

**STORAGE NAME:** h1495s1.sa.doc

**DATE:** April 20, 2001

**HOUSE OF REPRESENTATIVES  
AS REVISED BY THE COMMITTEE ON  
STATE ADMINISTRATION  
ANALYSIS**

**BILL #:** CS/HB 1495

**RELATING TO:** School Safety

**SPONSOR(S):** Committee on Education Innovation, Representative(s) Carassas and Needelman

**TIED BILL(S):** None

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) EDUCATION INNOVATION YEAS 13 NAYS 0
- (2) STATE ADMINISTRATION
- (3) EDUCATION APPROPRIATIONS
- (4) COUNCIL FOR LIFELONG LEARNING
- (5)

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**I. SUMMARY:**

CS/HB 1495 creates the "Safe Passage Act" to establish a school safety accountability program for the safe passage of students in the kindergarten through grade 12 public school system. This bill defines the best safety and security practices developed pursuant to current law. The Department of Education (DOE) must provide Internet access to these best safety and security practices.

School districts are subject to mandatory, state-funded, third-party audits on a 5-year cycle as provided by the Legislature in the General Appropriation Act. The bill provides a process for choosing the districts to be audited. The audit must provide evidence of accountability mechanisms, a regular review of the organizational structure, district safety and security plans and procedures, school crisis response checklists, and district and school safety training.

School boards must conduct a public hearing to review the audit recommendations within 60 days and adopt an action plan identifying steps required at the district and school levels to implement the recommendations. The school board must adopt the action plan, cause the plan to be adopted at the school level, and submit a written report to the Commissioner of Education no later than July 1 of the following year. The school districts and school advisory councils must have access to audit followup reports on the Internet. If a district fails to vote on the action plan or fails to implement the action plan, a resident may file an appeal to the State Board of Education.

The bill requires each district to create and maintain a toll-free school safety hotline for students, parents, school staff, and others to anonymously report activities that affect the safety and well-being of a school's population. Adults who know of, or have a reasonable cause to suspect, an alleged offense directly threatening the safety and well-being of a person or property must report such knowledge. The bill imposes a penalty, a first degree misdemeanor, for any adult who fails to report such knowledge or suspicion. The bill allows the DOE to impose a fine of up to \$1,000 for false reports. School districts must adopt policies to encourage the use of the toll-free school safety hotline.

According to the DOE, the non-recurring impact to the 45 school districts that do not currently have active hotlines is approximately \$200,000. The DOE indicates the state would incur a non-recurring impact of \$3,100,000 to audit all districts; however, all districts will not be audited in the same year.

**See "Other Comments" section of the analysis for comments by the Committee on State Administration.**

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                                         |                                        |                                         |
|-----------------------------------|-----------------------------------------|----------------------------------------|-----------------------------------------|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/>            | No <input checked="" type="checkbox"/> | N/A <input type="checkbox"/>            |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/>            | N/A <input type="checkbox"/>            |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/>            | No <input type="checkbox"/>            | N/A <input checked="" type="checkbox"/> |

This bill does not appear to support the principle of less government because this bill requires:

- State-mandated safety audits of all school districts;
- School districts to implement the recommendations of the safety audits and to implement a safety hotline;
- School boards to adopt and implement action plans;
- The State Board of Education to adopt rules; and
- The Commissioner of Education and the Partnership for School Safety and Security to hold public workshops.

B. PRESENT SITUATION:

**Statewide Crime-Watch Program**

The 1995 Legislature, s. 230.23185, F.S., created a Statewide-Crime Watch Program in the public schools to reduce student actions that are in violation of the code of student conduct. The goal of the program was to develop a crime-watch program in each elementary school, middle school or junior high school, and high school. The Department of Education was authorized to establish criteria for the program that include (1) student involvement at each school in the design and implementation of the program; and (2) a competitive focus with statewide recognition and awards given to schools with the most effective programs in each school district.

The 1996 Legislature amended s. 230.23185, F.S., to include a toll-free school safety hotline in the Statewide Crime-Watch Program to provide an avenue for students to report criminal activity, such as violations of the code of student conduct, and to provide for the safety and welfare of students, faculty, and staff. About one third of the districts currently have a safety hotline through the School Safety Hotline Project, funded by the Department of Education (DOE) and assigned to the Florida Sheriff's Task Force. The DOE was authorized to contract with the Florida Sheriff's Association to establish and operate a statewide toll-free School Safety Hotline to report incidents that affect the safety and well-being of the school's population. The hotline was to be a conduit for anonymously reporting activity that might adversely affect the school population. Current law requires, if a toll-free school safety hotline is established, the Florida Sheriff's Association must produce a quarterly report that evaluates the incidents that have been reported to the hotline.

In July 1999, the DOE, for the second time, allocated funding provided by the Florida Legislature to implement the School Safety Hotline. The April 2000 report of The Florida Sheriff's Association states that the School Safety Hotline has been implemented in 20 counties and 30 other counties have requested information on the hotline.

### **Partnership for School Safety and Security**

The 2000 Legislature created the Partnership for School Safety and Security in s. 229.8347, F.S. The 11 member Partnership for School Safety and Security performs the responsibilities listed below:

- Evaluates school safety and security programs and recommends information to be included in the electronic clearinghouse;
- Creates an electronic clearinghouse of safety and security information that includes best practices, model programs, and construction prototypes that are compatible with the requirements for frugal schools;
- Assesses the extent to which best practices are being followed;
- Trains and offers technical assistance to school district staff; and
- Fosters coordination among schools, law enforcement personnel, and crisis-management teams.

The partnership must submit an annual report to the Governor, the President of the Senate, the Speaker of the House of Representatives, the minority leaders of the Senate and House of Representatives, and the Commissioner of Education.

### **The Office of Program Policy Analysis and Government Accountability (OPPAGA)**

The 1994 Legislature created the Office of Program Policy Analysis and Government Accountability (OPPAGA) to improve the performance and accountability of state government. OPPAGA is a research unit that conducts studies on Florida agencies and programs to identify opportunities to improve services to citizens and reduce government costs.

OPPAGA produces policy analyses and performance reviews on state government programs. These studies assess the efficiency, effectiveness, and long-term implications of state policies and programs, and make recommendations to Florida government. OPPAGA also produces program evaluation and justification reviews of Florida agencies that are operating under Performance-Based Program Budgeting. Currently, OPPAGA administers two types of reviews of Florida school districts: school district performance reviews and best financial management practices reviews.

OPPAGA and the Office of the Auditor General are authorized in s. 230.23025, F.S., to develop a system for reviewing the financial management practices of school districts. In this system, OPPAGA and the Auditor General must jointly examine district operations to determine whether they meet "best financial management practices." The "best financial management practices" are developed by the Commissioner of Education and may be updated periodically after consultation with the Legislature, the Governor, the SMART School Clearinghouse, OPPAGA, and the Auditor General. Pursuant to s. 230.23025(e), F.S., the best financial management practices must instill public confidence by addressing safety and security practices at the district and school levels and must at least address the following areas:

- Efficient use of resources, use of lottery proceeds, student transportation and food service operations, management structures, and personnel systems and benefits, instructional materials, and administrative and instructional technology;
- Compliance with generally accepted accounting principles and state and federal laws relating to financial management;
- Performance accountability systems, including performance measurement reports to the public, internal auditing, financial auditing, and information made available to support decision making;
- Cost control systems, including asset, risk, and financial management, purchasing, and information system controls; and

- Safety and security practices at the district and school levels (added in the 2000 Legislative Session, Chapter 2000-235, L.O.F.).

### **Safety and Sanitation Standards and Inspection of Property**

Current law s. 235.06, F.S., requires the Commissioner of Education to adopt and administer rules prescribing standards for the safety and health of occupants of educational and ancillary plants as part of the State Uniform Building Code for Public Educational Facilities Construction. These standards must be used by all public agencies when inspecting public educational and ancillary plants. In accordance with the standards, each board must prescribe policies and procedures to establish a comprehensive program of safety and sanitation for the protection of occupants of public educational and ancillary plants. Each board must inspect each educational and ancillary plant at least once during each fiscal year to determine compliance with standards of sanitation and casualty safety prescribed in the rules of the commissioner.

### **State Uniform Building Code for Public Educational Facilities Construction**

The Commissioner of Education must adopt a uniform statewide building code for the planning and construction of public educational and ancillary plants by district school boards and community college district boards of trustees. The code must be entitled the State Uniform Building Code for Public Educational Facilities Construction. The code must be flexible enough to cover all phases of construction so as to afford reasonable protection for the public safety, health, and general welfare. The department may secure the service of other state agencies or such other assistance as it finds desirable in revising the code.

## **C. EFFECT OF PROPOSED CHANGES:**

### **Safe Passage Act**

CS/HB 1495 creates s. 229.8349, F.S., the "Safe Passage Act," to establish a school safety accountability program for the safe passage of students in the kindergarten through grade 12 public school system. This bill defines "best safety and security practices" as those practices identified in this bill that have been developed pursuant to s. 230.23025, F.S., by OPPAGA and the Office of the Auditor General and approved by the Commissioner of Education in consultation with the Partnership for School Safety and Security. The Department of Education must provide Internet access to these "best safety and security practices" that must be used by school advisory councils for school improvement plans.

### **Designation of School District Safety Audits**

The bill subjects school districts to mandatory, state-funded, third-party safety audits on a 5-year cycle as provided by the Legislature in the General Appropriations Act (GAA). No later than December 31 of each year, the Commissioner of Education must recommend to the President of the Senate and the Speaker of the House of Representatives the school districts that are proposed to undergo audits during the next fiscal year. The Legislature must annually designate in the GAA those school districts that will receive a fully-funded state audit.

### **Safety Audits**

School districts are subjected to a state-funded, mandatory safety audit conducted by professional, third-party auditors under state contract with the Department of Education. At least one member of the audit team must have expertise in school psychology, social work, or guidance counseling and one member of the audit team must have expertise in law enforcement.

The audit team must gather "evidence" of the extent to which the district and schools within the district have adopted and effectively implemented the best safety and security practices, including without limitation, the following:

- 1) The school district must ensure that it has a safety and security program that has clear direction and is effective in meeting its intended purpose in a cost-efficient manner by:
  - Establishing and implementing accountability mechanisms to ensure the performance, efficiency, and effectiveness of the safety and security program; and
  - Regularly reviewing the organizational structure and staffing levels of the safety and security program and minimizing administrative layers and processes.
- 2) The school district must have comprehensive plans and procedures to promote the safety and security of students and employees by adopting:
  - A written comprehensive plan that includes districtwide emergency and safety procedures and identifies those responsible for them;
  - A checklist for each school that provides step-by-step crisis response procedures; and
  - A method to identify district and school personnel who need school safety training and providing those personnel with appropriate training.
- 3) The school district must endeavor to identify, minimize, and protect students, teachers, administrators, resource officers, and other personnel from the effects of disruptive or violent student behavior by adopting and implementing:
  - A state-of-the-art threat assessment methodology for students, teachers, administrators, resource officers, and other personnel;
  - Parent and community outreach strategies to promote safety in the home and community;
  - A needs assessment to determine the need for violence and drug prevention programs, and based on identified needs, implementing appropriate programs;
  - Behavioral and disciplinary policies that are well-defined and well-communicated to students, parents, teachers, administrators, resource officers, and other personnel; and
  - Curricula and programs aimed at protecting students, teachers, administrators, resource officers, and other personnel by training students, teachers, administrators, resource officers, and other personnel in the assessment and management of threats, anger management, and dispute resolution through mediation.
- 4) School facilities and equipment must be safe and in good working condition by requiring:
  - Each school in the school district to perform an annual self-assessment of all relevant health and safety issues;
  - The school district to ensure that playgrounds are properly constructed, maintained, and supervised so as to minimize the risk of injury;
  - Each school to have appropriate equipment in order to protect the safety and security of property and records; and
  - The school district to provide appropriate safety equipment and information in order to prevent injuries to students and others.

#### **School Board Review of the Audit**

Within 60 calendar days after the issuance of the audit, the school board must conduct a public hearing to review the audit recommendations and adopt an action plan that identifies the steps to be taken at the district and school levels in order to address the recommendations. The school board must institute the action plan and cause the action plan to be instituted at the school level. No later than July 1 of the following year, the school board must submit a written report to the Commissioner of Education. The followup report must describe in detail the changes that were made and, by specific reference to the audit, whether the changes that occurred at the district and

k-12 school levels corrected the deficiencies noted in the audit report. The DOE must provide Internet access to all school district audit followup reports.

### **Citizen Appeal**

The bill provides for a citizen's appeal if a resident of the district submits a written appeal to the State Board of Education (SBE). The appeal may be based on the following grounds:

- The school district fails to vote on the implementation of the action plan; or
- The school district fails to implement the action plan.

The State Board of Education must, by majority vote, accept or reject the decision of the school board no later than 60 days after the appeal is filed. The State Board of Education must remand the appeal to the school board with its written recommendations. Upon receiving and evaluating the appeal, the Commissioner of Education may contact the school district, assess the situation, urge the school district to begin implementing the action plan, and offer technical assistance, if needed.

### **Toll-Free School Safety Hotline**

CS/HB 1495 requires each school district to create and maintain a toll-free school safety hotline by September 1, 2001, to provide a means for students, parents, school staff, and others to anonymously report activities that affect the safety and well-being of a school's population. School districts must adopt policies to encourage the use of the toll-free school safety hotline.

The bill requires any adult person who knows of, or has a reasonable cause to suspect, an alleged offense directly threatening the safety or well-being of a person or property within a school or at a school-sponsored function to report the alleged offense to a toll-free school safety hotline. The bill imposes a penalty, a first degree misdemeanor, for any adult who knowingly and willfully fails to report the alleged offense or who knowingly and willfully prevents another person from reporting the alleged offense.

The Department of Education may impose a fine, not to exceed \$1,000 for each violation, upon a person who knowingly and willfully makes a false report.

The bill requires the toll-free school safety hotline to be operated in a manner that ensures that a designated local law enforcement official and a designated school official be notified of complaints that concern the school as soon as possible after the complaint is made. The designated official must conduct an investigation and take appropriate action in a timely manner. The bill also requires a record of calls be maintained and a summary of the calls be periodically provided to the school district, parents, school staff, local law enforcement, and the Department of Education. The Department of Education must provide Internet access to all school safety hotline reports.

### **State Board of Education to Adopt Rules**

CS/HB 1495 requires the SBE to adopt rules in order to implement the provisions of the Safe Passage Act. This bill also requires the Commissioner of Education, in conjunction with the Partnership for School Safety and Security, for the purposes of rule development, to hold public workshops in various regions of the state in order to encourage the involvement of the public, parents, educators, students, and other stakeholders.

### **Safety and Sanitation Inspection of Property**

CS/HB1495 amends s. 235.06, F.S., to authorize the State Fire Marshal to adopt and administer the rules prescribing firesafety standards as part of the State Uniform Building Code for Public Educational Facilities Construction as provided for in s. 235.26, F.S.

### **Periodic Inspection of Property**

The bill amends s. 235.06(1), F.S., to require each board to provide a periodic inspection of each educational and ancillary plant at least once during each fiscal year to determine compliance with the standards of sanitation and casualty safety prescribed by the rules of the Commissioner of Education and the State Fire Marshal, rather than just complying with the rules of the commissioner. The school board is also required to submit a copy of a firesafety inspection report to the State Fire Marshal and, if there is a local fire control authority that conducts firesafety inspections, to the local fire control authority.

The bill amends s. 235.06(2), F.S., to require at least one firesafety inspection of an educational or ancillary plant to be conducted each fiscal year by the county, municipality, or special fire control district using the standards adopted by the State Fire Marshal, if the plant is located in a county, municipality, or special fire control district that conducts firesafety inspections. The bill also requires at least one firesafety inspection of an educational or ancillary plant not located in a county, municipality, or special fire control district to be conducted each fiscal year by personnel of the State Fire Marshal. The board must cooperate with the inspecting authority when a governmental authority makes a firesafety inspection.

### **Additional Standards for the Safety and Health of Occupants of Educational and Ancillary Plants**

The bill directs the State Fire Marshal to adopt and administer rules prescribing the following standards for the safety and health of occupants of educational and ancillary plants:

- The designation of the following conditions as serious life safety hazards: (1) nonfunctional fire alarms; (2) nonfunctional fire sprinkler systems; (3) doors with padlocks or other devices that preclude egress at any time; (4) inadequate exits; (5) hazardous electrical systems; (6) potential structural failure; (7) storage conditions that create a fire hazard; and (8) other conditions that may be identified.
- The minimum occupant load in number of persons for whom means of egress and other requirements are to be provided must be established as the following: (1) one person for each 20 net square feet in a classroom and (2) one person for each 50 net square feet in a shop, laboratory, and a similar vocational room.
- The proper placement of functional smoke and heat detectors and accessible, unexpired fire extinguishers.
- The maintenance of fire doors without doorstops or wedges improperly holding them open.

### **Immediate Safety Hazards**

CS/HB 1495 creates s. 235.06(5), F.S., in order to specify that an inspector, whether acting on behalf of the Department of Education, the State Fire Marshal, or a local fire control authority, may order an educational or ancillary plant to be closed until a disclosed violation that constitutes an immediate hazard to the safety of students or staff is corrected.

### **State Fire Marshal Powers and Duties**

The bill amends s. 633.01, F.S., to direct the State Fire Marshal to adopt and administer rules prescribing standards for the firesafety of occupants of educational and ancillary facilities.

#### **D. SECTION-BY-SECTION ANALYSIS:**

**Section 1:** Creates the "Safe Passage Act," in s. 229.8349, F.S., in order to (1) provide legislative findings and intent; (2) provide for safety audits of school districts and safety and security programs, district plans and procedures, and safety and security practices; (3) require a public review of audit recommendations; (4) require an action plan to address audit recommendations; (5) provide for the

appeal of a school district's failure to adopt or implement an action plan; (6) provide for school safety hotlines; (7) require reporting of offenses against school property or persons on school property; (8) provide penalties for failure to report known or suspected threats; (9) provide penalties for false reports of threats; (10) provide immunity from liability for good-faith reporting of suspected threats; (11) require a record of hotline calls and a review of the record; and (12) provide for rules.

**Section 2:** Amends s. 235.06, F.S., in order to (1) require the State Fire Marshal to adopt rules prescribing fire safety standards; (2) require the State Fire Marshal to adopt rules prescribing standards for the safety and health of occupants of educational and ancillary plants; and (3) require fire safety inspections of educational and ancillary plants.

**Section 3:** Amends s. 633.01, F.S., in order to require the State Fire Marshal to adopt rules prescribing standards for the firesafety of occupants of educational and ancillary facilities.

**Section 4:** Provides an effective date of July 1, 2001.

### III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

#### A. FISCAL IMPACT ON STATE GOVERNMENT:

##### 1. Revenues:

The Department of Education may experience a positive fiscal impact because it is authorized to impose a maximum fine of \$1,000 on any person who knowingly and willfully submits a false report about an alleged offense to a school safety hotline.

##### 2. Expenditures:

See Fiscal Comments.

#### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

##### 1. Revenues:

This bill does not appear to have a fiscal impact on local government revenues.

##### 2. Expenditures:

See Fiscal Comments.

#### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

This bill appears to have a positive economic impact on the private sector because it requires third-party auditors to conduct school district safety audits.

#### D. FISCAL COMMENTS:

According to the Department of Education, the non-recurring impact amount of \$3,100,000 to the state assumes that all audits would be completed in one year. This timeframe is improbable due to the time involved with requesting and evaluating proposals and awarding contracts. Additionally, staffing the audit teams with the necessary professionals may be problematic; thereby expanding the time needed to conduct the audits.



The non-recurring impact to school districts of \$200,000 is the cost of establishing a Safety Hotline in 45 school districts that do not currently have active hotlines.

The cost to school districts for implementing these provisions cannot entirely be determined. Many school districts are already implementing, to some degree the provisions of the bill.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to expend funds or take action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that counties or municipalities have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties and municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

This bill does not appear to violate any constitutional issues.

B. RULE-MAKING AUTHORITY:

CS/HB 1495 requires the State Board of Education to adopt rules to implement the provisions of the Safe Passage Act. Additionally, this bill requires the State Fire Marshall to adopt and administer rules prescribing for the health and safety of occupants of educational and ancillary buildings.

C. OTHER COMMENTS:

While the bill requires third-party auditors to conduct school safety audits that gather "evidence," in order to determine the extent to which school districts and their respective schools adopt and effectively implement "best safety and security practices;" the bill does not provide a definition for "evidence," so it is unclear what the audit team will be gathering. It is also unclear how school districts and their respective schools can actually ensure the safety and security of school populations. Consequently, it appears to be conceivable that a school district and its respective schools can receive a favorable audit that concludes that the school district and its respective schools have adopted and effectively implemented "best safety and security practices," yet a school within the school district may still experience a situation where the safety and security of the school population are seriously threatened or even violated. If a school receiving a favorable audit that concludes the school has adopted and effectively implemented "best safety and security practices" still experiences a situation where the safety and security of the school population are seriously threatened, that school, its respective school district, or the *state may be subjected to various lawsuits.*

Although a resident whose school district fails to vote on the implementation of the action plan or fails to implement the action plan is afforded the opportunity to appeal to the State Board of

Education, *it is conceivable that the State Board of Education may receive numerous appeals that impose a significant administrative burden and a significant cost.*

While requiring an adult who knows or suspects that an alleged offense will be perpetrated to report the offense to the school safety hotline may prevent the occurrence of a serious safety offense, the requirement may also prevent an unsure student from confiding in an adult about a suspected alleged offense that may be perpetrated because the student is aware that the adult has only one option that requires the adult to report the suspected offense. *Consequently, the requirement may prevent an unsure student from confiding in an adult about a suspected alleged offense that actually is committed.*

It appears that designating doors with padlocks or other locks as a serious life safety hazard may adversely impact Department of Juvenile Justice educational schools that house students that commit acts of delinquency. These schools more than likely have to place padlocks or other locks on doors in order to prevent delinquent students from exiting the schools and possibly jeopardizing public safety.

### **Comments by the Committee on State Administration**

There are concerns with the following provisions of the "Citizen Appeal" section of the bill:

- The bill states that a school board has 60 days following the receipt of audit recommendations to conduct a public hearing to review such recommendations and to adopt a plan identifying the steps required to address such recommendations. The bill further states that a citizen must wait 180 days before initiating an appeal based on the school board's failure to implement such action plan. Therefore, if the school board waits until the 60<sup>th</sup> day to conduct the public hearing, this allows the school board only 120 days to implement the adopted action plan before a citizen may appeal. One hundred and twenty days may not be a sufficient amount of time to properly implement such action plan.
- The bill states that "any citizen who is a resident of the school district" is permitted to submit a written "appeal" to the State Board of Education regarding either the school board's failure to vote on whether to adopt an action plan, or the school board's failure to implement an action plan. It does not appear that this "citizen" must have a child attending any school in the respective school district.
- The bill states that a citizen may appeal if the district school board fails to vote on whether to adopt an action plan for implementation, or if the school district fails to implement the action plan after voting to do so. However, it is unclear whether a citizen may appeal if the school board votes against the implementation of any action plan.
- The bill states that the State Board of Education must, by majority vote, accept or reject *the decision* of the district school board no later than 60 days after an appeal is filed. It is unclear what *decision* of the district school board is being referenced.
- The bill states that upon receipt and evaluation of the "appeal", the Commissioner of Education *may* contact the school district and assess the situation, and *may* urge the school district to implement the action plan. Accordingly, it appears that the implementation of the action plan is not imperative.

### **VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:**

On April 10, 2001, the Committee on Education Innovation adopted a strike-all amendment to HB 1495 without objection. The amended bill differs from the original bill in the following ways:

- Removes from the bill the definitions for “persistently dangerous” school and school district; “safety conscious” school and school district; and “serious school-based offense;”
- Removes from the bill the designation of schools and school districts as “persistently dangerous” or as “safety conscious;”
- Requires school districts to “have a safety audit on a 5-year mandatory cycle as provided by the Legislature in the General Appropriations Act;” rather than “requiring all school districts to have a state-funded, mandatory, third-party audit upon the bill becoming law;”
- Requires that the third-party professional auditors must be “under state contract with the Department of Education;” rather than “under state contract;”
- Requires the audit team must be made up of “at least one member with expertise in school psychology, social work, or guidance counseling and at least one member with expertise in law enforcement,” rather than “at least one member with expertise in school psychology, social work, or guidance counseling;”
- Requires the school board to “conduct a public hearing to review the audit recommendations;” rather than “conduct a review of the audit recommendations;”
- Removes from the bill the School Safety Choice Program;
- Includes a citizen appeal process;
- Requires school districts to adopt policies to encourage the use of the toll-free school safety hotline;
- Deletes the penalties to the school board and school board members for failure to adopt or implement the action plan;
- Authorizes the Department of Education to impose a fine, not to exceed \$1,000, for making a false report on the toll-free school safety hotline;
- Provides that any adult person who knows of, or has a reasonable cause to suspect, an alleged offense directly threatening the safety or well-being of the school’s population within the school or at a school-sponsored function must report such knowledge or suspicion to a toll-free school safety hotline, and provides that failure to do so could result in that adult person being charged with a first degree misdemeanor;
- Provides that anyone reporting in good faith to the toll-free school safety hotline any suspected or alleged offense is immune from any civil or criminal liability that might otherwise result by reason of such action;
- Requires the Department of Education to provide Internet access to all safety hotline reports;
- Transfers the responsibility to adopt and administer rules prescribing firesafety standards of educational facilities to the State Fire Marshal rather than the Commissioner of Education;
- Authorizes other public agencies when conducting inspections to use standards adopted by the Commissioner of Education or the State Fire Marshal, rather than just the State Fire Marshal; and
- Requires at least one firesafety inspection of an educational and ancillary plant each fiscal year.

The Committee on Education Innovation reported the bill favorably as a committee substitute.

VII. SIGNATURES:

COMMITTEE ON EDUCATION INNOVATION:

Prepared by:

Elsie J. Rogers

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AS REVISED BY THE COMMITTEE ON STATE ADMINISTRATION:

Prepared by:

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Lauren Cyran

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