

By Senator Atwater

25-898-04

See HB 279

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

21  
22 Be It Enacted by the Legislature of the State of Florida:

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

26           39.0016 Education of abused, neglected, and abandoned  
27 children.--

28           (1) As used in this section, the term:

29           (a) "Children known to the department" includes a  
30 child who is found dependent or a child who has suffered from,  
31 or is in danger of suffering from, abuse, harm, or neglect

1 and, as a result thereof, such child is in the custody of or  
2 under the protective supervision of the department, whether  
3 such child is in shelter care, foster care, or out-of-home  
4 care, placed with a relative caregiver, or under protective  
5 supervision of the department.

6 (b) "Department" means the Department of Children and  
7 Family Services and community-based care lead agencies acting  
8 on behalf of the department.

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

21 (3) The department shall enter into an agreement with  
22 the Department of Education regarding the education and  
23 related care of children known to the department. Such  
24 agreement shall be designed to provide educational access to  
25 children known to the department, for the purpose of  
26 facilitating the delivery of services or programs to children  
27 known to the department. The agreement shall avoid duplication  
28 of services or programs, combining resources to maximize the  
29 availability or delivery of services or programs. As required  
30 by s. 39.0014, the Department of Education shall cooperate,  
31

1 assist, and provide information to the department as necessary  
2 to carry out this agreement.

3 (4) The department shall enter into agreements with  
4 public or private entities for the purpose of facilitating the  
5 delivery of services or programs to children known to the  
6 department. The agreements shall avoid duplication of services  
7 or programs, combining resources to maximize the availability  
8 or delivery of services or programs.

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

19 (a) A requirement that the department shall:

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

24 2. Notify the school and school district in which a  
25 child known to the department is enrolled of the name and  
26 phone number of the child's caregiver and caseworker for child  
27 safety purposes.

28 3. Establish a protocol for the department to share  
29 information about a child with the school district, consistent  
30 with the Family Educational Rights and Privacy Act, since the  
31

1 sharing of information will assist each agency in obtaining  
2 education and related services for the benefit of the child.

3 4. Notify the school district of the department's case  
4 planning for a child, both at the time of plan development and  
5 plan review. Within the plan development or review process,  
6 the school district may provide information regarding the  
7 child if the school district deems it desirable and  
8 appropriate.

9 (b) A requirement that the district school board  
10 shall:

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

18 2. Identify all educational and other school and  
19 school district provided services that the school district  
20 believes are reasonably necessary to meet the educational  
21 needs of a child known to the department.

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

1           4. Provide individualized student intervention or an  
2 individual educational plan when a determination has been made  
3 through legally appropriate criteria that intervention  
4 services are required. The intervention or individual  
5 educational plan must include strategies to enable the child  
6 to receive a high school diploma.

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

15           1. Referral for screening.

16           2. Sharing of evaluations between the school district  
17 and the department where appropriate.

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

20           4. Coordination of services and plans between the  
21 school and the residential setting to avoid duplication or  
22 conflicting service plans.

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

31

1           6. For each child 14 years of age and older,  
2 transition planning by the department and all providers,  
3 including the department's independent living program staff,  
4 to meet the requirements of the local school district for  
5 educational purposes.

6           (6) The department shall incorporate an education  
7 component into all training programs of the department  
8 regarding children known to the department. Such training  
9 shall be coordinated with the Department of Education and the  
10 local school districts, and the department and school  
11 districts shall cooperate, assist, and provide information to  
12 the department as required by s. 39.0014. The department shall  
13 offer opportunities for education personnel to participate in  
14 such training. Such coordination shall include, but not be  
15 limited to, notice of training sessions, opportunities to  
16 purchase training materials, proposals to avoid duplication of  
17 services by offering joint training, and incorporation of  
18 materials available from the Department of Education and local  
19 school districts into the department training when  
20 appropriate. The department training components shall include:

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

24           (b) Training for parents in cases in which  
25 reunification is the goal, or for preadoptive parents when  
26 adoption is the goal, so that such parents learn how to access  
27 the services the child needs and the importance of their  
28 involvement in the child's education.

29           (c) Training for caseworkers and foster parents to  
30 include information on the child's right to an education, the  
31 role of an education in the child's development and

1 adjustment, the proper ways to access education and related  
2 services for the child, and the importance and strategies for  
3 parental involvement in education for the success of the  
4 child.

5 (d) Training of department contractors and  
6 school-leased contractors with respect to the education of  
7 children and related issues.

8 (e) Training of caseworkers regarding the services and  
9 information available through the Department of Education and  
10 local school districts, including, but not limited to, the  
11 current Sunshine State Standards, the Surrogate Parent  
12 Training Manual, and other resources accessible through the  
13 Department of Education or local school districts to  
14 facilitate educational access for a child known to the  
15 department.

16 Section 2. This act shall take effect July 1, 2004.

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31