

1                                   A bill to be entitled  
2           An act relating to school safety and security;  
3           amending s. 229.57, F.S.; revising criteria for  
4           determining a school's performance grade  
5           category for specified school years; creating  
6           s. 229.8347, F.S.; establishing the Partnership  
7           for School Safety and Security; providing  
8           responsibilities of the partnership; assigning  
9           the partnership to the Department of Education  
10          for administrative purposes; providing for  
11          membership, meetings, and reimbursement for  
12          expenses; providing for the partnership to be  
13          funded through the General Appropriations Act;  
14          providing for staff support and technical  
15          assistance; requiring that the partnership  
16          prepare annual reports; requiring the  
17          Department of Education to develop an  
18          individualized school safety and environment  
19          assessment instrument; requiring that the  
20          department expand performance standards for  
21          school safety; amending s. 230.23025, F.S.;  
22          requiring that safety and security be included  
23          as part of the factors reviewed as best  
24          financial management practices for school  
25          districts; amending s. 230.235, F.S.; requiring  
26          each district school board to review its  
27          zero-tolerance policy and ensure the inclusion  
28          of specific offenses; creating s. 231.0851,  
29          F.S.; requiring that school principals report  
30          and verify data concerning school safety and  
31          discipline; requiring that the State Board of

1 Education adopt a form for such reports;  
2 requiring the Department of Education to  
3 improve reporting concerning school safety;  
4 requiring that the department develop  
5 indicators of safe schools; amending s.  
6 232.24521, F.S.; prohibiting the use of a  
7 student's attendance record as the basis of an  
8 exemption from academic performance  
9 requirements; amending s. 232.26, F.S.;  
10 requiring that any suspension of a student with  
11 disabilities be in accordance with rules of the  
12 State Board of Education; creating s. 235.192,  
13 F.S.; requiring school districts and community  
14 colleges to provide blueprints of educational  
15 facilities to certain agencies; requiring that  
16 school districts and community colleges provide  
17 a revised blueprint following modification of a  
18 facility; requiring the Department of Education  
19 to assess safety and security initiatives and  
20 make certain reports; establishing a pilot  
21 program to assess teams that meet the optimal  
22 ratios of certain school professionals to  
23 students; requiring that the school district  
24 evaluate the program and make certain reports;  
25 requiring a plan for school transportation  
26 safety; amending s. 232.17, F.S.; prohibiting  
27 students referred to a child study team from  
28 enrolling in a home education program;  
29 providing exceptions; providing an appeals  
30 process; amending s. 414.125, F.S.; revising  
31 criteria for reduction of temporary cash

1 assistance; amending s. 984.03, F.S.; revising  
2 the definitions of the terms "habitually  
3 truant" and "truancy petition"; amending s.  
4 984.151, F.S.; revising requirements for filing  
5 a truancy petition; providing an appropriation;  
6 providing an effective date.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Subsection (8) of section 229.57, Florida  
11 Statutes, is amended to read:

12 229.57 Student assessment program.--

13 (8) DESIGNATION OF SCHOOL PERFORMANCE GRADE  
14 CATEGORIES.--School performance grade category designations  
15 itemized in subsection (7) shall be based on the following:

16 (a) Timeframes.--

17 1. School performance grade category designations  
18 shall be based on one school year of performance.

19 2. In school year ~~years~~ 1998-1999 ~~and 1999-2000~~, a  
20 school's performance grade category designation shall be  
21 determined by the student achievement levels on the FCAT, and  
22 on other appropriate performance data, including, but not  
23 limited to, attendance, dropout rate, school discipline data,  
24 and student readiness for college, in accordance with state  
25 board rule.

26 3. In school year 1999-2000, a school's performance  
27 grade category designation shall be determined by the student  
28 achievement levels on the FCAT and on other appropriate  
29 performance data, including, but not limited to, attendance,  
30 dropout rate, and student readiness for college, in accordance  
31 with state board rule.

1           4.3. Beginning with the 2000-2001 school year, a  
2 school's performance grade category designation shall be based  
3 on a combination of student achievement scores as measured by  
4 the FCAT, on the degree of measured learning gains of the  
5 students, and on other appropriate performance data,  
6 including, but not limited to, attendance, dropout rate,  
7 ~~school discipline data~~, and student readiness for college.

8           5.4. Beginning with the 2001-2002 school year and  
9 thereafter, a school's performance grade category designation  
10 shall be based on student learning gains as measured by annual  
11 FCAT assessments in grades 3 through 10, and on other  
12 appropriate performance data, including, but not limited to,  
13 attendance, dropout rate, ~~school discipline data~~, cohort  
14 graduation rate, and student readiness for college.

15  
16 For the purpose of implementing ss. 229.0535 and 229.0537, if  
17 any of the four schools that were identified as critically low  
18 performing, based on both 1996-1997 and 1997-1998 school  
19 performance data and state board adopted criteria, receives a  
20 performance grade category designation of "F," based on  
21 1998-1999 school performance data, that school shall be  
22 considered as having failed to make adequate progress for 2  
23 years in a 4-year period. All other schools that receive a  
24 performance grade category designation of "F," based on  
25 1998-1999 school performance data, shall be considered as  
26 having failed to make adequate progress for 1 year.

27           (b) Student assessment data.--Student assessment data  
28 used in determining school performance grade categories shall  
29 include:

30           1. The median scores of all eligible students enrolled  
31 in the school who have been assessed on the FCAT.

1           2. The median scores of all eligible students enrolled  
2 in the school who have been assessed on the FCAT and who have  
3 scored at or in the lowest 25th percentile of the state in the  
4 previous school year.

5  
6 The Department of Education shall study the effects of  
7 mobility on the performance of highly mobile students and  
8 recommend programs to improve the performance of such  
9 students. The state board shall adopt appropriate criteria for  
10 each school performance grade category. The criteria must also  
11 give added weight to student achievement in reading. Schools  
12 designated as performance grade category "C," making  
13 satisfactory progress, shall be required to demonstrate that  
14 adequate progress has been made by students who have scored  
15 among the lowest 25 percent of students in the state as well  
16 as by the overall population of students in the school.

17           Section 2. Section 229.8347, Florida Statutes, is  
18 created to read:

19           229.8347 Partnership for School Safety and Security.--

20           (1) CREATION AND DUTIES.--There is created a  
21 Partnership for School Safety and Security to perform the  
22 following responsibilities:

23           (a) Evaluate school safety and security programs and  
24 strategies, based on controlled scientific research; recommend  
25 information to be included in the electronic clearinghouse of  
26 safety and security information; and make recommendations for  
27 inclusion in the clearinghouse of safety and security  
28 information and to the Legislature for funding school safety  
29 and security programs.

30           (b) Create an electronic clearinghouse of safety and  
31 security information that includes best practices, model

1 programs, and construction prototypes that are compatible with  
2 the requirements for frugal schools.

3 (c) Assess the extent to which best practices for  
4 school safety and security are being followed, including, but  
5 not limited to, best practices for schools with student  
6 participation in planning and implementing violence prevention  
7 and other student efforts that contribute to school safety;  
8 placing and training new teachers; providing incentives for  
9 teachers of demonstrated mastery to remain in or transfer to  
10 low-performing schools; providing incentives for teachers  
11 based on their willingness to teach at schools that serve  
12 low-income areas; and providing support systems, such as  
13 mentors or specialized training, for teachers who are willing  
14 to teach in schools that serve large populations of students  
15 from low-income families.

16 (d) Train and offer technical assistance to school  
17 district staff and others on how to create a safe school  
18 environment.

19 (e) Foster coordination among schools, law enforcement  
20 personnel, and crisis-management teams.

21 (2) ORGANIZATION; MEMBERSHIP; MEETINGS; COMPENSATION  
22 AND TRAVEL EXPENSES; BUDGET.--The partnership is an  
23 independent, nonpartisan body that is assigned to the  
24 Department of Education for administrative purposes. The  
25 partnership shall be composed of 11 members who are appointed  
26 by the Governor and confirmed by the Senate. Three members  
27 must be consumers who are not, and never have been, providers  
28 of school safety or security services.

29 (a) Members shall be appointed to 4-year, staggered  
30 terms of office.

31

1           (b) The partnership shall annually elect a chairperson  
2 and vice chairperson from among its members.

3           (c) The partnership shall meet at least once each year  
4 and the chairperson or a quorum of the members of the  
5 partnership may call additional meetings as often as necessary  
6 to transact business. A majority of the membership constitutes  
7 a quorum, and the vote of a majority of the quorum is  
8 necessary to take official action or conduct official business  
9 of the partnership. The position of any member who has three  
10 consecutive, unexcused absences or who is absent for 50  
11 percent or more of the partnership's meetings within any  
12 12-month period shall be considered vacant.

13           (d) A vacancy on the partnership shall be filled in  
14 the same manner as the original appointment. Any appointment  
15 to fill a vacancy shall be only for the remainder of the  
16 unexpired term.

17           (e) Members of the partnership shall serve without  
18 compensation, but are entitled to reimbursement for per diem  
19 and travel expenses incurred in the performance of their  
20 duties as provided in s. 112.061, and are entitled to  
21 reimbursement for other reasonable, necessary, and actual  
22 expenses.

23           (3) BUDGET.--The partnership shall have a budget and  
24 shall be funded to the extent provided for in the General  
25 Appropriations Act.

26           (4) ANNUAL REPORT.--The partnership shall submit an  
27 annual report to the Governor, the President of the Senate,  
28 the Speaker of the House of Representatives, the minority  
29 leaders of the Senate and House of Representatives, and the  
30 Commissioner of Education. The report must contain an  
31 independent analysis of best practices for school safety and

1 security in the state; a summary of programs evaluated; a  
2 summary of progress made in developing, maintaining, and  
3 refining the electronic clearinghouse of safety and security  
4 information; and recommendations for legislative changes or  
5 budget requests.

6 (5) STAFF AND TECHNICAL ASSISTANCE.--The Department of  
7 Education shall provide or contract for staff support and  
8 technical assistance for the partnership.

9 Section 3. By December 1, 2000, the Department of  
10 Education shall develop an individualized school safety and  
11 environment assessment instrument that each school may use to  
12 assess its needs with respect to the state education goal for  
13 safety specified in section 229.591(3)(e), Florida Statutes.  
14 In addition, by December 1, 2000, the Department of Education  
15 shall expand the current performance standards for the state  
16 education goal for safety to comprehensively address district  
17 and school safety and security.

18 Section 4. Subsection (1) of section 230.23025,  
19 Florida Statutes, is amended to read:

20 230.23025 Best financial management practices;  
21 standards; reviews; designation of districts.--

22 (1) The Office of Program Policy Analysis and  
23 Government Accountability (OPPAGA) and the Office of the  
24 Auditor General are directed to develop a system for reviewing  
25 the financial management practices of school districts. In  
26 this system, OPPAGA and the Auditor General shall jointly  
27 examine district operations to determine whether they meet  
28 "best financial management practices." The best financial  
29 management practices adopted by the Commissioner of Education  
30 may be updated periodically after consultation with the  
31 Legislature, the Governor, the SMART Schools Clearinghouse,

1 OPPAGA, and the Auditor General. The best financial management  
2 practices, at a minimum, must instill public confidence by  
3 addressing the following areas:

4 (a) Efficient use of resources, use of lottery  
5 proceeds, student transportation and food service operations,  
6 management structures, ~~and~~ personnel systems and benefits, and  
7 safety and security;

8 (b) Compliance with generally accepted accounting  
9 principles and state and federal laws relating to financial  
10 management;

11 (c) Performance accountability systems, including  
12 performance measurement reports to the public, internal  
13 auditing, financial auditing, and information made available  
14 to support decisionmaking; and

15 (d) Cost control systems, including asset, risk, and  
16 financial management; ~~;~~ purchasing; ~~;~~ and information system  
17 controls.

18 Section 5. Subsection (3) is added to section 230.235,  
19 Florida Statutes, to read:

20 230.235 Policy of zero tolerance for crime.--

21 (3) Each district school board shall review the  
22 zero-tolerance policy required by this section and by rule of  
23 the State Board of Education. The board shall ensure that  
24 there is a uniform policy for the discipline of students at  
25 each school for the following offenses:

26 (a) Possession of a firearm, a knife, a weapon, or an  
27 item that can be used as a weapon by any student while the  
28 student is on school property, on school transportation, or in  
29 attendance at a school function; or

30 (b) Bringing a firearm, as defined in 18 U.S.C. s.  
31 921, to school, to any school function, or onto any

1 school-sponsored transportation; and making a threat, as  
2 defined in s. 790.162, involving school property, school  
3 transportation, or a school-sponsored activity.

4 Section 6. Section 231.0851, Florida Statutes, is  
5 created to read:

6 231.0851 Reports of school safety and  
7 discipline.--Each principal must ensure that standardized  
8 forms prescribed by rule of the State Board of Education are  
9 used to report data concerning school safety and discipline to  
10 the Department of Education. The principal must develop a plan  
11 to verify the accuracy of reported incidents.

12 Section 7. The State Board of Education shall adopt by  
13 rule a standardized form to be used by each school to report  
14 data concerning school safety and discipline.

15 Section 8. By October 1, 2000, the Department of  
16 Education shall establish a mechanism to improve the  
17 reliability and accuracy of reports concerning school safety,  
18 including a means for improving the reliability and accuracy  
19 of the School Environmental Safety Incident Reporting System.

20 Section 9. By December 1, 2000, the Department of  
21 Education shall develop additional indicators of safe schools,  
22 including indicators based on the number of students involved  
23 in extracurricular activities; the effectiveness of  
24 student-developed plans for school safety and security; the  
25 number of students and extent of student involvement in  
26 developing and implementing school safety, crime watch,  
27 violence prevention, drug abuse prevention, crime reporting,  
28 and other programs that contribute to school safety and  
29 security; and an optimal school psychologist-to-student ratio,  
30 guidance-counselor-to-student ratio, and school  
31 social-worker-to-student ratio. The department shall use the

1 National Standards for School Counseling Programs in  
2 developing the guidance-counselor-to-student ratio.

3 Section 10. Section 232.24521, Florida Statutes, is  
4 amended to read:

5 232.24521 Report cards; end-of-the-year status.--

6 (1) Each school district shall establish and publish  
7 policies requiring the content and regular issuance of student  
8 report cards for all elementary school, middle school, and  
9 high school students. These report cards must clearly depict  
10 and grade:

11 (a) The student's academic performance in each class  
12 or course, which in grades 1 through 12 must be based upon  
13 examinations as well as written papers, class participation,  
14 and other academic performance criteria.

15 (b) The student's conduct and behavior.

16 (c) The student's attendance, including absences and  
17 tardiness.

18 (2) A student's final report card for a school year  
19 shall contain a statement indicating end-of-the-year status  
20 regarding performance or nonperformance at grade level,  
21 acceptable or unacceptable behavior and attendance, and  
22 promotion or nonpromotion.

23  
24 School districts shall not allow schools to exempt students  
25 from academic performance requirements based on practices or  
26 policies designed to encourage student attendance. A student's  
27 attendance record may not be used in whole or in part to  
28 provide an exemption from any academic performance  
29 requirement.

1 Section 11. Paragraph (b) of subsection (1) and  
2 subsection (4) of section 232.26, Florida Statutes, are  
3 amended to read:

4 232.26 Authority of principal.--

5 (1)

6 (b) The principal or the principal's designee may  
7 suspend a student only in accordance with the rules of the  
8 district school board. The principal or the principal's  
9 designee shall make a good faith effort to immediately inform  
10 a student's parent or guardian by telephone of a student's  
11 suspension and the reasons for the suspension. Each suspension  
12 and the reasons for the suspension shall be reported in  
13 writing within 24 hours to the student's parent or guardian by  
14 United States mail. Each suspension and the reasons for the  
15 suspension shall also be reported in writing within 24 hours  
16 to the superintendent. A good faith effort shall be made by  
17 the principal or the principal's designee to employ parental  
18 assistance or other alternative measures prior to suspension,  
19 except in the case of emergency or disruptive conditions which  
20 require immediate suspension or in the case of a serious  
21 breach of conduct as defined by rules of the district school  
22 board. Such rules shall require oral and written notice to the  
23 student of the charges and an explanation of the evidence  
24 against him or her prior to the suspension. Each student shall  
25 be given an opportunity to present his or her side of the  
26 story. No student shall be suspended for unexcused tardiness,  
27 lateness, absence, or truancy. The principal or the  
28 principal's designee may suspend any student transported to or  
29 from school at the public expense from the privilege of riding  
30 on a school bus for violation of school board transportation  
31 policies, which shall include a policy regarding behavior at

1 school bus stops, and the principal or the principal's  
2 designee shall give notice in writing to the student's parent  
3 or guardian and to the superintendent within 24 hours. School  
4 personnel shall not be held legally responsible for  
5 suspensions of students made in good faith. Any suspension of  
6 a student with disabilities, as defined in s. 228.041(18),  
7 must be in accordance with rules adopted by the State Board of  
8 Education.

9 (4) Any recommendation for the expulsion of a student  
10 with disabilities, as defined in s. 228.041(18),~~handicapped~~  
11 ~~student~~ shall be made in accordance with the rules adopted  
12 ~~promulgated~~ by the State Board of Education.

13 Section 12. Section 235.192, Florida Statutes, is  
14 created to read:

15 235.192 Coordination of school safety and security  
16 information.--

17 (1) Beginning October 1, 2000, each district  
18 superintendent shall coordinate with the law enforcement  
19 agency having jurisdiction over each educational facility the  
20 provision of certain blueprint documents, class schedules, and  
21 other documents as may be necessary for crisis contingency  
22 planning by the law enforcement agency. These documents shall  
23 be provided for each of the educational facilities in the  
24 district as defined in s. 235.011(6). After the initial  
25 submission of these documents, the district school  
26 superintendent shall submit, by October 1 of each year,  
27 revised documents from each educational facility for which  
28 modifications may have been made during the preceding year.

29 (2) Beginning October 1, 2000, each community college  
30 president shall coordinate with the law enforcement agency  
31 having jurisdiction over each educational facility the

1 provision of certain blueprint documents, class schedules, and  
2 other documents as may be necessary for crisis contingency  
3 planning by the law enforcement agency. These documents shall  
4 be provided for each of the educational facilities in the  
5 district as defined in s. 235.011(6). After the initial  
6 submission of these documents, the community college president  
7 shall submit, by October 1 of each year, revised documents  
8 from each educational facility for which modifications may  
9 have been made during the preceding year.

10 Section 13. By October 1, 2000, the Department of  
11 Education shall assess the effectiveness of current school  
12 safety and security initiatives, including the impact of state  
13 funding for safe schools in this state, and shall provide a  
14 report to the Governor, the President of the Senate, the  
15 Speaker of the House of Representatives, the minority leaders  
16 of the Senate and House of Representatives, and the  
17 Partnership for School Safety and Security.

18 Section 14. Pilot program to assess teams that meet  
19 optimal ratios.--

20 (1) An elementary school, middle school, junior high  
21 school, and a high school within each school district in  
22 Sarasota, St. Johns, Broward, Okaloosa, Lake, Miami-Dade,  
23 Pinellas, and Duval counties, from funds provided for this  
24 purpose in the 2000-2001 General Appropriations Act, shall  
25 establish a 3-year pilot program to assess the use of a team  
26 composed of school psychologists, guidance counselors, and  
27 school social workers which meets the optimal school  
28 psychologist-to-student ratio, guidance-counselor-to-student  
29 ratio, and school social-worker-to-student ratio.

30 (2) To be eligible to participate in the pilot  
31 program, each school district must ensure that each school

1 participating in the pilot program meets and maintains the  
2 optimal ratio of school psychologists, guidance counselors,  
3 and school social workers to students, as determined by the  
4 Department of Education and funded through the General  
5 Appropriations Act.

6 (3) Each school that participates in the pilot program  
7 must have a plan that is based on national standards and must  
8 agree to achieve and document the outcomes for:

9 (a) Truancy.

10 (b) School disciplinary referrals.

11 (c) Academic performance.

12 (d) Parent, teacher, and school administration  
13 satisfaction.

14 (4) The school district shall evaluate the  
15 consequences of achieving the optimal ratio of school  
16 psychologists, guidance counselors, and school social workers  
17 to students for each school that participates in the pilot  
18 program. By August 1 following each school year during which  
19 the pilot program is operated, the school district shall  
20 report its findings to the Governor, the President of the  
21 Senate, the Speaker of the House of Representatives, the  
22 minority leaders of the Senate and the House of  
23 Representatives, the Commissioner of Education, and the  
24 Partnership for School Safety and Security. The annual report  
25 must include, for each school participating in the pilot  
26 program, information about the types and frequency of  
27 referrals made of children and adolescents to private  
28 providers and professionals in the community who provide  
29 mental health treatment and support services.

30 Section 15. Each school district and the state or  
31 local governmental entity having jurisdiction shall develop a

1 school safety transportation plan. Each school district shall  
2 include charter schools in its school safety transportation  
3 plan. The plan shall be submitted to the Department of  
4 Education by December 31, 2000.

5 (1) Each school district and the state or local  
6 governmental entity having jurisdiction shall jointly develop  
7 a priority list of hazardous-walking-conditions projects that  
8 have been identified and have not yet been corrected. Each  
9 school district shall use this part of the plan to monitor  
10 school transportation safety. The plan must include the  
11 following for the hazardous walking conditions determined  
12 under the provisions of section 234.021, Florida Statutes:

13 (a) The number of hazardous walking conditions which  
14 have been identified and have not been corrected by the state  
15 or local governmental entity having jurisdiction within 5  
16 years after identification of the hazard and a fiscal impact  
17 of the cost to correct each hazard; and

18 (b) For each hazardous walking condition that has been  
19 identified and has not been corrected, a statement of the  
20 reason given for the deficiency by the state or local  
21 governmental entity having jurisdiction.

22 (2) The plan must also include recommendations and  
23 fiscal estimates for:

24 (a) Any changes to current law for expanding the  
25 definition of a student in section 234.021(1), Florida  
26 Statutes, to include students in grades kindergarten through  
27 12.

28 (b) Any changes to current law for identifying  
29 hazardous walking conditions for walkways parallel to the  
30 road, including, but not limited to:

31

1 1. Increasing the size of the walk area adjacent to  
2 the road from 4 feet or making changes to the walk area  
3 surface;

4 2. Increasing the size of the current set-off  
5 requirement for uncurbed walkways to at least 6 feet or  
6 decreasing the qualifying posted speed limit of 55 miles per  
7 hour; or

8 3. Amending the current exceptions to the criteria for  
9 determining hazardous walking conditions for certain  
10 residential areas and roads that have a certain volume of  
11 traffic and a posted speed limit of 30 miles per hour or less.

12 (c) Any changes to current law for identifying  
13 hazardous walking conditions for walkways perpendicular to the  
14 road, including, but not limited to:

15 1. Limitations in the volume of traffic for the road  
16 or the direction of traffic; and

17 2. The definition of an uncontrolled crossing site.

18 3. The identification of any hazards associated with  
19 multi-lane crossings.

20 (d) Any other recommendations, including, but not  
21 limited to, the consideration of additional criteria for  
22 determining hazardous walking conditions, such as crime,  
23 construction, adjacent bodies of water, or other risks,  
24 procedures for identifying hazardous walking conditions,  
25 procedures for locating bus stops, required level of auditing  
26 claims for funding, and identification of responsibilities of  
27 parents or guardians for the safety of their children when  
28 transportation is not required and is not provided by the  
29 school district or charter school.

30 (3) The plan must also identify, by district, the  
31 number of schools that:

1           (a) Separate the school bus loading and departure  
2 locations from the loading and departure locations for  
3 parents, guardians, or others who provide transportation to  
4 children.

5           (b) Provide transportation to students for whom  
6 transportation is not currently required under state law,  
7 including data on the numbers of students and their grade  
8 levels.

9  
10 The identification of schools under this subsection may be  
11 used as a basis for providing incentive funds to specific  
12 school districts in the 2000-2001 legislative session.

13           Section 16. Subsection (1) of section 232.17, Florida  
14 Statutes, is amended to read:

15           232.17 Enforcement of school attendance.----The  
16 Legislature finds that poor academic performance is associated  
17 with nonattendance and that schools must take an active role  
18 in enforcing attendance as a means of improving the  
19 performance of many students. It is the policy of the state  
20 that the superintendent of each school district be responsible  
21 for enforcing school attendance of all children and youth  
22 subject to the compulsory school age in the school district.  
23 The responsibility includes recommending to the school board  
24 policies and procedures to ensure that schools respond in a  
25 timely manner to every unexcused absence, or absence for which  
26 the reason is unknown, of students enrolled in the schools.  
27 School board policies must require each parent or guardian of  
28 a student to justify each absence of the student, and that  
29 justification will be evaluated based on adopted school board  
30 policies that define excused and unexcused absences. The  
31 policies must provide that schools track excused and unexcused

1 absences and contact the home in the case of an unexcused  
2 absence from school, or an absence from school for which the  
3 reason is unknown, to prevent the development of patterns of  
4 nonattendance. The Legislature finds that early intervention  
5 in school attendance matters is the most effective way of  
6 producing good attendance habits that will lead to improved  
7 student learning and achievement. Each public school shall  
8 implement the following steps to enforce regular school  
9 attendance:

10 (1) CONTACT, REFER, AND ENFORCE.--

11 (a) Upon each unexcused absence, or absence for which  
12 the reason is unknown, the school principal or his or her  
13 designee shall contact the student's parent or guardian to  
14 determine the reason for the absence. If the absence is an  
15 excused absence, as defined by school board policy, the school  
16 shall provide opportunities for the student to make up  
17 assigned work and not receive an academic penalty unless the  
18 work is not made up within a reasonable time.

19 (b) If a student has had at least five unexcused  
20 absences, or absences for which the reasons are unknown,  
21 within a calendar month or 10 unexcused absences, or absences  
22 for which the reasons are unknown, within a 90-calendar-day  
23 period, the student's primary teacher shall report to the  
24 school principal or his or her designee that the student may  
25 be exhibiting a pattern of nonattendance. The principal shall,  
26 unless there is clear evidence that the absences are not a  
27 pattern of nonattendance, refer the case to the school's child  
28 study team to determine if early patterns of truancy are  
29 developing. A student referred to a child study team for  
30 exhibiting a pattern of nonattendance may not register in a  
31

1 home education program as defined in s. 232.0201, until the  
2 beginning of the following regular school year, unless:

3 1. The child study team determines that a pattern of  
4 nonattendance is not developing; or

5 2. Enrollment in the home education program is  
6 authorized after the appeals process established by paragraph  
7 (f).

8  
9 If the child study team finds that a pattern of nonattendance  
10 is developing, whether the absences are excused or not, a  
11 meeting with the parent must be scheduled to identify  
12 potential remedies. The principal shall notify the  
13 superintendent of schools that the referred student is  
14 ineligible to register in a home education program.

15 (c) If an initial meeting does not resolve the  
16 problem, the child study team shall implement interventions  
17 that best address the problem. The interventions may include,  
18 but need not be limited to:

19 1. Frequent communication between the teacher and the  
20 family;

21 2. Changes in the learning environment;

22 3. Mentoring;

23 4. Student counseling;

24 5. Tutoring, including peer tutoring;

25 6. Placement into different classes;

26 7. Evaluation for alternative education programs;

27 8. Attendance contracts;

28 9. Referral to other agencies for family services; or

29 10. Other interventions, including, but not limited  
30 to, a truancy petition pursuant to s. 984.151.

31

1 (d) The child study team shall be diligent in  
2 facilitating intervention services and shall report the case  
3 to the superintendent only when all reasonable efforts to  
4 resolve the nonattendance behavior are exhausted.

5 (e) If the parent, guardian, or other person in charge  
6 of the child refuses to participate in the remedial strategies  
7 because he or she believes that those strategies are  
8 unnecessary or inappropriate, the parent, guardian, or other  
9 person in charge of the child may appeal to the school board.  
10 The school board may provide a hearing officer, and the  
11 hearing officer shall make a recommendation for final action  
12 to the board. If the board's final determination is that the  
13 strategies of the child study team are appropriate, and the  
14 parent, guardian, or other person in charge of the child still  
15 refuses to participate or cooperate, the superintendent may  
16 seek criminal prosecution for noncompliance with compulsory  
17 school attendance.

18 (f) If the parent or guardian of the child wishes to  
19 enroll the child in a home education program, the parent or  
20 guardian of the child may appeal to the district school board.  
21 The district school board shall appoint an impartial hearing  
22 officer, who shall review the case and make a recommendation  
23 to the board. If the district school board's final  
24 determination is to allow the child to enroll in a home  
25 education program, then the district school board must outline  
26 specific timeframes for reviewing the portfolio in order to  
27 determine compliance with the home education laws. The  
28 district school board must notify the superintendent of  
29 schools of the child's eligibility to enroll in a home  
30 education program.

31

1           (g)~~(f)~~ If a child subject to compulsory school  
2 attendance will not comply with attempts to enforce school  
3 attendance, the parent, the guardian, or the superintendent or  
4 his or her designee shall refer the case to the case staffing  
5 committee pursuant to s. 984.12, and the superintendent or his  
6 or her designee may file a truancy petition pursuant to the  
7 procedures in s. 984.151.

8           Section 17. Section 414.125, Florida Statutes, is  
9 amended to read:

10           414.125 Learnfare program.--

11           (1) The department shall reduce the temporary cash  
12 assistance for a participant's eligible dependent child or for  
13 an eligible teenage participant who has not been exempted from  
14 education participation requirements and who has been  
15 identified as a habitual truant, pursuant to s. 228.041(28)  
16 ~~during a grading period in which the child or teenage~~  
17 ~~participant has accumulated a number of unexcused absences~~  
18 ~~from school that is sufficient to jeopardize the student's~~  
19 ~~academic progress, in accordance with rules adopted by the~~  
20 ~~department with input from the Department of Education. The~~  
21 temporary cash assistance must be reinstated after a  
22 subsequent grading period in which the child has substantially  
23 improved the child's attendance. Good cause exemptions from  
24 the rule of unexcused absences include the following:

25           (a) The student is expelled from school and  
26 alternative schooling is not available.

27           (b) No licensed day care is available for a child of  
28 teen parents subject to Learnfare.

29           (c) Prohibitive transportation problems exist (e.g.,  
30 to and from day care).

31

1 (d) The teen is over 16 years of age and not expected  
2 to graduate from high school by age 20.

3  
4 Within 10 days after sanction notification, the participant  
5 parent of a dependent child or the teenage participant may  
6 file an internal fair hearings process review procedure  
7 appeal, and no sanction shall be imposed until the appeal is  
8 resolved.

9 (2) Each participant with a school-age child is  
10 required to have a conference with an appropriate school  
11 official of the child's school during each semester ~~grading~~  
12 ~~period~~ to assure that the participant is involved in the  
13 child's educational progress and is aware of any existing  
14 attendance or academic problems. The conference must address  
15 acceptable student attendance, grades, and behavior and must  
16 be documented by the school and reported to the department.  
17 The department shall notify a school of any student in  
18 attendance at that school who is a participant in the  
19 Learnfare program in order that the required conferences are  
20 held. A participant who without good cause fails to attend a  
21 conference with a school official is subject to the sanction  
22 provided in subsection (1).

23 Section 18. Subsections (29) and (57) of section  
24 984.03, Florida Statutes, are amended to read:

25 984.03 Definitions.--When used in this chapter, the  
26 term:

27 (29) "Habitually truant" means that:

28 (a) The child has 15 unexcused absences within 90  
29 calendar days with or without the knowledge or justifiable  
30 consent of the child's parent or legal guardian, is subject to  
31 compulsory school attendance under s. 232.01, and is not

1 exempt under s. 232.06, s. 232.09, or any other exemptions  
2 specified by law or the rules of the State Board of Education.

3 (b) Activities to determine the cause, and to attempt  
4 the remediation, of the child's truant behavior under ss.  
5 232.17 and 232.19(3), have been completed.

6  
7 If a child who is subject to compulsory school attendance is  
8 responsive to the interventions described in ss. 232.17 and  
9 232.19(3) and has completed the necessary requirements to pass  
10 the current grade as indicated in the district pupil  
11 progression plan, the child shall not be determined to be  
12 habitually truant and shall be passed. If a child within the  
13 compulsory school attendance age has 15 unexcused absences  
14 within 90 calendar days or fails to enroll in school, the  
15 State Attorney may, or the appropriate jurisdictional agency  
16 shall, file a child-in-need-of-services petition if  
17 recommended by the case staffing committee, unless it is  
18 determined that another alternative action is preferable.

19 ~~(c) A school representative, designated according to~~  
20 ~~school board policy, and a juvenile probation officer of the~~  
21 ~~Department of Juvenile Justice have jointly investigated the~~  
22 ~~truancy problem or, if that was not feasible, have performed~~  
23 ~~separate investigations to identify conditions that may be~~  
24 ~~contributing to the truant behavior; and if, after a joint~~  
25 ~~staffing of the case to determine the necessity for services,~~  
26 ~~such services were determined to be needed, the persons who~~  
27 ~~performed the investigations met jointly with the family and~~  
28 ~~child to discuss any referral to appropriate community~~  
29 ~~agencies for economic services, family or individual~~  
30 ~~counseling, or other services required to remedy the~~  
31 ~~conditions that are contributing to the truant behavior.~~

1           ~~(d)~~ The failure or refusal of the parent or legal  
2 guardian or the child to participate, or make a good faith  
3 effort to participate, in the activities prescribed to remedy  
4 the truant behavior, or the failure or refusal of the child to  
5 return to school after participation in activities required by  
6 this subsection, or the failure of the child to stop the  
7 truant behavior after the school administration and the  
8 Department of Juvenile Justice have worked with the child as  
9 described in ss. 232.17 and s. 232.19(3) ~~and (4)~~ shall be  
10 handled as prescribed in s. 232.19.

11           (57) "Truancy petition" means a petition filed by the  
12 ~~school~~ superintendent of schools alleging that a student  
13 subject to compulsory school attendance has had at least five  
14 unexcused absences, or absences for which the reasons are  
15 unknown, within a calendar month or 10 unexcused absences, or  
16 absences for which the reasons are unknown, within a  
17 90-calendar-day period, or has had more than 15 unexcused  
18 absences in a 90-calendar-day period. A truancy petition is  
19 filed and processed under s. 984.151.

20           Section 19. Subsections (1), (3), and (4) of section  
21 984.151, Florida Statutes, are amended, and a new subsection  
22 (9) is added to said section, to read:

23           984.151 Truancy petition; prosecution; disposition.--

24           (1) If the school determines that a student subject to  
25 compulsory school attendance has had at least five unexcused  
26 absences, or absences for which the reasons are unknown,  
27 within a calendar month or 10 unexcused absences, or absences  
28 for which the reasons are unknown, within a 90-calendar-day  
29 period pursuant to s. 232.17(1)(b), or has had more than 15  
30 unexcused absences in a 90-calendar-day period, the  
31 superintendent of schools may file a truancy petition.

1 (3) Original jurisdiction to hear a truancy petition  
2 shall be in the circuit court; however, the circuit court may  
3 use a general or special master pursuant to Supreme Court  
4 rules. Upon the filing of a petition containing allegations of  
5 facts which, if true, constitute the child named therein being  
6 absent from school pursuant to subsection (1) and s.  
7 232.17(1)(b) and upon the request of the petitioner, the clerk  
8 or deputy clerk shall issue a summons.

9 (4) The petition must contain the following: the name,  
10 age, and address of the student; the name and address of the  
11 student's parent or guardian; the school where the student is  
12 enrolled; the efforts the school has made to get the student  
13 to attend school; the number of out-of-school contacts between  
14 the school system and student's parent or guardian; and the  
15 number of days and dates of days the student has missed  
16 school. The petition shall be sworn to by the superintendent  
17 or his or her designee.

18 (a) When a truancy petition has been filed pursuant to  
19 s. 984.151 and the parent, guardian, or legal custodian of the  
20 child, and the child, have advised the court and the school  
21 system that the truth of the allegations is acknowledged and  
22 that no contest is to be made of the petition, the attorney  
23 representing the school system may set the case before the  
24 court for a disposition hearing. If there is a change of plea  
25 at this hearing, the court shall continue the hearing to  
26 permit the attorney representing the school system to prepare  
27 and present the case. The school system may, upon written  
28 agreement, designate the state attorney's office to represent  
29 the school system in this proceeding.

30 (b) An attorney representing the school system or,  
31 upon written agreement, the state attorney's office, shall

1 represent the state in any proceeding in which a truancy  
2 petition has been filed under s. 984.151 and in which a party  
3 denies the allegations and contests the petition.

4 (9) The participation of the parent, guardian, or  
5 legal custodian with the court-ordered sanctions and services  
6 is mandatory. The court may use its contempt powers to enforce  
7 its order.

8 Section 20. The sum of \$225,000 in nonrecurring  
9 General Revenue is appropriated to the Department of Education  
10 for implementation of this act.

11 Section 21. This act shall take effect July 1, 2000.  
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