

HB 315

2020

1                   A bill to be entitled  
2           An act relating to the enforcement of school  
3           attendance; amending s. 1003.26, F.S.; authorizing  
4           district school boards and charter school governing  
5           boards to allow a specified number of mental health  
6           days as excused absences for students; providing an  
7           effective date.  
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9   Be It Enacted by the Legislature of the State of Florida:  
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11           Section 1.   Section 1003.26, Florida Statutes, is amended  
12           to read:

13           1003.26   Enforcement of school attendance.—The Legislature  
14           finds that poor academic performance is associated with  
15           nonattendance and that school districts must take an active role  
16           in promoting and enforcing attendance as a means of improving  
17           student performance. It is the policy of the state that each  
18           district school superintendent be responsible for enforcing  
19           school attendance of all students subject to the compulsory  
20           school age in the school district and supporting enforcement of  
21           school attendance by local law enforcement agencies. The  
22           responsibility includes recommending policies and procedures to  
23           the district school board that require public schools to respond  
24           in a timely manner to every unexcused absence, and every absence  
25           for which the reason is unknown, of students enrolled in the

26 | schools. Each district school board and charter school governing  
27 | board may allow up to one mental health day for each semester as  
28 | an excused absence for a student as part of its policies  
29 | relating to student absences. District school board policies  
30 | shall require the parent of a student to justify each absence of  
31 | the student, and that justification will be evaluated based on  
32 | adopted district school board policies that define excused and  
33 | unexcused absences. The policies must provide that public  
34 | schools track excused and unexcused absences and contact the  
35 | home in the case of an unexcused absence from school, or an  
36 | absence from school for which the reason is unknown, to prevent  
37 | the development of patterns of nonattendance. The Legislature  
38 | finds that early intervention in school attendance is the most  
39 | effective way of producing good attendance habits that will lead  
40 | to improved student learning and achievement. Each public school  
41 | shall implement the following steps to promote and enforce  
42 | regular school attendance:

43 |       (1) CONTACT, REFER, AND ENFORCE.—

44 |       (a) Upon each unexcused absence, or absence for which the  
45 | reason is unknown, the school principal or his or her designee  
46 | shall contact the student's parent to determine the reason for  
47 | the absence. If the absence is an excused absence, as defined by  
48 | district school board policy, the school shall provide  
49 | opportunities for the student to make up assigned work and not  
50 | receive an academic penalty unless the work is not made up

51 within a reasonable time.

52 (b) If a student has had at least five unexcused absences,  
53 or absences for which the reasons are unknown, within a calendar  
54 month or 10 unexcused absences, or absences for which the  
55 reasons are unknown, within a 90-calendar-day period, the  
56 student's primary teacher shall report to the school principal  
57 or his or her designee that the student may be exhibiting a  
58 pattern of nonattendance. The principal shall, unless there is  
59 clear evidence that the absences are not a pattern of  
60 nonattendance, refer the case to the school's child study team  
61 to determine if early patterns of truancy are developing. If the  
62 child study team finds that a pattern of nonattendance is  
63 developing, whether the absences are excused or not, a meeting  
64 with the parent must be scheduled to identify potential  
65 remedies, and the principal shall notify the district school  
66 superintendent and the school district contact for home  
67 education programs that the referred student is exhibiting a  
68 pattern of nonattendance.

69 (c) If an initial meeting does not resolve the problem,  
70 the child study team shall implement the following:

- 71 1. Frequent attempts at communication between the teacher  
72 and the family.
- 73 2. Evaluation for alternative education programs.
- 74 3. Attendance contracts.

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76 | The child study team may, but is not required to, implement  
77 | other interventions, including referral to other agencies for  
78 | family services or recommendation for filing a truancy petition  
79 | pursuant to s. 984.151.

80 |       (d) The child study team shall be diligent in facilitating  
81 | intervention services and shall report the case to the district  
82 | school superintendent only when all reasonable efforts to  
83 | resolve the nonattendance behavior are exhausted.

84 |       (e) If the parent refuses to participate in the remedial  
85 | strategies because he or she believes that those strategies are  
86 | unnecessary or inappropriate, the parent may appeal to the  
87 | district school board. The district school board may provide a  
88 | hearing officer, and the hearing officer shall make a  
89 | recommendation for final action to the district school board. If  
90 | the district school board's final determination is that the  
91 | strategies of the child study team are appropriate, and the  
92 | parent still refuses to participate or cooperate, the district  
93 | school superintendent may seek criminal prosecution for  
94 | noncompliance with compulsory school attendance.

95 |       (f)1. If the parent of a child who has been identified as  
96 | exhibiting a pattern of nonattendance enrolls the child in a  
97 | home education program pursuant to chapter 1002, the district  
98 | school superintendent shall provide the parent a copy of s.  
99 | 1002.41 and the accountability requirements of this paragraph.  
100 | The district school superintendent shall also refer the parent

101 to a home education review committee composed of the district  
102 contact for home education programs and at least two home  
103 educators selected by the parent from a district list of all  
104 home educators who have conducted a home education program for  
105 at least 3 years and who have indicated a willingness to serve  
106 on the committee. The home education review committee shall  
107 review the portfolio of the student, as defined by s. 1002.41,  
108 every 30 days during the district's regular school terms until  
109 the committee is satisfied that the home education program is in  
110 compliance with s. 1002.41(1)(d). The first portfolio review  
111 must occur within the first 30 calendar days of the  
112 establishment of the program. The provisions of subparagraph 2.  
113 do not apply once the committee determines the home education  
114 program is in compliance with s. 1002.41(1)(d).

115 2. If the parent fails to provide a portfolio to the  
116 committee, the committee shall notify the district school  
117 superintendent. The district school superintendent shall then  
118 terminate the home education program and require the parent to  
119 enroll the child in an attendance option that meets the  
120 definition of "regular school attendance" under s.  
121 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon  
122 termination of a home education program pursuant to this  
123 subparagraph, the parent shall not be eligible to reenroll the  
124 child in a home education program for 180 calendar days. Failure  
125 of a parent to enroll the child in an attendance option as

126 required by this subparagraph after termination of the home  
127 education program pursuant to this subparagraph shall constitute  
128 noncompliance with the compulsory attendance requirements of s.  
129 1003.21 and may result in criminal prosecution under s.  
130 1003.27(2). Nothing contained herein shall restrict the ability  
131 of the district school superintendent, or the ability of his or  
132 her designee, to review the portfolio pursuant to s.  
133 1002.41(1)(e).

134 (g) If a student subject to compulsory school attendance  
135 will not comply with attempts to enforce school attendance, the  
136 parent or the district school superintendent or his or her  
137 designee shall refer the case to the case staffing committee  
138 pursuant to s. 984.12, and the district school superintendent or  
139 his or her designee may file a truancy petition pursuant to the  
140 procedures in s. 984.151.

141 (2) GIVE WRITTEN NOTICE.—

142 (a) Under the direction of the district school  
143 superintendent, a designated school representative shall give  
144 written notice that requires enrollment or attendance within 3  
145 days after the date of notice, in person or by return-receipt  
146 mail, to the parent when no valid reason is found for a  
147 student's nonenrollment in school. If the notice and requirement  
148 are ignored, the designated school representative shall report  
149 the case to the district school superintendent, who may refer  
150 the case to the child study team in paragraph (1)(b) at the

151 school the student would be assigned according to district  
152 school board attendance area policies or to the case staffing  
153 committee, established pursuant to s. 984.12. The child study  
154 team shall diligently facilitate intervention services and shall  
155 report the case back to the district school superintendent only  
156 when all reasonable efforts to resolve the nonenrollment  
157 behavior are exhausted. If the parent still refuses to cooperate  
158 or enroll the child in school, the district school  
159 superintendent shall take such steps as are necessary to bring  
160 criminal prosecution against the parent.

161 (b) Subsequent to the activities required under subsection  
162 (1), the district school superintendent or his or her designee  
163 shall give written notice in person or by return-receipt mail to  
164 the parent that criminal prosecution is being sought for  
165 nonattendance. The district school superintendent may file a  
166 truancy petition, as defined in s. 984.03, following the  
167 procedures outlined in s. 984.151.

168 (3) RETURN STUDENT TO PARENT.—A designated school  
169 representative may visit the home or place of residence of a  
170 student and any other place in which he or she is likely to find  
171 any student who is required to attend school when the student is  
172 not enrolled or is absent from school during school hours  
173 without an excuse, and, when the student is found, shall return  
174 the student to his or her parent or to the principal or teacher  
175 in charge of the school, or to the private tutor from whom

176 absent, or to the juvenile assessment center or other location  
177 established by the district school board to receive students who  
178 are absent from school. Upon receipt of the student, the parent  
179 shall be immediately notified.

180 (4) REPORT TO APPROPRIATE AUTHORITY.—A designated school  
181 representative shall report to the appropriate authority  
182 designated by law to receive such notices, all violations of the  
183 Child Labor Law that may come to his or her knowledge.

184 (5) RIGHT TO INSPECT.—A designated school representative  
185 shall have the right of access to, and inspection of,  
186 establishments where minors may be employed or detained only for  
187 the purpose of ascertaining whether students of compulsory  
188 school age are actually employed there and are actually working  
189 there regularly. The designated school representative shall, if  
190 he or she finds unsatisfactory working conditions or violations  
191 of the Child Labor Law, report his or her findings to the  
192 appropriate authority.

193 Section 2. This act shall take effect July 1, 2020.