



**State of Florida
Department of Children and Families**

Rick Scott
Governor

Mike Carroll
Secretary

DATE: January 8, 2016

TO: Regional Managing Directors
Community-Based Care CEOs

THROUGH: David L. Fairbanks, Deputy Secretary *DF*
Vicki Abrams, Assistant Secretary for Operations *VA*
Janice Thomas, Assistant Secretary for Child Welfare *JT*

FROM: Traci Leavine, Director of Child Welfare Practice *TL*

SUBJECT: Chapter 2015-130, Laws of Florida, re Education of Children Known to the Department

PURPOSE: The purpose of this memorandum is to provide clarification and direction to case management regarding Chapter 2015-130, Laws of Florida (House Bill 7013) which became effective on July 1, 2015. This bill includes provisions related to the education of children known to the Department.

BACKGROUND: Chapter 2015-130, Laws of Florida, (Committee Substitute for House Bill No. 7013) includes specific recommendations for children known to the Department to be educated in the best educational setting that meets their needs and with minimal disruption to their education. The law prohibits prejudice against those caregivers who desire to educate children at home. Below are the specific requirements of the law.

The following changes to sections 39.016 and 63.042, F.S., concern the education of children known to the Department:

- Children known to the Department must be enrolled in school or the best educational setting that meets the needs of the child. Local agreements shall provide for continuing the enrollment of a child at the school of origin when possible, if it is in the best interest of the child, with the goal of minimal disruption of education.
- No prejudice shall be shown against a caregiver who desires to educate at home a child placed in his or her home through the child welfare system.
- No person eligible under this section shall be prohibited from adopting solely because he or she desires to educate the adopted child at home.

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Mission: Work in Partnership with Local Communities to Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and Advance Personal and Family Recovery and Resiliency

ACTION NEEDED: Please distribute this memo to both Child Protective Investigators and Community-Based Care Lead Agency staff.

The following factors must be considered to ensure the selected educational setting is in the best interests of the child:

- Attempts to maintain the child in the child's school of origin must be made prior to considering a change of the child's educational setting.
- The child's permanency goal and the time frame for achieving permanency should be considered prior to making a change. For example, if the child's goal is reunification it may not be in the child's best interest to change the child's educational setting multiple times during the out-of-home placement and reunification process.
- Evaluation of the educational environment selected to determine if it is able to meet all of the child's educational needs. If the child has an existing Individual Education Plan or other special educational needs then all of the services and accommodations provided for in that plan shall be accessible to the child in any selected educational setting.
- It is highly recommended that any decision by a caregiver to educate a child at home be approved by the Community-Based Care Lead Agency CEO or designee of the CEO. The approval should take into account the suggestions and concerns of all the child welfare partners involved with the child in ensuring the child's permanency and well-being needs are met. These partners include but are not limited to the following: Case Manager, Guardian Ad Litem, child's parents, caregiver, counselor, and school personnel who have worked with the child.

CONTACT INFORMATION: Should you have questions about this communication, please contact Amy Hand, Office of Child Welfare, at 850-717-4491 or via e-mail at amy.hand@myflfamilies.com.