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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.

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

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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

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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 superintendent 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

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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.