

Council Substitute for House Bill No. 277

An act relating to school attendance; creating s. 414.1251, F.S.; reestablishing the Learnfare program; reducing temporary cash assistance based on failure to meet certain education participation requirements; requiring conferences between Learnfare participants and school officials; requiring the development of an electronic data transfer system; amending s. 228.041, F.S., relating to definitions; correcting a cross reference; amending s. 230.23, F.S., relating to powers and duties of district school boards; adding duties; repealing s. 414.125, F.S., relating to the Learnfare program; providing an appropriation; providing an effective date.

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

Section 1. Section 414.1251, Florida Statutes, is created to read:

414.1251 Learnfare program.—

(1) The department shall reduce the temporary cash assistance for a participant's eligible dependent child or for an eligible teenage participant who has not been exempted from education participation requirements, if the eligible dependent child or eligible teenage participant has been identified either as a habitual truant, pursuant to s. 228.041(28), or as a dropout, pursuant to s. 228.041(29). For a student who has been identified as a habitual truant, the temporary cash assistance must be reinstated after a subsequent grading period in which the child's attendance has substantially improved. For a student who has been identified as a dropout, the temporary cash assistance must be reinstated after the student enrolls in a public school, receives a high school diploma or its equivalency, enrolls in preparation for the General Educational Development Tests, or enrolls in other educational activities approved by the district school board. Good cause exemptions from the rule of unexcused absences include the following:

(a) The student is expelled from school and alternative schooling is not available.

(b) No licensed day care is available for a child of teen parents subject to Learnfare.

(c) Prohibitive transportation problems exist (e.g., to and from day care).

Within 10 days after sanction notification, the participant parent of a dependent child or the teenage participant may file an internal fair hearings process review procedure appeal, and no sanction shall be imposed until the appeal is resolved.

(2) Each participant with a school-age child is required to have a conference with an appropriate school official of the child's school during each semester to assure that the participant is involved in the child's educational

progress and is aware of any existing attendance or academic problems. The conference must address acceptable student attendance, grades, and behavior and must be documented by the school and reported to the department. The department shall notify a school of any student in attendance at that school who is a participant in the Learnfare program in order that the required conferences are held. A participant who without good cause fails to attend a conference with a school official is subject to the sanction provided in subsection (1). The temporary cash assistance shall be reinstated after the participant attends the conference with the appropriate school official and that conference is documented by the school and reported to the department.

(3) The department shall develop an electronic data transfer system to enable the department to collect, report, and share data accurately and efficiently. In order to ensure accountability and assess the effectiveness of the Learnfare program, the department shall compile information including, but not limited to, the number of students and families reported by school districts as out of compliance, the number of students and families sanctioned as a result, and the number of students and families reinstated after becoming compliant. The information compiled shall be submitted in the form of an annual report to the presiding officers of the Legislature by March 1.

Section 2. Subsection (28) of section 228.041, Florida Statutes, is amended to read:

228.041 Definitions.—Specific definitions shall be as follows, and whenever such defined words or terms are used in the Florida School Code, they shall be used as follows:

(28) HABITUAL TRUANT.—A habitual truant is a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student's parent or legal guardian, is subject to compulsory school attendance under s. 232.01, and is not exempt under s. 232.06 or s. 232.09, or by meeting the criteria for any other exemption specified by law or rules of the State Board of Education. Such a student must have been the subject of the activities specified in ss. 232.17 and 232.19(3), without resultant successful remediation of the truancy problem before being dealt with as a child in need of services according to the provisions of chapter 984.

Section 3. Paragraph (b) of subsection (15) of section 230.23, Florida Statutes, is amended to read:

230.23 Powers and duties of school board.—The school board, acting as a board, shall exercise all powers and perform all duties listed below:

(15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT PROGRAM.—

~~(b) District school boards shall~~ Encourage teachers and administrators to keep parents and guardians informed of student progress, student programs, student attendance requirements pursuant to ss. 232.17, 232.19, 414.1251, and 984.151, and availability of resources for academic assistance.

Section 4. Section 414.125, Florida Statutes, is repealed.

Section 5. The sum of \$251,000 in nonrecurring Temporary Assistance for Needy Families (TANF) funds is appropriated from the Federal Grants Trust Fund to the Department of Children and Family Services to develop an electronic data transfer system.

Section 6. This act shall take effect upon becoming a law.

Approved by the Governor June 1, 2001.

Filed in Office Secretary of State June 1, 2001.