

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

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

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Prepared By: The Professional Staff of the Committee on Rules

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BILL: SPB 7026

INTRODUCER: For consideration by the Rules Committee

SUBJECT: School Safety

DATE: February 23, 2018

REVISED: \_\_\_\_\_

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ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Androff, Bouck</u>	<u>Phelps</u>	_____	<b>Pre-meeting</b>

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**I. Summary:**

SPB 7026 promotes school safety and enhanced coordination between education and law enforcement entities at the state and local level. Specifically, the bill:

- Establishes the Commission on School Safety and Security within the Florida Department of Law Enforcement to investigate system failures in the Parkland school shooting and prior mass shooting events, and develop recommendations for system improvements.
- Codifies the Office of Safe Schools (office) within the Florida Department of Education (DOE) and specifies purpose for the office is to serve as the state education agency's primary coordinating division for promoting and supporting safe-learning environments.
- Creates the Florida Sheriff's Marshal Program within the DOE as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses.
- Codifies the Multiagency Service Network for Students with Severe Emotional Disturbance (SEDNET) as a function of the DOE in partnership with other state, regional, and local entities to facilitate collaboration and communication between the specified entities.
- Establishes the Public School Emergency Response Learning System Program to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools.
- Requires each district school board and school district superintendent to cooperate with law enforcement agencies to assign one or more safe-school officers at each school facility, and:
  - Requires each district school board to designate a district school safety specialist to serve as the district's primary point of public contact for public school safety functions.
  - Requires each school district to designate a threat assessment team at each school, and requires the team to operate under the district school safety specialist's direction.
- Creates the mental health assistance allocation to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive mental health programs and to connect students and families with appropriate services.
- Clarifies the applicability of public records exemptions for security systems and plans.

The bill takes effect July 1, 2018.

## II. Present Situation:

The present situation for the relevant portions of the bill is discussed in the Effect of Proposed Changes section of this bill analysis.

## III. Effect of Proposed Changes:

### School Safety

#### Present Situation

##### *Office of Safe Schools*

The Office of Safe Schools within the Florida Department of Education (DOE) serves to promote and support safe learning environments by addressing issues of student safety and academic success on state, district, and school levels.<sup>1</sup>

##### *District School Board Responsibilities*

A district school board is responsible for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to the health, safety and welfare of students.<sup>2</sup> Specifically, a district school board must adopt a code of student conduct for elementary, middle, and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents at the beginning of each school year.<sup>3</sup> Florida law also requires, by resolution of the district school board, the implementation of a student crime watch program to promote responsibility among students and to assist in the control of criminal behavior within schools.<sup>4</sup>

A district school board is required to formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to fires, natural disasters, and bomb threats for all the public schools of the district.<sup>5</sup> District school board policies must include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes.<sup>6</sup> The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.<sup>7</sup>

A district school board must also establish model emergency management and emergency preparedness procedures, including emergency notification procedure for the following life-threatening emergencies:<sup>8</sup>

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<sup>1</sup> Florida Department of Education, *Office of Safe Schools*, <http://www.fldoe.org/schools/safe-healthy-schools/safe-schools/index.shtml> (last visited Feb. 23, 2018).

<sup>2</sup> Section 1006.07, F.S.

<sup>3</sup> *Id.* at (2).

<sup>4</sup> *Id.* at (3).

<sup>5</sup> *Id.* at (4)(a).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.* at (4)(b).

- Weapon-use and hostage situations.
- Hazardous materials or toxic chemical spills.
- Weather emergencies.
- Exposure as a result of a manmade emergency

The district school board must provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.<sup>9</sup> Among other duties, the district school board is required to:

- Formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, and bomb threats, for all the public schools of the district which comprise grades K-12. District school board policies must include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes. The emergency response agency that is responsible for notifying the school district for each type of emergency must be listed in the district's emergency response policy.
- Establish model emergency management and emergency preparedness procedures, including emergency notification procedures for the following life-threatening emergencies:
  - Weapon-use and hostage situations.
  - Hazardous materials or toxic chemical spills.
  - Weather emergencies, including hurricanes, tornadoes, and severe storms.
  - Exposure as a result of a manmade emergency.

### ***Superintendent Responsibilities***

The district superintendent must recommend plans to the district school board for the proper attention to health, safety, and other matters that will best promote the welfare of students.<sup>10</sup>

### ***Florida Safe Schools Assessment Tool***

Each district school board is required to use the Safety and Security Best Practices developed by the Office of Program Policy Analysis and Government Accountability to conduct a self-assessment of the school districts' current safety and security practices.<sup>11</sup> Based on these self-assessment findings, the district school superintendent must provide recommendations to the district school board which identify strategies and activities that the district school board should implement in order to improve school safety and security.<sup>12</sup>

Annually each district school board must receive the self-assessment results at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the report findings.<sup>13</sup> Each district school superintendent must report the self-assessment results and school board action to the commissioner within 30 days after the district school board meeting.<sup>14</sup>

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<sup>9</sup> Section 1006.07, F.S.

<sup>10</sup> Section 1006.08(1), F.S.

<sup>11</sup> Section 1006.07(6), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

### ***Safe Schools Allocation***

Safe Schools funds are to be used by school districts to help them comply with the sections of Florida law dedicated to school discipline and school safety (sections 1006.07 through 1006.148, F.S.), with priority given to establishing a school resources officer program pursuant to section 1006.12, F.S.<sup>15</sup>

For the 2017-18 fiscal year, \$64,456,019 is appropriated for Safe Schools activities with each school district receiving a guaranteed minimum of \$62,660.<sup>16</sup> From the remaining appropriation, two-thirds must be allocated to school districts based on the latest official Florida Crime Index provided by the Florida Department of Law Enforcement and one-third must be allocated based on each district's share of the state's total unweighted student enrollment.<sup>17</sup>

### **Effect of Proposed Changes**

#### ***Legislative Intent***

The bill provides legislative intent that the provisions of the Florida education code be liberally constructed by the State Board of Education (SBE), the Commissioner of Education, district school boards, district school superintendents, and law enforcement agencies to the end that student discipline and school safety policy objectives may be effective.

Additionally, the bill provides legislative intent that school district and law enforcement personnel be authorized to take necessary actions to ensure the fundamental protection and safety of public school students, personnel, and visitors, notwithstanding any other provision of the Florida education code.

#### ***Commission on School Safety and Security***

The bill creates the Commission on School Safety and Security (commission) within the Florida Department of Law Enforcement. The bill requires the commission to convene before June 1, 2018.

#### ***Membership, Chair, and Staff***

The bill specifies that the commission must be composed of fifteen members: five appointed by the President of the Senate, five appointed by the Speaker of the House of Representatives, and five appointed by the Governor. The bill requires each appointing authority to appoint one member representing law enforcement, one representing school, one member representing the judiciary, and one member who is a survivor or the relative of a victim of a mass shooting or mass violence incident. The bill specifies that members serve at the pleasure of the officer who appointed the member. A vacancy on the task force must be filled in the same manner as the original appointment. The bill establishes membership terms of one year.

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<sup>15</sup> Section 1011.62,(15), F.S.

<sup>16</sup> Chapter 2017-234, Laws of Florida. Section 6 (11)

<sup>17</sup> Section 1011.62,(15), F.S.

The bill provides that the Commissioner of the Florida Department of Law Enforcement (FDLE) must chair the commission and FDLE staff, as assigned by the chair, must assist the commission in performing its duties.

#### *Meetings*

The bill specifies that the commission must meet as necessary to conduct the commission's work at the call of the chair and at a time designated by him or her at locations throughout the state. The bill authorizes the commission to conduct its meetings through teleconferences or other similar means.

The bill provides that members of the task force are entitled to receive reimbursement for per diem and travel expenses as provided in law.

#### *Purpose*

The bill specifies that the commission must investigate system failures in the Parkland shooting and prior mass violence incidents and develop recommendations for system improvements. The bill provides that, at a minimum, the commission must analyze evidence from the Parkland shooting and other mass violence incidents in this state and other states to:

- Determine the extent to which failures in communications or coordination contributed to an inability to prevent deaths and injuries;
- Identify available state and local tools and resources, such as the Florida Department of Law Enforcement Fusion Center or the Judicial Inquiry System, or other state or local systems and recommend ways such resources may be used more effectively to identify risks and threats;
- Recommend changes in procedures or policies necessary to enhance communication among schools, law enforcement, and social services agencies.

The bill requires the commission to complete its work within 1 year after it convenes and submit its recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The bill authorizes the commission to submit all or part of its recommendations at any time during the year and requires a final report summarizing its recommendations upon completion of its work.

#### *Office of Safe Schools*

The bill codifies the Office of Safe Schools (office), within the DOE. The bill provides that the office is fully accountable to the Commissioner of Education, but must cooperate and coordinate with the Board of Governors of the State University System, public and nonpublic postsecondary institutions, school districts, public and nonpublic schools, state and local agencies, community organizations, and other organizations and persons, as directed by the commissioner.

#### *Purpose*

The bill specifies that the purpose of the office is to serve as the state education agency's primary coordinating division assigned to promote and support safe-learning environments by addressing issues of student safety and academic success at the state, district, and school levels. The bill states that the office must, at a minimum:

- Function as the state’s primary contact for the coordination of activities, information, and reporting related to the implementation of the student discipline and school safety requirements in law related to education support for learning and student services, as well as other requirements of law pertaining to school safety partnerships and responsibilities, as assigned by the commissioner.
- Function as the state contact and state education agency coordination office for school district safety specialist and primary emergency operations contact staff assigned by Florida College System institutions, state universities, and other entities identified by the commissioner.
- Coordinate with state and local agencies, school district personnel, and safety and security experts to establish safe school and security standards, review school safety and security plans, establish guidelines regarding school district appointments to and functions of public school treat assessment teams and district school safety specialists, and update risk assessment procedures, as appropriate.
- Develop and implement a training program for district school safety specialties designated or appointed by a district school board. Such training program elements must include, but are not limited to:
  - School safety specialist participation in active shooter situation training,
  - Campus safety tours performed pursuant to s. 1006.07(7), F.S.
  - Program activities of the Public School Emergency Response Learning System Program,
  - Training associated with the Florida Safe Schools Assessment Tool

### ***District School Board Responsibilities***

#### ***Emergency Drills***

The bill requires a school district to formulate and prescribe policies and procedures for emergency drills for hostage and active shooter situations and establish model emergency management and emergency preparedness procedures for active shooter situations. The bill specifies that active shooter situation training must be conducted by the law enforcement agency or agencies that are designated as the first responders to the school’s campus.

#### ***Security Assessment***

The bill also requires each school district to conduct security risk assessments at each public school and conduct a self-assessment of the school districts’ current safety and security practices using a format prescribed by the DOE and develop a plan that includes having a secure, single point of entry onto school grounds, using a format prescribed by the DOE.

#### ***Safety in Construction Planning***

Additionally, the bill requires a district school board or governing board to allow the law enforcement agency or agencies that are designated as first responders to the school’s or districts’ campus tour such campuses once every 3 years and to document any recommended changes to school safety and emergency issues by the law enforcement agency based on a campus tour.

### *District School Safety Specialist*

The bill requires a district school board to designate or appoint a district school safety specialist to serve at the direction of the superintendent as the district's primary point of public contact regarding the district's coordination, communication, and implementation of policies, procedures, responsibilities, and reporting related to district and public school safety functions. The bill specifies that the school safety specialist must:

- Coordinate with the Office of Safe Schools.
- Facilitate the collection and dissemination of information among and between the school district, school personnel, students and their families, state and local law enforcement agencies, community health entities, and other state and community partners.
- Maintain records and reports and facilitate the implementation of policies regarding the respective duties and responsibilities of the school districts, superintendents, and principals and reporting regarding student discipline and school safety requirements.
- Oversee and coordinate threat assessment teams and provide a coordinated approach to evaluating and responding to students who pose, or appear to pose, a credible potential threat of violence or harm to themselves or others.
- Perform other responsibilities assigned by the superintendent and requested by the Office of Safe Schools to facilitate and coordinate the effective implementation of student discipline and school safety requirements.

### *Threat Assessment Team*

The bill requires each school district to designate a threat assessment team, in accordance with guidelines established by the Office of Safe Schools, at each school in the district. The threat assessment team must operate under the direction of the district school safety specialist.

### *Florida Sheriff's Marshal Program*

The bill establishes the Florida Sheriff's Marshal Program (Marshal program) within the DOE's Office of Safe Schools as a voluntary program to assist school districts and public schools in enhancing the safety and security of students, faculty, staff, and visitors to Florida's public schools and campuses.

The bill specifies that the purpose of the Marshal program is to provide comprehensive firearm safety and proficiency training for selected faculty and staff to provide security on campus during an active assailant incident.<sup>18</sup> Additionally, the bill provides that public school faculty and staff who voluntarily participate in and complete the program, as recommended by the school district, are designated as special deputy sheriffs with all rights, responsibilities, and obligations<sup>19</sup> in carrying concealed firearms on campus.

The bill establishes program eligibility and participation requirements, which must, at a minimum, include that:

- A school district may sponsor and recommend to the sheriff public school faculty and staff members as candidates for voluntary participation in the program. The sheriff must establish

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<sup>18</sup> The bill defines an "active assailant incident" as a situation in which an armed assailant is posing an immediate deadly threat to persons on the premises or campus of a public school.

<sup>19</sup> Qualifications of sheriff deputies and special deputies are established in s. 30.09, F.S.

timelines and requirements for participation through a partnership agreement with the sponsoring school district superintendent. To be eligible for consideration and recommendation for the Marshal program, a candidate must be licensed to carry a concealed weapon or firearm in accordance with law.<sup>20</sup>

- The sheriff may approve a candidate to participate in the program as a sheriff's marshal after screening, which includes performing criminal background checks, drug testing, and a psychological evaluation.
- Upon successful completion of the program, a sheriff's marshal may be appointed by the sheriff as a special deputy sheriff<sup>21</sup> for the limited purpose of responding to an active assailant incident on a campus<sup>22</sup> of his or her school district during an active assailant incident.

The bill requires that a partnership agreement<sup>23</sup> must provide that a special deputy sheriff:

- Must participate in and complete the program's professional training requirements as a precondition to meeting the legal requirements of chapter 30 to be eligible to carry a concealed firearm on a campus of his or her sponsoring school district.
- May not act in any law enforcement capacity outside of an active assailant incident on a school district campus and does not have any authority in a law enforcement capacity off campus in any way, except as otherwise expressly authorized by law.
- May carry concealed, approved firearms on campus. The firearms must be specifically purchased and issued for the sole purpose of the program. Only concealed carry safety holsters and firearms approved by the sheriff may be used under the program.
- Must successfully complete training with the sheriff's office before his or her appointment as a special deputy sheriff, including meeting the requirements of this section.

However, the bill specifies that the appointment of a person as a special deputy sheriff does not entitle the person to the special risk category that applies to law enforcement officers established under law.<sup>24</sup>

The bill requires that all training must be conducted by Criminal Justice Standards Training Commission (CJSTC)-certified instructors, with ongoing and annual proficiency retraining conducted by the sheriff, as specified in the agreement.

The required instruction must include 132 total hours of comprehensive firearm safety and proficiency training in the following topics:

- Firearms: An 80-hour block of instruction based on the CJSTC Law Enforcement Academy training model and must be enhanced to include 10 percent to 20 percent more rounds fired by each program participant beyond the minimum average of approximately 1,000 training

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<sup>20</sup> Section 790.06, F.S.

<sup>21</sup> The bill specifies that a "special deputy sheriff" means a program participant who has successfully completed the program and who is appointed as a law enforcement officer in the same manner as a deputy sheriff as provided in s. 30.072(2) and certified under chapter 943.

<sup>22</sup> The bill defines a campus as a school, as defined in s. 1003.01(2), and facilities and school plants operated and controlled by a public school district in accordance with s. 1003.02.

<sup>23</sup> The bill specifies that a "Partnership agreement" means a jointly-approved contract between the sheriff operating the program and the superintendent of a participating school district sponsor.

<sup>24</sup> Special risk membership is established for the purposes of the Florida Retirement System. Section 121.0515, F.S.

rounds associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.

- Firearms precision pistol: A 16-hour block of instruction.
- Firearms discretionary shooting: A 4-hour block of instruction using state-of-the-art simulator exercises.
- Active shooter or assailant: An 8-hour block of instruction.
- Defensive tactics: A 4-hour block of instruction.
- Legal or high liability: A 20-hour block of instruction.
- An optional 16-hour precision pistol course as additional training.

The bill specifies that the sheriff or the district superintendent may deny or terminate a sheriff's marshal or special deputy sheriff's participation in the program for any reason, including, but not limited to, any of the following circumstances:

- An arrest or filing of criminal charges against a program participant by a law enforcement agency.
- The service of process on the program participant as the respondent of an injunction for protection.
- The involuntarily placement of the program participant in a treatment facility for a mental health examination under The Baker Act.
- A violation of sheriff PCSO General Orders by the program participant.
- A violation of the school district's code of conduct or employee handbook or policy by the program participant.

To implement the Marshal program, the bill requires that:

- The sheriff must maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each program participant.
- Each program participant must be distinctly and visually identifiable to responding law enforcement officers, faculty, staff, and students, in the case of any active assailant incident on a sponsoring school district's campus.
- Each sheriff's marshal must execute a volunteer agreement with the sheriff's office outlining duties and responsibilities.
- A sponsoring school district must conduct awareness training about the program for all school district faculty and staff members.
- Specific implementation requirements, responsibilities, and other aspects of implementation must be specified in a partnership agreement.

The bill specifies that costs of participation in the Marshal program must be established in the partnership agreement. Funding may be provided by the Legislature to support school district and sheriff office administration, sponsorship, participation, and implementation of the marshal program.

### ***Florida Safe Schools Assessment Tool***

The bill requires the DOE to contract with a security consulting firm that specializes in the development of risk assessment software solutions and has experience in conducting security assessments of public facilities to develop, update, and implement a risk assessment tool, which

will be established as the Florida Safe Schools Assessment Tool (FSSAT). The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment required in law.<sup>25</sup>

The bill requires school officials at each school district and public school site in the state to use the FSSAT to conduct security assessments for use by school officials at each school district and public school site in the state.

The bill requires the FSSAT to address, at a minimum, all of the following components:

- School emergency and crisis preparedness planning;
- Security, crime, and violence prevention policies and procedures;
- Physical security measures;
- Professional development training needs;
- An examination of support service roles in school safety, security, and emergency planning;
- School security and school police staffing, operational practices, and related services;
- School and community collaboration on school safety; and
- A return on investment analysis of the recommended physical security controls.

The bill specifies that the DOE must require by contract that the security consulting firm:

- Generate written automated reports on assessment findings for review by the department and school and district officials;
- Provide training to the department and school officials in the use of the FSSAT and other areas of importance identified by the department; and
- Advise in the development and implementation of templates, formats, guidance, and other resources necessary to facilitate the implementation of this section at state, district, school, and local levels.

The bill requires that, by December 1, 2018, and annually by that date, the DOE must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the status of implementation across school districts and schools. The bill specifies that the report must include a summary the positive school safety measures in place at the time of the assessment and any recommendations for policy changes or funding needed to facilitate continued school safety planning, improvement, and response at the state, district, or school levels.

Additionally, the bill requires that data and information related to security risk assessments and the security information contained in the required annual report are confidential and exempt from public records requirements.

### ***Safe Schools Allocation***

The bill modifies the safe schools allocation to expand the school district's authorized uses of the funds to incorporate newly created programs, including the Public School Emergency Response Learning System Program, Florida Sheriff's Marshal Program, and the Florida Safe Schools Assessment Tool, in addition to other school safety requirements in law, with priority given to

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<sup>25</sup> Section 1006.07(6), F.S.

satisfying the requirement of establishing or assigning at least one safe-school officer at each school facility within the district.

## **Coordination and System Improvements**

### Present Situation

#### ***Educational Multiagency Services for Student with Severe Emotional Disturbance***

Florida law provides that an intensive integrated educational program; a continuum of mental health treatment services; and, when needed, residential services are necessary to enable students with severe emotional disturbance to develop appropriate behaviors and demonstrate academic and career education skills.<sup>26</sup> District school boards should provide educational programs, and state departments and agencies administering children's mental health funds should provide mental health treatment and residential services when needed, forming a multiagency network to provide support for students with severe emotional disturbance.<sup>27</sup>

#### ***School Resource Officers and School Safety Officers***

District school boards may establish school resource officer programs, through a cooperative agreement with law enforcement agencies or in accordance with law, by which personnel are employed by either the school district or a law enforcement agency.<sup>28</sup>

School resource officers are certified law enforcement officers<sup>29</sup> who are employed by a law enforcement agency.<sup>30</sup> School resource officers must abide by district school board policies and must consult with and coordinate activities through the school principal, but are responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency.<sup>31</sup>

School safety officers are certified law enforcement officers and employed by either a law enforcement agency or by the district school board.<sup>32</sup> If the officer is employed by the district school board, the district school board is the employing agency and must comply with the provisions in law regarding law enforcement.<sup>33</sup> A district school board may commission one or

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<sup>26</sup> Section 1006.04(1)(a), F.S.

<sup>27</sup> *Id.*

<sup>28</sup> Section 1006.12(1), F.S.

<sup>29</sup> "Law enforcement officer" means any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. Section 943.10(1), F.S.

<sup>30</sup> In this section, a "law enforcement agency" means any agency or unit of government or any municipality or the state or any political subdivision thereof, or any agent thereof, which has constitutional or statutory authority to employ or appoint persons as officers. *Id.* at (4).

<sup>31</sup> Section 1006.12(1)(b), F.S.

<sup>32</sup> *Id.* at (2)(a), F.S.

<sup>33</sup> *Id.* Chapter 943 governs the Florida Department of Law Enforcement.

more school safety officers for the protection and safety of school personnel, property, and students within the school district.<sup>34</sup> Additionally, a school safety officer has the power to make arrests for violations of law on district school board property and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests.<sup>35</sup> A school safety officer has the authority to carry weapons when performing his or her official duties.<sup>36</sup>

Florida law authorizes a district school board to enter into mutual aid agreements with one or more law enforcement agencies.<sup>37</sup> A school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.<sup>38</sup>

### Effect of Proposed Changes

#### ***Multiagency Services Network for Students with Severe Emotional Disturbances***

The bill codifies the Multiagency Services Network for Students with Severe Emotional Disturbances (SEDNET) as a function of the DOE in partnership with other state, regional, and local partners as a statewide network of regional projects comprised of major child-serving agencies, community-based service providers, and students and their families. The bill provides that the fundamental goal of SEDNET and its partners is to facilitate the process of cross system collaboration and inclusion of families as full partners. The bill requires, at a minimum, that SEDNET must:

- Focus on developing interagency collaboration and sustaining partnerships among professionals and families in the education, mental health, substance abuse, child welfare, and juvenile justice systems serving children and youth with, and at risk of, emotional and behavioral disabilities
- Provide technical assistance and support in building service capacity within regional areas and collaborate in related state level activities impacting systems of care.
- Serve as a collaborative resource for school districts, agencies, and families working to promote positive educational and community-based outcomes for children.

The bill specifies that the Legislature may provide funding for the DOE to award grants to district school boards for statewide planning and development of SEDNET. The bill also authorizes state departments and agencies to use appropriate funds for SEDNET.

#### *Safe-School Officer*

For the protection and safety of school personnel, property, students, and visitors, the bill requires each district school board and school district superintendent to cooperate with law enforcement to establish or assign one or more safe-school officers at each school facility within the district. The bill provides that the school district may implement a school resource officer, school safety officer, the Florida Sheriff's Marshal Program, or a combination of these options to fulfill this obligation.

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<sup>34</sup> Section 1006.12(2)(b).

<sup>35</sup> *Id.* at (2)(c), F.S.

<sup>36</sup> *Id.*

<sup>37</sup> Section 1006.12(2)(d), F.S.

<sup>38</sup> *Id.*

The bill modifies the requirements for school resource or safety officers to require such officers to undergo criminal background checks, drug testing, and a psychological evaluation.

***Public School Emergency Response Learning System Program***

The bill establishes the Public School Emergency Response Learning System Program (program) within the DOE's Office of Safe Schools to assist school personnel in preparing for and responding to active emergency situations and to implement local notification systems for all Florida public schools. The program requires local law enforcement agencies to partner with participating public preschools, public child care providers, or public school districts and schools.

The bill requires that training, notifications, and resources be available for school personnel and students and families, which must, at a minimum, include:

- Activities and direct training to mitigate risk and save lives in emergency situations, such as lockdown, bomb threat, active shooter, and other emergency situations.
- Vital local notification systems implemented to alert schools of imminent danger.
- Other resources provided in conjunction with the training including, but not limited to, an emergency plan flip chart, communication cards, instructional resources, activity books for children and teachers, and certificates of training and completion.

The bill requires that a school district must include in its emergency notification procedures established in law<sup>39</sup> any program participant who notifies the district of his or her desire to participate.

Additionally, the bill requires each program participant to develop a preemptive plan of action that includes multiple options for addressing various situations based on the form of danger present and the unique needs and circumstances of each school and its faculty, staff, students, and visitors.

The bill may provide for enhanced collaboration and communication between public schools and local law enforcement entities appropriately address emergency situations.

The bill authorizes the Legislature to provide funding to implement the Public School Emergency Alert Response Learning System Program.

**Mental Health**

Present Situation

***Mental Health Services in Schools***

The Department of Education (DOE), through the Bureau of Exceptional Education and Student Services and the Office of Safe Schools, promotes a system of support, policies, and practices that focus on prevention and early intervention to improve student mental health and school safety. Florida law requires instructional staff members of the public schools to teach comprehensive health education that addresses concepts of mental and emotional health as well

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<sup>39</sup> Section 1006.07, F.S.

as substance use and abuse.<sup>40</sup> Student services personnel, which includes school psychologists, school social workers, and school counselors, are classified as instructional personnel responsible for advising students with regard to their personal and social adjustments, and provide direct and indirect services at the district and school level.<sup>41</sup>

### Effect of Proposed Changes

#### ***The Mental Health Services Allocation***

The purpose of the mental health assistance allocation is to provide supplemental funding to assist school districts and charter schools in establishing or expanding comprehensive school-based mental health programs that:

- Increase awareness of mental health issues among children and school-age youth;
- Train educators and other school staff in detecting and responding to mental health issues; and
- Connect children, youth, and families who may experience behavioral or mental health issues with appropriate services.

The mental health assistance allocation must be allocated in the annual general appropriations act (GAA) to each eligible school district and developmental research school based on each entity's proportionate share of FEFP base funding. The district funding allocation must include a minimum amount as specified in the GAA. Charter schools are eligible for a proportionate share of district funding for this program upon the submission and approval of a plan that includes specified elements. The mental health assistance funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses, except for personnel hired to implement the required mental health assistance allocation plans.

Prior to the distribution of the allocation, a school district is required to annually develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval. Similarly, a charter school must annually develop and submit a detailed plan outlining the local program and planned expenditures of the funds in the plan to its governing body for approval in order to receive the allocation. After the charter school's governing board approves the plan, it must be provided to the school district for submission to the Commissioner of Education. School districts must submit approved plans to the commissioner by August 1 of each fiscal year.

The required mental health assistance allocation plan must include, at a minimum, each of the following elements:

- A contract or memorandum of understanding with at least one local nationally accredited community behavioral health provider or a provider of Community Action Team services to provide a behavioral health presence and services at district schools. Services may include, but are not limited to:
  - Mental health screenings and assessments;
  - Individual, family, and group counseling;

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<sup>40</sup> Section 1003.42(2)(n), F.S.

<sup>41</sup> Section 1012.01(2)(b), F.S.

- Psychiatric or psychological services;
- Trauma-informed care;
- Mobile crisis services; and
- Behavior modification.
- Training opportunities in Mental Health First Aid or other similar nationally recognized evidence-based training for all school personnel who have contact with students. Training topics should include depression and mood disorders, anxiety disorders, trauma, psychosis, substance use disorders, and suicide prevention. The training must cover:
  - Risk factors and warning signs for mental health and addiction concerns;
  - Strategies for providing assistance to individuals in both crisis and non-crisis situations; and
  - The use of referral mechanisms that effectively link individuals to appropriate treatment and intervention services in the school and in the community.
- A mental health crisis intervention strategy that provides for prompt resolution of identified, immediate threats within district schools, including Baker Act referrals and notification of law enforcement personnel, as appropriate.

School districts and charter schools are *strongly encouraged* to include in the required mental health assistance allocation plan each of the following elements:

- Programs to assist students in dealing with anxiety, depression, bullying, trauma, and violence;
- Strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems; suicidal tendencies; or substance use disorders; and
- Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders and to improve the provision of early intervention services.

Beginning September 30, 2019, and annually thereafter, each entity that receives a mental health assistance allocation must submit a final report to the commissioner, in a format prescribed by the Florida Department of Education (DOE), on its program outcomes and expenditures for each element of the program. At a minimum, the report must include the number of each of the following:

- Students who receive screenings or assessments.
- Students who are referred for services or assistance.
- Students who receive services or assistance.
- Parents or guardians notified.
- School personnel who are trained to engage in the services, techniques, strategies, or programs identified in the required mental health assistance allocation plan.

The establishment of the mental health assistance allocation program may assist school districts in providing comprehensive school-based mental health programs that increase awareness of mental health issues among children and school-age youth. This may improve student mental health and school safety.

## **Public Records Exemptions**

### Present Situation

Florida law provides that education records of students, as defined in the federal Family Educational Rights and Privacy Act (FERPA), and the federal regulations issued pursuant thereto, are confidential and exempt from state public records laws.<sup>42</sup>

### Effect of Proposed Changes

The bill clarifies that Florida law does not limit the application of exemptions from public records requirements for security system plans and public security systems, including security footage, or other information that would relate to or reveal the location or capabilities of such systems.

The bill takes effect July 1, 2018.

## **IV. Constitutional Issues:**

### A. Municipality/County Mandates Restrictions:

None.

### B. Public Records/Open Meetings Issues:

None.

### C. Trust Funds Restrictions:

None.

## **V. Fiscal Impact Statement:**

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

None.

## **VI. Technical Deficiencies:**

None.

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<sup>42</sup> Sections 1002.221 and 1002.225, F.S.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 20.15, 1002.221, 1002.225, 1006.04, 1006.07, 1006.12, and 1011.62.

This bill creates the following sections of the Florida Statutes: 943.678, 1000.051, 1001.217, 1006.05, 1006.149, 1006.1491, and 1006.1493.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.