



<p>1. Who is responsible for school truancy?</p>	<p>Parents Generally speaking, each parent and legal guardian of a child is responsible for the child's school attendance. However, a parent or guardian of a child is not responsible for the child's nonattendance at school under any of the following conditions: with permission from the head of the school; without the parent's knowledge; the parent's financial inability; the student's sickness, injury, or other insurmountable condition. A parent who refuses to comply with attendance regulations is guilty of a second-degree misdemeanor.</p> <p>Superintendents Superintendents are responsible for enforcing attendance, including recommendations to the school board. School board policies must require that absences have parental justification, and provide for timely tracking of absences and contacting homes.</p> <p>Principals When a student is absent from school, the principal contacts the home and refers the case to the school's child study team. If the team determines that early patterns of truancy are developing, a meeting with the parents is required to identify remedies. A principal may not suspend a student for truancy.</p>
<p>2. What is definition of a "habitual truant"?</p>	<p>A habitual truant is a student who is subject to compulsory school attendance and has 15 unexcused absences with 90 calendar days with or without the knowledge or consent of the student's parent or legal guardian.</p> <p>Students who hold exemptions or who meet the criteria for other exemptions specified by law or rule of the State Board of Education are not considered habitually truant.</p>
<p>3. What is the "contact, refer, enforce" policy?</p>	<p>The steps that each public school must implement to enforce regular school attendance are: contact, refer, and enforce.</p> <p>Contact—Principals contact the home to determine the reason for an absence. If the absence is excused, the school must allow make-up work. If the student has five unexcused absences or absences for which the reason is unknown in a month, or 10 in 90 calendar days, the teacher <i>must</i> report a pattern of nonattendance to the principal.</p>

	<p>Refer—The principal refers the case to the school's child study team. If the team determines that early patterns of truancy are developing, a meeting with the parents is required. If the initial parent meeting does not resolve the problem, the team implements interventions.</p> <p>Enforce—Parents or guardians who refuse to participate in the remedial strategies may appeal to the school board. If the board determines the strategies are appropriate and the parent still refuses to participate, the superintendent may seek criminal prosecution.</p>
<p>4. What procedures are in place for a student identified as exhibiting a pattern of nonattendance who enrolls in a home education program?</p>	<p>When a child has been identified as exhibiting a pattern of nonattendance, the principal must notify the superintendent of schools and the school district contact for home education programs.</p> <p>If the parent or guardian of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program (s. 232.0201, F.S.), the superintendent of schools must refer the parent to a home education review committee.</p> <p>The home education review committee must review the portfolio of the student every 30 days during the district's regular school terms until the committee is satisfied that the program is in compliance with s. 232.0201(1)(b), F.S. The first portfolio review must occur within the first 30 calendar days of the establishment of the program.</p> <p>If the parent fails to provide a portfolio to the committee, the committee must notify the superintendent of schools. The superintendent must terminate the home education program and require the parent to enroll the child in another attendance option such as a public, parochial, or private school or a private tutoring program within three days. Upon termination of a home education program, the parent or guardian shall not be eligible to reenroll the child in a home education program for 180 calendar days.</p> <p>Failure of a parent or guardian to enroll the child in an attendance option after termination of the home education program shall constitute noncompliance with compulsory attendance requirements and may result in criminal prosecution under s. 232.19(2), F.S.</p>

<p>5. Who is to serve on a home education review committee?</p>	<p>A home education review committee is composed of the district contact for home education programs and at least two home educators selected by the parent from a list of all home educators who have conducted a home education program for at least three years and have indicated a willingness to serve on the committee.</p>
<p>6. How and when does Florida report truants to law enforcement?</p>	<p>The superintendent may file a truancy petition for a habitual truant. Upon the filing of the truancy petition in circuit court, a summons is issued to the parent or guardian directing that person and the student to appear for a hearing. The petition, stating the number of days and dates absent, is heard by the court within 30 days of being filed.</p> <p>If the court determines the student <u>did</u> miss any of the alleged days, the court must order the student to attend school and the parent to ensure that the student attends. The court may also order alternative sanctions, including</p> <ul style="list-style-type: none"> • alternative classes; • community service; • parent participation in homemaker or parent aide services; • intensive crisis counseling; • community mental health services; and • vocational job training or employment services. <p>If the superintendent chooses not to file a truancy petition or if the student does not successfully complete the truancy petition sanctions, procedures for filing a child-in-need-of-services (CINS) petition are commenced after reasonable time to complete actions of referral to the CINS provider or the case staffing committee; court order requiring school attendance is obtained; and school district complies with the school attendance requirements. All of those efforts must have been unsuccessful before filing the CINS petition.</p> <p>In addition to any other authorized sanctions, the court is required to order a child found to be a habitual truant to make up all school work missed and may order the child to pay a civil penalty of up to \$2, based on the child's ability to pay, for each day of school missed, perform up to 25 community service hours at the school, or participate in counseling or other services, as appropriate. Upon a second or subsequent finding, the penalty may be increased to \$5 and up to 50 community service hours.</p>

<p>7. What are the major aspects of the truancy program?</p>	<p>The major truancy provisions are:</p> <ul style="list-style-type: none"> • students up to 18 years of age must notify the school in writing to declare intent to drop out of school. (In 1998, this law was amended to include parental consent of termination also.); • a court must order the parent of a habitually truant child to send the child to school; and • a child study team is assigned to the child to recommend interventions if the student is determined to be habitually truant. (See the School Age Fact Sheet.)
<p>8. Are habitual truants subject to loss of driving privileges?</p>	<p>Yes. Driving privileges of a habitual truant may be withheld or revoked. Section 232.19(2)(b), F.S., requires the superintendent of a public school district to provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of minors who accumulate 15 unexcused absences in a period of 90 calendar days. Section 322.910, F.S., provides that minors failing to satisfy attendance requirements are not eligible for driving privileges.</p>
<p>9. How is school attendance tied to the Learnfare Program?</p>	<p>The Learnfare Program requires that all school-age children of program participants or eligible teen age participants attend school on a regular basis. The Learnfare program participant with a school-age child is required to have a school conference during each semester. Failure to comply with those requirements may result in the Department of Children and Family Services (DCF) reducing the temporary cash assistance for the child or eligible teenage participant. In 2001, the Legislature required DCF to develop an electronic transfer system to streamline the flow of information between the school and DCF. (See the Learnfare Program Fact Sheet.)</p>
<p>10. What are the applicable statutes and rules?</p>	<p>Section 232.01, F.S. -- Compulsory school attendance Section 232.06, F.S. -- Exemptions Section 232.09, F.S. -- Parent's responsibility Section 232.16, F.S. -- Superintendent's responsibility Section 232.17, F.S. -- Enforcement of school attendance Section 232.26, F.S. -- Principal's authority Section 232.01(1)(c), F.S. -- School attendance Section 232.195, F.S. -- Truancy remedial activities Sections 239.01, and 232.19, F.S. -- Habitual truancy Section 232.19, F.S. -- Court procedures and penalties Section 322.091, F.S. -- Driver's license privileges Section 414.1251, F.S. -- Learnfare Program Section 984.151, F.S. -- Truancy petition Section 984.12, F.S. -- Treatment to a family in need of services</p>

11. Where can I get additional information?

Florida Department of Education
Division of Public Schools
(850) 488-2601
www.firn.edu/doe

The Florida House of Representatives
Committee on General Education
(850) 414-9780