

CS/HB 603

2010

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

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

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

20 985.04 Oaths; records; confidential information.—

21 (4)

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

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

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

42 | 1002.221 K-12 education records.—

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

57 Policy Analysis and Government Accountability in accordance with
58 the FERPA.

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

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85 | the juvenile.

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