

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

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21 Be It Enacted by the Legislature of the State of Florida:

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

25 394.463 Involuntary examination.—

26 (4) DATA ANALYSIS.—Using data collected under paragraph
27 (2)(a) and s. 1006.07(10), the department shall, at a minimum,
28 analyze data on both the initiation of involuntary examinations
29 of children and the initiation of involuntary examinations of
30 students who are removed from a school; identify any patterns or
31 trends and cases in which involuntary examinations are
32 repeatedly initiated on the same child or student; study root
33 causes for such patterns, trends, or repeated involuntary
34 examinations; and make recommendations to encourage the use of
35 alternatives to eliminate inappropriate initiations of such
36 examinations. The department shall submit a report on its
37 findings and recommendations to the Governor, the President of
38 the Senate, and the Speaker of the House of Representatives by
39 November 1 of each odd-numbered year.

40 Section 2. Paragraph (b) of subsection (16) of section
41 1002.33, Florida Statutes, is amended to read:

42 1002.33 Charter schools.—

43 (16) EXEMPTION FROM STATUTES.—

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

46 1. Section 286.011, relating to public meetings and
47 records, public inspection, and criminal and civil penalties.

48 2. Chapter 119, relating to public records.

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

51 | 1003.03 shall be the average at the school level.

52 | 4. Section 1012.22(1)(c), relating to compensation and

53 | salary schedules.

54 | 5. Section 1012.33(5), relating to workforce reductions.

55 | 6. Section 1012.335, relating to contracts with

56 | instructional personnel hired on or after July 1, 2011.

57 | 7. Section 1012.34, relating to the substantive

58 | requirements for performance evaluations for instructional

59 | personnel and school administrators.

60 | 8. Section 1006.12, relating to safe-school officers.

61 | 9. Section 1006.07(7), relating to threat assessment

62 | teams.

63 | 10. Section 1006.07(9), relating to School Environmental

64 | Safety Incident Reporting.

65 | 11. Section 1006.07(10), relating to reporting of

66 | involuntary examinations.

67 | 12. Section 1006.1493, relating to the Florida Safe

68 | Schools Assessment Tool.

69 | ~~13.12.~~ Section 1006.07(6)(d) ~~1006.07(6)(e)~~, relating to

70 | adopting an active assailant response plan.

71 | ~~14.13.~~ Section 943.082(4)(b), relating to the mobile

72 | suspicious activity reporting tool.

73 | ~~15.14.~~ Section 1012.584, relating to youth mental health

74 | awareness and assistance training.

75 | Section 3. Subsections (6) and (10) of section 1006.07,

76 Florida Statutes, are amended to read:

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

83 (6) SAFETY AND SECURITY BEST PRACTICES.—Each district
 84 school superintendent shall establish policies and procedures
 85 for the prevention of violence on school grounds, including the
 86 assessment of and intervention with individuals whose behavior
 87 poses a threat to the safety of the school community.

88 (a) School safety specialist.—Each district school
 89 superintendent shall designate a school safety specialist for
 90 the district. The school safety specialist must be a school
 91 administrator employed by the school district or a law
 92 enforcement officer employed by the sheriff's office located in
 93 the school district. Any school safety specialist designated
 94 from the sheriff's office must first be authorized and approved
 95 by the sheriff employing the law enforcement officer. Any school
 96 safety specialist designated from the sheriff's office remains
 97 the employee of the office for purposes of compensation,
 98 insurance, workers' compensation, and other benefits authorized
 99 by law for a law enforcement officer employed by the sheriff's
 100 office. The sheriff and the school superintendent may determine

101 | by agreement the reimbursement for such costs, or may share the
 102 | costs, associated with employment of the law enforcement officer
 103 | as a school safety specialist. The school safety specialist must
 104 | earn a certificate of completion of the school safety specialist
 105 | training provided by the Office of Safe Schools within 1 year
 106 | after appointment and is responsible for the supervision and
 107 | oversight for all school safety and security personnel,
 108 | policies, and procedures in the school district. The school
 109 | safety specialist shall:

110 | 1. Review school district policies and procedures for
 111 | compliance with state law and rules, including the district's
 112 | timely and accurate submission of school environmental safety
 113 | incident reports to the department pursuant to s. 1001.212(8).

114 | 2. Provide the necessary training and resources to
 115 | students and school district staff in matters relating to youth
 116 | mental health awareness and assistance; emergency procedures,
 117 | including active shooter training; and school safety and
 118 | security.

119 | 3. Serve as the school district liaison with local public
 120 | safety agencies and national, state, and community agencies and
 121 | organizations in matters of school safety and security.

122 | 4. In collaboration with the appropriate public safety
 123 | agencies, as that term is defined in s. 365.171, by October 1 of
 124 | each year, conduct a school security risk assessment at each
 125 | public school using the Florida Safe Schools Assessment Tool

126 developed by the Office of Safe Schools pursuant to s.
127 1006.1493. Based on the assessment findings, the district's
128 school safety specialist shall provide recommendations to the
129 district school superintendent and the district school board
130 which identify strategies and activities that the district
131 school board should implement in order to address the findings
132 and improve school safety and security. Each district school
133 board must receive such findings and the school safety
134 specialist's recommendations at a publicly noticed district
135 school board meeting to provide the public an opportunity to
136 hear the district school board members discuss and take action
137 on the findings and recommendations. Each school safety
138 specialist shall report such findings and school board action to
139 the Office of Safe Schools within 30 days after the district
140 school board meeting.

141 (b) Mental health coordinator.—Each district school board
142 shall identify a mental health coordinator for the district. The
143 mental health coordinator shall serve as the district's primary
144 point of contact regarding the district's coordination,
145 communication, and implementation of student mental health
146 policies, procedures, responsibilities, and reporting,
147 including:

148 1. Coordinating with the Office of Safe Schools,
149 established pursuant to s. 1001.212.

150 2. Maintaining records and reports regarding student

151 mental health as it relates to school safety and the mental
152 health assistance allocation under s. 1011.62(14).

153 3. Facilitating the implementation of school district
154 policies relating to the respective duties and responsibilities
155 of the school district, the superintendent, and district school
156 principals.

157 4. Coordinating with the school safety specialist on the
158 staffing and training of threat assessment teams and
159 facilitating referrals to mental health services, as
160 appropriate, for students and their families.

161 5. Coordinating with the school safety specialist on the
162 training and resources for students and school district staff
163 relating to youth mental health awareness and assistance.

164 6. Reviewing annually the school district's policies and
165 procedures related to student mental health for compliance with
166 state law and alignment with current best practices and make
167 recommendations, as needed, for amending such policies and
168 procedures to the superintendent and the district school board.

169 (c) ~~(b)~~ School campus tours.—Each school safety specialist
170 shall coordinate with the appropriate public safety agencies, as
171 defined in s. 365.171, that are designated as first responders
172 to a school's campus to conduct a tour of such campus once every
173 3 years and provide recommendations related to school safety.
174 The recommendations by the public safety agencies must be
175 considered as part of the recommendations by the school safety

176 specialist pursuant to paragraph (a).

177 ~~(d)(e)~~ Active assailant response plans.—Each district
 178 school board and charter school governing board must adopt an
 179 active assailant response plan. By October 1 of each year, 2019,
 180 ~~and annually thereafter,~~ each district school superintendent and
 181 charter school principal shall certify that all school personnel
 182 have received annual training on the procedures contained in the
 183 active assailant response plan for the applicable school
 184 district or charter school.

185 (10) REPORTING OF INVOLUNTARY EXAMINATIONS.—Each district
 186 school board shall adopt a policy to require the district
 187 superintendent to annually report to the department the number
 188 of involuntary examinations, as defined in s. 394.455, which are
 189 initiated at a school, on school transportation, or at a school-
 190 sponsored activity. By July 1 of each year, the department shall
 191 share such data received from school districts during the
 192 previous year with the Department of Children and Families.

193 Section 4. Paragraph (b) of subsection (14) of section
 194 1011.62, Florida Statutes, is amended to read:

195 1011.62 Funds for operation of schools.—If the annual
 196 allocation from the Florida Education Finance Program to each
 197 district for operation of schools is not determined in the
 198 annual appropriations act or the substantive bill implementing
 199 the annual appropriations act, it shall be determined as
 200 follows:

201 (14) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental
202 health assistance allocation is created to provide funding to
203 assist school districts in establishing or expanding school-
204 based mental health care; train educators and other school staff
205 in detecting and responding to mental health issues; and connect
206 children, youth, and families who may experience behavioral
207 health issues with appropriate services. These funds shall be
208 allocated annually in the General Appropriations Act or other
209 law to each eligible school district. Each school district shall
210 receive a minimum of \$100,000, with the remaining balance
211 allocated based on each school district's proportionate share of
212 the state's total unweighted full-time equivalent student
213 enrollment. Charter schools that submit a plan separate from the
214 school district are entitled to a proportionate share of
215 district funding. The allocated funds may not supplant funds
216 that are provided for this purpose from other operating funds
217 and may not be used to increase salaries or provide bonuses.
218 School districts are encouraged to maximize third-party health
219 insurance benefits and Medicaid claiming for services, where
220 appropriate.

221 (b) The plans required under paragraph (a) must be focused
222 on a multitiered system of supports to deliver evidence-based
223 mental health care assessment, diagnosis, intervention,
224 treatment, and recovery services to students with one or more
225 mental health or co-occurring substance abuse diagnoses and to

226 students at high risk of such diagnoses. The provision of these
227 services must be coordinated with a student's primary mental
228 health care provider and with other mental health providers
229 involved in the student's care. At a minimum, the plans must
230 include the following elements:

231 1. Direct employment of school-based mental health
232 services providers to expand and enhance school-based student
233 services and to reduce the ratio of students to staff in order
234 to better align with nationally recommended ratio models. These
235 providers include, but are not limited to, certified school
236 counselors, school psychologists, school social workers, and
237 other licensed mental health professionals. The plan also must
238 identify strategies to increase the amount of time that school-
239 based student services personnel spend providing direct services
240 to students, which may include the review and revision of
241 district staffing resource allocations based on school or
242 student mental health assistance needs.

243 2. Contracts or interagency agreements with one or more
244 local community behavioral health providers or providers of
245 Community Action Team services to provide a behavioral health
246 staff presence and services at district schools. Services may
247 include, but are not limited to, mental health screenings and
248 assessments, individual counseling, family counseling, group
249 counseling, psychiatric or psychological services, trauma-
250 informed care, mobile crisis services, and behavior

251 modification. These behavioral health services may be provided
252 on or off the school campus and may be supplemented by
253 telehealth.

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

256 a. Students referred to a school-based or community-based
257 mental health service provider for mental health screening for
258 the identification of mental health concerns and students at
259 risk for mental health disorders are assessed within 15 days of
260 referral. School-based mental health services must be initiated
261 within 15 days after identification and assessment, and support
262 by community-based mental health service providers for students
263 who are referred for community-based mental health services must
264 be initiated within 30 days after the school or district makes a
265 referral.

266 b. Parents of a student receiving services under this
267 subsection are provided information about other behavioral
268 health services available through the student's school or local
269 community-based behavioral health services providers. A school
270 may meet this requirement by providing information about and
271 Internet addresses for web-based directories or guides for local
272 behavioral health services.

273 c. Individuals living in a household with a student
274 receiving services under this subsection are provided
275 information about behavioral health services available through

276 other delivery systems or payors for which such individuals may
277 qualify, if such services appear to be needed or enhancements in
278 those individuals' behavioral health would contribute to the
279 improved well-being of the student ~~students who are referred to~~
280 ~~a school-based or community-based mental health service provider~~
281 ~~for mental health screening for the identification of mental~~
282 ~~health concerns and ensure that the assessment of students at~~
283 ~~risk for mental health disorders occurs within 15 days of~~
284 ~~referral. School-based mental health services must be initiated~~
285 ~~within 15 days after identification and assessment, and support~~
286 ~~by community-based mental health service providers for students~~
287 ~~who are referred for community-based mental health services must~~
288 ~~be initiated within 30 days after the school or district makes a~~
289 ~~referral.~~

290 4. Strategies or programs to reduce the likelihood of at-
291 risk students developing social, emotional, or behavioral health
292 problems, depression, anxiety disorders, suicidal tendencies, or
293 substance use disorders.

294 5. Strategies to improve the early identification of
295 social, emotional, or behavioral problems or substance use
296 disorders, to improve the provision of early intervention
297 services, and to assist students in dealing with trauma and
298 violence.

299 6. Procedures to assist a mental health services provider
300 or a behavioral health provider as described in subparagraph 1.

301 or subparagraph 2., respectively, or a school resource officer
302 or school safety officer who has completed mental health crisis
303 intervention training in attempting to verbally de-escalate a
304 student's crisis situation before initiating an involuntary
305 examination pursuant to s. 394.463. Such procedures must include
306 strategies to de-escalate a crisis situation for a student with
307 a developmental disability as that term is defined in s.
308 393.063.

309 7. Policies of the school district must require that in a
310 student crisis situation, school or law enforcement personnel
311 must make a reasonable attempt to contact a mental health
312 professional who may initiate an involuntary examination
313 pursuant to s. 394.463, unless the child poses an imminent
314 danger to themselves or others, before initiating an involuntary
315 examination pursuant to s. 394.463. Such contact may be in
316 person or using telehealth as defined in s. 456.47. The mental
317 health professional may be available to the school district
318 either by contracts or interagency agreements with the managing
319 entity, one or more local community behavioral health providers,
320 or the local mobile response team or be a direct or contracted
321 school district employee.

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