

By Senator Rouson

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1 A bill to be entitled
2 An act relating to the enforcement of school
3 attendance; amending s. 1003.26, F.S.; authorizing
4 district school boards and charter school governing
5 boards to allow a specified number of mental health
6 days as excused absences for students; providing an
7 effective date.

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9 Be It Enacted by the Legislature of the State of Florida:

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11 Section 1. Section 1003.26, Florida Statutes, is amended to
12 read:

13 1003.26 Enforcement of school attendance.—The Legislature
14 finds that poor academic performance is associated with
15 nonattendance and that school districts must take an active role
16 in promoting and enforcing attendance as a means of improving
17 student performance. It is the policy of the state that each
18 district school superintendent be responsible for enforcing
19 school attendance of all students subject to the compulsory
20 school age in the school district and supporting enforcement of
21 school attendance by local law enforcement agencies. The
22 responsibility includes recommending policies and procedures to
23 the district school board that require public schools to respond
24 in a timely manner to every unexcused absence, and every absence
25 for which the reason is unknown, of students enrolled in the
26 schools. Each district school board and charter school governing
27 board may allow up to 1 mental health day for each semester as
28 an excused absence for a student as part of its policies
29 relating to student absences. District school board policies

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30 shall require the parent of a student to justify each absence of
31 the student, and that justification will be evaluated based on
32 adopted district school board policies that define excused and
33 unexcused absences. The policies must provide that public
34 schools track excused and unexcused absences and contact the
35 home in the case of an unexcused absence from school, or an
36 absence from school for which the reason is unknown, to prevent
37 the development of patterns of nonattendance. The Legislature
38 finds that early intervention in school attendance is the most
39 effective way of producing good attendance habits that will lead
40 to improved student learning and achievement. Each public school
41 shall implement the following steps to promote and enforce
42 regular school attendance:

43 (1) CONTACT, REFER, AND ENFORCE.—

44 (a) Upon each unexcused absence, or absence for which the
45 reason is unknown, the school principal or his or her designee
46 shall contact the student's parent to determine the reason for
47 the absence. If the absence is an excused absence, as defined by
48 district school board policy, the school shall provide
49 opportunities for the student to make up assigned work and not
50 receive an academic penalty unless the work is not made up
51 within a reasonable time.

52 (b) If a student has had at least five unexcused absences,
53 or absences for which the reasons are unknown, within a calendar
54 month or 10 unexcused absences, or absences for which the
55 reasons are unknown, within a 90-calendar-day period, the
56 student's primary teacher shall report to the school principal
57 or his or her designee that the student may be exhibiting a
58 pattern of nonattendance. The principal shall, unless there is

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59 clear evidence that the absences are not a pattern of
60 nonattendance, refer the case to the school's child study team
61 to determine if early patterns of truancy are developing. If the
62 child study team finds that a pattern of nonattendance is
63 developing, whether the absences are excused or not, a meeting
64 with the parent must be scheduled to identify potential
65 remedies, and the principal shall notify the district school
66 superintendent and the school district contact for home
67 education programs that the referred student is exhibiting a
68 pattern of nonattendance.

69 (c) If an initial meeting does not resolve the problem, the
70 child study team shall implement the following:

- 71 1. Frequent attempts at communication between the teacher
72 and the family.
- 73 2. Evaluation for alternative education programs.
- 74 3. Attendance contracts.

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76 The child study team may, but is not required to, implement
77 other interventions, including referral to other agencies for
78 family services or recommendation for filing a truancy petition
79 pursuant to s. 984.151.

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

84 (e) If the parent refuses to participate in the remedial
85 strategies because he or she believes that those strategies are
86 unnecessary or inappropriate, the parent may appeal to the
87 district school board. The district school board may provide a

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88 hearing officer, and the hearing officer shall make a
89 recommendation for final action to the district school board. If
90 the district school board's final determination is that the
91 strategies of the child study team are appropriate, and the
92 parent still refuses to participate or cooperate, the district
93 school superintendent may seek criminal prosecution for
94 noncompliance with compulsory school attendance.

95 (f)1. If the parent of a child who has been identified as
96 exhibiting a pattern of nonattendance enrolls the child in a
97 home education program pursuant to chapter 1002, the district
98 school superintendent shall provide the parent a copy of s.
99 1002.41 and the accountability requirements of this paragraph.
100 The district school superintendent shall also refer the parent
101 to a home education review committee composed of the district
102 contact for home education programs and at least two home
103 educators selected by the parent from a district list of all
104 home educators who have conducted a home education program for
105 at least 3 years and who have indicated a willingness to serve
106 on the committee. The home education review committee shall
107 review the portfolio of the student, as defined by s. 1002.41,
108 every 30 days during the district's regular school terms until
109 the committee is satisfied that the home education program is in
110 compliance with s. 1002.41(1)(d). The first portfolio review
111 must occur within the first 30 calendar days of the
112 establishment of the program. The provisions of subparagraph 2.
113 do not apply once the committee determines the home education
114 program is in compliance with s. 1002.41(1)(d).

115 2. If the parent fails to provide a portfolio to the
116 committee, the committee shall notify the district school

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117 superintendent. The district school superintendent shall then
118 terminate the home education program and require the parent to
119 enroll the child in an attendance option that meets the
120 definition of "regular school attendance" under s.
121 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
122 termination of a home education program pursuant to this
123 subparagraph, the parent shall not be eligible to reenroll the
124 child in a home education program for 180 calendar days. Failure
125 of a parent to enroll the child in an attendance option as
126 required by this subparagraph after termination of the home
127 education program pursuant to this subparagraph shall constitute
128 noncompliance with the compulsory attendance requirements of s.
129 1003.21 and may result in criminal prosecution under s.
130 1003.27(2). Nothing contained herein shall restrict the ability
131 of the district school superintendent, or the ability of his or
132 her designee, to review the portfolio pursuant to s.
133 1002.41(1)(e).

134 (g) If a student subject to compulsory school attendance
135 will not comply with attempts to enforce school attendance, the
136 parent or the district school superintendent or his or her
137 designee shall refer the case to the case staffing committee
138 pursuant to s. 984.12, and the district school superintendent or
139 his or her designee may file a truancy petition pursuant to the
140 procedures in s. 984.151.

141 (2) GIVE WRITTEN NOTICE.—

142 (a) Under the direction of the district school
143 superintendent, a designated school representative shall give
144 written notice that requires enrollment or attendance within 3
145 days after the date of notice, in person or by return-receipt

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146 mail, to the parent when no valid reason is found for a
147 student's nonenrollment in school. If the notice and requirement
148 are ignored, the designated school representative shall report
149 the case to the district school superintendent, who may refer
150 the case to the child study team in paragraph (1)(b) at the
151 school the student would be assigned according to district
152 school board attendance area policies or to the case staffing
153 committee, established pursuant to s. 984.12. The child study
154 team shall diligently facilitate intervention services and shall
155 report the case back to the district school superintendent only
156 when all reasonable efforts to resolve the nonenrollment
157 behavior are exhausted. If the parent still refuses to cooperate
158 or enroll the child in school, the district school
159 superintendent shall take such steps as are necessary to bring
160 criminal prosecution against the parent.

161 (b) Subsequent to the activities required under subsection
162 (1), the district school superintendent or his or her designee
163 shall give written notice in person or by return-receipt mail to
164 the parent that criminal prosecution is being sought for
165 nonattendance. The district school superintendent may file a
166 truancy petition, as defined in s. 984.03, following the
167 procedures outlined in s. 984.151.

168 (3) RETURN STUDENT TO PARENT.—A designated school
169 representative may visit the home or place of residence of a
170 student and any other place in which he or she is likely to find
171 any student who is required to attend school when the student is
172 not enrolled or is absent from school during school hours
173 without an excuse, and, when the student is found, shall return
174 the student to his or her parent or to the principal or teacher

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175 in charge of the school, or to the private tutor from whom
176 absent, or to the juvenile assessment center or other location
177 established by the district school board to receive students who
178 are absent from school. Upon receipt of the student, the parent
179 shall be immediately notified.

180 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school
181 representative shall report to the appropriate authority
182 designated by law to receive such notices, all violations of the
183 Child Labor Law that may come to his or her knowledge.

184 (5) RIGHT TO INSPECT.—A designated school representative
185 shall have the right of access to, and inspection of,
186 establishments where minors may be employed or detained only for
187 the purpose of ascertaining whether students of compulsory
188 school age are actually employed there and are actually working
189 there regularly. The designated school representative shall, if
190 he or she finds unsatisfactory working conditions or violations
191 of the Child Labor Law, report his or her findings to the
192 appropriate authority.

193 Section 2. This act shall take effect July 1, 2020.