

FLORIDA HOUSE OF REPRESENTATIVES BILL ANALYSIS

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BILL #: [HB 1367](#)

TITLE: School Attendance

SPONSOR(S): Booth

COMPANION BILL: [SB 938](#) (McClain)

LINKED BILLS: None

RELATED BILLS: None

Committee References

[Education Administration](#)

15 Y, 1 N

[PreK-12 Budget](#)

[Education & Employment](#)

SUMMARY

Effect of the Bill:

The bill requires the State Board of Education (SBE) to adopt by rule a statewide attendance policy, specified definitions, and requirements for certificates of exemption from school attendance. School districts retain the authority to adopt policies relating to school attendance, however, the bill requires that all such policies be in accordance with law and SBE rule. The bill defines absent or absence as well as chronically absent or chronic absenteeism for the purposes of school attendance policies and required supports for students.

Fiscal or Economic Impact:

None

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ANALYSIS

EFFECT OF THE BILL:

The bill defines chronically absent or [chronic absenteeism](#) to mean a student who has been absent for at least 10 percent of school days or the same classes required for grade promotion or graduation, when enrolled for more than 45 days. The bill defines absence or absent as a student who is subject to compulsory school attendance and who is not in attendance for a school day or a class for any reason, whether excused or not. The bill defines an unexcused absence as a student not in attendance for a school day or his or her same classes required for grade promotion or graduation for which the student does not have an allowable excuse. (Section [1](#)).

The bill requires the State Board of Education (SBE) to adopt by rule a statewide attendance policy governing [school attendance](#) that, at a minimum, must:

- Provide guidance and documentation requirements for determining each type of absence, including excused absences and unexcused absences.
- Provide for the early identification of chronically absent students.
- Require a student, or his or her parent, who intends to claim an excused absence because of pregnancy, parenting, or a medical condition to communicate the student's status to the appropriate school personnel and provide any required documentation.
- For reporting purposes, provide instructions on how to document students who may not be in attendance for a school day or class for interscholastic or intrascholastic extracurricular student activities.
- Provide reporting requirements to schools relating to student attendance. The reporting requirements must require schools to provide such reports at least four times per year.

The bill clarifies that the SBE adopted statewide attendance policy does not preclude a school district from setting its own operational 180-day calendar. (Section [6](#)).

Additionally, the bill requires the SBE to adopt rules related to the following attendance policies and processes:

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- Defining the percentage of a day a student must be in attendance to be considered a full day of attendance for reporting purposes.
- Defining allowable excuses for an absence to be considered excused.
- Providing the requirements for certificates of exemption from school attendance.
- Providing the required number of days each school year that a student must be in attendance and the number of absences and tardinesses after which a statement explaining such absences must be filed with the school. (Sections [1](#), [4](#), and [5](#).)

[School districts retain the authority to adopt policies relating to attendance](#), however, the bill requires that all such policies be in accordance with law and SBE rule. (Section [2](#), [3](#), [6](#), [7](#), [8](#), and [9](#))

The bill specifically requires that school district attendance rules and policies:

- May not authorize a student to receive an out-of-school suspension as a result of the student’s attendance record.
- Must require the certified school counselor, or other school personnel, to provide [a student considering terminating school enrollment](#) with information on all interventions available to the student.
- Must require a student’s primary teacher to report to the school principal or his or her designee when a student is absent at least 10 percent of school days or the same classes required for grade promotion or graduation for any reason after the first 45 days of enrollment.
- Must require the principal of a chronically absent student to inform the parent of the student's attendance history, the impact of student absences on student academic outcomes, any interventions or services available to the student, and information on how to access a choice navigator to determine if the student would be more engaged in a different educational environment. (Sections [2](#), [4](#), [6](#)).

The bill shifts responsibility for communicating with chronically absent students and their families from the child study team to the school principal. (Section [6](#)).

The bill clarifies that a student not in attendance for a school day or a class for an interscholastic or intrascholastic extracurricular student activity may not be considered absent as long as the student meets all other criteria for participation, a student participating in in-school suspension may not be considered absent, and a student’s absence while serving an out-of-school suspension must be reported as an excused absence. (Section [1](#)).

The effective date of the bill is July 1, 2025. (Section [35](#)).

RULEMAKING:

The SBE has existing rulemaking authority to implement duties placed upon it for the improvement of the state system of Early Learning-20 public education except for the State University System. The bill requires the SBE to adopt by rule a state-wide attendance policy, definitions necessary to implement the provisions of the bill, and requirements for certificates of exemption from school attendance.

Lawmaking is a legislative power; however, the Legislature may delegate a portion of such power to executive branch agencies to create rules that have the force of law. To exercise this delegated power, an agency must have a grant of rulemaking authority and a law to implement.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

[Chronic Absenteeism](#)

The United States Department of Education (USDOE) defines chronic absenteeism as a student missing 10 percent or more of school, for any reason, excused or unexcused. Based on data reported for the 2022-23 school year, the USDOE reports that Florida had a chronic absenteeism rate of 34 percent. Chronic absenteeism impacts student

populations differently, for example, students with disabilities and English language learners experience much higher rates of chronic absenteeism than their peers.¹

Attendance Requirements in Florida

Florida law requires all children who are between 6 years old, or who will be 6 years old by February 1 of any school year, and 16 years old to attend school regularly during the entire school term.² The law provides that a student who turns 16 years old during the school year is not subject to compulsory attendance beyond the date the student turns 16 if the student files a formal declaration of intent to terminate school enrollment, which must be signed by the student and the student's parent.³

Public schools are required to operate for a minimum of 180 days or the hourly equivalent.⁴ Children must maintain regular attendance throughout the entire school term, meeting either the 180 actual school days or a minimum of 170 actual school days along with the hourly equivalent of 180 days. The hourly equivalent criteria for each grade level is:⁵

- Kindergarten: 540 net instructional hours.
- Grades 1-3: 720 net instructional hours.
- Grades 4-12: 900 net instructional hours.

Regular school attendance means the actual attendance of a student during the school day.⁶ Students who are not present at scheduled times when attendance is taken on days when school is in session are considered absent. In the administration of the daily compulsory attendance law and local school system policies, a student's absence in grade levels PK-12 may be considered as "excused" or "unexcused" and appropriately identified.⁷

K-12 public school students' attendance, tardiness, and presence must be checked and recorded in the teacher's register or an approved attendance recording system.⁸ Students can only be counted as present if they are physically at school or engaged in an educational activity related to the approved instructional program.⁹

A student with 15 or more unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or guardian, and who is subject to compulsory school attendance is considered habitually truant.¹⁰ A student is also considered habitually truant if, subject to compulsory school attendance, they have had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences or unknown absences, within a 90-calendar-day period. The superintendent of schools may file a truancy petition for these students.¹¹

District School Boards Responsibilities for Attendance

District school boards provide for the enforcement of all laws and rules relating to the attendance of students at school.¹² Accordingly, each district school board must establish an attendance policy, encompassing the required

¹ United States Department of Education, *Chronic Absenteeism*, <https://www.ed.gov/teaching-and-administration/supporting-students/chronic-absenteeism> (last visited March 14, 2025).

² Section [1003.21\(1\)\(a\)1, F.S.](#)

³ Sections [1003.21\(1\)\(c\), F.S.](#) and [1002.20\(a\)1, F.S.](#)

⁴ Section [1001.42\(12\)\(a\), F.S.](#)

⁵ Rule 6A-1.09512(1)-(2), F.A.C.

⁶ Section [1003.01\(16\), F.S.](#) Regular attendance may be achieved by attendance in a public school supported by public funds; a parochial, religious, or denominational school; a private school supported in whole or in part by tuition charges or by endowments or gifts; a home education program that meets the requirements of chapter 1002; a private tutoring program that meets the requirements of chapter 1002; or a personalized education program that meets the requirements of [s. 1002.395, F.S.](#)

⁷ Florida Department of Education, Comprehensive Management Comprehensive Management Information System, at 3, available at <https://www.fldoe.org/core/fileparse.php/7574/urlt/atdm.pdf>.

⁸ *Id.*

⁹ Section [1003.23\(1\), F.S.](#) and r. 6A-1.044(3), F.A.C.

¹⁰ Section [1003.01\(12\), F.S.](#); see also, Florida Department of Education, Attendance & Enrollment, <https://www.fldoe.org/how-do-i/attendance-enrollment.stml> (last visited March 14, 2025).

¹¹ Section [984.151\(1\), F.S.](#)

¹² Section [1003.02\(1\)\(b\), F.S.](#)

number of school days a student must attend each academic year and specifying the number of absences and tardinesses a student can receive.¹³

The district school boards establish the specific criteria for determining whether an absence or tardiness is excused or unexcused.¹⁴ The district boards are also authorized to establish policies that allow accumulated unexcused tardies, regardless of when they occur during the school day, and early departures from school to be recorded as unexcused absences.¹⁵

In addition to adopting rules for attendance, district school boards must adopt rules for the control, discipline, in-school suspension, suspension and expulsion of students and decide all cases recommended for expulsion.¹⁶ An “in-school suspension” means the temporary removal of a student from the student’s regular school program and placement in an alternative program, under the supervision of district school board personnel, for a period not to exceed 10 school days.¹⁷ “Suspension,” also referred to as “out-of-school” suspension, means the temporary removal of a student from all classes of instruction on public school grounds and other school-sponsored activities, except as authorized by the principal or the principal’s designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student’s parent with specific homework assignments for the student to complete.¹⁸

With attendance policies developed at the school district level, there is significant variance in requirements around the state. For example, while 88 percent of Florida’s 67 school districts accept parent provided documentation for excused absences, including when a student is ill, the number of absences a parent is authorized to excuse for his or her student varies greatly between school districts, from 5 to 20.¹⁹

Parental Responsibility for School Attendance

Each parent of a child within the compulsory attendance age is responsible for the child’s school attendance as required by law. Parents will not be held responsible for their child’s nonattendance at school for any of the following conditions:²⁰

- *With Permission* – The absence was authorized by the head of the school;
- *Without Knowledge* – The absence was without the parent’s knowledge, consent, or connivance, requiring the student to be treated as a dependent child;
- *Financial Inability* – The parent was unable financially to provide necessary clothes for the student, this inability was reported in writing to the superintendent prior to the opening of school or immediately after the beginning of such inability. The validity of the claim for exemption under must be determined by the district school superintendent subject to appeal to the district school board; or
- *Sickness, Injury, or Other Insurmountable Condition* – Attendance was impracticable or inadvisable on account of:
 - sickness or injury, as attested to by a written statement of a licensed practicing physician; or
 - some other stated insurmountable condition.

If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician, or if the absence is related to the student having autism spectrum disorder (ASD), receiving services from a licensed health care practitioner or behavior analyst certified in accordance with state defined certification process, in order to receive an excuse from attendance. An excuse provided for a continually ill student or student with ASD justifies absence for more than the number of days permitted by the district school board.²¹

¹³ Section [1003.24, F.S.](#) (flush-left provisions at end of section).

¹⁴ *Id.*

¹⁵ Section [1003.02\(1\)\(b\), F.S.](#)

¹⁶ Section [1003.02\(1\)\(c\)1, F.S.](#)

¹⁷ Section [1003.01\(13\)\(a\), F.S.](#)

¹⁸ Section [1003.01\(13\)\(b\), F.S.](#)

¹⁹ Michele Watson, Florida Alliance of Children’s Councils and Trusts, *Florida Public School Attendance Policy Research Brief*, presentation before the Education Administration Subcommittee, (Feb. 4, 2025), available at <https://leagissp.flhouse.int/sites/2022-2024/2023/Public/Bills/0001-0099/0001/Analysis/h0001z1.CIS.pdf>.

²⁰ Section [1003.24, F.S.](#)

²¹ *Id.*

An insurmountable condition is defined as follows:²²

- Extreme weather conditions such as, but not limited to, floods, hurricanes, tornadoes, or other acts of God which make it impracticable or inadvisable for the safety of the student to attend school.
- Communicable disease outbreaks such as, but not limited to, measles and chicken pox, which the state health officer or county health medical director indicates a student should be excluded from school for reasons of health and safety.
- Local conditions determined by the school district which, after considering the material circumstances, would render impracticable a student's attendance at school.

Student Declaration of Intent to Terminate School Enrollment

A student who is not subject to compulsory attendance and desires to terminate enrollment must file a formal declaration of intent to terminate school enrollment with the district school board that:²³

- acknowledges that terminating school enrollment is likely to reduce the student's earning potential; and
- must be signed by the student and the student's parent.

The school district must notify the student's parent of the receipt of the student's declaration of intent to terminate school enrollment. The student's certified school counselor or other school personnel must:²⁴

- conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and the actions that could be taken to keep the student in school; and
- must inform the student of opportunities to continue his or her education in a different environment, including, but not limited to, adult education, high school equivalency examination preparation, and the GATE Program.

Additionally, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.²⁵

Enforcement and Intervention

Florida law mandates each district school superintendent to be responsible for enforcing school attendance of all students subject to the compulsory school age and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools.²⁶ District school superintendents may also authorize certificates of exemptions from school attendance requirements in certain situations.²⁷

District school board policies must require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance.²⁸

Specifically, each public school must implement the following steps to promote and enforce regular school attendance:²⁹

- Contact the student's parent upon each unexcused absence or absence for which the reason is unknown to determine the reason.
- Provide students with opportunities to make up work for excused absences as defined by district school board policy.

²² Rule 6A-1.09513, F.A.C.

²³ Section [1003.21\(c\), F.S.](#)

²⁴ *Id.*

²⁵ *Id.*

²⁶ Section [1003.26, F.S.](#)

²⁷ Section [1003.21\(3\), F.S.](#)

²⁸ *Id.*

²⁹ Section [1003.26\(1\)\(a\)-\(c\), F.S.](#)

- If a student has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which reasons are unknown, within a 90-calendar-day period, the student’s primary teacher must report to the school principal or his or her designee that the student may be exhibiting a pattern of nonattendance.
- The principal must refer cases to the school’s child study team to identify remedies for patterns of truancy, unless there is clear evidence that the absences are not a pattern of nonattendance.
- Schedule a meeting with the parent if a developing pattern of nonattendance is developing, regardless of whether the absences are excused or not. Additionally, the principal must notify the district school superintendent and the school district contact for home education programs that the referred student is exhibiting a pattern of nonattendance.
- If an initial meeting does not resolve the problem, the child study team must implement the following:
 - Frequent attempts at communication between the teacher and the family.
 - Evaluation for alternative education programs.
 - Attendance contracts.

While not mandatory, the child study team may implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition.³⁰ The child study team must be diligent in facilitating intervention services and must report the case to the district superintendent only when all reasonable efforts to resolve the nonattendance behavior are exhausted.³¹

If a student subject to compulsory school attendance will not comply with attempts to enforce school attendance, the parent or the district school superintendent or his or her designee must refer the case to the case staffing committee within the Department of Juvenile Justice, and the district school superintendent or his or her designee may file a truancy petition.³²

Truancy Petition

If a school determines that a student subject to compulsory school attendance has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period, or has had more than 15 unexcused absences in a 90-calendar-day period, the superintendent of schools or his or her designee may file a truancy petition.³³

The petition must be filed in the circuit court in which the student is enrolled in school³⁴ and, once filed, must be heard by the court within 30 days.³⁵ The student and the student’s parent or guardian must attend the hearing.³⁶

If the court determines that the student did miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attend school. The court may also order any of the following:³⁷

- the student to participate in alternative sanctions to include mandatory attendance at alternative classes to be followed by mandatory community services hours for a period up to 6 months;
- the student and the student’s parent or guardian to participate in homemaker or parent aide services;
- the student or the student’s parent or guardian to participate in intensive crisis counseling;
- the student or the student’s parent or guardian to participate in community mental health services if available and applicable;
- the student and the student’s parent or guardian to participate in service provided by voluntary or community agencies as available; or
- the student or the student’s parent or guardian to participate in vocational, job training, or employment services.

³⁰ Section [1003.26\(1\)\(c\)1-3, F.S.](#) (flush-left provision at the end of the subparagraph)

³¹ Section [1003.26\(1\)\(d\), F.S.](#)

³² Section [1003.26\(1\)\(g\), F.S.](#)

³³ Section [984.151, F.S.](#)

³⁴ Section [984.151\(2\), F.S.](#)

³⁵ Section [984.151\(5\), F.S.](#)

³⁶ Section [984.151\(6\), F.S.](#)

³⁷ Section [984.151\(7\), F.S.](#)

RECENT LEGISLATION:

YEAR	BILL #	HOUSE SPONSOR(S)	SENATE SPONSOR	OTHER INFORMATION
2024	CS/CS/SB 1084	Alvarez, D.	Collins	Became law on July 1, 2024, except as otherwise provided.

BILL HISTORY

COMMITTEE REFERENCE	ACTION	DATE	STAFF DIRECTOR/ POLICY CHIEF	ANALYSIS PREPARED BY
Education Administration Subcommittee	15 Y, 1 N	3/19/2025	Sleap	Wolff
PreK-12 Budget Subcommittee				
Education & Employment Committee				