

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Children and Families Committee

BILL: CS/SB 772

INTRODUCER: Children and Families Committee and Senator Constantine

SUBJECT: School Attendance

DATE: March 8, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harkey</u>	<u>Matthews</u>	<u>ED</u>	Favorable
2.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	Fav/CS
3.	_____	_____	<u>EA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

The bill authorizes district school boards to increase the age of compulsory school attendance from 16 to 18 years of age and provides an exception to such a policy for a student who is 16 years old or older who provides a formal declaration signed by the student and his or her parent.

The bill requires attendance records to include student tardiness information, removes the exemption for parental responsibility for nonattendance or tardiness when the parent alleges a lack of knowledge of the nonattendance or tardiness, and makes the district school superintendent responsible for enforcing attendance policies regarding tardiness. The bill authorizes the district school superintendent to file a truancy petition under certain circumstances. The bill makes optional the current requirement for a school representative to visit the home or residence of a student or any other place in which he or she is likely to find a student who is absent during school hours without an excuse.

This bill amends sections 984.03, 985.03, 1002.20, 1003.01, 1003.21, 1003.23, 1003.24, and 1003.26, Florida Statutes.

II. Present Situation:

Compulsory Attendance

Under s. 1003.21, F.S., children between the ages of six and 16 years of age must attend school regularly. This section provides that a student over the age of 16 is not subject to compulsory school attendance laws if the student files a declaration with the district school board acknowledging that terminating school enrollment is likely to reduce the student's earning potential. This declaration must be signed by both the student and the student's parent.

Only one school board, the Manatee County District School Board, is required to establish mandatory attendance beyond age 16. Under s. 1003.61, F.S., the Manatee County School Board is required to implement a pilot attendance project that increases the age of compulsory attendance for students from the age of 16 years to 18 years. Section 1003.61(3), F.S. provides that the ability to “opt out” of compulsory school attendance after the age of 16 by filing a declaration pursuant to s. 2003.21, F.S., is not available to students participating in the Manatee pilot project. This pilot program was required by the 1999 Legislature, and the law required the district school board to report its findings to the Governor, Commissioner of Education, and Legislative leaders each year.

Prior to the start of the pilot attendance project, Manatee County’s dropout rate was 7.4 percent. After one year of the pilot program, that rate was 6.3 percent. At the end of the fifth year the rate was 2.5 percent. The district’s graduation rate was 56.2 percent the year before the program and was 81.5 percent after five years of the program. The district reports that before the pilot program, 20 percent of the district’s dropouts were 16 or 17 years old. By the end of the 2003-2004 school year, only five percent of dropouts were in that age group. According to the district and the Department of Education (DOE), implementation of the pilot program required additional truancy and retrieval activities, alternative education programs, and comprehensive truancy programs involving the court system and local law enforcement. According to the DOE, the district budgeted more than \$600,000 for continued implementation of the pilot in 2002-2003.

Each state requires students to attend school until they earn a high school diploma or the equivalent, or until they reach 16, 17, or 18 years of age. Three states, Arizona, Vermont and Wyoming, in addition to a maximum compulsory school age of 16 years, also allow termination of school enrollment upon completion of the 10th grade. According to a 2005 report from the Education Commission of the States (ECS), 17 states have a compulsory school attendance age of 18; nine states have compulsory attendance age established at 17, and 28 states have a compulsory attendance age of 16.¹

Attendance Policies

Under s. 1003.26, F.S., a district school board must require each parent of a student to justify each absence of the student, and the justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. A school must make a timely response to every unexcused absence. School districts are required to implement activities ranging from early intervention to enforcement in response to students demonstrating patterns of nonattendance. If a parent ignores school attendance requirements, the school district superintendent may file a truancy petition on behalf of the child and/or against the parent for failing to comply with the compulsory school attendance law.

Section 1003.24, F.S., provides that each parent of a child within compulsory school attendance age is responsible for the child’s school attendance as required by law. The circumstances under which a parent is not responsible for the student’s nonattendance at school are listed as:

¹ <http://www.ecs.org/clearinghouse/64/07/6407.htm>

- (1) WITH PERMISSION.---The absence was with the permission of the head of the school;
- (2) WITHOUT KNOWLEDGE.--- The absence was without the parent's knowledge, consent, or connivance, in which case the student shall be dealt with as a dependent child;
- (3) FINANCIAL INABILITY.--- The parent was unable financially to provide necessary clothes for the student, which inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability, provided that the validity of any claim for exemption under this subsection shall be determined by the district school superintendent subject to appeal to the district school board; or
- (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE CONDITION.--- Attendance was impracticable or inadvisable on account of sickness or injury, attested to by a written statement of a licensed practicing physician, or was impracticable because of some other stated insurmountable condition as defined by rules of the State Board of Education. If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance. Such excuse provides that a student's condition justifies absence for more than the number of days permitted by the district school board.

The responsibility of the parents in assuring school attendance is significant, since the failure of a parent to perform this obligation, when not excused, may lead to escalating enforcement activities by a school district against both the student and the parent, s. 1003.26, F.S. School officials have reported that enforcement of the parental responsibility provisions has been hampered by the parents' reliance on the exemption embodied in paragraph (2), above.

According to the Florida Department of Education, the Florida Education Training Placement and Information Program (FETPIP) data analysis of former students (graduates and dropouts) reveals that students who graduate are more likely to find employment, have higher incomes, continue their education, and have less reliance on public assistance than those who drop out. Improving the graduation rate has a direct economic impact on the state, since dropping out of school leads to loss of gainful employment and tax revenue.²

III. Effect of Proposed Changes:

This bill authorizes a school district to change the compulsory school attendance age from 16 years to 18 years for students in the school district who have not graduated from high school. However, as provided in current law, a student who is 16 years old would not be subject to compulsory school attendance if he or she filed with the district school board a formal declaration of his or her intent to terminate school enrollment with an acknowledgement that terminating school is likely to reduce his or her earning potential.

² <http://www.firn.edu/doe/fetpip/>

The bill requires attendance records in all public K-12 schools to include the time that a student missed in the day due to tardiness. A district school board may establish exceptions to the recording of tardiness.

Parents' responsibility for their children's school attendance will include responsibility for punctuality. Under the provisions of the bill, an accumulative record of tardiness would be prima facie evidence of a parent's failure to comply with compulsory attendance requirements.

The law removes the exemption entitled "without knowledge" from the list of exemptions from parental responsibility for school nonattendance. The bill deletes the current requirement that the validity of a claim for an exemption due to financial inability to provide adequate clothing must be determined by the district superintendent and must be subject to appeal to the school board.

The bill expresses the Legislature's intent that schools must take an active role in supporting law enforcement agencies in the enforcement of school attendance. The duties of the district school superintendent include recommending to the district school board policies and procedures to ensure that schools respond in a timely manner to accumulative tardiness. The school board must require each parent to justify his or her child's accumulative tardiness. A school must contact the home of a student who has accumulated unexcused incidents of tardiness to prevent the development of a pattern of nonattendance.

The bill requires a school to notify a student's parents in writing of an accumulative record of tardiness. If the incidents of tardiness are excused, in accordance with district school board policy, the school must provide opportunities for the student to make up assigned work and not receive an academic penalty. A parent must participate in the development of an individual attendance plan for his or her child. The primary teacher of a student who has an accumulative record of tardiness, five unexcused absences, or a fewer number of absences for which the reasons are unknown as established in school board policy, must report to the school principal that the student is exhibiting a pattern of nonattendance.

In the event that a child in need of services who has a plan for services under s. 984.12, F.S., remains out of compliance with compulsory school attendance requirements, the district school superintendent may file a petition for truancy under s. 984.151, F.S.

The bill makes optional the current requirement for a school representative to visit the home or residence of a student or any other place in which he or she is likely to find a student who is absent without an excuse.

The bill revises the definition of "habitually truant" in ss. 984.03, and 985.03, F.S., and the definition of "habitual truant" in s. 1003.01, F.S., to remove a reference to s. 1003.24, F.S., which requires a parent to be responsible for children's attendance and establishes conditions under which a parent would not be responsible for a student's nonattendance. The definitions of habitual truancy are based on whether or not the child is exempt from compulsory attendance requirements, and the referenced conditions under which a parent is not responsible are not pertinent to the child's status in regard to truancy.

The bill revises the statement of student and parent rights in s. 1002.20, F.S., to change references to compulsory attendance ages to conform that statute to changes made in the bill.

The bill will take effect July 1, 2006.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The private sector impact is indeterminate. To the extent that individuals who might have dropped out of school instead earn a diploma and become employed, they will make a more significant contribution to the economy.

C. Government Sector Impact:

Since students can opt out of compulsory school attendance laws after the age of 16 under both current law and the bill, it is not clear that the bill will have any fiscal impact on school boards.

However, the Department of Education, assuming that the bill will result in a complete cessation in school drop-outs between the ages of 16 and 18, estimates the initial operating and capital costs of the bill statewide 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. These figures, however, include Manatee County, which has already increased the compulsory school age. Additionally, the calculations assume both that every district will implement the program and that all students who would previously have dropped out will no longer drop out. These estimates, therefore, must be considered as an outside estimate of the potential cost of implementing the bill.

Since the increase in the age of compulsory school attendance is optional to each school district, the impact of the bill statewide will depend on the number of school districts that choose to implement its provisions. Even in the districts choosing to increase the age of compulsory attendance, the avenue for opting out of the compulsory attendance requirements remains the same as in current law, providing another level of uncertainty in the fiscal projection.

On the other hand, in addition to the current FTE allocation and student station costs outlined by DOE, information gained from the 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.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The relevance of the date from the Manatee County pilot to this bill is not clear since, in Manatee County, the students do not have the option of avoiding compulsory school attendance laws by filing a declaration; students affected by this bill would continue to have this option.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
