

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Judiciary Committee

BILL: CS/SB 1372

INTRODUCER: Judiciary Committee and Senator Wise

SUBJECT: Foster Care Pilot Program/Duval Co.

DATE: March 24, 2006

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sanford</u>	<u>Whiddon</u>	<u>CF</u>	Favorable
2.	<u>Chinn</u>	<u>Maclure</u>	<u>JU</u>	Fav/CS
3.	_____	_____	<u>HA</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill creates a Community Advisory Panel on Foster Care Pilot Program in Duval County. It provides that the purpose of the pilot program is to identify educational needs and follow-up strategies for foster children age six through 12 years enrolled in the Duval County school system. The goal of the program is to ensure that children in foster care will be tested appropriately and placed in an educational environment that optimizes their opportunity for success.

The community-based care lead agency for foster care and adoption in Duval County (the agency) is given the responsibility of providing administrative support to for the Community Advisory Panel on Foster Care created by the bill. The agency is also directed to employ a full-time project coordinator and a full-time psychologist for the pilot program.

The chief judge for the Fourth Judicial Circuit, or another judge designated by the chief judge who is the lead judge in the area of dependency and adoption, shall chair the new panel. The chief judge, or the judge designated by the chief judge, is directed to appoint four members to the panel. The other members are to be selected by the Secretary of Children and Family Services (four members), the county school board (four members), and the guardian ad litem program for Duval County (three members).

The bill describes the duties of the panel and of the project coordinator for the pilot project. It requires the development of a research component for the program and provides that the program will expire on July 1, 2009.

The bill includes an appropriation of \$300,000 from the General Revenue Fund to the Fourth Circuit Court in Duval County to be used to implement the bill and requires the court to contract with the agency for services associated with the administration of the pilot program.

This bill creates an unnumbered section of the Florida Statutes.

II. Present Situation:

According to the Department of Children and Family Services (DCF), the case plans that are developed for children in foster care contain statements about the educational needs of children, and the service providers are expected to work with the schools to meet these needs. However, there is currently no mechanism in place to assess the educational needs of children in foster care and to facilitate meeting those needs.

Chapter 2004-356, L.O.F., codified in s. 39.0016(3), F.S., requires DCF to enter into interagency agreements with the Department of Education and local school boards regarding educational issues relating to children known to the department. Section 39.0016(4)(b)2., F.S., requires district school boards to identify all educational and other services provided by the school and district school boards which they believe are reasonably necessary to meet the educational requirements of children known to the department. Also, the district school board is required to provide individualized student intervention or an individual educational plan when a determination has been made through legally appropriate criteria that intervention services are required.¹ Section 39.0016(4)(c), F.S., requires DCF and the district school boards to cooperate in accessing the appropriate services for children known to the department who have or are suspected to have a disability. This section allows the school district to share information regarding children known to the department with DCF.

In response to the requirements of s. 39.0016, F.S., DCF reports that an interagency agreement has been reached and is currently being circulated for signatures. The parties to the agreement are the Duval County Board of Education, DCF, Family Support Services of North Florida (the community-based care lead agency for Duval County), and the Agency for Workforce Innovation. In addition, the community-based care lead agency participates in the Duval County Court Improvement Project. The issue of educational needs of children known to DCF is a standing agenda item for that group, included on the action plan for follow-up as needed. This same lead agency also participates in the special work group developed by Duval County Circuit Judge David Gooding, established to improve services for foster children. This group recommended the pilot project established by this bill.

III. Effect of Proposed Changes:

This bill creates a Community Advisory Panel on Foster Care Pilot Program in Duval County. It provides that the purpose of the pilot program is to identify educational needs and follow-up strategies for foster children age six through 12 years enrolled in the Duval County school system. The goal of the program is to ensure that children in foster care will be tested appropriately and placed in an educational environment that optimizes their opportunity for success.

¹ Section 39.0016(4)(b)4., F.S.

The community-based care lead agency for foster care and adoption in Duval County (the agency) is given the responsibility of providing administrative support for the Community Advisory Panel on Foster Care created by the bill. The agency is also directed to employ a full-time project coordinator and a full-time psychologist for the pilot program.

The chief judge for the Fourth Judicial Circuit, or another judge designated by the chief judge who is the lead judge in the area of dependency and adoption, shall chair the new panel. The chief judge, or the judge designated by the chief judge, is directed to appoint four members to the panel. The other members are to be selected by the Secretary of Children and Family Services (four members), the county school board (four members), and the guardian ad litem program for Duval County (three members).

The bill describes the duties of the panel and of the project coordinator for the pilot project. These duties include reviewing the academic progress, behavioral issues, and attendance of each student age six to 12 who is in the foster care system in Duval County. It authorizes the panel to prioritize the referral of these children for services by assessing the severity of need and recommending that the most critical needs be addressed first. It provides that students who are failing may be referred for educational testing and for additional psychological and therapeutic counseling as recommended, or both, and requires that the reasons for the school failure be determined as well as any remediation needed.

It requires the development of a research component of the program. This research component, or assessment tool, must be developed by the project coordinator. The purpose of the assessment tool is to link systems among providers of educational services, psychological services, case management, and the court system. The tasks to be accomplished by the designer of the assessment tool are set forth as:

- Discovery, including meeting with information technology staff from the Department of Children and Family Services (DCF), school board staff, and case managers;
- Development, consisting of determining the best method for data entry, the best database, and the best data format;
- Implementation, comprising completing, testing, and delivering the tool; and
- Maintenance, involving developing a maintenance plan and schedule after the initiation of the assessment methodology.

The project manager is required to submit an annual report to the Fourth Judicial Circuit Court, the State Courts Administrator, the Secretary of Children and Family Services, and to legislative officers.

The bill provides that the pilot program will expire on July 1, 2009.

The bill includes an appropriation of \$300,000 from the General Revenue Fund to the Fourth Circuit Court in Duval County to be used to implement the bill. The court is directed to contract with the community-based care lead agency for services associated with the administration of the pilot program, such as the services of the project coordinator and psychologist.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

Section 1002.22(3)(d), F.S., provides that a student's records are exempt from public disclosure under s. 119.07(1), F.S., but a student's records may be shared—without the student's consent—with a court, the Department of Children and Family Services, or a community-based care lead agency. It does not appear that this new pilot program would require any new exceptions to public records law or to privacy law to account for the foreseeable sharing of records that would be a result of the implementation of the bill.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:**A. Tax/Fee Issues:**

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Department of Children and Family Services (DCF), the appropriation of \$300,000 contained in the bill will be sufficient to implement the bill's provisions.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Summary of Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
