

## HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** HB 7093      PCB EDC 19-02      School Safety  
**SPONSOR(S):** Education Committee, Sullivan  
**TIED BILLS:**                      **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee	11 Y, 5 N	Fudge	Hassell
1) Appropriations Committee	16 Y, 9 N	Potvin	Pridgeon

### SUMMARY ANALYSIS

In 2018, the Legislature enacted the “Marjory Stoneman Douglas High School Public Safety Act (Act)” to address school safety and security and establish the Marjory Stoneman Douglas High School Public Safety Commission (commission). The commission is required to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, develop recommendations for system improvements, and submit its initial report to the Governor and the Legislature by January 1, 2019.

The bill expands access to school guardians by allowing private schools and charter schools to employ school guardians (either directly or by contract) and allows the Criminal Justice Standards & Training Commission (CJSTC) certified law enforcement academies and school districts that employ school resource officers (SROs), in addition to sheriffs, to offer the school guardian training program as established by the CJSTC.

The bill increases the ability of the Office of Safe Schools (Office) within the Department of Education (DOE) to enforce school safety by allowing the Education Practices Commission to fine superintendents, school board members, and school personnel for noncompliance as determined by the Office. The bill requires the Office to determine (a) the types of schools and campuses that need a safe-school officer and (b) the number and type of emergency drills.

The bill increases information sharing among schools and school districts by requiring schools to transfer student records, including mental and behavioral records maintained by the school, within one business day if within the district and within two business days if outside of the district.

The bill requires schools to consult with law enforcement when an act poses a threat to school safety. The bill requires schools to screen or assess within 45 days, students who are referred for mental assistance. School-based interventions must occur within 30 days of the screening and continue until the student receives community based care, where appropriate. When a student transfers to a different school, the threat assessment team must verify that any intervention services remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

The bill allows school districts to use their Fiscal Year 2018-2019 Safe Schools Allocation (SSA) to acquire safe-school officers. Beginning in Fiscal Year 2019-2020, the bill revises the methodology for distributing the SSA by requiring a minimum amount to be distributed to each school district with the remaining balance allocated based on each school district’s proportionate share of the total full-time equivalent student enrollment. The priority use of the SSA is funding safe-school officers, instead of solely SROs which allows school districts and charter schools to use the funds for school guardians.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

In 2018, the Legislature enacted the “Marjory Stoneman Douglas High School Public Safety Act (Act)”<sup>1</sup> to address school safety and security and establish the Marjory Stoneman Douglas High School Public Safety Commission (commission).<sup>2,3</sup>

#### **Marjory Stoneman Douglas High School Public Safety Commission**

The Marjory Stoneman Douglas High School Public Safety Commission is required to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and develop recommendations for system improvements.<sup>4</sup> The commission submitted its initial report to the Governor and the Legislature on January 2, 2019.<sup>5</sup> The commission may issue reports annually, by January 1, and is scheduled to sunset July 1, 2023.

#### **The Office of Safe Schools**

##### Present Situation

The Office of Safe Schools (Office) within the Department of Education (DOE) is fully accountable to the Commissioner of Education, and serves as the central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning.<sup>6</sup>

The Office has the following duties:

- Establish and update as necessary a school security risk assessment tool for use by school districts.
- Provide ongoing professional development opportunities to school district personnel.
- Provide technical assistance and guidance to school districts on safety and security matters.
- Develop and implement a School Safety Specialist Training Program for district school safety specialists.
- Review and provide recommendations on the security risk assessments.
- Coordinate with the Department of Law Enforcement to provide a centralized integrated data repository and data analytics resources by December 1, 2018.
- Award grants to schools to improve the safety and security of school buildings based upon recommendations of the security risk assessment instrument.
- Disseminate, in consultation with the Department of Law Enforcement, to participating schools awareness and education materials on the School Safety Awareness Program.<sup>7</sup>

The Office contracted with a security consulting firm that has experience in conducting security assessments of public facilities to develop, update and implement a risk assessment tool, which is known as the Florida Safe Schools Assessment Tool (FSSAT).<sup>8</sup>

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<sup>1</sup> Chapter 2018-3, L.O.F.

<sup>2</sup> Section 943.687, F.S.

<sup>3</sup> Section 1001.212, F.S.

<sup>4</sup> Section 943.687(3), F.S.

<sup>5</sup> Marjory Stoneman Douglas High School Public Safety Commission, *Initial Report* (Jan. 2, 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf>.

<sup>6</sup> Section 1001.212, F.S.

<sup>7</sup> Section 21, ch. 2018-3, L.O.F.

<sup>8</sup> Section 1006.1493(1), F.S.

The FSSAT must be used by school officials to conduct a security assessment at each public school site in the district to help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools they supervise by addressing 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.<sup>9</sup>

Governor Rick Scott directed all school districts in a March 23, 2018, letter to complete a security risk assessment for each public school by August 1, 2018, and to complete a district school board action report based on the security risk assessments by October 31, 2018.<sup>10</sup> By November 16, 2018, the Office verified that only 62 districts had complied with this requirement.<sup>11</sup> By January 22, 2019, the Office reported that all districts had completed this requirement.<sup>12</sup>

Based on the Office's technical guidance, district school boards must formulate and prescribe emergency drills and actual emergency policies and procedures, including active shooter and hostage situations, with the appropriate public safety agencies.<sup>13</sup>

School districts are required to report to the Office district data on 26 types of crime, violence, and disruptive behavior (school safety incidents) that occur on school grounds, on school transportation, and at off-campus, school-sponsored events 365 days per year. These school safety incidents are tracked through the School Environmental Safety Incident Reporting (SESIR) system on the Office website.<sup>14</sup>

School principals must ensure school staff is properly trained and using the correct forms to report school safety incident data accurately and timely.<sup>15</sup> The Marjory Stone Douglas Public Safety Commission's January 2, 2019 report indicated schools and school districts are failing to properly report school safety incidents, and testimony suggested that DOE be given oversight and sanction authority to hold accountable districts and administrators that fail to report these school safety incidents fully and correctly.<sup>16</sup>

### Effect of Proposed Changes

The bill requires the Office to include data from Fortify Florida<sup>17</sup> and the SESIR in the centralized data repository and revises the date the repository must be available from December 1, 2018 to August 1, 2019. The Office must also provide access to data to support evaluation of mental health services by the Louis de la

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<sup>9</sup> Section 1006.1493(2), F.S.

<sup>10</sup> Florida Department of Education, *Florida Safe Schools Assessment Tool Training and Deadlines*, Memorandum to School District Superintendents from Education Commissioner Pam Stewart, April 27, 2018, available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8248/dps-2018-69.pdf>

<sup>11</sup> Florida Department of Education, *Office of Safe Schools Update*, Marjory Stoneman Douglas High School Public Safety Commission Meeting, November 16, 2018, p. 6, available at <http://www.fdle.state.fl.us/MSDHS/Meetings/November-Meeting-Documents/Nov-16-1015am-Office-of-Safe-Schools-Damien-Kelly.aspx>

<sup>12</sup> *Supra*, *School Safety and Security Update*, note 21, p. 8.

<sup>13</sup> Section 1006.07(4)(a), F.S.<sup>14</sup> Florida Department of Education, *Discipline Data, School Environmental Safety Incident Reporting System – District and State Reports*, (February 21, 2019), available at <http://www.fldoe.org/safe-schools/discipline-data.stml>

<sup>14</sup> Florida Department of Education, *Discipline Data, School Environmental Safety Incident Reporting System – District and State Reports*, (February 21, 2019), available at <http://www.fldoe.org/safe-schools/discipline-data.stml>

<sup>15</sup> Sections 1001.54(3) and 1006.09(6), F.S.

<sup>16</sup> *Supra*, *MSDHSPSC Initial Report*, note 5, pp. 307-314.

<sup>17</sup> Fortify Florida is a mobile suspicious activity report tool funded pursuant to Section 45 of ch. 2018-3 L.O.F.;

<https://getfortifyfl.com/>

Parte Florida Mental Health Institute at the University of South Florida whose purpose is to strengthen mental health services throughout the state.

The bill codifies SESIR by requiring the Office to collect school safety and discipline data for incidents that occur on school grounds, on school transportation, and at off-campus, school-sponsored events, which are committed by students, non-students, or if the offender is unknown. The Office must monitor compliance and report any violation to the Commissioner of Education for review by the Education Practices Commission (EPC). The bill authorizes the EPC to fine school board members, superintendents, and school personnel for noncompliance with requirements of the Office.

The bill requires the Office to identify the types of schools and campuses that must comply with the requirements for school safety and safe-school officers and make the FSSAT available for use by charter schools. Charter schools must comply with the requirements to conduct emergency drills, establish threat assessment teams, and provide mental health assistance.

The bill requires each district school board to adopt policies and procedures for and conduct active shooter and hostage situations drills in compliance with the requirements of the Office. These drills must be conducted in accordance with the requirements of the Office, instead of as often as other drills.

## **Safe-School Officers**

### Present Situation

District school boards and school district superintendents are required to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district. A safe-school officer may be a school resource officer (SRO), school safety officer (SSO), or a school guardian. A school resource officer is a certified law enforcement officer<sup>18</sup> who is employed by a law enforcement agency. A school safety officer is also a certified law enforcement officer,<sup>19</sup> but may be employed by a district school board or law enforcement agency. A school guardian is a school employee who volunteers and completes the program requirements of the Coach Aaron Feis Guardian Program (guardian program) to serve as a guardian. Excluded from participation are school employees who exclusively perform classroom duties as teachers. Guardians must hold a valid concealed weapon permit, complete 144 hours of specified training, and pass a psychological evaluation and an initial drug test. The sheriff provides the guardian training, issues a guardian certificate to school employees who complete the program, appoints the guardian, and retains all guardian-related records and documentation.<sup>20</sup>

Florida law exempts from disclosure any information held by a law enforcement agency, school district, or charter school which would identify whether a particular individual has been appointed as a safe-school officer.<sup>21</sup>

There are 3,648 public school facilities, including charter schools. There are 2,396 SROs, 450 SSOs, and 726 guardians assigned to schools, for a total of 3,572 safe-school officers. Twenty-five sheriffs established guardian programs to provide guardians to school districts. As of January 22, 2019, 726 guardians were serving as safe-school officers.<sup>22</sup>

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<sup>18</sup> See ch. 93, F.S.

<sup>19</sup> See s. 943.10(1), F.S.

<sup>20</sup> *Id.*

<sup>21</sup> Section 3, ch. 2018-1, L.O.F, codified at s. 1006.12(4), F.S.

<sup>22</sup> Florida Department of Education, Office of Safe Schools, *School Safety and Security Update for the House Education Committee*, January 22, 2019, pp. 20-22, available at <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2996&Session=2019&DocumentType=Meeting%20Packets&FileName=edc%201-22-19.pdf>

## Effect of Proposed Changes

The bill requires the Criminal Justice Standards & Training Commission (CJSTC) within the Department of Law Enforcement (FDLE) to adopt the training and skills necessary to become a school guardian and allows, in addition to sheriffs, CJSTC certified law enforcement academies and school districts that employ school resource officers to offer the training.

The bill eliminates the obsolete use of the term “school safety officers” which are equivalent to school resource officers and clarifies that school resource officers may be employed by a law enforcement agency or a school district. The bill authorizes district school boards, charter school boards, and private school boards to employ or contact for employment, school guardians to aid in the prevention or abatement of active assailant incidents on school premises, and in the support of school-sanctioned activities and the bill removes the limitation on who may serve as school guardians.<sup>23</sup>

## **Student Discipline and School Safety**

### Present Situation

Currently, upon initial registration for school in a school district a student must disclose previous expulsions, arrests resulting in a charge, or action by the Department of Juvenile Justice (DJJ) and any mental health referral.<sup>24</sup>

Each district school superintendent must designate a school administrator as a school district school safety specialist for the district.<sup>25</sup> The school safety specialist must conduct an annual school security risk assessment at each district public school, and provide recommendations to the school board which identify strategies and activities to improve school safety and security.<sup>26</sup> The school safety specialist must review policies and procedures for compliance with state law and rules.<sup>27</sup>

Each district school board must adopt policies consistent with the model policies developed by Office of Safe Schools (Office) for establishing threat assessment teams at each school. The threat assessment team’s duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat student or school safety.<sup>28</sup>

The threat assessment team members have access only to a sheriff-maintained identification file on serious habitual juvenile offenders, and on juveniles who are at risk of becoming serious habitual juvenile offenders.<sup>29</sup> Each threat assessment team is required to report quantitative data on its activities to the Office in accordance with guidance issued by the Office.<sup>30</sup>

School principals are required to supervise public school personnel as the district school board determines necessary,<sup>31</sup> and are responsible for student, staff and school compliance with most matters related to student discipline and school safety.<sup>32</sup> The principal is the school’s chief executive officer.

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<sup>23</sup> Section 790.115(2)(a), F.S. *See* Advisory Legal Opinion, Op. Att’y Gen. Fla. 2014-13 (2014), stating that “section 790.115, Florida Statutes, operates as an exemption from the prohibition against the possession of weapons and firearms on campus when authorized in support of approved school-sanctioned activities.”

<sup>24</sup> Section 24, ch. 2018-3, L.O.F.

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

<sup>26</sup> Section 1006.07(6)(a)4., F.S.

<sup>27</sup> Section 1006(07)(6)(a)1., F.S.

<sup>28</sup> Section 1006.07(7), F.S.

<sup>29</sup> Section 985.047, F.S.

<sup>30</sup> Section 1006.07(7)(f), F.S.

<sup>31</sup> Section 1012.28(1), F.S.

<sup>32</sup> Section 1006.09, F.S.

The Marjory Stoneman Douglas Public Safety Commission recommended that every school district and school should have a written, unambiguous Code Red or other active assailant response policy that is well known to all school personnel, parents, and students. This policy must make clear that all personnel are empowered to enact emergency active assailant response procedures.<sup>33</sup>

### Effect of Proposed Changes

The bill clarifies the requirement to disclose mental health referrals by limiting such disclosure to instances that are related to a previous school expulsion, arrest resulting in a charge, or a DJJ action.

The bill removes the requirement that the school safety specialist must be a school administrator thereby allowing school districts to determine the appropriate individual to serve as the specialist. The school safety specialist must conduct an annual school security risk assessment at each district public school, using the security risk assessment tool established in s. 1006.1493, F.S., in collaboration with law enforcement, firefighting, medical, and other emergency services public safety agencies. The school safety specialist must provide recommendations to the school board to address the assessment tool's findings to improve school safety and security.

The school safety specialist is responsible for compliance with the requirement that school districts report all school district student discipline and school safety incidents on time and accurately to DOE.<sup>34</sup>

Each school principal must designate school personnel who may declare an emergency in response to any incident that threatens school safety and who must contact the primary emergency response agency in accordance with the emergency response policy of the school district.

Each district school board's threat assessment team policy must include procedures for conducting standardized threat assessments using the threat assessment instrument developed by the Office. The school district must provide members of the team with school and district level data and data from the centralized data repository. The bill authorizes the threat assessment team to obtain criminal history record information based on the county interagency juvenile offender information sharing agreement.<sup>35</sup>

Students that are referred for mental health assistance must be screened or assessed within 45 days of such referral and school-based intervention must begin within 30 days of the screening or assessment and continue until the student receives community-based care, where appropriate.<sup>36</sup> When a student transfers to another school, the team must verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.

## **Safe Schools Allocation**

### Present Situation

For Fiscal Year 2018-2019, the General Appropriations Act appropriated \$64.5 million in the Safe Schools Allocation. These funds are provided to assist school districts in their compliance with s. 1006.07, F.S., with priority given to school districts implementing a school resource officer program pursuant to s. 1006.12, F.S. Each school district received a minimum allocation amount of \$62,660 as provided for in the General Appropriations Act (GAA) and of the remaining balance, two-thirds was allocated to school districts based on the most recent official Florida Crime Index provided by the Department of Law Enforcement and one-third was allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.<sup>37</sup>

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<sup>33</sup> *Supra*, MSDHSPSC *Initial Report*, note 5, p. 85.

<sup>34</sup> Sections 1006.07(6)(a)1., 1001.54(3) and 1006.09(6), F.S.

<sup>35</sup> Section 985.04(1), F.S.

<sup>36</sup> *Supra*, MSDHSPSC *Initial Report*, note 5, p. 273.

<sup>37</sup> Section 1011.62(15), F.S.

Also for Fiscal Year 2018-2019, \$97.5 million was appropriated in Section 42 of ch. 2018-3, Laws of Florida, for the Safe Schools Allocation and were in addition to the funds appropriated in the Fiscal Year 2018-2019 GAA. From these funds, \$187,340 was distributed to each school district to increase each district's minimum allocation amount to \$250,000 when combined with the minimum amount appropriated in the GAA and with the balance of the funds distributed to school districts based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Each school district is required to use these funds exclusively for hiring or contracting for school resource officers pursuant to s. 1006.12, F.S.

### Effect of Proposed Change

The bill amends the Safe Schools Allocation for Fiscal Year 2018-2019 by requiring school districts to give priority to funding safe-school officers. This change is retroactive to allow school districts to use their Safe Schools Allocation to compensate school guardians.

The bill also amends the Safe Schools Allocation beginning in Fiscal Year 2019-2020 by revising the methodology for distributing the allocation to school districts. Each school district will receive a minimum allocation amount as provided for in the GAA with the remaining balance distributed based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. The bill also requires that school districts give priority to funding safe-school officers and conditions the release of each school district's allocation to compliance with the Florida Safe Schools Assessment Tool established pursuant to s. 1006.1493, F.S.

## **Policy of Zero Tolerance for Crime and Victimization**

### Present Situation

#### *Florida Law*

Florida enacted a "policy of zero tolerance" to comply with the federal Gun-Free Schools Act of 1994, which required each district school board to adopt a policy that any student found in possession of a firearm at school, at school functions, or on school transportation be expelled for a minimum of one year and referred to the criminal justice or juvenile justice system.<sup>38</sup> The same penalty now applies to any student making threats or false reports regarding explosives, bombs, weapons of mass destruction, and destructive devices involving school or school personnel's property, school transportation, or school sponsored activities.<sup>39</sup> District school boards may assign the student to a disciplinary program to receive continuing education services during the period of expulsion.<sup>40</sup> In 2002, Florida expanded its zero-tolerance policy to require each district school board to adopt zero-tolerance policies for crime, substance abuse, and victimization of students.<sup>41</sup>

In 2009, the law was amended to encourage the use of alternatives to expulsion or referral to law enforcement, required that zero-tolerance policies apply equally to all students regardless of economic status, race, or disability, and declared, "Zero-tolerance policies do not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency, including but not limited to, disorderly conduct, disrupting a school function, simple assault or battery, affray, theft of less than \$300, trespassing, and vandalism of less than \$1000."<sup>42</sup>

#### *Federal Activity*

In January 2014, United States Department of Education (ED) and the Department of Justice (DOJ) released joint legal guidance to assist all public schools in administering student discipline to meet their legal obligations

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<sup>38</sup> Section 7, ch. 2000-235, L.O.F.

<sup>39</sup> Section 1006.13(3), F.S.

<sup>40</sup> *Id.*

<sup>41</sup> Section 283, ch. 2002-387, L.O.F.

<sup>42</sup> Section 3, ch. 2009-53, L.O.F.

under Title IV and Title VI of the Civil Rights Act of 1964 which prohibits discrimination on the grounds of race, color, or national origin.<sup>43</sup>

Critics claimed the joint legal guidance encouraged ED's Office for Civil Rights (OCR) to examine "statistical evidence from every school district looking for evidence of racial disparate impact in discipline. When a school district was found to be disciplining African-American students at a significantly higher rate than Asian or white students, the district could expect to be subjected to an [OCR] investigation."<sup>44</sup>

To reduce the likelihood of costly investigations, schools would need to avoid a disparate impact that would attract OCR's attention. The easiest and safest strategy would be to make their discipline numbers look acceptable by reducing suspensions for minority students.<sup>45</sup>

On March 12, 2018, President Trump established the Federal Commission on School Safety (FCSS) "to review safety practices and make meaningful and actionable recommendations of best practice to keep students safe."<sup>46</sup>

The FCSS evaluated the ED and DOJ school discipline guidance and criticized it on three points: 1) it created a chilling effect on classroom teachers' and administrators' use of discipline by improperly imposing, through the threat of federal investigation and loss of federal funding, a forceful federal role in what is a local issue; 2) legal authorities, including the United States Supreme Court, have questioned the legal basis of its school discipline policy; and 3) the threat of OCR investigations has likely had a strong, negative impact on school discipline and safety.<sup>47</sup>

The FCSS reported that teacher surveys confirmed the guidance's chilling effect has forced teachers to resort to non-exclusionary discipline, even when such methods are inadequate to the student misconduct, with significant consequences for student and teacher safety.<sup>48</sup>

The FCSS recommended that ED and DOJ rescind its guidance documents, and that ED should develop information and resources to assist schools in improving school climate, and to understand how ED will vigorously investigate and resolve cases of intentional discrimination.<sup>49</sup> On December 21, 2018, ED and DOJ issued a joint letter informing all public schools that all SSDI policy and guidance documents had been withdrawn.<sup>50</sup>

### Effect of Proposed Changes

The bill clarifies that petty acts of misconduct are not subject to zero tolerance. The bill repeals the discretion to consult with law enforcement by requiring consultation for misdemeanors and acts that pose a threat to school safety.

## B. SECTION DIRECTORY:

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<sup>43</sup> United States Departments of Education and Justice, *Dear Colleague Letter*, January 8, 2014, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.html>

<sup>44</sup> Gail L. Heriot and Alison Somin, *The Department of Education's Obama-Era Initiative on Racial Disparities in School Discipline: Wrong for Students and Teachers, Wrong on the Law*, University of San Diego School of Law, p. 473, Legal Studies Research Paper Series, (Jan. 1, 2018), available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3104221](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3104221)

<sup>45</sup> *Id.* at 474.

<sup>46</sup> U.S. Departments of Education, Health and Human Services, Homeland Security, and Justice, *Final Report of the Federal Commission on School Safety*, December 18, 2018, p. 6., available at <https://www2.ed.gov/documents/school-safety/school-safety-report.pdf>

<sup>47</sup> *Id.* at 67.

<sup>48</sup> *Id.* at 69.

<sup>49</sup> *Id.* at 72.

<sup>50</sup> United States Departments of Education and Justice, *Dear Colleague Letter*, December 21, 2018, available at <https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201812.pdf>



Section 1: Amends s. 30.15, F.S., relating to duties of Sheriffs, by removing the limitation on who may serve as a guardian and moving the training requirements to the Criminal Justice Standards & Training Commission (CJSTC).

Section 2: Amends s. 493.6305, F.S., relating the requirement for security guards to wear uniforms, by allowing licensed security guards to carry their firearm concealed or wear another type of uniform required by the school.

Section 3: Creates s. 943.1712, F.S., relating to skills training for school guardians, by requiring the CJSTC to adopt training standards for school guardians and allowing sheriffs, law enforcement academies, and school districts who employ school resource officers to provide training.

Section 4: Amends s. 1001.212, F.S., relating to the Office of Safe Schools, by requiring the Office to define the types of public schools and campuses that are subject to the school safety requirements; verify the accuracy of school safety and incident data and report violations to the commissioner for enforcement through the Education Practices Commission; and develop a threat assessment instrument.

Section 5: Amends s. 1002.33, relating to charter schools, to require charter schools to comply with the requirements for emergency procedures, school safety specialists, threat assessment teams, and mental health assistance.

Section 6: Amends s. 1002.42, F.S., relating to private schools, by allowing private schools to use school guardians.

Section 7: Amends s. 1003.25, F.S., relating to student records, by requiring school districts to transfer records between schools within one business day and between school districts within two business days.

Section 8: Amends s. 1006.07, F.S., relating to student discipline and school safety, by clarifying that disclosure of mental health services is only required when it is in conjunction with school expulsions, arrests, or juvenile justice actions; requiring the Office of Safe Schools (Office) to establish the requirements for active shooter drills; removing the requirement that the school safety specialist be a school administrator; requiring school districts to work with public safety agencies in conducting school security risk assessments; requiring threat assessment teams to use the instrument developed by the Office and requiring the team to have access to school and district level data and data from the centralized data repository; requiring a threat assessment team to verify that intervention services continue when a student transfers schools, until the threat assessment team of the receiving school determines the need for services; requiring schools to screen or assess within 45 days, students who are referred for mental assistance, and that school based interventions must occur within 30 days of the screening and continue until the student receives community based care, where appropriate.

Section 9: Amends s. 1006.09, F.S., regarding the duties of school principals, by requiring principals to designate individuals who may declare an emergency in response to an incident and who must contact emergency response agencies.

Section 10: Amends s. 1006.12, F.S., relating to safe school officers, by clarifying that school resource officers may be employed by law enforcement agencies or school districts; clarifying the requirements of the Coach Aaron Feis School Guardian Program by allowing school districts and charter schools to employ or contract for employment school guardians.

Section 11: Amends s. 1006.13, F.S., relating to zero tolerance, by requiring zero tolerance to apply to threats to school safety.

Section 12: Amends s. 1006.1493, F.S., relating to the Florida Safe Schools Assessment Tool (FSSAT), by requiring: (a) the FSSAT to be the primary physical site security assessment; (b) the Office to make the revised FSSAT available by May 1 and assessment results due October 1; and (c) the Department of Education's annual report to include a summary of any deficiencies identified by the FSSAT, the amount of funds used to

correct the deficiencies, and whether the deficiencies have been corrected; any noncompliance identified by the Office and actions taken to achieve compliance; and statewide SESIR data and quantitative data on threat assessments.

Section 13: Amends s. 1011.62, F.S., regarding the Safe Schools Allocation, by allowing the funds to be used for safe-school officers instead of only school resource officers. These changes are retroactive to allow school districts to use the money to compensate school guardians.

Section 14: Amends s. 1011.62, F.S., regarding the Safe Schools Allocation, by revising the methodology for distributing funds to school districts; changing the priority use of funds from school resources officers only to safe-school officers thereby allowing such funds to be used for guardians; and conditioning the release of funds on compliance with submission of the Florida Safe Schools Assessment Tool.

Section 15: Amends s. 1012.795, F.S., regarding the Education Practices Commission, by allowing the commission to fine school board members, superintendents and school personnel who are not in compliance with the requirements of the Office of Safe Schools.

Section 16: Provides an effective date of upon becoming a law, unless otherwise provided.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

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

1. Revenues:

None.

2. Expenditures:

None; see Fiscal Comments.

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

1. Revenues:

None.

2. Expenditures:

None.

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

None.

### **D. FISCAL COMMENTS:**

The bill amends the Safe Schools Allocation in the Florida Education Finance Program for Fiscal Year 2018-2019 by allowing schools districts to use their allocation for safe-school officers which currently includes school resource officers (SROs), school safety officers (SSOs), and school guardians. Beginning in Fiscal Year 2019-2020, the bill amends the distribution methodology of the Safe Schools Allocation by requiring a minimum amount as established in the General Appropriations Act to each school district with the remaining balance allocated based on each school district's proportionate share of the total full-time equivalent student enrollment. Additionally, the bill conditions the release of each school district's Safe Schools Allocation on compliance with a school district's submission of it Florida Safe Schools Assessment Tool.

The additional requirements pertaining to the sharing of information among schools and school districts pertaining to student mental and behavioral records and reporting School Environmental Safety Incident data to the Department of Education may have a fiscal impact on school districts; however, it is expected that the impact can be absorbed within school district existing resources.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

On March 21, 2019, the Education Committee adopted an amendment and reported the bill favorably as a committee substitute. The amendment clarified that an individual may not serve as a school guardian in a school unless the individual is appointed by the district school superintendent or, if the school is a charter school, unless the individual is appointed by the charter school governing board.

The bill analysis is drafted to the committee substitute.