

By the Committees on Children, Families, and Elder Affairs; and  
Education Pre-K - 12; and Senators Rich, Dean, and Wilson

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1                   A bill to be entitled  
2           An act relating to education for children in shelter  
3           care or foster care and exceptional students; amending  
4           s. 39.0016, F.S.; defining the term "surrogate  
5           parent"; providing legislative intent; providing  
6           conditions for the district superintendent or court to  
7           appoint a surrogate parent for purposes of educational  
8           decisionmaking for a child who has or is suspected of  
9           having a disability; amending s. 39.202, F.S.;  
10          providing for access to certain records to liaisons  
11          between school districts and the Department of  
12          Children and Family Services; amending s. 39.402,  
13          F.S.; requiring access to a child's medical records  
14          and educational records if a child is placed in a  
15          shelter; amending s. 39.701, F.S.; requiring the court  
16          and citizen review panel in judicial reviews to  
17          consider testimony by a surrogate parent for  
18          educational decisionmaking; providing for additional  
19          deliberations relating to appointment of an  
20          educational decisionmaker; requiring certain  
21          documentation relating to the educational setting;  
22          amending s. 1003.21, F.S.; providing access to free  
23          public education for children known to the department;  
24          authorizing a temporary exemption relating to school  
25          attendance; amending s. 1003.22, F.S.; authorizing a  
26          temporary exemption from school-entry health  
27          examinations for children known to the department;  
28          amending s. 1003.57, F.S.; providing definitions;  
29          requiring the Department of Children and Family

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30 Services, the Agency for Health Care Administration,  
31 and residential facilities licensed by the Agency for  
32 Persons with Disabilities to notify certain school  
33 districts following the placement of an exceptional  
34 student in a private residential care facility;  
35 requiring review of the student's individual  
36 educational plan; providing for determining  
37 responsibility for educational instruction; requiring  
38 the school district to report the student for funding  
39 purposes; requiring the Department of Education, in  
40 consultation with specified agencies, to develop  
41 procedures for the placement of students in  
42 residential care facilities; requiring the State Board  
43 of Education to adopt rules; requiring a cooperative  
44 agreement between the Department of Education and  
45 agencies, to be executed on or before October 1, 2009;  
46 providing an exception; providing an effective date.

47  
48 Be It Enacted by the Legislature of the State of Florida:

49  
50 Section 1. Section 39.0016, Florida Statutes, is amended to  
51 read:

52 39.0016 Education of abused, neglected, and abandoned  
53 children; agency agreements; children having or suspected of  
54 having a disability.—

55 (1) DEFINITIONS.—As used in this section, the term:

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

58 (b) "Department" means the Department of Children and

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59 Family Services or a community-based care lead agency acting on  
60 behalf of the Department of Children and Family Services, as  
61 appropriate.

62 (c) "Surrogate parent" means an individual appointed to act  
63 in the place of a parent in educational decisionmaking and in  
64 safeguarding a child's rights under the Individuals with  
65 Disabilities Education Act and this section.

66 ~~(2) The provisions of this section establish goals and not~~  
67 ~~rights. This section does not require the delivery of any~~  
68 ~~particular service or level of service in excess of existing~~  
69 ~~appropriations. A person may not maintain a cause of action~~  
70 ~~against the state or any of its subdivisions, agencies,~~  
71 ~~contractors, subcontractors, or agents based upon this section~~  
72 ~~becoming law or failure by the Legislature to provide adequate~~  
73 ~~funding for the achievement of these goals. This section does~~  
74 ~~not require the expenditure of funds to meet the goals~~  
75 ~~established in this section except funds specifically~~  
76 ~~appropriated for such purpose.~~

77 (2) AGENCY AGREEMENTS.-

78 (a)~~(3)~~ The department shall enter into an agreement with  
79 the Department of Education regarding the education and related  
80 care of children known to the department. Such agreement shall  
81 be designed to provide educational access to children known to  
82 the department for the purpose of facilitating the delivery of  
83 services or programs to children known to the department. The  
84 agreement shall avoid duplication of services or programs and  
85 shall provide for combining resources to maximize the  
86 availability or delivery of services or programs.

87 (b)~~(4)~~ The department shall enter into agreements with

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88 district school boards or other local educational entities  
89 regarding education and related services for children known to  
90 the department who are of school age and children known to the  
91 department who are younger than school age but who would  
92 otherwise qualify for services from the district school board.  
93 Such agreements shall include, but are not limited to:

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

95 a.1. Enroll children known to the department in school. The  
96 agreement shall provide for continuing the enrollment of a child  
97 known to the department at the same school, if possible, with  
98 the goal of avoiding disruption of education.

99 b.2. Notify the school and school district in which a child  
100 known to the department is enrolled of the name and phone number  
101 of the child known to the department caregiver and caseworker  
102 for child safety purposes.

103 c.3. Establish a protocol for the department to share  
104 information about a child known to the department with the  
105 school district, consistent with the Family Educational Rights  
106 and Privacy Act, since the sharing of information will assist  
107 each agency in obtaining education and related services for the  
108 benefit of the child.

109 d.4. Notify the school district of the department's case  
110 planning for a child known to the department, both at the time  
111 of plan development and plan review. Within the plan development  
112 or review process, the school district may provide information  
113 regarding the child known to the department if the school  
114 district deems it desirable and appropriate.

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

116 a.1. Provide the department with a general listing of the

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117 services and information available from the district school  
118 board, ~~including, but not limited to, the current Sunshine State~~  
119 ~~Standards, the Surrogate Parent Training Manual, and other~~  
120 ~~resources accessible through the Department of Education or~~  
121 ~~local school districts~~ to facilitate educational access for a  
122 child known to the department.

123 b.2. Identify all educational and other services provided  
124 by the school and school district which the school district  
125 believes are reasonably necessary to meet the educational needs  
126 of a child known to the department.

127 c.3. Determine whether transportation is available for a  
128 child known to the department when such transportation will  
129 avoid a change in school assignment due to a change in  
130 residential placement. Recognizing that continued enrollment in  
131 the same school throughout the time the child known to the  
132 department is in out-of-home care is preferable unless  
133 enrollment in the same school would be unsafe or otherwise  
134 impractical, the department, the district school board, and the  
135 Department of Education shall assess the availability of  
136 federal, charitable, or grant funding for such transportation.

137 d.4. Provide individualized student intervention or an  
138 individual educational plan when a determination has been made  
139 through legally appropriate criteria that intervention services  
140 are required. The intervention or individual educational plan  
141 must include strategies to enable the child known to the  
142 department to maximize the attainment of educational goals.

143 3.(e) A requirement that the department and the district  
144 school board shall cooperate in accessing the services and  
145 supports needed for a child known to the department who has or

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146 is suspected of having a disability to receive an appropriate  
147 education consistent with the Individuals with Disabilities  
148 Education Act and state implementing laws, rules, and  
149 assurances. Coordination of services for a child known to the  
150 department who has or is suspected of having a disability may  
151 include:

152 ~~a.1.~~ Referral for screening.

153 ~~b.2.~~ Sharing of evaluations between the school district and  
154 the department where appropriate.

155 ~~c.3.~~ Provision of education and related services  
156 appropriate for the needs and abilities of the child known to  
157 the department.

158 ~~d.4.~~ Coordination of services and plans between the school  
159 and the residential setting to avoid duplication or conflicting  
160 service plans.

161 ~~e.5.~~ Appointment of a surrogate parent, consistent with the  
162 Individuals with Disabilities Education Act and pursuant to  
163 subsection (3), for educational purposes for a child known to  
164 the department who qualifies ~~as soon as the child is determined~~  
165 ~~to be dependent and without a parent to act for the child. The~~  
166 ~~surrogate parent shall be appointed by the school district~~  
167 ~~without regard to where the child known to the department is~~  
168 ~~placed so that one surrogate parent can follow the education of~~  
169 ~~the child known to the department during his or her entire time~~  
170 ~~in state custody.~~

171 ~~f.6.~~ For each child known to the department 14 years of age  
172 and older, transition planning by the department and all  
173 providers, including the department's independent living program  
174 staff, to meet the requirements of the local school district for

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175 educational purposes.

176 (c) This subsection establishes standards and not rights.  
177 This subsection does not require the delivery of any particular  
178 service or level of service in excess of existing  
179 appropriations. A person may not maintain a cause of action  
180 against the state or any of its subdivisions, agencies,  
181 contractors, subcontractors, or agents based upon this  
182 subsection becoming law or failure by the Legislature to provide  
183 adequate funding for the achievement of these standards. This  
184 subsection does not require the expenditure of funds to meet the  
185 standards established in this subsection except funds  
186 specifically appropriated for such purpose.

187 (3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

188 (a)1. The Legislature finds that disability is a natural  
189 part of the human experience and in no way diminishes the right  
190 of individuals to participate in or contribute to society.  
191 Improving educational results for children with disabilities is  
192 an essential element of our public policy of ensuring equality  
193 of opportunity, full participation, independent living, and  
194 economic self-sufficiency for individuals with disabilities.

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

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

201 b. Providing appropriate exceptional student education,  
202 related services, and aids and supports in the least restrictive  
203 environment appropriate for these children.

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204 c. Having a trained, interested, and consistent educational  
205 decisionmaker for the child when the parent is determined to be  
206 legally unavailable or when the foster parent is unwilling, has  
207 no significant relationship with the child, or is not trained in  
208 the exceptional student education process.

209 3. It is, therefore, the intent of the Legislature that all  
210 children with disabilities known to the department, consistent  
211 with the Individuals with Disabilities Education Act, have  
212 available to them a free, appropriate public education that  
213 emphasizes exceptional student education and related services  
214 designed to meet their unique needs and prepare them for further  
215 education, employment, and independent living and that the  
216 rights of children with disabilities are protected.

217 (b)1. A surrogate parent shall be appointed for a child  
218 known to the department who has or is suspected of having a  
219 disability, as defined in s. 1003.01(3), by the dependency court  
220 or by the district school superintendent where the child is  
221 located if:

222 a. After reasonable efforts, a parent cannot be located;

223 b. The court determines that no person has the authority  
224 under the Individuals with Disabilities Education Act or that no  
225 person having such authority is willing or able to serve as the  
226 child's educational decisionmaker; or

227 c. A surrogate parent has not been previously appointed for  
228 the child.

229 2. The minimum qualifications, responsibilities, rights,  
230 and liabilities of a surrogate parent appointed pursuant to this  
231 section are the same as the minimum qualifications,  
232 responsibilities, rights, and liabilities of a surrogate parent

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233 appointed by a district school superintendent in accordance with  
234 rules adopted by the Department of Education.

235 3. Employees of the Department of Education, the child's  
236 local school district, a community-based care provider, the  
237 Department of Children and Family Services, or any other public  
238 or private agency involved in the education or care of the  
239 child; group home staff; and therapeutic foster home parents may  
240 not serve as surrogate parents. A person who acts in a parental  
241 role to a child, such as a foster parent or relative caregiver,  
242 a guardian ad litem, or a relative or other adult involved in  
243 the child's life, regardless of whether that person has physical  
244 custody of the child, may serve as a surrogate parent.

245 4. If the court appoints a surrogate parent, the court  
246 shall provide notice to the district school superintendent as  
247 soon as practicable.

248 5. The district school superintendent must accept the  
249 appointment of a surrogate parent made by the dependency court  
250 if he or she has not previously appointed a surrogate parent.  
251 Similarly, the dependency court must accept a surrogate parent  
252 previously appointed by a district school superintendent.

253 6. The appointment of a surrogate parent by a dependency  
254 court must be accepted by any subsequent school without regard  
255 to where the child resides in order for a single surrogate  
256 parent to follow the education of the child during the entire  
257 time the child is known to the department.

258 7. The termination of a surrogate parent appointed pursuant  
259 to this section is governed by the same rules governing the  
260 termination of a surrogate parent appointed by a district school  
261 superintendent.

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262        (4)~~(5)~~ TRAINING.—The department shall incorporate an  
263 education component into all training programs of the department  
264 regarding children known to the department. Such training shall  
265 be coordinated with the Department of Education and the local  
266 school districts. The department shall offer opportunities for  
267 education personnel to participate in such training. Such  
268 coordination shall include, but not be limited to, notice of  
269 training sessions, opportunities to purchase training materials,  
270 proposals to avoid duplication of services by offering joint  
271 training, and incorporation of materials available from the  
272 Department of Education and local school districts into the  
273 department training when appropriate. The department training  
274 components shall include:

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

278            (b) Training for parents in cases in which reunification is  
279 the goal, or for preadoptive parents when adoption is the goal,  
280 so that such parents learn how to access the services the child  
281 known to the department needs and the importance of their  
282 involvement in the education of the child known to the  
283 department.

284            (c) Training for caseworkers and foster parents to include  
285 information on the right of the child known to the department to  
286 an education, the role of an education in the development and  
287 adjustment of a child known to the department, the proper ways  
288 to access education and related services for the child known to  
289 the department, and the importance and strategies for parental  
290 involvement in education for the success of the child known to

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291 the department.

292 (d) Training of caseworkers regarding the services and  
293 information available through the Department of Education and  
294 local school districts, including, but not limited to, the  
295 current Sunshine State Standards, the Surrogate Parent Training  
296 Manual, and other resources accessible through the Department of  
297 Education or local school districts to facilitate educational  
298 access for a child known to the department.

299 Section 2. Paragraph (p) of subsection (2) of section  
300 39.202, Florida Statutes, is amended to read:

301 39.202 Confidentiality of reports and records in cases of  
302 child abuse or neglect.—

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

307 (p) An employee of the local school district who is  
308 designated as a liaison between the school district and the  
309 department pursuant to an interagency agreement required under  
310 s. 39.0016 and the principal of a public school, private school,  
311 or charter school where the child is a student. Information  
312 contained in the records which the liaison or the principal  
313 determines are necessary for a school employee to effectively  
314 provide a student with educational services may be released to  
315 that employee.

316 Section 3. Subsection (11) of section 39.402, Florida  
317 Statutes, is amended to read:

318 39.402 Placement in a shelter.—

319 (11) (a) If a child is placed in a shelter pursuant to a

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320 court order following a shelter hearing, the court shall require  
321 in the shelter hearing order that the parents of the child, or  
322 the guardian of the child's estate, if possessed of assets which  
323 under law may be disbursed for the care, support, and  
324 maintenance of the child, to pay, to the department or  
325 institution having custody of the child, fees as established by  
326 the department. When the order affects the guardianship estate,  
327 a certified copy of the order shall be delivered to the judge  
328 having jurisdiction of the guardianship estate. The shelter  
329 order shall also require the parents to provide to the  
330 department and any other state agency or party designated by the  
331 court, within 28 days after entry of the shelter order, the  
332 financial information necessary to accurately calculate child  
333 support pursuant to s. 61.30.

334 (b) The court shall request that the parents consent to  
335 provide access to the child's medical records and provide  
336 information to the court, the department or its contract  
337 agencies, and any guardian ad litem or attorney for the child.  
338 If a parent is unavailable or unable to consent or withholds  
339 consent and the court determines that access to the records and  
340 information is necessary in order to provide services to the  
341 child, the court shall issue an order granting access. The court  
342 may also order the parents to ~~The parent or legal guardian shall~~  
343 provide all known medical information to the department and to  
344 any others granted access under this subsection.

345 (c) The court shall request that the parents consent to  
346 provide access to the child's education records and provide  
347 information to the court, the department or its contract  
348 agencies, and any guardian ad litem or attorney for the child.

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349 If a parent is unavailable or unable to consent or withholds  
350 consent and the court determines that access to the records and  
351 information is necessary in order to provide services to the  
352 child, the court shall issue an order granting access.

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

355 39.701 Judicial review.—

356 (8) The court and any citizen review panel shall take into  
357 consideration the information contained in the social services  
358 study and investigation and all medical, psychological, and  
359 educational records that support the terms of the case plan;  
360 testimony by the social services agency, the parent, the foster  
361 parent or legal custodian, the guardian ad litem or surrogate  
362 parent for educational decisionmaking if one has been appointed  
363 for the child, and any other person deemed appropriate; and any  
364 relevant and material evidence submitted to the court, including  
365 written and oral reports to the extent of their probative value.  
366 These reports and evidence may be received by the court in its  
367 effort to determine the action to be taken with regard to the  
368 child and may be relied upon to the extent of their probative  
369 value, even though not competent in an adjudicatory hearing. In  
370 its deliberations, the court and any citizen review panel shall  
371 seek to determine:

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

375 (b) If the parent has been advised of the right to have  
376 counsel present at the judicial review or citizen review  
377 hearings. If not so advised, the court or citizen review panel

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378 shall advise the parent of such right.

379 (c) If a guardian ad litem needs to be appointed for the  
380 child in a case in which a guardian ad litem has not previously  
381 been appointed or if there is a need to continue a guardian ad  
382 litem in a case in which a guardian ad litem has been appointed.

383 (d) Who holds the rights to make educational decisions for  
384 the child if the child has or is suspected of having a  
385 disability, as defined in s. 1003.01(3).

386 (e)~~(d)~~ The compliance or lack of compliance of all parties  
387 with applicable items of the case plan, including the parents'  
388 compliance with child support orders.

389 (f)~~(e)~~ The compliance or lack of compliance with a  
390 visitation contract between the parent and the social service  
391 agency for contact with the child, including the frequency,  
392 duration, and results of the parent-child visitation and the  
393 reason for any noncompliance.

394 (g)~~(f)~~ The compliance or lack of compliance of the parent  
395 in meeting specified financial obligations pertaining to the  
396 care of the child, including the reason for failure to comply if  
397 such is the case.

398 (h)~~(g)~~ Whether the child is receiving safe and proper care  
399 according to s. 39.6012, including, but not limited to, the  
400 appropriateness of the child's current placement, including  
401 whether the child is in a setting that is as family-like and as  
402 close to the parent's home as possible, consistent with the  
403 child's best interests and special needs, and including  
404 maintaining stability in the child's educational placement, as  
405 documented by assurances from the community-based care provider  
406 that:

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407       1. The placement of the child takes into account the  
408 appropriateness of the current educational setting and the  
409 proximity to the school in which the child is enrolled at the  
410 time of placement.

411       2. The community-based care agency has coordinated with  
412 appropriate school district to ensure that the child remains in  
413 the school in which the child is enrolled at the time of  
414 placement.

415       (i)~~(h)~~ A projected date likely for the child's return home  
416 or other permanent placement.

417       (j)~~(i)~~ When appropriate, the basis for the unwillingness or  
418 inability of the parent to become a party to a case plan. The  
419 court and the citizen review panel shall determine if the  
420 efforts of the social service agency to secure party  
421 participation in a case plan were sufficient.

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

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

427       Section 5. Paragraph (f) of subsection (1) and paragraph  
428 (g) of subsection (4) of section 1003.21, Florida Statutes, are  
429 amended to read:

430       1003.21 School attendance.—

431       (1)

432       (f) Homeless children, as defined in s. 1003.01, and  
433 children who are known to the department, as defined in s.  
434 39.0016, must have access to a free public education and must be  
435 admitted to school in the school district in which they or their

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436 families live. School districts shall assist homeless children  
437 and children who are known to the department to meet the  
438 requirements of subsection (4) and s. 1003.22, as well as local  
439 requirements for documentation.

440 (4) Before admitting a child to kindergarten, the principal  
441 shall require evidence that the child has attained the age at  
442 which he or she should be admitted in accordance with the  
443 provisions of subparagraph (1)(a)2. The district school  
444 superintendent may require evidence of the age of any child whom  
445 he or she believes to be within the limits of compulsory  
446 attendance as provided for by law. If the first prescribed  
447 evidence is not available, the next evidence obtainable in the  
448 order set forth below shall be accepted:

449 (g) If none of these evidences can be produced, an  
450 affidavit of age sworn to by the parent, accompanied by a  
451 certificate of age signed by a public health officer or by a  
452 public school physician, or, if neither of these is available in  
453 the county, by a licensed practicing physician designated by the  
454 district school board, which certificate states that the health  
455 officer or physician has examined the child and believes that  
456 the age as stated in the affidavit is substantially correct. A  
457 homeless child, as defined in s. 1003.01, and a child who is  
458 known to the department, as defined in s. 39.0016, shall be  
459 given temporary exemption from this section for 30 school days.

460 Section 6. Subsection (1) and paragraph (e) of subsection  
461 (5) of section 1003.22, Florida Statutes, are amended to read:

462 1003.22 School-entry health examinations; immunization  
463 against communicable diseases; exemptions; duties of Department  
464 of Health.—

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465 (1) Each district school board and the governing authority  
466 of each private school shall require that each child who is  
467 entitled to admittance to kindergarten, or is entitled to any  
468 other initial entrance into a public or private school in this  
469 state, present a certification of a school-entry health  
470 examination performed within 1 year prior to enrollment in  
471 school. Each district school board, and the governing authority  
472 of each private school, may establish a policy that permits a  
473 student up to 30 school days to present a certification of a  
474 school-entry health examination. A homeless child, as defined in  
475 s. 1003.01, and a child who is known to the department, as  
476 defined in s. 39.0016, shall be given a temporary exemption for  
477 30 school days. Any district school board that establishes such  
478 a policy shall include provisions in its local school health  
479 services plan to assist students in obtaining the health  
480 examinations. However, any child shall be exempt from the  
481 requirement of a health examination upon written request of the  
482 parent of the child stating objections to the examination on  
483 religious grounds.

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

485 (e) An authorized school official issues a temporary  
486 exemption, for a period not to exceed 30 school days, to permit  
487 a student who transfers into a new county to attend class until  
488 his or her records can be obtained. A homeless child, as defined  
489 in s. 1003.01, and a child who is known to the department, as  
490 defined in s. 39.0016, shall be given a temporary exemption for  
491 30 school days. The public school health nurse or authorized  
492 private school official is responsible for followup of each such  
493 student until proper documentation or immunizations are

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494 obtained. An exemption for 30 days may be issued for a student  
495 who enters a juvenile justice program to permit the student to  
496 attend class until his or her records can be obtained or until  
497 the immunizations can be obtained. An authorized juvenile  
498 justice official is responsible for followup of each student who  
499 enters a juvenile justice program until proper documentation or  
500 immunizations are obtained.

501 Section 7. Subsections (3) and (4) are added to section  
502 1003.57, Florida Statutes, to read:

503 1003.57 Exceptional students instruction.-

504 (3) (a) For purposes of this subsection and subsection (4),  
505 the term:

506 1. "Agency" means the Department of Children and Family  
507 Services or its contracted lead agency, the Agency for Persons  
508 with Disabilities, and the Agency for Health Care  
509 Administration.

510 2. "Exceptional student" means an exceptional student, as  
511 defined in s. 1003.01, who has a disability.

512 3. "Receiving school district" means the district in which  
513 a private residential care facility is located.

514 4. "Placement" means the funding or arrangement of funding  
515 by an agency for all or a part of the cost for an exceptional  
516 student to reside in a private residential care facility and the  
517 placement crosses school district lines.

518 (b) Within 10 business days after an exceptional student is  
519 placed in a private residential care facility by an agency, the  
520 agency or private residential care facility licensed by the  
521 agency, as appropriate, shall provide written notification of  
522 the placement to the school district where the student is

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523 currently counted for funding purposes under s. 1011.62 and the  
524 receiving school district. This paragraph applies when the  
525 placement is for the primary purpose of addressing residential  
526 or other noneducational needs and the placement crosses school  
527 district lines.

528 (c) Within 10 business days after receiving the  
529 notification, the receiving school district must review the  
530 student's individual educational plan (IEP) to determine if the  
531 student's IEP can be implemented by the receiving school  
532 district or by a provider or facility under contract with the  
533 receiving school district. The receiving school district shall:

534 1. Provide educational instruction to the student;

535 2. Contract with another provider or facility to provide  
536 the educational instruction;

537 3. Contract with the private residential care facility in  
538 which the student resides to provide the educational  
539 instruction; or

540 4. Decline to provide or contract for educational  
541 instruction.

542

543 If the receiving school district declines to provide or contract  
544 for the educational instruction, the school district in which  
545 the legal residence of the student is located shall provide or  
546 contract for the educational instruction to the student. The  
547 school district that provides educational instruction or  
548 contracts to provide educational instruction shall report the  
549 student for funding purposes pursuant s. 1011.62.

550 (d)1. The Department of Education, in consultation with the  
551 agencies and school districts, shall develop procedures for

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552 written notification to school districts regarding the placement  
553 of an exceptional student in a residential care facility. The  
554 procedures must:

555 a. Provide for written notification of a placement that  
556 crosses school district lines; and

557 b. Identify the entity responsible for the notification for  
558 each facility that is operated, licensed, or regulated by an  
559 agency.

560 2. The State Board of Education shall adopt the procedures  
561 by rule pursuant to ss. 120.536(1) and 120.54 and the agencies  
562 shall implement the procedures.

563  
564 The requirements of paragraphs (c) and (d) do not apply to  
565 written agreements among school districts which specify each  
566 school district's responsibility for providing and paying for  
567 educational services to an exceptional student in a residential  
568 care facility. However, each agreement must require a school  
569 district to review the student's IEP within 10 business days  
570 after receiving the notification required under paragraph (b).

571 (4) The Department of Education and agencies shall enter  
572 into an agreement for interagency coordination, consistent with  
573 federal law and regulations, on or before October 1, 2009.

574 Section 8. This act shall take effect July 1, 2009.