

## HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

**BILL #:** CS/CS/CS/HB 1421 School Safety

**SPONSOR(S):** Education & Employment Committee and Secondary Education & Career Development Subcommittee and Early Learning & Elementary Education Subcommittee, Hawkins, Hunschofsky and others

**TIED BILLS:** None **IDEN./SIM. BILLS:** CS/SB 802

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**FINAL HOUSE FLOOR ACTION:** 115 Y's

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**GOVERNOR'S ACTION:** Approved

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### SUMMARY ANALYSIS

CS/CS/CS/HB 1421 passed the House on February 24, 2022, and subsequently passed the Senate on March 3, 2022.

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 (MSD Commission). The bill improves transparency around school safety and security and addresses student mental health by:

- Requiring district school boards and charter school governing boards to adopt a plan that guides family reunification when K-12 public schools are closed or unexpectedly evacuated due to natural or manmade disasters.
- Requiring that the State Board of Education adopt rules setting requirements for emergency drills including timing, frequency, participation, training, notification, and accommodations.
- Requiring that law enforcement responsible for responding to schools in the event of an assailant emergency be physically present and participate in active assailant drills.
- Requiring that school safety and environmental incident reporting data be published annually in a uniform, statewide format that is easy to read and understand.
- Requiring safe-school officers that are sworn law enforcement officers to complete mental health crisis intervention training.
- Requiring safe-school officers that are not sworn law enforcement officers to receive training on incident response and de-escalation.
- Requiring that school district and local mobile response teams use the same suicide screening tool approved by the Department of Education.
- Requiring that school districts annually certify, beginning with July 1, 2023, that at least 80 percent of school personnel received the mandatory youth mental health awareness training.
- Requiring the Office of Safe Schools to provide school districts information on the proper use of the School Safety Awareness Program, including the consequences of knowingly submitting false information.

The bill extends the MSD Commission until July 1, 2026, for the purpose of monitoring implementation of school safety legislation.

The bill requires the Commissioner of Education to oversee and enforce school safety and security compliance in the state.

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

The bill was approved by the Governor on June 7, 2022, ch. 2022-174, L.O.F., and will become effective on July 1, 2022, except as otherwise provided.

## I. SUBSTANTIVE INFORMATION

### A. EFFECT OF CHANGES:

#### Background

In response to the shooting at Marjory Stoneman Douglas High School on February 14, 2018, the Florida Legislature passed SB 7026, the Marjory Stoneman Douglas High School Public Safety Act (Act).<sup>1</sup> The Act's provisions addressed school safety and security by creating the Office of Safe Schools (OSS) within the Florida Department of Education (DOE) and requiring 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 (MSD 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-wide improvements. The MSD Commission submitted its initial report on January 2, 2019, which contained numerous school safety and security recommendations<sup>2</sup> that the Legislature addressed in SB 7030 (2019), Implementation of Legislative Recommendations of the Marjory Stoneman Douglas High School Public Safety Commission.<sup>3</sup> The MSD Commission's second report, submitted on November 1, 2019, provided recommendations related to safe-school officers, threat assessments, juvenile diversion programs, and mental health, among other recommendations.<sup>4</sup> The MSD Commission is authorized to issue annual reports and is scheduled to sunset on July 1, 2023.<sup>5</sup>

In February 2019, Governor Ron DeSantis requested, and the Florida Supreme Court convened, a Grand Jury to study systemic school safety failures. The Grand Jury was tasked with investigating whether specific public entities failed to act or committed fraud that undermined the school safety activities the Act and subsequent legislation required.<sup>6</sup> The Grand Jury's third and most recent report, issued in December 2020, included an analysis of the state's mental health infrastructure and found that three systemic problems are impacting student mental health:<sup>7</sup> the current mental health system is underfunded, leading to an inability to diagnose and properly treat mental health problems; the system is too decentralized with national, state, and local entities providing parallel and duplicative resources with little to no coordination; and the Department of Children and Families (DCF), the state agency tasked with oversight, is not currently equipped or empowered to exercise the degree of leadership and control necessary to correct problems in the system.<sup>8</sup>

#### School Safety Oversight and Compliance

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

<sup>2</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>3</sup> Chapter 2019-22, L.O.F.

<sup>4</sup> Marjory Stoneman Douglas High School Public Safety Commission, *Second Report* (Nov. 1, 2020), available at <http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>.

<sup>5</sup> Section 943.687(9), F.S.

<sup>6</sup> Ron Desantis, Governor of Florida, *Petition for Order to Impanel a Statewide Grand Jury*, (Feb. 13, 2019), available at [https://efactssc-public.flcourts.org/casedocuments/2019/240/2019-240\\_petition\\_72393\\_e83.pdf](https://efactssc-public.flcourts.org/casedocuments/2019/240/2019-240_petition_72393_e83.pdf); *In re Statewide Grand Jury #20*, No. SC19-240, 2019 WL 908518 (Fla. Feb. 25, 2019), available at [https://efactssc-public.flcourts.org/casedocuments/2019/240/2019-240\\_disposition\\_145442\\_d04i.pdf](https://efactssc-public.flcourts.org/casedocuments/2019/240/2019-240_disposition_145442_d04i.pdf).

<sup>7</sup> Statewide Grand Jury # 20, *Third Interim Report of the Twentieth Statewide Grand Jury*, (Dec. 10, 2020), available at [https://efactssc-public.flcourts.org/casedocuments/2019/240/2019-240\\_miscdoc\\_365089\\_e20.pdf](https://efactssc-public.flcourts.org/casedocuments/2019/240/2019-240_miscdoc_365089_e20.pdf).

<sup>8</sup> *Id.*

## Present Situation

Florida's Commissioner of Education 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.<sup>9</sup> The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend enforcement and sanctioning actions to the State Board of Education (SBE), the Governor, or the Legislature.<sup>10</sup>

The OSS 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.<sup>11</sup> The OSS responsibilities include, among other duties, collecting school environmental safety incident reporting (SESIR) data, providing a School Safety Specialist Training Program, evaluating usage of the standardized, statewide behavioral threat assessment instrument, monitoring compliance with requirements relating to school safety, and reporting incidents of noncompliance to the commissioner and the SBE.<sup>12</sup>

District school boards and superintendents each have responsibilities related to school safety and security. District school superintendents must designate a school safety specialist who 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).<sup>13</sup> District school boards must adopt policies that guide many aspects of school safety including the establishment of threat assessment teams (TAT) and emergency procedures and emergency preparation drills. The TATs assess and provide intervention recommendations for individuals whose behavior may pose a threat to the safety of school staff or students.<sup>14</sup> The TAT members must include individuals with expertise in counseling, instruction, school administration, and law enforcement.<sup>15</sup> To conduct its work, a TAT must use the standardized, statewide behavioral threat assessment instrument developed by the OSS<sup>16</sup> and may use the Florida Schools Safety Portal (FSSP).<sup>17</sup>

Emergency drills and procedures are guided by district school boards policies and procedures, which are formulated in consultation with the appropriate public safety agencies. These policies apply to all students and faculty at all K-12 public schools. Emergencies include fires, natural disasters, active shooter and hostage situations, and bomb threats.<sup>18</sup> 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.<sup>19</sup> The active shooter situation training for each school must engage the participation of the district school safety specialist, the TAT members, faculty, staff, and

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<sup>9</sup> Section 1001.11(9), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> Section 1001.212, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Section 1006.07(7), F.S. The OSS is required to develop model policies for the operation of threat assessment teams. *Id.* See Florida Department of Education, *Model Behavioral Threat Assessment Policies and Best Practices for K-12 Schools*, available at <http://www.fldoe.org/core/fileparse.php/18612/urlt/threat-assessment-model-policies.pdf>.

<sup>15</sup> Section 1006.07(7)(a), F.S.

<sup>16</sup> *Id.*

<sup>17</sup> 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>.

<sup>18</sup> Section 1006.07(4)(a), F.S.

<sup>19</sup> *Id.*

students, and must be conducted by the law enforcement agency or agencies that are designated as first responders to the school's campus.<sup>20</sup>

In 2020, the Legislature passed HB 23, requiring all public and charter schools to have a mobile panic alert system.<sup>21</sup> Known as Alyssa's Law, the bill is named for Alyssa Alhadeff, a Marjory Stoneman Douglas High School student who was one of the 17 people killed during the shooting. The legislation required the DOE to procure a statewide, mobile panic alert system for school districts to facilitate an integrated E911 transmission or mobile activation during emergencies on public school campuses. The DOE completed the procurement and selected 11 vendors from which school districts may choose to satisfy this requirement.<sup>22</sup>

In 2021, the Legislature clarified that school districts were required to conduct active assailant drills but may provide accommodations for emergency drills conducted by exceptional student education centers.<sup>23</sup>

## Effect of the Bill

The bill extends the MSD Commission until July 1, 2026, for the purpose of monitoring implementation of school safety legislation. The bill updates the responsibilities of the MSD Commission to include:

- Evaluating the activities of the OSS to provide guidance to school districts, identifying areas of noncompliance and mechanisms used to achieve compliance.
- Reviewing the findings of the Auditor General regarding school district school safety policies and procedures that need improvement to ensure and demonstrate compliance with state law.
- Reviewing school hardening grant expenditures and evaluating such expenditures based on the report of the School Hardening and Harm Mitigation Workgroup, recommendations of law enforcement agencies pursuant to s. 1006.07(8), F.S., and the return on investment analysis required by s. 1006.1493, F.S.
- Evaluating the utilization of the centralized integrated data repository by schools and its effectiveness in conducting threat assessments.
- Assessing efforts by local governments to improve communication and coordination among regional emergency communications systems.
- Investigating any failures in incident responses by local law enforcement agencies and school resource officers.
- Investigating any failures in interactions with perpetrators preceding incidents of violence.

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

The bill expands the requirement for OSS to provide ongoing professional development opportunities to school districts to include charter school personnel. The bill requires the OSS to maintain a directory of public school-based diversion programs and coordinate compliance with the statute governing these programs with each judicial circuit and the Department of Juvenile Justice. The OSS must also provide school districts with information on the appropriate use of the School Safety Awareness program, including the consequences of knowingly submitting false information.

The bill requires that the SBE adopt rules governing emergency drills by August 1, 2023. Such rules must be based on recommendations from the MSD Commission and in consultation with state and local constituencies. The rules must require that all types of emergency drills be conducted at least once per school year. Additionally, the rules must define "emergency drill," "active threat," and "after-action

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<sup>20</sup> Section 1006.07(4)(b)1., F.S.

<sup>21</sup> Chapter 2020-145, L.O.F.

<sup>22</sup> Florida Department of Education, *Alyssa's Alert*, <https://www.fldoe.org/safe-schools/alyssas-alert.stml> (last visited March 6, 2022).

<sup>23</sup> Section 6, ch. 2021-176, L.O.F.

report” and provide minimum requirements for school district emergency drill policies and procedures by incident type, school level, school type, and student and school characteristics, including:

- timing;
- frequency;
- participation;
- training;
- notification;
- accommodations; and
- response to threat situations.

The bill requires that law enforcement responsible for responding to schools in the event of an assailant emergency be physically present and participate in active assailant emergency drills. School districts must provide notice to the law enforcement officers required to be present at such drills at least 24 hours prior to the drill.

The bill requires that all members of a TAT be involved in the threat assessment process and final decision regarding an individual whose behavior may pose a threat to school safety. The bill provides that the members of a TAT should reflect the demographic makeup of the students at the school.

## **Safe Schools Tools and Resources**

### Present Situation

In the Florida K-20 Education Code,<sup>24</sup> parent is defined as, “either or both parents of a student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.”<sup>25</sup> According to s. 1002.20, F.S., the K-12 Student and Parents Rights section of Florida law, “[p]arents of public school students must receive accurate and timely information regarding their child’s academic progress and must be informed of ways they can help their child to succeed in school.”<sup>26</sup> In furtherance, the code includes numerous statutory rights of students and their parents. Among other rights, the code establishes that parents have the right to seek education school choice options including charter schools, private schools that accept students who participate in a state scholarship program, and home education programs.<sup>27</sup>

Florida law does not require school districts to adopt a family reunification plan as part of emergency preparedness policies and procedures. The MSD Commission identified the lack of a cohesive family reunification plan as a significant factor that exacerbated the trauma of the shooting and subsequent loss of life. The MSD Commission recommended that every school district adopt a plan that,<sup>28</sup> at a minimum, addresses the identification of potential reunification sites, training for employees, multiple methods to effectively communicate with family members of students and staff, and methods to aid law enforcement in student and staff identification.<sup>29</sup>

### *Incident Reporting*

With respect to school safety, there are a number of tracking and reporting tools managed by the DOE to which school districts are required to report incident information. The OSS monitors school district compliance with SESIR requirements and TAT utilization of the standardized behavioral assessment tool, i.e., the FSSP. The FSSP is available to individual TAT members with specific permissions and the

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<sup>24</sup> Chapters 1000–1013, F.S., are referred to as the K-20 Education Code.

<sup>25</sup> Section 1000.21(5), F.S.

<sup>26</sup> Section 1002.20, F.S.

<sup>27</sup> Section 1002.20(6), F.S.

<sup>28</sup> Marjory Stoneman Douglas High School Public Safety Commission, *Second Report* (Nov. 1, 2020), available at

<http://www.fdle.state.fl.us/MSDHS/MSD-Report-2-Public-Version.pdf>.

<sup>29</sup> *Id.*

OSS tracks the number of queries.<sup>30</sup> The FSSP provides a centralized repository to access student records across multiple disciplines including law enforcement and behavioral health care.<sup>31</sup>

SESIR data is collated by a DOE electronic database to which school districts report on 26 incidents of crime, violence, and disruptive behaviors that occur on school grounds.<sup>32</sup> SESIR reporting is required for all public schools.<sup>33</sup> 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.<sup>34</sup> The DOE revised the reporting rule in 2020 to direct how incidents are reported at regular intervals throughout the school year.<sup>35</sup> Superintendents must annually certify that the school district is in compliance with state board rule. Failure to report SESIR data by the survey deadlines can result in forfeiture of the superintendent's salary until the reporting is completed.<sup>36</sup> The DOE makes the data available annually through publication of summary excel files on its website,<sup>37</sup> which are separate from other DOE databases that provide public visibility into school accountability and performance metrics.<sup>38</sup>

School districts are required to provide emergency notifications for a limited list of life-threatening emergencies that take place on a K-12 public school campus.<sup>39</sup> Incidents include weapon-use, hostage, and active shooter situations, hazardous materials or toxic chemical spills, weather emergencies, and exposure as a result of manmade emergencies.<sup>40</sup> For colleges and universities, the Clery Act prescribes a broader list of violent incidents or criminal acts for which notification is required to the "campus community."<sup>41</sup> The acts that must be reported include criminal offenses,<sup>42</sup> hate crimes,<sup>43</sup> Violence Against Women Act offenses,<sup>44</sup> and arrests and referrals for discipline for weapons, drug, or liquor law violations.<sup>45</sup>

FortifyFL is a mobile suspicious activity reporting tool, launched on October 8, 2018,<sup>46</sup> 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.<sup>47</sup> The tool is a computer and mobile phone application that is free to all public and private schools in Florida.<sup>48</sup> A district school board and charter school must promote the use

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<sup>30</sup> Florida Department of Education, *Department of Education Announces the Florida Schools Safety Portal*, (August 1, 2019), available at <http://www.fldoe.org/newsroom/latest-news/department-of-education-announces-the-florida-schools-safety-portal.stml>.

<sup>31</sup> Section 1001.212(12), F.S.

<sup>32</sup> Florida Department of Education, *Discipline Data*, <http://www.fldoe.org/safe-schools/discipline-data.stml> (last visited March 6, 2022).

<sup>33</sup> Sections 1001.212(8) and 1006.07(6), F.S.

<sup>34</sup> Section 1006.07(9), F.S.

<sup>35</sup> Rule 6A-1.0017, F.A.C. The survey periods for submission of data by school districts to the DOE are established in *Full-time Equivalent (FTE) General Instructions 2020-2021*, available at <http://www.fldoe.org/core/fileparse.php/7508/urlt/2021FTEGeneralInstruct.pdf>.

<sup>36</sup> Rule 6A-1.0017, F.A.C.

<sup>37</sup> Florida Department of Education, *Discipline Data*, <http://www.fldoe.org/safe-schools/discipline-data.stml> (last visited March 6, 2022).

<sup>38</sup> See Florida Department of Education, *Information Portal*, <https://edstats.fldoe.org/> (last visited March 6, 2022); and Florida Department of Education, *Know Your Schools*, <https://edudata.fldoe.org/> (last visited March 6, 2022).

<sup>39</sup> Section 1006.07(4), F.S.

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

<sup>41</sup> Pub. L. No. 101-152, 104 Stat. 2381 (Nov. 8, 1990).

<sup>42</sup> *Id.* Criminal offenses include criminal homicide, sexual assault, robbery, burglary, motor vehicle theft, and arson.

<sup>43</sup> *Id.* Hate crimes can include any of the covered criminal offenses and larceny-theft, simple assault, intimidation, and destruction, damage, or vandalism of property.

<sup>44</sup> *Id.* Violence Against Women Act offenses include domestic violence, dating violence, and stalking.

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

<sup>46</sup> 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>. [hereinafter *School Safety Awareness Program*]

<sup>47</sup> Section 943.082(1), F.S.

<sup>48</sup> *School Safety Awareness Program*, *supra*, note 46.

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.<sup>49</sup>

Any tips submitted via FortifyFL are sent to local school, district, and law enforcement officials to take action on the tip.<sup>50</sup> The identity of the reporting party received on FortifyFL is confidential and exempt from public records disclosure requirements.<sup>51</sup> As of January 2022, 17,224 tips have been submitted through FortifyFL.<sup>52</sup>

In 2021,<sup>53</sup> the Legislature established the parental right to timely notification of school safety and emergency incidents, including certain threats, unlawful acts, and significant emergencies, and the right to access SESIR data as reported by school districts to the DOE.<sup>54</sup>

Additionally, school districts are required to provide timely notice to parents of the following unlawful acts and significant emergency situations on school grounds, school transportation, or school-sponsored activities:<sup>55</sup>

- Weapons possession or use, hostage and active assailant situations.
- Murder, homicide, or manslaughter.
- Sex offenses, including rape, sexual assault, or sexual misconduct with a student by school personnel.
- Aggravated assault or battery, as defined in statute.
- Natural emergencies, including hurricanes, tornadoes, and severe weather.
- Exposure as a result of a manmade emergency.

## **Effect of the Bill**

### *Family Reunification Plans*

The bill 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, first-responder agencies, and local governments, 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 manmade disasters. The model reunification plan must consider the integration of student information and notification systems to facilitate the reunification process. Each district school board and charter school governing board must adopt a family reunification plan in coordination with local law enforcement agencies and local governments. Through its annual FSSAT review, the OSS is required to confirm each school district's adoption of a plan.

### *Incident Notification*

The bill requires the DOE to annually publish the most recently available SESIR data, along with other school accountability and performance data, in a uniform, statewide format that is easy to read and understand.

Effective October 1, 2022, the bill requires FortifyFL 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. If an investigation reveals that an individual knowingly submitted a false tip, they may be

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<sup>49</sup> Sections 943.082(4)(b) and 1002.33(16)(b)13., F.S.

<sup>50</sup> *School Safety Awareness Program, supra*, note 46.

<sup>51</sup> Section 943.082(6), F.S.

<sup>52</sup> Email, Florida Department of Education, Office of Safe Schools (Jan. 19, 2022).

<sup>53</sup> Chapter 2021-176, L.O.F.

<sup>54</sup> Sections 1002.20(25) and 1002.33(9)(r), F.S.

<sup>55</sup> Section 1006.07(4)(b), F.S.

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.

## **Student Mental Health**

### Present Situation

#### *Mental Health Assistance Allocation*

The Act created the Mental Health Assistance Allocation within the Florida Education Finance Program.<sup>56</sup> The allocation is intended to provide funding to assist school districts in establishing or 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.<sup>57</sup> For the 2021-2022 school year, \$120 million was appropriated for the allocation.<sup>58</sup> Each school district receives a minimum of \$100,000 and the remaining balance is allocated based on each district's proportionate share of the state's total unweighted full-time equivalent student enrollment.<sup>59</sup> Eligible charter schools are entitled to a proportionate share of the school district's allocation.<sup>60</sup>

In order to receive allocation funds, a school district must develop and submit to the district school board for approval a detailed plan outlining its local program and planned expenditures.<sup>61</sup> 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.<sup>62</sup> Each approved plan must be submitted to the commissioner by August 1 each year.

The plan must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services. Supports and services under the allocation are provided 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.<sup>63</sup>

Plans must include elements such as direct employment of school-based mental health service providers to expand and enhance school-based student services and policies and procedures to assist, prior to Baker Act initiation, a mental or behavioral health provider, or school-based law enforcement officer who has completed crisis intervention training, to verbally de-escalate a student in crisis.<sup>64</sup>

#### *Youth Mental Health Awareness and Assistance*

The DOE is responsible for developing and maintaining an evidence-based youth mental health awareness and assistance training program. The program must be designed to help school personnel identify and understand the signs of emotional disturbance, mental illness, and substance use disorders and provide such personnel with the skills to help a person who is developing or experiencing an

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<sup>56</sup> Section 1011.62(16), F.S.

<sup>57</sup> *Id.*

<sup>58</sup> Specific Appropriations 7 and 90, s. 2, ch. 2021-36, L.O.F.

<sup>59</sup> Section 1011.62(14), F.S.; *See also* Florida Department of Education, *Florida Education Finance Program 2021-22 Second Calculation*, p. 33, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/2122FEFSecondCalc.pdf>.

<sup>60</sup> Section 1011.62(16), F.S.

<sup>61</sup> Section 1011.62(16)(a)1.-2., F.S.

<sup>62</sup> *Id.*

<sup>63</sup> Section 1011.61(16)(b), F.S.

<sup>64</sup> *Id.*



emotional disturbance, mental health, or substance use problem.<sup>65</sup> At a minimum the training must include:<sup>66</sup>

- An overview of mental illnesses and substance use disorders and the need to reduce the stigma of mental illness.
- Information on the potential risk factors and warning signs of emotional disturbance, mental illness, or substance use disorders, including, but not limited to, depression, anxiety, psychosis, eating disorders, and self-injury, as well as common treatments for those conditions and how to assess those risks.
- Information on how to engage at-risk students with the skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.

The DOE must partner with a national organization with expertise in youth mental health to provide the training to all school personnel in Florida's elementary, middle, and high schools. Each school district school safety specialist must ensure that all school personnel within his or her school district receive youth mental health awareness and assistance training.<sup>67</sup>

### *Youth Mental Health Crises Supports and Suicide Prevention*

Nationally, the suicide rate among youth aged 10 through 24 is increasing and suicide is the second leading cause of death for individuals aged 10 through 14, 15 through 19, and 20 through 24.<sup>68</sup> This trend continued into 2018, the most recent national data, with suicide accounting 20.5 percent of deaths for individuals aged 10 through 24, the second leading cause behind accidents.<sup>69</sup> In Florida in 2019, the year for which the most recent data is available, 319 children and young adults (ages 5 through 24) committed suicide.<sup>70</sup> Among Floridians of all ages, 3,427 committed suicide and over 20,000 incidents of self-harm were reported.<sup>71</sup> For students, the DCF measures behavioral health concerns and suicide risk every two years. In 2020,<sup>72</sup> 38 percent of student-respondents experienced sadness or hopelessness for two or more weeks in a row, 16 percent seriously considered committing suicide, 12 percent made plans to commit suicide, and 8 percent attempted suicide.<sup>73</sup>

In recognition of the prevalence of suicide among children and the need for an integrated, statewide prevention program for all Floridians, the First Lady Casey DeSantis, in collaboration with stakeholders, created the Florida Suicide Prevention Interagency Action Plan, August 2020 – June 2023, and identified four focus areas to reduce suicide rates: awareness, prevention, intervention, and caring follow-up and support.<sup>74</sup> Additionally, the Florida Suicide Prevention Coordinating Council is charged with increasing support for Floridians and decreasing suicide rates. The DCF's Statewide Office of

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<sup>65</sup> Section 1012.584(1), F.S.

<sup>66</sup> Section 1012.584(3), F.S.

<sup>67</sup> Section 1012.584(2), F.S.

<sup>68</sup> U.S. Department of Health and Human Services, *Death Rates Due to Suicide and Homicide Among Persons Aged 10-24: United States, 2000-2017* (October 2019), available at <https://www.cdc.gov/nchs/data/databriefs/db352-h.pdf>.

<sup>69</sup> U.S. Department of Health and Human Services, *Deaths: Leading Causes for 2018*, May 17, 2021, p. 11, available at <https://www.cdc.gov/nchs/data/nvsr/nvsr70/nvsr70-04-508.pdf>.

<sup>70</sup> Florida Department of Children and Families, Office of Substance Abuse and Mental Health, *Suicide Prevention Coordinating Council 2020 Annual Report*, p. 8, available at <https://www.myflfamilies.com/service-programs/samh/prevention/suicide-prevention/>.

<sup>71</sup> *Id.* at 7.

<sup>72</sup> Florida Department of Children and Families, *Suicide Prevention Coordinating Council Annual Report*, (Jan. 2021), available at <https://www.myflfamilies.com/service-programs/samh/prevention/suicide-prevention/>.

<sup>73</sup> *Id.* at 10.

<sup>74</sup> Florida Department of Children and Families, *Florida Suicide Prevention Interagency Action Plan August 2020-June 2023*, available at <https://www.myflfamilies.com/service-programs/samh/prevention/suicide-prevention/docs/2020%202023%20Florida%20Suicide%20Prevention%20Interagency%20Action%20Plan.pdf>. The Suicide Prevention Coordinating council consisted of leadership from the DCF, the Agency for Health Care Administration, the Department of Health, the Department of Juvenile Justice, the Department of Veteran's Affairs, the Department of Law Enforcement, the Department of Elder Affairs, the Department of Economic Opportunity, and the Agency for Persons with Disabilities.

Suicide Prevention provides resources for both individuals in crisis as well as their support network of friends and family.<sup>75</sup> Among the resources provided are the telephone numbers for the national and statewide crisis response hotlines.<sup>76</sup> Many of these resources now offer online chat or text options for individuals in crisis.<sup>77</sup>

In 2021,<sup>78</sup> the legislature required that any future student identification cards issued by school districts for students in grades 6 through 12 must include telephone numbers for national or statewide crisis and suicide hotlines and text lines.<sup>79</sup>

## Effect of the Bill

Beginning July 1, 2023, and annually thereafter, the bill requires each school district to certify that at least 80 percent of school personnel have received the required youth mental health awareness and assistance training.

To improve coordination between school districts and local mobile response teams as well as promote consistency in the evaluation of students in crisis, the bill requires that school districts adopt policies requiring that district schools and local mobile response teams use the same suicide screening instrument and that the instrument must be one approved by the DOE.

## 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.<sup>80</sup> A school district may implement one or more safe-school officer options to best meet the needs of the school district and charter schools.<sup>81</sup> These options include:

- Establishing a school resource officer (SRO) program, through a cooperative agreement with law enforcement agencies.<sup>82</sup> SROs are certified law enforcement officers<sup>83</sup> who must meet minimum screening requirements<sup>84</sup> and complete mental health crisis intervention training.<sup>85</sup>

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<sup>75</sup> Department of Children and Families, *Suicide Prevention*, <https://www.myflfamilies.com/service-programs/samh/prevention/suicide-prevention/index.shtml> (last visited March 6, 2022).

<sup>76</sup> See National Suicide Prevention Lifeline, *About*, <https://suicidepreventionlifeline.org/about/> (last visited March 6, 2022); Crisis Text Line, *About Us*, <https://www.crisistextline.org/about-us/> (last visited March 6, 2022); Rape, Abuse & Incest National Network, *About the National Sexual Assault Telephone Hotline*, <https://www.rainn.org/about-national-sexual-assault-telephone-hotline> (last visited March 6, 2022); and National Alliance on Mental Health Florida, *If in Crisis*, <https://namiflorida.org/crisis-info/> (last visited March 6, 2022).

<sup>77</sup> See National Suicide Prevention Lifeline, *About*, <https://suicidepreventionlifeline.org/about/> (last visited March 6, 2022); Crisis Text Line, *About Us*, <https://www.crisistextline.org/about-us/> (last visited March 6, 2022); Rape, Abuse & Incest National Network, *About the National Sexual Assault Telephone Hotline*, <https://www.rainn.org/about-national-sexual-assault-telephone-hotline> (last visited March 6, 2022); and National Alliance on Mental Health Florida, *If in Crisis*, <https://namiflorida.org/crisis-info/> (last visited March 6, 2022).

<sup>78</sup> Section 8, ch. 2021-176, L.O.F.

<sup>79</sup> Section 1008.386(3), F.S.

<sup>80</sup> Section 1006.12, F.S. See also *Renaissance Charter Sch., Ins., v. Sch. Bd. of Palm Beach Cnty.*, Case No. 18-6195RU, (DOAH March 12, 2019).

<sup>81</sup> Section 1006.12, F.S.

<sup>82</sup> Section 1006.12(1), F.S.

<sup>83</sup> 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.

<sup>84</sup> Section 1006.12(1)(a), F.S. SROs must undergo criminal background checks, drug testing, and a psychological evaluation.

<sup>85</sup> Section 1006.12(1)(c), F.S.

- 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.<sup>86</sup>
- Participating in the Coach Aaron Feis Guardian Program.<sup>87</sup>
- Contracting with a security agency<sup>88</sup> to employ as a school security guard an individual who holds a class “D” and class “G” license,<sup>89</sup> who completes the same training required of a school guardian, and passes minimum screening requirements.<sup>90</sup>

School districts must notify the county sheriff and the OSS immediately, 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.<sup>91</sup>

As of January 2022, there are a total of 4,389 safe-school officers serving Florida’s 3,647 school facilities.<sup>92</sup>

SROs are the only safe-school officers required by law to complete mental health crisis intervention training.<sup>93</sup>

### Effect of the Bill

Since any safe-school officer may be required to respond to a student in crisis, the bill requires that all safe-school officers that are sworn law enforcement 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. For safe-school officers that are not sworn law enforcement, the bill requires that they receive training to improve their knowledge and skills related to incident response and de-escalation.<sup>94</sup>

The bill provides that an SSO 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 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 must

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<sup>86</sup> Section 1006.12(2)(a)-(b), F.S. SSOs must undergo criminal background checks, drug testing, and a psychological evaluation.

<sup>87</sup> 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.

<sup>88</sup> Section 493.6101, F.S., defines “security agency” to mean 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.

<sup>89</sup> Chapter 493, F.S., specifies license requirements.

<sup>90</sup> 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.

<sup>91</sup> Section 1006.12(5), F.S.

<sup>92</sup> Email, Florida Department of Education, Office of Safe Schools (Jan. 19, 2022)

<sup>93</sup> See s. 1006.12, F.S.

<sup>94</sup> Free resources available to school districts may satisfy this requirement. See e.g. Substance Abuse and Mental Health Services Administration, *Online DTAC Training Courses*, Aug. 25, 2020, <https://www.samhsa.gov/dtac/education-training> (last visited March 6, 2022); National Alliance on Mental Illness, *Help Not Handcuffs: Implementing a New System*, May 20, 2021, <https://www.nami.org/Blogs/NAMI-s-Ask-the-Expert/2021/Help-Not-Handcuffs-Implementing-a-New-System> (last visited March 6, 2022); Relias Academy; *Clinical 4-Online Marty Smith Safety Training: De-Escalation Techniques*, <https://reliasacademy.com/rls/store/browse/productDetailSingleSku.jsp?productId=c66299> (last visited March 6, 2022).

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 specifies that a district school superintendent or charter school administrator, or a respective designee, rather than the school district, generally, must notify the county sheriff and the OSS immediately, but not later than 72 hours after, a safe-school officer has been involved in specified incidents.

## **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, only SROs were required to complete this training. The fiscal impact of this requirement is indeterminate. However, there are free resources that may satisfy the requirements for safe-school officers who are not sworn law enforcement.