings and the school representative has documented the refusal, the meeting requirement is considered to have been met.
- Educational counseling to identify and implement curriculum changes, which may include a dropout prevention program or a second chance school.
- Educational evaluation, which may include a psychological evaluation, to help determine reason for child's nonattendance. If a condition was diagnosed in the evaluation, the school must have made specific efforts to remedy the condition.
- Referral to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, as determined by the cooperative agreement required in s. 232.19(4), F.S. Before and after a child-in-need-of-services petition is filed due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to remedy the truant behavior through completion of the all the previously listed actions.

Section 984.03(29), F.S., states that if a child responds to these interventions and completes the necessary requirements to pass the current grade, the child must be passed. Section 232.19, F.S., also states that under those circumstances the child must be passed.

² The Legislature established the Children In Need of Services/Families in Need of Services Program as a means of dealing with children who are so-called "status offenders," meaning they are truants, runaways or ungovernable. The truant youth and his or her family can receive screening and assessment services as well as counseling.

In 1997, the Florida Legislature passed HB 1309, which prevents minors who accumulate 15 unexcused absences within 90 days from obtaining or retaining a driver's license, pursuant to s. 232.19, F.S.

Sections 232.19, and 414.125, F.S., provide additional penalties for parents, legal guardians, principals, teachers, or employers who refuse or fail to comply with the compulsory school attendance and habitual truancy laws.

Dropout Prevention

A dropout is defined in s. 228.041(29), F.S., as a student not subject to compulsory school attendance who has either withdrawn from school voluntarily, has not met the attendance requirements of the district, or who is no longer eligible to attend under an exceptional education program. Section 230.2316, F.S., the *Dropout Prevention Act* provides for dropout prevention programs to employ alternative teaching methodologies, curricula, learning activities, or diagnostic and assessment procedures in order to meet the needs, interests, abilities, and talents of eligible students. The educational program provides curricula and related services which support the program goals and lead to high school diploma completion.

Funding

Funds for dropout prevention programs are distributed through the Florida Education Finance Program (FEFP) and are available for eligible students in grades 4 through 12. The second chance schools are funded at the dropout prevention program weight in the FEFP and may also receive school safety and other funds.

Second Chance Schools

Second chance schools are part of the *Dropout Prevention Act*. They are school district programs provided through cooperative agreements between the Department of Juvenile Justice, private providers, state or local law enforcement agencies, or other agencies for students who have been disruptive or violent, or have committed serious offenses. A student in grades 6 through 10 may be assigned to a second chance school if:

- He or she is a habitual truant;
- Excessive absences have affected academic progress and unique needs exist;
- High truancy incidences are directly linked to a lack of motivation; and
- Student is at risk of dropping out.

A habitual truant may also be assigned to a second chance school if the case staffing committee³ determines placement is beneficial. If the district has a second chance

³ A case staffing committee is a committee established for children in need of services and, pursuant to s. 984.12, F.S., includes a representative from the child's school district and a representative of the Department of Juvenile Justice, and may include a supervisor of the department's contracted provider; a

school, the student may be assigned to it if the student habitually exhibits violation of code of student conduct, or interferes with learning, either his own or others, or has committed a serious offense to warrant suspension or expulsion.

Schools are encouraged to use alternative programs before assigning students to second chance schools. If assigned to a second chance school, the local child study team must evaluate the student to ensure that he or she is not eligible for a program for emotionally disturbed children.

If children wish to return from a second chance school to a traditional school, they must first be evaluated by school district personnel.

Children and Families In Need of Services

The definition of habitually truant in s. 984.03, F.S., is generally the same as the habitual truant definition in s. 228.041, F.S. However, when used in Chapter 984, the definition includes escalating activities to determine the cause, and to attempt the remediation, of the child's truant behavior; all the activities and procedures under s. 232.17, F.S., which is the enforcement of school attendance, and s. 232.19, F.S., which is the court procedure and penalties relating to compulsory school attendance, have been taken.

After all of the interventions in current law are completed and the child has been responsive and has completed the necessary requirements to pass the current grade according to the pupil progression plan, the child will not be determined as habitually truant and the child will be passed. If the child has the 15 unexcused absences within 90 days or fails to enroll, the State Attorney may file, but is not required to file, a child-in-need-of-services petition. Prior to filing a petition, the child must be referred to the appropriate agency for evaluation. After consulting with the evaluating agency, the State Attorney may file, but is not required to file, a child-in-need-of-services petition.

If the parent refuses to participate, or make a good faith effort to participate, in the activities to remedy the truant behavior or the child fails or refuses to return to school after the school administration and Department of Juvenile Justice have worked with the child as described for habitual truant cases (in s. 232.19, F.S.), then proceedings, prosecutions, and penalties may begin.

B. EFFECT OF PROPOSED CHANGES:

School Improvement Plans (SIP)

House Bill 755 requires that issues relating to specific school safety and discipline strategies be included in the issues that SIPs are to begin addressing in 1999-2000.

Duties of Principals

representative from the area of health, mental health, substance abuse, social or educational services; a representative of the state attorney, the alternative sanctions coordinator, and any person recommended by the child, family, or department.

The bill assigns principals the responsibility of ensuring that all school reports are accurate and timely. He or she must also provide training opportunities that are needed for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data.

Authority of Principal

HB 755 removes the third offense limitation on principals to discipline or expel students who unlawfully possess or use controlled substances. The bill allows a pupil to be disciplined or expelled upon the first violation for unlawful possession or use of any substance controlled under Chapter 893, F.S.

Teacher Preparation Programs

The bill adds legislative intent related to teacher preparation programs reiterating state education goals of helping students meet high standards for student achievement, and providing safe and secure classroom learning environments.

The bill revises the required college entrance examination score for admission into an approved teacher preparation program from 40th percentile to 50th percentile.

The bill requires that criteria for continued program approval emphasize outcome measures of student performance in the areas of classroom management and improving the performance of students who have traditionally failed to meet student achievement goals and have been over represented in school suspensions and other disciplinary actions.

Instructors in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships will no longer have the option of substituting a commitment to spend periods of time teaching in the public schools in lieu of one of the following:

- Specialized training in clinical supervision
- Valid professional teaching certificate
- At least 3 years of successful teaching experience in prekindergarten through grade 12.

The bill requires all school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships to have successfully demonstrated effective classroom management strategies, and consistently improved student performance.

Minimum Competencies for Professional Certificate

Two new minimum competencies for professional educator certification are added to the 15 competencies currently in place. One requires the ability to demonstrate knowledge and skill in managing student behavior inside and outside a classroom setting. Such knowledge and skill must include techniques for preventing and intervening in incidents involving disruptive or violent behavior. The second added competency requires the

ability to recognize early signs of truancy in students and identify effective interventions to avoid or resolve nonattendance behavior.

Dropout Prevention Student Eligibility and Program Criteria

The bill establishes three priorities for districts projecting FTE for dropout prevention programs. This does not include those programs serving students in residential and nonresidential programs operated or contracted by the Department of Juvenile Justice. The priorities are:

- First -- address students who are at risk of dropping out due to repeated disruptive behavior, violent behavior, or delinquent behavior. School district must include, as an indicator of need, recommended strategies to reduce disruptive and violent behavior as identified in the school improvement plan. The districts must project the number of FTEs for which alternatives are required as a solution.

The bill establishes intent to fund these FTEs prior to those projected in dropout prevention for other purposes.

- Second - to implement intensive instruction programs within alternative settings for students who fail to meet promotion requirements and require either intensive instruction in selected subject areas or a more structured learning environment in order to achieve satisfactorily.

Third - for students who are at risk due to other factors as identified by the district.

The bill requires dropout prevention programs to employ diagnostic and assessment procedures and alternative teaching methodologies, curricula, and learning activities in order to meet the needs of eligible students. The diagnostic and assessment procedures are no longer optional.

The educational program must also provide character education along with curricula and related services which support the program goals and lead to high school diploma completion.

The bill allows students in grades 1 through 3 to use dropout prevention funds in addition to current law which authorizes the funds to be used in grades 4 through 12.

One year start-up grants will be provided from Department of Education (DOE) for a school district seeking a partnership with a private nonprofit or for-profit provider to start a second chance school. Grants for this purpose must be used to offset start-up costs for programs off public school campuses. General operating funds must be generated through the appropriate programs of the Florida Education Finance Program (FEFP). The full operation of the school must be by a private nonprofit or for-profit provider if the grant is used. The program must operate under DOE rules and to extent funded by the Legislature.

A second chance school student who is making academic and social progress may return to a traditional school setting upon completing a character-education program and demonstrating preparedness to reenter rather than the current law of being evaluated by school district personnel.

Pilot Projects to Raise Compulsory Age of Attendance from 16 to 18

HB 755 authorizes Manatee County District School Board and two other district school boards to implement pilot projects to raise the compulsory age of attendance from 16 to 18. The other two counties will be identified in the General Appropriations Act. The pilot projects apply to each child who has not attained the age of 16 years by September 30 of the school year in which a school board policy is adopted.

The project will begin on July 1, 1999, and the school boards in pilot counties must take the following steps to implement the pilot project:

- Provide a notice of intent to adopt a policy to raise the compulsory age from 16 years to 18 years. The notice must be provided to the parent or legal guardian of each child who is 15 years of age and who is enrolled in a school in the district.
- Adopt a policy before the beginning of the school year.
- Provide notice of the policy to the parent or legal guardian of each child who is 15 years old and is enrolled in a school in the district. The notice must be provided within 2 weeks after adoption of the school board policy and must include information related to the penalties for refusing or failing to comply with the compulsory attendance requirements and information on alternative education programs offered within the school district.

All state laws and state board rules regarding students who are subject of compulsory school attendance apply to the district school board that chooses to participate in the pilot project. The participating school board is no longer authorized to accept a formal declaration of intent to terminate school. A study is required by each pilot district evaluating the effect of the policy on school attendance, dropout rate, and cost. The findings are to be reported to the Legislature, the Governor, and the Commissioner of Education by August 1 after each year that the pilot project is operating.

Enforcement of School Attendance

HB 755 establishes legislative finding that:

- Poor academic performance is associated with nonattendance.
- Schools must take an active role in enforcing attendance as a means of improving student performance.
- Early intervention in school attendance matters is the most effective way of producing good attendance habits that will lead to improved student learning and achievement.

The bill states that it is the policy of the state that the school district superintendents be responsible for enforcing attendance of all compulsory school age children and youth in the school district. The responsibility includes making recommendations to the school board for policies and procedures ensuring that schools respond in a timely manner to every absence of students enrolled in the schools. The school board policies must:

- Require each parent or guardian of a student to justify each student absence.
- Define excused and unexcused absences. These definitions will be used to evaluate the parental justification.
- Provide schools track excused and unexcused absences and contact the home in case of an absence from school to prevent the development of patterns of nonattendance.

The bill specifies steps that each public school will implement to enforce regular school attendance. The steps are as follows:

- Contact, refer, and enforce -- School principal or designee contacts the home to determine the reason for the absence. The school provides opportunities to allow make-up work within a reasonable time, for an excused absence, as defined by school board policy. If the student has 5 absences in a month or 10 in 90 days, the teacher reports a pattern of nonattendance to the principal.

The principal refers the case to the school's child study team unless there is clear evidence that absences are not a pattern of nonattendance. The child study team determines if early patterns of truancy are developing. If the team determines there is such a pattern, whether the absences are excused or not, a meeting with the parents is required to identify remedies.

If initial parent meeting does not resolve problem, child study team implements interventions including:

- Frequent communication between teacher and family,
- Changes in learning environment,
- Mentoring,
- Student counseling,
- Tutoring, including peer tutoring,
- Placement into different classes,
- Evaluation for alternative education programs,
- Attendance contracts,
- Referral to other agencies for family services, or
- Other services.

The bill requires the study team to be diligent in facilitating intervention services and to report the case to the superintendent when all reasonable efforts to resolve the nonattendance are exhausted. If the parent, guardian, or other person in control of the child believes the intervention strategies are unnecessary or inappropriate, and refuses to participate in the remedial strategies, they may appeal to the school board. The bill requires the school board to provide a hearing officer, who makes the final determination. If the hearing officer determines the strategies are appropriate and the parent still refuses to participate or cooperate, the superintendent may seek criminal prosecution for noncompliance with compulsory school attendance.

The bill requires the superintendent to file a child-in-need-of-services petition or family-in-need-of-services petition seeking services from the Department of Juvenile

Justice and a court order to attend school if the parent reports that the child is ungovernable and will not attend school. The superintendent is required to provide evidence to the court that the school system is prepared to provide a learning environment for the student that is responsive to the student's learning needs and that all reasonable efforts have been exhausted to resolve the nonattendance behavior. If the child still refuses to comply, the court may enforce a contempt of court order.

- Give written notice -- when no valid reason is found for a child's nonenrollment in school. The bill removes the option of a minimum of 3 to a maximum of 6 unexcused absences before the notice is sent. The notice requires enrollment or attendance within 3 days. If the notice is ignored, the case is reported to the superintendent. The bill removes language allowing the option of referring the case to a case staffing committee and requires instead that the superintendent take steps to bring criminal prosecution against the parents and give written notice in person or by return-receipt mail to the parent, guardian, or other person in charge of the child that criminal prosecution is being sought for nonattendance.
- Return child to parent -- if a child is found by a designated school representative. The child must be returned if found, but may be returned to parent, principal, teacher in charge of school, private tutor, or to juvenile assessment center or other location established by school board to receive students who are absent from school. The bill requires immediate notification to parent upon receipt of student.

Court Procedure and Penalties for Habitual Truants

Prior to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions of referral to the children-in-need-of-services provider or the case staffing committee, and for the case staffing committee to request the Department of Juvenile Justice to file a child-in-need-of-services petition. The same reasonable time allowances must be given subsequent to the filing.

However, the bill provides that a court order requiring school attendance must be obtained as a necessary part of services for habitual truanties. Before a petition is filed, the bill requires that the school district comply with the requirements to contact the home, refer the child to the principal if there are 5 absences in a calendar month or 10 absences within a 90 day period, refer the child to the child study team, meet with the parent, implement interventions, report to the superintendent, give written notice, and return child to parent, all pursuant to s. 232.17, F.S. All of those efforts must have been unsuccessful before filing a petition.

Definition of Habitually Truant for Children and Families In Need of Services

HB 755 revises the definition of habitually truant to mean that the activities, not escalating activities, to determine the cause and attempt remediation of the truant behavior have been completed.

The bill requires, rather than allows, the State Attorney to file a child-in-need-of-services petition unless the State Attorney determines that another alternative placement is preferable. The bill eliminates the provision that a child must be referred to the

appropriate agency for evaluation before filing a petition and the provision making it optional for the State Attorney to file a child-in-need-of-services petition.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

HB 755 establishes a program where school districts seeking to enter a partnership with a private entity to operate a second chance school for disruptive students may apply to DOE for start-up grants. This program must operate under rules adopted by the Department of Education.

The bill adds two new abilities which must be included in the state board rule regarding the minimum essential competencies that educators must possess and demonstrate in order to qualify to teach students the standards of student performance.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

School principals are required to make necessary provisions to ensure that all school reports are accurate and timely. They must also provide the necessary training opportunities for staff to accurately report attendance, FTE program participation, student performance, teacher appraisal, and school safety and discipline data.

The bill establishes state policy that the superintendent of each school district be responsible for enforcing school attendance of children. The responsibility includes recommending to the school board policies and procedures. The superintendent must also give written notice to the parent when criminal prosecution is being sought for nonattendance.

Public schools must implement specific steps to enforce regular school attendance, including contacting parents, referring the case to the school's child study team, meeting with parents, implementing interventions.

The State Attorney is required to file a child-in-need-of-services petition if a child has 15 unexcused absences within 90 calendar days or fails to enroll in school unless he or she determines that another alternative placement is preferable.

(3) any entitlement to a government service or benefit?

N/A

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

N/A

b. Does the bill require or authorize an increase in any fees?

N/A

c. Does the bill reduce total taxes, both rates and revenues?

N/A

d. Does the bill reduce total fees, both rates and revenues?

N/A

e. Does the bill authorize any fee or tax increase by any local government?

N/A

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

N/A

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

N/A

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

District school board policy defines excused and unexcused absences. The principal refers the case unless there is clear evidence that the absences are not a pattern of nonattendance. The case is referred to the school's child study team to determine if early patterns of truancy are developing.

The child study team determines if a pattern of nonattendance is developing, and, if so, meets with the parent to identify potential remedies, and, if this meeting does not resolve the problem, the child study team implements and diligently facilitates interventions. If the parent believes that those strategies are unnecessary or inappropriate, he or she may appeal to the school board. A hearing officer will make the final determination.

The superintendent may seek criminal prosecution for noncompliance with compulsory school attendance. If the parent reports to the child study team that the child is ungovernable and will not comply, the superintendent must file a child-in-need-of-services petition or family-in-need-of-services petition seeking services. If a child has 15 unexcused absences in 90 calendar

days or fails to enroll in school, the State Attorney must file a child-in-need-of-services petition unless, consulting with the evaluating agency, the State Attorney determines that another alternative placement is preferable.

(2) Who makes the decisions?

See description of provided services in 5.a.(1) above.

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

See description of provided services in 5.a.(1) above.

(5) Are families penalized for not participating in a program?

See description of provided services in 5.a.(1) above.

b. Does the bill directly affect the legal rights and obligations between family members?

See description of provided services in 5.a.(1) above.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

See description of provided services in 5.a.(1) above.

(2) service providers?

See description of provided services in 5.a.(1) above.

(3) government employees/agencies?

See description of provided services in 5.a.(1) above.

D. STATUTE(S) AFFECTED:

Amends sections 230.23; 230.2316; 230.085; 231.17; 232.17; 232.19; 232.26; 240.529; 984.03, Florida Statutes. Creates section 232.001, Florida Statutes.

E. SECTION-BY-SECTION ANALYSIS:

- Section 1** Amends s. 230.23, F.S., requiring school improvement plans to include specific school safety and discipline strategies.
- Section 2** Amends s. 230.2316, F.S., providing for school districts projecting FTE for certain dropout prevention programs three priorities: first, to address students at risk due to repeated disruptive, violent, or delinquent behavior; second, to implement intensive instruction programs for students not promoted; and third, for students at risk due to other factors. Specifies that dropout prevention programs employ diagnostic and assessment procedures with other elements of program rather than as an option to other elements; adds character education to educational portion of dropout prevention program; allows students in grades 1-12, rather than 4-12, to be eligible for dropout prevention programs. Provides for one year start-up grants from Department of Education (DOE) for partnership between district and private entity for second chance school; requiring general operating funds through Florida Education Finance Program (FEFP), operation by private nonprofit or for-profit provider under DOE rules and to extent funded by Legislature. Requires students seeking to re-enter traditional schools to complete a character-education program and demonstrate preparedness to reenter rather than evaluation by school district personnel.
- Section 3** Amends s. 231.085, F.S., requiring principals to ensure the accuracy and timeliness of school reports and to provide staff training opportunities.
- Section 4** Amends s. 231.17, F.S., adding two new minimum competencies for professional educator certification: one, requiring the ability to demonstrate knowledge and skill in managing student behavior, including techniques for preventing and intervening in disruptive or violent incidents; two, requiring the ability to recognize early signs of truancy and identify interventions.
- Section 5** Creates s. 232.001, F.S., authorizing Manatee County District School Board and two other district school boards to implement pilot projects to raise the compulsory age of attendance from 16 to 18; provides process requirements for pilot districts; provides for applicability of state laws and rules regarding school attendance; provides that pilot districts do not have the option of accepting a 16 year old student's filing of a formal declaration of intent to terminate school which is allowed in the law for non-pilot districts; requires a study by each pilot district regarding the effect of the policy on school attendance, dropout rate, and cost.
- Section 6** Amends 232.17, F.S., providing legislative finding that: poor academic performance is associated with nonattendance and that schools must take an active role in enforcing attendance as a means of improving student performance; early intervention is most effective means of producing good attendance habits. Placing responsibility on school district superintendents for enforcing attendance, including recommendations to school board. Requiring school board policies that: require absences have parental justification based on definitions established by school board for excused

and unexcused absences; provide schools track absences and contact homes. Specifies steps to be implemented to enforce regular school attendance.

Replaces step one, which was a general directive to investigate absences with more specific directives to school principal to contact home and allow make up work without academic penalty for excused absence; directs teacher to report pattern of nonattendance to principal if student has five absences in a month or 10 in 90 days; requires principal, unless there is clear evidence that absences are not a pattern of nonattendance, to refer case to school's child study team to determine if early patterns of truancy are developing; requires meeting with parents if study team finds pattern of nonattendance is developing; requires that if initial parent meeting does not resolve problem, child study team implement interventions, including frequent communication between teacher and family, changes in learning environment, mentoring, student counseling, tutoring, peer tutoring, placement into different classes, evaluation for alternative education programs, attendance contracts, referral to other agencies for family services; requires study team to be diligent in facilitating intervention services and to report to superintendent when efforts are exhausted; authorizes parent appeal to school board; requires school board to provide hearing officer to make final determination; authorizes superintendent to seek criminal prosecution if parent refuses to participate or cooperate when it is determined that strategies of child study team are appropriate; requires superintendent to file a child-in-need-of-services petition or family-in-need-of-services petition seeking services from the Department of Juvenile Justice and a court order to attend school if parent reports that child is ungovernable and will not attend school.

Revises step two for giving written notice; removes language allowing option of written notice when there is a minimum of 3 but fewer than 6 unexcused absences within 90 days; requires enrollment or attendance within 3 days after date of notice; removes language allowing option of referring case to case staffing committee; requires superintendent to take steps to bring criminal prosecution against parents; requires superintendent to give written notice in person or by return-receipt mail to the parent that criminal prosecution is being sought.

Revises step three for returning child to parent; adds option to where child is to be returned; allows child to be returned to juvenile assessment center or other location established by school board to receive students who are absent from school; requires immediate notification to parent upon receipt of student.

Section 7 Amends 232.19, F.S., requiring a court order for school attendance be obtained as a part of services for habitual trancies. Revising requirements to be met before filing a petition to require that all steps for enforcing school attendance (these include contacting, referring, enforcing, sending written notice, returning child to parent, reporting to Division of Jobs and Benefits described in Section 6 of bill or s. 232.17, F.S.) must have been implemented and have been unsuccessful. Eliminates requirements that

before petition is filed child have 15 unexcused absences in 90 days or that educational counseling and educational evaluation must have been provided; eliminates language stating that truant who completes necessary requirements to pass according to pupil progression plan shall be passed.

Section 8 Amends s. 232.26, F.S., removes limitation on principals by removing provision that it must be third violation of unlawful possession or controlled substance use before principals may discipline or expel pupils.

Section 9 Amends s. 240.529, F.S., adding legislative intent related to teacher preparation programs reiterating state education goals of helping students meet high standards for student achievement, and providing safe and secure classroom learning environments; revising required college entrance examination score for admission into an approved teacher preparation program from 40th percentile to 50th percentile; providing criteria for continued program approval emphasize outcome measures of student performance in the areas of classroom management and improving the performance of students who have traditionally failed to meet student achievement goals and have been over represented in school suspensions and other disciplinary actions; removes commitment to spend time teaching option as a substitute requirement for becoming an instructor in postsecondary teacher preparation programs who instruct or supervise preservice field experience courses or internships; requires all school district personnel and instructional personnel who supervise or direct teacher preparation students during field experience courses or internships to successfully demonstrate effective classroom management strategies, and consistently improve student performance.

Section 10 Amends s. 984.03, F.S., revising the definition of habitual truant to mean that activities, not escalating activities, to determine the cause, and to attempt the remediation, of the truant behavior have been completed; requiring, rather than allowing, the State Attorney to file a child-in-need-of-services petition unless the State Attorney determines that another alternative placement is preferable; eliminating provision that prior to filing a petition, the child must be referred to the appropriate agency for evaluation and that the petition is optional for the State Attorney to file.

Section 11 Provides an effective date upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

The bill requires the DOE to make available for one year start-up grants for school districts seeking to enter into a partnership with a private entity to operate a second chance school for disruptive students. This program is to be implemented to the extent it is funded by the Legislature.

2. Recurring Effects:

Dropout Prevention Funding for Students in Grades 1-3

HB 755 expands dropout prevention program funding for students in grades 1-3. Under present law only students in grades 4-12, teen parent infants, and abused and neglected children are eligible. From the total FTE students enrolled in grades 4-8 in 1998-99, 6.5 percent or 59,000 are funded for dropout prevention programs. If 6.5 percent of the 564,000 FTE students enrolled in grades 1-3 in 1998-99 were funded for dropout prevention programs the additional cost would be \$37,000,000. These are the additional funds required to fund 6.5 percent of the students in grades 1-3 at the Dropout Prevention Program cost factor of 1.372 and the K-3 basic program cost factor.

Pilot Projects

The bill authorizes Manatee County District School Board and two other district school boards to implement pilot projects that raise the compulsory age of attendance for children from 16 to 18. The other two pilot districts will be identified in the GAA. The pilot districts have reporting requirements.

The dropout rate, according to a Department of Education published report, for Manatee County in 1997-97 was 7.01 percent. If extending the compulsory attendance age from 16 to 18 were to mean 7.01 percent of the students in grades 9-12 in Manatee County, who would otherwise drop-out, instead attend school for at least one additional school year, the FTE cost in the FEFP at the 1998-99 appropriated level would be \$2,195,133.

The taxpayer cost of non-educational services required for many persons who drop-out of school is far greater than the cost of a year of public school. The most likely fiscal benefit, to the state and to the individual, of funding one or more additional years of public school attendance for a student between 16 and 18 years of age, who otherwise would drop-out of school will be a savings far greater than the immediate annual expenditure, especially for each potential non-graduate that receives a high school diploma.

Operating Funds for Second Chance Schools Established Through Grants

General operating funds for the second chance schools established through the one year start-up grants as a partnership between the district and a private entity will be generated through the appropriate programs of the FEFP. Fiscal impact is indeterminate at this time.

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

HB 755 sets priorities for districts projecting FTE for dropout prevention programs, except for the juvenile justice centers. First priority is to address students who at risk of dropping out due to repeated disruptive, violent, or delinquent behavior; second priority is to implement intensive instruction programs within alternative settings for failing students; and third priority is for at-risk students. Since students in these three categories are currently eligible for funding under the Dropout Prevention Program establishing this priority does not increase or decrease funding.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

STORAGE NAME: h0755.tfs

DATE: February 16, 1999

PAGE 22

A. APPLICABILITY OF THE MANDATES PROVISION:

The bill does not require counties or municipalities to expend funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

The bill does not reduce the authority of counties or municipalities to raise revenue.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

The bill does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

SELECT COMMITTEE ON TRANSFORMING FLORIDA SCHOOLS:

Prepared by:

Staff Director:

Ouida J. Ashworth

Robert L. Ward