

By Senator Wise

5-62-03

1 A bill to be entitled
2 An act relating to student conduct; amending s.
3 984.151, F.S.; authorizing a school
4 superintendent to file a truancy petition for
5 any student placed on suspension for more than
6 a specified period during the school year;
7 amending s. 1003.26, F.S.; providing
8 legislative findings with respect to enforcing
9 codes of student conduct; requiring that a
10 superintendent recommend procedures to the
11 school board for certain suspended students;
12 requiring that a student's parent or guardian
13 cooperate in controlling the student's
14 behavior; requiring a teacher to report certain
15 suspended students to the school principal;
16 providing for a student to be referred to the
17 child-study team if there is a pattern of
18 truancy due to misconduct; authorizing a school
19 superintendent to seek criminal prosecution
20 against a parent for noncompliance with
21 directives relating to the student's
22 misconduct; requiring written notice to the
23 parent; providing an effective date.

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

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

29 984.151 Truancy petition; prosecution; disposition.--

30 (1)(a) If the school determines that a student subject
31 to compulsory school attendance has had at least five

1 unexcused absences, or absences for which the reasons are
2 unknown, within a calendar month or 10 unexcused absences, or
3 absences for which the reasons are unknown, within a
4 90-calendar-day period pursuant to s. 1003.26(1)(b), or has
5 had more than 15 unexcused absences in a 90-calendar-day
6 period, the superintendent of schools may file a truancy
7 petition.

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

12 Section 2. Section 1003.26, Florida Statutes, is
13 amended to read:

14 1003.26 Enforcement of school attendance and
15 conduct.--The Legislature finds that poor academic performance
16 is associated with nonattendance and misconduct and that
17 schools must take an active role in enforcing attendance and
18 ensuring compliance with codes governing student conduct as a
19 means of improving the performance of many students. It is the
20 policy of the state that each district school superintendent
21 enforce ~~be responsible for enforcing~~ school attendance of all
22 students subject to the compulsory school age in the school
23 district and enforce codes of student conduct. Each
24 superintendent shall recommend ~~The responsibility includes~~
25 ~~recommending~~ to the district school board policies and
26 procedures to ensure that schools respond in a timely manner
27 to every unexcused absence, or absence for which the reason is
28 unknown, of students enrolled in the schools and recommend
29 procedures for handling students who are suspended because of
30 repeated disciplinary action. District school board policies
31 must require each parent of a student to justify each absence

1 of the student, and that justification will be evaluated based
2 on adopted district school board policies that define excused
3 and unexcused absences. The policies must provide that schools
4 track excused and unexcused absences and contact the home in
5 the case of an unexcused absence from school, or an absence
6 from school for which the reason is unknown, to prevent the
7 development of patterns of nonattendance. In addition, school
8 policies must require that each student's parent or guardian
9 cooperate in controlling the behavior of the student in order
10 to minimize the imposition of serious sanctions, such as
11 suspension resulting in school absence.The Legislature finds
12 that early intervention in school attendance matters is the
13 most effective way of producing good attendance and conduct
14 habits that will lead to improved student learning and
15 achievement. Each public school shall implement the following
16 steps to enforce regular school attendance and promote good
17 student behavior:

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

19 (a) Upon each unexcused absence, or absence for which
20 the reason is unknown, the school principal or his or her
21 designee shall contact the student's parent to determine the
22 reason for the absence. If the absence is an excused absence,
23 as defined by district school board policy, the school shall
24 provide opportunities for the student to make up assigned work
25 and not receive an academic penalty unless the work is not
26 made up within a reasonable time.

27 (b) If a student has had at least five unexcused
28 absences, or absences for which the reasons are unknown,
29 within a calendar month or 10 unexcused absences, or absences
30 for which the reasons are unknown, within a 90-calendar-day
31 period, the student's primary teacher shall report to the

1 school principal or his or her designee that the student may
2 be exhibiting a pattern of nonattendance. If a student is
3 placed on in-school suspension or out-of-school suspension for
4 a total of 15 or more days during a school year, the student's
5 primary teacher shall report to the school principal or his or
6 her designee that the student may be exhibiting a pattern of
7 misconduct.The principal shall, unless there is clear
8 evidence that the absences are not a pattern of nonattendance
9 or misconduct, refer the case to the school's child study team
10 to determine if early patterns of truancy due to nonattendance
11 or misconduct are developing. If the child study team finds
12 that a pattern of nonattendance is developing, whether the
13 absences are excused or not, or that a pattern of misconduct
14 is developing, a meeting with the parent must be scheduled to
15 identify potential remedies, and the principal shall notify
16 the district school superintendent and the school district
17 contact for home education programs that the referred student
18 is exhibiting a pattern of nonattendance or misconduct, as the
19 case may be.

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

- 24 1. Frequent communication between the teacher and the
25 family;
- 26 2. Changes in the learning environment;
- 27 3. Mentoring;
- 28 4. Student counseling;
- 29 5. Tutoring, including peer tutoring;
- 30 6. Placement into different classes;
- 31 7. Evaluation for alternative education programs;

- 1 8. Attendance or behavior contracts;
2 9. Referral to other agencies for family services; or
3 10. Other interventions, including, but not limited
4 to, a truancy petition pursuant to s. 984.151.

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

9 (e) If the parent refuses to participate in the
10 remedial strategies because he or she believes that those
11 strategies are unnecessary or inappropriate, the parent may
12 appeal to the district school board. The district school board
13 may provide a hearing officer, and the hearing officer shall
14 make a recommendation for final action to the district school
15 board. If the district school board's final determination is
16 that the strategies of the child study team are appropriate,
17 and the parent still refuses to participate or cooperate, the
18 district school superintendent may seek criminal prosecution
19 for noncompliance with compulsory school attendance or for
20 noncompliance with reasonable directives relating to the
21 student's misconduct if such misconduct has resulted in the
22 student being placed on in-school or out-of-school suspension
23 for 15 or more days during a school year.

24 (f)1. If the parent of a child who has been identified
25 as exhibiting a pattern of nonattendance enrolls the child in
26 a home education program pursuant to chapter 1002, the
27 district school superintendent shall provide the parent a copy
28 of s. 1002.41 and the accountability requirements of this
29 paragraph. The district school superintendent shall also
30 refer the parent to a home education review committee composed
31 of the district contact for home education programs and at

1 | least two home educators selected by the parent from a
2 | district list of all home educators who have conducted a home
3 | education program for at least 3 years and who have indicated
4 | a willingness to serve on the committee. The home education
5 | review committee shall review the portfolio of the student, as
6 | defined by s. 1002.41, every 30 days during the district's
7 | regular school terms until the committee is satisfied that the
8 | home education program is in compliance with s. 1002.41(1)(b).
9 | The first portfolio review must occur within the first 30
10 | calendar days of the establishment of the program. The
11 | provisions of subparagraph 2. do not apply once the committee
12 | determines the home education program is in compliance with s.
13 | 1002.41(1)(b).

14 | 2. If the parent fails to provide a portfolio to the
15 | committee, the committee shall notify the district school
16 | superintendent. The district school superintendent shall then
17 | terminate the home education program and require the parent to
18 | enroll the child in an attendance option that meets the
19 | definition of "regular school attendance" under s.
20 | 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
21 | termination of a home education program pursuant to this
22 | subparagraph, the parent shall not be eligible to reenroll the
23 | child in a home education program for 180 calendar days.
24 | Failure of a parent to enroll the child in an attendance
25 | option as required by this subparagraph after termination of
26 | the home education program pursuant to this subparagraph shall
27 | constitute noncompliance with the compulsory attendance
28 | requirements of s. 1003.21 and may result in criminal
29 | prosecution under s. 1003.27(2). This section does not
30 | ~~Nothing contained herein shall~~ restrict the ability of the
31 | district school superintendent, or the ability of his or her

1 designee, to review the portfolio pursuant to s.
2 1002.41(1)(b).

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

10 (2) GIVE WRITTEN NOTICE.--

11 (a) Under the direction of the district school
12 superintendent, a designated school representative shall give
13 written notice that requires enrollment or attendance within 3
14 days after the date of notice, in person or by return-receipt
15 mail, to the parent when no valid reason is found for a
16 student's nonenrollment in school. A parent shall also be
17 given written notice, in person or by return-receipt mail, if
18 no valid reason is found for noncompliance with reasonable
19 directives relating to the student's misconduct if such
20 misconduct has resulted in the student being placed on
21 in-school or out-of-school suspension for 15 or more days
22 during a school year.If the notice and requirement are
23 ignored, the designated school representative shall report the
24 case to the district school superintendent, and may refer the
25 case to the case staffing committee, established pursuant to
26 s. 984.12. The district school superintendent shall take such
27 steps as are necessary to bring criminal prosecution against
28 the parent.

29 (b) Subsequent to the activities required under
30 subsection (1), the district school superintendent or his or
31 her designee shall give written notice in person or by

1 return-receipt mail to the parent that criminal prosecution is
2 being sought for nonattendance or for noncompliance with
3 reasonable directives relating to the student's misconduct if
4 such misconduct has resulted in the student being placed on
5 in-school or out-of-school suspension for 15 or more days
6 during a school year. The district school superintendent may
7 file a truancy petition, as defined in s. 984.03, following
8 the procedures outlined in s. 984.151.

9 (3) RETURN STUDENT TO PARENT.--A designated school
10 representative shall visit the home or place of residence of a
11 student and any other place in which he or she is likely to
12 find any student who is required to attend school when the
13 student is not enrolled or is absent from school during school
14 hours without an excuse, and, when the student is found, shall
15 return the student to his or her parent or to the principal or
16 teacher in charge of the school, or to the private tutor from
17 whom absent, or to the juvenile assessment center or other
18 location established by the district school board to receive
19 students who are absent from school. Upon receipt of the
20 student, the parent shall be immediately notified.

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

26 (5) RIGHT TO INSPECT.--A designated school
27 representative shall have the right of access to, and
28 inspection of, establishments where minors may be employed or
29 detained only for the purpose of ascertaining whether students
30 of compulsory school age are actually employed there and are
31 actually working there regularly. The designated school

1 representative shall, if he or she finds unsatisfactory
2 working conditions or violations of the Child Labor Law,
3 report his or her findings to the appropriate authority.
4 Section 3. This act shall take effect July 1, 2003.

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7 SENATE SUMMARY

8 Provides a procedure by which a district school
9 superintendent may file a truancy petition for any
10 student placed on suspension for 15 or more days during
11 the school year. Requires that a student's parent or
12 guardian cooperate in controlling the student's behavior.
13 Requires that a student be referred to the child-study
14 team if there is a pattern of truancy due to suspension.
15 Authorizes a school superintendent to seek criminal
16 prosecution against a parent for noncompliance with
17 directives relating to a student's misconduct. (See bill
18 for details.)
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