

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** CS/HB 849 School Absence Due to Sickness or Injury

**SPONSOR(S):** Early Learning & Elementary Education Subcommittee, Valdés and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** SB 1158

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Early Learning & Elementary Education Subcommittee	17 Y, 0 N, As CS	Bauman	Brink
2) Secondary Education & Career Development Subcommittee	16 Y, 0 N	Bauman	Sanchez
3) Education & Employment Committee			

### SUMMARY ANALYSIS

The bill revises the circumstances under which a parent is not held responsible for a child's absence from school. The bill allows a district school board to determine other licensed health care professionals—in addition to licensed practicing physicians—who may write a note for a student's excused absence. This would allow for licensed mental health providers and counselors to write a note for an excused absence based on a student's mental wellbeing, consistent with school board policy.

The bill does not have a fiscal impact.

The bill provides an effective date of July 1, 2021.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Present Situation

##### **Student Attendance at School**

Florida law requires all children who are between 6 years old, or who will be 6 years old by February 1 of any school year, and 16 years old to attend school regularly during the entire school term.<sup>1</sup> The law provides that a student who turns 16 years old during the school year is not subject to compulsory attendance beyond the date the student turns 16 if the student files a formal declaration of intent to terminate school enrollment, which must be signed by the student and the student's parent.<sup>2</sup>

As part of promoting student welfare, Florida law establishes that school districts are required to provide for the proper accounting for all students of school age and for the attendance and control of students at school.<sup>3</sup> Each district school board must establish an attendance policy that includes the number of days a student must be in attendance per year and criteria to determine whether an absence or tardy is excused or unexcused.<sup>4</sup>

District school boards are required to adopt policies, in accordance with State Board of Education (SBE) rules, authorizing a parent to request and be granted permission for the absence of a student from school for:

- Religious instruction or religious holidays.<sup>5</sup>
- An appointment to receive a therapy service provided by a licensed health care practitioner or certified behavior analyst for treatment of autism spectrum disorder.<sup>6</sup>

The school district superintendent is responsible for enforcing school attendance, which includes recommending policies and procedures to the district school board that require public schools to properly track, report, and address unexcused absences and absences for which the reason is unknown.<sup>7</sup> To promote and enforce regular school attendance, public schools are required to:<sup>8</sup>

- develop policies and procedures to ensure that schools respond in a timely manner to each unexcused absence, or absence for which the reason is unknown.
- contact the student's home for every unexcused absence or absence for which the reason is unknown to obtain parent justification for the absence.
- evaluate each justification and determine whether the absence is excused or unexcused based on district policy.
- track excused and unexcused absences.
- identify and refer students who may be developing a pattern of absence to the school's child study team<sup>9</sup> for intervention services.
- schedule a meeting with certain identified parents to discuss their child's attendance.
- implement prevention and intervention strategies to address truancy and attendance issues as required for drivers' licenses and related requirements for habitual truants.
- send a notice to the superintendent of schools and to the district home education contact regarding patterns of absence for specific students; and

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<sup>1</sup> Section 1003.21(1)(a)1., F.S.

<sup>2</sup> Section 1003.21(1)(c), F.S.

<sup>3</sup> Section 1001.42(8)(a), F.S.

<sup>4</sup> Sections 1003.24 and 1003.26, F.S.

<sup>5</sup> Section 1003.21(2)(b)1., F.S.

<sup>6</sup> Section 1003.21(2)(b)2., F.S.

<sup>7</sup> Section 1003.26, F.S.

<sup>8</sup> *Id.*

<sup>9</sup> A child study team assesses a student's absences to determine whether early patterns of truancy are developing. Section 1003.26(1)(b).

- refer habitual truancy cases to the case staffing committee and child-in-need-of-services provider for assistance.

### Parent Responsibility

There is a strong relationship between attendance in school and academic performance, which highlights the importance of a student’s parent taking an active role and working with the school to ensure the student’s regular attendance.<sup>10</sup> Florida law establishes that the parent of a child is responsible for the child’s school attendance.<sup>11</sup> However, a parent is not held responsible for a student’s absence at school if, among other reasons, the absence was due to sickness or injury attested to by a written statement of a licensed practicing physician,<sup>12</sup> or due to some other stated insurmountable condition, as defined and attested to in accordance with SBE rules.<sup>13</sup>

If a student is sick and repeatedly absent from school, the student must be under the supervision of a physician to be excused from compulsory attendance.<sup>14</sup> Additionally, if a student’s repeated absence is due to having autism spectrum disorder, the student must be receiving services from a licensed health care practitioner or certified behavior analyst to be excused from compulsory attendance.<sup>15</sup>

### **Licensed Health Professionals**

To protect and promote the health, safety, and welfare of the public, the Florida Department of Health (DOH) must, among other responsibilities, regulate health care professionals.<sup>16</sup> Practitioners licensed by DOH include providers of mental and behavioral health services and counseling, such as psychologists, mental health counselors, marriage and family therapists, clinical social workers, and advanced practice registered nurses.<sup>17</sup>

### **Effect of Proposed Changes**

The bill revises the circumstances under which a parent is not held responsible for a child’s absence by allowing district school boards to determine other licensed health care professionals—in addition to licensed practicing physicians—who may write a note for an excused absence. This would allow for licensed mental health providers and counselors to write a note for an excused absence based on a student’s mental wellbeing, consistent with school board policy.

#### **B. SECTION DIRECTORY:**

**Section 1.** Amends 1003.34, F.S., specifying the types of sickness or injury included under a certain exemption to attendance policy.

**Section 2.** Provides an effective date of July 1, 2021.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

<sup>10</sup> See ss. 1003.26 and 1003.24, F.S.; Florida Department of Education, *General Provisions and Attendance*, <http://www.fldoe.org/academics/exceptional-student-edu/military-families/general-provisions-attendance.shtml#attendance> (last visited March 19, 2021).

<sup>11</sup> Section 1003.24, F.S.

<sup>12</sup> Section 458.311, F.S.

<sup>13</sup> Section 1003.24(4), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Section 20.43(1)(g), F.S.

<sup>17</sup> See s. 20.43(1)(g), F.S.; see also Florida Department of Health, *Licensing and Regulation*, <http://www.floridahealth.gov/licensing-and-regulation/index.html> (last visited March 23, 2021).

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:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

### IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2021, the Early Learning and Elementary Education Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The amendment:

- Removes language specifying that a sickness or injury may be physical or mental.
- Allows a district school board to determine other licensed health care professionals—in addition to licensed practicing physicians—who may write a note for an excused absence.

The analysis is drafted to the bill as amended by the Early Learning and Elementary Education Subcommittee.