

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Murman offered the following:

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3 **Amendment (with title amendment)**

4 Between lines 37 and 38, insert:

5 Section 2. Section 39.0016, Florida Statutes, is created  
6 to read:

7 39.0016 Education of children known to the department.--

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

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

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

15 (2) The provisions of this section establish goals and not  
16 rights. Nothing in this section shall be interpreted as

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17 requiring the delivery of any particular service or level of  
18 service in excess of existing appropriations. No person shall  
19 have a cause of action against the state or any of its  
20 subdivisions, agencies, contractors, subcontractors, or agents  
21 based upon this section becoming law or failure by the  
22 Legislature to provide adequate funding for the achievement of  
23 these goals. Nothing in this section shall require the  
24 expenditure of funds to meet the goals established in this  
25 section except funds specifically appropriated for such purpose.

26 (3) The department shall enter into an agreement with the  
27 Department of Education regarding the education and related care  
28 of children known to the department. Such agreement shall be  
29 designed to provide educational access to children known to the  
30 department, for the purpose of facilitating the delivery of  
31 services or programs to children known to the department. The  
32 agreement shall avoid duplication of services or programs,  
33 combining resources to maximize the availability or delivery of  
34 services or programs.

35 (4) The department shall enter into agreements with  
36 district school boards or other local educational entities  
37 regarding education and related services for children known to  
38 the department who are of school age and children known to the  
39 department who are younger than school age but who would  
40 otherwise qualify for services from the district school board.  
41 Such agreements shall include, but not be limited to:

42 (a) A requirement that the department shall:

43 1. Enroll children known to the department in school. The  
44 agreement shall provide for continuing the enrollment of a child

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45 known to the department at the same school where possible, with  
46 the goal of avoiding disruption of education.

47 2. Notify the appropriate school and school district of  
48 the names and phone numbers of the caregiver and caseworker of a  
49 child known to the department for child safety purposes.

50 3. Establish a protocol for the department to share  
51 information about a child known to the department with the  
52 school district, consistent with the Family Educational Rights  
53 and Privacy Act, since the sharing of information will assist  
54 each agency in obtaining education and related services for the  
55 benefit of the child known to the department.

56 4. Notify the school district of the department's case  
57 planning for a child known to the department, both at the time  
58 of plan development and plan review. Within the plan development  
59 or review process, the school district may provide information  
60 regarding the child known to the department if the school  
61 district deems it desirable and appropriate.

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

63 1. Provide the department with a general listing of the  
64 services and information available from the district school  
65 board, including, but not limited to, the current Sunshine State  
66 Standards, the Surrogate Parent Training Manual, and other  
67 resources accessible through the Department of Education or  
68 local school districts to facilitate educational access for a  
69 child known to the department.

70 2. Identify all educational and other school and school  
71 district provided services that the school district believes are

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72 reasonably necessary to meet the educational needs of a child  
73 known to the department.

74 3. Determine whether transportation is available for a  
75 child known to the department when such transportation will  
76 avoid a change in school assignment due to a change in  
77 residential placement. Recognizing that continued enrollment in  
78 the same school throughout the time spent in out-of-home care by  
79 a child known to the department is preferable unless enrollment  
80 in the same school would be unsafe or otherwise impractical, the  
81 department, the district school board, and the Department of  
82 Education shall assess the availability of federal, charitable,  
83 or grant funding for such transportation.

84 4. Provide individualized student intervention or an  
85 individual educational plan when a determination has been made  
86 through legally appropriate criteria that intervention services  
87 are required. The intervention or individual educational plan  
88 must include strategies to enable the child known to the  
89 department to maximize the attainment of educational goals.

90 (c) A requirement that the department and the district  
91 school board shall cooperate in accessing the services and  
92 supports needed for a child known to the department who has or  
93 is suspected of having a disability to receive an appropriate  
94 education consistent with the Individuals with Disabilities  
95 Education Act and state implementing laws, rules, and  
96 assurances. Coordination of services for a child known to the  
97 department who has or is suspected of having a disability may  
98 include:

99 1. Referral for screening.

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100       2. Sharing of evaluations between the school district and  
101 the department where appropriate.

102       3. Provision of education and related services appropriate  
103 for the needs and abilities of a child known to the department.

104       4. Coordination of services and plans between the school  
105 and the residential setting to avoid duplication or conflicting  
106 service plans.

107       5. Appointment of a surrogate parent, consistent with the  
108 Individuals with Disabilities Education Act, for educational  
109 purposes for a child known to the department who qualifies as  
110 soon as the child is determined to be dependent and without a  
111 parent to act for the child. The surrogate parent shall be  
112 appointed by the school district without regard to where the  
113 child known to the department is placed so that one surrogate  
114 parent can follow the education of the child known to the  
115 department during his or her entire time in state custody.

116       6. For each child known to the department who is 14 years  
117 of age or older, transition planning by the department and all  
118 providers, including the department's independent living program  
119 staff, to meet the requirements of the local school district for  
120 educational purposes.

121       (5) The department shall incorporate an education  
122 component into all training programs of the department regarding  
123 children known to the department. Such training shall be  
124 coordinated with the Department of Education and the local  
125 school districts. The department shall offer opportunities for  
126 education personnel to participate in such training. Such  
127 coordination shall include, but not be limited to, notice of

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128 training sessions, opportunities to purchase training materials,  
129 proposals to avoid duplication of services by offering joint  
130 training, and incorporation of materials available from the  
131 Department of Education and local school districts into the  
132 department training when appropriate. The department training  
133 components shall include:

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

137 (b) Training for parents in cases in which reunification  
138 is the goal, or for preadoptive parents when adoption is the  
139 goal, so that such parents learn how to access the services a  
140 child known to the department needs and the importance of their  
141 involvement in the education of a child known to the department.

142 (c) Training for caseworkers and foster parents to include  
143 information on the right of a child known to the department to  
144 an education, the role of an education in the development and  
145 adjustment of a child known to the department, the proper ways  
146 to access education and related services for a child known to  
147 the department, and the importance and strategies for parental  
148 involvement in education for the success of a child known to the  
149 department.

150 (d) Training of caseworkers regarding the services and  
151 information available through the Department of Education and  
152 local school districts, including, but not limited to, the  
153 current Sunshine State Standards, the Surrogate Parent Training  
154 Manual, and other resources accessible through the Department of

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155 Education or local school districts to facilitate educational  
156 access for a child known to the department.

157 Section 3. Paragraph (d) of subsection (3) of section  
158 1002.22, Florida Statutes, is amended to read:

159 1002.22 Student records and reports; rights of parents and  
160 students; notification; penalty.--

161 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any  
162 student who attends or has attended any public school, area  
163 technical center, or public postsecondary educational  
164 institution shall have the following rights with respect to any  
165 records or reports created, maintained, and used by any public  
166 educational institution in the state. However, whenever a  
167 student has attained 18 years of age, or is attending a  
168 postsecondary educational institution, the permission or consent  
169 required of, and the rights accorded to, the parents of the  
170 student shall thereafter be required of and accorded to the  
171 student only, unless the student is a dependent student of such  
172 parents as defined in 26 U.S.C. s. 152 (s. 152 of the Internal  
173 Revenue Code of 1954). The State Board of Education shall adopt  
174 rules whereby parents or students may exercise these rights:

175 (d) Right of privacy.--Every student shall have a right of  
176 privacy with respect to the educational records kept on him or  
177 her. Personally identifiable records or reports of a student,  
178 and any personal information contained therein, are confidential  
179 and exempt from the provisions of s. 119.07(1). No state or  
180 local educational agency, board, public school, technical  
181 center, or public postsecondary educational institution shall  
182 permit the release of such records, reports, or information

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183 without the written consent of the student's parent, or of the  
184 student himself or herself if he or she is qualified as provided  
185 in this subsection, to any individual, agency, or organization.  
186 However, personally identifiable records or reports of a student  
187 may be released to the following persons or organizations  
188 without the consent of the student or the student's parent:

189 1. Officials of schools, school systems, technical  
190 centers, or public postsecondary educational institutions in  
191 which the student seeks or intends to enroll; and a copy of such  
192 records or reports shall be furnished to the parent or student  
193 upon request.

194 2. Other school officials, including teachers within the  
195 educational institution or agency, who have legitimate  
196 educational interests in the information contained in the  
197 records.

198 3. The United States Secretary of Education, the Director  
199 of the National Institute of Education, the Assistant Secretary  
200 for Education, the Comptroller General of the United States, or  
201 state or local educational authorities who are authorized to  
202 receive such information subject to the conditions set forth in  
203 applicable federal statutes and regulations of the United States  
204 Department of Education, or in applicable state statutes and  
205 rules of the State Board of Education.

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

208 5. Individuals or organizations conducting studies for or  
209 on behalf of an institution or a board of education for the  
210 purpose of developing, validating, or administering predictive

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211 tests, administering student aid programs, or improving  
212 instruction, if such studies are conducted in such a manner as  
213 will not permit the personal identification of students and  
214 their parents by persons other than representatives of such  
215 organizations and if such information will be destroyed when no  
216 longer needed for the purpose of conducting such studies.

217 6. Accrediting organizations, in order to carry out their  
218 accrediting functions.

219 7. School readiness coalitions and the Florida Partnership  
220 for School Readiness in order to carry out their assigned  
221 duties.

222 8. For use as evidence in student expulsion hearings  
223 conducted by a district school board pursuant to the provisions  
224 of chapter 120.

225 9. Appropriate parties in connection with an emergency, if  
226 knowledge of the information in the student's educational  
227 records is necessary to protect the health or safety of the  
228 student or other individuals.

229 10. The Auditor General and the Office of Program Policy  
230 Analysis and Government Accountability in connection with their  
231 official functions; however, except when the collection of  
232 personally identifiable information is specifically authorized  
233 by law, any data collected by the Auditor General and the Office  
234 of Program Policy Analysis and Government Accountability is  
235 confidential and exempt from the provisions of s. 119.07(1) and  
236 shall be protected in such a way as will not permit the personal  
237 identification of students and their parents by other than the  
238 Auditor General, the Office of Program Policy Analysis and

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239 Government Accountability, and their staff, and such personally  
240 identifiable data shall be destroyed when no longer needed for  
241 the Auditor General's and the Office of Program Policy Analysis  
242 and Government Accountability's official use.

243 11.a. A court of competent jurisdiction in compliance with  
244 an order of that court or the attorney of record pursuant to a  
245 lawfully issued subpoena, upon the condition that the student  
246 and the student's parent are notified of the order or subpoena  
247 in advance of compliance therewith by the educational  
248 institution or agency.

249 b. A person or entity pursuant to a court of competent  
250 jurisdiction in compliance with an order of that court or the  
251 attorney of record pursuant to a lawfully issued subpoena, upon  
252 the condition that the student, or his or her parent if the  
253 student is either a minor and not attending a postsecondary  
254 educational institution or a dependent of such parent as defined  
255 in 26 U.S.C. s. 152 (s. 152 of the Internal Revenue Code of  
256 1954), is notified of the order or subpoena in advance of  
257 compliance therewith by the educational institution or agency.

258 12. Credit bureaus, in connection with an agreement for  
259 financial aid that the student has executed, provided that such  
260 information may be disclosed only to the extent necessary to  
261 enforce the terms or conditions of the financial aid agreement.  
262 Credit bureaus shall not release any information obtained  
263 pursuant to this paragraph to any person.

264 13. Parties to an interagency agreement among the  
265 Department of Juvenile Justice, school and law enforcement  
266 authorities, and other signatory agencies for the purpose of

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267 | reducing juvenile crime and especially motor vehicle theft by  
268 | promoting cooperation and collaboration, and the sharing of  
269 | appropriate information in a joint effort to improve school  
270 | safety, to reduce truancy and in-school and out-of-school  
271 | suspensions, and to support alternatives to in-school and out-  
272 | of-school suspensions and expulsions that provide structured and  
273 | well-supervised educational programs supplemented by a  
274 | coordinated overlay of other appropriate services designed to  
275 | correct behaviors that lead to truancy, suspensions, and  
276 | expulsions, and that support students in successfully completing  
277 | their education. Information provided in furtherance of such  
278 | interagency agreements is intended solely for use in determining  
279 | the appropriate programs and services for each juvenile or the  
280 | juvenile's family, or for coordinating the delivery of such  
281 | programs and services, and as such is inadmissible in any court  
282 | proceedings prior to a dispositional hearing unless written  
283 | consent is provided by a parent or other responsible adult on  
284 | behalf of the juvenile.

285 | 14. Consistent with the Family Educational Rights and  
286 | Privacy Act, the Department of Children and Family Services or a  
287 | community-based care lead agency acting on behalf of the  
288 | Department of Children and Family Services, as appropriate.

289 |  
290 | This paragraph does not prohibit any educational institution  
291 | from publishing and releasing to the general public directory  
292 | information relating to a student if the institution elects to  
293 | do so. However, no educational institution shall release, to any  
294 | individual, agency, or organization that is not listed in

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295 subparagraphs 1.-14. ~~1.-13.~~, directory information relating to  
 296 the student body in general or a portion thereof unless it is  
 297 normally published for the purpose of release to the public in  
 298 general. Any educational institution making directory  
 299 information public shall give public notice of the categories of  
 300 information that it has designated as directory information with  
 301 respect to all students attending the institution and shall  
 302 allow a reasonable period of time after such notice has been  
 303 given for a parent or student to inform the institution in  
 304 writing that any or all of the information designated should not  
 305 be released.

306

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

308       Between lines 10 and 11, insert:  
 309 creating s. 39.0016, F.S.; providing definitions; providing for  
 310 interpretation of the act; requiring an agreement between the  
 311 Department of Children and Family Services and the Department of  
 312 Education to facilitate the delivery of services or programs to  
 313 children known to the department; requiring the Department of  
 314 Children and Family Services to enter into agreements with  
 315 district school boards or other local educational entities  
 316 regarding education and related services for children known to  
 317 the department; specifying provisions of such agreements;  
 318 requiring education training components; amending s. 1002.22,  
 319 F.S.; authorizing access to student records;