

By Representative Carassas

1                                   A bill to be entitled  
 2           An act relating to school safety; creating s.  
 3           229.8349, F.S., the "Safe Passage Act";  
 4           creating a school safety accountability  
 5           program; providing legislative findings and  
 6           intent; providing definitions; identifying best  
 7           safety and security practices in schools;  
 8           requiring audits of adoption and implementation  
 9           of best safety and security practices;  
 10          requiring the school board to adopt and  
 11          institute an action plan to implement audit  
 12          recommendations; providing procedures for  
 13          failure to adopt or implement; providing  
 14          penalties; providing a school safety choice  
 15          program; providing for enrollment and funding;  
 16          requiring a toll-free school safety hotline;  
 17          requiring rules; amending ss. 235.06 and  
 18          633.01, F.S.; transferring responsibility for  
 19          the adoption and administration of rules  
 20          prescribing standards for educational  
 21          facilities from the Commissioner of Education  
 22          to the State Fire Marshal; providing an  
 23          effective date.

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 25 Be It Enacted by the Legislature of the State of Florida:

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 27           Section 1. Section 229.8349, Florida Statutes, is  
 28 created to read:

29           229.8349 School safety accountability program.--  
 30           (1) SHORT TITLE.--This section may be cited as the  
 31 "Safe Passage Act."

1           (2) FINDINGS.--The Legislature finds that:  
2           (a) The safety of our schools is as important to our  
3 children's welfare as academic performance.  
4           (b) A school atmosphere characterized by fear,  
5 violence, and intimidation adversely impacts not only the  
6 students' ability to learn, but also the students' mental  
7 well-being, socialization, and adaptation.  
8           (c) A school atmosphere characterized by safety and  
9 security is conducive to academic progress and emotional  
10 health and well-being.  
11           (3) INTENT.--It is the intent of the Legislature to  
12 foster a safe learning environment in each public school in  
13 the state serving all or portions of grades K-12. To enhance  
14 children's safe passage through Florida's K-12 public  
15 education system, a school safety accountability program with  
16 the following components and requirements is hereby created.  
17           (4) DEFINITIONS.--  
18           (a) "Best safety and security practices" means those  
19 practices identified in this section, which have been  
20 developed pursuant to s. 230.23025 by the Office of Program  
21 Policy Analysis and Government Accountability and the Office  
22 of the Auditor General, and approved by the Commissioner of  
23 Education in consultation with the Partnership for School  
24 Safety and Security established in s. 229.8347.  
25           (b) The designation of a K-12 school as a  
26 "persistently dangerous school" means that the school and the  
27 school district have failed to adopt and implement best safety  
28 and security practices and that such failure persists for 2  
29 consecutive years following issuance of the safety audit  
30 report required by this section. The term shall not be  
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1 construed as an indication of a student's actual risk of harm  
2 from attending a school with this designation.

3 (c) The designation of a school district as a  
4 "persistently dangerous school district" means that the school  
5 district has failed to adopt and implement best safety and  
6 security practices and that such failure has persisted for 2  
7 consecutive years following issuance of the safety audit  
8 report required by this section. The term shall not be  
9 construed as an indication of a student's actual risk of harm  
10 from attending a school in a district with this designation.

11 (d) The designation of an elementary or secondary  
12 public school as a "safety conscious school" means that the  
13 school and the school district have adopted and implemented  
14 best safety and security practices. The term shall not be  
15 construed as an indication of a student's actual risk of harm  
16 from attending a school with this designation.

17 (e) The designation of a school district as a "safety  
18 conscious school district" means that the district has adopted  
19 and implemented best safety and security practices. The term  
20 shall not be construed as an indication of a student's actual  
21 risk of harm from attending a school in a district with this  
22 designation.

23 (f) A "serious school-based offense" means one that is  
24 committed against a student on school property, during  
25 school-sponsored transportation, or during a school-sponsored  
26 activity, and shall include offenses which result in serious  
27 significant physical injury or psychological trauma.

28 (5) AUDITS.--

29 (a) School districts shall be subject to a  
30 state-funded, mandatory audit to be conducted by professional,  
31 third-party auditors under state contract. At least one member

1 of the audit team shall have expertise in school psychology,  
2 social work, or guidance counseling. The audit shall gather  
3 evidence of the actual safety conditions at schools within the  
4 district and the extent to which the district and schools  
5 within the district have adopted and effectively implemented  
6 best safety and security practices, including, without  
7 limitation, the following:

8 1. The school district ensures that it has a safety  
9 and security program that has clear direction and is effective  
10 in meeting its intended purpose in a cost-efficient manner by  
11 adoption and implementation of the following practices:

12 a. The district has established and implemented  
13 accountability mechanisms to ensure the performance,  
14 efficiency, and effectiveness of the safety and security  
15 program.

16 b. The district regularly reviews the organizational  
17 structure and staffing levels of the safety and security  
18 program and minimizes administrative layers and processes.

19 2. The school district has comprehensive plans and  
20 procedures to promote the safety and security of students and  
21 employees, including, without limitation, the following best  
22 safety and security practices:

23 a. The district has a written comprehensive plan that  
24 includes districtwide emergency and safety procedures and  
25 identifies those responsible for them.

26 b. The district has a checklist for each school that  
27 provides step-by-step crisis response procedures.

28 c. The district identifies district and school  
29 personnel who need school safety training and provides those  
30 personnel with appropriate training.

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1           3. The school district endeavors to identify,  
2 minimize, and protect students, teachers, administrators,  
3 resource officers, and other personnel from the effects of  
4 disruptive and/or violent student behavior by adoption and  
5 implementation of best safety and security practices,  
6 including, without limitation, the following:  
7           a. Each school has in place a state-of-the-art threat  
8 assessment methodology for students, teachers, administrators,  
9 resource officers, and other personnel.  
10           b. The district identifies and implements parent and  
11 community outreach strategies to promote safety in the home  
12 and community.  
13           c. The district conducts a needs assessment to  
14 determine the need for violence and drug prevention programs  
15 and, based on identified needs, implements appropriate  
16 programs.  
17           d. The district and each school has behavioral and  
18 disciplinary policies that are well-defined and  
19 well-communicated to students, parents, teachers,  
20 administrators, resource officers, and other personnel.  
21           e. The school board adopts curricula and programs  
22 aimed at protecting students, teachers, administrators,  
23 resource officers, and other personnel to include, without  
24 limitation, training of students, teachers, administrators,  
25 resource officers, and other personnel in the assessment and  
26 management of threats, anger management, and dispute  
27 resolution through mediation.  
28           4. School facilities and equipment are safe and in  
29 good working condition by adoption and implementation of best  
30 safety and security practices, including, without limitation,  
31 the following:

1       a. The district can demonstrate that each school in  
2 the district has performed an annual self-assessment of all  
3 relevant health and safety issues.

4       b. The district ensures that playgrounds are properly  
5 constructed, maintained, and supervised so as to minimize the  
6 risk of injury.

7       c. Each school has appropriate equipment to protect  
8 the safety and security of property and records.

9       d. The district provides appropriate safety equipment  
10 and information to prevent injuries to students and others.

11       (b) The school board shall conduct a review of the  
12 audit recommendations and adopt within 60 calendar days after  
13 issuance of the audit report an action plan identifying those  
14 steps required to be taken at the district and school levels  
15 in order to implement the recommendations. The school board  
16 shall institute the action plan and cause the plan to be  
17 instituted at the school level, and shall submit a written  
18 report to the commissioner no later than July 1 of the  
19 following year. The report shall describe in detail the  
20 changes that were made and, by specific reference to the  
21 audit, whether such changes that occurred at the district and  
22 K-12 school levels corrected deficiencies noted in the audit  
23 report and otherwise complied with audit recommendations.

24       (6) FAILURE TO ADOPT OR IMPLEMENT ACTION PLAN.--The  
25 failure of a school district to adopt or implement an action  
26 plan incorporating recommendations contained in the audit  
27 shall be subject to the following:

28       (a) In the event that a school board fails to timely  
29 vote on whether or not to adopt the action plan, the  
30 commissioner or any resident of the school district may  
31 petition the State Board of Education to issue an order

1 directing the school board to conduct the vote within a  
2 specified time period consistent with applicable law. The  
3 order shall not be subject to review under ss. 120.569 and  
4 120.57.

5 (b) In the event a school board votes not to adopt  
6 such action plan, or votes to adopt a materially different  
7 plan, the commissioner or any resident of the school district  
8 may request the state board to issue an order directing the  
9 school board to adopt the recommended plan. The order shall  
10 provide a reasonable point of entry to administrative  
11 proceedings pursuant to ss. 120.569 and 120.57. If the school  
12 board fails to timely petition for such proceedings or  
13 otherwise waives such proceedings, the order shall be  
14 enforceable as provided in this section. If the school board  
15 timely petitions for proceedings, the petition may contest the  
16 order solely on one or more of the following grounds:

17 1. The audit findings upon which the action plan is  
18 based are factually inaccurate;

19 2. The best safety and security practices to be  
20 implemented by the action plan in the report are not, under  
21 the circumstances, better than the district's existing  
22 practices; or

23 3. The best safety and security practices recommended  
24 in the audit report are not, under the circumstances, better  
25 than those contained in an alternative action plan adopted and  
26 implemented, or in the process of being adopted and  
27 implemented, by the district.

28 (c) In each case in which the best safety and security  
29 practices recommended in the audit report are to be compared  
30 to a school district's current practices or to practices in a  
31 school district's alternative action plan, the recommended

1 order and the final order shall specify, and require the  
2 implementation of, whichever practices are more likely to  
3 result in enhanced school safety and security.

4 (d) Where a school district fails to timely adopt,  
5 initiate, progress in, or complete the implementation of the  
6 action plan, in addition to other remedies authorized in this  
7 section or elsewhere by applicable law, the state board, on  
8 its own initiative or on the recommendation of the  
9 commissioner, may take one or more of the following actions:

10 1. Permanently withhold all or a portion of  
11 discretionary funds that might otherwise be available to such  
12 school district during the period of noncompliance.

13 2. Permanently withhold or condition use of all or a  
14 portion of funds that would otherwise be available to such  
15 school district during the period of noncompliance for  
16 salaries and associated expenses of district-based  
17 instructional administrators and district-based  
18 noninstructional administrators, as such personnel categories  
19 are defined in s. 228.041(10).

20 3. Impose a fine against such school district and each  
21 member of the school board thereof, and collect such fines, in  
22 an amount not to exceed \$1,000 for each day of noncompliance,  
23 with the school board and each member to be jointly and  
24 severally liable for such fine.

25 (e) Notwithstanding s. 120.69(1)(a), final orders  
26 issued pursuant to this section shall be enforceable in the  
27 circuit court for the Second Judicial Circuit in and for Leon  
28 County.

29 (f) A resident's request for an order under paragraph  
30 (a) shall be filed no later than 30 days after expiration of  
31 the period within which the school board must vote on whether



1 to adopt the recommended action plan. A resident's request for  
2 an order under paragraph (b) shall be filed no later than 30  
3 days after the date on which the school board voted not to  
4 adopt the recommended action plan or to adopt a materially  
5 different action plan. The request shall be in writing, shall  
6 identify the requesting party's name and address, and shall be  
7 filed with the Department of Education's agency clerk.

8 (g) After expiration of the time for a resident to  
9 file a request, the commissioner, in accordance with the  
10 procedures of the state board, shall place on the next  
11 available agenda of the state board any request by the  
12 commissioner and any timely request by a resident for an order  
13 under paragraph (a) or paragraph (b).

14 (7) SCHOOL SAFETY CHOICE PROGRAM.--

15 (a) The Legislature finds that a student should not be  
16 compelled against the wishes of the student's parent or  
17 guardian to remain in a public school serving all or a portion  
18 of grades K-12 that maintains a persistently dangerous school  
19 designation for 2 consecutive years or, regardless of such  
20 designation, in a K-12 public school in which the student has  
21 been the victim of a serious school-based offense.

22 (b) For each student enrolled in or assigned to a  
23 public school that has been designated as a persistently  
24 dangerous school for 2 consecutive school years, the school  
25 district shall:

26 1. Notify the parent or guardian of the student as  
27 soon as such designation is made.

28 2. Offer the parent or guardian an opportunity to  
29 enroll the student in any public school within the school  
30 district, or, at the parent's or guardian's choice, in an  
31 adjacent school district, provided such school is not

1 designated as a persistently dangerous school and is not  
2 designated by the state pursuant to s. 229.57 as a school  
3 performing less than performance grade category "C."  
4 (c) Transportation costs to such other public school  
5 within the district shall be the responsibility of the school  
6 district. The district may utilize state categorical  
7 transportation funds or state-appropriated public school  
8 choice incentive funds for this purpose.  
9 (d) The receiving school district shall accept the  
10 student and report the student for purposes of the district's  
11 funding pursuant to the Florida Education Finance Program.  
12 (8) SCHOOL SAFETY HOTLINE.--  
13 (a) By September 1, 2001, each school district shall  
14 create and maintain a toll-free school safety hotline to  
15 provide a means for students, parents, school staff, and other  
16 persons to anonymously report activity that affects the safety  
17 and well-being of the school's population.  
18 1. Each school district shall maintain a record of the  
19 calls. A summary report of the calls shall be periodically  
20 provided to parents, school staff, and the Department of  
21 Education.  
22 2. The toll-free school safety hotline shall be  
23 operated in a manner that ensures a designated school official  
24 is notified of a complaint received through the hotline if the  
25 complaint concerns that school. A complaint that concerns an  
26 alleged offense directly threatening the safety or well-being  
27 of a person or property within a school must be reported to  
28 the designated official as soon as possible after the  
29 complaint is made, and the designated official must conduct an  
30 investigation and take appropriate action in a timely manner.  
31 Nothing in this subsection shall affect the school district's

1 obligations under s. 231.262(1)(c) with respect to timely  
2 investigation and reporting of complaints against  
3 certificateholders.

4 (b) There shall not be an award or monetary benefit  
5 for reporting an incident through the toll-free school safety  
6 hotline.

7 (9) RULES.--The state board shall adopt rules pursuant  
8 to ss. 120.536(1) and 120.54 to implement the provisions of  
9 this section. For purposes of rule development, the  
10 Commissioner of Education, in conjunction with the Partnership  
11 for School Safety and Security established in s. 229.8347,  
12 shall hold public workshops in various regions of the state,  
13 to be determined by the commissioner, so as to encourage the  
14 involvement of citizens, parents, educators, students, and  
15 other stakeholders. The commissioner's determination of the  
16 location of such workshops is not subject to review pursuant  
17 to ss. 120.569 and 120.57.

18 Section 2. Section 235.06, Florida Statutes, is  
19 amended to read:

20 235.06 Safety and sanitation standards and inspection  
21 of property.--The State Fire Marshal ~~Commissioner of Education~~  
22 shall adopt and administer rules prescribing standards for the  
23 safety and health of occupants of educational and ancillary  
24 plants as a part of the State Uniform Building Code for Public  
25 Educational Facilities Construction as provided in s. 235.26,  
26 ~~the provisions of chapter 633 to the contrary notwithstanding.~~  
27 These standards must be used by all public agencies when  
28 inspecting public educational and ancillary plants. In  
29 accordance with such standards, each board shall prescribe  
30 policies and procedures establishing a comprehensive program  
31 of safety and sanitation for the protection of occupants of

1 public educational and ancillary plants. Such policies must  
2 contain procedures for periodic inspections as prescribed  
3 herein and for withdrawal of any educational and ancillary  
4 plant, or portion thereof, from use until unsafe or unsanitary  
5 conditions are corrected or removed.

6 (1) PERIODIC INSPECTION OF PROPERTY BY THE BOARD.--

7 (a) Each board shall provide for periodic inspection  
8 of each educational and ancillary plant at least once during  
9 each fiscal year to determine compliance with standards of  
10 sanitation and casualty safety prescribed by ~~in~~ the rules of  
11 the State Fire Marshal ~~commissioner~~.

12 (b) Firesafety inspections of each educational and  
13 ancillary plant must be made annually by persons certified by  
14 the Division of State Fire Marshal to be eligible to conduct  
15 firesafety inspections in public educational and ancillary  
16 plants.

17 (c) In each firesafety inspection report, the board  
18 shall include a plan of action and a schedule for the  
19 correction of each deficiency. If immediate life-threatening  
20 deficiencies are noted in any inspection, the board shall  
21 either take action to promptly correct the deficiencies or  
22 withdraw the educational or ancillary plant from use until  
23 such time as the deficiencies are corrected.

24 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC  
25 AGENCIES.--

26 (a) A safety or sanitation inspection of any  
27 educational or ancillary plant may be made at any time by the  
28 Department of Education or any other state or local agency  
29 authorized or required to conduct such inspections by either  
30 general or special law. Each agency conducting inspections  
31 shall use the standards adopted by the State Fire Marshal

1 ~~Commissioner of Education~~ in lieu of, and to the exclusion of,  
2 any other inspection standards prescribed either by statute or  
3 administrative rule, ~~the provisions of chapter 633 to the~~  
4 ~~contrary notwithstanding~~. The agency shall submit a copy of  
5 the inspection report to the board.

6 (b) In addition to school board inspections, the  
7 applicable local fire control authority shall also annually  
8 inspect educational facilities within its fire control  
9 district, using the standards adopted by the State Fire  
10 Marshal ~~Commissioner of Education~~. Reports shall be filed with  
11 the school board, and a copy shall be on file with the local  
12 site administrator.

13 (3) CORRECTIVE ACTION.--Upon failure of the board to  
14 take corrective action within a reasonable time, the agency  
15 making the inspection may request the State Fire Marshal  
16 ~~commissioner~~ to:

17 (a) Order that appropriate action be taken to correct  
18 all deficiencies in accordance with a schedule determined  
19 jointly by the inspecting authority and the board; in  
20 developing the schedule, consideration must be given to the  
21 seriousness of the deficiencies and the ability of the board  
22 to obtain the necessary funds; or

23 (b) After 30 calendar days' notice to the board, order  
24 all or a portion of the educational or ancillary plant  
25 withdrawn from use until the deficiencies are corrected.

26 (4) ADDITIONAL STANDARDS.--The State Fire Marshal  
27 shall adopt and administer rules prescribing the following  
28 standards for the safety and health of occupants of  
29 educational and ancillary plants:

30 (a) The designation of serious life safety hazards,  
31 including, but not limited to, nonfunctional fire alarm

1 systems, nonfunctional fire sprinkler systems, doors with  
2 padlocks or other locks or devices that preclude egress at any  
3 time, inadequate exits, hazardous electrical system  
4 conditions, potential structural failure, and storage  
5 conditions that create a fire hazard. Other conditions may be  
6 identified as serious by the inspection authority.

7 (b) The occupant load in number of persons for whom  
8 means of egress and other requirements are to be provided to  
9 be determined on the basis of the following occupant load  
10 factors or the maximum probable population of any room or  
11 section under consideration, whichever is greater:

12 1. Classrooms: one person for each 20 net square feet.

13 2. Shops, laboratories, and similar vocational rooms:  
14 one person for each 50 net square feet.

15 (c) The proper placement of functional smoke and heat  
16 detectors and accessible, unexpired fire extinguishers.

17 (d) The maintenance of fire doors without doorstops or  
18 wedges improperly holding them open.

19 Section 3. Subsection (7) is added to section 633.01,  
20 Florida Statutes, to read:

21 633.01 State Fire Marshal; powers and duties; rules.--

22 (7) The State Fire Marshal shall adopt and administer  
23 rules prescribing standards for the safety and health of  
24 occupants of educational and ancillary facilities in  
25 accordance with ss. 235.06 and 235.26.

26 Section 4. This act shall take effect July 1, 2001.

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HOUSE SUMMARY

Creates a school safety accountability program. Identifies best safety and security practices in schools and school districts and requires audits of the adoption and implementation of such practices. In response to audit recommendations, requires the adoption and implementation of an action plan and provides procedures and penalties for failure to adopt or implement. Provides for enrollment and funding with respect to a school safety choice program. Requires a toll-free school safety hotline.

Transfers responsibility for the adoption and administration of rules prescribing standards for educational facilities from the Commissioner of Education to the State Fire Marshal.