



232588

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/18/2015	.	
	.	
	.	
	.	

Appropriations Subcommittee on Health and Human Services
(Richter) recommended the following:

Senate Amendment (with title amendment)

Between lines 51 and 52

insert:

Section 1. Paragraph (b) of subsection (2) of section
39.0016, Florida Statutes, is amended to read:

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

(2) AGENCY AGREEMENTS.—



232588

11 (b) The department shall enter into agreements with
12 district school boards or other local educational entities
13 regarding education and related services for children known to
14 the department who are of school age and children known to the
15 department who are younger than school age but who would
16 otherwise qualify for services from the district school board.
17 Such agreements shall include, but are not limited to:

18 1. A requirement that the department shall:

19 a. Ensure ~~Enroll~~ children known to the department are
20 enrolled in school or in the best educational setting that meets
21 the needs of the child. The agreement shall provide for
22 continuing the enrollment of a child known to the department at
23 the ~~same~~ school of origin when, if possible if it is in the best
24 interest of the child, with the goal of minimal ~~avoiding~~
25 disruption of education.

26 b. Notify the school and school district in which a child
27 known to the department is enrolled of the name and phone number
28 of the child known to the department caregiver and caseworker
29 for child safety purposes.

30 c. Establish a protocol for the department to share
31 information about a child known to the department with the
32 school district, consistent with the Family Educational Rights
33 and Privacy Act, since the sharing of information will assist
34 each agency in obtaining education and related services for the
35 benefit of the child. The protocol must require the district
36 school boards or other local educational entities to access the
37 department's Florida Safe Families Network to obtain information
38 about children known to the department, consistent with the
39 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.



232588

40 1232g.

41 d. Notify the school district of the department's case
42 planning for a child known to the department, both at the time
43 of plan development and plan review. Within the plan development
44 or review process, the school district may provide information
45 regarding the child known to the department if the school
46 district deems it desirable and appropriate.

47 e. Show no prejudice against out-of-home caregivers who
48 desire to educate at home any children placed in their home
49 through the child welfare system.

50 2. A requirement that the district school board shall:

51 a. Provide the department with a general listing of the
52 services and information available from the district school
53 board to facilitate educational access for a child known to the
54 department.

55 b. Identify all educational and other services provided by
56 the school and school district which the school district
57 believes are reasonably necessary to meet the educational needs
58 of a child known to the department.

59 c. Determine whether transportation is available for a
60 child known to the department when such transportation will
61 avoid a change in school assignment due to a change in
62 residential placement. Recognizing that continued enrollment in
63 the same school throughout the time the child known to the
64 department is in out-of-home care is preferable unless
65 enrollment in the same school would be unsafe or otherwise
66 impractical, the department, the district school board, and the
67 Department of Education shall assess the availability of
68 federal, charitable, or grant funding for such transportation.



232588

69 d. Provide individualized student intervention or an
70 individual educational plan when a determination has been made
71 through legally appropriate criteria that intervention services
72 are required. The intervention or individual educational plan
73 must include strategies to enable the child known to the
74 department to maximize the attainment of educational goals.

75 3. A requirement that the department and the district
76 school board shall cooperate in accessing the services and
77 supports needed for a child known to the department who has or
78 is suspected of having a disability to receive an appropriate
79 education consistent with the Individuals with Disabilities
80 Education Act and state implementing laws, rules, and
81 assurances. Coordination of services for a child known to the
82 department who has or is suspected of having a disability may
83 include:

84 a. Referral for screening.

85 b. Sharing of evaluations between the school district and
86 the department where appropriate.

87 c. Provision of education and related services appropriate
88 for the needs and abilities of the child known to the
89 department.

90 d. Coordination of services and plans between the school
91 and the residential setting to avoid duplication or conflicting
92 service plans.

93 e. Appointment of a surrogate parent, consistent with the
94 Individuals with Disabilities Education Act and pursuant to
95 subsection (3), for educational purposes for a child known to
96 the department who qualifies.

97 f. For each child known to the department 14 years of age



232588

98 and older, transition planning by the department and all
99 providers, including the department's independent living program
100 staff, to meet the requirements of the local school district for
101 educational purposes.

102 Section 2. Subsection (2) of section 409.145, Florida
103 Statutes, is amended to read:

104 409.145 Care of children; quality parenting; "reasonable
105 and prudent parent" standard.—The child welfare system of the
106 department shall operate as a coordinated community-based system
107 of care which empowers all caregivers for children in foster
108 care to provide quality parenting, including approving or
109 disapproving a child's participation in activities based on the
110 caregiver's assessment using the "reasonable and prudent parent"
111 standard.

112 (2) QUALITY PARENTING.—A child in foster care shall be
113 placed only with a caregiver who has the ability to care for the
114 child, is willing to accept responsibility for providing care,
115 and is willing and able to learn about and be respectful of the
116 child's culture, religion and ethnicity, special physical or
117 psychological needs, any circumstances unique to the child, and
118 family relationships. The department, the community-based care
119 lead agency, and other agencies shall provide such caregiver
120 with all available information necessary to assist the caregiver
121 in determining whether he or she is able to appropriately care
122 for a particular child.

123 (a) *Roles and responsibilities of caregivers.*—A caregiver
124 shall:

125 1. Participate in developing the case plan for the child
126 and his or her family and work with others involved in his or



232588

127 her care to implement this plan. This participation includes the
128 caregiver's involvement in all team meetings or court hearings
129 related to the child's care.

130 2. Complete all training needed to improve skills in
131 parenting a child who has experienced trauma due to neglect,
132 abuse, or separation from home, to meet the child's special
133 needs, and to work effectively with child welfare agencies, the
134 court, the schools, and other community and governmental
135 agencies.

136 3. Respect and support the child's ties to members of his
137 or her biological family and assist the child in maintaining
138 allowable visitation and other forms of communication.

139 4. Effectively advocate for the child in the caregiver's
140 care with the child welfare system, the court, and community
141 agencies, including the school, child care, health and mental
142 health providers, and employers.

143 5. Participate fully in the child's medical, psychological,
144 and dental care as the caregiver would for his or her biological
145 child.

146 6. Support the child's educational ~~school~~ success by
147 participating in ~~school~~ activities and meetings associated with
148 the child's school or other educational setting, including
149 Individual Education Plan meetings and meetings with an
150 educational surrogate if one has been appointed, assisting with
151 ~~school~~ assignments, supporting tutoring programs, ~~meeting with~~
152 ~~teachers and working with an educational surrogate if one has~~
153 ~~been appointed~~, and encouraging the child's participation in
154 extracurricular activities.

155 a. Maintaining educational stability for a child while in



232588

156 out-of-home care by allowing the child to remain in the school
157 or educational setting he or she attended before entry into out-
158 of-home care is the first priority, unless it is not in the best
159 interest of the child.

160 b. If it is not in the best interest of the child to remain
161 in his or her school or educational setting upon entry into out-
162 of-home care, the caregiver must work with the case manager,
163 guardian ad litem, teachers and guidance counselors, and
164 educational surrogate if one has been appointed, to determine
165 the best educational setting for the child. Those settings may
166 include a public school that is not the school of origin, a
167 private school pursuant to s. 1002.42, virtual education
168 programs pursuant to s. 1002.45, or education at home pursuant
169 to s. 1002.41.

170 7. Work in partnership with other stakeholders to obtain
171 and maintain records that are important to the child's well-
172 being, including child resource records, medical records, school
173 records, photographs, and records of special events and
174 achievements.

175 8. Ensure that the child in the caregiver's care who is
176 between 13 and 17 years of age learns and masters independent
177 living skills.

178 9. Ensure that the child in the caregiver's care is aware
179 of the requirements and benefits of the Road-to-Independence
180 Program.

181 10. Work to enable the child in the caregiver's care to
182 establish and maintain naturally occurring mentoring
183 relationships.

184 (b) *Roles and responsibilities of the department, the*



232588

185 *community-based care lead agency, and other agency staff.*—The
186 department, the community-based care lead agency, and other
187 agency staff shall:

188 1. Include a caregiver in the development and
189 implementation of the case plan for the child and his or her
190 family. The caregiver shall be authorized to participate in all
191 team meetings or court hearings related to the child's care and
192 future plans. The caregiver's participation shall be facilitated
193 through timely notification, an inclusive process, and
194 alternative methods for participation for a caregiver who cannot
195 be physically present.

196 2. Develop and make available to the caregiver the
197 information, services, training, and support that the caregiver
198 needs to improve his or her skills in parenting children who
199 have experienced trauma due to neglect, abuse, or separation
200 from home, to meet these children's special needs, and to
201 advocate effectively with child welfare agencies, the courts,
202 schools, and other community and governmental agencies.

203 3. Provide the caregiver with all information related to
204 services and other benefits that are available to the child.

205 4. Show no prejudice against a caregiver who desires to
206 educate at home any children placed in his or her home through
207 the child welfare system.

208 (c) *Transitions.*—

209 1. Once a caregiver accepts the responsibility of caring
210 for a child, the child will be removed from the home of that
211 caregiver only if:

212 a. The caregiver is clearly unable to safely or legally
213 care for the child;



232588

214 b. The child and his or her biological family are
215 reunified;

216 c. The child is being placed in a legally permanent home
217 pursuant to the case plan or a court order; or

218 d. The removal is demonstrably in the child's best
219 interest.

220 2. In the absence of an emergency, if a child leaves the
221 caregiver's home for a reason provided under subparagraph 1.,
222 the transition must be accomplished according to a plan that
223 involves cooperation and sharing of information among all
224 persons involved, respects the child's developmental stage and
225 psychological needs, ensures the child has all of his or her
226 belongings, allows for a gradual transition from the caregiver's
227 home and, if possible, for continued contact with the caregiver
228 after the child leaves.

229 (d) *Information sharing.*—Whenever a foster home or
230 residential group home assumes responsibility for the care of a
231 child, the department and any additional providers shall make
232 available to the caregiver as soon as is practicable all
233 relevant information concerning the child. Records and
234 information that are required to be shared with caregivers
235 include, but are not limited to:

236 1. Medical, dental, psychological, psychiatric, and
237 behavioral history, as well as ongoing evaluation or treatment
238 needs;

239 2. School records;

240 3. Copies of his or her birth certificate and, if
241 appropriate, immigration status documents;

242 4. Consents signed by parents;



232588

- 243 5. Comprehensive behavioral assessments and other social
244 assessments;
245 6. Court orders;
246 7. Visitation and case plans;
247 8. Guardian ad litem reports;
248 9. Staffing forms; and
249 10. Judicial or citizen review panel reports and
250 attachments filed with the court, except confidential medical,
251 psychiatric, and psychological information regarding any party
252 or participant other than the child.

253 (e) *Caregivers employed by residential group homes.*—All
254 caregivers in residential group homes shall meet the same
255 education, training, and background and other screening
256 requirements as foster parents.

257

258 ===== T I T L E A M E N D M E N T =====

259 And the title is amended as follows:

260 Delete line 2

261 and insert:

262 An act relating to adoption and foster care; amending
263 s. 39.0016, F.S.; revising what the Department of
264 Children and Families must do when required to enter
265 into agreements with specified entities; amending s.
266 409.145, F.S.; revising caregiver roles and
267 responsibilities; revising the roles and
268 responsibilities of the department, the community-
269 based care lead agency, and other agency staff;
270 creating