

By Senator Burt

16-766-01

See HB 277

1                                   A bill to be entitled  
2           An act relating to school attendance; creating  
3           s. 414.1251, F.S.; reestablishing the Learnfare  
4           program; requiring the Department of Children  
5           and Family Services to develop an electronic  
6           data system, to compile specified information,  
7           and to transmit that information in an annual  
8           report to the Legislature; amending s. 228.041,  
9           F.S., relating to definitions; correcting a  
10          cross-reference; amending s. 230.23, F.S.,  
11          relating to powers and duties of district  
12          school boards; adding duties; repealing s.  
13          414.125, F.S., relating to the Learnfare  
14          program; providing an effective date.

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

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18           Section 1. Section 414.1251, Florida Statutes, is  
19 created to read:

20           414.1251 Learnfare program.--

21           (1) The department shall reduce the temporary cash  
22 assistance for a participant's eligible dependent child or for  
23 an eligible teenage participant who has not been exempted from  
24 education participation requirements if the eligible dependent  
25 child or eligible teenage participant has been identified  
26 either as a habitual truant, pursuant to s. 228.041(28), or as  
27 a dropout, pursuant to s. 228.041(29). For a student who has  
28 been identified as a habitual truant, the temporary cash  
29 assistance must be reinstated after a subsequent grading  
30 period in which the child has substantially improved his or  
31 her attendance. For a student who has been identified as a

1 dropout, the temporary cash assistance must be reinstated  
2 after the student enrolls in a public school, receives a high  
3 school diploma or its equivalency, enrolls in preparation for  
4 the General Educational Development Tests, or enrolls in other  
5 educational activities approved by the district school board.

6 Good-cause exemptions from the rule of unexcused absences  
7 include the following:

8 (a) The student is expelled from school and  
9 alternative schooling is unavailable.

10 (b) Licensed day care is unavailable for a child of  
11 teen parents subject to Learnfare.

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

14  
15 Within 10 days after sanction notification, the participant  
16 parent of a dependent child or the teenage participant may  
17 file an internal fair hearings process review procedure  
18 appeal, and no sanction shall be imposed until the appeal is  
19 resolved.

20 (2) Each participant with a school-age child is  
21 required to have a conference with an appropriate school  
22 official of the child's school during each semester to assure  
23 that the participant is involved in the child's educational  
24 progress and is aware of any existing attendance or academic  
25 problems. The conference must address acceptable student  
26 attendance, grades, and behavior, and must be documented by  
27 the school and reported to the department. The department  
28 shall notify a school of any student in attendance at that  
29 school who is a participant in the Learnfare program in order  
30 that the required conferences are held. A participant who  
31 without good cause fails to attend a conference with a school

1 official is subject to the sanction provided in subsection  
2 (1). The temporary cash assistance must be reinstated after  
3 the participant attends the conference with the appropriate  
4 school official and that conference is documented by the  
5 school and reported to the department.

6 (3) The department shall develop an electronic data  
7 transfer system to enable the department to collect, report,  
8 and share data accurately and efficiently. In order to ensure  
9 accountability and assess the effectiveness of the Learnfare  
10 program, the department shall compile information including,  
11 but not limited to, the number of students and families  
12 reported by school districts as being out of compliance, the  
13 number of students and families sanctioned as a result, and  
14 the number of students and families reinstated after becoming  
15 compliant. The compiled information must be submitted in an  
16 annual report to the presiding officers of the Legislature by  
17 March 1.

18 Section 2. Subsection (28) of section 228.041, Florida  
19 Statutes, is amended to read:

20 228.041 Definitions.--Specific definitions shall be as  
21 follows, and wherever such defined words or terms are used in  
22 the Florida School Code, they shall be used as follows:

23 (28) HABITUAL TRUANT.--A habitual truant is a student  
24 who has 15 unexcused absences within 90 calendar days with or  
25 without the knowledge or consent of the student's parent or  
26 legal guardian, is subject to compulsory school attendance  
27 under s. 232.01, and is not exempt under s. 232.06 or s.  
28 232.09, or by meeting the criteria for any other exemption  
29 specified by law or rules of the State Board of Education.  
30 Such a student must have been the subject of the activities  
31 specified in ss. 232.17 and 232.19(3), without resultant

1 successful remediation of the truancy problem before being  
2 dealt with as a child in need of services according to the  
3 provisions of chapter 984.

4 Section 3. Paragraph (b) of subsection (15) of section  
5 230.23, Florida Statutes, is amended to read:

6 230.23 Powers and duties of school board.--The school  
7 board, acting as a board, shall exercise all powers and  
8 perform all duties listed below:

9 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT  
10 PROGRAM.--

11 (b) ~~District school boards shall~~ Encourage teachers  
12 and administrators to keep parents and guardians informed of  
13 student progress, student programs, student attendance  
14 requirements pursuant to ss. 232.17, 232.19, 414.1251, and  
15 984.151,and availability of resources for academic  
16 assistance.

17 Section 4. Section 414.125, Florida Statutes, is  
18 repealed.

19 Section 5. This act shall take effect upon becoming a  
20 law.

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23 LEGISLATIVE SUMMARY

24 Reestablishes the Learnfare program. Requires the  
25 Department of Children and Family Services to develop an  
26 electronic data system, to compile specified information  
27 concerning the effectiveness of the Learnfare program,  
28 and to transmit that information in an annual report to  
29 the Legislature. Revises powers and duties of school  
30 boards to include duties relating to student attendance.  
31 Abolishes the existing Learnfare program.