

By the Committees on Education Pre-K - 12; and Criminal Justice;  
and Senator Aronberg

581-03538-10

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1                   A bill to be entitled  
2           An act relating to the cooperation between schools and  
3           juvenile authorities; amending s. 985.04, F.S.;  
4           requiring that specified school personnel be notified  
5           when a child of any age is formally charged by a state  
6           attorney with a felony or a delinquent act that would  
7           be a felony if committed by an adult and the  
8           disposition of the charges; amending s. 1002.221,  
9           F.S.; authorizing certain entities to release a  
10          student's education records without consent of the  
11          student or parent to parties to an interagency  
12          agreement for specified purposes; providing that  
13          without consent such information is inadmissible in a  
14          court proceeding before a dispositional hearing;  
15          providing an effective date.

16  
17 Be It Enacted by the Legislature of the State of Florida:

18  
19           Section 1. Paragraph (b) of subsection (4) of section  
20   985.04, Florida Statutes, is amended to read:

21           985.04 Oaths; records; confidential information.—

22           (4)

23           (b) Notwithstanding paragraph (a) or any other provision of  
24   this section, when a child of any age is formally charged by a  
25   state attorney with a felony or a delinquent act that would be a  
26   felony if committed by an adult, the state attorney shall notify  
27   the superintendent of the child's school that the child has been  
28   charged with such felony or delinquent act. The information  
29   obtained by the superintendent of schools under this section

581-03538-10

20101058c2

30 must be released within 48 hours after receipt to appropriate  
31 school personnel, including the principal of the school of the  
32 child and the director of transportation. The principal must  
33 immediately notify the child's immediate classroom teachers, the  
34 child's assigned bus driver, and any other school personnel  
35 whose duties include direct supervision of the child. Upon  
36 notification, the principal is authorized to begin disciplinary  
37 actions under s. 1006.09(1)-(4). The principal must also be  
38 notified and must notify the other school personnel whose duties  
39 include direct supervision of the child of the disposition of  
40 the charges against the child.

41 Section 2. Subsection (2) of section 1002.221, Florida  
42 Statutes, is amended to read:

43 1002.221 K-12 education records.-

44 (2) (a) An agency, as defined in s. 1002.22(1)(a), or a  
45 public school, center, institution, or other entity that is part  
46 of Florida's education system under s. 1000.04(1), (3), or (4),  
47 may not release a student's education records without the  
48 written consent of the student or parent to any individual,  
49 agency, or organization, except in accordance with and as  
50 permitted by the FERPA. Education records released by an agency,  
51 as defined in s. 1002.22(1)(a), or by a public school, center,  
52 institution, or other entity that is part of Florida's education  
53 system under s. 1000.04(1), (3), or (4), to the Auditor General  
54 or the Office of Program Policy Analysis and Government  
55 Accountability, which are necessary for such agencies to perform  
56 their official duties and responsibilities, shall be used and  
57 maintained by the Auditor General and the Office of Program  
58 Policy Analysis and Government Accountability in accordance with

581-03538-10

20101058c2

59 the FERPA.

60 (b) In accordance with FERPA and the federal regulations  
61 issued pursuant to FERPA, an agency, as defined in s. 1002.22,  
62 or a public school, center, institution, or other entity that is  
63 part of Florida's education system under s. 1000.04(1), (3), or  
64 (4) may release a student's education records without written  
65 consent of the student or parent to parties to an interagency  
66 agreement among the Department of Juvenile Justice, the school,  
67 law enforcement authorities, and other signatory agencies. The  
68 purpose of such an agreement and information sharing is to  
69 reduce juvenile crime, especially motor vehicle theft, by  
70 promoting cooperation and collaboration and the sharing of  
71 appropriate information in a joint effort to improve school  
72 safety, to reduce truancy and in-school and out-of-school  
73 suspensions, and to support alternatives to in-school and out-  
74 of-school suspensions and expulsions, which provide structured  
75 and well-supervised educational programs supplemented by a  
76 coordinated overlay of other appropriate services designed to  
77 correct behaviors that lead to truancy, suspensions, and  
78 expulsions and that support students in successfully completing  
79 their education. Information provided in furtherance of an  
80 interagency agreement is intended solely for use in determining  
81 the appropriate programs and services for each juvenile or the  
82 juvenile's family, or for coordinating the delivery of the  
83 programs and services, and as such is inadmissible in any court  
84 proceeding before a dispositional hearing unless written consent  
85 is provided by a parent or other responsible adult on behalf of  
86 the juvenile.

87 Section 3. This act shall take effect July 1, 2010.