

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 725

Children in Foster Care

SPONSOR(S): Davis

TIED BILLS:

IDEN./SIM. BILLS: SB 916

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Committee on Healthy Families</u>	<u>9 Y, 0 N</u>	<u>Preston</u>	<u>Mitchell</u>
2) <u>Healthcare Council</u>	<u></u>	<u></u>	<u></u>
3) <u>Policy & Budget Council</u>	<u></u>	<u></u>	<u></u>
4) <u></u>	<u></u>	<u></u>	<u></u>
5) <u></u>	<u></u>	<u></u>	<u></u>

SUMMARY ANALYSIS

The 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 opportunities for success.

The Advisory Panel is to involve the cooperative efforts of the community-based care lead agency, case managers, the Duval County School Board, Nova Southeastern University, foster parents, the circuit court judge hearing foster care cases and, when feasible, natural parents of children in care. The community-based care provider in Duval County is given responsibility for administering the pilot program and is directed to employ a full-time project coordinator and a full-time psychologist for the program.

The chief judge for the Fourth Judicial Circuit or his or her designee is directed to create the Community Advisory Panel on Foster Care. The chief judge who is responsible for dependency and adoption in the Fourth Judicial Circuit or his or her designee is directed to appoint four members of the 15-member panel, and to chair the panel. The remaining members are to be selected by the Department of Children and Family Services (DCF or the department), the county school board, and the guardian ad litem program for Duval County.

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 of the program and provides that the program will expire on July 1, 2010.

It is estimated that the pilot program will cost \$263,511 for FY 2007-2008, however there is no appropriation specified in the bill.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Provide limited government – The bill establishes a pilot for foster children age six through 12 years enrolled in the Duval County school system. It provides duties and requires the hiring of 2 full-time personnel.

B. EFFECT OF PROPOSED CHANGES:

Background

According to the department, case plans that are developed for children in foster care contain statements related to the educational needs of those 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.

Current law 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.¹ District school boards are required 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.² 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.³ DCF and the district school boards are required 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.⁴

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. The 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 created by this bill.

The Bill

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 opportunities for success.

The Advisory Panel is to involve the cooperative efforts of the community-based care lead agency, case managers, the Duval County School Board, Nova Southeastern University, foster parents, the circuit court judge hearing foster care cases and, when feasible, natural parents of children in care.

¹ See s. 39.0016(3), F.S.

² See s. 39.0016(4)(b)2., F.S.

³ See s. 39.0016(4)(b)4. F.S.

⁴ See s. 39.0016(4)(c), F.S.

The community-based care provider in Duval County is given responsibility for administering the pilot program and is directed to employ a full-time project coordinator and a full-time psychologist for the program. The chief judge for the Fourth Judicial Circuit or his or her designee is directed to create the Community Advisory Panel on Foster Care.

The chief judge responsible for dependency and adoption in the Fourth Judicial Circuit or designee is directed to appoint four members of the 15-member panel, and to chair the panel. The other members are to be selected by DCF (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 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 research data must be set up 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 DCF, school board staff, and caseworkers;
- 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 court, the President of the Senate, the Speaker of the House of Representatives, the Office of the State Courts Administrator, and the Secretary of the Department of Children and Family Services.

The bill provides that the pilot program will expire on July 1, 2010.

C. SECTION DIRECTORY:

Section 1. Creates an unnumbered section of the Florida Statutes relating to the creation of the Community Advisory Panel on Foster Care Pilot Program.

Section 2. Provides an effective date July 1, 2007.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

While the bill does not contain an appropriation for the implementation of the bill, the department estimates the cost to be \$263,511 for FY 2007-2008, \$260,906 for FY 2008-2009, and \$267,763 for FY 2009-2010. This is the amount necessary to cover the project coordinator and the psychologist required by the bill.

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:

This bill does not appear to require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

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.

D. STATEMENT OF THE SPONSOR

The goal of the program is to ensure that youth who are in foster care will be tested appropriately and placed in an educational environment that optimizes their opportunities for success. Without the proper testing and follow-up, our foster care children will continue to fall behind and will not be able to compete with their peers. The pilot allows for the creation of an Advisory Panel that will directly be responsible for the needed testing and referrals to deal with the chronic academic failure, behavioral issues and attendance issues that largely attributes to the failure of our foster care children.

IV. AMENDMENTS/COUNCIL SUBSTITUTE CHANGES

On March 13, 2007, the Committee on Healthy Families adopted one amendment by the bill sponsor that makes the effective date of the bill contingent on a specific appropriation.