

By Senator Harrell

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1                   A bill to be entitled  
2       An act relating to the mental health of students;  
3       amending s. 394.463, F.S.; revising data the  
4       Department of Children and Families is required to  
5       analyze when creating its annual report on the  
6       initiation of certain involuntary examinations;  
7       amending s. 1002.33, F.S.; requiring charter schools  
8       to be in compliance with laws relating to reporting  
9       involuntary examinations; amending s. 1006.07, F.S.;  
10      requiring the Department of Education, by a specified  
11      date, to share with the Department of Children and  
12      Families data received from school districts relating  
13      to involuntary examinations; amending s. 1011.62,  
14      F.S.; revising requirements for plans relating to  
15      mental health assistance allocations; providing an  
16      effective date.

17  
18 Be It Enacted by the Legislature of the State of Florida:

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20       Section 1. Subsection (4) of section 394.463, Florida  
21 Statutes, is amended to read:

22       394.463 Involuntary examination.—

23       (4) DATA ANALYSIS.—Using data collected under paragraph  
24 (2) (a) and s. 1006.07(10), the department shall, at a minimum,  
25 analyze data on both the initiation of involuntary examinations  
26 of children and the initiation of involuntary examinations of  
27 students who are removed from a school; identify any patterns or  
28 trends and cases in which involuntary examinations are  
29 repeatedly initiated on the same child or student; study root

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30 causes for such patterns, trends, or repeated involuntary  
31 examinations; and make recommendations to encourage the use of  
32 alternatives to eliminate inappropriate initiations of such  
33 examinations. The department shall submit a report on its  
34 findings and recommendations to the Governor, the President of  
35 the Senate, and the Speaker of the House of Representatives by  
36 November 1 of each odd-numbered year.

37 Section 2. Paragraph (b) of subsection (16) of section  
38 1002.33, Florida Statutes, is amended to read:

39 1002.33 Charter schools.—

40 (16) EXEMPTION FROM STATUTES.—

41 (b) Additionally, a charter school shall be in compliance  
42 with the following statutes:

43 1. Section 286.011, relating to public meetings and  
44 records, public inspection, and criminal and civil penalties.

45 2. Chapter 119, relating to public records.

46 3. Section 1003.03, relating to the maximum class size,  
47 except that the calculation for compliance pursuant to s.

48 1003.03 shall be the average at the school level.

49 4. Section 1012.22(1)(c), relating to compensation and  
50 salary schedules.

51 5. Section 1012.33(5), relating to workforce reductions.

52 6. Section 1012.335, relating to contracts with  
53 instructional personnel hired on or after July 1, 2011.

54 7. Section 1012.34, relating to the substantive  
55 requirements for performance evaluations for instructional  
56 personnel and school administrators.

57 8. Section 1006.12, relating to safe-school officers.

58 9. Section 1006.07(7), relating to threat assessment teams.

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59 10. Section 1006.07(9), relating to School Environmental  
60 Safety Incident Reporting.

61 11. Section 1006.07(10), relating to reporting of  
62 involuntary examinations.

63 12. Section 1006.1493, relating to the Florida Safe Schools  
64 Assessment Tool.

65 ~~13.12.~~ Section 1006.07(6)(c), relating to adopting an  
66 active assailant response plan.

67 ~~14.13.~~ Section 943.082(4)(b), relating to the mobile  
68 suspicious activity reporting tool.

69 ~~15.14.~~ Section 1012.584, relating to youth mental health  
70 awareness and assistance training.

71 Section 3. Subsection (10) of section 1006.07, Florida  
72 Statutes, is amended to read:

73 1006.07 District school board duties relating to student  
74 discipline and school safety.—The district school board shall  
75 provide for the proper accounting for all students, for the  
76 attendance and control of students at school, and for proper  
77 attention to health, safety, and other matters relating to the  
78 welfare of students, including:

79 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district  
80 school board shall adopt a policy to require the district  
81 superintendent to annually report to the department the number  
82 of involuntary examinations, as defined in s. 394.455, which are  
83 initiated at a school, on school transportation, or at a school-  
84 sponsored activity. By July 1 of each year, the department shall  
85 share such data received from school districts during the  
86 previous year with the Department of Children and Families.

87 Section 4. Paragraph (b) of subsection (14) of section

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88 1011.62, Florida Statutes, is amended to read:

89 1011.62 Funds for operation of schools.—If the annual  
90 allocation from the Florida Education Finance Program to each  
91 district for operation of schools is not determined in the  
92 annual appropriations act or the substantive bill implementing  
93 the annual appropriations act, it shall be determined as  
94 follows:

95 (14) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health  
96 assistance allocation is created to provide funding to assist  
97 school districts in establishing or expanding school-based  
98 mental health care; train educators and other school staff in  
99 detecting and responding to mental health issues; and connect  
100 children, youth, and families who may experience behavioral  
101 health issues with appropriate services. These funds shall be  
102 allocated annually in the General Appropriations Act or other  
103 law to each eligible school district. Each school district shall  
104 receive a minimum of \$100,000, with the remaining balance  
105 allocated based on each school district's proportionate share of  
106 the state's total unweighted full-time equivalent student  
107 enrollment. Charter schools that submit a plan separate from the  
108 school district are entitled to a proportionate share of  
109 district funding. The allocated funds may not supplant funds  
110 that are provided for this purpose from other operating funds  
111 and may not be used to increase salaries or provide bonuses.  
112 School districts are encouraged to maximize third-party health  
113 insurance benefits and Medicaid claiming for services, where  
114 appropriate.

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

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117 mental health care assessment, diagnosis, intervention,  
118 treatment, and recovery services to students with one or more  
119 mental health or co-occurring substance abuse diagnoses and to  
120 students at high risk of such diagnoses. The provision of these  
121 services must be coordinated with a student's primary mental  
122 health care provider and with other mental health providers  
123 involved in the student's care. At a minimum, the plans must  
124 include the following elements:

125       1. Direct employment of school-based mental health services  
126 providers to expand and enhance school-based student services  
127 and to reduce the ratio of students to staff in order to better  
128 align with nationally recommended ratio models. These providers  
129 include, but are not limited to, certified school counselors,  
130 school psychologists, school social workers, and other licensed  
131 mental health professionals. The plan also must identify  
132 strategies to increase the amount of time that school-based  
133 student services personnel spend providing direct services to  
134 students, which may include the review and revision of district  
135 staffing resource allocations based on school or student mental  
136 health assistance needs.

137       2. Contracts or interagency agreements with one or more  
138 local community behavioral health providers or providers of  
139 Community Action Team services to provide a behavioral health  
140 staff presence and services at district schools. Services may  
141 include, but are not limited to, mental health screenings and  
142 assessments, individual counseling, family counseling, group  
143 counseling, psychiatric or psychological services, trauma-  
144 informed care, mobile crisis services, and behavior  
145 modification. These behavioral health services may be provided

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146 on or off the school campus and may be supplemented by  
147 telehealth.

148 3. Policies and procedures, including contracts with  
149 service providers, which will ensure that:

150 a. Students referred to a school-based or community-based  
151 mental health service provider for mental health screening for  
152 the identification of mental health concerns and students at  
153 risk for mental health disorders are assessed within 15 days of  
154 referral. School-based mental health services must be initiated  
155 within 15 days after identification and assessment, and support  
156 by community-based mental health service providers for students  
157 who are referred for community-based mental health services must  
158 be initiated within 30 days after the school or district makes a  
159 referral.

160 b. Parents of a student receiving services under this  
161 subsection are provided information about other behavioral  
162 health services available through the student's school or local  
163 community-based behavioral health services providers. A school  
164 may meet this requirement by providing information about and  
165 Internet addresses for web-based directories or guides for local  
166 behavioral health services.

167 c. Individuals living in a household with a student  
168 receiving services under this subsection are provided  
169 information about behavioral health services available through  
170 other delivery systems or payors for which such individuals may  
171 qualify, if such services appear to be needed or enhancements in  
172 those individuals' behavioral health would contribute to the  
173 improved well-being of the student ~~students who are referred to~~  
174 ~~a school-based or community-based mental health service provider~~

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175 ~~for mental health screening for the identification of mental~~  
176 ~~health concerns and ensure that the assessment of students at~~  
177 ~~risk for mental health disorders occurs within 15 days of~~  
178 ~~referral. School-based mental health services must be initiated~~  
179 ~~within 15 days after identification and assessment, and support~~  
180 ~~by community-based mental health service providers for students~~  
181 ~~who are referred for community-based mental health services must~~  
182 ~~be initiated within 30 days after the school or district makes a~~  
183 ~~referral.~~

184 4. Strategies or programs to reduce the likelihood of at-  
185 risk students developing social, emotional, or behavioral health  
186 problems, depression, anxiety disorders, suicidal tendencies, or  
187 substance use disorders.

188 5. Strategies to improve the early identification of  
189 social, emotional, or behavioral problems or substance use  
190 disorders, to improve the provision of early intervention  
191 services, and to assist students in dealing with trauma and  
192 violence.

193 6. Procedures to assist a mental health services provider  
194 or a behavioral health provider as described in subparagraph 1.  
195 or subparagraph 2., respectively, or a school resource officer  
196 or school safety officer who has completed mental health crisis  
197 intervention training in attempting to verbally de-escalate a  
198 student's crisis situation before initiating an involuntary  
199 examination pursuant to s. 394.463. Such procedures must include  
200 strategies to de-escalate a crisis situation for a student with  
201 a developmental disability as that term is defined in s.  
202 393.063.

203 7. Policies of the school district must require that in a

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204 student crisis situation, school or law enforcement personnel  
205 must make a reasonable attempt to contact a mental health  
206 professional who may initiate an involuntary examination  
207 pursuant to s. 394.463, unless the child poses an imminent  
208 danger to themselves or others, before initiating an involuntary  
209 examination pursuant to s. 394.463. Such contact may be in  
210 person or using telehealth as defined in s. 456.47. The mental  
211 health professional may be available to the school district  
212 either by contracts or interagency agreements with the managing  
213 entity, one or more local community behavioral health providers,  
214 or the local mobile response team or be a direct or contracted  
215 school district employee.

216 Section 5. This act shall take effect July 1, 2022.