

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 share confidential information with 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, parental consent shall be required for all
14 services provided pursuant to the Learning Gateway program,
15 including initial contact and further referral for evaluation
16 and services, and

17 WHEREAS, with parental consent, evaluation and
18 accommodations are available to children who have disabling
19 conditions and who are eligible under section 504 of the
20 Rehabilitation Act and the Americans with Disabilities Act,
21 and

22 WHEREAS, the benefits to be generated by early
23 identification of and intervention in learning problems,
24 learning disabilities, and mild developmental delays are
25 significant in the lives of children and families, NOW,
26 THEREFORE,

27

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

29

30 Section 1. Learning Gateway.--

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1 (1) PROGRAM GOALS.--The Legislature authorizes a
2 3-year demonstration program, to be called the Learning
3 Gateway, the purpose of which is to design and test an
4 integrated community-based system to lessen the effects of
5 early learning problems and learning disabilities for children
6 from birth through age 9 through prevention, early
7 identification, early education, and intervention. The goals
8 of the Learning Gateway are to:

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

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

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

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

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

31

1 (f) Improve accountability of the system through
2 improved planning, integration, and collaboration among
3 providers and through outcome measurement.

4 (2) LEARNING GATEWAY STEERING COMMITTEE.--

5 (a) To ensure that children with potential learning
6 problems and learning disabilities have access to the
7 appropriate necessary services and supports, a 23-member
8 steering committee is created. The steering committee is
9 assigned to the Department of Education for administrative
10 purposes.

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

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

22 (d) The steering committee must include
23 representatives of the disciplines relevant to diagnosis of
24 and intervention in early learning problems. The Governor
25 shall appoint one member who has expertise in education, one
26 member who has expertise in speech and language pathology, one
27 member who has expertise in audiology, one member who is a
28 parent of a child eligible for services by the Learning
29 Gateway, and one member who is a provider of related
30 diagnostic and intervention services, one of whom shall be a
31 representative from the Broward County demonstration project.

1 The President of the Senate shall appoint one member who has
2 expertise in pediatric psychiatry, one member who has
3 expertise in pediatrics, one member who has expertise in child
4 psychology, one member who is a parent of a child eligible for
5 services by the Learning Gateway, and one member who is a
6 provider of related diagnostic and intervention services, one
7 of whom shall be a representative from the Manatee County
8 demonstration project. The Speaker of the House of
9 Representatives shall appoint one member who has expertise in
10 genetics, one member who has expertise in occupational and
11 physical therapy, one member who has expertise in social work,
12 one member who is a parent of a child eligible for services by
13 the Learning Gateway, and one member who is a school
14 psychologist providing diagnostic and intervention services,
15 one of whom shall be a representative from the St. Lucie
16 County demonstration project.

17 (e) To support and facilitate system improvements, the
18 steering committee must also include 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 as
29 chair one of the committee members listed in paragraph (d).

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. Multicounty collaboration is
9 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, integration of services,
14 linkages of providers, and additional array of services
15 required to address the needs of the targeted 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 children from birth through age 9, to the extent
2 allowed by federal regulations, if such changes would improve
3 coordination and reduce unnecessary duplication of effort.

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

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

11 1. A method for establishing communication,
12 coordination, and planning processes within the community.

13 2. Action steps for making appropriate linkages to
14 existing services within the community.

15 3. Procedures to determine gaps in services and
16 identify appropriate providers.

17 4. Plans to contract for specialty services as needed.

18 5. Plans to provide additional direct service, if
19 necessary, with a limit of self-referrals.

20 6. A lead agency to serve as the system access point,
21 or gateway.

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

30 (i) The steering committee must approve, deny, or
31 conditionally approve a Learning Gateway proposal within 60

1 days after receipt of the proposal. If a proposal is
2 conditionally approved, the steering committee must assist the
3 Learning Gateway applicant to correct deficiencies in the
4 proposal by December 1, 2002. Funds must be available to a
5 demonstration project 15 days after final approval of its
6 proposal by the steering committee. Funds must be available to
7 all demonstration projects by January 1, 2003.

8 Section 2. Components of the Learning Gateway.--The
9 Learning Gateway system consists of the following components:

10 (1) COMMUNITY EDUCATION AND FAMILY-ORIENTED ACCESS
11 STRATEGIES.--

12 (a) Each local demonstration project shall establish
13 an access point to provide the system access point, or
14 gateway, by which parents can receive information about
15 available appropriate services. An existing public or private
16 agency or provider or new provider may serve as the system
17 gateway. The local Learning Gateway should provide parents
18 and caretakers with a single point of access for screening,
19 assessment, and referral for services for children from birth
20 through age 9. The demonstration projects have the budgetary
21 authority to hire appropriate personnel to perform the
22 required functions. These staff members must be knowledgeable
23 about child development, early identification of learning
24 problems and learning disabilities, family service planning,
25 and services in the local area. If the following services are
26 not provided by existing service systems, the gateway provider
27 shall:

28 1. Conduct intake with families.

29 2. Conduct appropriate screening or refer for such
30 services.

31

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

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

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

25 2. Public awareness strategies targeting parents of
26 children from ages 6 through 9 must be designed to disseminate
27 training materials and brochures to parents and public and
28 private school personnel, and must be coordinated with the
29 local school board and the appropriate school advisory
30 councils in the demonstration project areas. The materials
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1 should contain information on state and district proficiency
2 levels for grades K-3.

3 (2) SCREENING AND DEVELOPMENTAL MONITORING.--

4 (a) In coordination with the Florida Partnership for
5 School Readiness, the Department of Education, and the Florida
6 Pediatric Society, and using information learned from the
7 local demonstration projects, the Learning Gateway Steering
8 Committee shall establish guidelines for screening children
9 from birth through age 9. The guidelines should incorporate
10 recent research on the indicators most likely to predict early
11 learning problems, mild developmental delays, child-specific
12 precursors of school failure, and other related developmental
13 indicators in the domains of cognition; communication;
14 attention; perception; behavior; and social, emotional,
15 sensory, and motor functioning. The steering committee should
16 assist projects in developing and testing screening processes
17 to address social, emotional, and behavioral interactions
18 between the child and caregiver which could indicate future
19 problems or delays.

20 (b) Based on the guidelines established by the
21 steering committee and in cooperation with the Florida
22 Pediatric Society, the steering committee shall adopt a
23 comprehensive checklist for child healthcare checkups and a
24 corresponding training package for physicians and other
25 medical personnel in implementing more effective screening for
26 precursors of learning problems, learning disabilities, and
27 mild developmental delays.

28 (c) Using the screening guidelines developed by the
29 steering committee, local demonstration projects should engage
30 local physicians and other medical professionals in enhancing
31 the screening opportunities presented by immunization visits

1 and other well-child appointments, in accordance with the
2 American Academy of Pediatrics Periodicity Schedule.

3 (d) Screening guidelines which require parental
4 consent at all levels shall be established for initial
5 contact, evaluation, and services. All procedures established
6 must be consistent with applicable confidentiality
7 requirements. The demonstration projects shall develop
8 strategies to increase early identification of precursors to
9 learning problems and learning disabilities through improved
10 screening and referral practices within public and private
11 early care and education programs and K-3 public and private
12 school settings. Strategies may include training and
13 technical assistance teams to assist program providers and
14 teachers. With parental consent, personnel should refer those
15 children who exhibit potential learning problems to the
16 appropriate community resource for further evaluation and
17 services. The program shall collaborate appropriately with
18 the school readiness coalitions, local school boards, and
19 other community resources in arranging and providing training
20 and technical assistance for early identification and
21 screening.

22 (e) The demonstration projects shall work with
23 appropriate local entities to reduce the duplication of
24 cross-agency screening in each demonstration project area.
25 Demonstration projects shall provide opportunities for public
26 and private providers of screening and assessment at each age
27 level to meet periodically to identify gaps or duplication of
28 efforts in screening practices.

29 (f) Based on technical assistance and support provided
30 by the steering committee and in conjunction with the school
31 readiness coalitions and other appropriate entities,

1 demonstration projects shall develop a system to log the
2 number of children screened, assessed, and referred for
3 services. After development and testing, tracking should be
4 supported by a standard electronic data system for screening
5 and assessment information.

6 (g) In conjunction with the technical assistance of
7 the steering committee, demonstration projects shall develop a
8 system for targeted screening. The projects should conduct a
9 needs assessment of existing programs and services where
10 targeted screening programs should be offered. Based on the
11 results of the needs assessment, procedures must be
12 established within the demonstration community to ensure that
13 periodic developmental screening is conducted for children
14 from birth through age 9 who are served by state intervention
15 programs or whose parents or caregivers are in state
16 intervention programs. Intervention programs for children,
17 parents, and caregivers include those administered or funded
18 by the:

- 19 1. Agency for Health Care Administration.
- 20 2. Department of Children and Family Services.
- 21 3. Department of Corrections and other criminal
22 justice programs.
- 23 4. Department of Education.
- 24 5. Department of Health.
- 25 6. Department of Juvenile Justice.

26 (h) When results of screening suggest developmental
27 problems, potential learning problems, or learning
28 disabilities, the intervention program shall refer the child
29 to the Learning Gateway for coordination of further
30 assessment. The Learning Gateway shall make referrals to the
31 appropriate entities within the service system.

1 (i) The local Learning Gateway shall provide for
2 followup contact to all families whose children have been
3 found ineligible for services under Part B or Part C of the
4 Individuals with Disabilities Education Act.

5 (j) Notwithstanding any law to the contrary, each
6 agency identified in paragraph (g) is authorized to share with
7 a Learning Gateway project confidential information exempt
8 from disclosure under chapter 119, Florida Statutes, on any
9 individual who is or has been the subject of a developmental
10 screening within the jurisdiction of each agency.

11 (3) EARLY EDUCATION, SERVICES, AND SUPPORTS.--

12 (a) The demonstration projects shall develop a model
13 system of care that builds upon, integrates, and fills the
14 gaps in existing services. Qualified providers of
15 family-based or center-based interventions or public or
16 private school personnel shall offer services in a manner
17 consistent with the standards established by their profession
18 and by the standards and criteria adopted by the steering
19 committee and consistent with effective and proven strategies.
20 The specific services and supports may include:

21 1. High-quality early education and care programs.

22 2. Assistance to parents and other caregivers, such as
23 home-based modeling programs for parents and play programs to
24 provide peer interactions.

25 3. Speech and language therapy that is age
26 appropriate.

27 4. Parent education and training.

28 5. Comprehensive medical screening and referral with
29 biomedical interventions as necessary.

30 6. Referral as needed for family therapy, other mental
31 health services, and treatment programs.

- 1 7. Family support services as necessary.
- 2 8. Therapy for learning differences in reading and
3 mathematics, and attention to subject material for children in
4 grades K-3.
- 5 9. Referral for Part B or Part C services as required.
- 6 10. Expanded access to community-based services for
7 parents.
- 8 11. Parental choice in the provision of services by
9 public and private providers.
- 10 (b) Demonstration projects shall develop strategies to
11 increase the use of appropriate intervention practices with
12 children who have learning problems and learning disabilities
13 within public and private early care and education programs
14 and K-3 public and private school settings. Strategies may
15 include training and technical assistance teams. Intervention
16 must be coordinated and must focus on providing effective
17 supports to children and their families within their regular
18 education and community environment. These strategies must
19 incorporate, as appropriate, school and district activities
20 related to the student's academic improvement plan and must
21 provide parents with greater access to community-based
22 services that should be available beyond the traditional
23 school day. Academic expectations for public school students
24 in grades K-3 must be based upon the local school board's
25 adopted proficiency levels. When appropriate, school
26 personnel shall consult with the local Learning Gateway to
27 identify other community resources for supporting the child
28 and the family.
- 29 (c) The steering committee, in conjunction with local
30 demonstration projects and local school boards, may develop a
31 plan for creating incentives for educators and parents or

1 caregivers to use appropriate practices for young children
2 from birth through age 9 which address the unique needs of
3 children who are at risk of learning problems and learning
4 disabilities that may impede success in school. Incentives
5 should be awarded based on the integration of instructional
6 strategies, staffing ratios, staff training requirements,
7 family involvement, and other specialized services and
8 supports that are designed to meet the unique needs of all
9 learners.

10 (d) The steering committee shall work toward the goal
11 of ensuring that every teacher has the ability to identify and
12 properly respond to children who have learning problems and
13 learning disabilities. In cooperation with the universities in
14 the state and the Department of Education, the steering
15 committee shall identify competencies required by
16 instructional personnel in addressing learning problems and
17 learning disabilities that may impede school success. These
18 competencies must be used to develop or adopt research-based
19 preservice and inservice training programs for teachers and
20 personnel in public and private early care and education
21 programs, prekindergarten programs, and grades K-3. Each
22 teacher preparation program in the State University System
23 must require a minimum of 3 hours of credit in coursework in
24 normal child development and the disorders of development.

25 (e) The steering committee shall work with the
26 Department of Education to ensure that certification and
27 recertification requirements prepare teachers to identify
28 developmental problems in students and to use research-based,
29 effective instructional and behavioral strategies for speech
30 and language development, emerging literacy, and
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1 developmentally appropriate practices and learning strategies
2 for diverse learners.

3 (f) The steering committee, in cooperation with the
4 Florida Partnership for School Readiness, shall identify the
5 elements of an effective research-based curriculum for early
6 care and education programs.

7 (g) The steering committee, in conjunction with the
8 demonstration projects, shall develop processes for
9 identifying and sharing promising practices and shall showcase
10 these programs and practices at a dissemination conference. As
11 funding is available, the steering committee may recommend
12 monetary awards to programs selected as "promising practices"
13 to be used for program enhancements. Processes for selecting
14 promising practices should include:

15 1. Establishing criteria for selection, including
16 length of time in operation and evidence of effectiveness
17 (outcome data).

18 2. Establishing a nomination process.

19 3. Establishing a review panel and review process.

20 4. Making the selection based on a written
21 description.

22 5. Conducting a site visit.

23 6. Completing the selections.

24 7. Disseminating program descriptions.

25 (h) The steering committee shall establish processes
26 for facilitating state and local providers' ready access to
27 information and training concerning effective instructional
28 and behavioral practices and interventions based on advances
29 in the field and for encouraging researchers to regularly
30 guide practitioners in designing and implementing
31 research-based practices. At a minimum, the steering committee

1 shall assist the demonstration projects in conducting periodic
2 conferences to ensure the dissemination of information on best
3 practices and new insights about early identification,
4 education, and intervention for children from birth through
5 age 9. Conferences should be established so that continuing
6 education credits may be awarded to medical professionals,
7 teachers, and others for whom this is an incentive.

8 (i) Demonstration projects shall investigate and may
9 recommend to the steering committee more effective resource
10 allocation and flexible funding strategies such as central
11 financing, if such strategies are in the best interest of the
12 children and families in the community. The Department of
13 Education and other relevant agencies shall assist the
14 demonstration projects in securing state and federal waivers
15 as appropriate. Effectiveness of interventions, such as
16 reduced referrals to special education, should not negatively
17 affect a school's or school district's budget.

18 Section 3. Accountability.--

19 (1) The steering committee shall assist the School
20 Readiness Program Estimating Conference and the enrollment
21 conference for public schools in developing estimates of the
22 population of children from birth through age 9 who are at
23 risk of learning problems and learning disabilities by
24 establishing cross-agency standards for data collection and
25 sharing.

26 (2) The steering committee, in conjunction with the
27 demonstration projects and the State University System, shall
28 develop accountability mechanisms to ensure that the
29 demonstration projects are effective and that resources are
30 used as efficiently as possible. Accountability should be
31 addressed through a multilevel evaluation system, including

1 measurement of outcomes and operational indicators. Measurable
2 outcomes must be developed to address improved family
3 functioning, improved child development, improved child
4 health, and success in school. Indicators of system
5 improvements must be developed to address quality of programs
6 and integration of services. Agency monitoring of programs
7 shall include a review of child and family outcomes and system
8 effectiveness indicators with a specific focus on elimination
9 of unnecessary duplication of planning, screening, and
10 services.

11 (3) The steering committee, through the State
12 University System, shall oversee a formative evaluation of the
13 projects during implementation, including reporting short-term
14 outcomes and system improvements. By January 2004, the
15 steering committee shall make recommendations to the Governor,
16 the President of the Senate, the Speaker of the House of
17 Representatives, and the Commissioner of Education related to
18 the merits of expansion of the demonstration projects.

19 (4) The steering committee, at any time, may recommend
20 statewide expansion of any component of the system which has
21 demonstrated effectiveness as documented by the formative
22 evaluation.

23 (5) If statewide expansion of the comprehensive system
24 is recommended after the second year of the Learning Gateway
25 program, the steering committee, in conjunction with the
26 demonstration projects, shall develop state-level and
27 community-based strategic plans to formalize the goals,
28 objectives, strategies, and intended outcomes of the
29 comprehensive system, and to support the integration and
30 efficient delivery of all services and supports for children
31 from birth through age 9 who have learning problems or

1 learning disabilities. In conjunction with the demonstration
2 projects, the steering committee shall develop a statewide
3 strategic plan for implementing a model system statewide.
4 Community-level strategic plans must include, but need not be
5 limited to, strategies to:
6 (a) Improve early identification of those who are at
7 risk for learning problems and learning disabilities.
8 (b) Provide access to an appropriate array of services
9 within the child's natural environment or regular classroom
10 setting or specialized training in other settings.
11 (c) Improve and coordinate screening for children from
12 birth through age 9.
13 (d) Improve and coordinate services for children from
14 birth through age 9.
15 (e) Address training of professionals in effectively
16 identifying factors, across all domains, which place children
17 from birth through age 9 at risk of school failure and in
18 appropriate interventions for the learning differences.
19 (f) Provide appropriate support to families.
20 (g) Share best practices with caregivers and referral
21 sources.
22 (h) Address resource needs of the assessment and
23 intervention system.
24 (i) Address development of implementation plans to
25 identify action steps, responsible parties, and implementation
26 schedules and to ensure appropriate alignment with agency
27 strategic plans.
28 Section 4. Paragraph (d) of subsection (3) of section
29 228.093, Florida Statutes, is amended to read:
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1 228.093 Pupil and student records and reports; rights
2 of parents, guardians, pupils, and students; notification;
3 penalty.--
4 (3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR
5 STUDENT.--The parent or guardian of any pupil or student who
6 attends or has attended any public school, area
7 vocational-technical training center, community college, or
8 institution of higher education in the State University System
9 shall have the following rights with respect to any records or
10 reports created, maintained, and used by any public
11 educational institution in the state. However, whenever a
12 pupil or student has attained 18 years of age, or is attending
13 an institution of postsecondary education, the permission or
14 consent required of, and the rights accorded to, the parents
15 of the pupil or student shall thereafter be required of and
16 accorded to the pupil or student only, unless the pupil or
17 student is a dependent pupil or student of such parents as
18 defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue
19 Code of 1954). The State Board of Education shall formulate,
20 adopt, and promulgate rules whereby parents, guardians,
21 pupils, or students may exercise these rights:
22 (d) Right of privacy.--Every pupil or student shall
23 have a right of privacy with respect to the educational
24 records kept on him or her. Personally identifiable records or
25 reports concerning ~~of~~ a pupil or student, and any personal
26 information contained therein, are confidential and exempt
27 from the provisions of s. 119.07(1). No state or local
28 educational agency, board, public school, area technical
29 center, community college, or institution of higher education
30 in the State University System shall permit the release of
31 such records, reports, or information without the written

1 consent of the pupil's or student's parent or guardian, or of
2 the pupil or student himself or herself if he or she is
3 qualified as provided in this subsection, to any individual,
4 agency, or organization. However, personally identifiable
5 records or reports concerning ~~of~~ a pupil or student may be
6 released to the following persons or organizations without the
7 consent of the pupil or the pupil's parent:

8 1. Officials of schools, school systems, area
9 technical centers, community colleges, or institutions of
10 higher learning in which the pupil or student seeks or intends
11 to enroll; and a copy of such records or reports shall be
12 furnished to the parent, guardian, pupil, or student upon
13 request.

14 2. Other school officials, including teachers within
15 the educational institution or agency, who have legitimate
16 educational interests in the information contained in the
17 records.

18 3. The United States Secretary of Education, the
19 Director of the National Institute of Education, the Assistant
20 Secretary for Education, the Comptroller General of the United
21 States, or state or local educational authorities who are
22 authorized to receive such information subject to the
23 conditions set forth in applicable federal statutes and
24 regulations of the United States Department of Education, or
25 in applicable state statutes and rules of the State Board of
26 Education.

27 4. Other school officials, in connection with a
28 pupil's or student's application for or receipt of financial
29 aid.

30 5. Individuals or organizations conducting studies for
31 or on behalf of an institution or a board of education for the

1 purpose of developing, validating, or administering predictive
2 tests, administering pupil or student aid programs, or
3 improving instruction, if such studies are conducted in such a
4 manner as will not permit the personal identification of
5 pupils or students and their parents by persons other than
6 representatives of such organizations and if such information
7 will be destroyed when no longer needed for the purpose of
8 conducting such studies.

9 6. Accrediting organizations, in order to carry out
10 their accrediting functions.

11 7. School readiness coalitions and the Florida
12 Partnership for School Readiness in order to carry out their
13 assigned duties.

14 8. The Learning Gateway program and the Learning
15 Gateway Steering Committee in order to carry out their
16 assigned duties.

17 ~~9.8-~~ For use as evidence in pupil or student expulsion
18 hearings conducted by a district school board pursuant to the
19 provisions of chapter 120.

20 ~~10.9-~~ Appropriate parties in connection with an
21 emergency, if knowledge of the information in the pupil's or
22 student's educational records is necessary to protect the
23 health or safety of the pupil, student, or other individuals.

24 ~~11.10-~~ The Auditor General and the Office of Program
25 Policy Analysis and Government Accountability in connection
26 with their official functions; however, except when the
27 collection of personally identifiable information is
28 specifically authorized by law, any data collected by the
29 Auditor General and the Office of Program Policy Analysis and
30 Government Accountability is confidential and exempt from the
31 provisions of s. 119.07(1) and shall be protected in such a

1 way as will not permit the personal identification of students
2 and their parents by other than the Auditor General, the
3 Office of Program Policy Analysis and Government
4 Accountability, and their staff, and such personally
5 identifiable data shall be destroyed when no longer needed for
6 the Auditor General's and the Office of Program Policy
7 Analysis and Government Accountability's official use.

8 12.11.a. A court of competent jurisdiction in
9 compliance with an order of that court or the attorney of
10 record pursuant to a lawfully issued subpoena, upon the
11 condition that the pupil or student and the pupil's or
12 student's parent are notified of the order or subpoena in
13 advance of compliance therewith by the educational institution
14 or agency.

15 b. A person or entity pursuant to a court of competent
16 jurisdiction in compliance with an order of that court or the
17 attorney of record pursuant to a lawfully issued subpoena,
18 upon the condition that the pupil or student, or his or her
19 parent if the pupil or student is either a minor and not
20 attending an institution of postsecondary education or a
21 dependent of such parent as defined in 26 U.S.C. s. 152 (s.
22 152 of the Internal Revenue Code of 1954), is notified of the
23 order or subpoena in advance of compliance therewith by the
24 educational institution or agency.

25 13.12. Credit bureaus, in connection with an agreement
26 for financial aid which the student has executed, provided
27 that such information may be disclosed only to the extent
28 necessary to enforce the terms or conditions of the financial
29 aid agreement. Credit bureaus shall not release any
30 information obtained pursuant to this paragraph to any person.

31

1 14.13. Parties to an interagency agreement among the
2 Department of Juvenile Justice, school and law enforcement
3 authorities, and other signatory agencies for the purpose of
4 reducing juvenile crime and especially motor vehicle theft by
5 promoting cooperation and collaboration, and the sharing of
6 appropriate information in a joint effort to improve school
7 safety, to reduce truancy, in-school and out-of-school
8 suspensions, to support alternatives to in-school and
9 out-of-school suspensions and expulsions that provide
10 structured and well-supervised educational programs
11 supplemented by a coordinated overlay of other appropriate
12 services designed to correct behaviors that lead to truancy,
13 suspensions, and expulsions, and which support students in
14 successfully completing their education. Information provided
15 in furtherance of such interagency agreements is intended
16 solely for use in determining the appropriate programs and
17 services for each juvenile or the juvenile's family, or for
18 coordinating the delivery of such programs and services, and
19 as such is inadmissible in any court proceedings prior to a
20 dispositional hearing unless written consent is provided by a
21 parent, guardian, or other responsible adult on behalf of the
22 juvenile.

23
24 This paragraph does not prohibit any educational institution
25 from publishing and releasing to the general public directory
26 information relating to a pupil or student if the institution
27 elects to do so. However, no educational institution shall
28 release, to any individual, agency, or organization which is
29 not listed in subparagraphs 1.-14.1.-13., directory
30 information relating to the student body in general or a
31 portion thereof unless it is normally published for the

1 purpose of release to the public in general. Any educational
2 institution making directory information public shall give
3 public notice of the categories of information which it has
4 designated as directory information with respect to all pupils
5 or students attending the institution and shall allow a
6 reasonable period of time after such notice has been given for
7 a parent, guardian, pupil, or student to inform the
8 institution in writing that any or all of the information
9 designated should not be released.

10 Section 5. The Legislature shall appropriate a sum of
11 money to fund the demonstration program and shall authorize
12 selected communities to blend funding from existing programs
13 to the extent that this is advantageous to the community and
14 is consistent with federal requirements.

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

17
18 *****

19 HOUSE SUMMARY

20
21 Authorizes a 3-year demonstration program to be called
22 Learning Gateway, which is intended to prevent and
23 ameliorate learning problems and learning disabilities in
24 young children. Creates a steering committee. Provides
25 for steering committee membership and for the appointment
26 of members. Establishes duties of the steering committee.
27 Authorizes demonstration projects in three counties.
28 Authorizes designated agencies to share confidential
29 information with Learning Gateway programs. Provides
30 access to student records by the Learning Gateway program
31 and the Learning Gateway Steering Committee. Provides for
funding.