

By Senator Atwater

25-1585A-03

1 A bill to be entitled
2 An act relating to children in custody of the
3 state; requiring the Department of Children and
4 Family Services to enter into interagency
5 agreements with public or private entities for
6 delivery of services to children in care or
7 custody or under the supervision of the
8 department; requiring an agreement between the
9 department and the Department of Education;
10 requiring an agreement between the department
11 and district school boards; specifying
12 provisions of each agreement; requiring access
13 to certain information; providing training
14 components; providing an effective date.

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

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18 Section 1. The Department of Children and Family
19 Services or its successor shall enter into agreements,
20 contracts, or other legal arrangements with public or private
21 entities for the purpose of facilitating the delivery of any
22 service or program to children in the care or custody or under
23 the supervision of the department, avoiding duplication of
24 services or programs, or combining resources to maximize the
25 availability or delivery of services or programs.

26 (1) The Department of Children and Family Services
27 shall enter into an agreement with the Department of Education
28 regarding the education and related care of children known to
29 the department who are in shelter care, foster care, or
30 out-of-home care, placed with a relative caregiver, or under
31 protective supervision of the department. Such agreement shall

1 be designed to expedite, facilitate, access, and otherwise
2 provide education to children known to the Department of
3 Children and Family Services.

4 (2) The Department of Children and Family Services
5 shall enter into agreements with district school boards or
6 other local educational entities regarding the education and
7 related services of children known to the department. Each
8 agreement shall include, but not be limited to:

9 (a) Responsibility by the Department of Children and
10 Family Services for enrolling the child in school or
11 continuing the child's enrollment at the same school to avoid
12 disruption of education from the time of shelter until other
13 appropriate arrangements can be made.

14 (b) A requirement that the Department of Children and
15 Family Services request the school district in which a child
16 in its custody is enrolled to identify all educational and
17 other services provided by the school or the school district
18 which the school district believes are reasonably necessary to
19 meet the child's educational needs. The department shall
20 notify the school and school district in which the child is
21 enrolled of the name and phone number of the child's caregiver
22 and caseworker for child safety purposes. The Department of
23 Children and Family Services shall be responsible for
24 familiarizing its agents with the services and information
25 available through the Department of Education and local school
26 districts, including, but not limited to, the current Sunshine
27 State Standards, the Surrogate Parent Training Manual, and
28 other resources accessible through the Department of Education
29 or local school districts to facilitate access to a quality
30 education for a child in the care of the Department of
31 Children and Family Services.

1 (c) A protocol for the Department of Children and
2 Family Services to share information about a child with the
3 school district, consistent with the Family Educational Rights
4 and Privacy Act, since the sharing of information will assist
5 each agency in obtaining education and related services for
6 the benefit of the child.

7 (d) Whether transportation is available for a child in
8 state custody when such transportation will avoid a change in
9 school assignment due to a change in residential placement.
10 Recognizing that continued enrollment in the same school
11 throughout the child's time in out-of-home care is preferable
12 unless enrollment in the same school would be unsafe or
13 otherwise impractical, the Department of Children and Family
14 Services and the Department of Education shall access the
15 availability of funding for transportation, including, but not
16 limited to, whether the child qualifies under the
17 McKinney-Vento Homeless Assistance Act or the individuals with
18 Disabilities Education Act.

19 (e) Cooperation in accessing the services and supports
20 needed for a child who has or is suspected of having a
21 disability to receive an appropriate education consistent with
22 the Individuals with Disabilities Education Act and state
23 implementing laws, rules, and assurances.

24 (f) Coordination of services for a child who has or is
25 suspected of having a disability, to include:

- 26 1. Prompt referral for screening.
27 2. Sharing of evaluations between the school district
28 and the Department of Children and Family Services where
29 appropriate.
30 3. Provision of education and related services
31 appropriate for the child's needs and abilities.

1 4. Coordination of services and plans between the
2 school and the residential setting to avoid duplication or
3 conflicting service plans.

4 5. Appointment of a surrogate parent, consistent with
5 the Individuals with Disabilities Education Act, for
6 educational purposes for each child who qualifies as soon as
7 the child is determined to be dependent and without a parent
8 to act for the child. The surrogate parent shall be appointed
9 by the school district without regard to where the child is
10 placed so that one surrogate parent can follow the child's
11 education during his or her entire time in state custody.

12 6. For each child 14 years of age and older,
13 transition planning by the Department of Children and Family
14 Services and all providers, including the department's
15 independent living program staff, to meet the requirements of
16 the local school district for educational purposes.

17 (g) Provision of individualized student intervention
18 or an individual educational plan when a determination has
19 been made through legally appropriate criteria that
20 intervention services are required.

21 (3) The Department of Children and Family Services
22 shall provide notification and access to the school district
23 of the department's case planning for a child, both at the
24 time of plan development and plan review, to enable the school
25 district to provide information regarding the child during
26 these critical processes if the school district deems it
27 desirable and appropriate.

28 (4) The Department of Children and Family Services
29 shall coordinate with the Department of Education and the
30 local school districts with respect to training required to
31 implement this section in order to offer opportunities for

1 education personnel to participate in such training. Such
2 coordination shall include, but not be limited to, notice of
3 training sessions, opportunities to purchase training
4 materials, proposals to avoid duplication of services by
5 offering joint training, and incorporation of materials
6 available from the Department of Education and local school
7 districts into the Department of Children and Family Services
8 training when appropriate. The Department of Children and
9 Family Services training components shall include the
10 following:

11 (a) Training for surrogate parents to include the
12 effects of abuse, neglect, and removal from home on the
13 child's ability to learn.

14 (b) Training for parents in cases in which
15 reunification is the goal or for preadoptive parents when
16 adoption is the goal, so that parents learn how to access the
17 services the child needs and the importance of their
18 involvement in the child's education.

19 (c) Training for caseworkers and foster parents to
20 include information on the child's right to an education, the
21 role of an education in the child's development and
22 adjustment, the proper ways to access education and related
23 services for the child, and the importance and strategies for
24 parental involvement in education for the success of the
25 child.

26 (d) Training of Department of Children and Family
27 Services contractors and school-leased contractors with
28 respect to the education of children and related issues.

29 Section 2. This act shall take effect July 1, 2003.
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SENATE SUMMARY

Requires the Department of Children and Family Services to enter into interagency agreements with public or private entities for delivery of services to children in the care or custody of the state or under the supervision of the department. Requires an agreement between the department and the Department of Education. Requires an agreement between the department and district school boards. Specifies provisions of each agreement. Requires access to certain information. Provides training components.