

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 481 Student Safety
SPONSOR(S): K-20 Competitiveness Subcommittee; Kiar and others
TIED BILLS: **IDEN./SIM. BILLS:** SB 588

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) K-20 Competitiveness Subcommittee	12 Y, 0 N, As CS	Beagle	Ahearn
2) Community & Military Affairs Subcommittee	12 Y, 0 N	Duncan	Hoagland
3) Education Committee	18 Y, 0 N	Beagle	Klebacha

SUMMARY ANALYSIS

The bill requires each district school board to list in its emergency response policy the agency responsible for notifying the school district regarding each type of emergency. District model emergency management and preparedness procedures for weather emergencies and other situations must also list the agencies with notification responsibilities. The bill requires the emergency response agency identified in a district school board's emergency policies and procedures to notify private schools in the district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's notification procedures.

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Model emergency management and preparedness procedures must address life-threatening emergencies, such as weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies; and exposure resulting from manmade emergencies. Florida law does not expressly require that district school board emergency response policies and procedures list the agency responsible for notifying the school district regarding each type of emergency.

Private school emergency policies are not regulated by the state. Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Florida law does not expressly authorize private schools to opt into school district emergency notification procedures for the purpose of receiving emergency notifications.

The bill does not have fiscal impact on state or local governments.

The bill takes effect July 1, 2011.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Florida law requires each district school board to establish emergency response policies and model emergency management and preparedness procedures. Emergency response policies must include procedures for responding to fires, natural disasters, and bomb threats. Commonly used alarm system responses for specific types of emergencies must be incorporated into such policies.¹ Additionally, district school boards must establish model emergency management and preparedness procedures for weapon-use and hostage situations; hazardous materials or toxic chemical spills; weather emergencies, including hurricanes, tornadoes, and severe storms; and exposure resulting from manmade emergencies.²

Florida law does not expressly require that school district emergency response policies and model emergency management and preparedness procedures list the agency responsible for notifying the school district regarding emergencies. However, cooperation with emergency response agencies is incorporated into the *Safety and Security Best Practices*, a self-assessment tool that each school district must use to annually assess the effectiveness of district emergency response policies. Among other “best practices,” the self-assessment suggests that school districts:

- Make arrangements to work with local emergency officials, including, without limitation, law enforcement; fire department; emergency management; hospital, mental health, health, and social services agencies; and court officials.
- Share comprehensive school safety plans and emergency procedures with appropriate emergency response agencies.
- Implement procedures for contacting all district schools simultaneously regarding an emergency.³

Private school emergency policies are not regulated by the state.⁴ Private schools typically make arrangements to receive notification of emergencies from the appropriate emergency response agency. Despite such arrangements, private schools do not always receive notification.⁵ Florida law does not expressly authorize private schools to opt into district school board emergency notification procedures for the purpose of receiving notification of emergencies from an emergency response agency.⁶

Effect of Proposed Changes

The bill requires each district school board to list in its emergency response policy the agency responsible for notifying the school district regarding each type of emergency. District model emergency management and preparedness procedures for weather emergencies and other situations must also list the agencies with notification responsibilities. The bill requires the emergency response agency identified in a district school board’s emergency policies and procedures to notify private

¹ Section 1006.07(4)(a), F.S.

² Section 1006.07(4)(b), F.S.

³ Section 1006.07(6), F.S.; Florida Department of Education, *District Safety and Security Best Practices*, <http://www.fldoe.org/EM/security-practices.asp> (last visited March 10, 2011). The Best Practices are developed by the Office of Program Policy Analysis and Government Accountability. *Id.* Each district school superintendent must make recommendations to the school board for improving emergency response policies based upon the self-assessment results. The self-assessment results and superintendent’s recommendations must be addressed in a publicly noticed school board meeting. The results of the self-assessment and any school board action on the superintendent’s recommendations must be reported to the commissioner within 30 days after the school board meeting. Section 1006.07(6), F.S.

⁴ Telephone interview with Bureau Chief, Emergency Management, Florida Department of Education (March 17, 2011).

⁵ Telephone interview with Executive Director, Florida Council of Independent Schools (March 11, 2011).

⁶ See s. 1002.42, F.S.

schools in the district of occurrences that threaten student safety if the private school requests such notification by opting into the district school board's notification procedures. This will enable a private school to receive emergency notifications on the same basis as district public schools.

B. SECTION DIRECTORY:

Section 1. Amending s. 1006.07, F.S., relating to district school board duties regarding student discipline and school safety; requiring school boards to identify in emergency policies and procedures the agency responsible for notifying the school district regarding emergencies.

Section 2. Amending s. 1002.42, F.S., relating to private schools; requiring an emergency response agency to notify private schools of emergencies that threaten student safety; authorizing private schools to request such notification by opting into school board notification procedures.

Section 3. Providing an effective date of July 1, 2011.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On March 23, 2011, the K-20 Competitiveness Subcommittee adopted one amendment and reported the bill favorably as a committee substitute. The original bill could be construed to require a district school board to select an emergency response agency to be responsible for notifying the school district regarding emergencies. The amendment clarifies that each district school board is simply required to list in its emergency policies and procedures each agency that notifies the school district for each type of emergency.