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A bill to be entitled

An act relating to abused, neglected, and abandoned children; creating s. 39.0016, F.S., relating to the education of abused, neglected, and abandoned children; creating definitions; providing for interpretation of the act; requiring an agreement between the Department of Children and Family Services and the Department of Education; requiring the Department of Children and Family Services to enter into agreements with public or private entities for the delivery of services or programs to children known to the department; requiring agreements between the Department of Children and Family Services and district school boards or other local educational entities; specifying provisions of such agreements; requiring access to certain information; requiring education training components; providing an effective date.

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

Section 1. 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" includes a child who is found dependent or a child who has suffered from, or is in danger of suffering from, abuse, harm, or neglect and, as a result thereof, such child is in the custody of or under the

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30 protective supervision of the department, whether such child is
 31 in shelter care, foster care, or out-of-home care, placed with a
 32 relative caregiver, or under protective supervision of the
 33 department.

34 (b) "Department" means the Department of Children and
 35 Family Services and community-based care lead agencies acting on
 36 behalf of the department.

37 (2) The provisions of this section establish goals and not
 38 rights. Nothing in this section shall be interpreted as
 39 requiring the delivery of any particular service or level of
 40 service in excess of existing appropriations. No person shall
 41 have a cause of action against the state or any of its
 42 subdivisions, agencies, contractors, subcontractors, or agents
 43 based upon this section becoming law or failure by the
 44 Legislature to provide adequate funding for the achievement of
 45 these goals. Nothing in this section shall require the
 46 expenditure of funds to meet the goals established in this
 47 section except funds specifically appropriated for such purpose.

48 (3) The department shall enter into an agreement with the
 49 Department of Education regarding the education and related care
 50 of children known to the department. Such agreement shall be
 51 designed to provide educational access to children known to the
 52 department, for the purpose of facilitating the delivery of
 53 services or programs to children known to the department. The
 54 agreement shall avoid duplication of services or programs,
 55 combining resources to maximize the availability or delivery of
 56 services or programs. As required by s. 39.0014, the Department
 57 of Education shall cooperate, assist, and provide information to
 58 the department as necessary to carry out this agreement.

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59 (4) The department shall enter into agreements with public
 60 or private entities for the purpose of facilitating the delivery
 61 of services or programs to children known to the department. The
 62 agreements shall avoid duplication of services or programs,
 63 combining resources to maximize the availability or delivery of
 64 services or programs.

65 (5) The department shall enter into agreements with
 66 district school boards or other local educational entities
 67 regarding education and related services for children known to
 68 the department who are of school age and children known to the
 69 department who are younger than school age but who would
 70 otherwise qualify for services from the district school board.
 71 As required by s. 39.0014, district school boards shall
 72 cooperate, assist, and provide information to the department
 73 regarding such agreements. Such agreements shall include, but
 74 not be limited to:

75 (a) A requirement that the department shall:

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

80 2. Notify the school and school district in which a child
 81 known to the department is enrolled of the name and phone number
 82 of the child's caregiver and caseworker for child safety
 83 purposes.

84 3. Establish a protocol for the department to share
 85 information about a child with the school district, consistent
 86 with the Family Educational Rights and Privacy Act, since the

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

89 4. Notify the school district of the department's case
 90 planning for a child, both at the time of plan development and
 91 plan review. Within the plan development or review process, the
 92 school district may provide information regarding the child if
 93 the school district deems it desirable and appropriate.

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

95 1. Provide the department with a general listing of the
 96 services and information available from the district school
 97 board, including, but not limited to, the current Sunshine State
 98 Standards, the Surrogate Parent Training Manual, and other
 99 resources accessible through the Department of Education or
 100 local school districts to facilitate educational access for a
 101 child known to the department.

102 2. Identify all educational and other school and school
 103 district provided services that the school district believes are
 104 reasonably necessary to meet the educational needs of a child
 105 known to the department.

106 3. Determine whether transportation is available for a
 107 child known to the department when such transportation will
 108 avoid a change in school assignment due to a change in
 109 residential placement. Recognizing that continued enrollment in
 110 the same school throughout the child's time in out-of-home care
 111 is preferable unless enrollment in the same school would be
 112 unsafe or otherwise impractical, the department, the district
 113 school board, and the Department of Education shall assess the
 114 availability of federal, charitable, or grant funding for such
 115 transportation.

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116 4. Provide individualized student intervention or an
117 individual educational plan when a determination has been made
118 through legally appropriate criteria that intervention services
119 are required. The intervention or individual educational plan
120 must include strategies to enable the child to receive a high
121 school diploma.

122 (c) A requirement that the department and the district
123 school board shall cooperate in accessing the services and
124 supports needed for a child who has or is suspected of having a
125 disability to receive an appropriate education consistent with
126 the Individuals with Disabilities Education Act and state
127 implementing laws, rules, and assurances. Coordination of
128 services for a child who has or is suspected of having a
129 disability may include:

130 1. Referral for screening.

131 2. Sharing of evaluations between the school district and
132 the department where appropriate.

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

135 4. Coordination of services and plans between the school
136 and the residential setting to avoid duplication or conflicting
137 service plans.

138 5. Appointment of a surrogate parent, consistent with the
139 Individuals with Disabilities Education Act, for educational
140 purposes for a child who qualifies as soon as the child is
141 determined to be dependent and without a parent to act for the
142 child. The surrogate parent shall be appointed by the school
143 district without regard to where the child is placed so that one

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144 surrogate parent can follow the child's education during his or
 145 her entire time in state custody.

146 6. For each child 14 years of age and older, transition
 147 planning by the department and all providers, including the
 148 department's independent living program staff, to meet the
 149 requirements of the local school district for educational
 150 purposes.

151 (6) The department shall incorporate an education
 152 component into all training programs of the department regarding
 153 children known to the department. Such training shall be
 154 coordinated with the Department of Education and the local
 155 school districts, and the department and school districts shall
 156 cooperate, assist, and provide information to the department as
 157 required by s. 39.0014. The department shall offer opportunities
 158 for education personnel to participate in such training. Such
 159 coordination shall include, but not be limited to, notice of
 160 training sessions, opportunities to purchase training materials,
 161 proposals to avoid duplication of services by offering joint
 162 training, and incorporation of materials available from the
 163 Department of Education and local school districts into the
 164 department training when appropriate. The department training
 165 components shall include:

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

169 (b) Training for parents in cases in which reunification
 170 is the goal, or for preadoptive parents when adoption is the
 171 goal, so that such parents learn how to access the services the

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172 child needs and the importance of their involvement in the
173 child's education.

174 (c) Training for caseworkers and foster parents to include
175 information on the child's right to an education, the role of an
176 education in the child's development and adjustment, the proper
177 ways to access education and related services for the child, and
178 the importance and strategies for parental involvement in
179 education for the success of the child.

180 (d) Training of department contractors and school-leased
181 contractors with respect to the education of children and
182 related issues.

183 (e) Training of caseworkers regarding the services and
184 information available through the Department of Education and
185 local school districts, including, but not limited to, the
186 current Sunshine State Standards, the Surrogate Parent Training
187 Manual, and other resources accessible through the Department of
188 Education or local school districts to facilitate educational
189 access for a child known to the department.

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