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1 A bill to be entitled  
2 An act relating to public school attendance; amending ss.  
3 1002.01, 1002.20, 1002.42, and 1002.43, F.S.; conforming  
4 cross-references; amending s. 1003.01, F.S.; redefining  
5 the term "habitual truancy" to apply to students who are  
6 subject to pilot program requirements; defining the term  
7 "regular program attendance" to conform to changes made by  
8 the act; amending s. 1003.21, F.S.; requiring that a  
9 student in a pilot program school district be informed of  
10 attendance and completion requirements; creating s.  
11 1003.215, F.S.; creating the Student Preparedness Pilot  
12 Program; requiring that the Duval County School District  
13 and each selected school district review and identify  
14 curricula options for certain students; requiring that  
15 students in pilot program districts who attain the age of  
16 16 years but have not reached the age of 18 years and who  
17 do not regularly attend school be subject to specific  
18 attendance and completion requirements; providing for an  
19 application and selection process for school district  
20 participation; specifying procedures for termination of  
21 school enrollment and requirements for pilot program  
22 attendance and completion; providing that students who  
23 select a nontraditional academic option are not eligible  
24 students for purposes of school grading; requiring that  
25 the Office of Program Policy Analysis and Government  
26 Accountability conduct and submit an annual study and  
27 report; amending s. 1003.26, F.S.; conforming a cross-  
28 reference; providing an effective date.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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

Section 1. Section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(1) A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements in ~~of~~ ss. 1002.41, 1003.01(13)(a) ~~1003.01(13)~~, and 1003.21(1).

(2) A "private school" is a nonpublic school defined as an individual, association, copartnership, or corporation, or department, division, or section of such organizations, that designates itself as an educational center that includes kindergarten or a higher grade or as an elementary, secondary, business, technical, or trade school below college level or any organization that provides instructional services that meet the requirements in s. 1003.01(13)(a) ~~intent of s. 1003.01(13)~~ or that gives preemployment or supplementary training in technology or in fields of trade or industry or that offers academic, literary, or career training below college level, or any combination of the above, including an institution that performs the functions of the above schools through correspondence or extension, except those licensed under the provisions of chapter 1005. A private school may be a parochial, religious, denominational, for-profit, or nonprofit school. This definition does not include home education programs conducted in accordance with s. 1002.41.

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57 Section 2. Paragraph (b) of subsection (2) of section  
58 1002.20, Florida Statutes, is amended to read:

59 1002.20 K-12 student and parent rights.—Parents of public  
60 school students must receive accurate and timely information  
61 regarding their child's academic progress and must be informed  
62 of ways they can help their child to succeed in school. K-12  
63 students and their parents are afforded numerous statutory  
64 rights including, but not limited to, the following:

65 (2) ATTENDANCE.—

66 (b) Regular school attendance.—Parents of students who  
67 have attained the age of 6 years by February 1 of any school  
68 year but who have not attained the age of 16 years must comply  
69 with the compulsory school attendance laws. Parents have the  
70 option to comply with the school attendance laws by attendance  
71 of the student in a public school; a parochial, religious, or  
72 denominational school; a private school; a home education  
73 program; or a private tutoring program, pursuant to s.  
74 1003.01(13)(a) ~~in accordance with the provisions of s.~~  
75 ~~1003.01(13)~~.

76 Section 3. Subsection (7) of section 1002.42, Florida  
77 Statutes, is amended to read:

78 1002.42 Private schools.—

79 (7) ATTENDANCE REQUIREMENTS.—Attendance of a student at a  
80 private, parochial, religious, or denominational school  
81 satisfies the attendance requirements in ~~of~~ ss. 1003.01(13)(a)  
82 ~~1003.01(13)~~ and 1003.21(1).

83 Section 4. Subsection (1) of section 1002.43, Florida  
84 Statutes, is amended to read:

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85 1002.43 Private tutoring programs.—

86 (1) Regular school attendance as defined in s.  
 87 1003.01(13)(a) ~~s. 1003.01(13)~~ may be achieved by attendance in a  
 88 private tutoring program if the person tutoring the student  
 89 meets the following requirements:

90 (a) Holds a valid Florida certificate to teach the  
 91 subjects or grades in which instruction is given.

92 (b) Keeps all records and makes all reports required by  
 93 the state and district school board and makes regular reports on  
 94 the attendance of students in accordance with the provisions of  
 95 s. 1003.23(2).

96 (c) Requires students to be in actual attendance for the  
 97 minimum length of time prescribed by s. 1011.60(2).

98 Section 5. Subsections (8) and (13) of section 1003.01,  
 99 Florida Statutes, are amended to read:

100 1003.01 Definitions.—As used in this chapter, the term:

101 (8) "Habitual truant" means a student who has 15 unexcused  
 102 absences within 90 calendar days with or without the knowledge  
 103 or consent of the student's parent; is subject to compulsory  
 104 school attendance under s. 1003.21(1) and (2)(a) or is subject  
 105 to the Student Preparedness Pilot Program under s. 1003.215;  
 106 and is not exempt under s. 1003.21(3), ~~or~~ s. 1003.24, or ~~by~~  
 107 ~~meeting the criteria for~~ any other exemption specified by law or  
 108 rules of the State Board of Education. Such a student must have  
 109 been the subject of the activities specified in ss. 1003.26 and  
 110 1003.27(3), without resultant successful remediation of the  
 111 truancy problem before being dealt with as a child in need of  
 112 services according to the provisions of chapter 984.

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113           (13) (a) "Regular school attendance" means the actual  
 114 attendance of a student during the school day as defined by law  
 115 and rules of the State Board of Education. Regular attendance  
 116 within the intent of s. 1003.21 may be achieved by attendance  
 117 in:

- 118           ~~1.(a)~~ A public school supported by public funds;
- 119           ~~2.(b)~~ A parochial, religious, or denominational school;
- 120           ~~3.(c)~~ A private school supported in whole or in part by  
 121 tuition charges or by endowments or gifts;
- 122           ~~4.(d)~~ A home education program that meets the requirements  
 123 of chapter 1002; or
- 124           ~~5.(e)~~ A private tutoring program that meets the  
 125 requirements of chapter 1002.

126           (b) "Regular program attendance" means actual attendance  
 127 by a student who is participating in the Student Preparedness  
 128 Pilot Program under s. 1003.215 and who has selected a  
 129 traditional or nontraditional academic option as defined by law  
 130 and rules of the State Board of Education. The district school  
 131 superintendent shall enforce the attendance of the student.

132           Section 6. Paragraph (c) of subsection (1) of section  
 133 1003.21, Florida Statutes, is amended to read:

134           1003.21 School attendance.—

135           (1)

136           (c) A student who attains the age of 16 years during the  
 137 school year is not subject to compulsory school attendance  
 138 beyond the date upon which he or she attains that age if the  
 139 student files a formal declaration of intent to terminate school  
 140 enrollment with the district school board. Public school

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141 students who have attained the age of 16 years and who have not  
 142 graduated are subject to compulsory school attendance until the  
 143 formal declaration of intent is filed with the district school  
 144 board. The declaration must acknowledge that terminating school  
 145 enrollment is likely to reduce the student's earning potential  
 146 and must be signed by the student and the student's parent. The  
 147 school district must notify the student's parent of receipt of  
 148 the student's declaration of intent to terminate school  
 149 enrollment. The student's guidance counselor or other school  
 150 personnel must conduct an exit interview with the student to  
 151 determine the reasons for the student's decision to terminate  
 152 school enrollment and actions that could be taken to keep the  
 153 student in school. The student must be informed of opportunities  
 154 to continue his or her education in a different environment,  
 155 including, but not limited to, adult education and GED test  
 156 preparation. Additionally, the student must complete a survey in  
 157 a format prescribed by the Department of Education to provide  
 158 data on student reasons for terminating enrollment and actions  
 159 taken by schools to keep students enrolled. A student enrolled  
 160 in a Student Preparedness Pilot Program school district must  
 161 receive information regarding the program's attendance and  
 162 completion requirements under s. 1003.215.

163 Section 7. Section 1003.215, Florida Statutes, is created  
 164 to read:

165 1003.215 Student Preparedness Pilot Program.—

166 (1) The Legislature finds that it is in the public  
 167 interest that all students exit from public schools having  
 168 attained academic skills that provide the students the

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169 opportunity to pursue postsecondary education or having attained  
170 skills that lead to ready-to-work certification, industry  
171 certification, or skill licensure.

172 (2) (a) Beginning with the 2011-2012 school year, and  
173 continuing through the 2017-2018 school year, there is created  
174 the Student Preparedness Pilot Program, which shall be  
175 implemented as a pilot program by school districts. Students in  
176 a school district selected to implement the pilot program  
177 pursuant to subsection (3) who attain the age of 16 years, but  
178 have not reached the age of 18 years, and who choose to exercise  
179 their option not to regularly attend school pursuant to s.  
180 1003.21(1)(c) shall be subject to the attendance and completion  
181 requirements in this section.

182 (b) In the 2011-2012 school year, each school district  
183 selected pursuant to subsection (3) shall review, identify, and  
184 develop curricula options for the implementation of the pilot  
185 program requirements pursuant to paragraph (5)(a) for students  
186 who attain the age of 16 years, but have not reached the age of  
187 18 years, and whose academic goals may not include a traditional  
188 high school diploma. These options shall include, but are not  
189 limited to, nontraditional academic options and flexible  
190 attendance options, and may include a phasing in of students by  
191 age or grade. Each selected school district must develop a plan  
192 to meet the student's needs and the attendance and completion  
193 requirements in this section before the pilot program is  
194 implemented in the 2012-2013 school year.

195 (3) The Department of Education shall develop an  
196 application process for all school districts to apply to

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197 participate in the pilot program. The State Board of Education  
198 shall select the pilot program districts, one of which shall be  
199 the Duval County School District.

200 (4) Parents of public school students enrolled in a  
201 participating pilot program district must receive accurate and  
202 timely information regarding their child's academic progress and  
203 must be informed of ways they can help their child succeed in  
204 school.

205 (5) (a) A student in a participating pilot program district  
206 who attains the age of 16 years, but has not reached the age of  
207 18 years, has the right to file a formal declaration of intent  
208 to terminate school enrollment if the declaration is signed by  
209 the parent. The parent has the right to be notified by the  
210 school district of the district's receipt of the student's  
211 declaration of intent to terminate school enrollment. The  
212 student's guidance counselor or other school personnel must  
213 conduct an exit interview pursuant to s. 1003.21(1)(c). Any  
214 student in a participating pilot program district who files a  
215 declaration seeking to terminate school enrollment but has not  
216 reached the age of 18 years shall be required, until completion  
217 or attainment of the age of 18 years, to continue pursuing  
218 credits toward a high school diploma, pursue a high school  
219 equivalency diploma along with participation in the Florida  
220 Ready to Work Certification Program under s. 1004.99,  
221 participate in a career or job training program leading to  
222 industry certification or skill licensure that is developed by  
223 or in cooperation with the district school board, or participate  
224 in the Florida Ready to Work Certification Program under s.

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225 1004.99.

226 (b) A Student Preparedness Pilot Program student subject  
227 to the attendance and completion requirements in this section is  
228 not an eligible student for purposes of school grading under s.  
229 1008.34(3)(c) if the student has selected a nontraditional  
230 academic option as part of the pilot program.

231 (6) Students who are or become married or who are pregnant  
232 and parenting have the right to attend school and receive the  
233 same or equivalent educational instruction as other students.

234 (7) The Office of Program Policy Analysis and Government  
235 Accountability (OPPAGA), in cooperation with the participating  
236 pilot program districts, the applicable state attorneys' offices  
237 and regional workforce boards, the Agency for Workforce  
238 Innovation, the Department of Education, and the Department of  
239 Juvenile Justice, shall conduct a study annually of the impact  
240 of the pilot program on dropout and graduation rates, on the  
241 employability of students, and on juvenile crime, using 2010-  
242 2011 data as the baseline for the research. OPPAGA shall develop  
243 criteria for the collection and reporting of data using input  
244 from the cooperating entities. The results of each annual report  
245 shall be made available to participating pilot program  
246 districts, the applicable state attorneys' offices and regional  
247 workforce boards, the Agency for Workforce Education, the  
248 Department of Education, the Department of Juvenile Justice, the  
249 Governor, the President of the Senate, and the Speaker of the  
250 House of Representatives by January 1 following each school  
251 year, beginning January 1, 2015.

252 Section 8. Paragraph (f) of subsection (1) of section

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253 | 1003.26, Florida Statutes, is amended to read:

254 |       1003.26 Enforcement of school attendance.—The Legislature  
255 | finds that poor academic performance is associated with  
256 | nonattendance and that school districts must take an active role  
257 | in promoting and enforcing attendance as a means of improving  
258 | student performance. It is the policy of the state that each  
259 | district school superintendent be responsible for enforcing  
260 | school attendance of all students subject to the compulsory  
261 | school age in the school district and supporting enforcement of  
262 | school attendance by local law enforcement agencies. The  
263 | responsibility includes recommending policies and procedures to  
264 | the district school board that require public schools to respond  
265 | in a timely manner to every unexcused absence, and every absence  
266 | for which the reason is unknown, of students enrolled in the  
267 | schools. District school board policies shall require the parent  
268 | of a student to justify each absence of the student, and that  
269 | justification will be evaluated based on adopted district school  
270 | board policies that define excused and unexcused absences. The  
271 | policies must provide that public schools track excused and  
272 | unexcused absences and contact the home in the case of an  
273 | unexcused absence from school, or an absence from school for  
274 | which the reason is unknown, to prevent the development of  
275 | patterns of nonattendance. The Legislature finds that early  
276 | intervention in school attendance is the most effective way of  
277 | producing good attendance habits that will lead to improved  
278 | student learning and achievement. Each public school shall  
279 | implement the following steps to promote and enforce regular  
280 | school attendance:

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281 (1) CONTACT, REFER, AND ENFORCE.—

282 (f)1. If the parent of a child who has been identified as  
 283 exhibiting a pattern of nonattendance enrolls the child in a  
 284 home education program pursuant to chapter 1002, the district  
 285 school superintendent shall provide the parent a copy of s.  
 286 1002.41 and the accountability requirements in ~~of~~ this  
 287 paragraph. The district school superintendent shall also refer  
 288 the parent to a home education review committee composed of the  
 289 district contact for home education programs and at least two  
 290 home educators selected by the parent from a district list of  
 291 all home educators who have conducted a home education program  
 292 for at least 3 years and who have indicated a willingness to  
 293 serve on the committee. The home education review committee  
 294 shall review the portfolio of the student, as defined by s.  
 295 1002.41, every 30 days during the district's regular school  
 296 terms until the committee is satisfied that the home education  
 297 program is in compliance with s. 1002.41(1)(b). The first  
 298 portfolio review must occur within the first 30 calendar days of  
 299 the establishment of the program. The provisions of subparagraph  
 300 2. do not apply once the committee determines the home education  
 301 program is in compliance with s. 1002.41(1)(b).

302 2. If the parent fails to provide a portfolio to the  
 303 committee, the committee shall notify the district school  
 304 superintendent. The district school superintendent shall then  
 305 terminate the home education program and require the parent to  
 306 enroll the child in an attendance option that meets the  
 307 definition of "regular school attendance" under s.  
 308 1003.01(13)(a) 1., 2., 3., or 5. ~~(b), (c), or (e)~~, within 3

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309 | days. Upon termination of a home education program pursuant to  
310 | this subparagraph, the parent shall not be eligible to reenroll  
311 | the child in a home education program for 180 calendar days.  
312 | Failure of a parent to enroll the child in an attendance option  
313 | as required by this subparagraph after termination of the home  
314 | education program pursuant to this subparagraph shall constitute  
315 | noncompliance with the compulsory attendance requirements of s.  
316 | 1003.21 and may result in criminal prosecution under s.  
317 | 1003.27(2). Nothing contained herein shall restrict the ability  
318 | of the district school superintendent, or the ability of his or  
319 | her designee, to review the portfolio pursuant to s.  
320 | 1002.41(1)(b).

321 |       Section 9. This act shall take effect July 1, 2011.