

Amendment No. 4

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<u>    </u>	(Y/N)
ADOPTED AS AMENDED	<u>    </u>	(Y/N)
ADOPTED W/O OBJECTION	<u>    </u>	(Y/N)
FAILED TO ADOPT	<u>    </u>	(Y/N)
WITHDRAWN	<u>    </u>	(Y/N)
OTHER	<u>    </u>	

1 Committee/Subcommittee hearing bill: Education Committee  
 2 Representative Adkins offered the following:

**Amendment**

5 Remove lines 570-641 and insert:

6 (2) ~~NONENROLLMENT AND NONATTENDANCE CASES.-~~

7 (a) Once all reasonable efforts to resolve a student's  
 8 nonattendance under s. 1003.26(2) (a) are exhausted, In each case  
 9 of nonenrollment or of nonattendance upon the part of a student  
 10 who is required to attend some school, when no valid reason for  
 11 such nonenrollment or nonattendance is found, the district  
 12 school superintendent shall institute a criminal prosecution  
 13 against the student's parent.

14 (b) Each public school principal or the principal's  
 15 designee shall notify the district school board of each minor  
 16 student under its jurisdiction who is habitually truant as  
 17 defined in s. 1003.01(8) accumulates 15 unexcused absences in a

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18 ~~period of 90 calendar days.~~ Each designee of the governing body  
19 of each private school, and each parent whose child is enrolled  
20 in a home education program, may provide the Department of  
21 Highway Safety and Motor Vehicles with the legal name, sex, date  
22 of birth, and social security number of each minor student under  
23 his or her jurisdiction who fails to satisfy relevant attendance  
24 requirements and who fails to otherwise satisfy the requirements  
25 of s. 322.091. The district school superintendent must provide  
26 the Department of Highway Safety and Motor Vehicles the legal  
27 name, sex, date of birth, and social security number of each  
28 minor student who has been reported under this paragraph and who  
29 fails to otherwise satisfy the requirements of s. 322.091. The  
30 Department of Highway Safety and Motor Vehicles may not issue a  
31 driver license or learner's driver license to, and shall suspend  
32 any previously issued driver license or learner's driver license  
33 of, any such minor student, pursuant to the provisions of s.  
34 322.091.

35 (4) NONENROLLMENT CASES.—Once all reasonable efforts to  
36 resolve a student's nonenrollment under s. 1003.26(2)(b) are  
37 exhausted, including parental notice and referral to the case  
38 staffing committee, the district school superintendent shall  
39 institute a criminal prosecution against the student's parent.

40 (5)-(4) COOPERATIVE AGREEMENTS.—The circuit manager of the  
41 Department of Juvenile Justice or the circuit manager's  
42 designee, the district administrator of the Department of  
43 Children and Families or the district administrator's designee,

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44 and the district school superintendent or the superintendent's  
45 designee must develop a cooperative interagency agreement that:

46 (a) Clearly defines each department's role,  
47 responsibility, and function in working with habitual truants  
48 and their families.

49 (b) Identifies and implements measures to resolve and  
50 reduce truant behavior.

51 (c) Addresses issues of streamlining service delivery, the  
52 appropriateness of legal intervention, case management, the role  
53 and responsibility of the case staffing committee, student and  
54 parental intervention and involvement, and community action  
55 plans.

56 (d) Delineates timeframes for implementation and  
57 identifies a mechanism for reporting results by the circuit  
58 juvenile justice manager or the circuit manager's designee and  
59 the district school superintendent or the superintendent's  
60 designee to the Department of Juvenile Justice and the  
61 Department of Education and other governmental entities as  
62 needed.

63 (e) Designates which agency is responsible for each of the  
64 intervention steps in this section, to yield more effective and  
65 efficient intervention services.

66 ~~(6)-(5)~~ ATTENDANCE REGISTER AS EVIDENCE.—The register of  
67 enrollment and attendance of students at a public, ~~parochial,~~  
68 ~~religious, denominational,~~ or private school, or of students  
69 taught by a private tutor, kept in compliance with s. 1003.23

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70 ~~rules of the State Board of Education is prima facie evidence~~  
71 ~~that a student is enrolled in and attending the public school,~~  
72 ~~private school, or private tutoring program of the facts which~~  
73 ~~it is required to show. A certified copy of any rule and a~~  
74 ~~statement of the date of its adoption by the State Board of~~  
75 ~~Education is admissible as prima facie evidence of the~~  
76 ~~provisions of the rule and of the date of its adoption.~~

77 ~~(7) (6)~~ PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—

78 Proceedings or prosecutions under this chapter may be commenced  
79 by the district school superintendent, by a designated school  
80 representative, by the probation officer of the county, by the  
81 executive officer of any court of competent jurisdiction, by an  
82 officer of any court of competent jurisdiction, or by a duly  
83 authorized agent of the Department of Education or the  
84 Department of Juvenile Justice. If a proceeding has been  
85 commenced against both a parent and a child pursuant to this  
86 chapter, the presiding courts shall make every effort to  
87 coordinate sanctions against the child and parent, including  
88 ordering the child and parent to perform community service hours  
89 or attend counseling together.

90 ~~(8) (7)~~—PENALTIES.—The penalties for refusing or failing to  
91 comply with this chapter shall be as follows:

92 (a) The parent.—

93 1. A parent who refuses or fails to have a minor student  
94 who is under his or her control enroll in or attend school  
95 regularly, or who refuses or fails to comply with the

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96 requirements in subsection (3), commits a misdemeanor of the  
97 second degree, punishable as provided in s. 775.082 or s.  
98 775.083.

99       2. The continued or habitual absence of a minor student  
100 without the consent of the principal or teacher in charge of the  
101 school he or she attends or should attend, or of the tutor who  
102 instructs or should instruct him or her, is prima facie evidence  
103 of a violation of this chapter; however, a showing that the  
104 parent has made a bona fide and diligent effort to control and  
105 keep the student in school shall be an affirmative defense to  
106 any criminal or other liability under this subsection and the  
107 court shall refer the parent and child for counseling, guidance,  
108 or other needed services.

109       3. In addition to any other punishment, the court shall  
110 order a parent who has violated this section to send the minor  
111 student to school, and may also order the parent to participate  
112 in an approved parent training class, attend school with the  
113 student unless this would cause undue hardship, perform  
114 community service hours at the school, or participate in  
115 counseling or other services, as appropriate. If a parent is  
116 ordered to attend school with a student, the school shall  
117 provide for programming to educate the parent and student on the  
118 importance of school attendance. It shall be unlawful to  
119 terminate any employee solely because he or she is attending  
120 school with his or her child pursuant to a court order.

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