

1                   A bill to be entitled  
2           An act relating to education for children in shelter care  
3           or foster care; amending s. 39.0016, F.S.; defining the  
4           term "surrogate parent"; providing conditions for district  
5           school board or court appointment of a surrogate parent  
6           for educational decisionmaking for a child who has or is  
7           suspected of having a disability; amending s. 39.202,  
8           F.S.; providing for access to certain records to liaisons  
9           between school districts and the Department of Children  
10          and Family Services; amending s. 39.402, F.S.; requiring  
11          access to a child's medical records and educational  
12          records if a child is placed in a shelter; amending s.  
13          39.701, F.S.; requiring the court and citizen review panel  
14          in judicial reviews to consider testimony by a surrogate  
15          parent for educational decisionmaking; amending s.  
16          1000.21, F.S.; defining the term "surrogate parent" for  
17          purposes of the K-20 Education Code; amending s. 1003.21,  
18          F.S.; providing access to free public education for  
19          children known to the department; authorizing a temporary  
20          exemption relating to school attendance; amending s.  
21          1003.22, F.S.; authorizing a temporary exemption from  
22          school-entry health examinations for children known to the  
23          department; creating s. 1003.572, F.S.; requiring a  
24          district school board to appoint a surrogate parent for a  
25          child who has or is suspected of having a disability under  
26          certain circumstances; providing joint responsibility of a  
27          district school board and the court; providing

28 qualifications, responsibilities, and immunities for a  
 29 surrogate parent; providing an effective date.

30

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

32

33 Section 1. Section 39.0016, Florida Statutes, is amended  
 34 to read:

35 39.0016 Education of abused, neglected, and abandoned  
 36 children; agency agreements; children having or suspected of  
 37 having a disability.--

38 (1) DEFINITIONS.--As used in this section, the term:

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

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

45 (c) "Surrogate parent" means an individual appointed to  
 46 act in the place of a parent in educational decisionmaking and  
 47 in safeguarding a child's rights under the Individuals with  
 48 Disabilities Education Act, this section, and s. 1003.572.

49 (2) AGENCY AGREEMENTS.--

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

56 agreement shall avoid duplication of services or programs and  
57 shall provide for combining resources to maximize the  
58 availability or delivery of services or programs.

59 (b)~~(4)~~ The department shall enter into agreements with  
60 district school boards or other local educational entities  
61 regarding education and related services for children known to  
62 the department who are of school age and children known to the  
63 department who are younger than school age but who would  
64 otherwise qualify for services from the district school board.  
65 Such agreements shall include, but are not limited to:

66 1.~~(a)~~ A requirement that the department shall:

67 a.1.~~1.~~ Enroll children known to the department in school.  
68 The agreement shall provide for continuing the enrollment of a  
69 child known to the department at the same school, if possible,  
70 with the goal of avoiding disruption of education.

71 b.2.~~2.~~ Notify the school and school district in which a  
72 child known to the department is enrolled of the name and phone  
73 number of the child known to the department caregiver and  
74 caseworker for child safety purposes.

75 c.3.~~3.~~ Establish a protocol for the department to share  
76 information about a child known to the department with the  
77 school district, consistent with the Family Educational Rights  
78 and Privacy Act, since the sharing of information will assist  
79 each agency in obtaining education and related services for the  
80 benefit of the child.

81 d.4.~~4.~~ Notify the school district of the department's case  
82 planning for a child known to the department, both at the time  
83 of plan development and plan review. Within the plan development

84 or review process, the school district may provide information  
85 regarding the child known to the department if the school  
86 district deems it desirable and appropriate.

87 ~~2.(b)~~ A requirement that the district school board shall:

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

95 b.2. Identify all educational and other services provided  
96 by the school and school district which the school district  
97 believes are reasonably necessary to meet the educational needs  
98 of a child known to the department.

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

109 d.4. Provide individualized student intervention or an  
110 individual educational plan when a determination has been made  
111 through legally appropriate criteria that intervention services

112 are required. The intervention or individual educational plan  
 113 must include strategies to enable the child known to the  
 114 department to maximize the attainment of educational goals.

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

124 ~~a.1.~~ Referral for screening.

125 ~~b.2.~~ Sharing of evaluations between the school district  
 126 and the department where appropriate.

127 ~~c.3.~~ Provision of education and related services  
 128 appropriate for the needs and abilities of the child known to  
 129 the department.

130 ~~d.4.~~ Coordination of services and plans between the school  
 131 and the residential setting to avoid duplication or conflicting  
 132 service plans.

133 ~~e.5.~~ Appointment of a surrogate parent, consistent with  
 134 the Individuals with Disabilities Education Act and pursuant to  
 135 subsection (3) and s. 1003.572, for educational purposes for a  
 136 child known to the department who qualifies ~~as soon as the child~~  
 137 ~~is determined to be dependent and without a parent to act for~~  
 138 ~~the child. The surrogate parent shall be appointed by the school~~  
 139 ~~district without regard to where the child known to the~~

140 ~~department is placed so that one surrogate parent can follow the~~  
 141 ~~education of the child known to the department during his or her~~  
 142 ~~entire time in state custody.~~

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

148 ~~(c)(2)~~ The provisions of this subsection ~~section~~ establish  
 149 standards ~~goals~~ and not rights. This subsection ~~section~~ does not  
 150 require the delivery of any particular service or level of  
 151 service in excess of existing appropriations. A person may not  
 152 maintain a cause of action against the state or any of its  
 153 subdivisions, agencies, contractors, subcontractors, or agents  
 154 based upon this subsection ~~section~~ becoming law or failure by  
 155 the Legislature to provide adequate funding for the achievement  
 156 of these standards ~~goals~~. This subsection ~~section~~ does not  
 157 require the expenditure of funds to meet the standards ~~goals~~  
 158 established in this subsection ~~section~~ except funds specifically  
 159 appropriated for such purpose.

160 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.--

161 (a)1. The Legislature finds that disability is a natural  
 162 part of the human experience and in no way diminishes the right  
 163 of individuals to participate in or contribute to society.  
 164 Improving educational results for children with disabilities is  
 165 an essential element of our public policy of ensuring equality  
 166 of opportunity, full participation, independent living, and  
 167 economic self-sufficiency for individuals with disabilities.

168           2. The Legislature also finds that research and experience  
 169 have shown that the education of children with disabilities can  
 170 be made more effective by:

171           a. Having high expectations for these children and  
 172 ensuring their access to the general education curriculum in the  
 173 regular classroom, to the maximum extent possible.

174           b. Providing appropriate special education and related  
 175 services, and aids and supports in the regular classroom, to  
 176 these children, whenever appropriate.

177           c. Having a trained, interested, and consistent  
 178 educational decisionmaker for the child when the parent is  
 179 legally unavailable or when the foster parent is unwilling or  
 180 not trained in the exceptional student education process.

181           3. It is, therefore, the intent of the Legislature that  
 182 all children with disabilities known to the department,  
 183 consistent with the Individuals with Disabilities Education Act  
 184 and s. 1003.572, have available to them a free, appropriate  
 185 public education that emphasizes special education and related  
 186 services designed to meet their unique needs and prepare them  
 187 for further education, employment, and independent living and  
 188 that the rights of children with disabilities are protected.

189           (b)1. Each district school board must appoint a surrogate  
 190 parent under s. 1003.572 for a child known to the department who  
 191 has or is suspected of having a disability, as defined in s.  
 192 1003.01(3), when:

193           a. After reasonable efforts, no parent can be located; or

194           b. A court of competent jurisdiction over a child under  
 195 this chapter has determined that no person has the authority,

196 willingness, or ability to serve as the educational  
 197 decisionmaker for the child.

198 2. The district school board must appoint a surrogate  
 199 parent within 30 days after notice that the child meets the  
 200 criteria in this paragraph.

201 3. A surrogate parent must be appointed by the district  
 202 school board without regard to where the child is placed so that  
 203 one surrogate parent can follow the education of the child  
 204 during his or her entire time in state custody.

205 4. For a child known to the department, the responsibility  
 206 to appoint a surrogate parent resides with both the district  
 207 school board and the court with jurisdiction over the child;  
 208 however, the court may defer to the district school board's  
 209 appointment of a surrogate parent under s. 1003.572 if such  
 210 appointment is made prior to the court's appointment of a  
 211 surrogate parent. At any time that the court determines that it  
 212 is in the best interests of a child to remove a surrogate  
 213 parent, the court may appoint a new surrogate parent for  
 214 educational decisionmaking purposes for that child.

215 (4)-(5) TRAINING.--The department shall incorporate an  
 216 education component into all training programs of the department  
 217 regarding children known to the department. Such training shall  
 218 be coordinated with the Department of Education and the local  
 219 school districts. The department shall offer opportunities for  
 220 education personnel to participate in such training. Such  
 221 coordination shall include, but not be limited to, notice of  
 222 training sessions, opportunities to purchase training materials,  
 223 proposals to avoid duplication of services by offering joint



224 training, and incorporation of materials available from the  
225 Department of Education and local school districts into the  
226 department training when appropriate. The department training  
227 components shall include:

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

231 (b) Training for parents in cases in which reunification  
232 is the goal, or for preadoptive parents when adoption is the  
233 goal, so that such parents learn how to access the services the  
234 child known to the department needs and the importance of their  
235 involvement in the education of the child known to the  
236 department.

237 (c) Training for caseworkers and foster parents to include  
238 information on the right of the child known to the department to  
239 an education, the role of an education in the development and  
240 adjustment of a child known to the department, the proper ways  
241 to access education and related services for the child known to  
242 the department, and the importance and strategies for parental  
243 involvement in education for the success of the child known to  
244 the department.

245 (d) Training of caseworkers regarding the services and  
246 information available through the Department of Education and  
247 local school districts, including, but not limited to, the  
248 current Sunshine State Standards, the Surrogate Parent Training  
249 Manual, and other resources accessible through the Department of  
250 Education or local school districts to facilitate educational  
251 access for a child known to the department.

252 Section 2. Paragraph (p) of subsection (2) of section  
 253 39.202, Florida Statutes, is amended to read:

254 39.202 Confidentiality of reports and records in cases of  
 255 child abuse or neglect.--

256 (2) Except as provided in subsection (4), access to such  
 257 records, excluding the name of the reporter which shall be  
 258 released only as provided in subsection (5), shall be granted  
 259 only to the following persons, officials, and agencies:

260 (p) An employee of the local school district who is  
 261 designated as a liaison between the school district and the  
 262 department pursuant to an interagency agreement required under  
 263 s. 39.0016 and the principal of a public school, private school,  
 264 or charter school where the child is a student. Information  
 265 contained in the records which the liaison or the principal  
 266 determines are necessary for a school employee to effectively  
 267 provide a student with educational services may be released to  
 268 that employee.

269 Section 3. Subsections (11) of section 39.402, Florida  
 270 Statutes, is amended to read:

271 39.402 Placement in a shelter.--

272 (11) (a) If a child is placed in a shelter pursuant to a  
 273 court order following a shelter hearing, the court shall require  
 274 in the shelter hearing order that the parents of the child, or  
 275 the guardian of the child's estate, if possessed of assets which  
 276 under law may be disbursed for the care, support, and  
 277 maintenance of the child, to pay, to the department or  
 278 institution having custody of the child, fees as established by  
 279 the department. When the order affects the guardianship estate,

280 a certified copy of the order shall be delivered to the judge  
281 having jurisdiction of the guardianship estate. The shelter  
282 order shall also require the parents to provide to the  
283 department and any other state agency or party designated by the  
284 court, within 28 days after entry of the shelter order, the  
285 financial information necessary to accurately calculate child  
286 support pursuant to s. 61.30.

287 (b) The court shall request that the parents consent to  
288 provide access to the child's medical records and provide  
289 information to the court, the department or its contract  
290 agencies, and any guardian ad litem or attorney for the child.  
291 If a parent is unavailable or unable to consent or withholds  
292 consent and the court determines access to the records and  
293 information is necessary to provide services to the child, the  
294 court shall issue an order granting access. The parent or legal  
295 guardian shall provide all known medical information to the  
296 department.

297 (c) The court shall request that the parents consent to  
298 provide access to the child's educational records and provide  
299 information to the court, the department or its contract  
300 agencies, and any guardian ad litem or attorney for the child.  
301 If a parent is unavailable or unable to consent or withholds  
302 consent and the court determines access to the records and  
303 information is necessary to provide services to the child, the  
304 court shall issue an order granting access. The court may  
305 appoint a surrogate parent under s. 1003.572 or may refer the  
306 child to the district school board for appointment of a  
307 surrogate parent.

308 Section 4. Subsection (8) of section 39.701, Florida  
309 Statutes, is amended to read:

310 39.701 Judicial review.--

311 (8) The court and any citizen review panel shall take into  
312 consideration the information contained in the social services  
313 study and investigation and all medical, psychological, and  
314 educational records that support the terms of the case plan;  
315 testimony by the social services agency, the parent, the foster  
316 parent or legal custodian, the guardian ad litem or surrogate  
317 parent for educational decisionmaking if one has been appointed  
318 for the child, and any other person deemed appropriate; and any  
319 relevant and material evidence submitted to the court, including  
320 written and oral reports to the extent of their probative value.  
321 These reports and evidence may be received by the court in its  
322 effort to determine the action to be taken with regard to the  
323 child and may be relied upon to the extent of their probative  
324 value, even though not competent in an adjudicatory hearing. In  
325 its deliberations, the court and any citizen review panel shall  
326 seek to determine:

327 (a) If the parent was advised of the right to receive  
328 assistance from any person or social service agency in the  
329 preparation of the case plan.

330 (b) If the parent has been advised of the right to have  
331 counsel present at the judicial review or citizen review  
332 hearings. If not so advised, the court or citizen review panel  
333 shall advise the parent of such right.

334 (c) If a guardian ad litem needs to be appointed for the  
335 child in a case in which a guardian ad litem has not previously

336 | been appointed or if there is a need to continue a guardian ad  
337 | litem in a case in which a guardian ad litem has been appointed.

338 |       (d) If a surrogate parent has been appointed for a child  
339 | who qualifies under s. 1003.572.

340 |       ~~(e)~~ The compliance or lack of compliance of all parties  
341 | with applicable items of the case plan, including the parents'  
342 | compliance with child support orders.

343 |       ~~(f)~~ The compliance or lack of compliance with a  
344 | visitation contract between the parent and the social service  
345 | agency for contact with the child, including the frequency,  
346 | duration, and results of the parent-child visitation and the  
347 | reason for any noncompliance.

348 |       ~~(g)~~ The compliance or lack of compliance of the parent  
349 | in meeting specified financial obligations pertaining to the  
350 | care of the child, including the reason for failure to comply if  
351 | such is the case.

352 |       ~~(h)~~ Whether the child is receiving safe and proper care  
353 | according to s. 39.6012, including, but not limited to, the  
354 | appropriateness of the child's current placement, including  
355 | whether the child is in a setting that is as family-like and as  
356 | close to the parent's home as possible, consistent with the  
357 | child's best interests and special needs, and including  
358 | maintaining stability in the child's educational placement.

359 |       ~~(i)~~ A projected date likely for the child's return home  
360 | or other permanent placement.

361 |       ~~(j)~~ When appropriate, the basis for the unwillingness  
362 | or inability of the parent to become a party to a case plan. The  
363 | court and the citizen review panel shall determine if the

364 efforts of the social service agency to secure party  
 365 participation in a case plan were sufficient.

366 ~~(k)(j)~~ For a child who has reached 13 years of age but is  
 367 not yet 18 years of age, the adequacy of the child's preparation  
 368 for adulthood and independent living.

369 ~~(l)(k)~~ If amendments to the case plan are required.  
 370 Amendments to the case plan must be made under s. 39.6013.

371 Section 5. Subsection (8) of section 1000.21, Florida  
 372 Statutes, is renumbered as subsection (9), and a new subsection  
 373 (8) is added to that section to read:

374 1000.21 Systemwide definitions.--As used in the Florida K-  
 375 20 Education Code:

376 (8) "Surrogate parent" means an individual appointed to  
 377 act in the place of a parent in educational decisionmaking and  
 378 in safeguarding a child's rights under the Individuals with  
 379 Disabilities Education Act and ss. 39.0016 and 1003.572.

380 Section 6. Paragraph (f) of subsection (1) and paragraph  
 381 (g) of subsection (4) of section 1003.21, Florida Statutes, are  
 382 amended to read:

383 1003.21 School attendance.--

384 (1)

385 (f) Homeless children, as defined in s. 1003.01, and  
 386 children who are known to the department, as defined in s.  
 387 39.0016, must have access to a free public education and must be  
 388 admitted to school in the school district in which they or their  
 389 families live. School districts shall assist homeless children  
 390 and children who are known to the department to meet the  
 391 requirements of subsection (4) and s. 1003.22, as well as local

392 requirements for documentation.

393 (4) Before admitting a child to kindergarten, the  
 394 principal shall require evidence that the child has attained the  
 395 age at which he or she should be admitted in accordance with the  
 396 provisions of subparagraph (1)(a)2. The district school  
 397 superintendent may require evidence of the age of any child whom  
 398 he or she believes to be within the limits of compulsory  
 399 attendance as provided for by law. If the first prescribed  
 400 evidence is not available, the next evidence obtainable in the  
 401 order set forth below shall be accepted:

402 (g) If none of these evidences can be produced, an  
 403 affidavit of age sworn to by the parent, accompanied by a  
 404 certificate of age signed by a public health officer or by a  
 405 public school physician, or, if neither of these is available in  
 406 the county, by a licensed practicing physician designated by the  
 407 district school board, which certificate states that the health  
 408 officer or physician has examined the child and believes that  
 409 the age as stated in the affidavit is substantially correct. A  
 410 homeless child, as defined in s. 1003.01, and a child who is  
 411 known to the department, as defined in s. 39.0016, shall be  
 412 given temporary exemption from this section for 30 school days.

413 Section 7. Subsection (1) and paragraph (e) of subsection  
 414 (5) of section 1003.22, Florida Statutes, are amended to read:

415 1003.22 School-entry health examinations; immunization  
 416 against communicable diseases; exemptions; duties of Department  
 417 of Health.--

418 (1) Each district school board and the governing authority  
 419 of each private school shall require that each child who is

420 entitled to admittance to kindergarten, or is entitled to any  
421 other initial entrance into a public or private school in this  
422 state, present a certification of a school-entry health  
423 examination performed within 1 year prior to enrollment in  
424 school. Each district school board, and the governing authority  
425 of each private school, may establish a policy that permits a  
426 student up to 30 school days to present a certification of a  
427 school-entry health examination. A homeless child, as defined in  
428 s. 1003.01, and a child who is known to the department, as  
429 defined in s. 39.0016, shall be given a temporary exemption for  
430 30 school days. Any district school board that establishes such  
431 a policy shall include provisions in its local school health  
432 services plan to assist students in obtaining the health  
433 examinations. However, any child shall be exempt from the  
434 requirement of a health examination upon written request of the  
435 parent of the child stating objections to the examination on  
436 religious grounds.

437 (5) The provisions of this section shall not apply if:

438 (e) An authorized school official issues a temporary  
439 exemption, for a period not to exceed 30 school days, to permit  
440 a student who transfers into a new county to attend class until  
441 his or her records can be obtained. A homeless child, as defined  
442 in s. 1003.01, and a child who is known to the department, as  
443 defined in s. 39.0016, shall be given a temporary exemption for  
444 30 school days. The public school health nurse or authorized  
445 private school official is responsible for followup of each such  
446 student until proper documentation or immunizations are  
447 obtained. An exemption for 30 days may be issued for a student



448 | who enters a juvenile justice program to permit the student to  
 449 | attend class until his or her records can be obtained or until  
 450 | the immunizations can be obtained. An authorized juvenile  
 451 | justice official is responsible for followup of each student who  
 452 | enters a juvenile justice program until proper documentation or  
 453 | immunizations are obtained.

454 | Section 8. Section 1003.572, Florida Statutes, is created  
 455 | to read:

456 | 1003.572 Appointment of surrogate parent.--

457 | (1) Each district school board must appoint a surrogate  
 458 | parent for a child known to the department, as defined in s.  
 459 | 39.0016, who has or is suspected of having a disability when:

460 | (a) After reasonable efforts, no parent can be located; or

461 | (b) A court of competent jurisdiction over the child under  
 462 | chapter 39 has determined that no person has the authority,  
 463 | willingness, or ability to serve as the educational  
 464 | decisionmaker for the child.

465 | (2) The district school board must appoint the surrogate  
 466 | parent within 30 days after notice that the child meets the  
 467 | criteria in subsection (1).

468 | (3) A surrogate parent must be appointed by the district  
 469 | school board without regard to where the child is placed so that  
 470 | one surrogate parent can follow the education of the child  
 471 | during his or her entire time in state custody.

472 | (4) For a child known to the department, as defined in s.  
 473 | 39.0016, the responsibility to appoint a surrogate parent  
 474 | resides with both the district school board and the court with  
 475 | jurisdiction over the child. The district school board may defer

476 to the court's appointment of a surrogate parent under s.  
477 39.0016.

478 (5) An individual qualified to be appointed as a surrogate  
479 parent must:

480 (a) Be 18 years of age or older.

481 (b) Have the knowledge, skills, and experience gained  
482 through successfully completing training using training  
483 materials developed and approved by the Division of Public  
484 Schools of the department or comparable knowledge, training, or  
485 experience needed to ensure adequate representation of the  
486 child.

487 (c) Have no personal or professional interests that  
488 conflict with the interests of the child.

489 (d) Not be an employee of the department, the district  
490 school board, a community-based care provider under s. 409.1671,  
491 the Department of Children and Family Services, or any other  
492 public or private agency involved in the education or care of  
493 the child. However:

494 1. An individual who acts in a parental role to a child,  
495 such as a foster parent or relative caregiver, is not prohibited  
496 from serving as a surrogate parent if he or she is employed by  
497 such agency in a role not related to the child's care or  
498 custody.

499 2. Group home staff and therapeutic foster home parents  
500 are deemed employees who are not acting in a parental role for  
501 this purpose.

502 3. A person who is appointed as a surrogate parent is not  
503 an employee of an agency solely because he or she is paid by the

504 agency to serve as a surrogate parent.

505 4. A guardian ad litem may serve as a surrogate parent.

506 5. A relative or other adult involved in the child's life,  
 507 regardless of whether or not that person has custody of the  
 508 child, may serve as a surrogate parent.

509 (6) An individual appointed as a surrogate parent shall:

510 (a) Become acquainted with the child and be knowledgeable  
 511 about his or her handicapping condition and educational needs.

512 (b) Represent the child in all matters relating to the  
 513 identification, evaluation, and educational placement of the  
 514 child.

515 (c) Represent the interests and safeguard the rights of  
 516 the child in educational decisions that affect the child.

517 (d) Represent the child in all matters relating to the  
 518 provision of a free, appropriate public education for the child.

519 (7) The responsibilities of an individual appointed as a  
 520 surrogate parent shall not extend to:

521 (a) The care, maintenance, custody, residential placement,  
 522 or any other area not specifically related to the education of  
 523 the child; or

524 (b) The identification or evaluation of the child that  
 525 does not relate specifically to special education.

526 (8) An individual appointed as a surrogate parent shall  
 527 not be held liable for actions taken in good faith on behalf of  
 528 the child in protecting the special education rights of the  
 529 child.

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530           (9) Nothing in this section shall preclude the appointment  
531 of a surrogate parent for a student who is gifted as defined in  
532 s. 1003.01(3).

533           Section 9. This act shall take effect July 1, 2008.