

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

CHAMBER ACTION

Senate

House

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Senator Lynn moved the following amendment:

Senate Amendment (with title amendment)

On page 120, between lines 19 and 20,

insert:

Section 120. Section 39.0016, Florida Statutes, is created to read:

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

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

(a) "Children known to the department" means children who are found to be dependent or children in shelter care.

(b) "Department" means the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.

(2) The provisions of this section establish goals and not rights. This section does not require the delivery of any particular service or level of service in excess of existing appropriations. A person may not maintain a cause of action

Bill No. CS for CS for SB 1280

Amendment No. Barcode 582048

1 against the state or any of its subdivisions, agencies,
2 contractors, subcontractors, or agents based upon this section
3 becoming law or failure by the Legislature to provide adequate
4 funding for the achievement of these goals. This section does
5 not require the expenditure of funds to meet the goals
6 established in this section except funds specifically
7 appropriated for such purpose.

8 (3) The department shall enter into an agreement with
9 the Department of Education regarding the education and
10 related care of children known to the department. Such
11 agreement shall be designed to provide educational access to
12 children known to the department for the purpose of
13 facilitating the delivery of services or programs to children
14 known to the department. The agreement shall avoid duplication
15 of services or programs and shall provide for combining
16 resources to maximize the availability or delivery of services
17 or programs.

18 (4) The department shall enter into agreements with
19 district school boards or other local educational entities
20 regarding education and related services for children known to
21 the department who are of school age and children known to the
22 department who are younger than school age but who would
23 otherwise qualify for services from the district school board.
24 Such agreements shall include, but are not limited to:

25 (a) A requirement that the department shall:

26 1. Enroll children known to the department in school.
27 The agreement shall provide for continuing the enrollment of a
28 child known to the department at the same school, if possible,
29 with the goal of avoiding disruption of education.

30 2. Notify the school and school district in which a
31 child known to the department is enrolled of the name and

Bill No. CS for CS for SB 1280

Amendment No. Barcode 582048

1 phone number of the child known to the department caregiver
2 and caseworker for child safety purposes.

3 3. Establish a protocol for the department to share
4 information about a child known to the department with the
5 school district, consistent with the Family Educational Rights
6 and Privacy Act, since the sharing of information will assist
7 each agency in obtaining education and related services for
8 the benefit of the child.

9 4. Notify the school district of the department's case
10 planning for a child known to the department, both at the time
11 of plan development and plan review. Within the plan
12 development or review process, the school district may provide
13 information regarding the child known to the department if the
14 school district deems it desirable and appropriate.

15 (b) A requirement that the district school board
16 shall:

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

24 2. Identify all educational and other services
25 provided by the school and school district which the school
26 district believes are reasonably necessary to meet the
27 educational needs of a child known to the department.

28 3. Determine whether transportation is available for a
29 child known to the department when such transportation will
30 avoid a change in school assignment due to a change in
31 residential placement. Recognizing that continued enrollment

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 in the same school throughout the time the child known to the
2 department is in out-of-home care is preferable unless
3 enrollment in the same school would be unsafe or otherwise
4 impractical, the department, the district school board, and
5 the Department of Education shall assess the availability of
6 federal, charitable, or grant funding for such transportation.

7 4. Provide individualized student intervention or an
8 individual educational plan when a determination has been made
9 through legally appropriate criteria that intervention
10 services are required. The intervention or individual
11 educational plan must include strategies to enable the child
12 known to the department to maximize the attainment of
13 educational goals.

14 (c) A requirement that the department and the district
15 school board shall cooperate in accessing the services and
16 supports needed for a child known to the department who has or
17 is suspected of having a disability to receive an appropriate
18 education consistent with the Individuals with Disabilities
19 Education Act and state implementing laws, rules, and
20 assurances. Coordination of services for a child known to the
21 department who has or is suspected of having a disability may
22 include:

23 1. Referral for screening.

24 2. Sharing of evaluations between the school district
25 and the department where appropriate.

26 3. Provision of education and related services
27 appropriate for the needs and abilities of the child known to
28 the department.

29 4. Coordination of services and plans between the
30 school and the residential setting to avoid duplication or
31 conflicting service plans.

Bill No. CS for CS for SB 1280

Amendment No. Barcode 582048

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

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

16 (5) The department shall incorporate an education
17 component into all training programs of the department
18 regarding children known to the department. Such training
19 shall be coordinated with the Department of Education and the
20 local school districts. The department shall offer
21 opportunities for education personnel to participate in such
22 training. Such coordination shall include, but not be limited
23 to, notice of training sessions, opportunities to purchase
24 training materials, proposals to avoid duplication of services
25 by offering joint training, and incorporation of materials
26 available from the Department of Education and local school
27 districts into the department training when appropriate. The
28 department training components shall include:

29 (a) Training for surrogate parents to include how an
30 ability to learn of a child known to the department is
31 affected by abuse, abandonment, neglect, and removal from the

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 home.

2 (b) Training for parents in cases in which
3 reunification is the goal, or for preadoptive parents when
4 adoption is the goal, so that such parents learn how to access
5 the services the child known to the department needs and the
6 importance of their involvement in the education of the child
7 known to the department.

8 (c) Training for caseworkers and foster parents to
9 include information on the right of the child known to the
10 department to an education, the role of an education in the
11 development and adjustment of a child known to the department,
12 the proper ways to access education and related services for
13 the child known to the department, and the importance and
14 strategies for parental involvement in education for the
15 success of the child known to the department.

16 (d) Training of caseworkers regarding the services and
17 information available through the Department of Education and
18 local school districts, including, but not limited to, the
19 current Sunshine State Standards, the Surrogate Parent
20 Training Manual, and other resources accessible through the
21 Department of Education or local school districts to
22 facilitate educational access for a child known to the
23 department.

24 Section 121. Paragraph (d) of subsection (3) of
25 section 1002.22, Florida Statutes, is amended to read:

26 1002.22 Student records and reports; rights of parents
27 and students; notification; penalty.--

28 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
29 student who attends or has attended any public school, area
30 technical center, or public postsecondary educational
31 institution shall have the following rights with respect to

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 any records or reports created, maintained, and used by any
2 public educational institution in the state. However,
3 whenever a student has attained 18 years of age, or is
4 attending a postsecondary educational institution, the
5 permission or consent required of, and the rights accorded to,
6 the parents of the student shall thereafter be required of and
7 accorded to the student only, unless the student is a
8 dependent student of such parents as defined in 26 U.S.C. s.
9 152 (s. 152 of the Internal Revenue Code of 1954). The State
10 Board of Education shall adopt rules whereby parents or
11 students may exercise these rights:

12 (d) Right of privacy.--Every student shall have a
13 right of privacy with respect to the educational records kept
14 on him or her. Personally identifiable records or reports of a
15 student, and any personal information contained therein, are
16 confidential and exempt from the provisions of s. 119.07(1).
17 ~~A No~~ state or local educational agency, board, public school,
18 technical center, or public postsecondary educational
19 institution may not ~~shall~~ permit the release of such records,
20 reports, or information without the written consent of the
21 student's parent, or of the student himself or herself if he
22 or she is qualified as provided in this subsection, to any
23 individual, agency, or organization. However, personally
24 identifiable records or reports of a student may be released
25 to the following persons or organizations without the consent
26 of the student or the student's parent:

27 1. Officials of schools, school systems, technical
28 centers, or public postsecondary educational institutions in
29 which the student seeks or intends to enroll; and a copy of
30 such records or reports shall be furnished to the parent or
31 student upon request.

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

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 student's application for or receipt of financial aid.

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

25 6. Accrediting organizations, in order to carry out
26 their accrediting functions.

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

30 8. For use as evidence in student expulsion hearings
31 conducted by a district school board pursuant to the

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 provisions of chapter 120.

2 9. Appropriate parties in connection with an
3 emergency, if knowledge of the information in the student's
4 educational records is necessary to protect the health or
5 safety of the student or other individuals.

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

21 11.a. A court of competent jurisdiction in compliance
22 with an order of that court or the attorney of record pursuant
23 to a lawfully issued subpoena, upon the condition that the
24 student and the student's parent are notified of the order or
25 subpoena in advance of compliance therewith by the educational
26 institution or agency.

27 b. A person or entity pursuant to a court of competent
28 jurisdiction in compliance with an order of that court or the
29 attorney of record pursuant to a lawfully issued subpoena,
30 upon the condition that the student, or his or her parent if
31 the student is either a minor and not attending a

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 postsecondary educational institution or a dependent of such
2 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
3 Revenue Code of 1954), is notified of the order or subpoena in
4 advance of compliance therewith by the educational institution
5 or agency.

6 12. Credit bureaus, in connection with an agreement
7 for financial aid that the student has executed, provided that
8 such information may be disclosed only to the extent necessary
9 to enforce the terms or conditions of the financial aid
10 agreement. Credit bureaus shall not release any information
11 obtained pursuant to this paragraph to any person.

12 13. Parties to an interagency agreement among the
13 Department of Juvenile Justice, school and law enforcement
14 authorities, and other signatory agencies for the purpose of
15 reducing juvenile crime and especially motor vehicle theft by
16 promoting cooperation and collaboration, and the sharing of
17 appropriate information in a joint effort to improve school
18 safety, to reduce truancy and in-school and out-of-school
19 suspensions, and to support alternatives to in-school and
20 out-of-school suspensions and expulsions that provide
21 structured and well-supervised educational programs
22 supplemented by a coordinated overlay of other appropriate
23 services designed to correct behaviors that lead to truancy,
24 suspensions, and expulsions, and that support students in
25 successfully completing their education. Information provided
26 in furtherance of such interagency agreements is intended
27 solely for use in determining the appropriate programs and
28 services for each juvenile or the juvenile's family, or for
29 coordinating the delivery of such programs and services, and
30 as such is inadmissible in any court proceedings prior to a
31 dispositional hearing unless written consent is provided by a

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 parent or other responsible adult on behalf of the juvenile.

2 14. Consistent with the Family Educational Rights and
3 Privacy Act, the Department of Children and Family Services or
4 a community-based care lead agency acting on behalf of the
5 Department of Children and Family Services, as appropriate.

6
7 This paragraph does not prohibit any educational institution
8 from publishing and releasing to the general public directory
9 information relating to a student if the institution elects to
10 do so. However, no educational institution shall release, to
11 any individual, agency, or organization that is not listed in
12 subparagraphs 1.-14. 1.-13., directory information relating to
13 the student body in general or a portion thereof unless it is
14 normally published for the purpose of release to the public in
15 general. Any educational institution making directory
16 information public shall give public notice of the categories
17 of information that it has designated as directory information
18 with respect to all students attending the institution and
19 shall allow a reasonable period of time after such notice has
20 been given for a parent or student to inform the institution
21 in writing that any or all of the information designated
22 should not be released.

23
24 (Redesignate subsequent sections.)

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27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 On page 6, line 19, after the semicolon,

30
31 insert:

Bill No. CS for CS for SB 1280

Amendment No. ____ Barcode 582048

1 creating s. 39.0016, F.S., relating to the
2 education of abused, neglected, and abandoned
3 children; creating definitions; providing for
4 interpretation of the act; requiring an
5 agreement between the Department of Children
6 and Family Services and the Department of
7 Education; requiring agreements between the
8 Department of Children and Family Services and
9 district school boards or other local
10 educational entities; specifying provisions of
11 such agreements; requiring access to certain
12 information; requiring education training
13 components; amending s. 1002.22, F.S., relating
14 to access to student records; authorizing the
15 release of records to the Department of
16 Children and Family Services or a
17 community-based care lead agency;

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