

CHAMBER ACTION

1 The Committee on Education K-20 recommends the following:

2
3 **Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

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

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

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

26 39.0016 Education of children known to the department.--

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

28 (a) "Child known to the department" means a child who is
29 found to be dependent or a child in shelter care.

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

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

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

52 combining resources to maximize the availability or delivery of
 53 services or programs.

54 (4) The department shall enter into agreements with
 55 district school boards or other local educational entities
 56 regarding education and related services for children known to
 57 the department who are of school age and children known to the
 58 department who are younger than school age but who would
 59 otherwise qualify for services from the district school board.
 60 Such agreements shall include, but not be limited to:

61 (a) A requirement that the department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178 1002.22 Student records and reports; rights of parents and
 179 students; notification; penalty.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 279 CS

2004
CS

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

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

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

HB 279 CS

2004
CS

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

304 14. Consistent with the Family Educational Rights and
305 Privacy Act, 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.

308
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.