

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 1121 w/CS Relating to Children in the Custody of the State/DCFS

**SPONSOR(S):** Mealor

**TIED BILLS:** **IDEN./SIM. BILLS:** SB 2744

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REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) Children's Services (Sub.)	6 Y, 0 N	Walsh	Liem
2) Future of Florida's Families	16 Y, 0 N w/CS	Walsh	Liem
3) State Administration			
4) Human Services Appropriations (Sub.)			
5) Appropriations			

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### SUMMARY ANALYSIS

CS for HB 1121 requires the Department of Children and Families (DCF) to enter into an agreement with the Department of Education (DOE) regarding the education and related care of children known to DCF in order to provide those children with educational access.

The CS requires DCF to enter into interagency agreements with district school boards and other educational entities, and specifies the contents of those agreements.

The CS requires DCF to provide the school district notice of and access to its case planning and review process.

DCF is required to coordinate with DOE and the local school districts regarding training required by this act, and DCF is to include in its training certain specific components.

The CS provides that this act establishes goals and not rights; that nothing in the act requires delivery of a particular service or level of service above existing appropriations; and that no cause of action accrues from the adoption of these goals or failure to provide funding for their attainment.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

**STORAGE NAME:** h1121b.fff.doc

**DATE:** April 9, 2003

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. DOES THE BILL:

- |                                      |                              |                             |   |
|--------------------------------------|------------------------------|-----------------------------|---|
| 1. Reduce government?                | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes?                      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. Expand individual freedom?        | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. Empower families?                 | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

#### B. EFFECT OF PROPOSED CHANGES:

Many children in foster care struggle academically and socially. Compared with other students, children in foster care have poorer academic performance and classroom achievement; have poorer attendance records and change schools more frequently.<sup>1</sup> Frequent school changes force these children to repeatedly adjust to different educational experiences, expectations and environments, at a time when their home lives are already disrupted.<sup>2</sup> According to a study conducted by the School Board of Broward County, foster students were more likely to be retained within grade and scored lower on standardized achievement tests when compared to non-foster care students.<sup>3</sup> This is an issue being discussed nationwide, and those involved in the debate agree that communication and cooperation among the social service agencies, the schools and the caregivers will improve outcomes for these children.<sup>4</sup>

Currently, there is no statewide interagency agreement between the Department of Children and Families (DCF) and the Department of Education (DOE) regarding the education and related care of children under the supervision or in the custody of DCF.

Some interagency agreements exist at the local district and/or county level. In Broward County, DCF has interagency agreements with the following agencies: the Department of Juvenile Justice, Circuit 17, the School Board of Broward County, and the Chiefs of Police Association. These agreements address some but not all of the elements required by this legislation.

In addition, DCF has committed as part of its Performance Improvement Plan (PIP), entered into with the Administration for Children and Families,<sup>5</sup> to develop a model working agreement with DOE to improve communication to better identify and address foster children’s educational needs. This will address several of the requirements imposed by the bill.

The CS requires DCF or to enter into an agreement with DOE regarding the education and related care of children known to DCF in order to provide those children with educational access.

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<sup>1</sup> *From Barriers to Successful Collaboration: Public Schools and Child Welfare Working Together*, Sandra J. Altshuler, *Social Work*, p. 52, January 2003 [internal citations omitted].

<sup>2</sup> *School Support for Foster Families*, Wendy Schwartz, ERIC/CUE Digest, ED434189, September, 2000.

<sup>3</sup> *Research Brief*, January 2003.

<sup>4</sup> See, e.g., *Lost in the Shuffle Revisited: The Education Law Center’s Report on the Education of Children in Foster Care in Pennsylvania*,

<sup>5</sup> Outcome Well-Being 2 Children Receive Appropriate Service to Meet their Educational Needs, Item 21 Education Needs of the Child, Action Step 1, Revised PIP, 3/16/03

The CS requires DCF the community based care lead agency in the district (lead agency) to enter into interagency agreements with district school boards and other educational entities, and specifies the contents of those agreements:

- DCF or the lead agency's responsibility for enrolling the child in school or continuing enrollment in the current school to avoid disruption
- DCF or the lead agency's responsibility to request that the school district identify all educational and other district-provided services for the child.
- A protocol for information sharing between DCF or the lead agency and the school district
- Whether transportation to avoid a change in schools is available, and whether funding for that transportation is available.
- Cooperation in assessing services and supports for a disabled child to receive an appropriate education
- Coordination of services for a disabled child
- Provision of individualized student intervention or individual education plans

DCF or the lead agency must provide the school district notice of and access to its case planning and review process.

DCF must coordinate with DOE and the local school districts regarding training required by this act. DCF must include in its training the following components:

- Training for surrogate parents on the effects of abuse on a child's ability to learn
- Training for parents and preadoptive parents on accessing educational services
- Training for caseworkers and foster parents on a child's right to an education
- Training of DCF contractors on the education of children

The CS provides that this act establishes goals and not rights; that nothing in the act requires delivery of a particular service or level of service above existing appropriations; and that no cause of action accrues from the adoption of these goals or failure to provide funding for their attainment.

#### C. SECTION DIRECTORY:

**Section 1:** Requires DCF to enter into an agreement with DOE; requires DCF or the lead agency to enter into interagency agreements with district school boards and other educational entities, and specifies the contents of those agreements; requires DCF or lead agency to provide the school district notice of and access to its case planning and review process; requires DCF to coordinate with DOE and the local school districts regarding training; requires certain specific training components.

**Section 2:** Provides that this act establishes goals and not rights; that nothing in the act requires delivery of a particular service or level of service above existing appropriations; and that no cause of action accrues from the adoption of these goals or failure to provide funding for their attainment.

**Section 3:** Provides for an effective date of July 1, 2003.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES**