

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 315 Enforcement of School Attendance

SPONSOR(S): Valdés, Slosberg and others

TIED BILLS: None **IDEN./SIM. BILLS:** SB 588

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) PreK-12 Innovation Subcommittee	16 Y, 2 N	McAlarney	Brink
2) PreK-12 Appropriations Subcommittee			
3) Education Committee			

SUMMARY ANALYSIS

The bill authorizes each district school board and charter school governing board, as part of its policies relating to student absences, to allow each student to take up to one “mental health day” for each semester as an excused absence. The term “mental health day” is not defined in Florida law.

The bill does not appear to have a fiscal impact.

The bill has an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

School Attendance

With few exceptions state law requires all children who will be six years of age on February 1st of each school year and are less than 16 years of age to attend school regularly.¹ The district superintendent may require evidence of the age of any child believed to be within the limits of compulsory attendance.²

State law directs district school boards to establish attendance policies defining excused or unexcused absences or tardiness. Specific criteria for determining the number of days each school year that a student must be in attendance and whether an absence or tardiness is excused or unexcused are determined by the district school board.³

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.⁴ 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.⁵

State law and state board rule 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, and therapy appointments for the treatment of autism spectrum disorder.⁶

Mental Health and Mental Illness

Mental health and mental illness are not synonymous. Mental health is a state of well-being in which the individual realizes his or her own abilities, can cope with the normal stresses of life, can work productively and fruitfully, and is able to make a contribution to his or her community.⁷ Mental illness is collectively all diagnosable mental disorders or health conditions that are characterized by alterations in thinking, mood, or behavior (or some combination thereof) associated with distress or impaired functioning.⁸ Thus, mental health refers to an individual's mental state of well-being whereas mental illness signifies an alteration of that well-being.

The most recently published data from the National Survey on Drug Use and Health shows 12.5% of children in Florida age 12 to 17 experienced a major depressive episode.⁹ Approximately 37.7% of those children received depression care.¹⁰ The Florida Department of Health's 2019 Youth Risk Behavior Survey of Florida's public high school students shows 33.7% experienced periods of persistent feelings of sadness and hopelessness, 15.6% seriously considered attempting suicide and

¹ Section 1003.21(1)(a), F.S.

² Section 1003.21(4), F.S.

³ Section 1003.24, F.S. (flush-left provisions at end of section).

⁴ Section 1003.26, F.S.

⁵ Section 1003.24(4), F.S.

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

⁷ Centers for Disease Control and Prevention, Mental Health, *Learn About Mental Health*, <https://www.cdc.gov/mentalhealth/learn/> (last visited January 30, 2020).

⁸ *Id.*

⁹ U.S. Department of Health & Human Services, Substance Abuse and Mental Health Services Administration, *Behavioral Health Barometer, Florida, Volume 5*, (2019), available at <https://store.samhsa.gov/system/files/florida-bh-barometer-volume5-sma19-baro-17-us.pdf>.

¹⁰ *Id.*

7.9% attempted suicide.¹¹ Seventy-six children between the ages of 2 to 17 died by suicide in Florida in 2018.¹²

Effect of Proposed Changes

This bill authorizes each district school board and charter school governing board to allow up to one “mental health day” for each semester as an excused absence for a student as part of its policies relating to student absences. The term “mental health day” is not defined in Florida law.

B. SECTION DIRECTORY:

Section 1. Amends s. 1003.26, F.S., authorizing district school boards and charter school governing boards to allow a specified number of mental health days as excused absences for students.

Section 2. Provides an effective date of July 1, 2020.

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:

¹¹ Florida Department of Health, *2019 Florida Risk Behavior Survey Report*, (2019), <http://www.floridahealth.gov/statistics-and-data/survey-data/florida-youth-survey/youth-risk-behavior-survey/index.html> (last visited January 30, 2020).

¹² Florida Department of Health FLHealthCHARTS, *Suicide Deaths*, <http://www.flhealthcharts.com/charts/DataViewer/DeathViewer/DeathViewer.aspx?indNumber=0116> (last visited January 30, 2020).

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.