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1 A bill to be entitled  
2 An act relating to public school attendance; creating s.  
3 1003.215, F.S.; creating the Student Preparedness Pilot  
4 Program; requiring selected school districts, including  
5 the Duval County School District, to review and identify  
6 curricula options for certain students; requiring students  
7 who attain the age of 16 years but have not reached the  
8 age of 18 years in pilot program districts who do not  
9 regularly attend school to be subject to specific  
10 attendance and completion requirements; providing for an  
11 application and selection process for school district  
12 participation; specifying procedures for termination of  
13 school enrollment and requirements for pilot program  
14 attendance and completion; specifying that students who  
15 select a nontraditional academic option are not eligible  
16 students for purposes of school grading; requiring an  
17 annual study and reporting by the Office of Program Policy  
18 Analysis and Government Accountability; amending s.  
19 1003.01, F.S.; providing that habitual truancy provisions  
20 apply to students subject to pilot program requirements;  
21 defining regular program attendance in a pilot program  
22 school district; amending s. 1003.21, F.S.; requiring a  
23 student in a pilot program school district to be informed  
24 of the program's attendance and completion requirements;  
25 amending s. 1003.26, F.S.; conforming cross-references;  
26 providing an effective date.

27  
28 Be It Enacted by the Legislature of the State of Florida:

29  
30 Section 1. Section 1003.215, Florida Statutes, is created  
31 to read:

32 1003.215 Student Preparedness Pilot Program.--

33 (1) The Legislature finds it to be in the public interest  
34 that all students exit from the public schools with academic  
35 skills that provide the students with the opportunity to pursue  
36 postsecondary education or with skills that lead to ready to  
37 work certification, industry certification, or skill licensure.

38 (2) (a) Beginning with the 2009-2010 school year, and  
39 continuing through the 2015-2016 school year, there is created  
40 the Student Preparedness Pilot Program to be piloted by school  
41 districts. Students in a school district selected to implement  
42 the pilot program pursuant to subsection (3) who attain the age  
43 of 16 years but have not reached the age of 18 years and who  
44 choose to exercise their option not to regularly attend school  
45 pursuant to s. 1003.21(1)(c) shall be subject to the attendance  
46 and completion requirements of this section.

47 (b) In the 2009-2010 school year, each school district  
48 selected pursuant to subsection (3) shall review, identify, and  
49 develop curricula options for the implementation of the pilot  
50 program requirements pursuant to paragraph (5)(a) for students  
51 who attain the age of 16 years but have not reached the age of  
52 18 years whose academic goals may not include a traditional high  
53 school diploma. These options shall include, but are not limited  
54 to, nontraditional academic options and flexible attendance  
55 options and may include a phase-in of students by age or grade.  
56 Each selected school district must develop a plan to meet the

57 student's needs and the attendance and completion requirements  
58 of this section prior to implementation of the pilot program in  
59 the 2010-2011 school year.

60 (3) The Department of Education shall develop an  
61 application process for school districts to apply to participate  
62 in the pilot program. The State Board of Education shall select  
63 the pilot program districts, at least one of which shall be a  
64 district with a student population in excess of 100,000  
65 students, one of which shall be a district with a student  
66 population of 25,000 to 100,000 students, and one of which shall  
67 be a district with a student population of fewer than 25,000  
68 students. One of the districts selected by the state board shall  
69 be the Duval County School District. The state board shall  
70 select participating districts from among those applying based  
71 on their dropout rates and opportunities for providing training  
72 in job skills that lead to ready to work certification, industry  
73 certification, or skill licensure.

74 (4) Parents of public school students enrolled in a  
75 participating pilot program district must receive accurate and  
76 timely information regarding their child's academic progress and  
77 must be informed of ways they can help their child to succeed in  
78 school.

79 (5) (a) A student in a participating pilot program district  
80 who attains the age of 16 years but has not reached the age of  
81 18 years has the right to file a formal declaration of intent to  
82 terminate school enrollment if the declaration is signed by the  
83 parent. The parent has the right to be notified by the school  
84 district of the district's receipt of the student's declaration

85 of intent to terminate school enrollment. The student's guidance  
86 counselor or other school personnel must conduct an exit  
87 interview pursuant to s. 1003.21(1)(c). Any student in a  
88 participating pilot program district who files a declaration  
89 seeking to terminate school enrollment but has not reached the  
90 age of 18 years shall be required, until completion or  
91 attainment of the age of 18 years, to continue pursuing credits  
92 toward a high school diploma, pursue a high school equivalency  
93 diploma with participation in the Florida Ready to Work  
94 Certification Program under s. 1004.99, participate in a career  
95 or job training program leading to industry certification or  
96 skill licensure that is developed by or in cooperation with the  
97 district school board, or participate in the Florida Ready to  
98 Work Certification Program under s. 1004.99.

99 (b) A Student Preparedness Pilot Program student subject  
100 to the attendance and completion requirements of this section is  
101 not an "eligible student" for purposes of school grading under  
102 s. 1008.34(3)(b) if the student has selected a nontraditional  
103 academic option of the pilot program.

104 (6) Students who become or have become married or who are  
105 pregnant and parenting have the right to attend school and  
106 receive the same or equivalent educational instruction as other  
107 students.

108 (7) The Office of Program Policy Analysis and Government  
109 Accountability (OPPAGA), in cooperation with the participating  
110 pilot program districts, the applicable state attorneys' offices  
111 and regional workforce boards, the Agency for Workforce  
112 Innovation, the Department of Education, and the Department of

113 Juvenile Justice, shall conduct a study annually of the impact  
 114 of the pilot program on dropout and graduation rates, on the  
 115 employability of students, and on juvenile crime, using 2008-  
 116 2009 data as the baseline for the research. OPPAGA shall develop  
 117 criteria for collection and reporting of data with input from  
 118 the cooperating entities. The results of each annual report  
 119 shall be made available to participating pilot program  
 120 districts, the applicable state attorneys' offices and regional  
 121 workforce boards, the Agency for Workforce Education, the  
 122 Department of Education, the Department of Juvenile Justice, the  
 123 Governor, the President of the Senate, and the Speaker of the  
 124 House of Representatives by January 1 following each school  
 125 year, beginning January 1, 2013.

126 Section 2. Subsections (8) and (13) of section 1003.01,  
 127 Florida Statutes, are amended to read:

128 1003.01 Definitions.--As used in this chapter, the term:

129 (8) "Habitual truant" means a student who: has 15  
 130 unexcused absences within 90 calendar days with or without the  
 131 knowledge or consent of the student's parent; ~~is subject to~~  
 132 compulsory school attendance under s. 1003.21(1) and (2)(a) or  
 133 is subject to the Student Preparedness Pilot Program under s.  
 134 1003.215; ~~and is not exempt under s. 1003.21(3), or s. 1003.24,~~  
 135 ~~or by meeting the criteria for any other exemption specified by~~  
 136 law or rules of the State Board of Education. Such a student  
 137 must have been the subject of the activities specified in ss.  
 138 1003.26 and 1003.27(3), without resultant successful remediation  
 139 of the truancy problem before being dealt with as a child in  
 140 need of services according to the provisions of chapter 984.

141           (13) (a) "Regular school attendance" means the actual  
 142 attendance of a student during the school day as defined by law  
 143 and rules of the State Board of Education. Regular attendance  
 144 within the intent of s. 1003.21 may be achieved by attendance  
 145 in:

- 146           ~~1.(a)~~ A public school supported by public funds;
- 147           ~~2.(b)~~ A parochial, religious, or denominational school;
- 148           ~~3.(c)~~ A private school supported in whole or in part by  
 149 tuition charges or by endowments or gifts;
- 150           ~~4.(d)~~ A home education program that meets the requirements  
 151 of chapter 1002; or
- 152           ~~5.(e)~~ A private tutoring program that meets the  
 153 requirements of chapter 1002.

154           (b) "Regular program attendance" for a student in the  
 155 Student Preparedness Pilot Program under s. 1003.215 means  
 156 actual attendance by the student in traditional or  
 157 nontraditional academic options as defined by law and rules of  
 158 the State Board of Education. The district school superintendent  
 159 shall be responsible for enforcing such attendance.

160           Section 3. Paragraph (c) of subsection (1) of section  
 161 1003.21, Florida Statutes, is amended to read:

162           1003.21 School attendance.--

163           (1)

164           (c) A student who attains the age of 16 years during the  
 165 school year is not subject to compulsory school attendance  
 166 beyond the date upon which he or she attains that age if the  
 167 student files a formal declaration of intent to terminate school  
 168 enrollment with the district school board. Public school

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169 students who have attained the age of 16 years and who have not  
170 graduated are subject to compulsory school attendance until the  
171 formal declaration of intent is filed with the district school  
172 board. The declaration must acknowledge that terminating school  
173 enrollment is likely to reduce the student's earning potential  
174 and must be signed by the student and the student's parent. The  
175 school district must notify the student's parent of receipt of  
176 the student's declaration of intent to terminate school  
177 enrollment. The student's guidance counselor or other school  
178 personnel must conduct an exit interview with the student to  
179 determine the reasons for the student's decision to terminate  
180 school enrollment and actions that could be taken to keep the  
181 student in school. The student must be informed of opportunities  
182 to continue his or her education in a different environment,  
183 including, but not limited to, adult education and GED test  
184 preparation. Additionally, the student must complete a survey in  
185 a format prescribed by the Department of Education to provide  
186 data on student reasons for terminating enrollment and actions  
187 taken by schools to keep students enrolled. A student enrolled  
188 in a Student Preparedness Pilot Program school district must  
189 receive information regarding the program's attendance and  
190 completion requirements under s. 1003.215.

191 Section 4. Paragraph (f) of subsection (1) of section  
192 1003.26, Florida Statutes, is amended to read:

193 1003.26 Enforcement of school attendance.--The Legislature  
194 finds that poor academic performance is associated with  
195 nonattendance and that school districts must take an active role  
196 in promoting and enforcing attendance as a means of improving

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197 student performance. It is the policy of the state that each  
198 district school superintendent be responsible for enforcing  
199 school attendance of all students subject to the compulsory  
200 school age in the school district and supporting enforcement of  
201 school attendance by local law enforcement agencies. The  
202 responsibility includes recommending policies and procedures to  
203 the district school board that require public schools to respond  
204 in a timely manner to every unexcused absence, and every absence  
205 for which the reason is unknown, of students enrolled in the  
206 schools. District school board policies shall require the parent  
207 of a student to justify each absence of the student, and that  
208 justification will be evaluated based on adopted district school  
209 board policies that define excused and unexcused absences. The  
210 policies must provide that public schools track excused and  
211 unexcused absences and contact the home in the case of an  
212 unexcused absence from school, or an absence from school for  
213 which the reason is unknown, to prevent the development of  
214 patterns of nonattendance. The Legislature finds that early  
215 intervention in school attendance is the most effective way of  
216 producing good attendance habits that will lead to improved  
217 student learning and achievement. Each public school shall  
218 implement the following steps to promote and enforce regular  
219 school attendance:

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

221 (f)1. If the parent of a child who has been identified as  
222 exhibiting a pattern of nonattendance enrolls the child in a  
223 home education program pursuant to chapter 1002, the district  
224 school superintendent shall provide the parent a copy of s.



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225 1002.41 and the accountability requirements of this paragraph.  
226 The district school superintendent shall also refer the parent  
227 to a home education review committee composed of the district  
228 contact for home education programs and at least two home  
229 educators selected by the parent from a district list of all  
230 home educators who have conducted a home education program for  
231 at least 3 years and who have indicated a willingness to serve  
232 on the committee. The home education review committee shall  
233 review the portfolio of the student, as defined by s. 1002.41,  
234 every 30 days during the district's regular school terms until  
235 the committee is satisfied that the home education program is in  
236 compliance with s. 1002.41(1)(b). The first portfolio review  
237 must occur within the first 30 calendar days of the  
238 establishment of the program. The provisions of subparagraph 2.  
239 do not apply once the committee determines the home education  
240 program is in compliance with s. 1002.41(1)(b).

241 2. If the parent fails to provide a portfolio to the  
242 committee, the committee shall notify the district school  
243 superintendent. The district school superintendent shall then  
244 terminate the home education program and require the parent to  
245 enroll the child in an attendance option that meets the  
246 definition of "regular school attendance" under s.  
247 1003.01(13)(a) 1., 2., 3., or 5. ~~(b), (c), or (e)~~, within 3  
248 days. Upon termination of a home education program pursuant to  
249 this subparagraph, the parent shall not be eligible to reenroll  
250 the child in a home education program for 180 calendar days.  
251 Failure of a parent to enroll the child in an attendance option  
252 as required by this subparagraph after termination of the home

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253 education program pursuant to this subparagraph shall constitute  
254 noncompliance with the compulsory attendance requirements of s.  
255 1003.21 and may result in criminal prosecution under s.  
256 1003.27(2). Nothing contained herein shall restrict the ability  
257 of the district school superintendent, or the ability of his or  
258 her designee, to review the portfolio pursuant to s.  
259 1002.41(1)(b).

260 Section 5. This act shall take effect July 1, 2009.