An act relating to the education for children in shelter care or foster care and exceptional students; amending s. 39.0016, F.S.; defining the term “surrogate parent”; requiring the Department of Education and district school boards to access the Florida Safe Families Network to obtain information about children known to the Department of Children and Family Services; providing legislative intent; providing conditions and requirements for district school superintendent or court appointment of a surrogate parent for educational decisionmaking for a child who has or is suspected of having a disability; providing requirements for educational placement; providing requirements relating to qualifications and responsibilities of surrogate parents; limiting liability; amending s. 39.202, F.S.; providing for access to certain records to liaisons between school districts and the Department of Children and Family Services; amending s. 39.402, F.S.; requiring access to a child’s medical records and educational records if a child is placed in a shelter; authorizing appointment of a surrogate parent; amending s. 39.701, F.S.; requiring the court and citizen review panel in judicial reviews to consider testimony by a surrogate parent for educational decisionmaking; providing for additional deliberations relating to appointment of an educational decisionmaker; requiring certain documentation relating to the educational setting;
30 amending s. 1003.21, F.S.; providing access to free
31 public education for children known to the department;
32 authorizing a temporary exemption relating to school
33 attendance; amending s. 1003.22, F.S.; authorizing a
34 temporary exemption from school-entry health
35 examinations for children known to the department;
36 amending s. 1003.57, F.S.; providing definitions;
37 requiring the Department of Children and Family
38 Services, the Agency for Health Care Administration,
39 and residential facilities licensed by the Agency for
40 Persons with Disabilities to notify certain school
41 districts following the placement of an exceptional
42 student in a private residential care facility;
43 requiring that an exceptional student be enrolled in
44 school; requiring review of the student’s individual
45 educational plan; providing for determining
46 responsibility for educational instruction; requiring
47 the school district to report the student for funding
48 purposes; requiring the Department of Education, in
49 consultation with specified agencies, to develop
50 procedures for the placement of students in
51 residential care facilities; requiring the State Board
52 of Education to adopt rules; requiring a cooperative
53 agreement between the Department of Education and
54 agencies, to be executed on or before January 1, 2010;
55 prescribing conditions and requirements for the
56 agreement; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:
Section 1. Section 39.0016, Florida Statutes, is amended to read:

39.0016 Education of abused, neglected, and abandoned children; agency agreements; children having or suspected of having a disability.—

(1) DEFINITIONS.—As used in this section, the term:
(a) “Children known to the department” means children who are found to be dependent or children in shelter care.
(b) “Department” means the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.
(c) “Surrogate parent” means an individual appointed to act in the place of a parent in educational decisionmaking and in safeguarding a child’s rights under the Individuals with Disabilities Education Act and this section.

(2) The provisions of this section establish goals and not rights. This section does not require the delivery of any particular service or level of service in excess of existing appropriations. A person may not maintain a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents based upon this section becoming law or failure by the Legislature to provide adequate funding for the achievement of these goals. This section does not require the expenditure of funds to meet the goals established in this section except funds specifically appropriated for such purpose.

(2) AGENCY AGREEMENTS.—
(a)(3) The department shall enter into an agreement with the Department of Education regarding the education and related care of children known to the department. Such agreement shall be designed to provide educational access to children known to the department for the purpose of facilitating the delivery of services or programs to children known to the department. The agreement shall avoid duplication of services or programs and shall provide for combining resources to maximize the availability or delivery of services or programs. The agreement must require the Department of Education to access the department’s Florida Safe Families Network to obtain information about children known to the department, consistent with the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g.

(b)(4) The department shall enter into agreements with district school boards or other local educational entities regarding education and related services for children known to the department who are of school age and children known to the department who are younger than school age but who would otherwise qualify for services from the district school board. Such agreements shall include, but are not limited to:

1. (a) A requirement that the department shall:
   a. Enroll children known to the department in school. The agreement shall provide for continuing the enrollment of a child known to the department at the same school, if possible, with the goal of avoiding disruption of education.
   b. Notify the school and school district in which a child known to the department is enrolled of the name and phone number of the child known to the department caregiver and caseworker.
for child safety purposes.

c. Establish a protocol for the department to share
information about a child known to the department with the
school district, consistent with the Family Educational Rights
and Privacy Act, since the sharing of information will assist
each agency in obtaining education and related services for the
benefit of the child. The protocol must require the district
school boards or other local educational entities to access the
department’s Florida Safe Families Network to obtain information
about children known to the department, consistent with the
1232g.

d. Notify the school district of the department’s case
planning for a child known to the department, both at the time
of plan development and plan review. Within the plan development
or review process, the school district may provide information
regarding the child known to the department if the school
district deems it desirable and appropriate.

2.(b) A requirement that the district school board shall:
   a. Provide the department with a general listing of the
services and information available from the district school
board, including, but not limited to, the current Sunshine State
Standards, the Surrogate Parent Training Manual, and other
resources accessible through the Department of Education or
local school districts to facilitate educational access for a
child known to the department.
   b. Identify all educational and other services provided
by the school and school district which the school district
believes are reasonably necessary to meet the educational needs
of a child known to the department.

  c.  Determine whether transportation is available for a child known to the department when such transportation will avoid a change in school assignment due to a change in residential placement. Recognizing that continued enrollment in the same school throughout the time the child known to the department is in out-of-home care is preferable unless enrollment in the same school would be unsafe or otherwise impractical, the department, the district school board, and the Department of Education shall assess the availability of federal, charitable, or grant funding for such transportation.

  d.  Provide individualized student intervention or an individual educational plan when a determination has been made through legally appropriate criteria that intervention services are required. The intervention or individual educational plan must include strategies to enable the child known to the department to maximize the attainment of educational goals.

  3.  A requirement that the department and the district school board shall cooperate in accessing the services and supports needed for a child known to the department who has or is suspected of having a disability to receive an appropriate education consistent with the Individuals with Disabilities Education Act and state implementing laws, rules, and assurances. Coordination of services for a child known to the department who has or is suspected of having a disability may include:

     a.  Referral for screening.
     b.  Sharing of evaluations between the school district and the department where appropriate.
c. Provision of education and related services appropriate for the needs and abilities of the child known to the department.

d. Coordination of services and plans between the school and the residential setting to avoid duplication or conflicting service plans.

e. Appointment of a surrogate parent, consistent with the Individuals with Disabilities Education Act and pursuant to subsection (3), for educational purposes for a child known to the department who qualifies as soon as the child is determined to be dependent and without a parent to act for the child. The surrogate parent shall be appointed by the school district without regard to where the child known to the department is placed so that one surrogate parent can follow the education of the child known to the department during his or her entire time in state custody.

f. For each child known to the department 14 years of age and older, transition planning by the department and all providers, including the department’s independent living program staff, to meet the requirements of the local school district for educational purposes.

(c) This subsection establishes standards and not rights. This subsection does not require the delivery of any particular service or level of service in excess of existing appropriations. A person may not maintain a cause of action against the state or any of its subdivisions, agencies, contractors, subcontractors, or agents based upon this subsection becoming law or failure by the Legislature to provide adequate funding for the achievement of these standards. This
subsection does not require the expenditure of funds to meet the
standards established in this subsection except funds
specifically appropriated for such purpose.

(3) CHILDREN HAVING OR SUSPECTED OF HAVING A DISABILITY.—

(a)1. The Legislature finds that disability is a natural
part of the human experience and in no way diminishes the right
of individuals to participate in or contribute to society.
Improving educational results for children with disabilities is
an essential element of our public policy of ensuring equality
of opportunity, full participation, independent living, and
economic self-sufficiency for individuals with disabilities.

2. The Legislature also finds that research and experience
have shown that the education of children with disabilities can
be made more effective by:

   a. Having high expectations for these children and ensuring
their access to the general education curriculum in the regular
classroom, to the maximum extent possible.
   
   b. Providing appropriate exceptional student education,
related services, and aids and supports in the least restrictive
environment appropriate for these children.
   
   c. Having a trained, interested, and consistent educational
decisionmaker for the child when the parent is determined to be
legally unavailable or when the foster parent is unwilling, has
no significant relationship with the child, or is not trained in
the exceptional student education process.

3. It is, therefore, the intent of the Legislature that all
children with disabilities known to the department, consistent
with the Individuals with Disabilities Education Act, have
available to them a free, appropriate public education that
emphasizes exceptional student education and related services
designed to meet their unique needs and prepare them for further
education, employment, and independent living and that the
rights of children with disabilities are protected.

(b) 1. Each district school superintendent or dependency
court must appoint a surrogate parent for a child known to the
department who has or is suspected of having a disability, as
defined in s. 1003.01(3), when:
   a. After reasonable efforts, no parent can be located; or
   b. A court of competent jurisdiction over a child under
this chapter has determined that no person has the authority
under the Individuals with Disabilities Education Act, including
the parent or parents subject to the dependency action, or that
no person has the authority, willingness, or ability to serve as
the educational decisionmaker for the child without judicial
action.

2. A surrogate parent appointed by the district school
superintendent or the court must be at least 18 years old and
have no personal or professional interest that conflicts with
the interests of the student to be represented. Neither the
district school superintendent nor the court may appoint an
employee of the Department of Education, the local school
district, a community-based care provider, the Department of
Children and Family Services, or any other public or private
agency involved in the education or care of the child as
appointment of those persons is prohibited by federal law. This
prohibition includes group home staff and therapeutic foster
parents. However, a person who acts in a parental role to a
child, such as a foster parent or relative caregiver, is not
prohibited from serving as a surrogate parent if he or she is
employed by such agency, willing to serve, and knowledgeable
about the child and the exceptional student education process.
The surrogate parent may be a court-appointed guardian ad litem
or a relative or nonrelative adult who is involved in the
child’s life regardless of whether that person has physical
custody of the child. Each person appointed as a surrogate
parent must have the knowledge and skills acquired by
successfully completing training using materials developed and
approved by the Department of Education to ensure adequate
representation of the child.

3. If a guardian ad litem has been appointed for a child,
the district school superintendent must first consider the
child’s guardian ad litem when appointing a surrogate parent.
The district school superintendent must accept the appointment
of the court if he or she has not previously appointed a
surrogate parent. Similarly, the court must accept a surrogate
parent duly appointed by a district school superintendent.

4. A surrogate parent appointed by the district school
superintendent or the court must be accepted by any subsequent
school or school district without regard to where the child is
receiving residential care so that a single surrogate parent can
follow the education of the child during his or her entire time
in state custody. Nothing in this paragraph or in rule shall
limit or prohibit the continuance of a surrogate parent
appointment when the responsibility for the student’s
educational placement moves among and between public and private
agencies.

5. For a child known to the department, the responsibility
to appoint a surrogate parent resides with both the district
school superintendent and the court with jurisdiction over the
child. If the court elects to appoint a surrogate parent, notice
shall be provided as soon as practicable to the child’s school.
At any time the court determines that it is in the best
interests of a child to remove a surrogate parent, the court may
appoint a new surrogate parent for educational decisionmaking
purposes for that child.

6. The surrogate parent shall continue in the appointed
role until one of the following occurs:
   a. The child is determined to no longer be eligible or in
   need of special programs, except when termination of special
   programs is being contested.
   b. The child achieves permanency through adoption or legal
   guardianship and is no longer in the custody of the department.
   c. The parent who was previously unknown becomes known,
   whose whereabouts were unknown is located, or who was
   unavailable is determined by the court to be available.
   d. The appointed surrogate no longer wishes to represent
   the child or is unable to represent the child.
   e. The superintendent of the school district in which the
   child is attending school, the Department of Education contract
   designee, or the court that appointed the surrogate determines
   that the appointed surrogate parent no longer adequately
   represents the child.
   f. The child moves to a geographic location that is not
   reasonably accessible to the appointed surrogate.

7. The appointment and termination of appointment of a
surrogate under this paragraph shall be entered as an order of
the court with a copy of the order provided to the child’s school as soon as practicable.

8. The person appointed as a surrogate parent under this paragraph must:
   a. Be acquainted with the child and become knowledgeable about his or her disability and educational needs.
   b. Represent the child in all matters relating to identification, evaluation, and educational placement and the provision of a free and appropriate education to the child.
   c. Represent the interests and safeguard the rights of the child in educational decisions that affect the child.

9. The responsibilities of the person appointed as a surrogate parent shall not extend to the care, maintenance, custody, residential placement, or any other area not specifically related to the education of the child, unless the same person is appointed by the court for such other purposes.

10. A person appointed as a surrogate parent shall enjoy all of the procedural safeguards afforded a parent with respect to the identification, evaluation, and educational placement of a student with a disability or a student who is suspected of having a disability.

11. A person appointed as a surrogate parent shall not be held liable for actions taken in good faith on behalf of the student in protecting the special education rights of the child.

(4) (5) TRAINING.—The department shall incorporate an education component into all training programs of the department regarding children known to the department. Such training shall be coordinated with the Department of Education and the local school districts. The department shall offer opportunities for
education personnel to participate in such training. Such
coordination shall include, but not be limited to, notice of
training sessions, opportunities to purchase training materials,
proposals to avoid duplication of services by offering joint
training, and incorporation of materials available from the
Department of Education and local school districts into the
department training when appropriate. The department training
components shall include:

(a) Training for surrogate parents to include how an
ability to learn of a child known to the department is affected
by abuse, abandonment, neglect, and removal from the home.

(b) Training for parents in cases in which reunification is
the goal, or for preadoptive parents when adoption is the goal,
so that such parents learn how to access the services the child
known to the department needs and the importance of their
involvement in the education of the child known to the
department.

(c) Training for caseworkers and foster parents to include
information on the right of the child known to the department to
an education, the role of an education in the development and
adjustment of a child known to the department, the proper ways
to access education and related services for the child known to
the department, and the importance and strategies for parental
involvement in education for the success of the child known to
the department.

(d) Training of caseworkers regarding the services and
information available through the Department of Education and
local school districts, including, but not limited to, the
current Sunshine State Standards, the Surrogate Parent Training
Manual, and other resources accessible through the Department of Education or local school districts to facilitate educational access for a child known to the department.

Section 2. Paragraph (p) of subsection (2) of section 39.202, Florida Statutes, is amended to read:

39.202 Confidentiality of reports and records in cases of child abuse or neglect.—

(2) Except as provided in subsection (4), access to such records, excluding the name of the reporter which shall be released only as provided in subsection (5), shall be granted only to the following persons, officials, and agencies:

(p) An employee of the local school district who is designated as a liaison between the school district and the department pursuant to an interagency agreement required under s. 39.0016 and the principal of a public school, private school, or charter school where the child is a student. Information contained in the records which the liaison or the principal determines are necessary for a school employee to effectively provide a student with educational services may be released to that employee.

Section 3. Subsection (11) of section 39.402, Florida Statutes, is amended to read:

39.402 Placement in a shelter.—

(11)(a) If a child is placed in a shelter pursuant to a court order following a shelter hearing, the court shall require in the shelter hearing order that the parents of the child, or the guardian of the child’s estate, if possessed of assets which under law may be disbursed for the care, support, and maintenance of the child, to pay, to the department or
institution having custody of the child, fees as established by
the department. When the order affects the guardianship estate,
a certified copy of the order shall be delivered to the judge
having jurisdiction of the guardianship estate. The shelter
order shall also require the parents to provide to the
department and any other state agency or party designated by the
court, within 28 days after entry of the shelter order, the
financial information necessary to accurately calculate child
support pursuant to s. 61.30.

(b) The court shall request that the parents consent to
provide access to the child’s medical records and provide
information to the court, the department or its contract
agencies, and any guardian ad litem or attorney for the child.
If a parent is unavailable or unable to consent or withholds
consent and the court determines access to the records and
information is necessary to provide services to the child, the
court shall issue an order granting access. The court may also
order the parents to The parent or legal guardian shall provide
all known medical information to the department and to any
others granted access under this subsection.

(c) The court shall request that the parents consent to
provide access to the child’s educational records and provide
information to the court, the department or its contract
agencies, and any guardian ad litem or attorney for the child.
If a parent is unavailable or unable to consent or withholds
consent and the court determines access to the records and
information is necessary to provide services to the child, the
court shall issue an order granting access.

(d) The court may appoint a surrogate parent or may refer
the child to the district school superintendent for appointment
of a surrogate parent if the child has or is suspected of having
a disability and the parent is unavailable pursuant to s.
39.0016(3)(b).

Section 4. Subsection (8) of section 39.701, Florida
Statutes, is amended to read:

39.701 Judicial review.—
(8) The court and any citizen review panel shall take into
consideration the information contained in the social services
study and investigation and all medical, psychological, and
educational records that support the terms of the case plan;
testimony by the social services agency, the parent, the foster
parent or legal custodian, the guardian ad litem or surrogate
parent for educational decisionmaking if one has been appointed
for the child, and any other person deemed appropriate; and any
relevant and material evidence submitted to the court, including
written and oral reports to the extent of their probative value.
These reports and evidence may be received by the court in its
effort to determine the action to be taken with regard to the
child and may be relied upon to the extent of their probative
value, even though not competent in an adjudicatory hearing. In
its deliberations, the court and any citizen review panel shall
seek to determine:

(a) If the parent was advised of the right to receive
assistance from any person or social service agency in the
preparation of the case plan.

(b) If the parent has been advised of the right to have
counsel present at the judicial review or citizen review
hearings. If not so advised, the court or citizen review panel
shall advise the parent of such right.

(c) If a guardian ad litem needs to be appointed for the child in a case in which a guardian ad litem has not previously been appointed or if there is a need to continue a guardian ad litem in a case in which a guardian ad litem has been appointed.

(d) Who holds the rights to make educational decisions for the child. If appropriate, the court may refer the child to the district school superintendent for appointment of a surrogate parent or may itself appoint a surrogate parent under the Individuals with Disabilities Education Act and s. 39.0016.(e).

(d) The compliance or lack of compliance of all parties with applicable items of the case plan, including the parents’ compliance with child support orders.

[f] The compliance or lack of compliance with a visitation contract between the parent and the social service agency for contact with the child, including the frequency, duration, and results of the parent-child visitation and the reason for any noncompliance.

[g] The compliance or lack of compliance of the parent in meeting specified financial obligations pertaining to the care of the child, including the reason for failure to comply if such is the case.

[h] Whether the child is receiving safe and proper care according to s. 39.6012, including, but not limited to, the appropriateness of the child’s current placement, including whether the child is in a setting that is as family-like and as close to the parent’s home as possible, consistent with the child’s best interests and special needs, and including maintaining stability in the child’s educational placement.
documented by assurances from the community-based care provider that:

1. The placement of the child takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.

2. The community-based care agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement.

   (i) A projected date likely for the child’s return home or other permanent placement.

   (j) When appropriate, the basis for the unwillingness or inability of the parent to become a party to a case plan. The court and the citizen review panel shall determine if the efforts of the social service agency to secure party participation in a case plan were sufficient.

   (k) For a child who has reached 13 years of age but is not yet 18 years of age, the adequacy of the child’s preparation for adulthood and independent living.

   (l) If amendments to the case plan are required. Amendments to the case plan must be made under s. 39.6013.

Section 5. Paragraph (f) of subsection (1) and paragraph (g) of subsection (4) of section 1003.21, Florida Statutes, are amended to read:

1003.21 School attendance.—

(f) Homeless children, as defined in s. 1003.01, and children who are known to the department, as defined in s.
39.0016, must have access to a free public education and must be admitted to school in the school district in which they or their families live. School districts shall assist homeless children and children who are known to the department to meet the requirements of subsection (4) and s. 1003.22, as well as local requirements for documentation.

(4) Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which he or she should be admitted in accordance with the provisions of subparagraph (1)(a)2. The district school superintendent may require evidence of the age of any child whom he or she believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

(g) If none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if neither of these is available in the county, by a licensed practicing physician designated by the district school board, which certificate states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct. A homeless child, as defined in s. 1003.01, and a child who is known to the department, as defined in s. 39.0016, shall be given temporary exemption from this section for 30 school days.

Section 6. Subsection (1) and paragraph (e) of subsection (5) of section 1003.22, Florida Statutes, are amended to read:

1003.22 School-entry health examinations; immunization
against communicable diseases; exemptions; duties of Department of Health.—

(1) Each district school board and the governing authority of each private school shall require that each child who is entitled to admittance to kindergarten, or is entitled to any other initial entrance into a public or private school in this state, present a certification of a school-entry health examination performed within 1 year prior to enrollment in school. Each district school board, and the governing authority of each private school, may establish a policy that permits a student up to 30 school days to present a certification of a school-entry health examination. A homeless child, as defined in s. 1003.01, and a child who is known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. Any district school board that establishes such a policy shall include provisions in its local school health services plan to assist students in obtaining the health examinations. However, any child shall be exempt from the requirement of a health examination upon written request of the parent of the child stating objections to the examination on religious grounds.

(5) The provisions of this section shall not apply if:

(e) An authorized school official issues a temporary exemption, for a period not to exceed 30 school days, to permit a student who transfers into a new county to attend class until his or her records can be obtained. A homeless child, as defined in s. 1003.01, and a child who is known to the department, as defined in s. 39.0016, shall be given a temporary exemption for 30 school days. The public school health nurse or authorized
private school official is responsible for followup of each such
student until proper documentation or immunizations are
obtained. An exemption for 30 days may be issued for a student
who enters a juvenile justice program to permit the student to
attend class until his or her records can be obtained or until
the immunizations can be obtained. An authorized juvenile
justice official is responsible for followup of each student who
enters a juvenile justice program until proper documentation or
immunizations are obtained.

Section 7. Subsections (3) and (4) are added to section
1003.57, Florida Statutes, to read:

1003.57 Exceptional students instruction.—
(3)(a) For purposes of this subsection and subsection (4),
the term:

1. “Agency” means the Department of Children and Family
Services or its contracted lead agency, the Agency for Persons
with Disabilities, and the Agency for Health Care
Administration.

2. “Exceptional student” means an exceptional student, as
defined in s. 1003.01, who has a disability.

3. “Receiving school district” means the district in which
a private residential care facility is located.

4. “Placement” means the funding or arrangement of funding
by an agency for all or a part of the cost for an exceptional
student to reside in a private residential care facility and the
placement crosses school district lines.

(b) Within 10 business days after an exceptional student is
placed in a private residential care facility by an agency, the
agency or private residential care facility licensed by the
agency, as appropriate, shall provide written notification of the placement to the school district where the student is currently counted for funding purposes under s. 1011.62 and the receiving school district. The exceptional student shall be enrolled in school and receive a free and appropriate public education, special education, and related services while the notice and procedures regarding payment are pending. This paragraph applies when the placement is for the primary purpose of addressing residential or other noneducational needs and the placement crosses school district lines.

(c) Within 10 business days after receiving the notification, the receiving school district must review the student’s individual educational plan (IEP) to determine if the student’s IEP can be implemented by the receiving school district or by a provider or facility under contract with the receiving school district. The receiving school district shall:

1. Provide educational instruction to the student;
2. Contract with another provider or facility to provide the educational instruction;
3. Contract with the private residential care facility in which the student resides to provide the educational instruction; or
4. Decline to provide or contract for educational instruction.

If the receiving school district declines to provide or contract for the educational instruction, the school district in which the legal residence of the student is located shall provide or contract for the educational instruction to the student. The
school district that provides educational instruction or contracts to provide educational instruction shall report the student for funding purposes pursuant s. 1011.62.

(d) 1. The Department of Education, in consultation with the agencies and school districts, shall develop procedures for written notification to school districts regarding the placement of an exceptional student in a residential care facility. The procedures must:

   a. Provide for written notification of a placement that crosses school district lines; and

   b. Identify the entity responsible for the notification for each facility that is operated, licensed, or regulated by an agency.

2. The State Board of Education shall adopt the procedures by rule pursuant to ss. 120.536(1) and 120.54 and the agencies shall implement the procedures.

The requirements of paragraphs (c) and (d) do not apply to written agreements among school districts which specify each school district’s responsibility for providing and paying for educational services to an exceptional student in a residential care facility. However, each agreement must require a school district to review the student’s IEP within 10 business days after receiving the notification required under paragraph (b).

(4) The Department of Education and agencies shall enter into an agreement for interagency coordination regarding the placement of exceptional students in residential facilities, consistent with federal law and regulations, on or before January 1, 2010. The agreement shall identify the
responsibilities of each party and ensure that students receive special education and related services necessary to receive a free appropriate public education. The agreement shall also establish procedures for:

(a) Resolving interagency disputes;
(b) Ensuring the provision of services during the pendency of a dispute; and
(c) Ensuring continued Medicaid eligibility as deemed appropriate.

Section 8. This act shall take effect July 1, 2009.