

STORAGE NAME: h0683.edk

DATE: March 22, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
EDUCATION K-12
ANALYSIS**

BILL #: HB 683

RELATING TO: Truancy

SPONSOR(S): Representative Gottlieb

COMPANION BILL(S): SB 1088

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) EDUCATION K-12
 - (2) EDUCATION APPROPRIATIONS
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

The bill requires that beginning with the 2001-2002 school year, a student who is "truant" a total of 18 times in any program be identified as a habitual truant. It requires that beginning in the 1999-2000 school year, each school district document the average daily attendance of the student membership in each program by school and by district. Beginning with the 2001-2002 school year, the average daily attendance, to be computed by dividing the total daily attendance of the student membership in each program by the number of days in the program, will be used as the sole basis for determining the base student allocation.

There is no apparent fiscal impact.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Habitual Truant

A habitual truant is defined in ss. 228.041(28) and 984.03(29), F.S., as a student of compulsory school age who accumulates 15 unexcused absences within a period of 90 calendar days, with or without the knowledge or consent of his or her parent or legal guardian, and who does not qualify for an exemption. In addition to the steps required for enforcing school attendance, the following activities must be met and documented in writing to determine the cause and attempt to remediate a child's truant behavior:

- One or more meetings, in person or by phone, between the school representative, the child's parent, and the child, after a minimum of 3 and before 6 unexcused absences within 90 calendar days. If the parent refuses to participate in the meetings and the school representative has documented the refusal, the meeting requirement is considered to have been met.
- Educational counseling to identify and implement curriculum changes, which may include a dropout prevention program or a second chance school.
- Educational evaluation, which may include a psychological evaluation, to help determine reason for child's nonattendance. If a condition was diagnosed in the evaluation, the school must have made specific efforts to remedy the condition.

If the problem is not resolved after the above steps are completed, the student and his or her family are referred to a child-in-need-of-services/family-in-need-of-services (CINS/FINS) provider or a case staffing committee. Before and after a CINS/FINS petition is filed due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to remedy the truant behavior through completion of the all the previously listed actions.

If a child responds to these interventions and completes the necessary requirements to pass the current grade, the child must be passed.

In 1997, the Florida Legislature passed HB 1309 (Ch. 97-234, L.O.F.), which prevents minors who accumulate 15 unexcused absences within 90 days from obtaining or retaining a driver's license, pursuant to s. 232.19, F.S.

Sections 232.19, and 414.125, F.S., provide additional penalties for parents, legal guardians, principals, teachers, or employers who refuse or fail to comply with the compulsory school attendance and habitual truancy laws.

Determination of FTE

A full time equivalent (FTE) for Florida Education Finance Program (FEFP) funding purposes is one student in membership in one or more FEFP programs for a school year or its equivalent. For the purposes of calculating the FTE membership, a student is considered in membership until withdrawal or the 11th consecutive school day of absence. A student is eligible for FTE membership if both of the following conditions are satisfied:

1. Student is in program membership *at least 1 day* during the survey period in an approved course.
2. Student is in attendance *at least 1 day* during the survey period or one of the six scheduled meetings preceding the survey period on which students were in attendance in school.

There are at least 4 FTE student membership surveys (commonly referred to as "count weeks") conducted during the year, of which 2 are conducted during the regular 180 day school term and 2 are conducted during the summer term. Section 236.081(1)(a), F.S., specifies that the number of FTE student membership surveys not exceed nine in a fiscal year. The four count weeks for the 1998-99 school year are July 6-10, 1998; October 5-9, 1998; February 1-5, 1999; and June 21-25, 1999.

*This means that a student who is enrolled but **only** attends 2 days (1 day in each of the 2 count weeks during the school year) is funded as a **full time** FTE. The district receives funding as if the student had been in attendance for the entire 180 days.*

Although daily attendance of students is not used to calculate FTE membership or enrollment, daily attendance data is collected by the Florida Department of Education (DOE).

B. EFFECT OF PROPOSED CHANGES:

Beginning with the 2001-2002 school year, a student who is absent a total of 18 times in any program will be identified as a habitual truant.

Beginning in the 1999-2000 school year, each school district must document the average daily attendance of the student membership in each program by school and by district. The average daily attendance must be computed by dividing the total daily attendance of the student membership in each program by the number of days in the program. Beginning with the school year 2001-2002, average daily attendance must be used as the sole basis for determining the base student allocation.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No, school districts already collect and report to DOE daily attendance data for computation of attendance rates.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

An agency or program is not eliminated or reduced.

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

No.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

The bill does not purport to provide services to families or children.

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

The bill does not create or change a program providing services to families or children.

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

Amends s. 229.8345 and 236.081, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1 amends s. 229.8345, F.S., to, beginning with the 2001-2002 school year, define a habitual truant as a student who is "truant" a total of 18 times. This definition is separate and apart from the existing definition in s. 228.041, F.S.

Section 2 amends s. 236.081, F.S., to revise procedures that must be followed in determining the annual allocation to each school district for operation. It requires each school district to make a program membership survey that documents the average daily attendance of the student membership in each program by school and by district beginning with the 1999-2000 school year. It requires that average daily attendance to be used as the sole basis for determining the base student allocation beginning with the 2001-2002 school year.

Section 3 provides an effective date of July 1, 1999.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or to take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

FTE calculations have been used for approximately 25 years, since the advent of the FEFP. A number of experts believe that this method of calculating a district's FEFP allocation is a disincentive to reducing truancy. The use of average daily attendance (ADA) is expected to encourage districts to be more aggressive in combating truancy since funding will depend on students reporting for class each day, not just during the periodic FTE counts.

If passed in its present form, the bill would result in the existence of two conflicting sections of statutes. Specifically, two definitions of "habitual truant" would exist. An amendment to rectify this conflict is needed.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON EDUCATION K-12:

Prepared by:

Staff Director:

Terri J. Chasteen

Patricia W. Levesque