

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 403 CS

School Attendance

SPONSOR(S): McInvale

TIED BILLS:

IDEN./SIM. BILLS: CS/SB 772

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) PreK-12 Committee	7 Y, 0 N, w/CS	Beagle	Mizereck
2) Juvenile Justice Committee	5 Y, 1 N	White	White
3) Education Appropriations Committee	16 Y, 0 N	Eggers	Hamon
4) Education Council		Beagle	Cobb
5) _____	_____	_____	_____

SUMMARY ANALYSIS

Florida law enables a student to terminate school enrollment prior to high school graduation at age 16. Current law and State Board of Education (SBE) rule provide extensive procedures for the recording and enforcement of school attendance.

House bill 403 clarifies existing law by stating that students aged 16 or older remain subject to compulsory school attendance until a formal declaration of intent to terminate school enrollment is filed. The bill requires school districts to conduct an exit interview with each student who declares their intent to terminate school enrollment.

The bill authorizes district school boards to adopt attendance policies that allow accumulated unexcused tardies and early departures from school to be recorded as unexcused absences. The bill also authorizes district school boards to require referral to a school child study team (CST) when a student has fewer absences than currently required by law.

The bill provides that district school superintendents are responsible for supporting law enforcement efforts to enforce school attendance.

The bill revises the current list of interventions that may be implemented by CSTs by requiring three specific interventions, and making others optional.

The bill has an effective date of July 1, 2006.

This bill does not appear to have a fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide Limited Government-- The bill grants district school boards greater authority in adopting student attendance policies. The bill requires school districts to conduct exit interviews with students who declare their intent to terminate school enrollment.

B. EFFECT OF PROPOSED CHANGES:

ABSENCES AND TARDINESS:

Background Information:

Florida law grants district school boards authority to enforce attendance laws.¹ Section 1003.23(1) requires that attendance of all public K-12 students be recorded and reported. Public schools are required to record the daily presence, absence, or tardiness of each student and maintain attendance records during the 180 day school year.² However, there is no express guidance in law that grants school district's the authority to record unexcused accumulated tardies as unexcused absences.

Proposed Changes:

House bill 403 specifies that district school boards may establish student attendance policies that allow accumulated unexcused tardies and early departures from school to be counted as unexcused absences.

COMPULSORY SCHOOL ATTENDANCE:

Background Information:

Compulsory school attendance refers to the minimum and maximum ages in which students must attend school. Current Florida Law provides that the compulsory school attendance minimum age includes all children who are either six years of age, who will be six years old by February 1 of any school year, or who are older than six years of age but who have not attained the age of sixteen years.³

In Florida, a student may terminate school enrollment at age sixteen. Such students must file a formal declaration of intent to terminate enrollment with the district school board. The district must notify the student's parent upon receipt of the student's declaration. The student and the student's parent must sign an acknowledgment that terminating school enrollment is likely to impact the student's future earning potential.⁴

Current law states that "a student who attains age sixteen years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board."⁵ Some students simply stop attending school without filing a formal declaration. Districts have expressed concern that they are not specifically authorized to compel those students to formally withdraw.

1 Section 1003.02(1)(b), F.S.

2 State Board of Education Rule 6A-1.044, Pupil Attendance Records.

3 Section 1003.21(1)(a)1., F.S.

4 Section 1003.21(1)(c), F.S.

5 Id.

Proposed Changes:

The bill clarifies existing law by stating that public school students sixteen years of age or older who have not graduated from high school remain subject to compulsory school attendance until they file a formal declaration of intent to terminate school enrollment.

The bill also requires school districts to conduct an exit interview with each student who terminates school enrollment to ascertain the reasons for the student's decision and actions that could be taken to keep the student in school. The district must inform students of educational options that are available to continue their education. To provide policy makers with data on students' reasons for terminating school enrollment, each student must complete a survey designed by the DOE.

ENFORCEMENT OF SCHOOL ATTENDANCE:

Background information:

Florida law provides extensive measures for enforcing school attendance. Section 1003.26, F.S. grants district school superintendents the authority to enforce school attendance. Each superintendent is responsible for recommending attendance policies and procedures to the district school board. District attendance policies must include the following:⁶

- Procedures for contacting parents regarding each student absence;
- Procedures for parents to justify each unexcused absence;
- Procedures for tracking student absences and identifying and preventing the development of patterns of nonattendance; and
- Procedures for referring a student's case to the school's child study team (CST) if the student is identified as having established a pattern of non-attendance (defined as five unexcused absences in a calendar month or ten unexcused absences in a ninety-day period).

Upon referring the case to a CST, the team meets with the student's parent to identify potential remedies for the student's nonattendance in school. If this initial meeting does not resolve the problem the CST must determine and implement appropriate interventions. After all reasonable measures by the CST to resolve the problem have failed the CST must contact the district superintendent.

Parents who refuse to participate in remedial strategies recommended by the CST may appeal to the district school board. If the board determines that the strategies proposed by the CST are appropriate, and the parent still refuses to cooperate, the school superintendent may seek criminal prosecution against the parent for noncompliance with compulsory school attendance.⁷

Similarly, students who refuse to comply with attempts to enforce school attendance must be referred by the district superintendent or student's parent to a Department of Juvenile Justice case staffing committee. The school superintendent may also file a truancy petition under s. 984.151, F.S.⁸

Section 1003.27, F.S. requires each school principal or designee to notify the district school board of each minor student accumulating 15 unexcused absences in a period of 90 calendar days or who drop

⁶ Section 1003.26(1)(a),(b) and (c), F.S.

⁷ Section 1003.26(1)(e), F.S.

⁸ Section 984.151, F.S., permits the superintendent to file a truancy petition when the child has more than 15 unexcused absences in a 90-calendar-day period or after a CST has acted pursuant to s. 1003.26(1), F.S., and the child has either: (a) five unexcused absences, or absences for which the reasons are unknown within one calendar month; or (b) ten unexcused absences, or absences for which the reasons are unknown within a 90-calendar-day period. A court must hear the petition within 30 days and if it finds that a child has missed any of the alleged days, it must order the child to attend school and the parent/guardian to ensure such attendance. The court is also permitted to order other sanctions for the child and parent that include classes and counseling. The court is required to enforce parent/guardian compliance with its order through its contempt power. If a child fails to comply with the court's order, the child's case must be referred to a case staffing committee with a recommendation to file a child-in-need-of-services petition.

out of school. The district school superintendent must provide the names and identifying information of these students to the Department of Highway Safety and Motor Vehicles (DHSMV). DHSMV may not issue a driver license or learner permit, or may suspend the driving privileges of any reported student until the student has satisfied regular school attendance requirements as outlined in s. 322.091, F.S.⁹

Proposed Changes:

The bill provides that district school superintendents' responsibilities include supporting local law enforcement agencies in enforcing school attendance.

The bill specifies that district attendance policies may allow a student with a lesser number of absences than currently provided in law to be referred to a school CST. The bill also revises the current list of optional interventions and requires CSTs to implement:

- Frequent attempts to communicate with parents;
- Evaluation of student for alternative education programs; and
- Attendance contracts.

The bill provides that a CST may implement other interventions to address a student's nonattendance, including referral to other agencies for family services and a recommendation that a truancy petition be filed by the superintendent.

C. SECTION DIRECTORY:

Section 1. Amends s. 1003.02, F.S.; providing that a school district may adopt school attendance policies that address accumulated tardies and count them as unexcused absences; providing that a school district may adopt policies regarding referral to a child study team.

Section 2. Amends s. 1003.21, F.S.; providing that students over age sixteen who have not graduated from high school remain subject to compulsory school attendance until they file a formal declaration of intent to terminate school enrollment.

Section 3. Amends 1003.26, F.S.; providing that district school superintendent responsibilities include supporting law enforcement efforts to enforce school attendance; revising required child study team interventions.

Section 4. Providing an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill does not appear to have a fiscal impact on state government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on state government expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

⁹ Florida Department of Education, Attendance and Enrollment, Frequently Asked Questions available at <http://www.fldoe.org/faq/faq.asp?Dept=107&Cat=54>.

This bill does not appear to have a fiscal impact on local government revenues.

2. Expenditures:

This bill does not appear to have a fiscal impact on local government expenditures.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill does not appear to have a fiscal impact on the private sector.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The bill does not require a city or county to spend funds or to take any action requiring the expenditure of funds. This bill does not reduce the percentage of a state tax shared with counties or municipalities. This bill does not reduce the authority that municipalities have to raise revenue.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

This bill does not appear to create, modify, or eliminate rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES

On March 28, 2006, the PreK-12 Committee adopted a strike-all amendment. The strike-all differs from the original bill as follows.

- The original bill amended s. 1003.21, F.S. authorizing a school district to raise the compulsory school attendance age to eighteen. The strike-all specifies that students sixteen years or older remain subject to compulsory school attendance until they file a formal declaration and adds exit interview procedures.
- The original bill amended s. 1003.23, F.S. to require that school attendance records document tardiness. The strike-all amends s. 1003.02 to authorize districts to adopt policies that address accumulated student tardiness and govern the timing for referring a student to a child study team.
- The original bill amended 1003.26, F.S. to remove enforcement of school attendance from superintendent's responsibilities. The strike-all restores this aspect of superintendent authority and adds the responsibility to support law enforcement agencies' enforcement of school attendance.
- Sections of the original bill that conformed cross references were removed.

This bill analysis reflects the bill as amended.