

School District Superintendent Action for Nonattendance

- The **school district superintendent** (or designee) must:
 - Give written notice to the parent requiring the student's enrollment or attendance in school within 3 days after the date of the notice. Notice must be provided in person or via return-receipt mail.
- The **school district superintendent** (or designee) may:
 - Refer the case to the child study team at the school the student would be assigned to, or to the case staffing committee. The child study team will diligently facilitate intervention services and report back to the district school superintendent when all reasonable efforts to resolve the nonenrollment have been exhausted.
- The **school district superintendent** (or designee) must:
 - Take necessary steps to bring criminal prosecution against the parent if the parent refuses to cooperate or enroll the student in school.

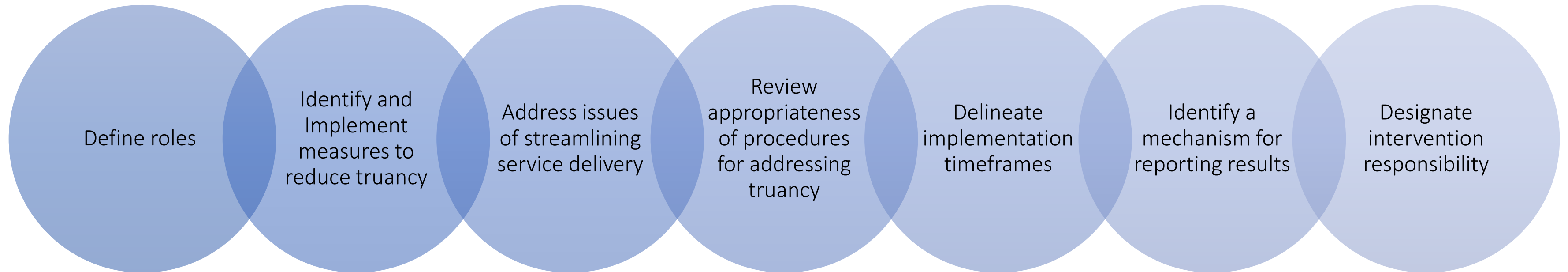
Student Nonattendance Data

Age	2017-18		2018-19		2019-20		2020-21		2021-22	
	21 or More Days	10% or More	21 or More Days	10% or More	21 or More Days	10% or More	21 or More Days	10% or More	21 or More Days	10% or More
Total	11.3%	20.4%	11.3%	20.0%	9.8%	16.6%	16.6%	25.1%	20.9%	32.3%
10 or Younger	8.7%	17.7%	8.9%	17.5%	8.5%	15.1%	13.9%	23.0%	17.9%	29.6%
11 to 13	9.0%	17.0%	8.8%	16.4%	7.1%	13.0%	14.9%	22.6%	17.8%	28.5%
14	11.0%	19.7%	10.9%	19.2%	8.9%	15.5%	17.8%	25.8%	20.9%	32.0%
15	13.6%	23.1%	13.4%	22.6%	11.0%	18.5%	19.8%	28.0%	24.4%	36.0%
16	16.5%	26.8%	16.4%	26.5%	13.1%	21.3%	21.5%	29.8%	27.4%	39.4%
17	21.2%	31.4%	21.3%	31.4%	17.1%	25.6%	24.2%	32.4%	32.9%	44.6%
18 or Older	34.0%	47.8%	34.4%	47.8%	32.0%	44.3%	38.2%	48.9%	44.1%	58.5%

**Represents average percent of students with unexcused absences*

Cooperative Interagency Agreement

Per s. 1003.27(4), F.S., a cooperative interagency agreement must be developed between the DJJ, the Department of Children and Families (DCF) and the district school superintendent to:



SCHOOL DISTRICT SUPERINTENDENT REFERRAL FOR PARENTAL PROSECUTION

State attorney requirements:

- Sworn probable cause affidavit establishing nonattendance or nonenrollment.
 - Attendance record and key establishing nonattendance.
 - Verification of student's age being within compulsory education.
 - Copy of 3 day letter and proof of service for nonenrollment.
 - Living address for parents, legal guardians, or custodians and child.
 - Verification of school efforts to remediate nonattendance or nonenrollment.
 - Witness list (teachers, attendance clerk, custodian of records).
 - Cooperation and testimony of witnesses.
- **Note:** it is helpful for the school district to meet with the Office of the State Attorney to discuss individual office requirements, statutory requirements, any barriers to prosecution, and evidence and information needed.
- **Note:** Only full day absence count as unexcused absence. Days of suspension are not unexcused absences.



SCHOOL DISTRICT SUPERINTENDENT TRUANCY COURT PROCESS

The school district superintendent (or designee) **may** file a truancy petition in Truancy Court if:

- Truancy Court is established by the Circuit Court within the county.
- Student meets statutory definition of “truant”.
- The petition shall be sworn by the superintendent or designee.
- Petition must be filed in the circuit in which the student is *enrolled* in school.
- Petition must contain:
 - ✓ Student’s name, age, physical address.
 - ✓ Name and physical address of student’s parent, guardian, legal custodian.
 - ✓ School where student is enrolled.
 - ✓ Efforts made by school to get student to attend (CST efforts)
 - ✓ Number of out-of-school contacts between school system and student’s parent, guardian or legal custodian
 - ✓ Number of days and dates student missed school unexcused.
- The Clerk of Court shall issue summons and the court must hear the case within 30 days. All parties must attend the hearing.

s. 985.151, F.S



DEFINITION OF TRUANT

“Truant” student is:

A student, subject to compulsory school attendance, who has had:

- 5 unexcused absences (or absences for which reasons are unknown) *within a calendar month*, or
- 10 unexcused absences (or absences for which reasons are unknown) within any 90 calendar days, or
- Has had *more than* 15 unexcused absences within 90 calendar days.

Note: only the first provision requires the absences be within a calendar month, the other two provisions are counted as calendar days (*not* school days) and may “float” between months.

ss. 984.151 and 1003.26(1)(b), F.S.



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