

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

3 1003.21 School attendance.--

4 (1)(a)1. All children who have attained the age of 6
5 years or who will have attained the age of 6 years by February
6 1 of any school year or who are older than 6 years of age but
7 who have not attained the age of 16 years, except as otherwise
8 provided, are required to attend school regularly during the
9 entire school term. However, beginning with the 2006-2007
10 school year, a district school board may adopt a policy that
11 raises the compulsory school attendance age from 16 years up
12 to 18 years for students in the school district who have not
13 graduated from high school.

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

18 (c) A student who attains the age of 16 years during
19 the school year is not subject to compulsory school attendance
20 beyond the date upon which he or she attains that age if the
21 student files a formal declaration of intent to terminate
22 school enrollment with the district school board. ~~The~~
23 ~~declaration must acknowledge that terminating school~~
24 ~~enrollment is likely to reduce the student's earning potential~~
25 ~~and must be signed by the student and the student's parent.~~
26 The school district must notify the student's parent of
27 receipt of the student's declaration of intent to terminate
28 school enrollment. The declaration must acknowledge that
29 terminating school enrollment is likely to reduce the
30 student's earning potential and must be signed by the student
31 and the student's parent.

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

3 1003.23 Attendance records and reports.--

4 (1) The attendance of all public K-12 school students
5 shall be checked each school day in the manner prescribed by
6 rules of the State Board of Education and recorded in the
7 teacher's register or by some approved system of recording
8 attendance. Students may be counted in attendance only if they
9 are actually present at school or are away from school on a
10 school day and are engaged in an educational activity which
11 constitutes a part of the school-approved instructional
12 program for the student. Attendance records shall include time
13 missed during a school day due to a student's tardiness to any
14 class to which a student is assigned provided that exceptions
15 to the recording of tardiness may be established by a district
16 school board.

17 (2) All officials, teachers, and other employees in
18 public, parochial, religious, denominational, and private K-12
19 schools, including private tutors, shall keep all records and
20 shall prepare and submit promptly all reports that may be
21 required by law and by rules of the State Board of Education
22 and district school boards. Such records shall include a
23 register of enrollment and attendance and all persons
24 described above shall make these reports therefrom as may be
25 required by the State Board of Education. The enrollment
26 register shall show the absence or attendance of each student
27 enrolled for each school day of the year in a manner
28 prescribed by the State Board of Education. The register shall
29 be open for the inspection by the designated school
30 representative or the district school superintendent of the
31 district in which the school is located.

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

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

6 Section 3. Section 1003.24, Florida Statutes, is
7 amended to read:

8 1003.24 Parents responsible for attendance of
9 children; attendance policy.--Each parent of a child within
10 the compulsory attendance age is responsible for the child's
11 school attendance as required by law. The absence of a student
12 from school or an accumulative record of tardiness is prima
13 facie evidence of a violation of this section; however,
14 criminal prosecution under this chapter may not be brought
15 against a parent until the provisions of s. 1003.26 have been
16 complied with. A parent of a student is not responsible for
17 the student's nonattendance at school under any of the
18 following conditions:

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

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

24 (2)(3) FINANCIAL INABILITY.--The parent was unable
25 financially to provide necessary clothes for the student,
26 which inability was reported in writing to the superintendent
27 prior to the opening of school or immediately after the
28 beginning of such inability, ~~provided that the validity of any~~
29 ~~claim for exemption under this subsection shall be determined~~
30 ~~by the district school superintendent subject to appeal to the~~
31 ~~district school board; or~~

1 ~~(3)(4)~~ SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
2 CONDITION.--Attendance was impracticable or inadvisable on
3 account of sickness or injury, attested to by a written
4 statement of a licensed practicing physician, or was
5 impracticable because of some other stated insurmountable
6 condition as defined by rules of the State Board of Education.
7 If a student is continually sick and repeatedly absent from
8 school, he or she must be under the supervision of a physician
9 in order to receive an excuse from attendance. Such excuse
10 provides that a student's condition justifies absence for more
11 than the number of days permitted by the district school
12 board.

13
14 Each district school board shall establish an attendance
15 policy that includes, but is not limited to, the required
16 number of days each school year that a student must be in
17 attendance and the number of absences or ~~and~~ tardinesses after
18 which a statement explaining such absences or ~~and~~ tardinesses
19 must be on file at the school. Each school in the district
20 must determine if an absence or tardiness is excused or
21 unexcused according to criteria established by the district
22 school board.

23 Section 4. Section 1003.26, Florida Statutes, is
24 amended to read:

25 1003.26 Enforcement of school attendance.--The
26 Legislature finds that poor academic performance is associated
27 with nonattendance and that schools must take an active role
28 in promoting regular school attendance and supporting law
29 enforcement agencies in the enforcement of compulsory school
30 ~~enforcing attendance as a means of improving the performance~~
31 ~~of many students. It is the policy of the state that each~~

1 ~~district school superintendent be responsible for enforcing~~
2 ~~school attendance of all students subject to the compulsory~~
3 ~~school age in the school district.~~ The responsibility of the
4 district school superintendent includes recommending to the
5 district school board policies and procedures to ensure that
6 schools respond in a timely manner to every unexcused absence,
7 every ~~or~~ absence for which the reason is unknown, or
8 accumulative tardinesses of students enrolled in the schools.
9 District school board policies must require each parent of a
10 student to justify each absence or the accumulative
11 tardinesses of the student, and that justification will be
12 evaluated based on adopted district school board policies that
13 define excused and unexcused absences and tardinesses. The
14 policies must provide that schools track excused and unexcused
15 absences and unexcused tardinesses and contact the home in the
16 case of an unexcused absence from school, ~~or~~ an absence from
17 school for which the reason is unknown, or accumulative
18 tardinesses to prevent the development of patterns of
19 nonattendance. The Legislature finds that early intervention
20 in school attendance matters is the most effective way of
21 producing good attendance habits that will lead to improved
22 student learning and achievement. Each public school shall
23 implement the following steps to promote ~~enforce~~ regular
24 school attendance:
25 (1) CONTACT, REFER, AND ENFORCE.--
26 (a)1. Upon each unexcused absence, or absence for
27 which the reason is unknown, the school principal or his or
28 her designee shall contact the student's parent to determine
29 the reason for the absence. If the absence is an excused
30 absence, as defined by district school board policy, the
31 school shall provide opportunities for the student to make up

1 assigned work and not receive an academic penalty unless the
2 work is not made up within a reasonable time.

3 2. According to district school board policy, a school
4 must notify a student's parent in writing of accumulative
5 tardinesses. If accumulative tardinesses are excused, as
6 defined by district school board policy, the school shall
7 provide opportunities for the student to make up assigned work
8 and not receive an academic penalty unless the work is not
9 made up within a reasonable time. A parent shall be required
10 to participate in the development of an individual attendance
11 plan to improve his or her child's ability to meet the
12 tardiness policy of the district school board.

13 (b) If a student has an accumulative record of
14 tardiness or has had at least five unexcused absences, or
15 absences for which the reasons are unknown, or a fewer number
16 of unexcused absences or absences for which the reasons are
17 unknown as established in district school board policy within
18 ~~a calendar month or 10 unexcused absences, or absences for~~
19 ~~which the reasons are unknown, within a 90 calendar day~~
20 ~~period~~, the student's primary teacher shall report to the
21 school principal or his or her designee that the student may
22 be exhibiting a pattern of nonattendance. The principal shall,
23 unless there is clear evidence that the tardinesses or
24 absences are not a pattern of nonattendance, refer the case to
25 the school's child study team to determine if early patterns
26 of truancy are developing. If the child study team finds that
27 a pattern of nonattendance is developing, whether the
28 tardinesses or absences are excused or not, a meeting with the
29 parent must be scheduled to identify potential remedies, and
30 the principal shall notify the district school superintendent
31 and the school district contact for home education programs

1 that the referred student is exhibiting a pattern of
2 nonattendance.

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

- 7 1. Frequent communication between the teacher and the
8 family;
- 9 2. Changes in the learning environment;
- 10 3. Mentoring;
- 11 4. Student counseling;
- 12 5. Tutoring, including peer tutoring;
- 13 6. Placement into different classes;
- 14 7. Evaluation for alternative education programs;
- 15 8. Attendance contracts;
- 16 9. Referral to other agencies for family services; or
- 17 10. Other interventions, including, but not limited
18 to, a truancy petition pursuant to s. 984.151.

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

23 (e) If the parent refuses to participate in the
24 remedial strategies because he or she believes that those
25 strategies are unnecessary or inappropriate, the parent may
26 appeal to the district school board. The district school board
27 may provide a hearing officer, and the hearing officer shall
28 make a recommendation for final action to the district school
29 board. If the district school board's final determination is
30 that the strategies of the child study team are appropriate,
31 and the parent still refuses to participate or cooperate, the

1 district school superintendent may seek criminal prosecution
2 for noncompliance with compulsory school attendance.

3 (f)1. If the parent of a child who has been identified
4 as exhibiting a pattern of nonattendance enrolls the child in
5 a home education program pursuant to chapter 1002, the
6 district school superintendent shall provide the parent a copy
7 of s. 1002.41 and the accountability requirements of this
8 paragraph. The district school superintendent shall also refer
9 the parent to a home education review committee composed of
10 the district contact for home education programs and at least
11 two home educators selected by the parent from a district list
12 of all home educators who have conducted a home education
13 program for at least 3 years and who have indicated a
14 willingness to serve on the committee. The home education
15 review committee shall review the portfolio of the student, as
16 defined by s. 1002.41, every 30 days during the district's
17 regular school terms until the committee is satisfied that the
18 home education program is in compliance with s. 1002.41(1)(b).
19 The first portfolio review must occur within the first 30
20 calendar days of the establishment of the program. The
21 provisions of subparagraph 2. do not apply once the committee
22 determines the home education program is in compliance with s.
23 1002.41(1)(b).

24 2. If the parent fails to provide a portfolio to the
25 committee, the committee shall notify the district school
26 superintendent. The district school superintendent shall then
27 terminate the home education program and require the parent to
28 enroll the child in an attendance option that meets the
29 definition of "regular school attendance" under s.
30 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
31 termination of a home education program pursuant to this

1 | subparagraph, the parent shall not be eligible to reenroll the
2 | child in a home education program for 180 calendar days.
3 | Failure of a parent to enroll the child in an attendance
4 | option as required by this subparagraph after termination of
5 | the home education program pursuant to this subparagraph shall
6 | constitute noncompliance with the compulsory attendance
7 | requirements of s. 1003.21 and may result in criminal
8 | prosecution under s. 1003.27(2). Nothing contained herein
9 | shall restrict the ability of the district school
10 | superintendent, or the ability of his or her designee, to
11 | review the portfolio pursuant to s. 1002.41(1)(b).

12 | (g) If a student subject to compulsory school
13 | attendance will not comply with attempts to enforce school
14 | attendance, the parent or the district school superintendent
15 | or his or her designee shall refer the case to the case
16 | staffing committee pursuant to s. 984.12. In the event that
17 | the implementation of a plan for services developed pursuant
18 | to s. 984.12 is unsuccessful in correcting a student's
19 | noncompliance with compulsory school attendance, and the
20 | district school superintendent or his or her designee may file
21 | a truancy petition pursuant to the procedures in s. 984.151.

22 | (2) GIVE WRITTEN NOTICE.--

23 | (a) Under the direction of the district school
24 | superintendent, a designated school representative shall give
25 | written notice that requires enrollment or attendance within 3
26 | days after the date of notice, in person or by return-receipt
27 | mail, to the parent when no valid reason is found for a
28 | student's nonenrollment in school. If the notice and
29 | requirement are ignored, the designated school representative
30 | shall report the case to the district school superintendent,
31 | and may refer the case to the case staffing committee,

1 established pursuant to s. 984.12. The district school
2 superintendent shall take such steps as are necessary to bring
3 criminal prosecution against the parent.

4 (b) Subsequent to the activities required under
5 subsection (1), the district school superintendent or his or
6 her designee shall give written notice in person or by
7 return-receipt mail to the parent that criminal prosecution is
8 being sought for nonattendance. The district school
9 superintendent may file a truancy petition, as defined in s.
10 984.03, following the procedures outlined in s. 984.151.

11 (3) RETURN STUDENT TO PARENT.--A designated school
12 representative may ~~shall~~ visit the home or place of residence
13 of a student and any other place in which he or she is likely
14 to find any student who is required to attend school when the
15 student is not enrolled or is absent from school during school
16 hours without an excuse, and, when the student is found, shall
17 return the student to his or her parent or to the principal or
18 teacher in charge of the school, or to the private tutor from
19 whom absent, or to the juvenile assessment center or other
20 location established by the district school board to receive
21 students who are absent from school. Upon receipt of the
22 student, the parent shall be immediately notified.

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

28 (5) RIGHT TO INSPECT.--A designated school
29 representative shall have the right of access to, and
30 inspection of, establishments where minors may be employed or
31 detained only for the purpose of ascertaining whether students

1 of compulsory school age are actually employed there and are
2 actually working there regularly. The designated school
3 representative shall, if he or she finds unsatisfactory
4 working conditions or violations of the Child Labor Law,
5 report his or her findings to the appropriate authority.

6 Section 5. Paragraph (a) of subsection (27) of section
7 984.03, Florida Statutes, is amended to read:

8 984.03 Definitions.--When used in this chapter, the
9 term:

10 (27) "Habitually truant" means that:

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

18
19 If a child who is subject to compulsory school attendance is
20 responsive to the interventions described in ss. 1003.26 and
21 1003.27(3) and has completed the necessary requirements to
22 pass the current grade as indicated in the district pupil
23 progression plan, the child shall not be determined to be
24 habitually truant and shall be passed. If a child within the
25 compulsory school attendance age has 15 unexcused absences
26 within 90 calendar days or fails to enroll in school, the
27 State Attorney may, or the appropriate jurisdictional agency
28 shall, file a child-in-need-of-services petition if
29 recommended by the case staffing committee, unless it is
30 determined that another alternative action is preferable. The
31 failure or refusal of the parent or legal guardian or the

1 child to participate, or make a good faith effort to
2 participate, in the activities prescribed to remedy the truant
3 behavior, or the failure or refusal of the child to return to
4 school after participation in activities required by this
5 subsection, or the failure of the child to stop the truant
6 behavior after the school administration and the Department of
7 Juvenile Justice have worked with the child as described in
8 ss. 1003.26 and 1003.27(3) shall be handled as prescribed in
9 s. 1003.27.

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

12 985.03 Definitions.--As used in this chapter, the
13 term:

14 (26) "Habitually truant" means that:

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

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

25
26 If a child who is subject to compulsory school attendance is
27 responsive to the interventions described in ss. 1003.26 and
28 1003.27 and has completed the necessary requirements to pass
29 the current grade as indicated in the district pupil
30 progression plan, the child shall not be determined to be
31 habitually truant and shall be passed. If a child within the

1 compulsory school attendance age has 15 unexcused absences
2 within 90 calendar days or fails to enroll in school, the
3 state attorney may file a child-in-need-of-services petition.
4 Before filing a petition, the child must be referred to the
5 appropriate agency for evaluation. After consulting with the
6 evaluating agency, the state attorney may elect to file a
7 child-in-need-of-services petition.

8 (b)~~(c)~~ A school representative, designated according
9 to school board policy, and a juvenile probation officer of
10 the department have jointly investigated the truancy problem
11 or, if that was not feasible, have performed separate
12 investigations to identify conditions that could be
13 contributing to the truant behavior; and if, after a joint
14 staffing of the case to determine the necessity for services,
15 such services were determined to be needed, the persons who
16 performed the investigations met jointly with the family and
17 child to discuss any referral to appropriate community
18 agencies for economic services, family or individual
19 counseling, or other services required to remedy the
20 conditions that are contributing to the truant behavior.

21 (c)~~(d)~~ The failure or refusal of the parent or legal
22 guardian or the child to participate, or make a good faith
23 effort to participate, in the activities prescribed to remedy
24 the truant behavior, or the failure or refusal of the child to
25 return to school after participation in activities required by
26 this subsection, or the failure of the child to stop the
27 truant behavior after the school administration and the
28 department have worked with the child as described in s.
29 1003.27(3) shall be handled as prescribed in s. 1003.27.

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

1 1002.20 K-12 student and parent rights.--Parents of
2 public school students must receive accurate and timely
3 information regarding their child's academic progress and must
4 be informed of ways they can help their child to succeed in
5 school. K-12 students and their parents are afforded numerous
6 statutory rights including, but not limited to, the following:

7 (2) ATTENDANCE.--

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

13 1. A student who attains the age of 16 years during
14 the school year has the right to file a formal declaration of
15 intent to terminate school enrollment if the declaration is
16 signed by the parent. The parent has the right to be notified
17 by the school district of the district's receipt of the
18 student's declaration of intent to terminate school
19 enrollment.

20 2. Students who become or have become married or who
21 are pregnant and parenting have the right to attend school and
22 receive the same or equivalent educational instruction as
23 other students.

24 (b) Regular school attendance.--Parents of students
25 who have attained the age of 6 years by February 1 of any
26 school year but who have not attained the age of 16 years, or
27 the age adopted by district school board policy pursuant to s.
28 1003.21(1), must comply with the compulsory school attendance
29 laws. Parents have the option to comply with the school
30 attendance laws by attendance of the student in a public
31 school; a parochial, religious, or denominational school; a

1 private school; a home education program; or a private
2 tutoring program, in accordance with the provisions of s.
3 1003.01(13).

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

6 1003.01 Definitions.--As used in this chapter, the
7 term:

8 (8) "Habitual truant" means a student who has 15
9 unexcused absences within 90 calendar days with or without the
10 knowledge or consent of the student's parent, is subject to
11 compulsory school attendance under s. 1003.21(1) and (2)(a),
12 and is not exempt under s. 1003.21(3) ~~or s. 1003.24~~, or by
13 meeting the criteria for any other exemption specified by law
14 or rules of the State Board of Education. Such a student must
15 have been the subject of the activities specified in ss.
16 1003.26 and 1003.27(3), without resultant successful
17 remediation of the truancy problem before being dealt with as
18 a child in need of services according to the provisions of
19 chapter 984.

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

21

22 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
23 COMMITTEE SUBSTITUTE FOR
24 Senate Bill 772

25

26 Restores current language to retain exemptions from parental
27 responsibility for excused absences with permission, absences
28 due to financial inability, and absences due to sickness,
29 injury, or other unsurmountable condition but strikes the
30 provision holding the parent accountable for absences without
31 knowledge of the parent.

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