



HB 0493

2003

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30

A bill to be entitled
 An act relating to student conduct; amending s. 984.151,
 F.S.; authorizing a school superintendent to file a
 truancy petition for any student placed on suspension for
 more than a specified period during the school year;
 amending s. 1003.26, F.S.; providing legislative findings
 with respect to enforcing codes of student conduct;
 requiring that a superintendent recommend procedures to
 the school board for certain suspended students; requiring
 that a student's parent or guardian cooperate in
 controlling the student's behavior; requiring a teacher to
 report certain suspended students to the school principal;
 providing for a student to be referred to the child-study
 team if there is a pattern of truancy due to misconduct;
 authorizing a school superintendent to seek criminal
 prosecution against a parent for noncompliance with
 directives relating to the student's misconduct; requiring
 written notice to the parent; providing an effective date.

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

Section 1. Subsection (1) of section 984.151, Florida
 Statutes, is amended to read:

984.151 Truancy petition; prosecution; disposition.--

(1) (a) If the school determines that a student subject to
 compulsory school attendance has had at least five unexcused
 absences, or absences for which the reasons are unknown, within
 a calendar month or 10 unexcused absences, or absences for which
 the reasons are unknown, within a 90-calendar-day period
 pursuant to s. 1003.26(1)(b), or has had more than 15 unexcused



HB 0493

2003

31 absences in a 90-calendar-day period, the superintendent of
32 schools may file a truancy petition.

33 (b) If a student is placed on in-school suspension or out-
34 of-school suspension for a total of 15 or more days during a
35 school year, the superintendent of schools may file a truancy
36 petition.

37 Section 2. Section 1003.26, Florida Statutes, is amended
38 to read:

39 1003.26 Enforcement of school attendance and conduct.--The
40 Legislature finds that poor academic performance is associated
41 with nonattendance and misconduct and that schools must take an
42 active role in enforcing attendance and ensuring compliance with
43 codes governing student conduct as a means of improving the
44 performance of many students. It is the policy of the state that
45 each district school superintendent enforce ~~be responsible for~~
46 ~~enforcing~~ school attendance of all students subject to the
47 compulsory school age in the school district and enforce codes
48 of student conduct. Each superintendent shall recommend ~~The~~
49 ~~responsibility includes recommending~~ to the district school
50 board policies and procedures to ensure that schools respond in
51 a timely manner to every unexcused absence, or absence for which
52 the reason is unknown, of students enrolled in the schools and
53 recommend procedures for handling students who are suspended
54 because of repeated disciplinary action. District school board
55 policies must require each parent of a student to justify each
56 absence of the student, and that justification will be evaluated
57 based on adopted district school board policies that define
58 excused and unexcused absences. The policies must provide that
59 schools track excused and unexcused absences and contact the
60 home in the case of an unexcused absence from school, or an



HB 0493

2003

61 absence from school for which the reason is unknown, to prevent
 62 the development of patterns of nonattendance. In addition,
 63 school policies must require that each student's parent or
 64 guardian cooperate in controlling the behavior of the student in
 65 order to minimize the imposition of serious sanctions, such as
 66 suspension resulting in school absence. The Legislature finds
 67 that early intervention in school attendance matters is the most
 68 effective way of producing good attendance and conduct habits
 69 that will lead to improved student learning and achievement.
 70 Each public school shall implement the following steps to
 71 enforce regular school attendance and promote good student
 72 behavior:

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

74 (a) Upon each unexcused absence, or absence for which the
 75 reason is unknown, the school principal or his or her designee
 76 shall contact the student's parent to determine the reason for
 77 the absence. If the absence is an excused absence, as defined by
 78 district school board policy, the school shall provide
 79 opportunities for the student to make up assigned work and not
 80 receive an academic penalty unless the work is not made up
 81 within a reasonable time.

82 (b) If a student has had at least five unexcused absences,
 83 or absences for which the reasons are unknown, within a calendar
 84 month or 10 unexcused absences, or absences for which the
 85 reasons are unknown, within a 90-calendar-day period, the
 86 student's primary teacher shall report to the school principal
 87 or his or her designee that the student may be exhibiting a
 88 pattern of nonattendance. If a student is placed on in-school
 89 suspension or out-of-school suspension for a total of 15 or more
 90 days during a school year, the student's primary teacher shall



HB 0493

2003

91 report to the school principal or his or her designee that the
92 student may be exhibiting a pattern of misconduct. The principal
93 shall, unless there is clear evidence that the absences are not
94 a pattern of nonattendance or misconduct, refer the case to the
95 school's child study team to determine if early patterns of
96 truancy due to nonattendance or misconduct are developing. If
97 the child study team finds that a pattern of nonattendance is
98 developing, whether the absences are excused or not, or that a
99 pattern of misconduct is developing, a meeting with the parent
100 must be scheduled to identify potential remedies, and the
101 principal shall notify the district school superintendent and
102 the school district contact for home education programs that the
103 referred student is exhibiting a pattern of nonattendance or
104 misconduct, as the case may be.

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

- 109 1. Frequent communication between the teacher and the
110 family;
- 111 2. Changes in the learning environment;
- 112 3. Mentoring;
- 113 4. Student counseling;
- 114 5. Tutoring, including peer tutoring;
- 115 6. Placement into different classes;
- 116 7. Evaluation for alternative education programs;
- 117 8. Attendance or behavior contracts;
- 118 9. Referral to other agencies for family services; or
- 119 10. Other interventions, including, but not limited to, a
120 truancy petition pursuant to s. 984.151.



HB 0493

2003

121 (d) The child study team shall be diligent in facilitating
122 intervention services and shall report the case to the district
123 school superintendent only when all reasonable efforts to
124 resolve the nonattendance behavior are exhausted.

125 (e) If the parent refuses to participate in the remedial
126 strategies because he or she believes that those strategies are
127 unnecessary or inappropriate, the parent may appeal to the
128 district school board. The district school board may provide a
129 hearing officer, and the hearing officer shall make a
130 recommendation for final action to the district school board. If
131 the district school board's final determination is that the
132 strategies of the child study team are appropriate, and the
133 parent still refuses to participate or cooperate, the district
134 school superintendent may seek criminal prosecution for
135 noncompliance with compulsory school attendance or for
136 noncompliance with reasonable directives relating to the
137 student's misconduct if such misconduct has resulted in the
138 student being placed on in-school or out-of-school suspension
139 for 15 or more days during a school year.

140 (f)1. If the parent of a child who has been identified as
141 exhibiting a pattern of nonattendance enrolls the child in a
142 home education program pursuant to chapter 1002, the district
143 school superintendent shall provide the parent a copy of s.
144 1002.41 and the accountability requirements of this paragraph.
145 The district school superintendent shall also refer the parent
146 to a home education review committee composed of the district
147 contact for home education programs and at least two home
148 educators selected by the parent from a district list of all
149 home educators who have conducted a home education program for
150 at least 3 years and who have indicated a willingness to serve



HB 0493

2003

151 on the committee. The home education review committee shall
152 review the portfolio of the student, as defined by s. 1002.41,
153 every 30 days during the district's regular school terms until
154 the committee is satisfied that the home education program is in
155 compliance with s. 1002.41(1)(b). The first portfolio review
156 must occur within the first 30 calendar days of the
157 establishment of the program. The provisions of subparagraph 2.
158 do not apply once the committee determines the home education
159 program is in compliance with s. 1002.41(1)(b).

160 2. If the parent fails to provide a portfolio to the
161 committee, the committee shall notify the district school
162 superintendent. The district school superintendent shall then
163 terminate the home education program and require the parent to
164 enroll the child in an attendance option that meets the
165 definition of "regular school attendance" under s.
166 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
167 termination of a home education program pursuant to this
168 subparagraph, the parent shall not be eligible to reenroll the
169 child in a home education program for 180 calendar days.
170 Failure of a parent to enroll the child in an attendance option
171 as required by this subparagraph after termination of the home
172 education program pursuant to this subparagraph shall constitute
173 noncompliance with the compulsory attendance requirements of s.
174 1003.21 and may result in criminal prosecution under s.
175 1003.27(2). This section does not ~~Nothing contained herein~~
176 ~~shall~~ restrict the ability of the district school
177 superintendent, or the ability of his or her designee, to review
178 the portfolio pursuant to s. 1002.41(1)(b).

179 (g) If a student subject to compulsory school attendance
180 will not comply with attempts to enforce school attendance, the



HB 0493

2003

181 parent or the district school superintendent or his or her
182 designee shall refer the case to the case staffing committee
183 pursuant to s. 984.12, and the district school superintendent or
184 his or her designee may file a truancy petition pursuant to the
185 procedures in s. 984.151.

186 (2) GIVE WRITTEN NOTICE.--

187 (a) Under the direction of the district school
188 superintendent, a designated school representative shall give
189 written notice that requires enrollment or attendance within 3
190 days after the date of notice, in person or by return-receipt
191 mail, to the parent when no valid reason is found for a
192 student's nonenrollment in school. A parent shall also be given
193 written notice, in person or by return-receipt mail, if no valid
194 reason is found for noncompliance with reasonable directives
195 relating to the student's misconduct if such misconduct has
196 resulted in the student being placed on in-school or out-of-
197 school suspension for 15 or more days during a school year. If
198 the notice and requirement are ignored, the designated school
199 representative shall report the case to the district school
200 superintendent, and may refer the case to the case staffing
201 committee, established pursuant to s. 984.12. The district
202 school superintendent shall take such steps as are necessary to
203 bring criminal prosecution against the parent.

204 (b) Subsequent to the activities required under subsection
205 (1), the district school superintendent or his or her designee
206 shall give written notice in person or by return-receipt mail to
207 the parent that criminal prosecution is being sought for
208 nonattendance or for noncompliance with reasonable directives
209 relating to the student's misconduct if such misconduct has
210 resulted in the student being placed on in-school or out-of-



HB 0493

2003

211 school suspension for 15 or more days during a school year. The
212 district school superintendent may file a truancy petition, as
213 defined in s. 984.03, following the procedures outlined in s.
214 984.151.

215 (3) RETURN STUDENT TO PARENT.--A designated school
216 representative shall visit the home or place of residence of a
217 student and any other place in which he or she is likely to find
218 any student who is required to attend school when the student is
219 not enrolled or is absent from school during school hours
220 without an excuse, and, when the student is found, shall return
221 the student to his or her parent or to the principal or teacher
222 in charge of the school, or to the private tutor from whom
223 absent, or to the juvenile assessment center or other location
224 established by the district school board to receive students who
225 are absent from school. Upon receipt of the student, the parent
226 shall be immediately notified.

227 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated school
228 representative shall report to the appropriate authority
229 designated by law to receive such notices, all violations of the
230 Child Labor Law that may come to his or her knowledge.

231 (5) RIGHT TO INSPECT.--A designated school representative
232 shall have the right of access to, and inspection of,
233 establishments where minors may be employed or detained only for
234 the purpose of ascertaining whether students of compulsory
235 school age are actually employed there and are actually working
236 there regularly. The designated school representative shall, if
237 he or she finds unsatisfactory working conditions or violations
238 of the Child Labor Law, report his or her findings to the
239 appropriate authority.

240 Section 3. This act shall take effect July 1, 2003.