

By the Committee on Children and Families; and Senator Atwater

300-2500-03

1 A bill to be entitled
2 An act relating to abused, neglected, and
3 abandoned children; creating s. 39.0016, F.S.;
4 creating definitions; providing for
5 interpretation of the act; requiring an
6 agreement between the Department of Children
7 and Family Services and the Department of
8 Education; requiring the Department of Children
9 and Family Services to enter into agreements
10 with public or private entities for the
11 delivery of services to children in custody or
12 under the supervision of the department;
13 requiring an agreement between the Department
14 of Children and Family Services and district
15 school boards; specifying provisions of such
16 agreements; requiring access to certain
17 information; requiring training components;
18 providing an effective date.

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

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22 Section 1. Section 39.0016, Florida Statutes, is
23 created to read:

24 39.0016 Education of abused and neglected children.--
25 (1) As used in this section, the term:
26 (a) "Children known to the department" shall include a
27 child who is found dependent or a child who has suffered from,
28 or is in danger of suffering from, abuse, harm, or neglect,
29 and as a result thereof such child is in the custody of or
30 under the protective supervision of the department, whether
31 such child is in shelter care, foster care, or out-of-home

1 care, placed with a relative caregiver, or under protective
2 supervision of the department.

3 (b) "Department" shall mean the Department of Children
4 and Family Services, and community-based care lead agencies
5 acting on behalf of the department.

6 (2) The provisions of this section establish goals and
7 not rights. Nothing in this section shall be interpreted as
8 requiring the delivery of any particular service or level of
9 service in excess of existing appropriations. No person shall
10 have a cause of action against the state or any of its
11 subdivisions, agencies, contractors, subcontractors, or agents
12 based upon the passage of this section or failure by the
13 Legislature to provide adequate funding for the achievement of
14 these goals. Nothing in this section shall require the
15 expenditure of funds to meet the goals established in this
16 section except funds specifically appropriated for such
17 purpose.

18 (3) The department shall enter into an agreement with
19 the Department of Education regarding the education and
20 related care of children known to the department. Such
21 agreement shall be designed to provide educational access to
22 children known to the department, for the purpose of
23 facilitating the delivery of services or programs to children
24 known to the department. The agreement shall avoid
25 duplication of services or programs, combining resources to
26 maximize the availability or delivery of services or programs.
27 As required by s. 39.0014, the Department of Education shall
28 cooperate, assist, and provide information to the department
29 as necessary to carry out this agreement.

30 (4) The department shall enter into agreements with
31 public or private entities for the purpose of facilitating the

1 delivery of services or programs to children known to the
2 department. The agreements shall avoid duplication of
3 services or programs, combining resources to maximize the
4 availability or delivery of services or programs.

5 (5) The department shall enter into agreements with
6 district school boards or other local educational entities
7 regarding education and related services for children known to
8 the department who are of school age and children known to the
9 department who are younger than school age but who would
10 otherwise qualify for services from the district school board.
11 As required by s. 39.0014, district school boards shall
12 cooperate, assist, and provide information to the department
13 regarding such agreements. Such agreements shall include, but
14 not be limited to:

15 (a) A requirement that the department shall:

16 1. Enroll children known to the department in school.
17 The agreement shall provide for continuing a child's
18 enrollment at the same school where possible, with the goal of
19 avoiding disruption of education.

20 2. Notify the school and school district in which a
21 child known to the department is enrolled of the name and
22 phone number of the child's caregiver and caseworker for child
23 safety purposes.

24 3. Establish a protocol for the department to share
25 information about a child with the school district, consistent
26 with the Family Educational Rights and Privacy Act, since the
27 sharing of information will assist each agency in obtaining
28 education and related services for the benefit of the child.

29 4. Notify the school district of the department's case
30 planning for a child, both at the time of plan development and
31 plan review. Within the plan development or review process,

1 the school district may provide information regarding the
2 child if the school district deems it desirable and
3 appropriate.

4 (b) A requirement that the district school board
5 shall:

6 1. Provide the department with a general listing of
7 the services and information available from the district
8 school board, including, but not limited to, the current
9 Sunshine State Standards, the Surrogate Parent Training
10 Manual, and other resources accessible through the Department
11 of Education or local school districts to facilitate
12 educational access for a child known to the department.

13 2. Identify all educational and other school and
14 school-district-provided services that the school district
15 believes are reasonably necessary to meet the educational
16 needs of a child known to the department.

17 3. Determine whether transportation is available for a
18 child known to the department when such transportation will
19 avoid a change in school assignment due to a change in
20 residential placement. Recognizing that continued enrollment
21 in the same school throughout the child's time in out-of-home
22 care is preferable unless enrollment in the same school would
23 be unsafe or otherwise impractical, the department, the
24 district school board, and the Department of Education shall
25 assess the availability of federal, charitable, or grant
26 funding for such transportation.

27 4. Provide individualized student intervention or an
28 individual educational plan when a determination has been made
29 through legally appropriate criteria that intervention
30 services are required.

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1 (c) A requirement that the department and the district
2 school board shall cooperate in accessing the services and
3 supports needed for a child who has or is suspected of having
4 a disability to receive an appropriate education consistent
5 with the Individuals with Disabilities Education Act and state
6 implementing laws, rules, and assurances. Coordination of
7 services for a child who has or is suspected of having a
8 disability may include:

9 1. Referral for screening.

10 2. Sharing of evaluations between the school district
11 and the department where appropriate.

12 3. Provision of education and related services
13 appropriate for the child's needs and abilities.

14 4. Coordination of services and plans between the
15 school and the residential setting to avoid duplication or
16 conflicting service plans.

17 5. Appointment of a surrogate parent, consistent with
18 the Individuals with Disabilities Education Act, for
19 educational purposes for a child who qualifies as soon as the
20 child is determined to be dependent and without a parent to
21 act for the child. The surrogate parent shall be appointed by
22 the school district without regard to where the child is
23 placed so that one surrogate parent can follow the child's
24 education during his or her entire time in state custody.

25 6. For each child 14 years of age and older,
26 transition planning by the department and all providers,
27 including the department's independent living program staff,
28 to meet the requirements of the local school district for
29 educational purposes.

30 (6) The department shall incorporate an education
31 component into all training programs of the department

1 regarding children known to the department. Such training
2 shall be coordinated with the Department of Education and the
3 local school districts, who shall cooperate, assist, and
4 provide information to the department, as required by s.
5 39.0014. The department shall offer opportunities for
6 education personnel to participate in such training. Such
7 coordination shall include, but not be limited to, notice of
8 training sessions, opportunities to purchase training
9 materials, proposals to avoid duplication of services by
10 offering joint training, and incorporation of materials
11 available from the Department of Education and local school
12 districts into the department training when appropriate. The
13 department training components shall include:

14 (a) Training for surrogate parents to include how a
15 child's ability to learn is affected by abuse, abandonment,
16 neglect, and removal from the home.

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

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

29 (d) Training of department contractors and
30 school-leased contractors with respect to the education of
31 children and related issues.

1 (e) Training of caseworkers regarding the services and
2 information available through the Department of Education and
3 local school districts, including, but not limited to, the
4 current Sunshine State Standards, the Surrogate Parent
5 Training Manual, and other resources accessible through the
6 Department of Education or local school districts to
7 facilitate educational access for a child known to the
8 department.

9 Section 2. This act shall take effect July 1, 2003.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 Senate Bill 2744

14 Provides a definition for "children known to the department"
15 and "department."

16 Stipulates that the provisions of the section establish goals
17 and not rights, do not require the provision of a service or
18 expansion of a service in excess of existing appropriations,
19 do not provide a cause of action, and do not require the
20 expenditure of funds.

21 References the existing statutory requirement that all
22 agencies cooperate with the Department of Children and
23 Families as it relates to fulfilling its responsibilities in
24 ch. 39, F.S.

25 Assigns a Florida Statute section.

26 Restructures the provisions of the newly created section.

27 Adds to the training requirement that caseworkers receive
28 training on the services and information available through the
29 Department of Education and local school districts.

30 Modifies the language to eliminate stipulated requirements for
31 certain services.