

CHAMBER ACTION

1 The PreK-12 Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to school attendance; amending s. 1003.02,
7 F.S.; authorizing district school board attendance
8 policies to allow accumulated tardies and early departures
9 to be recorded as unexcused absences; authorizing district
10 school board policies for student referral to a child
11 study team under certain circumstances; amending s.
12 1003.21, F.S.; providing that students who have attained
13 16 years of age and have not graduated are subject to
14 compulsory school attendance under certain circumstances;
15 requiring student exit interviews prior to terminating
16 school enrollment; amending s. 1003.26, F.S.; providing
17 district school superintendent's responsibility to support
18 local law enforcement agencies in enforcing school
19 attendance; providing required and authorized child study
20 team interventions; authorizing visits by school
21 representatives; providing an effective date.

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

HB 403

2006
CS

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Section 1. Paragraph (b) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.--As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school district. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following fields:

(b) Enforcement of attendance laws.--Provide for the enforcement of all laws and rules relating to the attendance of students at school. District school boards are authorized to establish policies that allow accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences. District school boards are also authorized to establish policies

HB 403

2006
CS

52 | that require referral to a school's child study team for
53 | students who have fewer absences than the number required by s.
54 | 1003.26(1)(b).

55 | Section 2. Paragraph (c) of subsection (1) of section
56 | 1003.21, Florida Statutes, is amended to read:

57 | 1003.21 School attendance.--

58 | (1)

59 | (c) A student who attains the age of 16 years during the
60 | school year is not subject to compulsory school attendance
61 | beyond the date upon which he or she attains that age if the
62 | student files a formal declaration of intent to terminate school
63 | enrollment with the district school board. Public school
64 | students who have attained the age of 16 years and who have not
65 | graduated are subject to compulsory school attendance until the
66 | formal declaration of intent is filed with the district school
67 | board. The declaration must acknowledge that terminating school
68 | enrollment is likely to reduce the student's earning potential
69 | and must be signed by the student and the student's parent. The
70 | school district must notify the student's parent of receipt of
71 | the student's declaration of intent to terminate school
72 | enrollment. The student's guidance counselor or other school
73 | personnel must conduct an exit interview with the student to
74 | determine the reasons for the student's decision to terminate
75 | school enrollment and actions that could be taken to keep the
76 | student in school. The student must be informed of opportunities
77 | to continue his or her education in a different environment,
78 | including, but not limited to, adult education and GED test
79 | preparation. Additionally, the student must complete a survey in

HB 403

2006
CS

80 | a format prescribed by the Department of Education to provide
81 | data on student reasons for terminating enrollment and actions
82 | taken by schools to keep students enrolled.

83 | Section 3. Section 1003.26, Florida Statutes, is amended
84 | to read:

85 | 1003.26 Enforcement of school attendance.--The Legislature
86 | finds that poor academic performance is associated with
87 | nonattendance and that school districts ~~schools~~ must take an
88 | active role in promoting and enforcing attendance as a means of
89 | improving student ~~the performance of many students~~. It is the
90 | policy of the state that each district school superintendent be
91 | responsible for enforcing school attendance of all students
92 | subject to the compulsory school age in the school district and
93 | supporting enforcement of school attendance by local law
94 | enforcement agencies. The responsibility includes recommending
95 | policies and procedures to the district school board ~~policies~~
96 | ~~and procedures to ensure that~~ require public schools to respond
97 | in a timely manner to every unexcused absence, and every ~~or~~
98 | absence for which the reason is unknown, of students enrolled in
99 | the schools. District school board policies shall ~~must~~ require
100 | the each parent of a student to justify each absence of the
101 | student, and that justification will be evaluated based on
102 | adopted district school board policies that define excused and
103 | unexcused absences. The policies must provide that public
104 | schools track excused and unexcused absences and contact the
105 | home in the case of an unexcused absence from school, or an
106 | absence from school for which the reason is unknown, to prevent
107 | the development of patterns of nonattendance. The Legislature

HB 403

2006
CS

108 finds that early intervention in school attendance ~~matters~~ is
109 the most effective way of producing good attendance habits that
110 will lead to improved student learning and achievement. Each
111 public school shall implement the following steps to promote and
112 enforce regular school attendance:

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

114 (a) Upon each unexcused absence, or absence for which the
115 reason is unknown, the school principal or his or her designee
116 shall contact the student's parent to determine the reason for
117 the absence. If the absence is an excused absence, as defined by
118 district school board policy, the school shall provide
119 opportunities for the student to make up assigned work and not
120 receive an academic penalty unless the work is not made up
121 within a reasonable time.

122 (b) If a student has had at least five unexcused absences,
123 or absences for which the reasons are unknown, within a calendar
124 month or 10 unexcused absences, or absences for which the
125 reasons are unknown, within a 90-calendar-day period, the
126 student's primary teacher shall report to the school principal
127 or his or her designee that the student may be exhibiting a
128 pattern of nonattendance. The principal shall, unless there is
129 clear evidence that the absences are not a pattern of
130 nonattendance, refer the case to the school's child study team
131 to determine if early patterns of truancy are developing. If the
132 child study team finds that a pattern of nonattendance is
133 developing, whether the absences are excused or not, a meeting
134 with the parent must be scheduled to identify potential
135 remedies, and the principal shall notify the district school

HB 403

2006
CS

136 superintendent and the school district contact for home
137 education programs that the referred student is exhibiting a
138 pattern of nonattendance.

139 (c) If an initial meeting does not resolve the problem,
140 the child study team shall implement the following interventions
141 ~~that best address the problem. The interventions may include,~~
142 ~~but need not be limited to:~~

143 1. Frequent attempts at communication between the teacher
144 and the family.†

145 ~~2. Changes in the learning environment;~~

146 ~~3. Mentoring;~~

147 ~~4. Student counseling;~~

148 ~~5. Tutoring, including peer tutoring;~~

149 ~~6. Placement into different classes;~~

150 ~~2.7.~~ Evaluation for alternative education programs.†

151 ~~3.8.~~ Attendance contracts.†

152 ~~9. Referral to other agencies for family services; or~~

153 ~~10. Other interventions, including, but not limited to, a~~
154 ~~truancy petition pursuant to s. 984.151.~~

155
156 The child study team may, but is not required to, implement
157 other interventions, including referral to other agencies for
158 family services or recommendation for filing a truancy petition
159 pursuant to s. 984.151.

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

HB 403

2006
CS

164 (e) If the parent refuses to participate in the remedial
165 strategies because he or she believes that those strategies are
166 unnecessary or inappropriate, the parent may appeal to the
167 district school board. The district school board may provide a
168 hearing officer, and the hearing officer shall make a
169 recommendation for final action to the district school board. If
170 the district school board's final determination is that the
171 strategies of the child study team are appropriate, and the
172 parent still refuses to participate or cooperate, the district
173 school superintendent may seek criminal prosecution for
174 noncompliance with compulsory school attendance.

175 (f)1. If the parent of a child who has been identified as
176 exhibiting a pattern of nonattendance enrolls the child in a
177 home education program pursuant to chapter 1002, the district
178 school superintendent shall provide the parent a copy of s.
179 1002.41 and the accountability requirements of this paragraph.
180 The district school superintendent shall also refer the parent
181 to a home education review committee composed of the district
182 contact for home education programs and at least two home
183 educators selected by the parent from a district list of all
184 home educators who have conducted a home education program for
185 at least 3 years and who have indicated a willingness to serve
186 on the committee. The home education review committee shall
187 review the portfolio of the student, as defined by s. 1002.41,
188 every 30 days during the district's regular school terms until
189 the committee is satisfied that the home education program is in
190 compliance with s. 1002.41(1)(b). The first portfolio review
191 must occur within the first 30 calendar days of the

HB 403

2006
CS

192 establishment of the program. The provisions of subparagraph 2.
193 do not apply once the committee determines the home education
194 program is in compliance with s. 1002.41(1)(b).

195 2. If the parent fails to provide a portfolio to the
196 committee, the committee shall notify the district school
197 superintendent. The district school superintendent shall then
198 terminate the home education program and require the parent to
199 enroll the child in an attendance option that meets the
200 definition of "regular school attendance" under s.
201 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
202 termination of a home education program pursuant to this
203 subparagraph, the parent shall not be eligible to reenroll the
204 child in a home education program for 180 calendar days. Failure
205 of a parent to enroll the child in an attendance option as
206 required by this subparagraph after termination of the home
207 education program pursuant to this subparagraph shall constitute
208 noncompliance with the compulsory attendance requirements of s.
209 1003.21 and may result in criminal prosecution under s.
210 1003.27(2). Nothing contained herein shall restrict the ability
211 of the district school superintendent, or the ability of his or
212 her designee, to review the portfolio pursuant to s.
213 1002.41(1)(b).

214 (g) If a student subject to compulsory school attendance
215 will not comply with attempts to enforce school attendance, the
216 parent or the district school superintendent or his or her
217 designee shall refer the case to the case staffing committee
218 pursuant to s. 984.12, and the district school superintendent or

HB 403

2006
CS

219 | his or her designee may file a truancy petition pursuant to the
220 | procedures in s. 984.151.

221 | (2) GIVE WRITTEN NOTICE.--

222 | (a) Under the direction of the district school
223 | superintendent, a designated school representative shall give
224 | written notice that requires enrollment or attendance within 3
225 | days after the date of notice, in person or by return-receipt
226 | mail, to the parent when no valid reason is found for a
227 | student's nonenrollment in school. If the notice and requirement
228 | are ignored, the designated school representative shall report
229 | the case to the district school superintendent, and may refer
230 | the case to the case staffing committee, established pursuant to
231 | s. 984.12. The district school superintendent shall take such
232 | steps as are necessary to bring criminal prosecution against the
233 | parent.

234 | (b) Subsequent to the activities required under subsection
235 | (1), the district school superintendent or his or her designee
236 | shall give written notice in person or by return-receipt mail to
237 | the parent that criminal prosecution is being sought for
238 | nonattendance. The district school superintendent may file a
239 | truancy petition, as defined in s. 984.03, following the
240 | procedures outlined in s. 984.151.

241 | (3) RETURN STUDENT TO PARENT.--A designated school
242 | representative may ~~shall~~ visit the home or place of residence of
243 | a student and any other place in which he or she is likely to
244 | find any student who is required to attend school when the
245 | student is not enrolled or is absent from school during school
246 | hours without an excuse, and, when the student is found, shall

HB 403

2006
CS

247 | return the student to his or her parent or to the principal or
248 | teacher in charge of the school, or to the private tutor from
249 | whom absent, or to the juvenile assessment center or other
250 | location established by the district school board to receive
251 | students who are absent from school. Upon receipt of the
252 | student, the parent shall be immediately notified.

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

257 | (5) RIGHT TO INSPECT.--A designated school representative
258 | shall have the right of access to, and inspection of,
259 | establishments where minors may be employed or detained only for
260 | the purpose of ascertaining whether students of compulsory
261 | school age are actually employed there and are actually working
262 | there regularly. The designated school representative shall, if
263 | he or she finds unsatisfactory working conditions or violations
264 | of the Child Labor Law, report his or her findings to the
265 | appropriate authority.

266 | Section 4. This act shall take effect July 1, 2006.