

By Representative Harrell

1                                   A bill to be entitled  
2           An act relating to prevention and amelioration  
3           of learning problems and learning disabilities  
4           in young children; authorizing a demonstration  
5           program to be called Learning Gateway; creating  
6           a steering committee; providing for membership  
7           and appointment of steering committee members;  
8           establishing duties of the steering committee;  
9           authorizing demonstration projects in specified  
10          counties; authorizing designated agencies to  
11          provide confidential information to such  
12          program; amending s. 228.093, F.S.; providing  
13          access to student records by such program and  
14          the steering committee; providing for funding;  
15          providing an effective date.

16  
17           WHEREAS, learning problems in children encompass all  
18          areas of development and may affect cognition, communication,  
19          attention, perception, behavior, and social, emotional,  
20          sensory, and motor functioning, and

21           WHEREAS, learning problems and learning disabilities  
22          place children at risk for significant learning and adaptation  
23          problems in school and, over time, adversely affect students'  
24          school performance as well as their social, physical, and  
25          emotional functioning and quality of life, and

26           WHEREAS, the effects of learning problems on a child's  
27          school performance, such as grade retention and referrals to  
28          special education, may not become evident until the elementary  
29          school years, but warning signs or precursors of learning  
30          problems and learning disabilities are exhibited much earlier,  
31          and

1           WHEREAS, new research identifies factors that predict  
2 which children are at risk of early learning problems prior to  
3 school age, including biological, environmental, and  
4 behavioral risks, and

5           WHEREAS, while no single risk factor can accurately  
6 predict the occurrence of a learning disability, the presence  
7 of multiple risks assists in identifying those children who  
8 are most vulnerable, and

9           WHEREAS, recent advances in brain research show that  
10 the greatest potential to influence a child's developing brain  
11 exists during the early years of life and that the environment  
12 sculpts the young child's brain as neurons form connections  
13 and mature in response to stimulation and the environment, and

14           WHEREAS, strategies to successfully intervene and  
15 instruct before children experience failure in the early  
16 elementary grades are being tested within a variety of  
17 demonstration research settings and are disseminated but are  
18 not widely implemented in general practice, and

19           WHEREAS, identification of potential learning problems  
20 is essential to facilitate the provision of services to  
21 children during the critical years of development, but  
22 inappropriate assessments of young children can create  
23 inaccurate, stigmatizing long-term misperceptions concerning  
24 the child's potential as a competent learner, and

25           WHEREAS, specific programs exist to provide services to  
26 children having established disabling conditions and  
27 moderate-to-severe developmental delays that qualify under  
28 Part C and Part B of the Individuals with Disabilities  
29 Education Act (IDEA) and to their families, and

30           WHEREAS, few, if any, programs exist which specifically  
31 target children with early-learning problems and mild

1 developmental delays, and these children frequently do not  
2 qualify for services or supports provided through federally  
3 funded programs such as Part C and Part B of the IDEA, and  
4 WHEREAS, providers of education, health services,  
5 mental health services, and other systems of care for children  
6 and their families may be unaware of or untrained in current  
7 research on early warning signs and effective instructional  
8 strategies and methods of intervention, and

9 WHEREAS, parents are usually the best and most  
10 important source of support for their children, but access to  
11 information and services is often inconsistent and fragmented  
12 across the state, and

13 WHEREAS, the benefits to be generated by early  
14 identification of and intervention in learning problems,  
15 learning disabilities, and mild developmental delays are  
16 significant in the lives of children and families, NOW,  
17 THEREFORE,

18

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

20

21 Section 1. Learning Gateway.--

22 (1) PROGRAM GOALS.--The Legislature authorizes a  
23 3-year demonstration program, to be called the Learning  
24 Gateway, the purpose of which is to provide parents access to  
25 information, referral, and services to lessen the effects of  
26 learning disabilities in children from birth to age 9.  
27 Parental consent shall be required for initial contact and  
28 referral for evaluation and services provided through the  
29 Learning Gateway, with the exception of expanded screening for  
30 metabolic disorders at birth, which a parent may reject under  
31 section 383.14(4), Florida Statutes. Each pilot program must

1 design and test an integrated, community-based system to help  
2 parents identify learning problems and access early-education  
3 and intervention services in order to minimize or prevent  
4 learning disabilities. The Learning Gateway must be available  
5 to parents in the settings where they and their children live,  
6 work, seek care, or study. The goals of the Learning Gateway  
7 are to:

8 (a) Improve community awareness and education of  
9 parents and practitioners about the warning signs or  
10 precursors of learning problems and learning disabilities,  
11 including disorders or delayed development in language,  
12 attention, behavior, and social-emotional functioning,  
13 including dyslexia and attention deficit hyperactivity  
14 disorder, in children from birth through age 9.

15 (b) Improve access for children who are experiencing  
16 early learning problems and their families to appropriate  
17 programs, services, and supports through improved outreach and  
18 referral processes among providers.

19 (c) Improve developmental monitoring and the  
20 availability to parents of appropriate screening resources,  
21 with emphasis on children from birth through age 9 who are at  
22 high risk of having learning problems.

23 (d) Improve the availability to parents of appropriate  
24 education and intervention programs, services, and supports to  
25 address learning problems and learning disabilities.

26 (e) Address gaps in the array of services and supports  
27 so that an appropriate child-centered and family-centered  
28 continuum of education and support is readily available in  
29 each community.

30 (f) Improve accountability of the system through  
31 improved planning, integration, and collaboration among

1 providers and through outcome measurement in collaboration  
2 with parents.

3 (2) LEARNING GATEWAY STEERING COMMITTEE.--

4 (a) To ensure that parents of children with potential  
5 learning problems and learning disabilities have access to the  
6 appropriate necessary services and supports, an 18-member  
7 steering committee is created. The steering committee is  
8 assigned to the Department of Education for administrative  
9 purposes.

10 (b) The duties of the Learning Gateway Steering  
11 Committee are to provide policy development, consultation,  
12 oversight, and support for the implementation of three  
13 demonstration programs and to advise the agencies, the  
14 Legislature, and the Governor on statewide implementation of  
15 system components and issues and on strategies for continuing  
16 improvement to the system.

17 (c) The steering committee shall direct the  
18 administering agency of the Learning Gateway program to  
19 procure the products delineated in section 2 of this act  
20 through contracts or other means.

21 (d) The steering committee must include parents,  
22 service providers, and representatives of the disciplines  
23 relevant to diagnosis of and intervention in early learning  
24 problems. The Governor shall appoint one member from the  
25 private sector who has expertise in communications, management  
26 or service provision, one member who has expertise in  
27 children's vision, one member who has expertise in learning  
28 disabilities, one member who has expertise in audiology, one  
29 member who is a parent of a child eligible for services by the  
30 Learning Gateway, and one provider of related diagnostic and  
31 intervention services. The President of the Senate shall

1 appoint one member from the private sector who has expertise  
2 in communications, management or service provision, one member  
3 who has expertise in emergent literacy, one member who has  
4 expertise in pediatrics, one member who has expertise in brain  
5 development, one member who is a parent of a child eligible  
6 for services by the Learning Gateway, and one member who is a  
7 provider of related diagnostic and intervention services. The  
8 Speaker of the House of Representatives shall appoint one  
9 member from the private sector who has expertise in  
10 communications, management or service provision, one member  
11 who has expertise in environmental health and allergies, one  
12 member who has expertise in children's nutrition, one member  
13 who has expertise in family medicine, one parent of a child  
14 eligible for services by the Learning Gateway, and one member  
15 who is a school psychologist providing diagnostic and  
16 intervention services.

17 (e) To support and facilitate system improvements, the  
18 steering committee must consult with representatives from the  
19 Department of Education, the Department of Health, the Florida  
20 Partnership for School Readiness, the Department of Children  
21 and Family Services, the Agency for Health Care  
22 Administration, the Department of Juvenile Justice, and the  
23 Department of Corrections and the director of the Learning  
24 Development and Evaluation Center of Florida Agricultural and  
25 Mechanical University.

26 (f) Steering committee appointments must be made, and  
27 the committee must hold its first meeting, within 45 days  
28 after this act takes effect. The Governor shall designate the  
29 chairman of the steering committee.

30 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.--  
31

1       (a) Within 90 days after its initial meeting, the  
2 Learning Gateway Steering Committee shall accept proposals  
3 from interagency consortia in Broward, Manatee, and St. Lucie  
4 counties which comprise public and private providers,  
5 community agencies, business representatives, and the local  
6 school board in each county to serve as demonstration sites  
7 for design and development of a system that addresses the  
8 requirements in section 2 of this act. Multicounty  
9 collaboration is encouraged where appropriate.

10       (b) The proposals for demonstration projects must  
11 provide a comprehensive and detailed description of the system  
12 of care. The description of the proposed system of care must  
13 clearly indicate the point of access for parents, integration  
14 of services, linkages of providers, and additional array of  
15 services required to address the needs of children and  
16 families.

17       (c) The demonstration projects should ensure that the  
18 system of care appropriately includes existing services to the  
19 fullest extent possible and should determine additional  
20 programs, services, and supports that are necessary to  
21 implement the requirements of this act.

22       (d) The projects, in conjunction with the steering  
23 committee, shall determine what portion of the system can be  
24 funded using existing funds, demonstration funds provided by  
25 this act, and other available private and community funds.

26       (e) The demonstration projects shall recommend to the  
27 steering committee the linking or combining of some or all of  
28 the local planning bodies, including school readiness  
29 coalitions, Healthy Start coalitions, Part C advisory  
30 councils, Department of Children and Family Services community  
31 alliances, and other boards or councils that have a primary

1 focus on services for children from birth to age 9, to the  
2 extent allowed by federal regulations, if such changes would  
3 improve coordination and reduce unnecessary duplication of  
4 effort.

5 (f) Demonstration projects shall use public and  
6 private partnerships, partnerships with faith-based  
7 organizations, and volunteers, as appropriate, to enhance  
8 accomplishment of the goals of the system.

9 (g) Addressing system components delineated in section  
10 2 of this act, each demonstration project proposal must  
11 include, at a minimum:

12 1. Protocols for requiring and receiving parental  
13 consent for Learning Gateway services.

14 2. A method for establishing communication with  
15 parents and coordination and planning processes within the  
16 community.

17 3. Action steps for making appropriate linkages to  
18 existing services within the community.

19 4. Procedures to determine gaps in services and  
20 identify appropriate providers.

21 5. Plans to contract for specialty services as needed.

22 6. A lead agency to serve as the system access point,  
23 or gateway.

24 (h) As authorized under the budget authority of the  
25 Department of Education, demonstration projects,  
26 representative of the diversity of the communities in this  
27 state, shall be established in Manatee, Orange, and St. Lucie  
28 counties as local Learning Gateway sites and shall be  
29 authorized to hire staff, establish office space, and contract  
30 with private providers as needed to implement the project  
31 within the budget designated by the Legislature.



1        (i) The steering committee must approve, deny, or  
2 conditionally approve a Learning Gateway proposal within 60  
3 days after receipt of the proposal. If a proposal is  
4 conditionally approved, the steering committee must assist the  
5 Learning Gateway applicant to correct deficiencies in the  
6 proposal by December 1, 2002. Funds must be available to a  
7 pilot program 15 days after final approval of its proposal by  
8 the steering committee. Funds must be available to all pilot  
9 programs by January 1, 2003.

10        Section 2. Components of the Learning Gateway.--

11        (1) The Learning Gateway system consists of the  
12 following components:

13        (a) Community education strategies and family-oriented  
14 access.--

15        1. Each local demonstration project shall establish  
16 the system access point, or gateway, by which parents can  
17 receive information about available appropriate services. An  
18 existing public or private agency or provider or new provider  
19 may serve as the system gateway. The local Learning Gateway  
20 should provide parents and caretakers with a single point of  
21 access for screening, assessment, and referral for services  
22 for children from birth through age 9. The demonstration  
23 projects have the budgetary authority to hire appropriate  
24 personnel to perform the required functions. These staff  
25 members must be knowledgeable about child development, early  
26 identification of learning problems and learning disabilities,  
27 family service planning, and services in the local area. Each  
28 demonstration project must arrange for the following services  
29 to be provided by existing service systems:

30        a. Conducting intake with families.  
31

- 1           b. Conducting appropriate screening or referral for  
2 such services.
- 3           c. Conducting needs/strengths-based family assessment.
- 4           d. Developing family resource plans.
- 5           e. Making referrals for needed services and assisting  
6 families in the application process.
- 7           f. Providing service coordination as needed by  
8 families.
- 9           g. Assisting families in establishing a medical home.
- 10          h. Conducting case management and transition planning  
11 as necessary.
- 12          i. Monitoring performance of service providers against  
13 appropriate standards.
- 14          2. The Learning Gateway Steering Committee and  
15 demonstration projects shall designate a central information  
16 and referral access phone number for parents in each pilot  
17 community. This centralized phone number should be used to  
18 increase public awareness and to improve access to local  
19 supports and services for children from birth through age 9  
20 and their families. The number should be highly publicized as  
21 the primary source of information on services for young  
22 children. The telephone staff should be trained and supported  
23 to offer accurate and complete information and to make  
24 appropriate referrals to existing public and private community  
25 agencies.
- 26          3. In collaboration with local resources such as  
27 Healthy Start, the demonstration projects shall develop  
28 strategies for offering hospital visits or home visits by  
29 trained staff to new mothers. The Learning Gateway Steering  
30 Committee shall provide technical assistance to local  
31

1 demonstration projects in developing brochures and other  
2 materials to be distributed to parents of newborns.

3 4. In collaboration with other local resources, the  
4 demonstration projects shall develop public awareness  
5 strategies to disseminate information about developmental  
6 milestones, precursors of learning problems and other  
7 developmental delays, and the service system that is  
8 available. The information should target parents of children  
9 from birth through age 9 and should be distributed to parents,  
10 health care providers, and caregivers of children from birth  
11 through age 9. A variety of media should be used as  
12 appropriate, such as print, television, radio, and a  
13 community-based internet web site, as well as opportunities  
14 such as those presented by parent visits to physicians for  
15 well-child check-ups. The Learning Gateway Steering Committee  
16 shall provide technical assistance to the local demonstration  
17 projects in developing and distributing educational materials  
18 and information.

19 a. Public awareness strategies targeting parents of  
20 children from birth through age 5 shall be designed to provide  
21 information to public and private preschool programs,  
22 childcare providers, pediatricians, parents, and local  
23 businesses and organizations. These strategies should include  
24 information on the school readiness performance standards for  
25 kindergarten adopted by the School Readiness Partnership  
26 Board.

27 b. Public awareness strategies targeting parents of  
28 children from ages 6 through 9 must be designed to disseminate  
29 training materials and brochures to parents and public and  
30 private school personnel, and must be coordinated with the  
31 local school board and the appropriate school advisory

1 committees in the demonstration projects. The materials  
2 should contain information on state and district proficiency  
3 levels for grades K-3.  
4 (b) Screening and developmental monitoring.--  
5 1. In coordination with the Partnership for School  
6 Readiness, the Department of Education, and the Florida  
7 Pediatric Society, and using information learned from the  
8 local demonstration projects, the Learning Gateway Steering  
9 Committee shall establish guidelines for screening children  
10 from birth through age 9. The guidelines should incorporate  
11 recent research on the indicators most likely to predict early  
12 learning problems, mild developmental delays, child-specific  
13 precursors of school failure, and other related developmental  
14 indicators in the domains of cognition; communication;  
15 attention; perception; behavior; and social, emotional,  
16 sensory, and motor functioning.  
17 2. Based on the guidelines established by the steering  
18 committee and in cooperation with the Florida Pediatric  
19 Society, the steering committee shall adopt a comprehensive  
20 checklist for child healthcare checkups and a corresponding  
21 training package for physicians and other medical personnel in  
22 implementing more effective screening for precursors of  
23 learning problems, learning disabilities, and mild  
24 developmental delays.  
25 3. Using the screening guidelines developed by the  
26 steering committee, local demonstration projects should engage  
27 local physicians and other medical professionals in enhancing  
28 the screening opportunities presented by immunization visits  
29 and other well-child appointments, in accordance with the  
30 American Academy of Pediatrics Periodicity Schedule.  
31

1           4. Using the screening guidelines developed by the  
2 steering committee, the demonstration projects shall develop  
3 strategies to increase early identification of precursors to  
4 learning problems and learning disabilities through providing  
5 parents the option of improved screening and referral  
6 practices within public and private early care and education  
7 programs and K-3 public and private school settings.  
8 Strategies may include training and technical assistance teams  
9 to assist program providers and teachers. The program shall  
10 collaborate appropriately with the school readiness  
11 coalitions, local school boards, and other community resources  
12 in arranging and providing training and technical assistance  
13 for early identification and screening with parental consent.

14           5. The demonstration project shall work with  
15 appropriate local entities to reduce the duplication of  
16 cross-agency screening in each demonstration project area.  
17 Demonstration projects shall provide opportunities for public  
18 and private providers of screening and assessment at each age  
19 level to meet periodically to identify gaps or duplication of  
20 efforts in screening practices.

21           6. Based on technical assistance and support provided  
22 by the steering committee and in conjunction with the school  
23 readiness coalitions and other appropriate entities,  
24 demonstration projects shall develop a system to log the  
25 number of children screened, assessed, and referred for  
26 services. After development and testing, tracking should be  
27 supported by a standard electronic data system for screening  
28 and assessment information.

29           7. In conjunction with the technical assistance of the  
30 steering committee, demonstration projects shall develop a  
31 system for targeted screening. The projects should conduct a

1 needs assessment of existing programs and services where  
2 targeted screening programs should be offered. Based on the  
3 results of the needs assessment, procedures must be  
4 established within the demonstration community to ensure that  
5 periodic developmental screening is offered to parents of  
6 children from birth through age 9 who are served by state  
7 intervention programs or whose parents or caregivers are in  
8 state intervention programs. Intervention programs for  
9 children, parents, and caregivers include those administered  
10 or funded by the:  
11       a. Agency for Health Care Administration;  
12       b. Department of Children and Family Services;  
13       c. Department of Corrections and other criminal  
14 justice programs;  
15       d. Department of Education;  
16       e. Department of Health; and  
17       f. Department of Juvenile Justice.  
18       8. When results of screening suggest developmental  
19 problems, potential learning problems, or learning  
20 disabilities, the intervention program shall inform the  
21 child's parent of the results of the screening and shall offer  
22 to refer the child to the Learning Gateway for coordination of  
23 further assessment. If the parent chooses to have further  
24 assessment, the Learning Gateway shall make referrals to the  
25 appropriate entities within the service system.  
26       9. The local Learning Gateway shall provide for  
27 followup contact to all families whose children have been  
28 found ineligible for services under Part B or Part C of the  
29 IDEA.  
30       10. In consultation with the steering committee,  
31 demonstration projects shall pilot the expansion of newborn

1 screening to include tandem mass spectrometry, pursuant to  
2 section 383.14, Florida Statutes. For the purposes of this  
3 requirement, the Learning Gateway may contract with any  
4 federally licensed laboratory for performance of the tandem  
5 mass spectrometry screening, notwithstanding section  
6 383.14(1)(b), Florida Statutes.

7 11. Demonstration projects shall pilot a program to  
8 offer parents of high-risk newborns referral by the Office of  
9 Vital Statistics to the local Learning Gateway. Upon receipt  
10 of referral, staff of the local Learning Gateway shall contact  
11 the parents and provide information about available services.  
12 Parental consent is required for further referral for  
13 evaluation and services. The procedures established must be  
14 consistent with applicable confidentiality requirements.

15 12. Notwithstanding any law to the contrary, each  
16 agency participating in the Learning Gateway is authorized to  
17 provide to a Learning Gateway program confidential information  
18 exempt from disclosure under chapter 119, Florida Statutes,  
19 regarding a developmental screening on any child participating  
20 in the Learning Gateway who is or has been the subject of a  
21 developmental screening within the jurisdiction of each  
22 agency.

23 (c) Early education, services and supports.--

24 1. The demonstration projects shall develop a model  
25 system of care that builds upon, integrates, and fills the  
26 gaps in existing services. Qualified providers of  
27 family-based or center-based interventions or public and  
28 private school personnel shall offer services in a manner  
29 consistent with the standards established by their profession  
30 and by the standards and criteria adopted by the steering  
31

1 committee and consistent with effective and proven strategies.  
2 The specific services and supports may include:  
3       a. High-quality early education and care programs.  
4       b. Assistance to parents and other caregivers, such as  
5 home-based modeling programs for parents and play programs to  
6 provide peer interactions.  
7       c. Speech and language therapy that is  
8 age-appropriate.  
9       d. Parent education and training.  
10       e. Comprehensive medical screening and referral with  
11 biomedical interventions as necessary.  
12       f. Referral as needed for family therapy, other mental  
13 health services, and treatment programs.  
14       g. Family support services as necessary.  
15       h. Therapy for learning differences in reading and  
16 math, and attention to subject material for children in grades  
17 K-3.  
18       i. Referral for Part B or Part C services as required.  
19       j. Expanded access to community-based services for  
20 parents.  
21       k. Parental choice in the provision of services by  
22 public and private providers.  
23       2. Demonstration projects shall develop strategies to  
24 increase the use of appropriate intervention practices with  
25 children who have learning problems and learning disabilities  
26 within public and private early care and education programs  
27 and K-3 public and private school settings. Strategies may  
28 include training and technical assistance teams. Intervention  
29 must be coordinated and must focus on providing effective  
30 supports to children and their families within their regular  
31 education and community environment. These strategies must



1 incorporate, as appropriate, school and district activities  
2 related to the student's academic improvement plan and must  
3 provide parents with greater access to community-based  
4 services that should be available beyond the traditional  
5 school day. Academic expectations for public school students  
6 in grades K-3 must be based upon the local school board's  
7 adopted proficiency levels. When appropriate, school  
8 personnel shall consult with the local Learning Gateway to  
9 identify other community resources for supporting the child  
10 and the family.

11 3. The steering committee, in conjunction with local  
12 demonstration projects and local school boards, may develop a  
13 plan for creating incentives for educators and parents or  
14 caregivers to use appropriate practices for young children  
15 from birth through age 9 which address the unique needs of  
16 children who are at risk of learning problems and learning  
17 disabilities that may impede success in school. Incentives  
18 should be awarded based on the integration of instructional  
19 strategies, staffing ratios, staff training requirements,  
20 family involvement, and other specialized services and  
21 supports that are designed to meet the unique needs of all  
22 learners.

23 4. The steering committee shall work toward the goal  
24 of ensuring that every teacher has the ability to identify and  
25 properly respond to children who have learning problems and  
26 learning disabilities. In cooperation with the universities in  
27 the state and the Department of Education, the steering  
28 committee shall identify competencies required by  
29 instructional personnel in addressing learning problems and  
30 learning disabilities that may impede school success. These  
31 competencies must be used to develop or adopt research-based

1 preservice and inservice training programs for teachers and  
2 personnel in public and private early care and education  
3 programs and grades preK-3. Each teacher-preparation program  
4 in the state university system must require a minimum of 3  
5 hours of credit in coursework in normal child development and  
6 the disorders of development.

7 5. The steering committee, in cooperation with the  
8 Florida Partnership for School Readiness, shall identify the  
9 elements of an effective research-based curriculum for early  
10 care and education programs.

11 6. The steering committee, in conjunction with the  
12 demonstration projects, shall develop processes for  
13 identifying and sharing promising practices and shall showcase  
14 these programs and practices at the dissemination conference.

15 7. The steering committee shall establish processes  
16 for facilitating state and local providers' ready access to  
17 information and training concerning effective instructional  
18 and behavioral practices and interventions based on advances  
19 in the field and for encouraging researchers to regularly  
20 guide practitioners in designing and implementing  
21 research-based practices. At a minimum, the steering committee  
22 shall assist the demonstration projects in conducting periodic  
23 conferences to ensure the dissemination of information on best  
24 practices and new insights about early identification,  
25 education, and intervention for children from birth through  
26 age 9. The conference should be established so that continuing  
27 education credits may be awarded to medical professionals,  
28 teachers, and others for whom this is an incentive.

29 8. Demonstration projects shall investigate and may  
30 recommend to the steering committee more effective resource  
31 allocation and flexible funding strategies if such strategies

1 are in the best interest of the children and families in the  
2 community. The Department of Education and other relevant  
3 agencies shall assist the demonstration projects in securing  
4 state and federal waivers as appropriate.

5 Section 3. Accountability.--

6 (1) The steering committee shall assist the School  
7 Readiness Estimating Conference and the Enrollment Conference  
8 for Public Schools in developing estimates of the population  
9 of children from birth through age 9 who are at risk of  
10 learning problems and learning disabilities by establishing  
11 cross-agency standards for data collection and sharing.

12 (2) The steering committee, in conjunction with the  
13 demonstration projects, shall develop accountability  
14 mechanisms to ensure that the demonstration programs are  
15 effective and that resources are used as efficiently as  
16 possible. Accountability should be addressed through a  
17 multilevel evaluation system, including measurement of  
18 outcomes and operational indicators. Measurable outcomes must  
19 be developed to address improved child development, improved  
20 child health, and success in school. Indicators of system  
21 improvements must be developed to address quality of programs  
22 and integration of services. Agency monitoring of programs  
23 shall include a review of child and family outcomes and system  
24 effectiveness indicators with a specific focus on elimination  
25 of unnecessary duplication of planning, screening, and  
26 services.

27 (3) The steering committee shall oversee a formative  
28 evaluation of the project during implementation, including  
29 reporting short-term outcomes and system improvements. By  
30 January 2004, the steering committee shall make  
31 recommendations to the Governor, the President of the Senate,

1 the Speaker of the House of Representatives, and the  
2 Commissioner of Education related to the merits of expansion  
3 of the demonstration projects.

4 (4) After the second year of the program, the steering  
5 committee, in conjunction with the demonstration projects,  
6 shall develop a model county-level strategic plan to formalize  
7 the goals, objectives, strategies, and intended outcomes of  
8 the comprehensive system, and to support the integration and  
9 efficient delivery of all services and supports for parents of  
10 children from birth through age 9 who have learning problems  
11 or learning disabilities. The model county-level strategic  
12 plan must include, but need not be limited to, strategies to:

13 (a) Establish a system whereby parents can access  
14 information about learning problems in young children and  
15 receive services at their discretion;

16 (b) Improve early identification of those who are at  
17 risk for learning problems and learning disabilities;

18 (c) Provide access to an appropriate array of services  
19 within the child's natural environment or regular classroom  
20 setting or specialized training in other settings;

21 (d) Improve and coordinate screening for children from  
22 birth through age 9;

23 (e) Improve and coordinate services for children from  
24 birth through age 9;

25 (f) Address training of professionals in effectively  
26 identifying factors, across all domains, which place children  
27 from birth through age 9 at risk of school failure and in  
28 appropriate interventions for the learning differences;

29 (g) Provide appropriate support to families;

30 (h) Share best practices with caregivers and referral  
31 sources;

1           (i) Address resource needs of the assessment and  
2 intervention system; and

3           (j) Address development of implementation plans to  
4 establish protocols for requiring and receiving parental  
5 consent for services; to identify action steps, responsible  
6 parties, and implementation schedules; and to ensure  
7 appropriate alignment with agency strategic plans.

8           Section 4. Paragraph (d) of subsection (3) of section  
9 228.093, Florida Statutes, is amended to read:

10           228.093 Pupil and student records and reports; rights  
11 of parents, guardians, pupils, and students; notification;  
12 penalty.--

13           (3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR  
14 STUDENT.--The parent or guardian of any pupil or student who  
15 attends or has attended any public school, area  
16 vocational-technical training center, community college, or  
17 institution of higher education in the State University System  
18 shall have the following rights with respect to any records or  
19 reports created, maintained, and used by any public  
20 educational institution in the state. However, whenever a  
21 pupil or student has attained 18 years of age, or is attending  
22 an institution of postsecondary education, the permission or  
23 consent required of, and the rights accorded to, the parents  
24 of the pupil or student shall thereafter be required of and  
25 accorded to the pupil or student only, unless the pupil or  
26 student is a dependent pupil or student of such parents as  
27 defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue  
28 Code of 1954). The State Board of Education shall formulate,  
29 adopt, and promulgate rules whereby parents, guardians,  
30 pupils, or students may exercise these rights:

31

1           (d) Right of privacy.--Every pupil or student shall  
2 have a right of privacy with respect to the educational  
3 records kept on him or her. Personally identifiable records or  
4 reports concerning ~~of~~ a pupil or student, and any personal  
5 information contained therein, are confidential and exempt  
6 from the provisions of s. 119.07(1). No state or local  
7 educational agency, board, public school, area technical  
8 center, community college, or institution of higher education  
9 in the State University System shall permit the release of  
10 such records, reports, or information without the written  
11 consent of the pupil's or student's parent or guardian, or of  
12 the pupil or student himself or herself if he or she is  
13 qualified as provided in this subsection, to any individual,  
14 agency, or organization. However, personally identifiable  
15 records or reports concerning ~~of~~ a pupil or student may be  
16 released to the following persons or organizations without the  
17 consent of the pupil or the pupil's parent:

18           1. Officials of schools, school systems, area  
19 technical centers, community colleges, or institutions of  
20 higher learning in which the pupil or student seeks or intends  
21 to enroll; and a copy of such records or reports shall be  
22 furnished to the parent, guardian, pupil, or student upon  
23 request.

24           2. Other school officials, including teachers within  
25 the educational institution or agency, who have legitimate  
26 educational interests in the information contained in the  
27 records.

28           3. The United States Secretary of Education, the  
29 Director of the National Institute of Education, the Assistant  
30 Secretary for Education, the Comptroller General of the United  
31 States, or state or local educational authorities who are

1 authorized to receive such information subject to the  
2 conditions set forth in applicable federal statutes and  
3 regulations of the United States Department of Education, or  
4 in applicable state statutes and rules of the State Board of  
5 Education.

6 4. Other school officials, in connection with a  
7 pupil's or student's application for or receipt of financial  
8 aid.

9 5. Individuals or organizations conducting studies for  
10 or on behalf of an institution or a board of education for the  
11 purpose of developing, validating, or administering predictive  
12 tests, administering pupil or student aid programs, or  
13 improving instruction, if such studies are conducted in such a  
14 manner as will not permit the personal identification of  
15 pupils or students and their parents by persons other than  
16 representatives of such organizations and if such information  
17 will be destroyed when no longer needed for the purpose of  
18 conducting such studies.

19 6. Accrediting organizations, in order to carry out  
20 their accrediting functions.

21 7. School readiness coalitions and the Florida  
22 Partnership for School Readiness in order to carry out their  
23 assigned duties.

24 8. Learning Gateway programs and the Learning Gateway  
25 Steering Committee in order to carry out their assigned  
26 duties.

27 ~~9.8.~~ For use as evidence in pupil or student expulsion  
28 hearings conducted by a district school board pursuant to the  
29 provisions of chapter 120.

30 ~~10.9.~~ Appropriate parties in connection with an  
31 emergency, if knowledge of the information in the pupil's or

1 student's educational records is necessary to protect the  
2 health or safety of the pupil, student, or other individuals.  
3 ~~11.10-~~ 11.10- The Auditor General and the Office of Program  
4 Policy Analysis and Government Accountability in connection  
5 with their official functions; however, except when the  
6 collection of personally identifiable information is  
7 specifically authorized by law, any data collected by the  
8 Auditor General and the Office of Program Policy Analysis and  
9 Government Accountability is confidential and exempt from the  
10 provisions of s. 119.07(1) and shall be protected in such a  
11 way as will not permit the personal identification of students  
12 and their parents by other than the Auditor General, the  
13 Office of Program Policy Analysis and Government  
14 Accountability, and their staff, and such personally  
15 identifiable data shall be destroyed when no longer needed for  
16 the Auditor General's and the Office of Program Policy  
17 Analysis and Government Accountability's official use.

18 ~~12.11-a.~~ 12.11-a. A court of competent jurisdiction in  
19 compliance with an order of that court or the attorney of  
20 record pursuant to a lawfully issued subpoena, upon the  
21 condition that the pupil or student and the pupil's or  
22 student's parent are notified of the order or subpoena in  
23 advance of compliance therewith by the educational institution  
24 or agency.

25 b. A person or entity pursuant to a court of competent  
26 jurisdiction in compliance with an order of that court or the  
27 attorney of record pursuant to a lawfully issued subpoena,  
28 upon the condition that the pupil or student, or his or her  
29 parent if the pupil or student is either a minor and not  
30 attending an institution of postsecondary education or a  
31 dependent of such parent as defined in 26 U.S.C. s. 152 (s.



1 152 of the Internal Revenue Code of 1954), is notified of the  
2 order or subpoena in advance of compliance therewith by the  
3 educational institution or agency.

4 ~~13.12.~~ Credit bureaus, in connection with an agreement  
5 for financial aid which the student has executed, provided  
6 that such information may be disclosed only to the extent  
7 necessary to enforce the terms or conditions of the financial  
8 aid agreement. Credit bureaus shall not release any  
9 information obtained pursuant to this paragraph to any person.

10 ~~14.13.~~ Parties to an interagency agreement among the  
11 Department of Juvenile Justice, school and law enforcement  
12 authorities, and other signatory agencies for the purpose of  
13 reducing juvenile crime and especially motor vehicle theft by  
14 promoting cooperation and collaboration, and the sharing of  
15 appropriate information in a joint effort to improve school  
16 safety, to reduce truancy, in-school and out-of-school  
17 suspensions, to support alternatives to in-school and  
18 out-of-school suspensions and expulsions that provide  
19 structured and well-supervised educational programs  
20 supplemented by a coordinated overlay of other appropriate  
21 services designed to correct behaviors that lead to truancy,  
22 suspensions, and expulsions, and which support students in  
23 successfully completing their education. Information provided  
24 in furtherance of such interagency agreements is intended  
25 solely for use in determining the appropriate programs and  
26 services for each juvenile or the juvenile's family, or for  
27 coordinating the delivery of such programs and services, and  
28 as such is inadmissible in any court proceedings prior to a  
29 dispositional hearing unless written consent is provided by a  
30 parent, guardian, or other responsible adult on behalf of the  
31 juvenile.

1  
2 This paragraph does not prohibit any educational institution  
3 from publishing and releasing to the general public directory  
4 information relating to a pupil or student if the institution  
5 elects to do so. However, no educational institution shall  
6 release, to any individual, agency, or organization which is  
7 not listed in subparagraphs 1.-13., directory information  
8 relating to the student body in general or a portion thereof  
9 unless it is normally published for the purpose of release to  
10 the public in general. Any educational institution making  
11 directory information public shall give public notice of the  
12 categories of information which it has designated as directory  
13 information with respect to all pupils or students attending  
14 the institution and shall allow a reasonable period of time  
15 after such notice has been given for a parent, guardian,  
16 pupil, or student to inform the institution in writing that  
17 any or all of the information designated should not be  
18 released.

19           Section 5. The Legislature shall appropriate a sum of  
20 money to fund the demonstration programs and shall authorize  
21 selected communities to blend funding from existing programs  
22 to the extent that this is advantageous to the community and  
23 is consistent with federal requirements.

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

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LEGISLATIVE SUMMARY

Authorizes a demonstration program to be called the Learning Gateway to provide parents access to information, referral, and services to lessen the effects of learning disabilities in children from birth to age 9. Creates a steering committee and establishes duties of the committee. Authorizes demonstration projects in specified counties. Authorizes designated agencies to provide confidential information to the Learning Gateway and provides access to student records by such program and the steering committee. Provides for funding.