

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 127 Public School Attendance Policies
SPONSOR(S): PreK-12 Innovation Subcommittee and Plasencia
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1128

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	14 Y, 0 N, As CS	Dehmer	Healy
2) Children, Families & Seniors Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board. The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies. If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused.

The bill

- requires district school boards to adopt student absence policies regarding student appointments to receive autism spectrum disorder therapy, including but not limited to, applied behavioral analysis, speech therapy and occupational therapy;
- allows a parent to request and be granted permission for a student's absence resulting from an appointment to receive therapy provided by a licensed health care practitioner or a certified behavior analyst for the treatment of autism spectrum disorder; and
- allows a student who is continually sick and repeatedly absent to satisfy nonattendance requirement by being under the supervision of a licensed health care practitioner or a certified behavior analyst for the treatment of autism spectrum disorder.

There is no fiscal impact to the state.

The bill has an effective date of July 1, 2017.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining whether an absence or tardiness is excused or unexcused are determined by the district school board.¹ The parent of a student who is absent from school must justify the absence, and the absence is evaluated based on the school board's attendance policies.² If a student is continually sick and repeatedly absent from school, state law requires the student to be under a physician's supervision in order for the absences to be excused. In such cases, the physician's excuse justifies absences beyond the maximum number of days permitted under the district school board's attendance policy.³

State law and state board rule also authorize a public school to grant permission to students, in accordance with the school district's rules, to be absent from school for religious instruction, religious holidays or because religious tenets forbid secular activity during the school day.⁴

Effect of Proposed Changes

The bill:

- requires district school boards to adopt student absence policies regarding student appointments to receive autism spectrum disorder therapy, including but not limited to, applied behavioral analysis, speech therapy and occupational therapy;
- allows a parent to request and be granted permission for a student's absence resulting from an appointment to receive therapy provided by a licensed health care practitioner or a certified behavior analyst for the treatment of autism spectrum disorder; and
- allows a student who is continually sick and repeatedly absent to satisfy nonattendance requirement by being under the supervision of a licensed health care practitioner or a certified behavior analyst for the treatment of autism spectrum disorder.

The term "licensed" is defined in law as any permit, registration, certificate or license, including a provisional license, issued by the Department of Health.⁵

The term "health care practitioner" is defined in law as any person licensed under chapter 457 (acupuncture); chapter 458 (medical practice); chapter 459 (osteopathic medicine); chapter 460 (chiropractic medicine); chapter 461 (podiatric medicine); chapter 462 (naturopathy); chapter 463 (optometry); chapter 464 (nursing); chapter 465 (pharmacy); chapter 466 (dentistry); chapter 467 (midwifery); part I (speech-language pathology), part II (nursing home administration), part III (occupational therapy), part V (respiratory therapy), part X (dietetics and nutrition practice), part XIII (athletic trainers), or part XIV (orthotics, prosthetics and pedorthics) of chapter 468; chapter 478 (electrolysis); chapter 480 (massage practice); part III (clinical laboratory personnel) or part IV (medical physicists) of chapter 483; chapter 484 (dispensing of optical devices and hearing aids); chapter 486 (physical therapy); chapter 490 (psychological services) or chapter 491 (clinical, counseling and psychotherapy services).⁶

¹ Section 1003.24, F.S. (flush-left provisions at end of section).

² Section 1003.26, F.S.

³ Section 1003.24(4), F.S.

⁴ Sections 1002.20(2)(c) and 1003.21(2)(b), F.S.; rule 6A-1.09514(1) and (2), F.A.C.

⁵ Section 456.001(5), F.S.

⁶ Section 456.001(4), F.S.

A “certified behavior analyst” is a person who is certified under the Florida Behavior Certification Program in accordance with s. 393.17, F.S.⁷

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.20, F.S., regarding K-12 student and parent rights.

Section 2. Amends s. 1003.21, F.S., relating to school attendance.

Section 3. Amends s. 1003.24, F.S., relating to parents responsibility of children.

Section 4. Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable.

2. Other:

None.

⁷ Rule 59A-26.001, F.A.C.
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B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

The bill provides for a broad definition of health care practitioner for purposes of granting excuses for student absences.⁸ It is unclear if each category of health care practitioner should be included for purposes of granting excuses for student absences.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 28, 2017, the PreK-12 Innovation Subcommittee adopted an amendment and reported the bill favorably as a committee substitute. The amendment includes a certified behavior analyst as a provider of autism therapy services for purposes of granting permission for student absences. The amendment removes the specific authority for a licensed health care practitioner to provide a written statement as proof that student attendance is impracticable or inadvisable and, instead, provides that a student whose absences result from receiving services from a certified behavior analyst or a licensed health care practitioner for autism spectrum disorder qualify as an excusable absence. The bill analysis is drafted to the committee substitute as passed by the PreK-12 Innovation Subcommittee.

⁸ Section 456.001(4), F.S.
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