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## **MEMORANDUM**

**TO:** District School Superintendents, Department of Education  
District/Region Administrators, Department of Children and Families

**FROM:** Jim Warford  
K-12 Chancellor  
Department of Education

Beth Englander  
Director, Child Welfare and Community-Based Care  
Department of Children and Families

**DATE:** May 10, 2004

**SUBJECT:** **Rilya Wilson Act and School District-Operated School Readiness Programs**

The 2003 Legislature passed legislation entitled the "Rilya Wilson Act" (Section 39.604, Florida Statutes) that established reporting requirements when young children, who meet specific eligibility criteria and are served in licensed early education or child care programs, are absent from the program. Though programs operated by public schools are not referenced in this act, it is the intent of the Department of Education and the Department of Children and Families (DCF) that these provisions apply to any school district-operated early education or care program including school readiness programs, district-operated

Head Start Programs, Title I prekindergarten programs, prekindergarten programs for children with disabilities, programs serving the children of parents enrolled in the Teen Parent Program, and district-operated “for pay” child care programs. These measures are designed as an additional safeguard for children, between the ages of three and kindergarten entry age, who are under court ordered protective supervision or in the custody of the Family Safety Program of DCF or a community-based care lead agency.

Specifically, the Rilya Wilson Act requires that the DCF Family Safety Program, or the community-based care lead agency, notify operators of licensed early education or child care programs when such children are enrolled in their program. To ensure child safety for children in school district-operated programs, in accordance with Section 39.4085(17), Florida Statutes, the school district is to be notified when such children are enrolled in a school district-operated early education or child care program. Children that meet the requirements established in the law for licensed early education or child care programs will only be permitted to withdraw from a school district-operated program with written approval from the Family Safety Program of DCF or the community-based care lead agency.

The Department of Education’s Office of General Counsel has reviewed this legislation with respect to the provisions of the Family Education and Privacy Act (FERPA) to determine if school districts may release information regarding a student’s absence to DCF. FERPA allows an educational agency to “disclose personally identifiable information from an education record to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals” [34CFR§99.36 (a)]. It is the opinion of the General Counsel that “the notice requirement of the Rilya Wilson Act does meet the emergency exception under FERPA.”

**It is the intent of the Department of Education that school districts report each unexcused absence or seven consecutive excused absences of children covered by this Act and enrolled in a district-operated early education or child care program to local staff of the Family Safety Program of DCF or the community-based care lead agency by the end of the business day following an unexcused absence or following the seventh consecutive excused absence.** Consistent with the requirements in the Act for children attending licensed early education or child care programs, DCF or the community-based care lead agency will conduct a home visit upon receiving two consecutive reports of unexcused absences or a report of seven consecutive excused absences.

The Department of Children and Families has already communicated the requirement that DCF districts/regions must establish local procedures related to the reporting of absences by licensed early education and care providers. As stated in a memorandum released by DCF on September 2, 2003, those requirements must include:

- “Forms and procedures for providers to notify Family Safety/community-based care lead agency staff of absences for care as required by the law
- Guidance on the tracking of unexcused absences by Family Safety/community-based care lead agency staff to ensure that appropriate actions are taken after two consecutive unexcused absences
- Guidance on the tracking of excused absences by early education and child care providers to ensure that timely notification of seven consecutive excused absences is made as required.”

School districts and DCF district/region staff should work together to establish procedures consistent with procedures already developed by DCF in coordination with local School Readiness Coalitions and licensed early education and care providers to ensure the safety of children attending school district-operated early childhood programs. The Department of Education will work with DCF to provide additional guidance and technical assistance as needed.

JW/cbm

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