

By Senator Pruitt

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A bill to be entitled

An act relating to prevention and amelioration of learning problems and learning disabilities in young children; authorizing a demonstration program to be called Learning Gateway; creating a steering committee; providing for membership and appointment of steering committee members; establishing duties of the steering committee; authorizing demonstration projects in specified counties; authorizing designated agencies to share confidential information with such program; amending s. 228.093, F.S.; providing access to student records by such program and the steering committee; providing for funding; providing an effective date.

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

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

WHEREAS, the effects of learning problems on a child's school performance, such as grade retention and referrals to special education, may not become evident until the elementary school years, but warning signs or precursors of learning problems and learning disabilities are exhibited much earlier, 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 design and test an
25 integrated community-based system to lessen the effects of
26 early learning problems and learning disabilities for children
27 from birth through age 9 through prevention, early
28 identification, early education, and intervention. The goals
29 of the Learning Gateway are to:

30 (a) Improve community awareness and education of
31 parents and practitioners about the warning signs or

1 precursors of learning problems and learning disabilities,
2 including disorders or delayed development in language,
3 attention, behavior, and social-emotional functioning,
4 including dyslexia and attention deficit hyperactivity
5 disorder, in children from birth through age 9.

6 (b) Improve access for children who are experiencing
7 early learning problems and their families to appropriate
8 programs, services, and supports through improved outreach and
9 referral processes among providers.

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

14 (d) Improve the availability of appropriate education
15 and intervention programs, services, and supports to address
16 learning problems and learning disabilities.

17 (e) Address gaps in the array of services and supports
18 so that an appropriate child-centered and family-centered
19 continuum of education and support is readily available in
20 each community.

21 (f) Improve accountability of the system through
22 improved planning, integration, and collaboration among
23 providers and through outcome measurement.

24 (2) LEARNING GATEWAY STEERING COMMITTEE.--

25 (a) To ensure that children with potential learning
26 problems and learning disabilities have access to the
27 appropriate necessary services and supports, a 23-member
28 steering committee is created. The steering committee is
29 assigned to the Department of Education for administrative
30 purposes.

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1 (b) The duties of the Learning Gateway Steering
2 Committee are to provide policy development, consultation,
3 oversight, and support for the implementation of three
4 demonstration programs and to advise the agencies, the
5 Legislature, and the Governor on statewide implementation of
6 system components and issues and on strategies for continuing
7 improvement to the system.

8 (c) The steering committee shall direct the
9 administering agency of the Learning Gateway program to
10 procure the products delineated in section 2 of this act
11 through contracts or other means.

12 (d) The steering committee must include
13 representatives of the disciplines relevant to diagnosis of
14 and intervention in early learning problems. The Governor
15 shall appoint one member who has expertise in education, one
16 member who has expertise in speech and language pathology, one
17 member who has expertise in audiology, one member who is a
18 parent of a child eligible for services by the Learning
19 Gateway, and one provider of related diagnostic and
20 intervention services. The President of the Senate shall
21 appoint one member who has expertise in psychiatry, one member
22 who has expertise in pediatrics, one member who has expertise
23 in psychology, one member who is a parent of a child eligible
24 for services by the Learning Gateway, and one member who is a
25 provider of related diagnostic and intervention services. The
26 Speaker of the House of Representatives shall appoint one
27 member who has expertise in genetics, one member who has
28 expertise in occupational and physical therapy, one member who
29 has expertise in social work, one parent of a child eligible
30 for services by the Learning Gateway, and one member who is a
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1 school psychologist providing diagnostic and intervention
2 services.

3 (e) To support and facilitate system improvements, the
4 steering committee must also include representatives from the
5 Department of Education, the Department of Health, the Florida
6 Partnership for School Readiness, the Department of Children
7 and Family Services, the Agency for Health Care
8 Administration, the Department of Juvenile Justice, and the
9 Department of Corrections and the director of the Learning
10 Development and Evaluation Center of Florida Agricultural and
11 Mechanical University.

12 (f) Steering committee appointments must be made, and
13 the committee must hold its first meeting, within 45 days
14 after this act takes effect. The Governor shall designate as
15 chairman one of the committee members listed in paragraph (d).

16 (3) LEARNING GATEWAY DEMONSTRATION PROJECTS.--

17 (a) Within 90 days after its initial meeting, the
18 Learning Gateway Steering Committee shall accept proposals
19 from interagency consortia in Broward, Manatee, and St. Lucie
20 counties which comprise public and private providers,
21 community agencies, business representatives, and the local
22 school board in each county to serve as demonstration sites
23 for design and development of a system that addresses the
24 requirements in section 2 of this act. Multicounty
25 collaboration is encouraged where appropriate.

26 (b) The proposals for demonstration projects must
27 provide a comprehensive and detailed description of the system
28 of care. The description of the proposed system of care must
29 clearly indicate the point of access, integration of services,
30 linkages of providers, and additional array of services

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1 required to address the needs of the targeted children and
2 families.

3 (c) The demonstration projects should ensure that the
4 system of care appropriately includes existing services to the
5 fullest extent possible and should determine additional
6 programs, services, and supports that are necessary to
7 implement the requirements of this act.

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

12 (e) The demonstration projects shall recommend to the
13 steering committee the linking or combining of some or all of
14 the local planning bodies, including school readiness
15 coalitions, Healthy Start coalitions, Part C advisory
16 councils, Department of Children and Family Services community
17 alliances, and other boards or councils that have a primary
18 focus on children from birth to age 9, to the extent allowed
19 by federal regulations, if such changes would improve
20 coordination and reduce unnecessary duplication of effort.

21 (f) Demonstration projects shall use public and
22 private partnerships, partnerships with faith-based
23 organizations, and volunteers, as appropriate, to enhance
24 accomplishment of the goals of the system.

25 (g) Addressing system components delineated in section
26 2 of this act, each demonstration project proposal must
27 include, at a minimum:

28 1. A method for establishing communication,
29 coordination, and planning processes within the community.

30 2. Action steps for making appropriate linkages to
31 existing services within the community.

1 3. Procedures to determine gaps in services and
2 identify appropriate providers.

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

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

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

8 (h) As authorized under the budget authority of the
9 Department of Education, demonstration projects,
10 representative of the diversity of the communities in this
11 state, shall be established in Broward, Manatee, and St. Lucie
12 counties as local Learning Gateway sites and shall be
13 authorized to hire staff, establish office space, and contract
14 with private providers as needed to implement the project
15 within the budget designated by the Legislature.

16 (i) The steering committee must approve, deny, or
17 conditionally approve a Learning Gateway proposal within 60
18 days after receipt of the proposal. If a proposal is
19 conditionally approved, the steering committee must assist the
20 Learning Gateway applicant to correct deficiencies in the
21 proposal by December 1, 2002. Funds must be available to a
22 pilot program 15 days after final approval of its proposal by
23 the steering committee. Funds must be available to all pilot
24 programs by January 1, 2003.

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

26 (1) The Learning Gateway system consists of the
27 following components:

28 (a) Community education and family-oriented access
29 strategies.--

30 1. Each local demonstration project shall establish an
31 access point to provide the system access point, or gateway,

1 by which parents can receive information about available
2 appropriate services. An existing public or private agency or
3 provider or new provider may serve as the system gateway. The
4 local Learning Gateway should provide parents and caretakers
5 with a single point of access for screening, assessment, and
6 referral for services for children from birth through age 9.
7 The demonstration projects have the budgetary authority to
8 hire appropriate personnel to perform the required functions.
9 These staff members must be knowledgeable about child
10 development, early identification of learning problems and
11 learning disabilities, family service planning, and services
12 in the local area. If the following services are not provided
13 by existing service systems, the gateway provider shall:
14 a. Conduct intake with families.
15 b. Conduct appropriate screening or refer for such
16 services.
17 c. Conduct needs/strengths-based family assessment.
18 d. Develop family resource plans.
19 e. Make referrals for needed services and assist
20 families in the application process.
21 f. Provide service coordination as needed by families.
22 g. Assist families in establishing a medical home.
23 h. Conduct case management and transition planning as
24 necessary.
25 i. Monitor performance of service providers against
26 appropriate standards.
27 2. The Learning Gateway Steering Committee and
28 demonstration projects shall designate a central information
29 and referral access phone number in each pilot community. This
30 centralized phone number should be used to increase public
31 awareness and to improve access to local supports and services

1 for children from birth through age 9 and their families. The
2 number should be highly publicized as the primary source of
3 information on services for young children. The telephone
4 staff should be trained and supported to offer accurate and
5 complete information and to make appropriate referrals to
6 existing public and private community agencies.

7 3. In collaboration with local resources such as
8 Healthy Start, the demonstration projects shall develop
9 strategies for providing systematic hospital visits or home
10 visits by trained staff to new mothers. The Learning Gateway
11 Steering Committee shall provide technical assistance to local
12 demonstration projects in developing brochures and other
13 materials to be distributed to parents of newborns.

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

30 a. Public awareness strategies targeting parents of
31 children from birth through age 5 shall be designed to provide

1 information to public and private preschool programs,
2 childcare providers, pediatricians, parents, and local
3 businesses and organizations. These strategies should include
4 information on the school readiness performance standards for
5 kindergarten adopted by the School Readiness Partnership
6 Board.

7 b. Public awareness strategies targeting parents of
8 children from ages 6 through 9 must be designed to disseminate
9 training materials and brochures to parents and public and
10 private school personnel, and must be coordinated with the
11 local school board and the appropriate school advisory
12 committees in the demonstration projects. The materials
13 should contain information on state and district proficiency
14 levels for grades K-3.

15 (b) Screening and developmental monitoring.--

16 1. In coordination with the Partnership for School
17 Readiness, the Department of Education, and the Florida
18 Pediatric Society, and using information learned from the
19 local demonstration projects, the Learning Gateway Steering
20 Committee shall establish guidelines for screening children
21 from birth through age 9. The guidelines should incorporate
22 recent research on the indicators most likely to predict early
23 learning problems, mild developmental delays, child-specific
24 precursors of school failure, and other related developmental
25 indicators in the domains of cognition; communication;
26 attention; perception; behavior; and social, emotional,
27 sensory, and motor functioning. The steering committee should
28 assist projects in developing and testing screening processes
29 to address social/emotional/behavioral interactions between
30 the child and caregiver which could indicate future problems
31 or delays.

1 2. Based on the guidelines established by the steering
2 committee and in cooperation with the Florida Pediatric
3 Society, the steering committee shall adopt a comprehensive
4 checklist for child healthcare checkups and a corresponding
5 training package for physicians and other medical personnel in
6 implementing more effective screening for precursors of
7 learning problems, learning disabilities, and mild
8 developmental delays.

9 3. Using the screening guidelines developed by the
10 steering committee, local demonstration projects should engage
11 local physicians and other medical professionals in enhancing
12 the screening opportunities presented by immunization visits
13 and other well-child appointments, in accordance with the
14 American Academy of Pediatrics Periodicity Schedule.

15 4. Using the screening guidelines developed by the
16 steering committee, the demonstration projects shall develop
17 strategies to increase early identification of precursors to
18 learning problems and learning disabilities through improved
19 screening and referral practices within public and private
20 early care and education programs and K-3 public and private
21 school settings. Strategies may include training and
22 technical assistance teams to assist program providers and
23 teachers. Personnel should refer those children who exhibit
24 potential learning problems to the appropriate community
25 resource for further evaluation and services. The program
26 shall collaborate appropriately with the school readiness
27 coalitions, local school boards, and other community resources
28 in arranging and providing training and technical assistance
29 for early identification and screening.

30 5. The demonstration project shall work with
31 appropriate local entities to reduce the duplication of

1 cross-agency screening in each demonstration project area.
2 Demonstration projects shall provide opportunities for public
3 and private providers of screening and assessment at each age
4 level to meet periodically to identify gaps or duplication of
5 efforts in screening practices.

6 6. Based on technical assistance and support provided
7 by the steering committee and in conjunction with the school
8 readiness coalitions and other appropriate entities,
9 demonstration projects shall develop a system to log the
10 number of children screened, assessed, and referred for
11 services. After development and testing, tracking should be
12 supported by a standard electronic data system for screening
13 and assessment information.

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

- 27 a. Agency for Health Care Administration;
28 b. Department of Children and Family Services;
29 c. Department of Corrections and other criminal
30 justice programs;
31 d. Department of Education;

1 e. Department of Health; and
2 f. Department of Juvenile Justice.
3 8. When results of screening suggest developmental
4 problems, potential learning problems, or learning
5 disabilities, the intervention program shall refer the child
6 to the Learning Gateway for coordination of further
7 assessment. The Learning Gateway shall make referrals to the
8 appropriate entities within the service system.
9 9. The local Learning Gateway shall provide for
10 followup contact to all families whose children have been
11 found ineligible for services under Part B or Part C of the
12 IDEA.
13 10. In consultation with the steering committee,
14 demonstration projects shall pilot the expansion of newborn
15 screening to include tandem mass spectrometry, pursuant to
16 section 383.14, Florida Statutes, with the intention of
17 statewide implementation at the earliest feasible date.
18 11. Demonstration projects shall pilot an automatic
19 referral of high-risk newborns by the Office of Vital
20 Statistics to the local Learning Gateway. Upon receipt of
21 referral, staff of the local Learning Gateway shall contact
22 the parents and provide information about available services.
23 Parental consent is required for further referral for
24 evaluation and services. The procedures established must be
25 consistent with applicable confidentiality requirements.
26 12. Notwithstanding any law to the contrary, each
27 agency identified in paragraph 7. is authorized to share with
28 a Learning Gateway program confidential information exempt
29 from disclosure under chapter 119, Florida Statutes, on any
30 individual who is or has been the subject of a developmental
31 screening within the jurisdiction of each agency.

- 1 (c) Early education, services and supports.--
2 1. The demonstration projects shall develop a model
3 system of care that builds upon, integrates, and fills the
4 gaps in existing services. Qualified providers of
5 family-based or center-based interventions or public and
6 private school personnel shall offer services in a manner
7 consistent with the standards established by their profession
8 and by the standards and criteria adopted by the steering
9 committee and consistent with effective and proven strategies.
10 The specific services and supports may include:
11 a. High-quality early education and care programs.
12 b. Assistance to parents and other caregivers, such as
13 home-based modeling programs for parents and play programs to
14 provide peer interactions.
15 c. Speech and language therapy that is
16 age-appropriate.
17 d. Parent education and training.
18 e. Comprehensive medical screening and referral with
19 biomedical interventions as necessary.
20 f. Referral as needed for family therapy, other mental
21 health services, and treatment programs.
22 g. Family support services as necessary.
23 h. Therapy for learning differences in reading and
24 math, and attention to subject material for children in grades
25 K-3.
26 i. Referral for Part B or Part C services as required.
27 j. Expanded access to community-based services for
28 parents.
29 k. Parental choice in the provision of services by
30 public and private providers.
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1 2. Demonstration projects shall develop strategies to
2 increase the use of appropriate intervention practices with
3 children who have learning problems and learning disabilities
4 within public and private early care and education programs
5 and K-3 public and private school settings. Strategies may
6 include training and technical assistance teams. Intervention
7 must be coordinated and must focus on providing effective
8 supports to children and their families within their regular
9 education and community environment. These strategies must
10 incorporate, as appropriate, school and district activities
11 related to the student's academic improvement plan and must
12 provide parents with greater access to community-based
13 services that should be available beyond the traditional
14 school day. Academic expectations for public school students
15 in grades K-3 must be based upon the local school board's
16 adopted proficiency levels. When appropriate, school
17 personnel shall consult with the local Learning Gateway to
18 identify other community resources for supporting the child
19 and the family.

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

1 4. The steering committee shall work toward the goal
2 of ensuring that every teacher has the ability to identify and
3 properly respond to children who have learning problems and
4 learning disabilities. In cooperation with the universities in
5 the state and the Department of Education, the steering
6 committee shall identify competencies required by
7 instructional personnel in addressing learning problems and
8 learning disabilities that may impede school success. These
9 competencies must be used to develop or adopt research-based
10 preservice and inservice training programs for teachers and
11 personnel in public and private early care and education
12 programs and grades preK-3. Each teacher-preparation program
13 in the state university system must require a minimum of 3
14 hours of credit in coursework in normal child development and
15 the disorders of development.

16 5. The steering committee shall work with the
17 Department of Education to ensure that certification and
18 recertification requirements prepare teachers to identify
19 developmental problems in students and to use research-based,
20 effective instructional and behavioral strategies for speech
21 and language development, emerging literacy, and
22 developmentally appropriate practices and learning strategies
23 for diverse learners.

24 6. The steering committee, in cooperation with the
25 Florida Partnership for School Readiness, shall identify the
26 elements of an effective research-based curriculum for early
27 care and education programs.

28 7. The steering committee, in conjunction with the
29 demonstration projects, shall develop processes for
30 identifying and sharing promising practices and shall showcase
31 these programs and practices at the dissemination conference.

1 As funding is available, the committee may recommend monetary
2 awards to programs selected as "promising practices" to be
3 used for program enhancements. Processes for selecting
4 promising practices should include:
5 a. Establishing criteria for selection, including
6 length of time in operation and evidence of effectiveness
7 (outcome data);
8 b. Establishing a nomination process;
9 c. Establishing a review panel and review process;
10 d. Making the selection based on a written
11 description;
12 e. Conducting a site visit;
13 f. Completing the selections; and
14 g. Disseminating program descriptions.
15 8. 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 9. Demonstration projects shall investigate and may
30 recommend to the steering committee more effective resource
31 allocation and flexible funding strategies such as central

1 financing, if such strategies are in the best interest of the
2 children and families in the community. The Department of
3 Education and other relevant agencies shall assist the
4 demonstration projects in securing state and federal waivers
5 as appropriate. Effectiveness of interventions, such as
6 reduced referrals to special education, should not negatively
7 affect a school's or district's budget.

8 Section 3. Accountability.--

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

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

30 (3) The steering committee shall oversee a formative
31 evaluation of the project during implementation, including

1 reporting short-term outcomes and system improvements. By
2 January 2004, the steering committee shall make
3 recommendations to the Governor, the President of the Senate,
4 the Speaker of the House of Representatives, and the
5 Commissioner of Education related to the merits of expansion
6 of the demonstration projects.

7 (4) The steering committee, at any time, may recommend
8 statewide expansion of any component of the system which has
9 demonstrated effectiveness as documented by the formative
10 evaluation.

11 (5) If statewide expansion of the comprehensive system
12 is recommended after the second year of the program, the
13 steering committee, in conjunction with the demonstration
14 projects, shall develop state-level and community-based
15 strategic plans to formalize the goals, objectives,
16 strategies, and intended outcomes of the comprehensive system,
17 and to support the integration and efficient delivery of all
18 services and supports for children from birth through age 9
19 who have learning problems or learning disabilities. In
20 conjunction with the demonstration projects, the steering
21 committee shall develop a statewide strategic plan for
22 implementing a model system statewide. Community-level
23 strategic plans must include, but need not be limited to,
24 strategies to:

25 (a) Improve early identification of those who are at
26 risk for learning problems and learning disabilities;

27 (b) Provide access to an appropriate array of services
28 within the child's natural environment or regular classroom
29 setting or specialized training in other settings;

30 (c) Improve and coordinate screening for children from
31 birth through age 9;

1 (d) Improve and coordinate services for children from
2 birth through age 9;

3 (e) Address training of professionals in effectively
4 identifying factors, across all domains, which place children
5 from birth through age 9 at risk of school failure and in
6 appropriate interventions for the learning differences;

7 (f) Provide appropriate support to families;

8 (g) Share best practices with caregivers and referral
9 sources;

10 (h) Address resource needs of the assessment and
11 intervention system; and

12 (i) Address development of implementation plans to
13 identify action steps, responsible parties, and implementation
14 schedules and to ensure appropriate alignment with agency
15 strategic plans.

16 Section 4. Paragraph (d) of subsection (3) of section
17 228.093, Florida Statutes, is amended to read:

18 228.093 Pupil and student records and reports; rights
19 of parents, guardians, pupils, and students; notification;
20 penalty.--

21 (3) RIGHTS OF PARENT, GUARDIAN, PUPIL, OR
22 STUDENT.--The parent or guardian of any pupil or student who
23 attends or has attended any public school, area
24 vocational-technical training center, community college, or
25 institution of higher education in the State University System
26 shall have the following rights with respect to any records or
27 reports created, maintained, and used by any public
28 educational institution in the state. However, whenever a
29 pupil or student has attained 18 years of age, or is attending
30 an institution of postsecondary education, the permission or
31 consent required of, and the rights accorded to, the parents

1 of the pupil or student shall thereafter be required of and
2 accorded to the pupil or student only, unless the pupil or
3 student is a dependent pupil or student of such parents as
4 defined in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue
5 Code of 1954). The State Board of Education shall formulate,
6 adopt, and promulgate rules whereby parents, guardians,
7 pupils, or students may exercise these rights:

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

25 1. Officials of schools, school systems, area
26 technical centers, community colleges, or institutions of
27 higher learning in which the pupil or student seeks or intends
28 to enroll; and a copy of such records or reports shall be
29 furnished to the parent, guardian, pupil, or student upon
30 request.

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1 2. Other school officials, including teachers within
2 the educational institution or agency, who have legitimate
3 educational interests in the information contained in the
4 records.

5 3. The United States Secretary of Education, the
6 Director of the National Institute of Education, the Assistant
7 Secretary for Education, the Comptroller General of the United
8 States, or state or local educational authorities who are
9 authorized to receive such information subject to the
10 conditions set forth in applicable federal statutes and
11 regulations of the United States Department of Education, or
12 in applicable state statutes and rules of the State Board of
13 Education.

14 4. Other school officials, in connection with a
15 pupil's or student's application for or receipt of financial
16 aid.

17 5. Individuals or organizations conducting studies for
18 or on behalf of an institution or a board of education for the
19 purpose of developing, validating, or administering predictive
20 tests, administering pupil or student aid programs, or
21 improving instruction, if such studies are conducted in such a
22 manner as will not permit the personal identification of
23 pupils or students and their parents by persons other than
24 representatives of such organizations and if such information
25 will be destroyed when no longer needed for the purpose of
26 conducting such studies.

27 6. Accrediting organizations, in order to carry out
28 their accrediting functions.

29 7. School readiness coalitions and the Florida
30 Partnership for School Readiness in order to carry out their
31 assigned duties.

1 8. Learning Gateway programs and the Learning Gateway
2 Steering Committee in order to carry out their assigned
3 duties.

4 ~~9.8.~~ For use as evidence in pupil or student expulsion
5 hearings conducted by a district school board pursuant to the
6 provisions of chapter 120.

7 ~~10.9.~~ Appropriate parties in connection with an
8 emergency, if knowledge of the information in the pupil's or
9 student's educational records is necessary to protect the
10 health or safety of the pupil, student, or other individuals.

11 ~~11.10.~~ The Auditor General and the Office of Program
12 Policy Analysis and Government Accountability in connection
13 with their official functions; however, except when the
14 collection of personally identifiable information is
15 specifically authorized by law, any data collected by the
16 Auditor General and the Office of Program Policy Analysis and
17 Government Accountability is confidential and exempt from the
18 provisions of s. 119.07(1) and shall be protected in such a
19 way as will not permit the personal identification of students
20 and their parents by other than the Auditor General, the
21 Office of Program Policy Analysis and Government
22 Accountability, and their staff, and such personally
23 identifiable data shall be destroyed when no longer needed for
24 the Auditor General's and the Office of Program Policy
25 Analysis and Government Accountability's official use.

26 ~~12.11.~~a. A court of competent jurisdiction in
27 compliance with an order of that court or the attorney of
28 record pursuant to a lawfully issued subpoena, upon the
29 condition that the pupil or student and the pupil's or
30 student's parent are notified of the order or subpoena in
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1 advance of compliance therewith by the educational institution
2 or agency.

3 b. A person or entity pursuant to a court of competent
4 jurisdiction in compliance with an order of that court or the
5 attorney of record pursuant to a lawfully issued subpoena,
6 upon the condition that the pupil or student, or his or her
7 parent if the pupil or student is either a minor and not
8 attending an institution of postsecondary education or a
9 dependent of such parent as defined in 26 U.S.C. s. 152 (s.
10 152 of the Internal Revenue Code of 1954), is notified of the
11 order or subpoena in advance of compliance therewith by the
12 educational institution or agency.

13 13.12. Credit bureaus, in connection with an agreement
14 for financial aid which the student has executed, provided
15 that such information may be disclosed only to the extent
16 necessary to enforce the terms or conditions of the financial
17 aid agreement. Credit bureaus shall not release any
18 information obtained pursuant to this paragraph to any person.

19 14.13. Parties to an interagency agreement among the
20 Department of Juvenile Justice, school and law enforcement
21 authorities, and other signatory agencies for the purpose of
22 reducing juvenile crime and especially motor vehicle theft by
23 promoting cooperation and collaboration, and the sharing of
24 appropriate information in a joint effort to improve school
25 safety, to reduce truancy, in-school and out-of-school
26 suspensions, to support alternatives to in-school and
27 out-of-school suspensions and expulsions that provide
28 structured and well-supervised educational programs
29 supplemented by a coordinated overlay of other appropriate
30 services designed to correct behaviors that lead to truancy,
31 suspensions, and expulsions, and which support students in

1 successfully completing their education. Information provided
2 in furtherance of such interagency agreements is intended
3 solely for use in determining the appropriate programs and
4 services for each juvenile or the juvenile's family, or for
5 coordinating the delivery of such programs and services, and
6 as such is inadmissible in any court proceedings prior to a
7 dispositional hearing unless written consent is provided by a
8 parent, guardian, or other responsible adult on behalf of the
9 juvenile.

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

28 Section 5. The Legislature shall appropriate a sum of
29 money to fund the demonstration programs and shall authorize
30 selected communities to blend funding from existing programs

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1 to the extent that this is advantageous to the community and
2 is consistent with federal requirements.

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

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7 SENATE SUMMARY

8 Authorizes a 3-year demonstration program to be called
9 Learning Gateway, which is intended to prevent and
10 ameliorate learning problems and learning disabilities in
11 young children. Creates a steering committee. Provides
12 for steering-committee membership and for the appointment
13 of members. Establishes duties of the steering committee.
14 Authorizes demonstration projects in three counties.
15 Authorizes designated agencies to share confidential
16 information with Learning Gateway programs. Provides
17 access to student records by Learning Gateway programs
18 and the Learning Gateway Steering Committee. Provides for
19 funding.
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