

Summary of SB7030 and Other Bills Affecting School Safety from the 2019 Legislative Session

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The Florida Legislature passed SB7030 and it was signed into law by Governor DeSantis on May 8, 2019. The bill took effect upon signing by the Governor.

SB7030 incorporates many recommendations contained in the MSD Commission's initial report that we submitted on January 2, 2019.

The following summarizes SB7030 by topic and not sequentially by bill line number. The bill is 54 pages long and various sections relate to the same topic so for ease of understanding the topics are presented together.

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Guardian Program

Line 206:

Amends F.S.30.15 and requires that sheriffs in their counties “assist district school boards and charter schools” in complying with the requirement that there be a Safe School Officer on each campus.

The sheriff must “at a minimum provide access to” a Guardian program.

Makes it clear that Guardians have no law enforcement authority other than to “prevent or abate an active assailant incident.”

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Guardian Program (cont.)

Line 206 (cont.):

If a school board approves a Guardian program the sheriff must establish a Guardian program to provide the necessary training to district or charter school employees either directly or through a contract with another sheriff's office that has established a Guardian program.

If the school board has not voted or voted and declined to establish a Guardian program, a charter school governing board may request the sheriff establish the program.

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Guardian Program (cont.)

Line 206 (cont.):

If the sheriff denies the request then the charter school governing board may contract with another sheriff to provide the Guardian training. If the charter contracts with another county's sheriff they must notify their sheriff and school superintendent prior to contracting for the training.

The sheriff doing the training for an entity outside the sheriff's county may obtain cost reimbursement.

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Guardian Program (cont.)

Line 242:

Deletes from Florida law the prohibition against teachers participating in the Guardian program.

Line 249:

Sheriffs establishing Guardian programs shall consult with FDLE on programmatic guiding principles, practices and resources and the sheriff "shall certify" Guardians who meet the specified training requirements.

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Guardian Program (cont.)

Line 256:

The 144 hours of required training consists of:

- 12 hours of diversity training.
- 132 hours of firearms training by Criminal Justice Standards and Training Commission certified instructors. The firearms training must include tactical firearms training, including specific active assailant response firearms training.

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Guardian Program (cont.)

Line 256 (cont.):

- The firearms training must include at least 10% more rounds fired than that which is required by police recruits in the police academy.
- Guardian trainees must pass firearms qualification with an 85% proficiency, which is higher than police recruits are required to demonstrate in the police academy.
- Defensive tactics.
- Legal guidelines.

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Guardian Program (cont.)

Line 290:

A sheriff who conducts Guardian training shall issue a “school guardian certificate” to Guardians who pass the training “to the satisfaction of the sheriff.”

Line 297:

Once a sheriff certifies a Guardian, the Guardian may only serve in a school if “appointed by the applicable school district superintendent or charter school principal.”

The superintendent or charter school principal may appoint the Guardian after the sheriff certifies the Guardian, and certification is within the sheriff’s discretion.

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Guardian Program (cont.)

Line 303:

It is a crime to impersonate a Guardian or security officer.

Line 336:

F.S. 943.03 is amended to read that FDLE, “upon request” of a sheriff “shall consult with the sheriff” to provide Guardian program guidance. There is no obligation on FDLE unless a sheriff requests assistance.

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Guardian Program (cont.)

Line 346:

F.S. 943.082 is amended to require that school boards promote the use of mobile suspicious activity reporting tools. The tools must be installed on all mobile devices issued to students and by bookmarking the website on all computer devices issued to students.

Line 604:

OSS must publish an annual report regarding the number of SSOs statewide and data regarding any discipline rendered against SSOs. Weapon discharge data must also be reported.

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Guardian Program (cont.)

Line 891:

F.S. 1006.12 requires that each school district collaborate with the charter schools to facilitate the charter schools' access to all SSO options.

Line 957:

A Guardian may be a district or charter employee who performs the function as a collateral responsibility; a district or charter employee hired specifically to be a Guardian; or a security guard licensed under Florida law who also meets the Guardian training requirements.

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Guardian Program (cont.)

Line 1008:

Districts and charters must notify the sheriff and OSS if they discipline a Guardian or a Guardian fires a weapon other than for training.

Line 1026:

If a school district denies a charter school access to any SSO options (including the option of Guardians) then the district must assign an SRO and the charter is only required to pay the limit of its safe school funding allocation.

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School Hardening

Line 499:

OSS must convene a School Hardening and Harm Mitigation Workgroup. The workgroup must be composed of school campus hardening SMEs and is to meet as necessary to review hardening and harm mitigation policies and shall submit a report of school safety best practices by August 1, 2020.

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School Hardening

Line 499:

The report goes to the OSS director and must contain a “prioritized list for the implementation of school campus hardening and mitigation strategies and the estimated costs of and timeframes for implementation of the strategies by school districts and charter schools.”

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School Hardening (cont.)

Line 523:

The OSS director must also submit recommendations to the DOE commissioner regarding OSS’s procedures to monitor and enforce compliance by the school districts and charter schools in the implementation of the workgroup’s recommended campus hardening and mitigation strategies.

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School Hardening (cont.)

Line 361:

F.S. 1001.10 requires that the DOE commissioner review the report of the School Hardening and Harm Mitigation Workgroup.

By September 1, 2020 the commissioner must submit a summary of the recommendations to the governor and legislature.

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Compliance and DOE Oversight

Line 370:

F.S.1001.11 is amended to provide that the DOE commissioner shall “oversee compliance” with the MSDHSPSA. 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, the Governor, or the Legislature enforcement and sanctioning actions pursuant to F.S. 1008.32 and other authority granted under law.”

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Compliance and DOE Oversight (cont.)

Line 604:

OSS is required to “monitor compliance with requirements relating to school safety by school districts and public schools, including charter schools.” Noncompliance must be reported to the DOE commissioner and State BOE.

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FSSAT

Line 380:

F.S.1001.212 requires that DOE through OSS shall provide annual FSSAT training to districts and charters.

Line 757:

The SSS is required to collaborate with the appropriate public safety agencies and submit the FSSAT by October 1st of each year.

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FSSAT (cont.)

Line 767:

The SSS must submit recommendations to the school board *and* the superintendent to address FSSAT findings.

Line 1101:

The FSSAT is required to be the primary physical site security assessment tool used by each school.

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FSSAT (cont.)

Line 1140:

OSS must make the FSSAT available to districts no later than May 1st of each year and must provide the districts with training regarding FSSAT completion.

Line 1260:

Each school district must report annually to DOE by October 15th that all public schools in the district have completed the FSSAT.

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Mental Health

Line 457:

OSS shall provide data to support the evaluation of mental health services pursuant to F.S.1004.44.

Line 648:

F.S.1003.25 requires that student records be transferred inter-school within 3 days of the student moving from one school to another. The records transferred within 3 days must include behavioral incident reports and psychological reports.

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Mental Health (cont.)

Line 672:

At school registration each student is required to disclose any previous referrals to mental health services.

Line 1304:

The district's mental health plan that it is required to submit to DOE must "include all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district."

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Mental Health (cont.)

Line 1349:

The districts' policies and contracts with providers must ensure that students who are referred to a school or community-based mental health service provider for screening must receive the screening within 15 days of referral.

School-based mental health services must begin within 15 days after identification and assessment, and support by community-based mental health service providers...must be initiated within 30 days after the school or district makes a referral.

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Mental Health (cont.)

Line 1375:

School districts are required to submit annual mental health outcome reports and there are several new reporting requirements.

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SESIR

Line 460:

OSS shall provide technical assistance to districts and charter schools regarding SESIR reporting.

Line 465:

OSS shall review and evaluate school district SESIR reports to ensure compliance with reporting requirements. If there is noncompliance and DOE notifies the school board that the superintendent has failed to comply with SESIR reporting, “the district school board *shall withhold* further payment of the...” superintendent’s salary and “impose other appropriate sanctions that the commissioner or state board by law may impose.”

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SESIR (cont.)

Line 745:

The SSS is required to ensure the “timely and accurate submission” of SESIR reports to DOE.

Line 872:

Every school district must establish policies to ensure the accurate and timely reporting of SESIR data. The superintendent is responsible for SESIR reporting and noncompliance is subject to penalties.

The State BOE shall adopt rules establishing the requirements for SESIR reporting.

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Threat Assessments

Line 528:

By August 1, 2019, OSS must develop a “standardized, statewide behavioral threat assessment instrument for use by all public schools, including charter schools, which addresses early identification, evaluation, early intervention, and student support.”

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Threat Assessments (cont.)

Line 537:

The threat assessment instrument (TAI) must include “components and forms” that address at a minimum: an assessment of the threat; an evaluation to determine if the threat is transient or substantive; the response to the substantive threat; ongoing monitoring to assess safety strategies; and training for threat assessment teams.

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Threat Assessments (cont.)

Line 550:

By August 1, 2020, OSS shall evaluate each school district and charter school's behavioral threat assessment procedures for compliance, and notify the district or charter of noncompliance. Noncompliance must be reported to the DOE commissioner, superintendent or charter school board.

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Threat Assessments (cont.)

Line 562:

OSS must establish a Statewide Threat Assessment Database Workgroup. The workgroup is to make recommendations regarding the development of a statewide threat assessment database.

The workgroup must submit a report of its recommendations to the OSS by December 31, 2019. There are certain minimum components of the report listed in the statute, including the cost to develop and maintain a statewide online database, and a timeline for implementation.

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Threat Assessments (cont.)

Line 800:

Each district must have policies for behavioral threat assessments that comply with the statewide instrument developed by DOE. The districts are required to use the behavioral threat assessment instrument developed by DOE.

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Threat Assessments (cont.)

Line 860:

When a student transfers from one school to another the threat assessment team at the transferring school “shall verify” that the student continues to receive any “intervention services” until the threat assessment team at the receiving school “independently determines the need for intervention services.”

Line 867:

Each threat assessment team is required to submit quantitative data on its activities to OSS and “shall use the threat assessment database” developed by OSS.

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Threat Assessments (cont.)

Line 1045:

The previous version of the statute permitted Threat Assessment Teams to use alternatives to expulsion or a referral to law enforcement to address certain behavior and stated that zero-tolerance policies may not be “rigorously applied to petty acts of misconduct *and misdemeanors, including, but not limited to, minor fights and disturbances.* The italicized words have been omitted from the statute and zero-tolerance policies may now apply to *misdemeanors, including, but not limited to, minor fights and disturbances.*

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Charter Schools

Line 614:

F.S.1002.33 is amended to specifically include charter schools in all of the other requirements, including SSO, threat assessment teams, SESIR, FSSAT, active assailant response plans, mobile reporting tool, and mental health training.

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Active Assailant Drills

Line 707:

Active assailant drills must be conducted “in accordance with developmentally appropriate and age-appropriate procedures” and done “at least as often as other emergency drills.” (This reaffirms that drills must be done monthly).

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District School Safety Administration

Line 725:

The district’s School Safety Specialist may be a school board employee or a law enforcement officer employed by a sheriff’s office.

Line 784:

Each school district and charter school must “adopt an active assailant response plan by October 1, 2019. Each district and charter school must annually “certify that all school personnel have received annual training on the procedures contained in the active assailant response plan for the applicable school district or charter school.”

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District School Safety Administration (cont.)

Line 1040:

F.S. 1006.13 regarding Zero Tolerance policies previously provided that school districts “shall promote a safe and supportive learning environment...” by protecting “students and staff from conduct that poses a *serious* threat to school safety.” “Serious” is now deleted from the statute and the obligation is to keep students and staff from conduct that “poses a threat to school safety.”

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District School Safety Administration (cont.)

Line 1054:

Each district “shall adopt” a zero-tolerance policy that defines criteria for reporting to law enforcement any act that “poses a threat to school safety,” “defines acts that pose a threat to school safety,” and “defines petty acts of misconduct which are not a threat to school safety and do not require consultation with law enforcement.”

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District School Safety Administration (cont.)

Line 1073:

Schools must establish written agreements with law enforcement agencies establishing when acts that pose a “threat” (eliminating “serious threat”) to school safety must be reported to law enforcement and the agreements must establish when consultation with SROs is required “concerning appropriate delinquent acts and crimes.”

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District School Safety Administration (cont.)

Line 1083:

All school principals shall notify all school personnel of their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the school principal or designee, and that the disposition of the incident is properly documented.

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Safe School Allocation

Line 1170:

The Safe School Allocation is created to “assist districts in complying with the various school safety requirements, “with priority given to safe school officers.” The FY 18/19 “new” safe school allocation must be used exclusively for SSOs, but this means any SSOs, not just “new SROs” as was required in SB7026. This provision is retroactive to July 1, 2018.

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Safe School Allocation (cont.)

Line 1264:

If a district prohibits a charter school from using any of the SSO options and the district is required to assign an SRO to the charter school, the cost imposed by the district to the charter school may not exceed the charter school’s safe school allocation.

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Safe School Allocation (cont.)

Line 1287:

Charter schools that submit a mental health plan separate from the district are “entitled to a proportionate share of the districts” mental health funding.

Line 1275:

The mental health allocation may now be used to train school personnel in mental health issues and connect students to services, in addition to providing actual services.

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Additional Bills

The Legislature also passed HB441 regarding radio interoperability and 911 call centers. The bill has yet to be presented to the governor for action.

We summarized this bill in April but remember it requires the sheriff in each county to assemble the stakeholders to establish certain 911 call dispatching criteria and to submit an inter-local agreement to FDLE by January 1, 2020.

HB487 also passed and it permits SWAT medics to carry firearms. This bill has also not yet been sent to the governor.

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SB1418 regarding mental health mandatory disclosures passed and has yet to be presented to the governor.

The bill amends F.S. 394.4615(4) and mandates the release of clinical information by a mental health provider to law enforcement when a person has communicated “a specific threat to cause serious bodily injury or death to an identified or a readily available person...(and) that the patient has the apparent intent and ability to imminently or immediately carry out such threat.”

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A law enforcement agency receiving notification from a provider under this section “must take appropriate action to prevent the risk of harm, including, but not limited to notifying the intended victim of such threat or initiating a risk protection order.”

Service providers are immune from criminal or civil action for releasing any information under this section.

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F.S.490.0147 is also amended to require waiver of the psychologist-patient privilege when there is a specific threat communicated by the patient and the psychologist “shall disclose” the threat to law enforcement and law enforcement must act on the information. Psychologists are immune from all legal liability for releasing information as required under this section.

F.S. 491.0147 regarding psychotherapist – patient privileged communications is amended as set forth in F.S. 490.0147 and disclosure is mandated as it is for psychologists.

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Questions ?

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