

Bill No. CS for SB 1298

Barcode 883738

CHAMBER ACTION

Senate

House

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The Committee on Education Appropriations (Constantine)
recommended the following amendment:

Senate Amendment (with title amendment)

On page 4, between lines 23 and 24,

insert:

Section 3. Paragraph (b) of subsection (1) of section
1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of
public K-12 education within the school district.--As provided
in part II of chapter 1001, district school boards are
constitutionally and statutorily charged with the operation
and control of public K-12 education within their school
district. The district school boards must establish, organize,
and operate their public K-12 schools and educational
programs, employees, and facilities. Their responsibilities
include staff development, public K-12 school student
education including education for exceptional students and
students in juvenile justice programs, special programs, adult
education programs, and career education programs.

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1 Additionally, district school boards must:

2 (1) Provide for the proper accounting for all students
3 of school age, for the attendance and control of students at
4 school, and for proper attention to health, safety, and other
5 matters relating to the welfare of students in the following
6 fields:

7 (b) Enforcement of attendance laws.--Provide for the
8 enforcement of all laws and rules relating to the attendance
9 of students at school. District school boards are authorized
10 to establish policies that allow accumulated unexcused
11 tardies, regardless of when they occur during the school day,
12 and early departures from school to be recorded as unexcused
13 absences. District school boards are also authorized to
14 establish policies that require referral to a school's child
15 study team for students who have fewer absences than the
16 number required by s. 1003.26(1)(b).

17 Section 4. Paragraph (c) of subsection (1) of section
18 1003.21, Florida Statutes, is amended to read:

19 1003.21 School attendance.--

20 (1)

21 (c) A student who attains the age of 16 years during
22 the school year is not subject to compulsory school attendance
23 beyond the date upon which he or she attains that age if the
24 student files a formal declaration of intent to terminate
25 school enrollment with the district school board. Public
26 school students who have attained the age of 16 years and who
27 have not graduated are subject to compulsory school attendance
28 until the formal declaration of intent is filed with the
29 district school board. The declaration must acknowledge that
30 terminating school enrollment is likely to reduce the
31 student's earning potential and must be signed by the student

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1 and the student's parent. The school district must notify the
 2 student's parent of receipt of the student's declaration of
 3 intent to terminate school enrollment. The student's guidance
 4 counselor or other school personnel must conduct an exit
 5 interview with the student to determine the reasons for the
 6 student's decision to terminate school enrollment and actions
 7 that could be taken to keep the student in school. The student
 8 must be informed of opportunities to continue his or her
 9 education in a different environment, including, but not
 10 limited to, adult education and GED test preparation.
 11 Additionally, the student must complete a survey in a format
 12 prescribed by the Department of Education to provide data on
 13 student reasons for terminating enrollment and actions taken
 14 by schools to keep students enrolled.

15 Section 5. Section 1003.26, Florida Statutes, is
 16 amended to read:

17 1003.26 Enforcement of school attendance.--The
 18 Legislature finds that poor academic performance is associated
 19 with nonattendance and that school districts ~~schools~~ must take
 20 an active role in promoting and enforcing attendance as a
 21 means of improving student ~~the~~ performance ~~of many students~~.
 22 It is the policy of the state that each district school
 23 superintendent be responsible for enforcing school attendance
 24 of all students subject to the compulsory school age in the
 25 school district and supporting enforcement of school
 26 attendance by local law enforcement agencies. The
 27 responsibility includes recommending policies and procedures
 28 to the district school board ~~policies and procedures to ensure~~
 29 that require public schools to respond in a timely manner to
 30 every unexcused absence, and every ~~or~~ absence for which the
 31 reason is unknown, of students enrolled in the schools.

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1 District school board policies shall ~~must~~ require the ~~each~~
 2 parent of a student to justify each absence of the student,
 3 and that justification will be evaluated based on adopted
 4 district school board policies that define excused and
 5 unexcused absences. The policies must provide that public
 6 schools track excused and unexcused absences and contact the
 7 home in the case of an unexcused absence from school, or an
 8 absence from school for which the reason is unknown, to
 9 prevent the development of patterns of nonattendance. The
 10 Legislature finds that early intervention in school attendance
 11 ~~matters~~ is the most effective way of producing good attendance
 12 habits that will lead to improved student learning and
 13 achievement. Each public school shall implement the following
 14 steps to promote and enforce regular school attendance:

15 (1) CONTACT, REFER, AND ENFORCE.--

16 (a) Upon each unexcused absence, or absence for which
 17 the reason is unknown, the school principal or his or her
 18 designee shall contact the student's parent to determine the
 19 reason for the absence. If the absence is an excused absence,
 20 as defined by district school board policy, the school shall
 21 provide opportunities for the student to make up assigned work
 22 and not receive an academic penalty unless the work is not
 23 made up within a reasonable time.

24 (b) If a student has had at least five unexcused
 25 absences, or absences for which the reasons are unknown,
 26 within a calendar month or 10 unexcused absences, or absences
 27 for which the reasons are unknown, within a 90-calendar-day
 28 period, the student's primary teacher shall report to the
 29 school principal or his or her designee that the student may
 30 be exhibiting a pattern of nonattendance. The principal shall,
 31 unless there is clear evidence that the absences are not a

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1 pattern of nonattendance, refer the case to the school's child
 2 study team to determine if early patterns of truancy are
 3 developing. If the child study team finds that a pattern of
 4 nonattendance is developing, whether the absences are excused
 5 or not, a meeting with the parent must be scheduled to
 6 identify potential remedies, and the principal shall notify
 7 the district school superintendent and the school district
 8 contact for home education programs that the referred student
 9 is exhibiting a pattern of nonattendance.

10 (c) If an initial meeting does not resolve the
 11 problem, the child study team shall implement the following
 12 ~~interventions that best address the problem. The interventions~~
 13 ~~may include, but need not be limited to:~~

- 14 1. Frequent attempts at communication between the
- 15 teacher and the family.†
- 16 ~~2. Changes in the learning environment;†~~
- 17 ~~3. Mentoring;†~~
- 18 ~~4. Student counseling;†~~
- 19 ~~5. Tutoring, including peer tutoring;†~~
- 20 ~~6. Placement into different classes;†~~
- 21 ~~2.7. Evaluation for alternative education programs.†~~
- 22 ~~3.8. Attendance contracts.†~~
- 23 ~~9. Referral to other agencies for family services; or~~
- 24 ~~10. Other interventions, including, but not limited~~
- 25 ~~to, a truancy petition pursuant to s. 984.151.~~

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27 The child study team may, but is not required to, implement
 28 other interventions, including referral to other agencies for
 29 family services or recommendation for filing a truancy
 30 petition pursuant to s. 984.151.

31 (d) The child study team shall be diligent in

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1 facilitating intervention services and shall report the case
2 to the district school superintendent only when all reasonable
3 efforts to resolve the nonattendance behavior are exhausted.

4 (e) If the parent refuses to participate in the
5 remedial strategies because he or she believes that those
6 strategies are unnecessary or inappropriate, the parent may
7 appeal to the district school board. The district school board
8 may provide a hearing officer, and the hearing officer shall
9 make a recommendation for final action to the district school
10 board. If the district school board's final determination is
11 that the strategies of the child study team are appropriate,
12 and the parent still refuses to participate or cooperate, the
13 district school superintendent may seek criminal prosecution
14 for noncompliance with compulsory school attendance.

15 (f)1. If the parent of a child who has been identified
16 as exhibiting a pattern of nonattendance enrolls the child in
17 a home education program pursuant to chapter 1002, the
18 district school superintendent shall provide the parent a copy
19 of s. 1002.41 and the accountability requirements of this
20 paragraph. The district school superintendent shall also refer
21 the parent to a home education review committee composed of
22 the district contact for home education programs and at least
23 two home educators selected by the parent from a district list
24 of all home educators who have conducted a home education
25 program for at least 3 years and who have indicated a
26 willingness to serve on the committee. The home education
27 review committee shall review the portfolio of the student, as
28 defined by s. 1002.41, every 30 days during the district's
29 regular school terms until the committee is satisfied that the
30 home education program is in compliance with s. 1002.41(1)(b).

31 The first portfolio review must occur within the first 30

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1 calendar days of the establishment of the program. The
 2 provisions of subparagraph 2. do not apply once the committee
 3 determines the home education program is in compliance with s.
 4 1002.41(1)(b).

5 2. If the parent fails to provide a portfolio to the
 6 committee, the committee shall notify the district school
 7 superintendent. The district school superintendent shall then
 8 terminate the home education program and require the parent to
 9 enroll the child in an attendance option that meets the
 10 definition of "regular school attendance" under s.
 11 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
 12 termination of a home education program pursuant to this
 13 subparagraph, the parent shall not be eligible to reenroll the
 14 child in a home education program for 180 calendar days.
 15 Failure of a parent to enroll the child in an attendance
 16 option as required by this subparagraph after termination of
 17 the home education program pursuant to this subparagraph shall
 18 constitute noncompliance with the compulsory attendance
 19 requirements of s. 1003.21 and may result in criminal
 20 prosecution under s. 1003.27(2). Nothing contained herein
 21 shall restrict the ability of the district school
 22 superintendent, or the ability of his or her designee, to
 23 review the portfolio pursuant to s. 1002.41(1)(b).

24 (g) If a student subject to compulsory school
 25 attendance will not comply with attempts to enforce school
 26 attendance, the parent or the district school superintendent
 27 or his or her designee shall refer the case to the case
 28 staffing committee pursuant to s. 984.12, and the district
 29 school superintendent or his or her designee may file a
 30 truancy petition pursuant to the procedures in s. 984.151.

31 (2) GIVE WRITTEN NOTICE.--

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1 (a) Under the direction of the district school
2 superintendent, a designated school representative shall give
3 written notice that requires enrollment or attendance within 3
4 days after the date of notice, in person or by return-receipt
5 mail, to the parent when no valid reason is found for a
6 student's nonenrollment in school. If the notice and
7 requirement are ignored, the designated school representative
8 shall report the case to the district school superintendent,
9 and may refer the case to the case staffing committee,
10 established pursuant to s. 984.12. The district school
11 superintendent shall take such steps as are necessary to bring
12 criminal prosecution against the parent.

13 (b) Subsequent to the activities required under
14 subsection (1), the district school superintendent or his or
15 her designee shall give written notice in person or by
16 return-receipt mail to the parent that criminal prosecution is
17 being sought for nonattendance. The district school
18 superintendent may file a truancy petition, as defined in s.
19 984.03, following the procedures outlined in s. 984.151.

20 (3) RETURN STUDENT TO PARENT.--A designated school
21 representative may ~~shall~~ visit the home or place of residence
22 of a student and any other place in which he or she is likely
23 to find any student who is required to attend school when the
24 student is not enrolled or is absent from school during school
25 hours without an excuse, and, when the student is found, shall
26 return the student to his or her parent or to the principal or
27 teacher in charge of the school, or to the private tutor from
28 whom absent, or to the juvenile assessment center or other
29 location established by the district school board to receive
30 students who are absent from school. Upon receipt of the
31 student, the parent shall be immediately notified.

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1 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
 2 school representative shall report to the appropriate
 3 authority designated by law to receive such notices, all
 4 violations of the Child Labor Law that may come to his or her
 5 knowledge.

6 (5) RIGHT TO INSPECT.--A designated school
 7 representative shall have the right of access to, and
 8 inspection of, establishments where minors may be employed or
 9 detained only for the purpose of ascertaining whether students
 10 of compulsory school age are actually employed there and are
 11 actually working there regularly. The designated school
 12 representative shall, if he or she finds unsatisfactory
 13 working conditions or violations of the Child Labor Law,
 14 report his or her findings to the appropriate authority.

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16 (Redesignate subsequent sections.)

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18

19 ===== T I T L E A M E N D M E N T =====

20 And the title is amended as follows:

21 On page 1, line 10, after the semicolon,

22

23 insert:

24 amending s. 1003.02, F.S.; authorizing district
 25 school board attendance policies to allow
 26 accumulated tardies and early departures to be
 27 recorded as unexcused absences; authorizing
 28 district school board policies for student
 29 referral to a child study team under certain
 30 circumstances; amending s. 1003.21, F.S. ;
 31 providing that students who have attained 16

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1 years of age and have not graduated are subject
2 to compulsory school attendance under certain
3 circumstances; requiring student exit
4 interviews prior to terminating school
5 enrollment; amending s. 1003.26, F.S.;
6 providing district school superintendent's
7 responsibility to support local law enforcement
8 agencies in enforcing school attendance;
9 providing required and authorized child study
10 team interventions; authorizing visits by
11 school representatives;

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