

20101058er

1
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, and paragraph (c) is added
21 to that section, to read:

22 985.04 Oaths; records; confidential information.-

23 (4)

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

20101058er

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

39 (c) The superintendent must notify the other school
40 personnel whose duties include direct supervision of the child
41 of the disposition of the charges against the child.

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

44 1002.221 K-12 education records.—

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

20101058er

59 Policy Analysis and Government Accountability in accordance with
60 the FERPA.

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

20101058er

88

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