



HB 1121

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CHAMBER ACTION

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The Committee on Future of Florida's Families recommends the following:

**Committee Substitute**

Remove the entire bill and insert:

A bill to be entitled

An act relating to children in custody of the state; requiring the Department of Children and Family Services to enter into interagency agreements with public or private entities for delivery of services to children in care or custody or under the supervision of the department; requiring an agreement between the department and the Department of Education; requiring an agreement between the department and district school boards; specifying provisions of each agreement; requiring access to certain information; providing training components; providing for interpretation of the act; providing an effective date.

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

Section 1. The Department of Children and Family Services shall enter into agreements, contracts, or other arrangements



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29 | with public or private entities for the purpose of facilitating  
30 | the delivery of any services or programs to children in the care  
31 | or custody or under the supervision of the department, avoiding  
32 | duplication of services or programs, or combining resources to  
33 | maximize the availability or delivery of services or programs.

34 | (1) The Department of Children and Family Services shall  
35 | enter into an agreement with the Department of Education  
36 | regarding the education and related care of children known to  
37 | the department who are in shelter care, foster care, or out-of-  
38 | home care, placed with a relative caregiver, or under protective  
39 | supervision of the department. Such agreement shall be designed  
40 | to provide educational access to children known to the  
41 | Department of Children and Family Services.

42 | (2) The Department of Children and Family Services or  
43 | community based care lead agencies shall enter into agreements  
44 | with district school boards or other local educational entities  
45 | regarding the education and related services of children in the  
46 | temporary or permanent custody of the department. The  
47 | interagency agreement between each school district and the  
48 | applicable Department of Children and Family Services district  
49 | or community based care lead agency for such district shall  
50 | include, but not be limited to:

51 | (a) Responsibility by the Department of Children and  
52 | Family Services or community based care lead agency for  
53 | enrolling the child in school or continuing the child's  
54 | enrollment at the same school to avoid disruption of education  
55 | from the time of shelter until other appropriate arrangements  
56 | can be made.



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57 | (b) A requirement that the Department of Children and  
58 | Family Services or community based care lead agency request the  
59 | school district in which a child in its custody is enrolled to  
60 | identify all educational and other school and school district-  
61 | provided services that the school district believes are  
62 | reasonably necessary to meet the child's educational needs. The  
63 | department or community based care lead agency shall notify the  
64 | school and school district in which the child is enrolled of the  
65 | name and phone number of the child's caregiver and caseworker  
66 | for child safety purposes. The Department of Children and Family  
67 | Services shall be responsible for familiarizing its agents with  
68 | the services and information available through the Department of  
69 | Education and local school districts, including, but not limited  
70 | to, the current Sunshine State Standards, the Surrogate Parent  
71 | Training Manual, and other resources accessible through the  
72 | Department of Education or local school districts to facilitate  
73 | educational access for a child in the care of the Department of  
74 | Children and Family Services.

75 | (c) A protocol for the Department of Children and Family  
76 | Services or community based care lead agency to share  
77 | information about a child with the school district, consistent  
78 | with the Family Educational Rights and Privacy Act, since the  
79 | sharing of information will assist each agency in obtaining  
80 | education and related services for the benefit of the child.

81 | (d) Whether transportation is available for a child in  
82 | state custody when such transportation will avoid a change in  
83 | school assignment due to a change in residential placement.  
84 | Recognizing that continued enrollment in the same school



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85 throughout the child's time in out-of-home care is preferable  
86 unless enrollment in the same school would be unsafe or  
87 otherwise impractical, the Department of Children and Family  
88 Services or community based care lead agency and the Department  
89 of Education shall assess the availability of funding for  
90 transportation, including, but not limited to, whether the child  
91 qualifies under the McKinney-Vento Homeless Assistance Act or  
92 the Individuals with Disabilities Education Act.

93 (e) Cooperation in accessing the services and supports  
94 needed for a child who has or is suspected of having a  
95 disability to receive an appropriate education consistent with  
96 the Individuals with Disabilities Education Act and state  
97 implementing laws, rules, and assurances.

98 (f) Coordination of services for a child who has or is  
99 suspected of having a disability, to include:

- 100 1. Referral for screening.
- 101 2. Sharing of evaluations between the school district and  
102 the Department of Children and Family Services or community  
103 based care lead agency where appropriate.
- 104 3. Provision of education and related services appropriate  
105 for the child's needs and abilities.
- 106 4. Coordination of services and plans between the school  
107 and the residential setting to avoid duplication or conflicting  
108 service plans.
- 109 5. Appointment of a surrogate parent, consistent with the  
110 Individuals with Disabilities Education Act, for educational  
111 purposes for a child who qualifies as soon as the child is  
112 determined to be dependent and without a parent to act for the



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113 child. The surrogate parent shall be appointed by the school  
114 district without regard to where the child is placed so that one  
115 surrogate parent can follow the child's education during his or  
116 her entire time in state custody.

117 6. For each child 14 years of age and older, transition  
118 planning by the Department of Children and Family Services or  
119 community based care lead agency and all providers, including  
120 the department's independent living program staff, to meet the  
121 requirements of the local school district for educational  
122 purposes.

123 (g) Provision of individualized student intervention or an  
124 individual educational plan when a determination has been made  
125 through legally appropriate criteria that intervention services  
126 are required.

127 (3) The Department of Children and Family Services or  
128 community based care lead agency shall provide notification and  
129 access to the school district of the department's or community  
130 based care lead agency's case planning for a child, both at the  
131 time of plan development and plan review, to enable the school  
132 district to provide information regarding the child during these  
133 critical processes if the school district deems it desirable and  
134 appropriate.

135 (4) The Department of Children and Family Services shall  
136 coordinate with the Department of Education and the local school  
137 districts with respect to training required to implement this  
138 section in order to offer opportunities for education personnel  
139 to participate in such training. Such coordination shall  
140 include, but not be limited to, notice of training sessions,



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141 opportunities to purchase training materials, proposals to avoid  
142 duplication of services by offering joint training, and  
143 incorporation of materials available from the Department of  
144 Education and local school districts into the Department of  
145 Children and Family Services training when appropriate. The  
146 Department of Children and Family Services training components  
147 shall include the following:

148 (a) Training for surrogate parents to include the effects  
149 of abuse, neglect, and removal from home on the child's ability  
150 to learn.

151 (b) Training for parents in cases in which reunification  
152 is the goal or for preadoptive parents when adoption is the  
153 goal, so that parents learn how to access the services the child  
154 needs and the importance of their involvement in the child's  
155 education.

156 (c) Training for caseworkers and foster parents to include  
157 information on the child's right to an education, the role of an  
158 education in the child's development and adjustment, the proper  
159 ways to access education and related services for the child, and  
160 the importance and strategies for parental involvement in  
161 education for the success of the child.

162 (d) Training of Department of Children and Family Services  
163 contractors and school-leased contractors with respect to the  
164 education of children and related issues.

165 Section 2. The provisions of this act establish goals and  
166 not rights. Nothing in this act shall be interpreted as  
167 requiring the delivery of any particular service or level of  
168 service in excess of existing appropriations. No person shall



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169 | have a cause of action against the state or any of its  
170 | subdivisions, agencies, contractors, subcontractors, or agents  
171 | based upon the passage of this act or failure by the Legislature  
172 | to provide adequate funding for the achievement of these goals.  
173 | Nothing in this act shall require the expenditure of funds to  
174 | meet the goals established in this act except funds specifically  
175 | appropriated for such purpose.

176 |       Section 3. This act shall take effect July 1, 2003.