

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 7065 PCB EDC 20-02 School Safety
SPONSOR(S): Appropriations Committee, Education Committee, Massullo
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Committee	15 Y, 0 N	Sleap	Hassell
1) Appropriations Committee	27 Y, 0 N, As CS	Potvin	Pridgeon

SUMMARY ANALYSIS

In 2018, the Legislature enacted the “Marjory Stoneman Douglas High School Public Safety Act” to address school safety and security and establish the Marjory Stoneman Douglas High School Public Safety Commission (Commission). The bill increases school safety and security by:

- Reinforcing the oversight and sanctioning authority the Commissioner of Education has to oversee school safety and security compliance in the state.
- Authorizing the State Board of Education to suspend the salaries of a district superintendent and, if the superintendent is appointed, the district school board members, for noncompliance with school safety laws.
- Requiring the Office of Inspector General in the Department of Education to investigate substantiated allegations pertaining to school safety if the Commissioner determines the school district is unwilling or unable to address such allegations.
- Requiring a district’s student code of conduct to include criteria for assigning a student to a civil citation or similar prearrest diversion program and requiring such programs to comply with those established in each judicial circuit.
- Authorizing a district school board to continue providing educational services for a student in a civil citation or similar prearrest diversion program at the request of the superintendent.
- Providing that a school safety officer has the power of arrest on property owned or leased by a charter school; requiring all safe-school officers, not just school resource officers, to complete mental health crisis intervention training.
- Clarifying that training required by the Coach Aaron Feis Guardian Program be conducted only by a sheriff, and that individuals must satisfy screening requirements and be approved by the sheriff before participating in the training program.
- Authorizing accommodations for drills conducted by Exception Student Education centers.
- Requiring FortifyFL, effective October 1, 2020, to notify individuals that the IP address of the device on which a false tip is submitted will be provided to law enforcement and the individual may be subject to criminal penalties.
- Requiring the Office of Safe Schools to develop, in coordination with the Division of Emergency Management, and other agencies, a model family reunification plan; requiring each school district and charter school governing board to adopt a family reunification plan; and requiring family reunification policies and procedures be included in the Florida Safe Schools Assessment Tool.
- Strengthening school mental health coordination and implementation by requiring district mental health assistance allocation plans to include agreements with a managing entity for the referral of students for care, including the sharing of records and information to assist in the coordination of such care, and policies and procedures that ensure parents are informed of available behavioral health services, the utilization of community action treatment teams by the school district, and referrals for services of other individuals that would contribute to the improved well-being of the student.

The fiscal impact of the bill is indeterminate. See Fiscal Comments, *infra*.

Except as other provided, the bill has an effective date of July 1, 2020.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

In response to the shooting at Marjory Stoneman Douglas High School on February 14, 2018, the Florida Legislature enacted SB 7026, the Marjory Stoneman Douglas High School Public Safety Act (Act) (ch. 2018-3, L.O.F.).¹ The Act included provisions to address school safety and security including establishment of the school guardian program, creation of the Office of Safe Schools (OSS) within the Florida Department of Education (DOE) and increased coordination among state and local agencies serving students with or at-risk of mental illness, among other provisions.

The Act created the Marjory Stoneman Douglas High School Public Safety Commission (Commission), composed of 16 members, to investigate system failures in the Marjory Stoneman Douglas High School shooting and prior mass violence incidents, and develop recommendations for system improvements. The Commission submitted its initial report on January 2, 2019 containing numerous school safety and security recommendations² which the Florida Legislature addressed in SB 7030, Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission (ch. 2019-22, L.O.F.).³

The Commission submitted a second report on November 1, 2019 providing findings of failures to implement required school safety improvements as provided in SB 7026 and SB 7030, as well as recommendations related to safe school officers, threat assessments, juvenile diversion programs, and mental health, among other recommendations.⁴ The Commission is authorized to issue annual reports and is scheduled to sunset on July 1, 2023.⁵

School Safety Oversight and Compliance

Present Situation

Duties of the Commissioner of Education

Florida's Commissioner of Education (Commissioner) is required by law to oversee compliance with the safety and security requirements of the Act by school districts, district school superintendents, and public schools, including charter schools.⁶ The Commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the State Board of Education (SBE), the Governor, or the Legislature enforcement and sanctioning actions.⁷

Office of Safe Schools

The Office of Safe Schools (OSS) within the DOE is fully accountable to the Commissioner, and serves as a 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.⁸ The OSS responsibilities include among other duties, collection of school

¹ Chapter 2018-3, L.O.F.

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

³ Chapter 2019-22, L.O.F.

⁴ Marjory Stoneman Douglas High School Public Safety Commission, *Second Report* (Nov. 1, 2019), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>

⁵ Section 943.687(9), F.S.

⁶ Section 1001.11(9), F.S.

⁷ *Id.*

⁸ Section 1001.212, F.S.

environmental safety incident reporting (SESIR), development and delivery of a School Safety Specialist Training Program, development of a standardized statewide behavioral threat assessment instrument, monitoring of compliance with requirements relating to school safety, and reporting incidents of noncompliance to the Commissioner and SBE.⁹

District School Board Duties

District school boards must provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students.¹⁰ Boards must adopt a code of student conduct which provides policies and specific grounds for discipline action, procedures to be followed for acts requiring discipline, and rights and responsibilities of students, among other requirements.¹¹

Each district school superintendent must designate a school safety specialist for the district and this individual must earn a certificate of completion of the School Safety Specialist Training provided by the OSS within 1 year after appointment.¹² The school safety specialist is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district, including conducting and reporting the recommendations from the annual school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT).¹³

Each district school board must adopt policies for the establishment of threat assessment teams at each school.¹⁴ The team's duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students. The team includes individuals with expertise in counseling, instruction, school administration, and law enforcement.¹⁵ To conduct their work, the team must use the standardized, statewide behavioral threat assessment instrument developed by the OSS¹⁶ along with the Florida Schools Safety Portal (FSSP).¹⁷

Each district school board must adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline and the district school superintendent is responsible for the reporting of these incidents in SESIR.¹⁸

District school boards are also responsible for formulating and prescribing policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all public schools in the district comprised of grades K-12.¹⁹ Drills for active shooter and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills.²⁰ The active shooter situation training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students, and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.²¹

Charter Schools

⁹ *Id.*

¹⁰ Section 1006.07, F.S.

¹¹ Section 1006.07(2), F.S.

¹² Section 1006.07(6)(a), F.S.

¹³ *Id.*

¹⁴ Section 1006.07(7), F.S.

¹⁵ *Id.*

¹⁶ Section 1006.07(7)(a), F.S.

¹⁷ Section 1006.07(7)(f), F.S.; *See also* Florida Department of Education, *Department of Education Announces the Florida Schools Safety Portal* (Aug. 1, 2019), available at <http://www.fldoe.org/newsroom/latest-news/department-of-education-announces-the-florida-schools-safety-portal.stml> (last visited Jan. 27, 2020).

¹⁸ Section 1006.07(9), F.S.

¹⁹ Section 1006.07(4)(a), F.S.

²⁰ *Id.*

²¹ Section 1006.07(4)(b)1., F.S.

Charter schools in Florida are public schools that operate in accordance with the terms of their respective charters and are generally exempt from other requirements in the K-20 Education Code.²² However, charter schools must comply with statutes relating to student health, safety, and welfare and with the statutory requirements related to safe-school officers at each school, establishment of threat assessment teams, SESIR incident reporting, annual FSSAT completion, adoption of an active assailant response plan, advertisement of the FortifyFL tool, and youth mental health awareness and assistance training.²³

A charter school may have its charter terminated immediately if the sponsor sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists.²⁴ The sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE if a charter is terminated immediately.²⁵ The sponsor must clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate.²⁶

Effect of Proposed Changes

The bill expands the membership of the Marjory Stoneman Douglas High School Public Safety Commission by three for a total of 19 members with the Governor, the President of the Senate and the Speaker of the House of Representatives each appointing one of the three new members. To the maximum extent possible, the bill requires that the commission should have equal representation of school district, law enforcement, and health care professionals.

The bill clarifies the Commissioner's existing authority to oversee compliance with the requirements relating to school safety and security by school districts, district school superintendents, and public schools, including charter schools.

When a school district is noncompliant with school safety requirements, the bill authorizes the State Board of Education to direct the school district to suspend the salaries of the superintendent, and if the superintendent is appointed, the district school board members, until the noncompliance is remedied.

The bill requires the Office of Inspector General (Office) in the Department of Education to conduct, coordinate, or request investigations into substantiated allegations pertaining to school safety if the Commissioner determines that a school district is either unwilling or unable to address such allegations. The bill authorizes the Office to issue and serve subpoenas and subpoenas duces tecum to compel witness attendance, and the production of documents and other materials.

The bill provides that upon notification by the OSS that a district school board has failed to comply with the requirements relating to school safety and security, the Commissioner must require the district school board to withhold further payment of the salary of the superintendent. The Commissioner must also facilitate school safety and security compliance of charter schools, by recommending to the district school board actions for nonrenewal or termination of the charter.

The bill provides for the termination of a charter if the sponsor sets forth in writing the particular facts and circumstances demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The charter school sponsor must notify in writing the charter school's governing board, the charter school principal, and the DOE of the facts and circumstances supporting the emergency termination.

²² Section 1002.33(16)(a), F.S. The K-20 Education Code includes chapters 1000-1013 of the Florida Statutes.

²³ Section 1002.33(16)(b), F.S.

²⁴ Section 1002.33(16)(c), F.S.

²⁵ *Id.*

²⁶ *Id.*

The bill requires the OSS to provide ongoing professional development opportunities to both school district and charter school personnel. The bill also requires the OSS to develop, in coordination with the Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, and first-responder agencies, a model family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions, which are closed or unexpectedly evacuated due to natural or man-made disasters.

The bill requires each district school board and charter school governing board to adopt, in coordination with local law enforcement agencies, a family reunification plan to reunite students and employees with their families in the event that a school is closed or unexpectedly evacuated due to a natural or man-made disaster.

The bill authorizes district school board policies to provide accommodations for drills conducted by Exceptional Student Education (ESE) centers.

For threat assessment teams, the bill requires that all members of the threat assessment team be involved in the threat assessment process and final decision.

The description of the FSSP tool is revised in the bill to reflect its current capabilities as a unified search tool.

Safe Schools Tools and Resources

Present Situation

FortifyFL

FortifyFL is a mobile suspicious activity reporting tool, launched on October 8, 2018,²⁷ which allows students and the community to relay information anonymously concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, to appropriate public safety agencies and school officials.²⁸ The tool is a computer and mobile phone application that is free to all public and private schools in Florida.²⁹ A district school board and charter school must promote the use of FortifyFL by advertising it on school campuses and in school publications, by installing it on all mobile devices issued to students, and by bookmarking the website on all computer devices issued to students.³⁰

Any tips submitted via FortifyFL are sent to local school, district, and law enforcement officials to take action on the tip.³¹ The identity of the reporting party received on FortifyFL is confidential and exempt from public records disclosure requirements.³²

Florida Safe Schools Assessment Tool (FSSAT)

The FSSAT is the primary physical site security assessment tool used by school officials to conduct security assessments at each school district and public school site in the state.³³ The FSSAT is intended to assist school officials in identifying threats, vulnerabilities, and appropriate safety controls for the schools that they supervise.³⁴ The FSSAT is required to address certain components of school

²⁷ Florida Department of Education, *FortifyFL School Safety Awareness Program* (Oct. 26, 2018), available at <https://info.fldoe.org/docushare/dsweb/Get/Document-8397/dps-2018-157.pdf>.

²⁸ Section 943.082(1), F.S.

²⁹ Florida Department of Education, *supra* note 27.

³⁰ Section 943.082(4)(b), F.S. and s.1002.33(16)(b)13., F.S.

³¹ Florida Department of Education, *supra* note 27.

³² Section 943.082(6), F.S.

³³ Section 1006.1493(1), F.S.

³⁴ Section 1006.1493(2), F.S.

safety, such as emergency and crisis preparedness planning, physical security measures, and security, crime, and violence prevention policies and procedures.³⁵

The OSS, within the DOE, must provide annual training to each school district's school safety specialist and other appropriate district personnel on the assessment of physical site security and completing the FSSAT.³⁶ District school boards must conduct a school security risk assessment at each public school using the FSSAT by October 1 of each year.³⁷ The findings and recommendations to improve school safety and security identified as a result of the assessment, must be received at a publicly noticed district school board meeting providing the public an opportunity to hear the board's discussion and action on the issue.³⁸ Findings and district school board action must be reported to the OSS within 30 days after the district school board meeting.³⁹

Effect of Proposed Changes

The bill requires FortifyFL, effective October 1, 2020, to notify individuals that the IP address of the device on which a false tip is submitted will be provided to law enforcement agencies for further investigation and the individual may be subject to criminal penalties for a false report. In all other circumstances, unless the individual reporting a tip has chosen to disclose his or her identity, the report must remain anonymous.

The bill requires the FSSAT, used to help school officials identify threats and vulnerabilities, include policies and procedures to prepare for and respond to natural and man-made disasters, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated.

Zero Tolerance and Juvenile Diversion Programs

Present Situation

Zero-Tolerance Policies

District school boards must promote a safe and supportive learning environment in schools by protecting students and staff from conduct that poses a threat to school safety.⁴⁰ District school boards must adopt a policy of zero tolerance that among other requirements, defines acts that pose a threat to school safety, defines criteria for reporting acts to law enforcement, and must include requirements for students found to have committed certain offenses to be expelled and referred to the criminal justice or juvenile justice system.⁴¹ A school's threat assessment team may use alternatives to expulsion or referral to law enforcement agencies through restitution, civil citation, teen court, neighborhood restorative justice, or similar programs, unless the use of such alternatives will pose a threat to school safety.⁴²

A district school board's zero tolerance policy must require students found to have committed specified offenses to be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one full year, and to be referred to the criminal justice or juvenile justice system.⁴³ The specified offenses include:

- bringing a firearm or weapon⁴⁴ to school, to any function, or onto any school-sponsored transportation or possessing a firearm at school; or

³⁵ Section 1006.1493(2)(a), F.S.

³⁶ Section 1006.1493(3), F.S.

³⁷ Section 1006.07(6)(a)4., F.S.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ Section 1006.13(1), F.S.

⁴¹ Section 1006.131(2)-(3), F.S.

⁴² Section 1006.13(1) and (8), F.S.

⁴³ Section 1006.13(3), F.S.

⁴⁴ Ch. 790.001 "Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any

- making a threat or false report⁴⁵ involving school or school personnel's property, school transportation, or a school-sponsored activity.⁴⁶

Students who have committed the specified offenses above may be assigned to a disciplinary program for the purpose of continuing educational services during the period of expulsion at the district school boards discretion.⁴⁷ A district school superintendent may consider the 1-year expulsion requirements on a case-by-case basis and request the district school board to modify the requirements by assigning the student to a disciplinary program or second chance school if it is determined to be in the best interest of the student and the school system.⁴⁸

Each district school board must enter into agreements with the county sheriff's office and local police department which specify the guidelines for ensuring that acts that pose a threat to school safety are reported to a law enforcement agency.⁴⁹ The agreements must include the role of the school resource officer in handling reported incidents and procedures that require school personnel to consult with school resource officers concerning appropriate delinquent acts and crimes.⁵⁰ The school principal must notify all school personnel of their responsibility to report incidents which pose a threat to school safety and crimes to the principal, or his or her designee, and that the disposition of the incident is properly documented.⁵¹

Juvenile Diversion Programs

A civil citation or similar prearrest diversion program for misdemeanor offenses must be established in each judicial circuit in the state and operated by the state attorney of each circuit.⁵² A sheriff, police department, county, municipality, locally authorized entity, or public or private educational institution may continue to operate an independent civil citation or similar prearrest diversion program as long as the program was in operation as of October 1, 2018, and the program was reviewed by the state attorney in the circuit and it was determined to be substantially similar to the civil citation or similar prearrest diversion program developed by the circuit.⁵³ Each civil citation or similar prearrest diversion program must enter the appropriate youth data into the Juvenile Justice Information System Prevention Web within 7 days after the admission of the youth into the program.⁵⁴

In 2019, Governor DeSantis issued Executive Order 19-45, providing for an immediate statewide audit of all 67 county school districts to determine any and all types of school-based discipline diversion programs in place.⁵⁵ The DOE and Department of Juvenile Justice (DJJ) worked together to complete the audit and review of diversion programs.⁵⁶ The audit focused on identification of programs serving youth with offenses that could be deemed delinquent.⁵⁷ The audit found that as of July 1, 2019, 58⁵⁸ of the 67 school districts in Florida do not operate school-based diversion programs for potentially delinquent offenses, 6 school districts operate programs that supplement traditional handling through

destructive device; or any machine gun. The term "firearm" does not include an antique firearm unless the antique firearm is used in the commission of a crime. "Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

⁴⁵ As defined in ss. 790.162 and 790.163

⁴⁶ Section 1006.13(3)(a)-(b), F.S.

⁴⁷ Section 1006.13 (3)(b), F.S. (flush left provisions at the end of the subparagraph).

⁴⁸ *Id.*

⁴⁹ Section 1006.13(4)(a), F.S.

⁵⁰ *Id.* at (b)

⁵¹ *Id.* at (c)

⁵² Section 985.12(2)(a)&(c), F.S.

⁵³ Section 985.12(2)(c), F.S.

⁵⁴ Section 985.12(2)(f), F.S.

⁵⁵ Fla. Exec. Order 19-45 (Feb. 13, 2019).

⁵⁶ *Id.*

⁵⁷ Florida Department of Juvenile Justice, *Statewide Audit of School-Based Diversion Programs* (July 1, 2019), at 6, available at <http://www.fdle.state.fl.us/MSDHS/Meetings/2019/August/August-14-1015am-Report-on-Statewide-Assessment-DJ.aspx>.

⁵⁸ *Id.* at 20 The 58 districts indicated that non-criminal infractions are handled through school-based consequences such as in-school suspension or out-of-school suspension, an youth who have committed misdemeanors or felonies are referred to law enforcement, typically the school resource officer.

school-based discipline and/or referral to law enforcement,⁵⁹ and 3 school districts operate school-based diversion programs.⁶⁰

Effect of Proposed Changes

The bill requires that beginning in Fiscal Year 2021-2022, law enforcement officers must have field access to civil citation and prearrest diversion information.

The bill provides that the code of student conduct adopted by a district school board include criteria for assigning a student to a civil citation or similar prearrest diversion program that is an alternative to expulsion or referral to law enforcement agencies. The bill requires all civil citation or similar prearrest diversion programs used by a school district to comply with the civil citation or similar prearrest diversion programs established in each judicial circuit in the state as provided in s. 985.12, F.S. The bill also requires the conduct of student code to include criteria for assigning a student to a school-based intervention program. The bill prohibits a school-based intervention program from entering a participating student's information into the Juvenile Justice Information System Prevention Web.

For a student who has brought a weapon or made a threat, the bill authorizes a district school board to assign the student in a civil citation or prearrest diversion program authorized by s. 985.12, F.S. to a disciplinary program to continue providing educational services to the student during the expulsion period.

The bill authorizes a district school superintendent to consider the student's one year expulsion on a case-by-case basis and request the district school board to assign the student in a civil citation or prearrest diversion program authorized by s. 985.12, F.S. to a disciplinary program or a second chance school if it is determined to be in the best interest of the student and the school system.

Safe-School Officers

Present Situation

Florida law requires district school boards and school district superintendents to partner with law enforcement agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools.⁶¹ A school district may implement one or more safe-school officer options to best meet the needs of the school district and charter schools.⁶² These options include:

1. Establishing a school resource officer (SRO) program, through a cooperative agreement with law enforcement agencies.⁶³ SROs are certified law enforcement officers⁶⁴ who must meet minimum screening requirements⁶⁵ and complete mental health crisis intervention training.⁶⁶
2. Commissioning one or more school safety officers (SSO). SSOs are certified law enforcement officers with the power of arrest on district school property, who are employed by either a law enforcement agency or by the district school board.⁶⁷

⁵⁹ *Id.* at 6 The districts indicated that delinquent offenses are referred to law enforcement for handling, and youth may also participate in the overlay program.; *Id.* at 21 The six districts include Duval, Hendry, Hillsborough, Levy, Marion and Martin Counties.

⁶⁰ *Id.* at 22-23. The three counties include Franklin, Broward, and Sarasota. The audit found that Sarasota operates a program that could be described as an "overlay" program but the program does not enter data into the Juvenile Justice Information System Prevention Web.

⁶¹ Section 1006.12, F.S.

⁶² *Id.*

⁶³ Section 1006.12(1), F.S.

⁶⁴ Section 943.10(1), F.S. defines "law enforcement officer" as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.

⁶⁵ Section 1006.12(1)(a), F.S. SROs must undergo criminal background checks, drug testing, and a psychological evaluation.

⁶⁶ Section 1006.12(1)(c), F.S.

⁶⁷ Section 1006.12(2)(a)-(b), F.S. SSOs must undergo criminal background checks, drug testing, and a psychological evaluation.

3. Participating in the Coach Aaron Feis Guardian Program.⁶⁸
4. Contracting with a security agency⁶⁹ to employ as a school security guard an individual who holds a class “D” and class “G” license,⁷⁰ who completes the same training required of a school guardian, and passes minimum screening requirements.⁷¹

School districts must notify the county sheriff and the OSS immediately after, but no later than 72 hours after:

- a safe-school officer is dismissed for misconduct or is otherwise disciplined; or
- a safe-school officer discharges his or her firearm in the exercise of the officer’s duties, other than for training purposes.⁷²

Effect of Proposed Changes

The bill maintains a school district’s flexibility to meet the safe-school officer requirements in law, however, the bill clarifies that any training required for the Coach Aaron Feis Guardian Program only be conducted by a sheriff.

The bill clarifies that an individual must satisfy the background screening, psychological evaluation, and drug test requirements and be approved by the sheriff before participating in any training under the Coach Aaron Feis Guardian Program.

The bill requires a superintendent or charter school administrator to notify the county sheriff and the OSS immediately after, but not later than 72 hours after, a safe-school officer has been involved in specified incidents.

The bill requires all safe-school officers, not just SROs, to complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in the topic. The training must improve the safe-school officers’ knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, to include de-escalation skills.

The bill provides that a school safety officer has the power of arrest on district school board property or on property owned or leased by a charter school under the charter contract, as applicable. The bill requires school districts to provide a SRO or school safety officer to a charter school when: the charter school is unable to provide one of its own under the same terms and conditions as the school district; or if the charter school’s personnel are unable to complete the Coach Aaron Feis Guardian Program training in time to comply with the law.

School Funding - Mental Health Assistance Allocation

Present Situation

The Act created the Mental Health Assistance Allocation within the Florida Education Finance Program.⁷³ The allocation is intended to provide funding to assist school districts in establishing or

⁶⁸ Section 30.15(1)(k)2., F.S. The Coach Aaron Feis Guardian Program requires an individual to complete a 144-hour training program, have a license to carry a concealed weapon or firearm, pass a psychological evaluation, pass an initial drug test and subsequent random drug tests, and successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis.

⁶⁹ Section 493.6101, F.S. “Security agency” means any person who, for consideration, advertises as providing or is engaged in the business of furnishing security services, armored car services, or transporting prisoners. This includes any person who utilizes dogs and individuals to provide security services.

⁷⁰ Ch. 493, F.S. specifies license requirements.

⁷¹ Section 1006.12(4), F.S. A school security guard must pass a psychological evaluation and an initial drug test, and subsequent random drug tests. A school security guard must also successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis and provide documentation.

⁷² Section 1006.12(5), F.S.

⁷³ Section 1011.62(16), F.S.

expanding school-based mental health care, train educators and other school staff in detecting and responding to mental health issues, and connecting children, youth, and families who may experience behavior health issues with appropriate services.⁷⁴ For Fiscal Year 2019-2020, \$75 million was allocated for Mental Health Assistance Allocation,⁷⁵ with each school district receiving a minimum of \$100,000 with the remaining balance of funds to be allocated based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment.⁷⁶ Eligible charter schools are entitled to a proportionate share of the school district's allocation.

Section 1011.62, F.S., prohibits school districts from using the funds allocated under this section from supplanting funds from other operating funds used for the provision of mental health services. These funds may not be used for salary increases or bonuses.⁷⁷

In order to receive allocation funds, a school district must develop and submit a detailed plan outlining the local program and planned expenditures to the district school board for approval.⁷⁸ A school district's plan must include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district.⁷⁹

The plans must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care.⁸⁰

Plans must include elements such as:

- direct employment of school-based mental health service providers to expand and enhance school-based student services and reduce the ratio of students to staff to align with nationally recommended ratio models;
- contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide behavioral health staff presence and services at district schools; and
- policies and procedures which ensure students who are referred to a school-based or community-based mental health service provider for mental health screening are assessed within 15 days of referral, and that school-based mental health services are initiated within 15 days after identification and assessment and community-based mental health services are initiated within 30 days after school or district referral.⁸¹

Each approved plan must be submitted to the Commissioner by August 1 each year and school districts are required to annually submit a report to the Department of Education (DOE) on program outcomes and expenditures for the previous fiscal year by September 30.⁸²

Effect of Proposed Changes

The bill requires a school district's plan, or if elected, an independently submitted charter school's plan, developed to receive the mental health assistance allocation to include the following:

⁷⁴ *Id.*

⁷⁵ Specific Appropriation 6 and 93, s. 2, ch. 2019-115, L.O.F.

⁷⁶ Section 1011.62(16), F.S.; *See also* Florida Department of Education, Office of Safe Schools, *2019-20 District Mental Health Assistance Allocation (Conference Report Calculation)*, available at <http://www.fldoe.org/core/fileparse.php/18612/urlt/1920DistrictMHAssisAllocation.pdf>.

⁷⁷ Section 1011.62(16), F.S.

⁷⁸ Section 1011.62(16)(a)1.-2., F.S.

⁷⁹ *Id.*

⁸⁰ Section 1011.61(16)(b), F.S.

⁸¹ Section 1011.62(16)(b)1.-3., F.S.

⁸² Section 1011.62(16)(c)-(d), F.S.

- An interagency agreement or memorandum of understanding with a managing entity, as defined in s. 394.9082(2), F.S., that facilitates referrals of students to community-based services and coordinates care for students served by school-based and community-based providers. This agreement or memorandum of understanding must address the sharing of records and information as authorized under s. 1006.07(7)(d), F.S., to coordinate care and increase access to appropriate services for students experiencing or at risk of an emotional disturbance or a mental illness.
- Policies and procedures, including contracts with service providers, which ensure the following:
 - A parent of a student is provided information about available behavioral health services through the school or local community-based behavioral health providers, including, but not limited to, the community action treatment teams. To meet this requirement, a school may provide easily navigated information about and the internet addresses for web-based directories or guides for local behavioral health services, to include contact information for behavioral health providers.
 - Each school district is using the services of the community action treatment team to the extent that such services are available.
 - Referrals to behavioral health services available through other delivery systems or payers for which a student or individuals living in the household of a student receiving services may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.

B. SECTION DIRECTORY:

Section 1: Amends s. 943.082, F.S.; requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; providing that certain reports shall remain anonymous.

Section 2: Amends 943.687, F.S., requiring the Marjory Stoneman Douglas High School Public Safety Commission to be composed of a total 19 members with, to extent possible, equal representation of school district, law enforcement, and health care professionals.

Section 3: Amends s. 985.12, F.S.; requiring law enforcement officers to have access to specified information by a certain date for specified purposes.

Section 4: Amends s. 1001.11, F.S.; requiring the Commissioner of Education to oversee compliance with requirements relating to school safety and security; requiring the commissioner to take specified actions under certain circumstances relating to noncompliance.

Section 5: Amends s. 1001.20, F.S., requiring the Department of Education's Office of Inspector General to conduct, coordinate, or request investigations into substantiated allegations of a school district's noncompliance with school safety requirements that the Commissioner of Education determines a school board is unwilling or unable to address.

Section 6: Amends s. 1001.212, F.S.; requiring the Office of Safe Schools to provide certain opportunities to charter school personnel; requiring such office to coordinate with specified entities to provide a specified tool for certain purposes and a model family reunification plan for certain purposes.

Section 7: Amends s. 1002.33, F.S.; revising provisions relating to the immediate termination of a charter school's charter.

Section 8: Amends s. 1006.07, F.S.; requiring codes of student conduct to include provisions relating to civil citation or similar prearrest diversion programs for specified purposes; authorizing certain procedures to include accommodations for specified drills; requiring district school boards and charter school governing boards, in coordination with local law enforcement agencies, to adopt a family reunification plan for specified purposes; providing requirements for members of a threat assessment team.

Section 9: Amends s. 1006.12, F.S.; revising provisions relating to the duties of school safety officers; requiring the district school superintendent or charter school administrator to provide certain notifications relating to safe-school officers; requiring safe-school officers to complete a specified

training; providing requirements for such training; requiring individuals to meet certain criteria before participating in specified training; providing requirements for such training.

Section 10: Amends s. 1006.13, F.S.; authorizing district school boards to continue providing educational services for certain students.

Section 11: Amends s. 1006.1493, F.S.; requiring the Florida Safe Schools Assessment Tool to address policies and procedures relating to certain disasters.

Section 12: Amends s. 1008.32, F.S., authorizing the State Board of Education to direct a school district to suspend the salary of the district school superintendent, and if the superintendent is appointed, the salaries of the district school board members until the noncompliance related to school safety is remedied.

Section 13: Amends s. 1011.62, F.S.; revising required plans within the mental health assistance allocation to include certain interagency agreements or memoranda of understanding with specified entities to facilitate certain referrals and services; providing requirements for such agreements and memoranda of understanding and policies and procedures; revising such plans to include policies and procedures relating to certain behavioral health services available to such students; requiring schools districts to use specified services from certain teams; providing requirements for referrals to certain behavioral health services.

Section 14: Provides for an effective date of July 1, 2020, except as otherwise provided in the bill.

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 requires all safe-school officers to complete mental health crisis intervention training. Previously just school resource officers were required to complete this training. The fiscal impact of this requirement is indeterminate.

The bill has an indeterminate, but likely insignificant, fiscal impact to managing entities established pursuant to s. 394.9082(2), F.S. The bill requires that each school district's plan, that must be submitted prior to the release of its Mental Health Assistance Allocation, include policies and contracts with services providers for referrals to behavioral health services. To the extent more children and their families are referred to behavioral health services, a managing entity may incur an administrative workload increase.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On January 30, 2020, the Education Committee adopted two amendments and reported the bill favorably as a committee substitute. The amendments:

- clarify the information law enforcement officers must have field access to beginning in fiscal year 2021-2022 as civil citation and prearrest diversion information;
- authorize a district school board to assign a student to a disciplinary program and to continue providing educational services to the student during their expulsion from school when the student is assigned to a civil citation or prearrest diversion program authorized by s. 985.12, F.S.; and
- authorize a district school superintendent to consider a student's expulsion on a case-by-case basis and request the district school board to assign a student in a civil citation or prearrest diversion program authorized by s. 985.12, F.S. to a disciplinary program or a second chance school if it is determined to be in the best interest of the student and the school system.

On February 11, 2020, the Appropriations Committee adopted five amendments and reported the bill favorably as a committee substitute. The amendments:

- expand the membership of the Marjory Stoneman Douglas High School Public Safety Commission by adding 3 additional members with the Governor, the President of the Senate and the Speaker of the House of Representatives each appointing one of the three new members;
- require the Office of Inspector General in the Department of Education to conduct, coordinate, or request investigations into substantiated allegations of a school district's noncompliance with school safety and security requirements when the Commissioner of Education determines a district school board is unwilling or unable to address and authorize the Office of Inspector General to issue and serve subpoenas and subpoenas duces tecum;
- amend each school district's code of student conduct to include criteria for assigning a student to a school-based intervention program and prohibit the school-based intervention program from entering a participating student's information into the Juvenile Justice Information System Prevention Web;
- authorize the State Board of Education to direct a school district to suspend the salary of the superintendent, and if the superintendent is appointed, the salaries of district school board members until any noncompliance related to school safety has been addressed; and
- require school districts to provide a school resource officer or school safety officer to a charter school when: the charter school is unable to provide one of its own under the same terms and conditions as the school district; or if the charter school's personnel are unable to complete the Coach Aaron Feis Guardian Program training in time to comply with the law.

The analysis is updated to the committee substitute.