

By Senator Wise

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1 A bill to be entitled
2 An act relating to public school attendance; amending
3 ss. 1002.01, 1002.20, 1002.42, and 1002.43, F.S.;
4 conforming cross-references; amending s. 1003.01,
5 F.S.; redefining the term "habitual truancy" to apply
6 to students who are subject to pilot program
7 requirements; defining the term "regular program
8 attendance" to conform to changes made by the act;
9 amending s. 1003.21, F.S.; requiring that a student in
10 a pilot program school district be informed of
11 attendance and completion requirements; creating s.
12 1003.215, F.S.; creating the Student Preparedness
13 Pilot Program; requiring that the Duval County School
14 District and each selected school district review and
15 identify curricula options for certain students;
16 requiring that students in pilot program districts who
17 attain the age of 16 years but have not reached the
18 age of 18 years and who do not regularly attend school
19 be subject to specific attendance and completion
20 requirements; providing for an application and
21 selection process for school district participation;
22 specifying procedures for termination of school
23 enrollment and requirements for pilot program
24 attendance and completion; providing that students who
25 select a nontraditional academic option are not
26 eligible students for purposes of school grading;
27 requiring that the Office of Program Policy Analysis
28 and Government Accountability conduct and submit an
29 annual study and report; amending s. 1003.26, F.S.;

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30 conforming a cross-reference; providing an effective
31 date.

32
33 Be It Enacted by the Legislature of the State of Florida:

34
35 Section 1. Section 1002.01, Florida Statutes, is amended to
36 read:

37 1002.01 Definitions.—

38 (1) A "home education program" means the sequentially
39 progressive instruction of a student directed by his or her
40 parent in order to satisfy the attendance requirements in ~~of~~ ss.
41 1002.41, 1003.01(13)(a) ~~1003.01(13)~~, and 1003.21(1).

42 (2) A "private school" is a nonpublic school defined as an
43 individual, association, copartnership, or corporation, or
44 department, division, or section of such organizations, that
45 designates itself as an educational center that includes
46 kindergarten or a higher grade or as an elementary, secondary,
47 business, technical, or trade school below college level or any
48 organization that provides instructional services that meet the
49 requirements in s. 1003.01(13)(a) ~~intent of s. 1003.01(13)~~ or
50 that gives preemployment or supplementary training in technology
51 or in fields of trade or industry or that offers academic,
52 literary, or career training below college level, or any
53 combination of the above, including an institution that performs
54 the functions of the above schools through correspondence or
55 extension, except those licensed under the provisions of chapter
56 1005. A private school may be a parochial, religious,
57 denominational, for-profit, or nonprofit school. This definition
58 does not include home education programs conducted in accordance

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59 with s. 1002.41.

60 Section 2. Paragraph (b) of subsection (2) of section
61 1002.20, Florida Statutes, is amended to read:

62 1002.20 K-12 student and parent rights.—Parents of public
63 school students must receive accurate and timely information
64 regarding their child's academic progress and must be informed
65 of ways they can help their child to succeed in school. K-12
66 students and their parents are afforded numerous statutory
67 rights including, but not limited to, the following:

68 (2) ATTENDANCE.—

69 (b) *Regular school attendance*.—Parents of students who have
70 attained the age of 6 years by February 1 of any school year but
71 who have not attained the age of 16 years must comply with the
72 compulsory school attendance laws. Parents have the option to
73 comply with the school attendance laws by attendance of the
74 student in a public school; a parochial, religious, or
75 denominational school; a private school; a home education
76 program; or a private tutoring program, pursuant to s.
77 1003.01(13)(a) ~~in accordance with the provisions of s.~~
78 ~~1003.01(13)~~.

79 Section 3. Subsection (7) of section 1002.42, Florida
80 Statutes, is amended to read:

81 1002.42 Private schools.—

82 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a
83 private, parochial, religious, or denominational school
84 satisfies the attendance requirements in ~~of~~ ss. 1003.01(13)(a)
85 ~~1003.01(13)~~ and 1003.21(1).

86 Section 4. Subsection (1) of section 1002.43, Florida
87 Statutes, is amended to read:

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88 1002.43 Private tutoring programs.—

89 (1) Regular school attendance as defined in s.
90 1003.01(13)(a) ~~s. 1003.01(13)~~ may be achieved by attendance in a
91 private tutoring program if the person tutoring the student
92 meets the following requirements:

93 (a) Holds a valid Florida certificate to teach the subjects
94 or grades in which instruction is given.

95 (b) Keeps all records and makes all reports required by the
96 state and district school board and makes regular reports on the
97 attendance of students in accordance with the provisions of s.
98 1003.23(2).

99 (c) Requires students to be in actual attendance for the
100 minimum length of time prescribed by s. 1011.60(2).

101 Section 5. Subsections (8) and (13) of section 1003.01,
102 Florida Statutes, are amended to read:

103 1003.01 Definitions.—As used in this chapter, the term:

104 (8) "Habitual truant" means a student who has 15 unexcused
105 absences within 90 calendar days with or without the knowledge
106 or consent of the student's parent; is subject to compulsory
107 school attendance under s. 1003.21(1) and (2)(a) or is subject
108 to the Student Preparedness Pilot Program under s. 1003.215;
109 and is not exempt under s. 1003.21(3), ~~or~~ s. 1003.24, or ~~by~~
110 ~~meeting the criteria for~~ any other exemption specified by law or
111 rules of the State Board of Education. Such a student must have
112 been the subject of the activities specified in ss. 1003.26 and
113 1003.27(3), without resultant successful remediation of the
114 truancy problem before being dealt with as a child in need of
115 services according to the provisions of chapter 984.

116 (13) (a) "Regular school attendance" means the actual

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117 attendance of a student during the school day as defined by law
118 and rules of the State Board of Education. Regular attendance
119 within the intent of s. 1003.21 may be achieved by attendance
120 in:

121 1.~~(a)~~ A public school supported by public funds;

122 2.~~(b)~~ A parochial, religious, or denominational school;

123 3.~~(e)~~ A private school supported in whole or in part by
124 tuition charges or by endowments or gifts;

125 4.~~(d)~~ A home education program that meets the requirements
126 of chapter 1002; or

127 5.~~(e)~~ A private tutoring program that meets the
128 requirements of chapter 1002.

129 (b) "Regular program attendance" means actual attendance by
130 a student who is participating in the Student Preparedness Pilot
131 Program under s. 1003.215 and who has selected a traditional or
132 nontraditional academic option as defined by law and rules of
133 the State Board of Education. The district school superintendent
134 shall enforce the attendance of the student.

135 Section 6. Paragraph (c) of subsection (1) of section
136 1003.21, Florida Statutes, is amended to read:

137 1003.21 School attendance.—

138 (1)

139 (c) A student who attains the age of 16 years during the
140 school year is not subject to compulsory school attendance
141 beyond the date upon which he or she attains that age if the
142 student files a formal declaration of intent to terminate school
143 enrollment with the district school board. Public school
144 students who have attained the age of 16 years and who have not
145 graduated are subject to compulsory school attendance until the

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146 formal declaration of intent is filed with the district school
147 board. The declaration must acknowledge that terminating school
148 enrollment is likely to reduce the student's earning potential
149 and must be signed by the student and the student's parent. The
150 school district must notify the student's parent of receipt of
151 the student's declaration of intent to terminate school
152 enrollment. The student's guidance counselor or other school
153 personnel must conduct an exit interview with the student to
154 determine the reasons for the student's decision to terminate
155 school enrollment and actions that could be taken to keep the
156 student in school. The student must be informed of opportunities
157 to continue his or her education in a different environment,
158 including, but not limited to, adult education and GED test
159 preparation. Additionally, the student must complete a survey in
160 a format prescribed by the Department of Education to provide
161 data on student reasons for terminating enrollment and actions
162 taken by schools to keep students enrolled. A student enrolled
163 in a Student Preparedness Pilot Program school district must
164 receive information regarding the program's attendance and
165 completion requirements under s. 1003.215.

166 Section 7. Section 1003.215, Florida Statutes, is created
167 to read:

168 1003.215 Student Preparedness Pilot Program.—

169 (1) The Legislature finds that it is in the public interest
170 that all students exit from public schools having attained
171 academic skills that provide the students the opportunity to
172 pursue postsecondary education or having attained skills that
173 lead to ready-to-work certification, industry certification, or
174 skill licensure.

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175 (2) (a) Beginning with the 2011-2012 school year, and
176 continuing through the 2017-2018 school year, there is created
177 the Student Preparedness Pilot Program, which shall be
178 implemented as a pilot program by school districts. Students in
179 a school district selected to implement the pilot program
180 pursuant to subsection (3) who attain the age of 16 years, but
181 have not reached the age of 18 years, and who choose to exercise
182 their option not to regularly attend school pursuant to s.
183 1003.21(1) (c) shall be subject to the attendance and completion
184 requirements in this section.

185 (b) In the 2011-2012 school year, each school district
186 selected pursuant to subsection (3) shall review, identify, and
187 develop curricula options for the implementation of the pilot
188 program requirements pursuant to paragraph (5) (a) for students
189 who attain the age of 16 years, but have not reached the age of
190 18 years, and whose academic goals may not include a traditional
191 high school diploma. These options shall include, but are not
192 limited to, nontraditional academic options and flexible
193 attendance options, and may include a phasing in of students by
194 age or grade. Each selected school district must develop a plan
195 to meet the student's needs and the attendance and completion
196 requirements in this section before the pilot program is
197 implemented in the 2012-2013 school year.

198 (3) The Department of Education shall develop an
199 application process for all school districts to apply to
200 participate in the pilot program. The State Board of Education
201 shall select the pilot program districts, one of which shall be
202 the Duval County School District.

203 (4) Parents of public school students enrolled in a

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204 participating pilot program district must receive accurate and
205 timely information regarding their child's academic progress and
206 must be informed of ways they can help their child succeed in
207 school.

208 (5) (a) A student in a participating pilot program district
209 who attains the age of 16 years, but has not reached the age of
210 18 years, has the right to file a formal declaration of intent
211 to terminate school enrollment if the declaration is signed by
212 the parent. The parent has the right to be notified by the
213 school district of the district's receipt of the student's
214 declaration of intent to terminate school enrollment. The
215 student's guidance counselor or other school personnel must
216 conduct an exit interview pursuant to s. 1003.21(1)(c). Any
217 student in a participating pilot program district who files a
218 declaration seeking to terminate school enrollment but has not
219 reached the age of 18 years shall be required, until completion
220 or attainment of the age of 18 years, to continue pursuing
221 credits toward a high school diploma, pursue a high school
222 equivalency diploma along with participation in the Florida
223 Ready to Work Certification Program under s. 1004.99,
224 participate in a career or job training program leading to
225 industry certification or skill licensure that is developed by
226 or in cooperation with the district school board, or participate
227 in the Florida Ready to Work Certification Program under s.
228 1004.99.

229 (b) A Student Preparedness Pilot Program student subject to
230 the attendance and completion requirements in this section is
231 not an eligible student for purposes of school grading under s.
232 1008.34(3)(c) if the student has selected a nontraditional

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233 academic option as part of the pilot program.

234 (6) Students who are or become married or who are pregnant
235 and parenting have the right to attend school and receive the
236 same or equivalent educational instruction as other students.

237 (7) The Office of Program Policy Analysis and Government
238 Accountability (OPPAGA), in cooperation with the participating
239 pilot program districts, the applicable state attorneys' offices
240 and regional workforce boards, the Agency for Workforce
241 Innovation, the Department of Education, and the Department of
242 Juvenile Justice, shall conduct a study annually of the impact
243 of the pilot program on dropout and graduation rates, on the
244 employability of students, and on juvenile crime, using 2010-
245 2011 data as the baseline for the research. OPPAGA shall develop
246 criteria for the collection and reporting of data using input
247 from the cooperating entities. The results of each annual report
248 shall be made available to participating pilot program
249 districts, the applicable state attorneys' offices and regional
250 workforce boards, the Agency for Workforce Education, the
251 Department of Education, the Department of Juvenile Justice, the
252 Governor, the President of the Senate, and the Speaker of the
253 House of Representatives by January 1 following each school
254 year, beginning January 1, 2015.

255 Section 8. Paragraph (f) of subsection (1) of section
256 1003.26, Florida Statutes, is amended to read:

257 1003.26 Enforcement of school attendance.—The Legislature
258 finds that poor academic performance is associated with
259 nonattendance and that school districts must take an active role
260 in promoting and enforcing attendance as a means of improving
261 student performance. It is the policy of the state that each

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262 district school superintendent be responsible for enforcing
263 school attendance of all students subject to the compulsory
264 school age in the school district and supporting enforcement of
265 school attendance by local law enforcement agencies. The
266 responsibility includes recommending policies and procedures to
267 the district school board that require public schools to respond
268 in a timely manner to every unexcused absence, and every absence
269 for which the reason is unknown, of students enrolled in the
270 schools. District school board policies shall require the parent
271 of a student to justify each absence of the student, and that
272 justification will be evaluated based on adopted district school
273 board policies that define excused and unexcused absences. The
274 policies must provide that public schools track excused and
275 unexcused absences and contact the home in the case of an
276 unexcused absence from school, or an absence from school for
277 which the reason is unknown, to prevent the development of
278 patterns of nonattendance. The Legislature finds that early
279 intervention in school attendance is the most effective way of
280 producing good attendance habits that will lead to improved
281 student learning and achievement. Each public school shall
282 implement the following steps to promote and enforce regular
283 school attendance:

284 (1) CONTACT, REFER, AND ENFORCE.—

285 (f)1. If the parent of a child who has been identified as
286 exhibiting a pattern of nonattendance enrolls the child in a
287 home education program pursuant to chapter 1002, the district
288 school superintendent shall provide the parent a copy of s.
289 1002.41 and the accountability requirements in ~~of~~ this
290 paragraph. The district school superintendent shall also refer

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291 the parent to a home education review committee composed of the
292 district contact for home education programs and at least two
293 home educators selected by the parent from a district list of
294 all home educators who have conducted a home education program
295 for at least 3 years and who have indicated a willingness to
296 serve on the committee. The home education review committee
297 shall review the portfolio of the student, as defined by s.
298 1002.41, every 30 days during the district's regular school
299 terms until the committee is satisfied that the home education
300 program is in compliance with s. 1002.41(1)(b). The first
301 portfolio review must occur within the first 30 calendar days of
302 the establishment of the program. The provisions of subparagraph
303 2. do not apply once the committee determines the home education
304 program is in compliance with s. 1002.41(1)(b).

305 2. If the parent fails to provide a portfolio to the
306 committee, the committee shall notify the district school
307 superintendent. The district school superintendent shall then
308 terminate the home education program and require the parent to
309 enroll the child in an attendance option that meets the
310 definition of "regular school attendance" under s.
311 1003.01(13)(a) 1., 2., 3., or 5. ~~(b), (c), or (e)~~, within 3
312 days. Upon termination of a home education program pursuant to
313 this subparagraph, the parent shall not be eligible to reenroll
314 the child in a home education program for 180 calendar days.
315 Failure of a parent to enroll the child in an attendance option
316 as required by this subparagraph after termination of the home
317 education program pursuant to this subparagraph shall constitute
318 noncompliance with the compulsory attendance requirements of s.
319 1003.21 and may result in criminal prosecution under s.

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320 1003.27(2). Nothing contained herein shall restrict the ability
321 of the district school superintendent, or the ability of his or
322 her designee, to review the portfolio pursuant to s.

323 1002.41(1)(b).

324 Section 9. This act shall take effect July 1, 2011.