

1 A bill to be entitled
2 An act relating to involuntary examinations of minors;
3 amending s. 381.0056, F.S.; revising certain
4 notification requirements that must be met before a
5 student is removed from school, school transportation,
6 or a school-sponsored activity for involuntary
7 examination; amending s. 394.463, F.S.; revising data
8 reporting requirements for the Department of Children
9 and Families; requiring that a transporting official
10 or law enforcement officer use the least restrictive
11 mode of restraint or ligature on a minor patient who
12 is removed from school or otherwise transported for
13 involuntary examination; amending s. 1001.212, F.S.;
14 revising data reporting requirements for the Office of
15 Safe Schools; amending s. 1002.20, F.S.; revising
16 certain notification requirements that must be met
17 before a student is removed from school, school
18 transportation, or a school-sponsored activity for
19 involuntary examination; providing an exception;
20 amending s. 1002.33, F.S.; revising certain
21 notification requirements that must be met before a
22 student is removed from a charter school, charter
23 school transportation, or a charter school-sponsored
24 activity for involuntary examination; providing an
25 exception; amending s. 1006.07, F.S.; requiring

26 district school boards to adopt policies relating to
27 the reporting of involuntary examinations of students
28 initiated at schools, on school transportation, or at
29 school-sponsored activities; amending s. 1006.12,
30 F.S.; providing additional training requirements for
31 school safety officers; amending s. 1011.62, F.S.;
32 requiring that certain plans include procedures to
33 assist certain mental and behavioral health providers,
34 school officers, and managing entities in attempting
35 to verbally de-escalate certain crisis situations
36 before initiating an involuntary examination of a
37 student; requiring the procedures to include certain
38 strategies; providing requirements for memoranda of
39 understanding between school districts, local mobile
40 crisis response services, and managing entities;
41 providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Paragraph (a) of subsection (4) of section
46 381.0056, Florida Statutes, is amended to read:

47 381.0056 School health services program.—

48 (4) (a) Each county health department shall develop,
49 jointly with the district school board and the local school
50 health advisory committee, a school health services plan. The

51 | plan must include, at a minimum, provisions for all of the
 52 | following:

- 53 | 1. Health appraisal;
- 54 | 2. Records review;
- 55 | 3. Nurse assessment;
- 56 | 4. Nutrition assessment;
- 57 | 5. A preventive dental program;
- 58 | 6. Vision screening;
- 59 | 7. Hearing screening;
- 60 | 8. Scoliosis screening;
- 61 | 9. Growth and development screening;
- 62 | 10. Health counseling;
- 63 | 11. Referral and followup of suspected or confirmed health
 64 | problems by the local county health department;
- 65 | 12. Meeting emergency health needs in each school;
- 66 | 13. County health department personnel to assist school
 67 | personnel in health education curriculum development;
- 68 | 14. Referral of students to appropriate health treatment,
 69 | in cooperation with the private health community whenever
 70 | possible;
- 71 | 15. Consultation with a student's parent, ~~or~~ guardian, or
 72 | caregiver regarding the need for health attention by the family
 73 | physician, dentist, or other specialist when definitive
 74 | diagnosis or treatment is indicated;
- 75 | 16. Maintenance of records on incidents of health

76 | problems, corrective measures taken, and such other information
 77 | as may be needed to plan and evaluate health programs; except,
 78 | however, that provisions in the plan for maintenance of health
 79 | records of individual students must be in accordance with s.
 80 | 1002.22;

81 | 17. Health information which will be provided by the
 82 | school health nurses, when necessary, regarding the placement of
 83 | students in exceptional student programs and the reevaluation at
 84 | periodic intervals of students placed in such programs;

85 | 18. Notification to the local nonpublic schools of the
 86 | school health services program and the opportunity for
 87 | representatives of the local nonpublic schools to participate in
 88 | the development of the cooperative health services plan; and

89 | 19. Immediate notification to a student's parent,
 90 | guardian, or caregiver before ~~if~~ the student is removed from
 91 | school, school transportation, or a school-sponsored activity to
 92 | be ~~and~~ taken to a receiving facility for an involuntary
 93 | examination pursuant to s. 394.463, including and subject to the
 94 | requirements and exceptions established under ss. 1002.20(3) and
 95 | 1002.33(9), as applicable.

96 | Section 2. Subsection (4) of section 394.463, Florida
 97 | Statutes, is amended, and subsection (5) is added to that
 98 | section, to read:

99 | 394.463 Involuntary examination.—

100 | (4) DATA ANALYSIS.—Using data collected under paragraph

101 (2) (a), the department shall, at a minimum, analyze data on both
102 the initiation of involuntary examinations of children and the
103 initiation of involuntary examinations of students who are
104 removed from a school, identify any patterns or trends and cases
105 in which involuntary examinations are repeatedly initiated on
106 the same child or student, study root causes for such patterns,
107 trends, or repeated involuntary examinations, and make
108 recommendations for encouraging the use of ~~for encouraging~~
109 alternatives to eliminate ~~and eliminating~~ inappropriate
110 initiations of such examinations. The department shall submit a
111 report on its findings and recommendations to the Governor, the
112 President of the Senate, and the Speaker of the House of
113 Representatives by November 1 of each odd-numbered ~~odd-numbered~~
114 year.

115 (5) TRANSPORTATION OF MINOR PATIENT.—For each minor
116 patient removed from school, or otherwise transported for an
117 involuntary examination under subparagraph (2) (a)1.,
118 subparagraph (2) (a)2., or subparagraph (2) (a)3., the
119 transporting official or law enforcement officer shall use the
120 least restrictive mode of restraint or ligature on the minor
121 patient considering his or her mental and behavioral state
122 during transportation.

123 Section 3. Subsection (7) of section 1001.212, Florida
124 Statutes, is amended to read:

125 1001.212 Office of Safe Schools.—There is created in the

126 Department of Education the Office of Safe Schools. The office
127 is fully accountable to the Commissioner of Education. The
128 office shall serve as a central repository for best practices,
129 training standards, and compliance oversight in all matters
130 regarding school safety and security, including prevention
131 efforts, intervention efforts, and emergency preparedness
132 planning. The office shall:

133 (7) Provide data to support the evaluation of mental
134 health services pursuant to s. 1004.44. Such data must include,
135 for each school, the number of involuntary examinations as
136 defined in s. 394.455 that are initiated at the school, on
137 school transportation, or at a school-sponsored activity and the
138 number of students for whom an examination is initiated.

139 Section 4. Paragraph (1) of subsection (3) of section
140 1002.20, Florida Statutes, is amended to read:

141 1002.20 K-12 student and parent rights.—Parents of public
142 school students must receive accurate and timely information
143 regarding their child's academic progress and must be informed
144 of ways they can help their child to succeed in school. K-12
145 students and their parents are afforded numerous statutory
146 rights including, but not limited to, the following:

147 (3) HEALTH ISSUES.—

148 (1) *Notification of involuntary examinations.*—

149 1. Except as provided in subparagraph 2., the public
150 school principal or the principal's designee shall immediately

151 | notify the parent, guardian, or caregiver of a student before
152 | the student ~~who~~ is removed from school, school transportation,
153 | or a school-sponsored activity to be ~~and~~ taken to a receiving
154 | facility for an involuntary examination pursuant to s. 394.463.

155 | 2. The principal or the principal's designee may delay the
156 | required notification for no more than 24 hours after the
157 | student is removed if:

158 | a. The principal or the principal's designee deems the
159 | delay to be in the student's best interest and ~~if~~ a report has
160 | been submitted to the central abuse hotline, pursuant to s.
161 | 39.201, based upon knowledge or suspicion of abuse, abandonment,
162 | or neglect; or

163 | b. The principal or the principal's designee reasonably
164 | believes that such delay is necessary to avoid jeopardizing the
165 | health and safety of the student.

166 |

167 | Each district school board shall develop a policy and procedures
168 | for notification under this paragraph.

169 | Section 5. Paragraph (q) of subsection (9) of section
170 | 1002.33, Florida Statutes, is amended to read:

171 | 1002.33 Charter schools.—

172 | (9) CHARTER SCHOOL REQUIREMENTS.—

173 | (q) The charter school principal or the principal's
174 | designee shall immediately notify the parent, guardian, or
175 | caregiver of a student before the student ~~who~~ is removed from

176 school, school transportation, or a school-sponsored activity to
177 be ~~and~~ taken to a receiving facility for an involuntary
178 examination pursuant to s. 394.463. The principal or the
179 principal's designee may delay notification for no more than 24
180 hours after the student is removed if:

181 1. The principal or the principal's designee deems the
182 delay to be in the student's best interest and ~~if~~ a report has
183 been submitted to the central abuse hotline, pursuant to s.
184 39.201, based upon knowledge or suspicion of abuse, abandonment,
185 or neglect; or

186 2. The principal or the principal's designee reasonably
187 believes that such delay is necessary to avoid jeopardizing the
188 health and safety of the student.

189
190 Each charter school governing board shall develop a policy and
191 procedures for notification under this paragraph.

192 Section 6. Subsection (10) is added to section 1006.07,
193 Florida Statutes, to read:

194 1006.07 District school board duties relating to student
195 discipline and school safety.—The district school board shall
196 provide for the proper accounting for all students, for the
197 attendance and control of students at school, and for proper
198 attention to health, safety, and other matters relating to the
199 welfare of students, including:

200 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district

201 school board shall adopt a policy to require the district
202 superintendent to annually report to the department the number
203 of involuntary examinations, as defined in s. 394.455, that are
204 initiated at a school, on school transportation, or at a school-
205 sponsored activity.

206 Section 7. Paragraph (c) of subsection (2) of section
207 1006.12, Florida Statutes, is redesignated as paragraph (d), and
208 a new paragraph (c) is added to that subsection to read:

209 1006.12 Safe-school officers at each public school.—For
210 the protection and safety of school personnel, property,
211 students, and visitors, each district school board and school
212 district superintendent shall partner with law enforcement
213 agencies or security agencies to establish or assign one or more
214 safe-school officers at each school facility within the
215 district, including charter schools. A district school board
216 must collaborate with charter school governing boards to
217 facilitate charter school access to all safe-school officer
218 options available under this section. The school district may
219 implement any combination of the options in subsections (1)-(4)
220 to best meet the needs of the school district and charter
221 schools.

222 (2) SCHOOL SAFETY OFFICER.—A school district may
223 commission one or more school safety officers for the protection
224 and safety of school personnel, property, and students within
225 the school district. The district school superintendent may

226 recommend, and the district school board may appoint, one or
227 more school safety officers.

228 (c) School safety officers must complete mental health
229 crisis intervention training, which must include information on
230 juvenile interventions, using a curriculum developed by a
231 national organization with expertise in mental health crisis
232 intervention. The training shall improve officers' knowledge and
233 skills as first responders to incidents involving students with
234 emotional disturbances or mental illnesses, including de-
235 escalation skills to ensure student and officer safety.

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237 If a district school board, through its adopted policies,
238 procedures, or actions, denies a charter school access to any
239 safe-school officer options pursuant to this section, the school
240 district must assign a school resource officer or school safety
241 officer to the charter school. Under such circumstances, the
242 charter school's share of the costs of the school resource
243 officer or school safety officer may not exceed the safe school
244 allocation funds provided to the charter school pursuant to s.
245 1011.62(15) and shall be retained by the school district.

246 Section 8. Paragraph (b) of subsection (16) of section
247 1011.62, Florida Statutes, is amended to read:

248 1011.62 Funds for operation of schools.—If the annual
249 allocation from the Florida Education Finance Program to each
250 district for operation of schools is not determined in the

251 annual appropriations act or the substantive bill implementing
252 the annual appropriations act, it shall be determined as
253 follows:

254 (16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
255 health assistance allocation is created to provide funding to
256 assist school districts in establishing or expanding school-
257 based mental health care; train educators and other school staff
258 in detecting and responding to mental health issues; and connect
259 children, youth, and families who may experience behavioral
260 health issues with appropriate services. These funds shall be
261 allocated annually in the General Appropriations Act or other
262 law to each eligible school district. Each school district shall
263 receive a minimum of \$100,000, with the remaining balance
264 allocated based on each school district's proportionate share of
265 the state's total unweighted full-time equivalent student
266 enrollment. Charter schools that submit a plan separate from the
267 school district are entitled to a proportionate share of
268 district funding. The allocated funds may not supplant funds
269 that are provided for this purpose from other operating funds
270 and may not be used to increase salaries or provide bonuses.
271 School districts are encouraged to maximize third-party health
272 insurance benefits and Medicaid claiming for services, where
273 appropriate.

274 (b) The plans required under paragraph (a) must be focused
275 on a multitiered system of supports to deliver evidence-based

276 mental health care assessment, diagnosis, intervention,
277 treatment, and recovery services to students with one or more
278 mental health or co-occurring substance abuse diagnoses and to
279 students at high risk of such diagnoses. The provision of these
280 services must be coordinated with a student's primary mental
281 health care provider, ~~and with~~ other mental health providers
282 involved in the student's care, or managing entities as defined
283 in s. 394.9082(2). At a minimum, the plans must include the
284 following elements:

285 1. Direct employment of school-based mental health
286 services providers to expand and enhance school-based student
287 services and to reduce the ratio of students to staff in order
288 to better align with nationally recommended ratio models. These
289 providers include, but are not limited to, certified school
290 counselors, school psychologists, school social workers, and
291 other licensed mental health professionals. The plan also must
292 identify strategies to increase the amount of time that school-
293 based student services personnel spend providing direct services
294 to students, which may include the review and revision of
295 district staffing resource allocations based on school or
296 student mental health assistance needs.

297 2. Contracts or interagency agreements with managing
298 entities as defined in s. 394.9082(2), one or more local
299 community behavioral health providers, or providers of Community
300 Action Team services to provide a behavioral health staff

301 presence and services at district schools. Services may include,
302 but are not limited to, mental health screenings and
303 assessments, individual counseling, family counseling, group
304 counseling, psychiatric or psychological services, trauma-
305 informed care, mobile crisis services, and behavior
306 modification. These behavioral health services may be provided
307 on or off the school campus and may be supplemented by
308 telehealth.

309 3. Policies and procedures, including contracts with
310 service providers or managing entities as defined in s.
311 394.9082(2), which will ensure that students who are referred to
312 a school-based or community-based mental health service provider
313 for mental health screening for the identification of mental
314 health concerns and ensure that the assessment of students at
315 risk for mental health disorders occurs within 15 days of
316 referral. School-based mental health services must be initiated
317 within 15 days after identification and assessment, and support
318 by community-based mental health service providers for students
319 who are referred for community-based mental health services must
320 be initiated within 30 days after the school or district makes a
321 referral.

322 4. Strategies or programs to reduce the likelihood of at-
323 risk students developing social, emotional, or behavioral health
324 problems, depression, anxiety disorders, suicidal tendencies, or
325 substance use disorders.

326 5. Strategies to improve the early identification of
327 social, emotional, or behavioral problems or substance use
328 disorders, to improve the provision of early intervention
329 services, and to assist students in dealing with trauma and
330 violence.

331 6. Procedures to assist a mental health services provider,
332 behavioral health provider, or managing entity as described in
333 subparagraph 1. or subparagraph 2. or a school resource officer
334 or school safety officer who has completed mental health crisis
335 intervention training in attempting to verbally de-escalate a
336 student's crisis situation before initiating an involuntary
337 examination pursuant to s. 394.463. Such procedures must include
338 strategies to de-escalate a crisis situation for a student with
339 a developmental disability as defined in s. 393.063.

340 7. A memorandum of understanding with a local mobile
341 crisis response service or managing entity as defined in s.
342 394.9082(2). Policies of the school district and the terms of
343 the memorandum of understanding must require that, in a student
344 crisis situation, school or law enforcement personnel must
345 contact the local mobile crisis response service before
346 initiating an involuntary examination pursuant to s. 394.463.
347 Such contact may be in person or by using telehealth as defined
348 in s. 456.47(1). School districts shall provide all school
349 resource officers and school safety officers with training on
350 protocols established under the memorandum of understanding

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351 | developed pursuant to this subparagraph.

352 | Section 9. This act shall take effect July 1, 2020.