



# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. HOUSE PRINCIPLES ANALYSIS:

**Provide Limited Government--** The bill allows school districts to raise the age of compulsory attendance from 16 to 18.

**Promotes Personal Responsibility--** The bill requires parents to assume greater responsibility for their child's school attendance.

### B. EFFECT OF PROPOSED CHANGES:

#### **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 16 years.<sup>1</sup> In Florida, a student may terminate school enrollment at age 16. 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.<sup>2</sup>

Compulsory school attendance minimum and maximum ages vary across the United States and its territories:

#### **Minimum Compulsory Ages in the United States and its Territories<sup>3</sup>**

<b>Minimum Age</b>	<b>Number of States</b>
5	11
6	24
7	17
8	2

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<sup>1</sup> Section 1003.21(1)(a)1., F.S.

<sup>2</sup> Section 1003.21(1)(c), F.S.

<sup>3</sup> Data obtained from Education Commission of the States, State Notes, Compulsory School Age Attendance Requirements (September 2005) available at <http://www.ecs.org/clearinghouse/64/07/6407.htm>.

## Maximum Compulsory Ages in the United States and its Territories<sup>4</sup>

Maximum Age	Number of States
16	28
17	9
18	17

Arizona, Vermont, and Wyoming set a maximum compulsory age of sixteen, but also permit students to terminate school enrollment upon completion of the tenth grade.<sup>5</sup>

### The Manatee County District School Board Compulsory Attendance Pilot Project:

The Manatee County School Board was required by the 1999 Legislature to implement a pilot project to raise the compulsory age of attendance from 16 to 18.<sup>6</sup> The school board was required to evaluate the impact of the pilot project on the school district's attendance and dropout rate, as well as associated costs. The most recent report evaluating the pilot project was prepared by the Manatee County District School Board in March 2005. The report documented the following:<sup>7</sup>

- School attendance rates: Longitudinal district high school attendance rates decreased from 91.8% in 1998-99 to 91.07% in 2004-05. The 2004-2005 statewide attendance rate was 93.92%.
- Dropout rates: Dropout rates decreased from 7.4% in 1998-99 to 2.5% in 2004-05. The 2004-2005 statewide dropout rate was 2.8%.
- Graduation rates: The district high school graduation rate increased from 56.2% in 1998-99 to 81.5% in 2004-05. The 2004-2005 statewide graduation rate was 71.9%.
- Costs: Funds were expended to establish the following initiatives:
  1. Collaborative efforts between the school district, local law enforcement agencies, and the judiciary.
  2. Additional staff (attendance officer, support staff, school social worker, school resource officers).
  3. Truancy Intervention Programs Sweeps (TIPS).
  4. Dropout Prevention/Alternative Education Programs.

According to the Department of Education, the Manatee County School District budgeted over \$600,000 for continued implementation of the program in 2002-2003.

Many of the costs were covered through Supplemental Academic Instruction and Safe School Categorical funds for alternative education programs. Other costs were paid from federal grants. The district indicated that the pilot program created the need for additional truancy and retrieval activities, alternative education programs, and comprehensive truancy programs involving the court system and local law enforcement.

### **Bill's Effect:**

House bill 403 authorizes individual district school boards to raise the compulsory school attendance age to from sixteen to eighteen years of age for students in the school district who have not graduated from high school.

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4 Id.

5 Id.

6 Section 1003.61, F.S.

7 2006 Education Fact Sheets, School Age Attendance Requirements.

## **ATTENDANCE RECORDS, ABSENCES AND TARDINESS:**

### **Background Information:**

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.<sup>8</sup> District school boards have authority to establish attendance policies that specify the required number of school days each school year that a student must be in attendance and the number of absences and tardinesses that a student may accrue before an explanation is required. District policies must specify the conditions for determining whether and absence or tardiness is excused or unexcused.

### **Bill's Effect:**

The bill amends current statute to require that school district attendance records include the time students miss due to tardiness and provides that the district school boards may establish exceptions to the reporting of tardiness. However, the bill changes the requirement that district attendance policies address "absences **and** tardinesses" to require that they address "absences **or** tardinesses".

The bill also requires that district policies address "accumulative tardinesses" accrued by a student, including notification to the student's parent that the student has a record of accumulative tardinesses. Students whose accumulative tardinesses are excused must be provided reasonable opportunities to make-up coursework without academic penalty.

## **PARENTAL RESPONSIBILITY FOR SCHOOL ATTENDANCE:**

### **Background Information:**

Section 1003.24, F.S. provides that each parent is responsible for their child's school attendance as required by law. Florida law provides that the absence of a student from school is prima facie evidence of a violation, but contains several exceptions absolving a parent of responsibility for their child's nonattendance<sup>9</sup>:

- The absence was with the permission of the head of the school;
- The absence was without the parent's knowledge, consent, or connivance;
- Financial inability of the student's parent to provide necessary clothes for the student and the parent reported such inability to the district superintendent;
- Absence due to illness or injury attested to by the student's physician; or
- Absence due to an insurmountable condition.<sup>10</sup>

Parents that fail to comply with their obligation to see to their child's regular attendance in school are subject to criminal prosecution. See Enforcement of School Attendance.

### **Bill's Effect:**

The bill adds a student's "accumulative record of tardiness" to "absences" as prima facie evidence of a violation of parent's responsibility to see that their child regularly attends school. The bill also provides that current statutory exceptions to parental responsibility for their child's attendance no longer operate to excuse the child's nonattendance.

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<sup>8</sup> State Board of Education Rule 6A-1.044, Pupil Attendance Records.

<sup>9</sup> Id.

<sup>10</sup> State Board of Education Rule 6A-1.09513 defines "insurmountable condition" as extreme weather conditions or other acts of God, communicable disease outbreaks, or other local conditions determined by the school district that render impracticable a student's attendance at school.

The bill further requires that parents participate in the development of an individual attendance plan to improve their child's ability to avoid tardiness. See Enforcement of School Attendance.

## **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:<sup>11</sup>

- 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 periods).

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.<sup>12</sup>

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.

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 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.<sup>13</sup>

### **Bill's Effect:**

The bill removes the district school superintendent's statutory authority to enforce student attendance and limits the superintendent's role to making policy recommendations to district school boards. The bill provides Legislative findings that schools must actively support law enforcement agencies' enforcement of compulsory school attendance. The bill requires each public school to implement policies promoting school attendance, where current statute requires that these policies "enforce" school attendance.

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<sup>11</sup> Section 1003.26(1)(a),(b) and (c), F.S.

<sup>12</sup> Section 1003.26(1)(e), F.S.

<sup>13</sup> Florida Department of Education, Attendance and Enrollment, Frequently Asked Questions available at <http://www.fldoe.org/faq/faq.asp?Dept=107&Cat=54>.

The bill requires district school board attendance policies to contain specific procedures for notifying parents of their child's accumulative tardinesses and for parent participation in the development of an individual attendance plan to improve their child's ability to avoid tardiness.

The bill revises the requirement that a student accrue at least five absences in a calendar month or ten unexcused absences in a ninety-day period before referral to the school's CST. The bill requires that a student who has an accumulative record of tardiness or accrues five unexcused absences must be referred to a CST.

The bill further provides that, when a Department of Juvenile Justice case staffing committee plan for services is unsuccessful in correcting the student's nonattendance, the school superintendent or designee may file a truancy petition. Current law gives the superintendent the option of choosing one or both of these options.

#### C. SECTION DIRECTORY:

**Section 1.** Amends s. 1003.21, F.S.; providing that a school district may raise the compulsory school attendance age to eighteen.

**Section 2.** Amends s. 1003.23, F.S.; requiring that school attendance records document tardiness.

**Section 3.** Amends 1003.24, F.S.; adding a student's accumulative record of tardiness to prima facie case against a parent.

**Section 4.** Amends 1003.26, F.S.; revising district school superintendent responsibilities pertaining student attendance.

**Section 5.** Amends 984.03, F.S.; conforming cross reference to parent responsibilities.

**Section 6.** Amends 985.03, F.S.; conforming cross reference to parent responsibilities.

**Section 7.** Section 1002.20, F.S.; conforming reference to compulsory school age attendance requirements.

## 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:

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:

According to the DOE, there were 9,989 students aged 16 and 17 who dropped out of school in Florida in 2004-05. If a 2.12 percent annual growth rate is assumed, approximately 10,417 students aged 16 and 17 will drop out of high school in 2006-07.

Per student district operational expenditures are projected to increase to \$8,543 for each student in 2006-07. If all 67 districts chose to increase the compulsory school age from 16 to 18, the projected number of student dropouts (10,417) would require additional funding through the FEFP at a total annual cost of approximately \$89 million dollars.

$$10,417 \text{ students} \times \$8,543 \text{ per student expenditure} = \$88,992,431$$

This increase in the number of high school students will also result in increased need for facilities assuming that regular enrollment growth will utilize existing capacity. The estimated cost of each high school student station for the 2006-07 school year is \$21,324.

$$10,417 \text{ students} \times \$21,324 \text{ per student station} = \$222,132,138$$

The initial operating and capital costs for increasing the compulsory school age from 16 to 18 is estimated to be \$311.1 million including district operational and student station costs. After facilities requirements have been met, there would be a recurring annual operating cost of approximately \$89 million. Cost estimates will vary based on the number of districts that choose to raise the compulsory school age.

In addition to the current FTE allocation and student station costs above, information gained from a pilot program in Manatee County indicates that costs related to this particular population of students would include the funding to support additional truancy and retrieval activities, alternative education programs to address the special needs of these students, and a comprehensive truancy program involving the court system and local law enforcement.

### 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.

2. Other:

Section 1 of Article IX of the State Constitution requires that students be provided a free uniform public education. The bill enables individual school districts to raise the compulsory school attendance age to 18, resulting in a lack of uniformity in the age requirements for school attendance.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill changes the requirement that district attendance policies address "absences **and** tardinesses" to require that they include "absences **or** tardinesses." This appears to weaken current language in statute.

The bill nullifies several exceptions that absolve a parent's responsibility for their child's nonattendance from school. It appears that the bill imposes absolute liability on parent for their child's nonattendance, despite the possibility that circumstances could arise that are beyond the parent's control.

According to the DOE, this bill may increase paperwork as it requires the development of a student individual attendance plan, under certain circumstances, to improve the student's ability to meet the required tardiness policy of the district school board. Additionally, the expanded requirement to track and respond in a timely manner to accumulative tardinesses could result in increased paperwork for schools and school districts.<sup>14</sup>

#### **IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES**

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<sup>14</sup> Florida Department of Education, 2006 Legislative Bill Analysis for House Bill 403.