

CHAMBER ACTION

1 The Committee on Future of Florida's Families recommends the  
2 following:

3  
4 **Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the education of children found to be  
8 dependent or in shelter care; creating s. 39.0016, F.S.;  
9 providing definitions; providing for interpretation of the  
10 act; requiring an agreement between the Department of  
11 Children and Family Services and the Department of  
12 Education to facilitate the delivery of services or  
13 programs to children known to the department; requiring  
14 the Department of Children and Family Services to enter  
15 into agreements with district school boards or other local  
16 educational entities regarding education and related  
17 services for children known to the department; specifying  
18 provisions of such agreements; requiring education  
19 training components; amending s. 1002.22, F.S.;  
20 authorizing access to student records; providing an  
21 effective date.

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

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

39.0016 Education of children known to the department.--

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

(a) "Child known to the department" means a child who is found to be dependent or a child 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. Nothing in this section shall be interpreted as requiring the delivery of any particular service or level of service in excess of existing appropriations. No person shall have a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents based upon this section becoming law or failure by the Legislature to provide adequate funding for the achievement of these goals. Nothing in this section shall require the expenditure of funds to meet the goals established in this section except funds specifically appropriated for such purpose.

(3) The department shall enter into an agreement with the Department of Education regarding the education and related care of children known to the department. Such agreement shall be designed to provide educational access to children known to the department, for the purpose of facilitating the delivery of services or programs to children known to the department. The

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52 agreement shall avoid duplication of services or programs,  
53 combining resources to maximize the availability or delivery of  
54 services or programs.

55 (4) The department shall enter into agreements with  
56 district school boards or other local educational entities  
57 regarding education and related services for children known to  
58 the department who are of school age and children known to the  
59 department who are younger than school age but who would  
60 otherwise qualify for services from the district school board.

61 Such agreements shall include, but not be limited to:

62 (a) A requirement that the department shall:

63 1. Enroll children known to the department in school. The  
64 agreement shall provide for continuing the enrollment of a child  
65 known to the department at the same school where possible, with  
66 the goal of avoiding disruption of education.

67 2. Notify the appropriate school and school district of  
68 the names and phone numbers of the caregiver and caseworker of a  
69 child known to the department for child safety purposes.

70 3. Establish a protocol for the department to share  
71 information about a child known to the department with the  
72 school district, consistent with the Family Educational Rights  
73 and Privacy Act, since the sharing of information will assist  
74 each agency in obtaining education and related services for the  
75 benefit of the child known to the department.

76 4. Notify the school district of the department's case  
77 planning for a child known to the department, both at the time  
78 of plan development and plan review. Within the plan development  
79 or review process, the school district may provide information

80 regarding the child known to the department if the school  
 81 district deems it desirable and appropriate.

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

83 1. Provide the department with a general listing of the  
 84 services and information available from the district school  
 85 board, including, but not limited to, the current Sunshine State  
 86 Standards, the Surrogate Parent Training Manual, and other  
 87 resources accessible through the Department of Education or  
 88 local school districts to facilitate educational access for a  
 89 child known to the department.

90 2. Identify all educational and other school and school  
 91 district provided services that the school district believes are  
 92 reasonably necessary to meet the educational needs of a child  
 93 known to the department.

94 3. Determine whether transportation is available for a  
 95 child known to the department when such transportation will  
 96 avoid a change in school assignment due to a change in  
 97 residential placement. Recognizing that continued enrollment in  
 98 the same school throughout the time spent in out-of-home care by  
 99 a child known to the department is preferable unless enrollment  
 100 in the same school would be unsafe or otherwise impractical, the  
 101 department, the district school board, and the Department of  
 102 Education shall assess the availability of federal, charitable,  
 103 or grant funding for such transportation.

104 4. Provide individualized student intervention or an  
 105 individual educational plan when a determination has been made  
 106 through legally appropriate criteria that intervention services  
 107 are required. The intervention or individual educational plan

108 must include strategies to enable the child known to the  
 109 department to maximize the attainment of educational goals.

110 (c) A requirement that the department and the district  
 111 school board shall cooperate in accessing the services and  
 112 supports needed for a child known to the department who has or  
 113 is suspected of having a disability to receive an appropriate  
 114 education consistent with the Individuals with Disabilities  
 115 Education Act and state implementing laws, rules, and  
 116 assurances. Coordination of services for a child known to the  
 117 department who has or is suspected of having a disability may  
 118 include:

- 119 1. Referral for screening.
- 120 2. Sharing of evaluations between the school district and  
 121 the department where appropriate.
- 122 3. Provision of education and related services appropriate  
 123 for the needs and abilities of a child known to the department.
- 124 4. Coordination of services and plans between the school  
 125 and the residential setting to avoid duplication or conflicting  
 126 service plans.
- 127 5. Appointment of a surrogate parent, consistent with the  
 128 Individuals with Disabilities Education Act, for educational  
 129 purposes for a child known to the department who qualifies as  
 130 soon as the child is determined to be dependent and without a  
 131 parent to act for the child. The surrogate parent shall be  
 132 appointed by the school district without regard to where the  
 133 child known to the department is placed so that one surrogate  
 134 parent can follow the education of the child known to the  
 135 department during his or her entire time in state custody.

136       6. For each child known to the department who is 14 years  
137 of age and older, transition planning by the department and all  
138 providers, including the department's independent living program  
139 staff, to meet the requirements of the local school district for  
140 educational purposes.

141       (5) The department shall incorporate an education  
142 component into all training programs of the department regarding  
143 children known to the department. Such training shall be  
144 coordinated with the Department of Education and the local  
145 school districts. The department shall offer opportunities for  
146 education personnel to participate in such training. Such  
147 coordination shall include, but not be limited to, notice of  
148 training sessions, opportunities to purchase training materials,  
149 proposals to avoid duplication of services by offering joint  
150 training, and incorporation of materials available from the  
151 Department of Education and local school districts into the  
152 department training when appropriate. The department training  
153 components shall include:

154       (a) Training for surrogate parents to include how the  
155 ability to learn of a child known to the department is affected  
156 by abuse, abandonment, neglect, and removal from the home.

157       (b) Training for parents in cases in which reunification  
158 is the goal, or for preadoptive parents when adoption is the  
159 goal, so that such parents learn how to access the services a  
160 child known to the department needs and the importance of their  
161 involvement in the education of a child known to the department.

162       (c) Training for caseworkers and foster parents to include  
163 information on the right of a child known to the department to

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164 an education, the role of an education in the development and  
165 adjustment of a child known to the department, the proper ways  
166 to access education and related services for a child known to  
167 the department, and the importance and strategies for parental  
168 involvement in education for the success of a child known to the  
169 department.

170 (d) Training of caseworkers regarding the services and  
171 information available through the Department of Education and  
172 local school districts, including, but not limited to, the  
173 current Sunshine State Standards, the Surrogate Parent Training  
174 Manual, and other resources accessible through the Department of  
175 Education or local school districts to facilitate educational  
176 access for a child known to the department.

177 Section 2. Paragraph (d) of subsection (3) of section  
178 1002.22, Florida Statutes, is amended to read:

179 1002.22 Student records and reports; rights of parents and  
180 students; notification; penalty.--

181 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any  
182 student who attends or has attended any public school, area  
183 technical center, or public postsecondary educational  
184 institution shall have the following rights with respect to any  
185 records or reports created, maintained, and used by any public  
186 educational institution in the state. However, whenever a  
187 student has attained 18 years of age, or is attending a  
188 postsecondary educational institution, the permission or consent  
189 required of, and the rights accorded to, the parents of the  
190 student shall thereafter be required of and accorded to the  
191 student only, unless the student is a dependent student of such

192 | parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal  
 193 | Revenue Code of 1954). The State Board of Education shall adopt  
 194 | rules whereby parents or students may exercise these rights:

195 |       (d) Right of privacy.--Every student shall have a right of  
 196 | privacy with respect to the educational records kept on him or  
 197 | her. Personally identifiable records or reports of a student,  
 198 | and any personal information contained therein, are confidential  
 199 | and exempt from the provisions of s. 119.07(1). No state or  
 200 | local educational agency, board, public school, technical  
 201 | center, or public postsecondary educational institution shall  
 202 | permit the release of such records, reports, or information  
 203 | without the written consent of the student's parent, or of the  
 204 | student himself or herself if he or she is qualified as provided  
 205 | in this subsection, to any individual, agency, or organization.  
 206 | However, personally identifiable records or reports of a student  
 207 | may be released to the following persons or organizations  
 208 | without the consent of the student or the student's parent:

209 |       1. Officials of schools, school systems, technical  
 210 | centers, or public postsecondary educational institutions in  
 211 | which the student seeks or intends to enroll; and a copy of such  
 212 | records or reports shall be furnished to the parent or student  
 213 | upon request.

214 |       2. Other school officials, including teachers within the  
 215 | educational institution or agency, who have legitimate  
 216 | educational interests in the information contained in the  
 217 | records.

218 |       3. The United States Secretary of Education, the Director  
 219 | of the National Institute of Education, the Assistant Secretary



220 for Education, the Comptroller General of the United States, or  
 221 state or local educational authorities who are authorized to  
 222 receive such information subject to the conditions set forth in  
 223 applicable federal statutes and regulations of the United States  
 224 Department of Education, or in applicable state statutes and  
 225 rules of the State Board of Education.

226 4. Other school officials, in connection with a student's  
 227 application for or receipt of financial aid.

228 5. Individuals or organizations conducting studies for or  
 229 on behalf of an institution or a board of education for the  
 230 purpose of developing, validating, or administering predictive  
 231 tests, administering student aid programs, or improving  
 232 instruction, if such studies are conducted in such a manner as  
 233 will not permit the personal identification of students and  
 234 their parents by persons other than representatives of such  
 235 organizations and if such information will be destroyed when no  
 236 longer needed for the purpose of conducting such studies.

237 6. Accrediting organizations, in order to carry out their  
 238 accrediting functions.

239 7. School readiness coalitions and the Florida Partnership  
 240 for School Readiness in order to carry out their assigned  
 241 duties.

242 8. For use as evidence in student expulsion hearings  
 243 conducted by a district school board pursuant to the provisions  
 244 of chapter 120.

245 9. Appropriate parties in connection with an emergency, if  
 246 knowledge of the information in the student's educational

247 records is necessary to protect the health or safety of the  
248 student or other individuals.

249       10. The Auditor General and the Office of Program Policy  
250 Analysis and Government Accountability in connection with their  
251 official functions; however, except when the collection of  
252 personally identifiable information is specifically authorized  
253 by law, any data collected by the Auditor General and the Office  
254 of Program Policy Analysis and Government Accountability is  
255 confidential and exempt from the provisions of s. 119.07(1) and  
256 shall be protected in such a way as will not permit the personal  
257 identification of students and their parents by other than the  
258 Auditor General, the Office of Program Policy Analysis and  
259 Government Accountability, and their staff, and such personally  
260 identifiable data shall be destroyed when no longer needed for  
261 the Auditor General's and the Office of Program Policy Analysis  
262 and Government Accountability's official use.

263       11.a. A court of competent jurisdiction in compliance with  
264 an order of that court or the attorney of record pursuant to a  
265 lawfully issued subpoena, upon the condition that the student  
266 and the student's parent are notified of the order or subpoena  
267 in advance of compliance therewith by the educational  
268 institution or agency.

269       b. A person or entity pursuant to a court of competent  
270 jurisdiction in compliance with an order of that court or the  
271 attorney of record pursuant to a lawfully issued subpoena, upon  
272 the condition that the student, or his or her parent if the  
273 student is either a minor and not attending a postsecondary  
274 educational institution or a dependent of such parent as defined

275 | in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of  
 276 | 1954), is notified of the order or subpoena in advance of  
 277 | compliance therewith by the educational institution or agency.

278 |       12. Credit bureaus, in connection with an agreement for  
 279 | financial aid that the student has executed, provided that such  
 280 | information may be disclosed only to the extent necessary to  
 281 | enforce the terms or conditions of the financial aid agreement.  
 282 | Credit bureaus shall not release any information obtained  
 283 | pursuant to this paragraph to any person.

284 |       13. Parties to an interagency agreement among the  
 285 | Department of Juvenile Justice, school and law enforcement  
 286 | authorities, and other signatory agencies for the purpose of  
 287 | reducing juvenile crime and especially motor vehicle theft by  
 288 | promoting cooperation and collaboration, and the sharing of  
 289 | appropriate information in a joint effort to improve school  
 290 | safety, to reduce truancy and in-school and out-of-school  
 291 | suspensions, and to support alternatives to in-school and out-  
 292 | of-school suspensions and expulsions that provide structured and  
 293 | well-supervised educational programs supplemented by a  
 294 | coordinated overlay of other appropriate services designed to  
 295 | correct behaviors that lead to truancy, suspensions, and  
 296 | expulsions, and that support students in successfully completing  
 297 | their education. Information provided in furtherance of such  
 298 | interagency agreements is intended solely for use in determining  
 299 | the appropriate programs and services for each juvenile or the  
 300 | juvenile's family, or for coordinating the delivery of such  
 301 | programs and services, and as such is inadmissible in any court  
 302 | proceedings prior to a dispositional hearing unless written

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303 consent is provided by a parent or other responsible adult on  
304 behalf of the juvenile.

305 14. The Department of Children and Family Services or a  
306 community-based lead agency acting on behalf of the Department  
307 of Children and Family Services, as appropriate.

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309 This paragraph does not prohibit any educational institution  
310 from publishing and releasing to the general public directory  
311 information relating to a student if the institution elects to  
312 do so. However, no educational institution shall release, to any  
313 individual, agency, or organization that is not listed in  
314 subparagraphs 1.-14. ~~1.-13.~~, directory information relating to  
315 the student body in general or a portion thereof unless it is  
316 normally published for the purpose of release to the public in  
317 general. Any educational institution making directory  
318 information public shall give public notice of the categories of  
319 information that it has designated as directory information with  
320 respect to all students attending the institution and shall  
321 allow a reasonable period of time after such notice has been  
322 given for a parent or student to inform the institution in  
323 writing that any or all of the information designated should not  
324 be released.

325 Section 3. This act shall take effect July 1, 2004.