

1 A bill to be entitled
 2 An act relating to school attendance; amending s. 1003.21,
 3 F.S.; authorizing district school board policy to raise
 4 the compulsory school attendance age; amending s. 1003.23,
 5 F.S.; requiring attendance records to include information
 6 relating to student tardiness; providing penalties;
 7 amending s. 1003.24, F.S.; providing that the parent is
 8 responsible for a student's accumulative record of
 9 tardiness; deleting parental exemption from responsibility
 10 for a student's nonattendance; providing penalties;
 11 amending s. 1003.26, F.S.; revising provisions relating to
 12 enforcement of school attendance; providing responsibility
 13 of superintendents, district school boards, schools,
 14 teachers, and parents with respect to accumulative
 15 tardinesses; revising provisions that specify absences for
 16 which intervention is initiated; authorizing a
 17 superintendent to file a truancy petition under certain
 18 circumstances; authorizing a home visit under certain
 19 circumstances; amending ss. 984.03, 985.03, 1002.20, and
 20 1003.01, F.S.; conforming provisions relating to
 21 compulsory school attendance; providing an effective date.

22
 23 Be It Enacted by the Legislature of the State of Florida:

24
 25 Section 1. Paragraphs (a) and (c) of subsection (1) of
 26 section 1003.21, Florida Statutes, are amended to read:

27 1003.21 School attendance.--

28 (1)(a)1. All children who have attained the age of 6 years
29 or who will have attained the age of 6 years by February 1 of
30 any school year or who are older than 6 years of age but who
31 have not attained the age of 16 years, except as otherwise
32 provided, are required to attend school regularly during the
33 entire school term. However, beginning with the 2006-2007 school
34 year, a district school board may adopt a policy that raises the
35 compulsory school attendance age from 16 years up to 18 years
36 for students in the school district who have not graduated from
37 high school.

38 2. Children who will have attained the age of 5 years on
39 or before September 1 of the school year are eligible for
40 admission to public kindergartens during that school year under
41 rules adopted by the district school board.

42 (c) A student who attains the age of 16 years during the
43 school year is not subject to compulsory school attendance
44 beyond the date upon which he or she attains that age if the
45 student files a formal declaration of intent to terminate school
46 enrollment with the district school board. ~~The declaration must~~
47 ~~acknowledge that terminating school enrollment is likely to~~
48 ~~reduce the student's earning potential and must be signed by the~~
49 ~~student and the student's parent.~~ The school district must
50 notify the student's parent of receipt of the student's
51 declaration of intent to terminate school enrollment. The
52 declaration must acknowledge that terminating school enrollment
53 is likely to reduce the student's earning potential and must be
54 signed by the student and the student's parent.

55 Section 2. Section 1003.23, Florida Statutes, is amended
56 to read:

57 1003.23 Attendance records and reports.--

58 (1) The attendance of all public K-12 school students
59 shall be checked each school day in the manner prescribed by
60 rules of the State Board of Education and recorded in the
61 teacher's register or by some approved system of recording
62 attendance. Students may be counted in attendance only if they
63 are actually present at school or are away from school on a
64 school day and are engaged in an educational activity which
65 constitutes a part of the school-approved instructional program
66 for the student. Attendance records shall include time missed
67 during a school day due to a student's tardiness to any class to
68 which a student is assigned provided that exceptions to the
69 recording of tardiness may be established by a district school
70 board.

71 (2) All officials, teachers, and other employees in
72 public, parochial, religious, denominational, and private K-12
73 schools, including private tutors, shall keep all records and
74 shall prepare and submit promptly all reports that may be
75 required by law and by rules of the State Board of Education and
76 district school boards. Such records shall include a register of
77 enrollment and attendance and all persons described above shall
78 make these reports therefrom as may be required by the State
79 Board of Education. The enrollment register shall show the
80 absence or attendance of each student enrolled for each school
81 day of the year in a manner prescribed by the State Board of
82 Education. The register shall be open for the inspection by the

83 designated school representative or the district school
 84 superintendent of the district in which the school is located.

85 (3) Violation of the provisions of this section shall be a
 86 misdemeanor of the second degree, punishable as provided by law.

87 (4) This section shall not apply to home education
 88 programs provided in s. 1002.41.

89 Section 3. Section 1003.24, Florida Statutes, is amended
 90 to read:

91 1003.24 Parents responsible for attendance of children;
 92 attendance policy.--Each parent of a child within the compulsory
 93 attendance age is responsible for the child's school attendance
 94 as required by law. The absence of a student from school or an
 95 accumulative record of tardiness is prima facie evidence of a
 96 violation of this section; however, criminal prosecution under
 97 this chapter may not be brought against a parent until the
 98 provisions of s. 1003.26 have been complied with. A parent of a
 99 student is ~~not~~ responsible for the student's nonattendance at
 100 school under, but not limited to, any of the following
 101 conditions:

102 (1) WITH PERMISSION.--The absence was with permission of
 103 the head of the school;

104 (2) WITHOUT KNOWLEDGE.--The absence was without the
 105 parent's knowledge, consent, or connivance, in which case the
 106 student shall be dealt with as a dependent child;

107 (3) FINANCIAL INABILITY.--The parent was unable
 108 financially to provide necessary clothes for the student, which
 109 inability was reported in writing to the superintendent prior to
 110 the opening of school or immediately after the beginning of such

111 ~~inability, provided that the validity of any claim for exemption~~
 112 ~~under this subsection shall be determined by the district school~~
 113 ~~superintendent subject to appeal to the district school board;~~
 114 or

115 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
 116 CONDITION.--Attendance was impracticable or inadvisable on
 117 account of sickness or injury, attested to by a written
 118 statement of a licensed practicing physician, or was
 119 impracticable because of some other stated insurmountable
 120 condition as defined by rules of the State Board of Education.
 121 If a student is continually sick and repeatedly absent from
 122 school, he or she must be under the supervision of a physician
 123 in order to receive an excuse from attendance. Such excuse
 124 provides that a student's condition justifies absence for more
 125 than the number of days permitted by the district school board.

126
 127 Each district school board shall establish an attendance policy
 128 that includes, but is not limited to, the required number of
 129 days each school year that a student must be in attendance and
 130 the number of absences or ~~and~~ tardinesses after which a
 131 statement explaining such absences or ~~and~~ tardinesses must be on
 132 file at the school. Each school in the district must determine
 133 if an absence or tardiness is excused or unexcused according to
 134 criteria established by the district school board.

135 Section 4. Section 1003.26, Florida Statutes, is amended
 136 to read:

137 1003.26 Enforcement of school attendance.--The Legislature
 138 finds that poor academic performance is associated with

139 nonattendance and that schools must take an active role in
140 promoting regular school attendance and supporting law
141 enforcement agencies in the enforcement of compulsory school
142 ~~enforcing~~ attendance as a means of ~~improving the performance of~~
143 ~~many students. It is the policy of the state that each district~~
144 ~~school superintendent be responsible for enforcing school~~
145 ~~attendance of all students subject to the compulsory school age~~
146 ~~in the school district.~~ The responsibility of the district
147 school superintendent includes recommending to the district
148 school board policies and procedures to ensure that schools
149 respond in a timely manner to every unexcused absence, every ~~or~~
150 absence for which the reason is unknown, or accumulative
151 tardinesses of students enrolled in the schools. District school
152 board policies must require each parent of a student to justify
153 each absence or the accumulative tardinesses of the student, and
154 that justification will be evaluated based on adopted district
155 school board policies that define excused and unexcused absences
156 and tardinesses. The policies must provide that schools track
157 excused and unexcused absences and unexcused tardinesses and
158 contact the home in the case of an unexcused absence from
159 school, ~~or~~ an absence from school for which the reason is
160 unknown, or accumulative tardinesses to prevent the development
161 of patterns of nonattendance. The Legislature finds that early
162 intervention in school attendance matters is the most effective
163 way of producing good attendance habits that will lead to
164 improved student learning and achievement. Each public school
165 shall implement the following steps to promote ~~enforce~~ regular
166 school attendance:

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

168 (a)1. Upon each unexcused absence, or absence for which
169 the reason is unknown, the school principal or his or her
170 designee shall contact the student's parent to determine the
171 reason for the absence. If the absence is an excused absence, as
172 defined by district school board policy, the school shall
173 provide opportunities for the student to make up assigned work
174 and not receive an academic penalty unless the work is not made
175 up within a reasonable time.

176 2. According to district school board policy, a school
177 must notify a student's parent in writing of accumulative
178 tardinesses. If accumulative tardinesses are excused, as defined
179 by district school board policy, the school shall provide
180 opportunities for the student to make up assigned work and not
181 receive an academic penalty unless the work is not made up
182 within a reasonable time. A parent shall be required to
183 participate in the development of an individual attendance plan
184 to improve his or her child's ability to meet the tardiness
185 policy of the district school board.

186 (b) If a student has an accumulative record of tardiness
187 or has had at least five unexcused absences, or absences for
188 which the reasons are unknown, or a fewer number of unexcused
189 absences or absences for which the reasons are unknown as
190 established in district school board policy ~~within a calendar~~
191 ~~month or 10 unexcused absences, or absences for which the~~
192 ~~reasons are unknown, within a 90-calendar-day period,~~ the
193 student's primary teacher shall report to the school principal
194 or his or her designee that the student may be exhibiting a

195 pattern of nonattendance. The principal shall, unless there is
196 clear evidence that the tardinesses or absences are not a
197 pattern of nonattendance, refer the case to the school's child
198 study team to determine if early patterns of truancy are
199 developing. If the child study team finds that a pattern of
200 nonattendance is developing, whether the tardinesses or absences
201 are excused or not, a meeting with the parent must be scheduled
202 to identify potential remedies, and the principal shall notify
203 the district school superintendent and the school district
204 contact for home education programs that the referred student is
205 exhibiting a pattern of nonattendance.

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

- 210 1. Frequent communication between the teacher and the
211 family;
- 212 2. Changes in the learning environment;
- 213 3. Mentoring;
- 214 4. Student counseling;
- 215 5. Tutoring, including peer tutoring;
- 216 6. Placement into different classes;
- 217 7. Evaluation for alternative education programs;
- 218 8. Attendance contracts;
- 219 9. Referral to other agencies for family services; or
- 220 10. Other interventions, including, but not limited to, a
221 truancy petition pursuant to s. 984.151.

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

226 (e) If the parent refuses to participate in the remedial
 227 strategies because he or she believes that those strategies are
 228 unnecessary or inappropriate, the parent may appeal to the
 229 district school board. The district school board may provide a
 230 hearing officer, and the hearing officer shall make a
 231 recommendation for final action to the district school board. If
 232 the district school board's final determination is that the
 233 strategies of the child study team are appropriate, and the
 234 parent still refuses to participate or cooperate, the district
 235 school superintendent may seek criminal prosecution for
 236 noncompliance with compulsory school attendance.

237 (f)1. If the parent of a child who has been identified as
 238 exhibiting a pattern of nonattendance enrolls the child in a
 239 home education program pursuant to chapter 1002, the district
 240 school superintendent shall provide the parent a copy of s.
 241 1002.41 and the accountability requirements of this paragraph.
 242 The district school superintendent shall also refer the parent
 243 to a home education review committee composed of the district
 244 contact for home education programs and at least two home
 245 educators selected by the parent from a district list of all
 246 home educators who have conducted a home education program for
 247 at least 3 years and who have indicated a willingness to serve
 248 on the committee. The home education review committee shall
 249 review the portfolio of the student, as defined by s. 1002.41,

250 every 30 days during the district's regular school terms until
251 the committee is satisfied that the home education program is in
252 compliance with s. 1002.41(1)(b). The first portfolio review
253 must occur within the first 30 calendar days of the
254 establishment of the program. The provisions of subparagraph 2.
255 do not apply once the committee determines the home education
256 program is in compliance with s. 1002.41(1)(b).

257 2. If the parent fails to provide a portfolio to the
258 committee, the committee shall notify the district school
259 superintendent. The district school superintendent shall then
260 terminate the home education program and require the parent to
261 enroll the child in an attendance option that meets the
262 definition of "regular school attendance" under s.
263 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
264 termination of a home education program pursuant to this
265 subparagraph, the parent shall not be eligible to reenroll the
266 child in a home education program for 180 calendar days. Failure
267 of a parent to enroll the child in an attendance option as
268 required by this subparagraph after termination of the home
269 education program pursuant to this subparagraph shall constitute
270 noncompliance with the compulsory attendance requirements of s.
271 1003.21 and may result in criminal prosecution under s.
272 1003.27(2). Nothing contained herein shall restrict the ability
273 of the district school superintendent, or the ability of his or
274 her designee, to review the portfolio pursuant to s.
275 1002.41(1)(b).

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

278 parent or the district school superintendent or his or her
 279 designee shall refer the case to the case staffing committee
 280 pursuant to s. 984.12. In the event that the implementation of a
 281 plan for services developed pursuant to s. 984.12 is
 282 unsuccessful in correcting a student's noncompliance with
 283 compulsory school attendance, and the district school
 284 superintendent or his or her designee may file a truancy
 285 petition pursuant to the procedures in s. 984.151.

286 (2) GIVE WRITTEN NOTICE.--

287 (a) Under the direction of the district school
 288 superintendent, a designated school representative shall give
 289 written notice that requires enrollment or attendance within 3
 290 days after the date of notice, in person or by return-receipt
 291 mail, to the parent when no valid reason is found for a
 292 student's nonenrollment in school. If the notice and requirement
 293 are ignored, the designated school representative shall report
 294 the case to the district school superintendent, and may refer
 295 the case to the case staffing committee, established pursuant to
 296 s. 984.12. The district school superintendent shall take such
 297 steps as are necessary to bring criminal prosecution against the
 298 parent.

299 (b) Subsequent to the activities required under subsection
 300 (1), the district school superintendent or his or her designee
 301 shall give written notice in person or by return-receipt mail to
 302 the parent that criminal prosecution is being sought for
 303 nonattendance. The district school superintendent may file a
 304 truancy petition, as defined in s. 984.03, following the
 305 procedures outlined in s. 984.151.

306 (3) RETURN STUDENT TO PARENT.--A designated school
 307 representative may ~~shall~~ visit the home or place of residence of
 308 a student and any other place in which he or she is likely to
 309 find any student who is required to attend school when the
 310 student is not enrolled or is absent from school during school
 311 hours without an excuse, and, when the student is found, shall
 312 return the student to his or her parent or to the principal or
 313 teacher in charge of the school, or to the private tutor from
 314 whom absent, or to the juvenile assessment center or other
 315 location established by the district school board to receive
 316 students who are absent from school. Upon receipt of the
 317 student, the parent shall be immediately notified.

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

322 (5) RIGHT TO INSPECT.--A designated school representative
 323 shall have the right of access to, and inspection of,
 324 establishments where minors may be employed or detained only for
 325 the purpose of ascertaining whether students of compulsory
 326 school age are actually employed there and are actually working
 327 there regularly. The designated school representative shall, if
 328 he or she finds unsatisfactory working conditions or violations
 329 of the Child Labor Law, report his or her findings to the
 330 appropriate authority.

331 Section 5. Paragraph (a) of subsection (27) of section
 332 984.03, Florida Statutes, is amended to read:

333 984.03 Definitions.--When used in this chapter, the term:

334 (27) "Habitually truant" means that:

335 (a) The child has 15 unexcused absences within 90 calendar
 336 days with or without the knowledge or justifiable consent of the
 337 child's parent or legal guardian, is subject to compulsory
 338 school attendance under s. 1003.21(1) and (2)(a), and is not
 339 exempt under s. 1003.21(3), ~~s. 1003.24~~, or any other exemptions
 340 specified by law or the rules of the State Board of Education.

341
 342 If a child who is subject to compulsory school attendance is
 343 responsive to the interventions described in ss. 1003.26 and
 344 1003.27(3) and has completed the necessary requirements to pass
 345 the current grade as indicated in the district pupil progression
 346 plan, the child shall not be determined to be habitually truant
 347 and shall be passed. If a child within the compulsory school
 348 attendance age has 15 unexcused absences within 90 calendar days
 349 or fails to enroll in school, the State Attorney may, or the
 350 appropriate jurisdictional agency shall, file a child-in-need-
 351 of-services petition if recommended by the case staffing
 352 committee, unless it is determined that another alternative
 353 action is preferable. The failure or refusal of the parent or
 354 legal guardian or the child to participate, or make a good faith
 355 effort to participate, in the activities prescribed to remedy
 356 the truant behavior, or the failure or refusal of the child to
 357 return to school after participation in activities required by
 358 this subsection, or the failure of the child to stop the truant
 359 behavior after the school administration and the Department of
 360 Juvenile Justice have worked with the child as described in ss.

361 1003.26 and 1003.27(3) shall be handled as prescribed in s.
 362 1003.27.

363 Section 6. Subsection (26) of section 985.03, Florida
 364 Statutes, is amended to read:

365 985.03 Definitions.--As used in this chapter, the term:

366 (26) "Habitually truant" means that:

367 (a)1. The child has 15 unexcused absences within 90
 368 calendar days with or without the knowledge or justifiable
 369 consent of the child's parent or legal guardian, is subject to
 370 compulsory school attendance under s. 1003.21(1) and (2)(a), and
 371 is not exempt under s. 1003.21(3), ~~s. 1003.24~~, or any other
 372 exemptions specified by law or the rules of the State Board of
 373 Education.

374 2.~~(b)~~ Escalating activities to determine the cause, and to
 375 attempt the remediation, of the child's truant behavior under
 376 ss. 1003.26 and 1003.27 have been completed.

377
 378 If a child who is subject to compulsory school attendance is
 379 responsive to the interventions described in ss. 1003.26 and
 380 1003.27 and has completed the necessary requirements to pass the
 381 current grade as indicated in the district pupil progression
 382 plan, the child shall not be determined to be habitually truant
 383 and shall be passed. If a child within the compulsory school
 384 attendance age has 15 unexcused absences within 90 calendar days
 385 or fails to enroll in school, the state attorney may file a
 386 child-in-need-of-services petition. Before filing a petition,
 387 the child must be referred to the appropriate agency for
 388 evaluation. After consulting with the evaluating agency, the

389 state attorney may elect to file a child-in-need-of-services
 390 petition.

391 (b)~~(e)~~ A school representative, designated according to
 392 school board policy, and a juvenile probation officer of the
 393 department have jointly investigated the truancy problem or, if
 394 that was not feasible, have performed separate investigations to
 395 identify conditions that could be contributing to the truant
 396 behavior; and if, after a joint staffing of the case to
 397 determine the necessity for services, such services were
 398 determined to be needed, the persons who performed the
 399 investigations met jointly with the family and child to discuss
 400 any referral to appropriate community agencies for economic
 401 services, family or individual counseling, or other services
 402 required to remedy the conditions that are contributing to the
 403 truant behavior.

404 (c)~~(d)~~ The failure or refusal of the parent or legal
 405 guardian or the child to participate, or make a good faith
 406 effort to participate, in the activities prescribed to remedy
 407 the truant behavior, or the failure or refusal of the child to
 408 return to school after participation in activities required by
 409 this subsection, or the failure of the child to stop the truant
 410 behavior after the school administration and the department have
 411 worked with the child as described in s. 1003.27(3) shall be
 412 handled as prescribed in s. 1003.27.

413 Section 7. Paragraphs (a) and (b) of subsection (2) of
 414 section 1002.20, Florida Statutes, are amended to read:

415 1002.20 K-12 student and parent rights.--Parents of public
 416 school students must receive accurate and timely information

417 regarding their child's academic progress and must be informed
418 of ways they can help their child to succeed in school. K-12
419 students and their parents are afforded numerous statutory
420 rights including, but not limited to, the following:

421 (2) ATTENDANCE.--

422 (a) Compulsory school attendance.--The compulsory school
423 attendance laws apply to all children between the ages ~~of 6 and~~
424 ~~16 years,~~ as provided in s. 1003.21(1) and (2)(a), and, in
425 accordance with the provisions of s. 1003.21(1) and (2)(a):

426 1. A student who attains the age of 16 years during the
427 school year has the right to file a formal declaration of intent
428 to terminate school enrollment if the declaration is signed by
429 the parent. The parent has the right to be notified by the
430 school district of the district's receipt of the student's
431 declaration of intent to terminate school enrollment.

432 2. Students who become or have become married or who are
433 pregnant and parenting have the right to attend school and
434 receive the same or equivalent educational instruction as other
435 students.

436 (b) Regular school attendance.--Parents of students who
437 have attained the age of 6 years by February 1 of any school
438 year but who have not attained the age of 16 years, or the age
439 adopted by district school board policy pursuant to s.
440 1003.21(1), must comply with the compulsory school attendance
441 laws. Parents have the option to comply with the school
442 attendance laws by attendance of the student in a public school;
443 a parochial, religious, or denominational school; a private

444 school; a home education program; or a private tutoring program,
445 in accordance with the provisions of s. 1003.01(13).

446 Section 8. Subsection (8) of section 1003.01, Florida
447 Statutes, is amended to read:

448 1003.01 Definitions.--As used in this chapter, the term:

449 (8) "Habitual truant" means a student who has 15 unexcused
450 absences within 90 calendar days with or without the knowledge
451 or consent of the student's parent, is subject to compulsory
452 school attendance under s. 1003.21(1) and (2)(a), and is not
453 exempt under s. 1003.21(3) ~~or s. 1003.24~~, or by meeting the
454 criteria for any other exemption specified by law or rules of
455 the State Board of Education. Such a student must have been the
456 subject of the activities specified in ss. 1003.26 and
457 1003.27(3), without resultant successful remediation of the
458 truancy problem before being dealt with as a child in need of
459 services according to the provisions of chapter 984.

460 Section 9. This act shall take effect July 1, 2006.