

**DPS: 2013-150**

**Date:** October 19, 2018

## Technical Assistance Paper

### Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege

**Summary:** Provides technical assistance to school personnel who implement the attendance-related proceedings and to school district technical staff, who provide information to the Florida Department of Highway Safety and Motor Vehicles (DHSMV). Also provides updated information and clarifies previous policies related to the implementation of attendance-related driver's license requirements for minors.

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**Status:** X Revises and replaces existing Technical Assistance Paper:  
**April 18, 2014, Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege**

Issued by the  
Florida Department of Education  
Division of Public Schools  
Bureau of Family and Community Outreach  
<https://info.fldoe.org/docushare/dsweb/Get/Document-7010/dps-2013-150.pdf>

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Appendix B- Notification to the Department of Highway Safety and Motor Vehicles Student Compliance with Enrollment Requirements for a Home Education Program

Appendix C- Section 1003.26, Florida Statutes – Enforcement of School Attendance

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Appendix E- Section 414.1251, Florida Statutes – Learnfare Program

Appendix F- Section 322.091, Florida Statutes – Attendance Requirements

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## **Background**

The Florida Legislature enacted specific provisions to reduce truancy and ensure that schools respond in a timely manner to student nonattendance. The continuum of attendance-related intervention and enforcement strategies requires school districts to implement programs, procedures and activities consistent with this legislative intent and pursuant to the following:

- Enforcement of school attendance (section 1003.26, Florida Statutes) (Appendix C);
- Court procedure and penalties (section 1003.27, Florida Statutes) (Appendix D); and
- Learnfare Program reporting requirements (section 414.1251, Florida Statutes) (Appendix E).

The Florida Legislature enacted requirements that schools report to the Department of Highway Safety and Motor Vehicles (DHSMV) the names, birth dates, gender and social security numbers of minors who attain the age of 14 and accumulate 15 unexcused absences within a period of 90 calendar days. The legislation further provides that those students who fail to satisfy attendance requirements will be ineligible to obtain or maintain driving privileges.

Pursuant to section 322.091, Florida Statutes (Appendix F), a minor is not eligible for driving privileges unless that minor:

- Is enrolled in public school, nonpublic school or a home education program and satisfies relevant attendance requirements;
- Has received a high school diploma, high school equivalency diploma, special diploma or certificate of high school completion;
- Is enrolled in a study course in preparation for the General Educational Development Test (GED<sup>®</sup> Test) and satisfies relevant attendance requirements;
- Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;
- Has been issued a certificate of exemption according to section 1003.21(3), Florida Statutes (Appendix G); or
- Has received a hardship waiver pursuant to section 322.091, Florida Statutes.



## Introduction

The purpose of this technical assistance paper is to:

- Provide technical assistance to school personnel who implement the attendance-related proceedings and to district technical staff who provide information to the DHSMV;
- Provide updated information and clarify previous policies related to the implementation of attendance-related driver's license requirements; and
- Replace previous technical assistance papers for the Implementation of Attendance Requirements for Minors to Maintain Their Driving Privilege.

## School District Responsibilities

**Notification to the DHSMV**—The principal or designee shall notify the district school board of all students between the ages of 14 and 18 who accumulate 15 unexcused absences within a period of 90 calendar days. The school superintendent should electronically transmit the names of the students, dates of birth, genders and, if available, social security numbers to the DHSMV. The school district is also required to report all students who withdraw from school with a withdrawal code that is calculated in the dropout rate. The DHSMV will not process records of students who are less than 14 years of age. Notification to the DHSMV initiates one of two actions:

- The DHSMV will post a Notice of Intent to Suspend driving privileges to the driver record of all reported licensed students. These students may lose their driver's license unless they comply with attendance requirements; or
- The DHSMV will post an education noncompliance entry, to the record created for this specific purpose, for all reported unlicensed students, and they may not apply for a driver's license until relevant attendance requirements are satisfied.

**Reinstatement of Driving Privilege**—Satisfaction of relevant attendance requirements for reinstatement is based on the criteria outlined in section 322.091, Florida Statutes (Appendix F). In most cases, reinstatement will involve students in high school, an adult education program, home education program or private school.

School districts must electronically transmit a transaction code (code 5) to cancel out-of-compliance reports for students who are licensed and have satisfied attendance requirements, or students who should not have been reported. Electronic transmissions for cancellation must occur within 20 calendar days of issuance of the Notice of Intent to Suspend. An electronic transmission cannot be used to cancel education noncompliance entries for unlicensed students who have not satisfied attendance requirements or who should not have been reported to the DHSMV. A reinstatement form (see Appendix A) or status letter must be submitted for these students.

The reinstatement form is required for students who satisfy relevant attendance requirements after 20 calendar days from the date of the notice. Students are also eligible for reinstatement if they have earned a high school diploma or State of Florida diploma. The reinstatement form can

be used to document the awarding of a diploma. A status letter from the public school is required for licensed students who should not have been reported or for whom a correction has not been electronically transmitted within 20 calendar days. The letter must be submitted on school letterhead addressed to the DHSMV and include the student's name, date of birth, social security number (if available); the principal's or designee's notarized signature; and a statement that the student should not have been reported to the department.

At this time, there is no electronic mechanism in place for minors enrolled in an adult education program that is not under the authority of a school district. For reinstatement of driving privileges for these students, contact the DHSMV, Bureau of Motorist Compliance at 850-617-3811. Reinstatement forms may be faxed to 850-617-5136. The DHSMV staff will not process any forms that do not include a legible school seal or have a notarized signature. After the order of suspension is posted to a licensed student's driver record, the reinstatement form can be presented to a local driver's license office. If the license is suspended, a reinstatement fee will be required.

To reinstate the driving privilege of a student who is enrolled and attending a home education program or private school, contact the DHSMV, Bureau of Motorist Compliance at 850-617-3811.

**Hardship Waiver Hearings**—It is recommended that school districts establish procedures to schedule hardship waiver hearings for students who receive a Notice of Intent to Suspend, pursuant to section 322.091(3), Florida Statutes. Unlicensed students are not eligible for a hardship waiver hearing. A licensed student, or his or her parent or guardian, has 15 calendar days after the date of receipt of the Notice of Intent to Suspend to request a hardship waiver hearing with the public school principal or the principal's designee. Districts should notify the DHSMV via electronic transmission regarding the request for a waiver hearing within 24 hours after receiving the request. The hearing must be conducted within 30 calendar days of the request. The outcome of the hearing should be transmitted electronically to the DHSMV within 24 hours after the hearing. Any student who is denied a waiver may appeal the decision to the district school board. If the school board ultimately grants the hardship waiver, the school board must notify the DHSMV.

The purpose of a hardship waiver hearing is to review the pending suspension of a student's driving privilege. By approving a student's request for a hardship waiver, the school district is providing the student an opportunity to maintain his or her driving privilege during the period of time it takes the student to comply with the requirements of section 322.091(1), Florida Statutes. Therefore, the public school principal, principal's designee or the designee of the governing body of a private school is strongly encouraged to approve the waiver request for a specified period of time. For example, the school may approve a waiver based on the conditions set forth in section 322.091(3)(b), Florida Statutes, to allow the student to attend school for 30 consecutive school days with no unexcused absences. It is recommended that school districts review hardship waivers 90 calendar days after the date of approval. The district may decide to extend the approval of the waiver and take no further action with the DHSMV. If the district decides to withdraw approval of the waiver, the DHSMV requires that they inform the student that the waiver has been rescinded and electronically notify the DHSMV of this decision. Students affected will be mailed an Order of Suspension from the DHSMV.

## **Department of Highway Safety and Motor Vehicles Responsibilities**

The DHSMV's primary role is to function in a regulatory capacity. This entails creation of the Notices of Intent to Suspend and Orders of Suspension forms, as well as the reinstatement of driving privileges for students who comply with attendance requirements. The Notice of Intent to Suspend should be sent to all students reported by school districts to the DHSMV for noncompliance with attendance requirements pursuant to section 322.091(2), Florida Statutes. It will notify licensed minors of the intent to suspend their driving privileges, and it will notify unlicensed minors that the DHSMV will withhold eligibility and deny an application for a driver's license until the student provides verification of attendance compliance required for reinstatement of their eligibility.

## **A. Attendance and Reporting**

### **A-1. How are excused and unexcused absences defined?**

Pursuant to section 1003.26, Florida Statutes, district school board policies should require each student's parent(s) to justify their child's absence, and the justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must require schools to track excused and unexcused absences and contact the parent in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of nonattendance patterns.

### **A-2. Which students must be reported to the DHSMV for noncompliance with attendance requirements?**

School districts must report all students between the ages of 14 and 18 who:

- Accumulate 15 unexcused absences within 90 calendar days; or
- Have withdrawn from school with a withdrawal code calculated in the dropout rate (DNE, W05, W13, W15, W18, W21, W22 and W23).

#### **A-2.1. Is the 90 calendar day period a “rolling” period, and how often must the superintendent report student data to the DHSMV?**

The 90 calendar day period “rolls” and changes daily. Districts should report a student as soon as he or she accumulates 15 unexcused absences within 90 calendar days. For reporting purposes, districts should only report absences accumulated during the 180-day school year, not including summer school. School districts should transmit student data to the DHSMV at least once a week. Districts should not wait until the end of the semester to report students who drop out of school or accumulate 15 unexcused absences within the 90 school day semester.

#### **A-2.2. What is the age range of students that are affected by these provisions?**

For the purpose of implementation of these proceedings, districts must report all students who turn 14 during the school year (July 1–June 30) until they have reached their 18<sup>th</sup> birthday. Students are eligible to be reported on their 14<sup>th</sup> birthday.

#### **A-2.3. How are “no shows” or students who “did not enter” (DNE) reported?**

For those students who are expected to enroll at the beginning of the school year but who do not return, the district must carry the student on the class roster for up to 10 school days. If the student has not enrolled within the first 10 days of school, the district may remove the student from the roll by entering the withdrawal code DNE and recording the withdrawal date as of the first day of school. At this time, it is recommended that the school district should report the student to the DHSMV.

**A-2.4. How should dropouts be reported?**

A student who has been assigned a withdrawal code calculated in the dropout rate, referred to as a dropout code, should be reported to the DHSMV on the first day after the student was withdrawn from school. Dropout codes for PK-12 include DNE, W05, W13, W15, W18, W21, W22 and W23.

**A-2.5. Are 16-or 17-year-old students who sign a declaration of intent to terminate school enrollment excluded from these provisions?**

No. A 16- or 17-year-old student who withdraws from school is not excluded from being reported to the DHSMV for sanction. Florida law provides that a minor is not eligible for driving privileges if he or she is not enrolled in a public school, private school or a home education program. Pursuant to section 1003.21(1)(c) and 1002.41, Florida Statutes, (Appendix H), a student who is 16 or 17 years old may withdraw from school if he or she files a formal declaration of intent to terminate school enrollment with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. It is recommended that school staff also inform students and parents regarding the potential loss of driving privileges. The district shall notify the student's parent regarding the receipt of the student's intent to terminate school enrollment.

**A-2.6. Are expelled students affected?**

Yes. Expelled students should be reported as soon as they are officially withdrawn from school; however, a student may not be affected if he or she enrolls in another school, home education program or an alternative to expulsion program and meets relevant attendance requirements.

**A-2.7. Are days missed as a result of suspensions counted in the unexcused absences reported to the DHSMV?**

No. An out-of-school suspension is an administrative action that prohibits a student from attending school as compared to a truancy issue. For the purpose of reporting to the DHSMV, an absence due to suspension included in the 15 unexcused absences reporting criteria would result in a double penalty and should not be reported as an unexcused absence. Students participating in an in-school suspension program do not generate absences because they are required to be present during school hours.

**A-2.8. How should the district report a student who transfers to an adult education program (W26) but does not enroll or is not attending classes?**

Any student who leaves school to enter an adult education program prior to completion of high school graduation requirements must be withdrawn as W26. If a student who is assigned code W26 does not enroll in the adult program within 10

school days, he or she must be recorded in the appropriate category (i.e., W05, W15, W22). See Appendix K. If a student enrolls in the adult program but does not attend classes, he or she must be recorded in the appropriate category by the last secondary school attended. This code also applies to those students who are provided programs through cooperative agreements with adult schools in other districts or a community college.

**A-2.9. Are all public schools in Florida responsible for contacting their school district when a student who withdrew with a W26 withdrawal code fails to enroll or attend an adult education program?**

Yes. Public schools are responsible for contacting the school district if a student withdrawn with a W26 withdrawal code fails to enroll in or attend an adult education program. All minor students, regardless of educational program, should comply with attendance requirements as specified in law. A W26 withdrawal code applies to any student who withdraws from school to enter the adult education program prior to completion of graduation requirements.

**A-2.10. Will 15 days of unexcused absences within 90 calendar days be reported for students in adult education programs?**

Yes. Minor students enrolled and attending adult education programs are required to comply with mandatory attendance requirements. This applies to all students between 14 and 18 years of age. In addition, students assigned a W26 withdrawal code must be reported after exiting an education program without earning a high school diploma or State of Florida diploma. Their names should be electronically transmitted to the DHSMV.

**A-2.11. Should the district notify the DHSMV when a student has improved attendance after his or her name has been submitted to the DHSMV for having 15 unexcused absences in a 90 calendar day period?**

No. The 15 unexcused absences in any given 90 calendar day period is a benchmark of attendance behavior requiring notification for DHSMV action. It becomes the student's responsibility after notification from the DHSMV regarding the intent to suspend driving privileges or withhold eligibility for licensure to seek reinstatement if he or she can obtain written verification of 30 consecutive school days of attendance with no unexcused absences.

**A-3. Which students should not be reported to the DHSMV?**

Students who transfer to another school within the school district (W02), to another public school in or out of the state (W03), or to a private school in or out of the state (W04) should not be reported to the DHSMV for noncompliance of attendance requirements unless they have accumulated 15 unexcused absences within 90 calendar days or students who have withdrawn from school with a dropout code of DNE, W05, W13, W15, W18, W21, W22 or W23. Note: This

includes students transferring to a hospital homebound program within the school district or out of the school district.

**A-4. Are public schools required to inform students that their driving privileges may be affected for withdrawing from school?**

No. Section 1003.26(1), Florida Statutes, requires the school principal or designee to contact a student's parent to determine the reason for an unexcused absence or an absence for which the reason is unknown. It is recommended that schools inform students and parents of the consequences of accumulating unexcused absences and of dropping out of school, including the potential loss of driving privileges.

**A-5. Are public schools required to notify parents and guardians when excessive unexcused absences occur?**

Yes. Section 1003.26(1), Florida Statutes, requires the school principal or principal's designee to contact a student's parent to determine the reason for each unexcused absence or absence for which the reason is unknown. If a student accumulates at least five unexcused absences or absences for which the reasons are unknown within a calendar month, or 10 unexcused absences or absences for which the reasons are unknown within 90 calendar days, the student's teacher shall report this pattern of nonattendance to the school principal. Unless there is clear evidence that the absences are not a pattern of nonattendance, the principal must refer the case to the school's child study team to determine an intervention plan to most effectively address the problem. (See Appendix C.)

**A-6. What is the time limit for school districts to electronically transmit the transaction code to cancel the Notice of Intent to Suspend letter to the DHSMV?**

It is highly recommended that school districts electronically transmit the appropriate transaction code to the DHSMV within 20 calendar days from the date of the notice. After 20 days, attempts to transmit the transaction code will be electronically transmitted back to the district in the summary (SUM) file as an error. Electronic transmissions to correct records only apply to students with a learner's permit or a driver's license.

**A-7. Is it possible for school districts to electronically transmit the transaction code to cancel an education noncompliance entry posted to a DHSMV record?**

No. The transaction code for cancellation only applies to the Notice of Intent to Suspend. Education noncompliance is a correspondence entry to a DHSMV record for unlicensed students reported as out-of-compliance with attendance requirements. A school will not know whether the student is licensed until the SUM file is returned and reviewed. It is recommended that the school supply the student with a letter to indicate he or she should not have been reported to the DHSMV. The letter should be on school letterhead addressed to the DHSMV and include the principal or designee's signature; the student's name, date of birth and social security number (if available); and a statement that the student should not have been reported to the DHSMV.

**A-8. Can a local driver’s license office issue a license to an unlicensed minor if the student has been reported to the DHSMV for noncompliance with the attendance requirements?**

The student can only be issued a license after the reinstatement form documenting compliance with attendance requirements or a status letter stating that the student should not have been reported has been completed by the school.

**B. Home Education and Private Schools**

**B-1. What happens if a student goes into a home education program and is assigned a W24 withdrawal code?**

Upon the transfer of a student into a home education program, he or she ceases to be the responsibility of the school district for the purpose of these provisions and should not be reported by the district to the DHSMV, except as provided below.

**B-2. What happens if a student is assigned a W24 withdrawal code for home education and does not register with the district’s home education office within 30 school days?**

The student should be reported to the DHSMV.

**B-3. How can a school district report a student who withdrew from home education and is not enrolled in their school district?**

It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age attendance requirement in the school district and supporting enforcement of school attendance by local law enforcement agencies, pursuant to section 1003.26, Florida Statutes. Acceptable alternatives to home education are attendance in public or private schools, attendance in a GED® program, enrollment in other educational activities approved by the district school board, a certificate of exemption according to section 1003.21(3), Florida Statutes, or a hardship waiver, pursuant to section 322.091, Florida Statutes.

Pursuant to section 1003.26(2), Florida Statutes, a designated school representative must give written notice that requires enrollment or attendance within three days after the date of notice to the parent when no valid reason is found for a student’s non-enrollment in school. If the school determines that a student whose parent registered him or her for home education is not participating in a home education program, it is the district’s responsibility to enforce compulsory school attendance requirements. A record can be created and electronically transmitted by the school district to the DHSMV.

**B-4. When should proof of enrollment in a school district’s home education program be issued for reinstatement purposes?**

Students enrolled in home education are not excluded from the 30 consecutive school days of required attendance for reinstatement. It is recommended that districts issue a reinstatement form (HSMV 72871) only after 30 school days have elapsed. This form will verify enrollment in a home education program for the required 30 days.



**B-5. What is a reasonable amount of time for students to withdraw from high school or a public home education program to enroll and attend a GED® or career/technical education program?**

The expectation is for students to continue their education. Ten school days from the date of withdrawal is a reasonable timeframe to enroll and attend a program. Students who fail to enroll and attend a program should be reported electronically to the DHSMV.

**B-6. Are private schools and other systems not under the authority of a public school district superintendent required to submit attendance data relative to the 15 days of unexcused absences in 90 calendar days to the DHSMV?**

No. However, for students who have received a Notice of Intent to Suspend/Withhold Eligibility for Licensure, the private school should provide the student with a reinstatement form, executed by the private school, contingent on compliance with relevant attendance requirements.

**B-7. What are the responsibilities of the public school when a student transfers from a public school to a private school and receives a Notice of Intent to Suspend/Withhold Eligibility for Licensure?**

The private school is responsible for issuing a reinstatement form. If a student does not have an attendance problem, he or she should provide verification of enrollment in private school, and it is recommended that the school district electronically transmit a cancellation code for licensed minors. The cancellation code should be transmitted within 20 days from the date of the notice. If 20 days have expired, it is highly recommended that a letter from the public school, on school letterhead, should be sent indicating the student should not have been reported to the DHSMV. The letter also applies to unlicensed minors who enrolled in private school and did not have an attendance problem in public school. Letters from schools can be faxed to 850-617-5136.

## **C. Online Programs**

### **C-1. Can attendance requirements be satisfied through an online program for full-time students?**

Yes. Public and private school online educational programs are acceptable for satisfying attendance requirements. Programs can be affiliated with the Florida public school system or be private, which include out-of-state programs. Students enrolled in a full-time public virtual school can meet Florida's compulsory attendance requirements per section 1003.21, Florida Statutes. Virtual students are expected to attend and participate in their online education daily, and daily attendance must be reported. A reinstatement form can be issued when the student has completed the requisite hours for thirty consecutive school days.

It is recommended that private online programs not listed in the *Florida Education Directory*, which is located at <http://florida.educationbug.org>, require enrollment in the school district's home education program, pursuant to section 1003.26(1)(f), Florida Statutes, and section 1002.41, Florida Statutes. Online requirements are determined by school districts or private schools. A reinstatement form can be issued when students have completed the requisite hours for 30 consecutive school days.

### **C-2. Is Florida Virtual School (FLVS) an acceptable online program for reinstatement of driving privileges for full-time students?**

Yes. FLVS is a nationally-recognized Internet learning model. The Florida Legislature established the program in 2000 as an independent educational entity. A reinstatement form can be issued when students have completed the requisite hours for six consecutive weeks.

### **C-3. What FLVS online requirements must be met before a reinstatement form is issued?**

Online requirements are determined by school districts. Private schools may also exercise discretion.

### **C-4. Is FLVS responsible for issuing reinstatement forms?**

Yes. Forms are also issued by public schools, public home education programs or private schools listed in the *Florida Education Directory*, which is located at <http://florida.educationbug.org>.

## **D. Hardship Waivers**

### **D-1. What are the guidelines to be used for approval of a hardship waiver?**

Section 322.091(3)(b), Florida Statutes, states:

“The public school principal, the principal’s designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school’s jurisdiction for whom a personal or family hardship requires that the minor have a driver license for his or her own, or his or her family’s, employment or medical care.”

A hardship for employment is based on verification of need. The factor to be considered is the extent to which a student provides a substantial financial contribution for his or her livelihood or his or her family’s needs. A hardship for medical care is based on the need for transportation, for the student or his or her immediate family members living in the same household, to access required treatment. Consideration should be given to whether there are other licensed drivers residing in the household.

### **D-2. What are the procedures for students or parents to request a hardship waiver?**

Section 322.091(3), Florida Statutes, provides that a minor or the parent or guardian of a minor has 15 calendar days after the date of receipt of the Notice of Intent to Suspend to request a hardship waiver hearing before the public school principal, the principal’s designee or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of his or her driving privilege. Schools may wish to develop a procedure for students or parents to request a hardship waiver, which may include a written request or documentation of a phone call that includes the date and time of request. The principal or principal’s designee receiving the request should notify the DHSMV of the request for a waiver hearing within 24 hours after receiving the request. The school official should also inform the appropriate school district personnel of the request for a waiver hearing.

### **D-3. Which educational settings are required to conduct hardship waiver hearings?**

Public school principals, the principal's designee or the designee of the governing body of a private school are required to conduct hardship waiver hearings for the purpose of reviewing the pending suspension of driving privileges.

### **D-4. What is the procedure for educational institutions to advise the DHSMV of a student’s request for a hardship waiver hearing?**

All requests for hardship waiver hearings from school districts should be transmitted electronically to the DHSMV. This includes adult education programs operated by the school district.

**D-5. Is there a time restriction for school districts to electronically transmit a request for a hardship waiver hearing?**

Yes. Districts have 20 calendar days from the date of the Notice of Intent to Suspend to transmit a request for a hardship waiver hearing.

**D-6. Who is responsible for conducting the hardship waiver hearing for a student who subsequently transfers to another school district?**

The sending district no longer has a student record for the student and, therefore, cannot electronically transmit waiver information to the DHSMV. The receiving district must accept responsibility for conducting the hearing and providing the information to the DHSMV. It is appropriate for the receiving district to confer with the sending district to communicate the outcome of the hearing. The receiving district may not be able to electronically report the request or outcome to the DHSMV because of the student's suspension status (i.e., the receiving district is outside the state of Florida). If this is the case, then the information should be faxed to the DHSMV at 850-617-5158 within the required timelines.

**D-7. Who is responsible for conducting a hardship waiver hearing when a student withdraws or drops out of school?**

The school that initiated the report of the student's noncompliance with school attendance to the DHSMV is responsible for the hearing. This procedure is applicable to students who withdraw from the district or move out of the state.

**D-8. Can hardship waivers be issued for a limited duration?**

Yes. The public school principal, principal's designee or the designee of the governing body of a private school is encouraged to approve the waiver request for a specified period of time. It is recommended that hardship waivers be reviewed after 90 calendar days following the date of approval. At that time, the district may decide to extend the approval of the waiver and take no action with the DHSMV. If the district decides to withdraw approval of the waiver, the district must inform the student that the waiver has been rescinded and notify the DHSMV of this decision. This will generate an Order of Suspension letter for the student.

**D-9. Can a hardship waiver hearing be denied if requested within 15 calendar days from the date of receipt of Notice of Intent to Suspend?**

No. The public school principal, principal's designee or the designee of the governing body of a private school should conduct the waiver hearing. In addition, the request for a hearing should be electronically transmitted to the DHSMV within the allotted timeframe. Private schools should fax the request for a hearing to the DHSMV at 850-617-5158. The request should be on school letterhead and include the student's full name, date of birth and the date the hearing was requested. Unlicensed minors are not eligible for a hardship waiver hearing.

**D-10. What happens if a school board overturns a school’s denial of a student’s request for a hardship waiver?**

Pursuant to sections 322.091(3) and (4), Florida Statutes, the district school board will provide the student with written verification that the hardship waiver was approved upon appeal and notify the DHSMV regarding the appeal’s positive outcome. It is recommended that the written verification be submitted on school district letterhead signed by a school board official and include the student’s name, date of birth and social security number (if available). The statement can be faxed to the DHSMV at 850-617-5158.

**E. Verification of Compliance and Reinstatement**

**E-1. What are the criteria to determine if a student has satisfied relevant attendance requirements?**

Satisfaction of relevant attendance requirements for reinstatement is contingent on the criteria specified in section 322.091, Florida Statutes. Public middle and high school students must attend school for 30 consecutive school days with no unexcused absences in order for driving privileges to be reinstated. The count begins the first day after the last unexcused absence. If an unexcused absence occurs during the 30-day accumulation period, the count starts over. Excused absences are acceptable during the accumulation period; however, this extends the length of time necessary to satisfy the 30-day criteria. Adult education students must satisfy the relevant attendance requirements of the school district. The recommendation for adult education programs is six consecutive weeks of attendance with no unexcused absences.

**E-2. Who supplies the form used to verify that a student has been in compliance for 30 consecutive school days?**

Form HSMV 72870 (Notification to the Department of Highway Safety and Motor Vehicles, Student Compliance with Attendance Requirements for Reinstatement of Driving Privilege/Eligibility for Licensure) is provided with this technical assistance paper (Appendix A) and should be used to verify student compliance with attendance requirements. School superintendents are responsible for dissemination of the form to all educational settings within the school district involved in the license reinstatement process. Only this form should be used for verification of compliance. Correspondence in any other format (i.e., letters or emails) will not be accepted or processed by the DHSMV to reinstate a student’s driving privilege.

**E-3. What is the beginning date of the 30 consecutive school days needed for verification of compliance with attendance requirements?**

The district must determine that the student was in compliance for 30 consecutive school days immediately prior to the request for verification of compliance. The starting point for counting the days of compliance begins on the first day of attendance after the last unexcused absence. Reinstatement forms should be dated within 30 days of receipt by the DHSMV to be valid.

**E-4. What is the importance of the compliance date listed on the reinstatement form?**

The date entered on the form by the school district confirms that the student has been in compliance with school attendance requirements for 30 days prior to the request for verification of compliance. This date should be within 30 days of the date the form is received by the DHSMV. Forms more than 30 days old may not be valid. For home education and Florida Virtual School (FLVS) students, the compliance date confirms the 30-day attendance requirement was met.

**E-5. Are reinstatement forms accepted with a compliance date prior to the date of the Notice of Intent to Suspend/Withhold Eligibility for Licensure letter?**

No. These forms are not valid. The department cannot process reinstatement forms to remove an entry that was not on a DHSMV record prior to the date of the Notice of Intent to Suspend/Withhold Eligibility for Licensure letter. For example, a form with a compliance date of August 28, 2013, cannot be used to remove a Notice of Intent dated November 17, 2013.

**E-6. Are reinstatement forms accepted without a school seal or a notarized signature of an authorized school official?**

No. The DHSMV requires the notarized signature of an authorized school official and the school seal be affixed to the reinstatement form. School seals should be legible when received via fax. It is recommended that seals on all forms be shaded to ensure visibility.

**E-7. After a student is reported to the DHSMV for noncompliance with relevant attendance requirements and subsequently becomes compliant and has driving privileges reinstated, when does the 90 calendar day period begin?**

The 90 calendar day period begins the day after the school issues the reinstatement form.

**E-8. If a public school initially reports a student to the DHSMV with a withdrawal code calculated in the dropout rate, and then changes the code to a withdrawal code W02, W03 or W04 to clear a student's record of the noncompliance, how does the public school report this change to the DHSMV?**

The school district should promptly notify the DHSMV that the student should not have been reported. School districts have 20 calendar days from the date of the Notice of Intent to Suspend to electronically transmit the appropriate cancellation code for licensed drivers. After 20 days a status letter is required. Status letters are always required for students who are not licensed.

**E-9. Are public schools responsible for notifying the DHSMV when the school changes the withdrawal code for a student who was reported to the DHSMV, when the student returns to school, is attending another educational program or should not have been reported to the DHSMV?**

Yes. The DHSMV is not directly linked to school district databases. School districts must send the DHSMV a status letter to ensure that the driver record is corrected.

**E-10. Does the DHSMV accept attendance records or printed screens of student information to clear a student's record when he or she should not have been reported for noncompliance with school attendance requirements?**

No. The DHSMV cannot interpret and validate the authenticity of attendance records or printed screens.

**E-11. How should a school respond when a student should not have been reported to the DHSMV?**

The school district should promptly notify the DHSMV that the student should not have been reported. School districts have 20 calendar days from the date of the Notice of Intent to Suspend to electronically transmit the appropriate cancellation code for licensed drivers. After 20 days, a status letter is required. The letter should be faxed to the DHSMV at 850-617-5136. Status letters are always required for students who are not licensed.

**E-12. Is Job Corps an acceptable educational program to satisfy attendance requirements?**

Yes. Job Corps is a federally-funded program under the U.S. Department of Labor that provides high school dropouts the opportunity to earn a high school diploma and gain training to help them become employable.

**E-13. Can private schools issue a status letter to indicate a student should not have been reported to the DHSMV?**

Yes. Although private schools are not required to report student absences to the DHSMV, they have the option to contact the DHSMV and request withholding eligibility or proceeding with suspension of a student's driver's license. Therefore, they also have the authority to issue status letters if they were responsible for the report of non-compliance to the DHSMV.

**E-14. What are the reinstatement procedures to be used when a student transfers out of the reporting district, out of state or out of the country and attendance data is not available?**

If a student transfers to another school out of the reporting district and attendance data is not available, it is recommended that the count begins the first day of attendance at the new school.

**E-15. Are registration forms or school enrollment letters sufficient for reinstatement of the driving privilege?**

No. Enrollment in an education program alone does not satisfy compulsory school attendance requirements or requirements to maintain or obtain driving privileges.

**E-16. Can completing requirements for a standard high school diploma, State of Florida high school diploma (GED<sup>®</sup>), special diploma or a certificate of completion be used to reinstate a student's driving privilege?**

Yes. The school or educational institution should complete form HSMV 72870 (Notification to the Department of Highway Safety and Motor Vehicles Student Compliance with Attendance Requirements for Reinstatement of Driving Privilege/Eligibility for Licensure) for the student when requirements for a high school diploma, State of Florida high school diploma, special diploma or certificate of completion have been completed. Forms must be dated when graduation occurred. (Please refer to E-2 on page 14 and Appendix A.)

**E-17. Can a special diploma-option two be used to reinstate driving privilege?**

Yes. This type of diploma is based on attendance in an employment setting as specified in a student's individual educational plan. A reinstatement form must be submitted to document 30 consecutive school days of attendance with no unexcused absences.

**E-18. Can emancipation by virtue of becoming a parent satisfy enrollment and attendance requirements for reinstatement of the driving privilege?**

No. A student who is a minor is not emancipated by virtue of becoming a parent. The student must comply with compulsory school age attendance requirements; however, the student may qualify for a hardship waiver under certain circumstances. Compulsory school attendance is related to the age and educational status of the student; whether the student is emancipated or considered an adult under Chapter 743 is not relevant.

**E-19. What are the reinstatement requirements for students who withdraw from school due to pregnancy?**

Students who withdraw from school due to pregnancy must be reported to the DHSMV. To reinstate their driving privilege or be eligible for licensure, they must satisfy relevant attendance requirements. In cases involving a physician's order for bed rest, the hospital homebound program is an acceptable alternative. If a pregnant student is eligible for the hospital homebound program, the student should be coded W02 and not reported to the DHSMV for noncompliance. (See also, E-20 below.)



**E-20. What are the reinstatement requirements for students who withdraw from the school's teenage parent program?**

Students must satisfy relevant attendance requirements; however, re-enrollment in the school's teenage parent program is also an option. Section 1003.54, Florida Statutes (Appendix I), states that students participating in teenage parent programs are exempt from minimum attendance requirements for absences related to pregnancy or parenting but are required to make up work missed due to absence.

**E-21. If a student receives the Notice of Intent to Suspend driving privileges at the end of a school year, can consecutive school days of attendance with no unexcused absences be carried over to the next school year to satisfy attendance requirements for reinstatement?**

Yes. The student must be in attendance 30 consecutive school days in order for the school district to verify compliance with attendance requirements. This may include consecutive school days of attendance from the previous school year and the current school year.

**E-22. Does attendance in summer school satisfy attendance requirements for reinstatement?**

Yes. Participation in summer school satisfies requirements for reinstatement if the district provides summer school, the student is eligible to participate, and the student meets relevant attendance requirements, which include 30 consecutive school days of attendance with no unexcused absences.

**E-23. If a minor withdraws or drops out of high school and enrolls in a GED® program, when does the count begin for verification of compliance with the attendance requirements?**

With a change in the educational setting, it would be unrealistic to begin the count the first day after the last unexcused absence. According to the DHSMV, the count begins the first day of attendance in the new program or site. It is recommended that students have 45 days after their absence has been reported to the DHSMV to begin a new program before driving privileges are revoked.

**E-24. What documents and procedures are required to reinstate students enrolled in a home education program?**

Pursuant to section 1003.01, Florida Statutes (Appendix J), regular attendance may be achieved by enrollment in a home education program. The parent or guardian must notify the school district's home education contact of his or her intent to establish and maintain a home education program. This will also ensure that the appropriate withdrawal code is used and the student is no longer reported as a dropout. The parent should then contact the district home education coordinator for form HSMV 72871 (Notification to the Department of Highway Safety and Motor Vehicles Student Compliance with Enrollment Requirements for a Home Education Program). It is recommended that if the home education review committee finds the student in compliance after the portfolio review, districts issue a reinstatement form only after the student has

been registered 30 consecutive school days in a home education program. (See B-4.) If the parent of the child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. 1002.41 and the accountability requirements of the paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least three years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. 1002.41, every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. 1002.41 (1)(d). The first portfolio review must occur within the first 30 calendar days of the establishment of the program.

**E-25. Who is responsible for completing the reinstatement form to verify compliance with enrollment requirements for a student enrolled in a home education program using curriculum provided by a correspondence school?**

The FDOE recommends that the school district's home education office issue a reinstatement form (HSMV 72871) after the student has been registered 30 school days. Most correspondence schools are not recognized as private schools in the *Florida Education Directory*. (See E-24.)

**E-26. Are students enrolled in a school district's hospital homebound program eligible to be reported to the DHSMV?**

No. Documented medical conditions that require participation in a district's hospital homebound program exempts students from being reported to the DHSMV.

**E-27. Who in the school district is responsible for facilitating the reinstatement process for students enrolled in adult education or career/technical education programs?**

It is recommended that the director of adult or career/technical education programs be responsible for working with school administrators to facilitate this process.

**E-28. When a student is enrolled at a high school and participates in an adult program at night, which program is responsible for determining compliance with relevant attendance requirements?**

The site in which the student receives the majority of his or her educational program is responsible for determining compliance with relevant attendance requirements.

**E-29. When can local driver's license offices reinstate a student's driving privilege?**

For local driver's license offices to reinstate driving privileges, the Notice of Intent to Suspend and a suspension order should appear on the driver record. The completed DHSMV's reinstatement form (HSMV 72870) should be presented to the local driver's license office to reinstate a minor's driving privilege. The form should include the

school's seal or a notarized signature. If a student should not have been reported and 20 days have elapsed, it is recommended that he or she obtain a status letter from the school responsible for reporting the student's attendance as noncompliant with section 322.091, Florida Statutes, to the DHSMV. The DHSMV requests that the letter be on school letterhead, addressed to the DHSMV, and include the principal or designee's signature; the student's name, date of birth and social security number (if available); and a statement that the student should not have been reported to the DHSMV. The letter is authorization for the department to reinstate the student's driving privilege and issue a duplicate license at no cost.

**APPENDIX A**

**NOTIFICATION TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES  
STUDENT COMPLIANCE WITH ATTENDANCE REQUIREMENTS  
FOR REINSTATEMENT OF DRIVING PRIVILEGE/ELIGIBILITY FOR LICENSURE**

This is to provide verification to the Department of Highway Safety and Motor Vehicles that the following student, who received Notice of Intent to Suspend/Withhold Eligibility for Licensure due to non-attendance is in compliance with attendance requirements in section 322.091(1), Florida Statutes.

Student's Full Legal Name: \_\_\_\_\_  
(First, Middle, Last)

Mailing Address: \_\_\_\_\_

Driver License/Control Number: \_\_\_\_\_ Gender: \_\_\_Male\_\_\_Female

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Social Security Number: \_\_\_\_\_

District Name: \_\_\_\_\_ District Number: \_\_\_\_\_

School Name: \_\_\_\_\_ School/Institution Number: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Authorized Signature of School Official: \_\_\_\_\_  
(Signature must be notarized or school seal affixed)

Title: \_\_\_\_\_

Typed or Printed Name of Person Signing Form: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

State of Florida at Large

My commission expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

School Seal

**Original signatures required.**

For additional information contact:

Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

*You may mail, fax or email this completed form to: DHSMV, 2900 Apalachee Parkway, MS #39, Tallahassee, Florida 32399-0570. The fax number is 850-617-5095 and the email address is [Truancy@flhsmv.gov](mailto:Truancy@flhsmv.gov). If the license is suspended, present this form to a driver license or a tax collector's office for reinstatement of your driving privilege. A \$45 reinstatement fee is required for a suspended license. Note: This form may only be accepted within 30 calendar days of its completion. HSMV 72870 (07/15)*

**APPENDIX B**

**NOTIFICATION TO THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR  
VEHICLES  
STUDENT COMPLIANCE WITH ENROLLMENT REQUIREMENTS  
FOR A HOME EDUCATION PROGRAM**

This is to provide verification to the Department of Highway Safety and Motor Vehicles that the following student, who received Notice of Intent to Suspend/Withhold Eligibility for Licensure due to non-attendance has been enrolled in a home based education program 30 consecutive days.

Student's Full Legal Name: \_\_\_\_\_  
(First, Middle, Last)

Mailing Address: \_\_\_\_\_

Driver License/Control Number: \_\_\_\_\_ Gender: \_\_\_ Male \_\_\_ Female

Date of Birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ Social Security Number: \_\_\_\_\_

District Name: \_\_\_\_\_ District Number: \_\_\_\_\_

School Name: \_\_\_\_\_ School/Institution Number: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Authorized Signature of School Official: \_\_\_\_\_  
(Signature must be notarized or school seal affixed)

Title: \_\_\_\_\_

Typed or Printed Name of Person Signing Form: \_\_\_\_\_

\_\_\_\_\_  
Notary Public  
State of Florida at Large

My commission expires: \_\_\_\_/\_\_\_\_/\_\_\_\_

\_\_\_\_\_  
School Seal

**Original signatures required.**

For additional information contact:

Name \_\_\_\_\_ Telephone: \_\_\_\_\_

*You may mail, fax or email this completed form to: DHSMV, 2900 Apalachee Parkway, MS #39, Tallahassee, Florida 32399-0570. The fax number is 850-617-5095 and the email address is [Truancy@flhsmv.gov](mailto:Truancy@flhsmv.gov). If the license is suspended, present this form to a driver license or a tax collector's office for reinstatement of your driving privilege. A \$45 reinstatement fee is required for a suspended license. Note: This form may only be accepted within 30 calendar days of its completion. HSMV 72871 (07/15)*

## APPENDIX C

### **1003.26 Enforcement of school attendance.—**

The Legislature finds that poor academic performance is associated with nonattendance and that school districts must take an active role in promoting and enforcing attendance as a means of improving student performance. It is the policy of the state that each district school superintendent be responsible for enforcing school attendance of all students subject to the compulsory school age in the school district and supporting enforcement of school attendance by local law enforcement agencies. The responsibility includes recommending policies and procedures to the district school board that require public schools to respond in a timely manner to every unexcused absence, and every absence for which the reason is unknown, of students enrolled in the schools. District school board policies shall require the parent of a student to justify each absence of the student, and that justification will be evaluated based on adopted district school board policies that define excused and unexcused absences. The policies must provide that public schools track excused and unexcused absences and contact the home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown, to prevent the development of patterns of nonattendance. The Legislature finds that early intervention in school attendance is the most effective way of producing good attendance habits that will lead to improved student learning and achievement. Each public school shall implement the following steps to promote and enforce regular school attendance:

#### (1) CONTACT, REFER, AND ENFORCE.—

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

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

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

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

The child study team may, but is not required to, implement other interventions, including referral to other agencies for family services or recommendation for filing a truancy petition pursuant to s. [984.151](#).

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

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

(f)1. If the parent of a child who has been identified as exhibiting a pattern of nonattendance enrolls the child in a home education program pursuant to chapter 1002, the district school superintendent shall provide the parent a copy of s. [1002.41](#) and the accountability requirements of this paragraph. The district school superintendent shall also refer the parent to a home education review committee composed of the district contact for home education programs and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least 3 years and who have indicated a willingness to serve on the committee. The home education review committee shall review the portfolio of the student, as defined by s. [1002.41](#), every 30 days during the district's regular school terms until the committee is satisfied that the home education program is in compliance with s. [1002.41](#)(1)(b). The first portfolio review must occur within the first 30 calendar days of the establishment of the program. The provisions of subparagraph 2. do not apply once the committee determines the home education program is in compliance with s. [1002.41](#)(1)(b).

2. If the parent fails to provide a portfolio to the committee, the committee shall notify the district school superintendent. The district school superintendent shall then terminate the home education program and require the parent to enroll the child in an attendance option that meets the definition of "regular school attendance" under s. [1003.01](#)(13)(a), (b), (c), or (e), within 3 days. Upon termination of a home education program pursuant to this subparagraph, the parent shall not be eligible to reenroll the child in a home education program for 180 calendar days. Failure of a parent to enroll the child in an attendance option as required by this subparagraph after termination of the home education program pursuant to this subparagraph shall constitute noncompliance with the compulsory attendance requirements of s. [1003.21](#) and may result in criminal prosecution under s. [1003.27](#)(2). Nothing contained herein shall restrict the ability of the district school superintendent, or the ability of his or her designee, to review the portfolio pursuant to s. [1002.41](#)(1)(b).

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

(2) GIVE WRITTEN NOTICE.—

(a) Under the direction of the district school superintendent, a designated school representative shall give written notice that requires enrollment or attendance within 3 days after the date of notice, in person or by return-receipt mail, to the parent when no valid reason is found for a student's nonenrollment in school. If the notice and requirement are ignored, the designated school representative shall report the case to the district school superintendent, and may refer the case to the case staffing committee, established pursuant to s. [984.12](#). The district school superintendent shall take such steps as are necessary to bring criminal prosecution against the parent.

(b) Subsequent to the activities required under subsection (1), the district school superintendent or his or her designee shall give written notice in person or by return-receipt mail to the parent

that criminal prosecution is being sought for nonattendance. The district school superintendent may file a truancy petition, as defined in s. [984.03](#), following the procedures outlined in s. [984.151](#).

(3) **RETURN STUDENT TO PARENT.**—A designated school representative may visit the home or place of residence of a student and any other place in which he or she is likely to find any student who is required to attend school when the student is not enrolled or is absent from school during school hours without an excuse, and, when the student is found, shall return the student to his or her parent or to the principal or teacher in charge of the school, or to the private tutor from whom absent, or to the juvenile assessment center or other location established by the district school board to receive students who are absent from school. Upon receipt of the student, the parent shall be immediately notified.

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

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

History.—s. 121, ch. 2002-387; s. 5, ch. 2006-301.



## APPENDIX D

### **1003.27 Court procedure and penalties.—**

The court procedure and penalties for the enforcement of the provisions of this part, relating to compulsory school attendance, shall be as follows:

(1) **COURT JURISDICTION.**—The circuit court has original and exclusive jurisdiction of all proceedings against, or prosecutions of, students under the provisions of this part. Proceedings against, or prosecutions of, parents or employers as provided by this section shall be in the court of each county having jurisdiction of misdemeanors wherein trial by jury is afforded the defendant.

(2) **NONENROLLMENT AND NONATTENDANCE CASES.**—

(a) In each case of non-enrollment or of nonattendance upon the part of a student who is required to attend some school, when no valid reason for such non-enrollment or nonattendance is found, the district school superintendent shall institute a criminal prosecution against the student's parent.

(b) Each public school principal or the principal's designee shall notify the district school board of each minor student under its jurisdiction who accumulates 15 unexcused absences in a period of 90 calendar days. Each designee of the governing body of each private school, and each parent whose child is enrolled in a home education program, may provide the Department of Highway Safety and Motor Vehicles with the legal name, sex, date of birth, and social security number of each minor student under his or her jurisdiction who fails to satisfy relevant attendance requirements and who fails to otherwise satisfy the requirements of s. [322.091](#). The district school superintendent must provide the Department of Highway Safety and Motor Vehicles the legal name, sex, date of birth, and social security number of each minor student who has been reported under this paragraph and who fails to otherwise satisfy the requirements of s. [322.091](#). The Department of Highway Safety and Motor Vehicles may not issue a driver license or learner's driver license to, and shall suspend any previously issued driver license or learner's driver license of, any such minor student, pursuant to the provisions of s. [322.091](#).

(3) **HABITUAL TRUANCY CASES.**—The district school superintendent is authorized to file a truancy petition, as defined in s. [984.03](#), following the procedures outlined in s. [984.151](#). If the district school superintendent chooses not to file a truancy petition, procedures for filing a child-in-need-of-services petition shall be commenced pursuant to this subsection and chapter 984. In accordance with procedures established by the district school board, the designated school representative shall refer a student who is habitually truant and the student's family to the children-in-need-of-services and families-in-need-of-services provider or the case staffing committee, established pursuant to s. [984.12](#), as determined by the cooperative agreement required in this section. The case staffing committee may request the Department of Juvenile Justice or its designee to file a child-in-need-of-services petition based upon the report and efforts of the district school board or other community agency or may seek to resolve the truant behavior through the school or community-based organizations or agencies. Prior to and subsequent to the filing of a child-in-need-of-services petition due to habitual truancy, the appropriate governmental agencies must allow a reasonable time to complete actions required by this section and s. [1003.26](#) to remedy the conditions leading to the truant behavior. Prior to the filing of a petition, the district school board must have complied with the requirements of s. [1003.26](#), and those efforts must have been unsuccessful.

(4) **COOPERATIVE AGREEMENTS.**—The circuit manager of the Department of Juvenile Justice or the circuit manager's designee, the district administrator of the Department of Children

and Families or the district administrator's designee, and the district school superintendent or the superintendent's designee must develop a cooperative interagency agreement that:

- (a) Clearly defines each department's role, responsibility, and function in working with habitual truants and their families.
- (b) Identifies and implements measures to resolve and reduce truant behavior.
- (c) Addresses issues of streamlining service delivery, the appropriateness of legal intervention, case management, the role and responsibility of the case staffing committee, student and parental intervention and involvement, and community action plans.
- (d) Delineates timeframes for implementation and identifies a mechanism for reporting results by the circuit juvenile justice manager or the circuit manager's designee and the district school superintendent or the superintendent's designee to the Department of Juvenile Justice and the Department of Education and other governmental entities as needed.
- (e) Designates which agency is responsible for each of the intervention steps in this section, to yield more effective and efficient intervention services.

(5) ATTENDANCE REGISTER AS EVIDENCE.—The register of attendance of students at a public, parochial, religious, denominational, or private school, or of students taught by a private tutor, kept in compliance with rules of the State Board of Education is prima facie evidence of the facts which it is required to show. A certified copy of any rule and a statement of the date of its adoption by the State Board of Education is admissible as prima facie evidence of the provisions of the rule and of the date of its adoption.

(6) PROCEEDINGS AND PROSECUTIONS; WHO MAY BEGIN.—Proceedings or prosecutions under this chapter may be commenced by the district school superintendent, by a designated school representative, by the probation officer of the county, by the executive officer of any court of competent jurisdiction, by an officer of any court of competent jurisdiction, or by a duly authorized agent of the Department of Education or the Department of Juvenile Justice. If a proceeding has been commenced against both a parent and a child pursuant to this chapter, the presiding courts shall make every effort to coordinate sanctions against the child and parent, including ordering the child and parent to perform community service hours or attend counseling together.

(7) PENALTIES.—The penalties for refusing or failing to comply with this chapter shall be as follows:

(a) The parent.—

1. A parent who refuses or fails to have a minor student who is under his or her control attend school regularly, or who refuses or fails to comply with the requirements in subsection (3), commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

2. The continued or habitual absence of a minor student without the consent of the principal or teacher in charge of the school he or she attends or should attend, or of the tutor who instructs or should instruct him or her, is prima facie evidence of a violation of this chapter; however, a showing that the parent has made a bona fide and diligent effort to control and keep the student in school shall be an affirmative defense to any criminal or other liability under this subsection and the court shall refer the parent and child for counseling, guidance, or other needed services.

3. In addition to any other punishment, the court shall order a parent who has violated this section to send the minor student to school, and may also order the parent to participate in an approved parent training class, attend school with the student unless this would cause undue hardship, perform community service hours at the school, or participate in counseling or other services, as appropriate. If a parent is ordered to attend school with a student, the school shall provide for programming to educate the parent and student on the importance of school

attendance. It shall be unlawful to terminate any employee solely because he or she is attending school with his or her child pursuant to a court order.

(b) The principal or teacher.—A principal or teacher in any public, parochial, religious, denominational, or private school, or a private tutor who willfully violates any provision of this chapter may, upon satisfactory proof of such violation, have his or her certificate revoked by the Department of Education.

(c) The employer.—

1. An employer who fails to notify the district school superintendent when he or she ceases to employ a student commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

2. An employer who terminates any employee solely because he or she is attending school with a student pursuant to court order commits a misdemeanor of the second degree, punishable as provided in s. [775.082](#) or s. [775.083](#).

(d) The student.—

1. In addition to any other authorized sanctions, the court shall order a student found to be a habitual truant to make up all school work missed and may order the student to pay a civil penalty of up to \$2, based on the student'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.

2. Upon a second or subsequent finding that a student is a habitual truant, the court, in addition to any other authorized sanctions, shall order the student to make up all school work missed and may order the student to pay a civil penalty of up to \$5, based on the student's ability to pay, for each day of school missed, perform up to 50 community service hours at the school, or participate in counseling or other services, as appropriate.

History.—s. 122, ch. 2002-387; s. 366, ch. 2014-19.

## APPENDIX E

### **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. [1003.01\(8\)](#), or as a dropout, pursuant to s. [1003.01\(9\)](#). 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 high school equivalency examination, 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. History.—s. 1, ch. 2001-149; s. 1001, ch. 2002-387; s. 3, ch. 2014-20.

## APPENDIX F

### **322.091 Attendance requirements.—**

(1) **ELIGIBILITY REQUIREMENTS FOR DRIVING PRIVILEGES.**—A minor is not eligible for driving privileges unless that minor:

- (a) Is enrolled in a public school, nonpublic school, or home education program and satisfies relevant attendance requirements;
- (b) Has received a high school diploma, a high school equivalency diploma, a special diploma, or a certificate of high school completion;
- (c) Is enrolled in a study course in preparation for the high school equivalency examination and satisfies relevant attendance requirements;
- (d) Is enrolled in other educational activities approved by the district school board and satisfies relevant attendance requirements;
- (e) Has been issued a certificate of exemption according to s. [1003.21\(3\)](#); or
- (f) Has received a hardship waiver under this section.

The department may not issue a driver license or learner's driver license to, or shall suspend the driver license or learner's driver license of, any minor concerning whom the department receives notification of noncompliance with the requirements of this section.

### (2) **NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION; RECORD OF NONCOMPLIANCE.**—

- (a) The department shall notify each minor for whom the department has received notification of noncompliance with the requirements of this section as provided in s. [1003.27](#), and the minor's parent or guardian, of the department's intent to suspend the minor's driving privileges.
- (b) The minor, or the parent or guardian of the minor, has 15 calendar days after the date of receipt of this notice to provide proof of compliance with the requirements of this section as provided in subsection (4) or to request a hardship waiver hearing under subsection (3).
- (c) Twenty days after the date of issuance of this notice, the department shall suspend the minor's operator's license or learner's driver license or record the legal name, sex, date of birth, and social security number of each minor who does not possess a driver license or learner's driver license, unless the minor has provided the department with verification of compliance with the requirements of subsection (1) or the appropriate school official has provided the department with verification of a request for a waiver hearing.
- (d) Upon notification of the outcome of a hardship waiver hearing, the department shall suspend the driver license or learner's driver license of a minor who was denied a hardship waiver, or record the legal name, sex, date of birth, and social security number of a minor who does not possess a driver license or learner's driver license and who was denied a hardship waiver.
- (e) The department may not issue a driver license or learner's driver license to any minor for whom it has a record of noncompliance with the requirements of subsection (1) unless the minor submits verification of compliance pursuant to subsection (4).

### (3) **HARDSHIP WAIVER AND APPEAL.**—

- (a) A minor, or the parent or guardian of a minor, has 15 calendar days after the date of receipt of the notice of intent to suspend to request a hardship waiver hearing before the public school principal, the principal's designee, or the designee of the governing body of a private school for the purpose of reviewing the pending suspension of driving privileges. The school official receiving the request shall notify the department of the request for a waiver hearing within 24 hours after receiving the request. Public school officials shall also notify the district school board of the request for a waiver hearing. The hearing must be conducted within 30 calendar days after

the public school principal, the principal's designee, or the designee of the governing body of a private school receives the request.

(b) The public school principal, the principal's designee, or the designee of the governing body of a private school shall waive the requirements of subsection (1) for any minor under the school's jurisdiction for whom a personal or family hardship requires that the minor have a driver license for his or her own, or his or her family's, employment or medical care. The minor or the minor's parent or guardian may present other evidence that indicates compliance with the requirements of subsection (1) at the waiver hearing. The public school principal, the principal's designee, or the designee of the governing body of a private school shall consider the recommendations of teachers, other school officials, certified school counselors, or academic advisers before waiving the requirements of subsection (1).

(c) The public school principal, the principal's designee, or the designee of the governing body of a private school shall notify the department of the outcome of a minor's hardship waiver hearing within 24 hours after conducting the hearing. Public school officials shall also notify the district school board of the outcome of the hearing.

(d) Any person denied a hardship waiver by a public school principal, the principal's designee, or the designee of the governing body of a private school may appeal the decision to the district school board or the governing body of the private school. The district school board or the governing body of the private school shall notify the department if the hardship waiver is subsequently granted.

(4) **VERIFICATION OF COMPLIANCE AND REINSTATEMENT.**—A district school board shall provide a minor with written verification that he or she is in compliance with the requirements of subsection (1) if the district determines that he or she has been in compliance for 30 days prior to the request for verification of compliance. Upon receiving written verification that the minor is again in compliance with the requirements of subsection (1), the department shall reinstate the minor's driving privilege. Thereafter, if the school district determines that the minor is not in compliance with the requirements of subsection (1), the department shall suspend the minor's driving privilege until the minor is 18 years of age or otherwise satisfies the requirements of subsection (1), whichever occurs first.

(5) **REPORTING AND ACCOUNTABILITY.**—The department shall report quarterly to each school district the legal name, sex, date of birth, and social security number of each student whose driving privileges have been suspended under this section.

History.—s. 16, ch. 97-234; s. 968, ch. 2002-387; s. 1, ch. 2013-89; s. 1, ch. 2014-20.

## APPENDIX G

### **1003.21 School attendance.—**

(1)(a)1. All children who have attained the age of 6 years or who will have attained the age of 6 years by February 1 of any school year or who are older than 6 years of age but who have not attained the age of 16 years, except as otherwise provided, are required to attend school regularly during the entire school term.

2. Children who will have attained the age of 5 years on or before September 1 of the school year are eligible for admission to public kindergartens during that school year under rules adopted by the district school board.

(b) Any child who has attained the age of 6 years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of 6 years on or before September 1 and has satisfactorily completed the requirements for kindergarten in a private school from which the district school board accepts transfer of academic credit, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the district's student progression plan. However, nothing in this section shall authorize the state or any school district to oversee or exercise control over the curricula or academic programs of private schools or home education programs.

(c) A student who attains the age of 16 years during the school year is not subject to compulsory school attendance beyond the date upon which he or she attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. Public school students who have attained the age of 16 years and who have not graduated are subject to compulsory school attendance until the formal declaration of intent is filed with the district school board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the student and the student's parent. The school district shall notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment. The student's certified school counselor or other school personnel shall conduct an exit interview with the student to determine the reasons for the student's decision to terminate school enrollment and actions that could be taken to keep the student in school. The student's certified school counselor or other school personnel shall inform the student of opportunities to continue his or her education in a different environment, including, but not limited to, adult education and high school equivalency examination preparation. Additionally, the student shall complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by schools to keep students enrolled.

(d) Students who become or have become married and students who are pregnant shall not be prohibited from attending school. These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. Consistent with s. [1003.54](#), pregnant or parenting teens may participate in a teenage parent program. Pregnant students may attend alternative education programs or adult education programs, provided that the curriculum allows the student to continue to work toward a high school diploma.

(e) Consistent with rules adopted by the State Board of Education, children with disabilities who have attained the age of 3 years shall be eligible for admission to public special education programs and for related services. Children with disabilities younger than 3 years of age who are deaf or hard of hearing, visually impaired, dual sensory impaired, orthopedically impaired, or other health impaired or who have experienced traumatic brain injury, have autism spectrum disorder, have established conditions, or exhibit developmental delays or intellectual disabilities

may be eligible for special programs and may receive services in accordance with rules of the State Board of Education. Rules for the identification of established conditions for children birth through 2 years of age and developmental delays for children birth through 5 years of age must be adopted by the State Board of Education.

(f) Children and youths who are experiencing homelessness and children who are known to the department, as defined in s. [39.0016](#), must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist such children in meeting the requirements of subsection (4) and s. [1003.22](#), as well as local requirements for documentation.

(2)(a) The State Board of Education may adopt rules under which students not meeting the entrance age may be transferred from another state if their parents have been legal residents of that state.

(b) Each district school board, in accordance with rules of the State Board of Education, shall adopt policies authorizing a parent to request and be granted permission for absence of a student from school for:

1. Religious instruction or religious holidays.
2. An appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to s. [393.17](#) for the treatment of autism spectrum disorder, including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

(3) The district school superintendent may authorize certificates of exemptions from school attendance requirements in certain situations. Students within the compulsory attendance age limits who hold valid certificates of exemption that have been issued by the superintendent shall be exempt from attending school. A certificate of exemption shall cease to be valid at the end of the school year in which it is issued.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

- (a) A duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;
  - (b) A duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;
  - (c) An insurance policy on the child's life that has been in force for at least 2 years;
  - (d) A bona fide contemporary religious record of the child's birth accompanied by an affidavit sworn to by the parent;
  - (e) A passport or certificate of arrival in the United States showing the age of the child;
  - (f) A transcript of record of age shown in the child's school record of at least 4 years prior to application, stating date of birth; or
  - (g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the district school board, which states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.
- Children and youths who are experiencing homelessness and children who are known to the



department, as defined in s. [39.0016](#), shall be given temporary exemption from this section for 30 school days.

History.—s. 116, ch. 2002-387; s. 18, ch. 2006-74; s. 4, ch. 2006-301; s. 4, ch. 2008-204; s. 5, ch. 2009-35; s. 7, ch. 2009-164; s. 4, ch. 2013-89; s. 16, ch. 2014-20; s. 93, ch. 2016-10; s. 58, ch. 2017-116.

## APPENDIX H

### **1002.41 Home education programs.—**

(1) A “home education program” is defined in s. [1002.01](#). The parent is not required to hold a valid regular Florida teaching certificate.

(a) The parent shall notify the district school superintendent of the county in which the parent resides of her or his intent to establish and maintain a home education program. The notice shall be in writing, signed by the parent, and shall include the names, addresses, and birthdates of all children who shall be enrolled as students in the home education program. The notice shall be filed in the district school superintendent’s office within 30 days of the establishment of the home education program. A written notice of termination of the home education program shall be filed in the district school superintendent’s office within 30 days after said termination.

(b) The parent shall maintain a portfolio of records and materials. The portfolio shall consist of the following:

1. A log of educational activities that is made contemporaneously with the instruction and that designates by title any reading materials used.
2. Samples of any writings, worksheets, workbooks, or creative materials used or developed by the student.

The portfolio shall be preserved by the parent for 2 years and shall be made available for inspection by the district school superintendent, or the district school superintendent’s agent, upon 15 days’ written notice. Nothing in this section shall require the district school superintendent to inspect the portfolio.

(c) The parent shall provide for an annual educational evaluation in which is documented the student’s demonstration of educational progress at a level commensurate with her or his ability. The parent shall select the method of evaluation and shall file a copy of the evaluation annually with the district school superintendent’s office in the county in which the student resides. The annual educational evaluation shall consist of one of the following:

1. A teacher selected by the parent shall evaluate the student’s educational progress upon review of the portfolio and discussion with the student. Such teacher shall hold a valid regular Florida certificate to teach academic subjects at the elementary or secondary level;
2. The student shall take any nationally normed student achievement test administered by a certified teacher;
3. The student shall take a state student assessment test used by the school district and administered by a certified teacher, at a location and under testing conditions approved by the school district;
4. The student shall be evaluated by an individual holding a valid, active license pursuant to the provisions of s. [490.003](#)(7) or (8); or
5. The student shall be evaluated with any other valid measurement tool as mutually agreed upon by the district school superintendent of the district in which the student resides and the student’s parent.

(2) The district school superintendent shall review and accept the results of the annual educational evaluation of the student in a home education program. If the student does not demonstrate educational progress at a level commensurate with her or his ability, the district school superintendent shall notify the parent, in writing, that such progress has not been achieved. The parent shall have 1 year from the date of receipt of the written notification to provide remedial instruction to the student. At the end of the 1-year probationary period, the student shall be reevaluated as specified in paragraph (1)(c). Continuation in a home education

program shall be contingent upon the student demonstrating educational progress commensurate with her or his ability at the end of the probationary period.

(3) A home education program shall be excluded from meeting the requirements of a school day.

(4) Home education students may participate in interscholastic extracurricular student activities in accordance with the provisions of s. [1006.15](#).

(5) Home education students may participate in the Bright Futures Scholarship Program in accordance with the provisions of ss. [1009.53-1009.538](#).

(6) Home education students may participate in dual enrollment programs in accordance with ss. [1007.27](#)(4) and [1007.271](#)(13).

(7) Home education students are eligible for admission to Florida College System institutions in accordance with the provisions of s. [1007.263](#).

(8) Home education students are eligible for admission to state universities in accordance with the policies and guidelines of the Board of Governors.

(9) Testing and evaluation services at diagnostic and resource centers shall be available to home education program students, including, but not limited to, students with disabilities, in accordance with the provisions of s. [1006.03](#).

(10) A school district may provide exceptional student education-related services, as defined in State Board of Education rule, to a home education program student with a disability who is eligible for the services and who enrolls in a public school solely for the purpose of receiving those related services. The school district providing the services shall report each student as a full-time equivalent student in the class and in a manner prescribed by the Department of Education, and funding shall be provided through the Florida Education Finance Program pursuant to s. [1011.62](#).

History.—s. 106, ch. 2002-387; s. 82, ch. 2007-217; s. 29, ch. 2011-5; s. 5, ch. 2012-191; s. 175, ch. 2014-17; s. 28, ch. 2014-39; s. 2, ch. 2016-137.

## APPENDIX I

### **1003.54 Teenage parent programs.—**

- (1) Each district school board shall maintain a teenage parent program.
  - (2) “Teenage parent programs” means educational programs designed to provide a specialized curriculum to meet the needs of students who are pregnant or students who are mothers or fathers and the children of the students.
  - (3)(a) The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. [1003.21](#). Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy or parenting, but shall be required to make up work missed due to absence.
  - (b) The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, benefits of sexual abstinence, and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities.
  - (c) Provision for necessary child care, health care, social services, parent education, and transportation shall be ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between district school boards and early learning coalitions or other appropriate public and private providers.
  - (d) The district school board shall make adequate provisions for pregnant and parenting teenagers to complete the coursework necessary to earn a high school diploma.
  - (e) Children enrolled in child care provided by the district shall be funded at the special program cost factor pursuant to s. [1011.62](#) if the parent or parents are enrolled full time in a public school in the district.
- (4) Districts may modify courses listed in the State Course Code Directory for the purpose of providing teenage parent programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the school time allotted for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.
- (5) The State Board of Education shall adopt rules necessary to implement the provisions of this section.

History.—s. 148, ch. 2002-387; s. 14, ch. 2004-484.

## APPENDIX J

### **1003.01 Definitions.—**

As used in this chapter, the term:

- (1) “District school board” means the members who are elected by the voters of a school district created and existing pursuant to s. 4, Art. IX of the State Constitution to operate and control public K-12 education within the school district.
- (2) “School” means an organization of students for instructional purposes on an elementary, middle or junior high school, secondary or high school, or other public school level authorized under rules of the State Board of Education.
- (3)(a) “Exceptional student” means any student who has been determined eligible for a special program in accordance with rules of the State Board of Education. The term includes students who are gifted and students with disabilities who have an intellectual disability; autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; an other health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; or a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; students who are deaf or hard of hearing or dual sensory impaired; students who are hospitalized or homebound; children with developmental delays ages birth through 5 years, or children, ages birth through 2 years, with established conditions that are identified in State Board of Education rules pursuant to s. [1003.21](#)(1)(e).
- (b) “Special education services” means specially designed instruction and such related services as are necessary for an exceptional student to benefit from education. Such services may include: transportation; diagnostic and evaluation services; social services; physical and occupational therapy; speech and language pathology services; job placement; orientation and mobility training; braillists, typists, and readers for the blind; interpreters and auditory amplification; services provided by a certified listening and spoken language specialist; rehabilitation counseling; transition services; mental health services; guidance and career counseling; specified materials, assistive technology devices, and other specialized equipment; and other such services as approved by rules of the state board.
- (4) “Career education” means education that provides instruction for the following purposes:
  - (a) At the elementary, middle, and high school levels, exploratory courses designed to give students initial exposure to a broad range of occupations to assist them in preparing their academic and occupational plans, and practical arts courses that provide generic skills that may apply to many occupations but are not designed to prepare students for entry into a specific occupation. Career education provided before high school completion must be designed to strengthen both occupational awareness and academic skills integrated throughout all academic instruction.
  - (b) At the secondary school level, job-preparatory instruction in the competencies that prepare students for effective entry into an occupation, including diversified cooperative education, work experience, and job-entry programs that coordinate directed study and on-the-job training.
  - (c) At the postsecondary education level, courses of study that provide competencies needed for entry into specific occupations or for advancement within an occupation.
- (5)(a) “Suspension,” also referred to as out-of-school suspension, means the temporary removal of a student from all classes of instruction on public school grounds and all other school-sponsored activities, except as authorized by the principal or the principal’s designee, for a period not to exceed 10 school days and remanding of the student to the custody of the student’s parent with specific homework assignments for the student to complete.

(b) “In-school suspension” means the temporary removal of a student from the student’s regular school program and placement in an alternative program, such as that provided in s. [1003.53](#), under the supervision of district school board personnel, for a period not to exceed 10 school days.

(6) “Expulsion” means the removal of the right and obligation of a student to attend a public school under conditions set by the district school board, and for a period of time not to exceed the remainder of the term or school year and 1 additional year of attendance. Expulsions may be imposed with or without continuing educational services and shall be reported accordingly.

(7) “Corporal punishment” means the moderate use of physical force or physical contact by a teacher or principal as may be necessary to maintain discipline or to enforce school rule. However, the term “corporal punishment” does not include the use of such reasonable force by a teacher or principal as may be necessary for self-protection or to protect other students from disruptive students.

(8) “Habitual truant” means a student who has 15 unexcused absences within 90 calendar days with or without the knowledge or consent of the student’s parent, is subject to compulsory school attendance under s. [1003.21](#)(1) and (2)(a), and is not exempt under s. [1003.21](#)(3) or s. [1003.24](#), 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. [1003.26](#) and [1003.27](#)(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.

(9) “Dropout” means a student who meets any one or more of the following criteria:

(a) The student has voluntarily removed himself or herself from the school system before graduation for reasons that include, but are not limited to, marriage, or the student has withdrawn from school because he or she has failed the statewide student assessment test and thereby does not receive any of the certificates of completion;

(b) The student has not met the relevant attendance requirements of the school district pursuant to State Board of Education rules, or the student was expected to attend a school but did not enter as expected for unknown reasons, or the student’s whereabouts are unknown;

(c) The student has withdrawn from school, but has not transferred to another public or private school or enrolled in any career, adult, home education, or alternative educational program;

(d) The student has withdrawn from school due to hardship, unless such withdrawal has been granted under the provisions of s. [322.091](#), court action, expulsion, medical reasons, or pregnancy; or

(e) The student is not eligible to attend school because of reaching the maximum age for an exceptional student program in accordance with the district’s policy.

The State Board of Education may adopt rules to implement the provisions of this subsection.

(10) “Alternative measures for students with special needs” or “special programs” means measures designed to meet the special needs of a student that cannot be met by regular school curricula.

(11)(a) “Juvenile justice education programs or schools” means programs or schools operating for the purpose of providing educational services to youth in Department of Juvenile Justice programs, for a school year comprised of 250 days of instruction distributed over 12 months. At the request of the provider, a district school board may decrease the minimum number of days of instruction by up to 10 days for teacher planning for residential programs and up to 20 days for teacher planning for nonresidential programs, subject to the approval of the Department of Juvenile Justice and the Department of Education.

(b) “Juvenile justice provider” means the Department of Juvenile Justice, the sheriff, or a private, public, or other governmental organization under contract with the Department of

Juvenile Justice or the sheriff that provides treatment, care and custody, or educational programs for youth in juvenile justice intervention, detention, or commitment programs.

(12) “Children and youths who are experiencing homelessness,” for programs authorized under subtitle B, Education for Homeless Children and Youths, of Title VII of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. ss. 11431 et seq., means children and youths who lack a fixed, regular, and adequate nighttime residence, and includes:

(a) Children and youths who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement.

(b) Children and youths who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

(c) Children and youths who are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings.

(d) Migratory children who are living in circumstances described in paragraphs (a)-(c).

(13) “Regular school attendance” means the actual attendance of a student during the school day as defined by law and rules of the State Board of Education. Regular attendance within the intent of s. [1003.21](#) may be achieved by attendance in:

(a) A public school supported by public funds;

(b) A parochial, religious, or denominational school;

(c) A private school supported in whole or in part by tuition charges or by endowments or gifts;

(d) A home education program that meets the requirements of chapter 1002; or

(e) A private tutoring program that meets the requirements of chapter 1002.

(14) “Core-curricula courses” means:

(a) Courses in language arts/reading, mathematics, social studies, and science in prekindergarten through grade 3, excluding extracurricular courses pursuant to subsection (15);

(b) Courses in grades 4 through 8 in subjects that are measured by state assessment at any grade level and courses required for middle school promotion, excluding extracurricular courses pursuant to subsection (15);

(c) Courses in grades 9 through 12 in subjects that are measured by state assessment at any grade level and courses that are specifically identified by name in statute as required for high school graduation and that are not measured by state assessment, excluding extracurricular courses pursuant to subsection (15);

(d) Exceptional student education courses; and

(e) English for Speakers of Other Languages courses.

The term is limited in meaning and used for the sole purpose of designating classes that are subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution. This term does not include courses offered under ss. [1002.321](#)(4)(e), [1002.33](#)(7)(a)2.b., 1002.37, 1002.45, and 1003.499.

(15) “Extracurricular courses” means all courses that are not defined as “core-curricula courses,” which may include, but are not limited to, physical education, fine arts, performing fine arts, career education, and courses that may result in college credit. The term is limited in meaning and used for the sole purpose of designating classes that are not subject to the maximum class size requirements established in s. 1, Art. IX of the State Constitution.

(16) “Physical education” means the development or maintenance of skills related to strength, agility, flexibility, movement, and stamina, including dance; the development of knowledge and skills regarding teamwork and fair play; the development of knowledge and skills regarding

nutrition and physical fitness as part of a healthy lifestyle; and the development of positive attitudes regarding sound nutrition and physical activity as a component of personal well-being. History.—s. 111, ch. 2002-387; s. 1, ch. 2003-391; s. 81, ch. 2004-357; s. 15, ch. 2006-74; s. 2, ch. 2007-28; s. 5, ch. 2008-147; s. 3, ch. 2008-204; s. 6, ch. 2009-164; s. 14, ch. 2011-55; s. 15, ch. 2011-175; s. 10, ch. 2012-133; s. 3, ch. 2013-225; s. 33, ch. 2014-39.



## APPENDIX K

### FLORIDA DEPARTMENT OF EDUCATION INFORMATION DATABASE REQUIREMENTS VOLUME I: AUTOMATED STUDENT INFORMATION SYSTEM AUTOMATED STUDENT DATA ELEMENTS

**(Dropout codes are designated by an asterisk.)**

#### ATTENDANCE RECORDKEEPING REQUIRED CODES FOR GRADE PK-12 STUDENTS

##### ENTRIES INTO FLORIDA PUBLIC SCHOOLS THIS SCHOOL YEAR

**E01** – Any PK-12 student whose last school of enrollment was a public school in this school district.

**E02** – Any PK-12 student whose last school of enrollment was a public school outside of this district, or in another state or United States commonwealth/territory.

INSERT E2A (see the link in the email response for wording)

**E03** – Any PK-12 student whose last school of enrollment was a private school in any Florida school district, another state, or a United States commonwealth/territory.

INSERT E3A (see the link in the email response for wording)

**E04** – Any PK-12 student who is enrolling in a public school in this district after having been in home education in any Florida school district, in another state or United States commonwealth/territory.

INSERT E4A (see the link in the email response for wording)

**E05** – Any student entering PK or KG for the first time.

**E09** – Any PK-12 student who enters a Florida school from a country other than the United States or a United States commonwealth/territory.

##### REENTERING INTO FLORIDA PUBLIC SCHOOLS

**R01** – Any PK-12 student who was received from another attendance reporting unit in the same school.

**R02** – Any PK-12 student who was received from another school in the same district.

**R03** – Any PK-12 student who unexpectedly reenters a school in the same district after withdrawing or being discharged.

## **WITHDRAWAL FROM FLORIDA PUBLIC SCHOOLS: GRADE PK-12 STUDENTS**

\* **DNE** – Any KG-12 student who was expected to attend a school but did not enter as expected for unknown reasons and required documented efforts to locate the student are maintained per section 1003.26, Florida Statutes.

**W01** – Any PK-12 student promoted, retained or transferred to another attendance reporting unit in the same school.

**W02** – Any PK-12 student promoted, retained or transferred to another school in the same district.

**W3A** – Any PK-12 student who withdraws to attend a public school in another district in Florida.

**W3B** – Any PK-12 student who withdraws to attend another public school out-of-state or out-of-country.

**W04** – Any PK-12 student who withdraws to attend a nonpublic school in- or out-of-state or out-of-country.

\* **W05** – Any student age 16 or older who leaves school voluntarily with no intention of returning and has filed a formal declaration of intent to terminate school enrollment per section 1003.21, Florida Statutes.

**W06** – Any student who graduated from school and met all of the requirements to receive a standard diploma.

**W07** – Any student who graduated from school with a special diploma based on option one – as referenced in State Board of Education Rule 6A-1.09961, Florida Administrative Code.

**W08** – Any student who received a certificate of completion. The student met the minimum credits and local requirements, but did not pass the state approved graduation test or an alternate assessment, and/or did not achieve the required GPA.

**W8A** – Any student who met all of the requirements to receive a standard diploma except passing the state approved graduation test and received a certificate of completion and is eligible to take the College Placement Test and be admitted to remedial or credit courses at a state community college as appropriate. (This code will be deleted in the 2018-19 reporting year.)

Please note that code W8A (as noted in Appendix K) is scheduled for deletion in the 2018-19 reporting year.

**W09** – Any student who received a special certificate of completion, is properly classified as an eligible exceptional education student, met applicable local requirements, and was unable to meet appropriate special state minimum requirements.

**W10** – Any student who completed the Performance-Based Exit Option Model Program requirements, passed the GED<sup>®</sup> Tests and the state-approved graduation test, and was awarded a State of Florida High School Performance-Based Diploma.

**W12** – Any PK-12 student withdrawn from school due to death.

\* **W13** – Any KG-12 student withdrawn from school due to court action. (This code does not apply to DJJ placement.)

\* **W15** – Any KG-12 student who is withdrawn from school due to nonattendance after all procedures outlined in sections 1003.26 and 1003.27, Florida Statutes, have been followed.

\* **W18** – Any KG-12 student who withdraws from school due to medical reasons and the student is unable to receive educational services, such as those provided through the hospital/homebound program.

\* **W21** – Any KG-12 student who is withdrawn from school due to being expelled with no educational services.

\* **W22** – Any KG-12 student whose whereabouts is unknown and required documented efforts to locate the student are maintained per section 1003.26, Florida Statutes.

\* **W23** – Any KG-12 student who withdraws from school for any reason other than W01 – W22 or W24 – W27.

**W24** – Any KG-12 student who withdraws from school to attend a home education program.

**W25** – Any student under the age of 6 who withdraws from school.

**W26** – Any student who withdraws from school to enter the adult education program prior to completion of graduation requirements.

**W27** – Any student who graduated from school with a special diploma based on option two-mastery of employment and community competencies.

INSERT WD1 (see the link in the email response for wording)

**WFT** – Any student who graduated from school with a standard diploma and satisfied the state approved graduation test requirement through an alternate assessment. (For students meeting accelerated high school graduation option requirements, see WFA and WFB.)

**WFW** – Any student with disabilities who graduated from school with a standard diploma and an FCAT waiver.

**WGA** – Any student who completed the Performance-Based Exit Option Model Program requirements, passed the GED<sup>®</sup> Tests, satisfied the state-approved graduation test requirement

through an alternative assessment, and was awarded a State of Florida High School Performance-Based Diploma.

**WGD** – Any student who completed the Performance-Based Exit Option Model Program requirements and passed the GED® Tests, but did not pass the state-approved graduation test and was awarded a State of Florida diploma.

INSERT WPC (see the link in the email response for wording)

**WPO** – Any student who is withdrawn from school without receiving a standard diploma and subsequent to receiving a W07, W08, W8A, W09 or W27 during the student’s year of high school completion.

INSERT WRW (see the link in the email response for wording)

INSERT WXL (see the link in the email response for wording)

INSERT WXT (see the link in the email response for wording)

INSERT WXW (see the link in the email response for wording)

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**Listed below is a summary of the Dropout, Diploma and Certificate Codes.**

**Dropout Codes: DNE, W05, W13, W15, W18, W21, W22, W23**

**Diploma Codes: W06, W07, W10, W27, WD1, WFT, WFW, WGA, WGD, WRW, WXL, WXT, WXW**

**Certificate of Completion Codes: W08, W8A, W8B, W09**

**Note:** For the purpose of PK-12 reporting, charter schools and Department of Juvenile Justice (DJJ) education programs are considered public schools.