

MARJORY STONEMAN DOUGLAS HIGH SCHOOL  
PUBLIC SAFETY COMMISSION MEETING

BB&T CENTER  
CHAIRMAN'S CLUB  
ONE PANTHER PARKWAY  
SUNRISE, FLORIDA 33323

August 8, 2018

COMMISSION MEMBERS/ATTENDEES:

SHERIFF BOB GUALTIERI - CHAIR

JASON JONES - PSC GENERAL COUNSEL

CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE

BRUCE BARTLETT - CHIEF ASSISTANT STATE ATTORNEY,  
SIXTH JUDICIAL CIRCUIT

RICHARD SWEARINGEN - COMMISSIONER FLORIDA DEPARTMENT  
OF LAW ENFORCEMENT

MAX SCHACHTER - VICTIM PARENT

LARRY ASHLEY - SHERIFF, OKALOOSA COUNTY

MELISSA LARKIN SKINNER - CEO, CENTERSTONE OF FLORIDA

PAM STUART - COMMISSIONER OF EDUCATION

JUSTIN SENIOR - SECRETARY, AHCA

CHRISTI DALY, SECRETARY, DEPT OF JUVENILE JUSTICE

MICHAEL CARROLL - SECRETARY, DCF

JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER  
COUNTY

DESMOND BLACKBURN - SUPERINTENDENT, BREVARD COUNTY

GRADY JUDD - SHERIFF, POLK COUNTY

DOUG JUDD - SCHOOL BOARD MEMBER, CITRUS COUNTY

LAUREN BOOK - SENATOR, DISTRICT 32

RYAN PETTY - VICTIM PARENT

MARSHA POWERS - SCHOOL BOARD MEMBER, MARTIN COUNTY

KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEF ASSOC

CHRISTINA LINTON - COMMISSION STAFF, FDLE

1 (Thereupon, the meeting is called to order:)

2 CHAIR: We're getting ready to start here,  
3 if everyone would take their seats. Please  
4 stand and join me in a moment of silence in  
5 memory of the victims of the Stoneman Douglas  
6 tragedy.

7 (Thereupon, a moment of silence is had.)

8 CHAIR: Thank you. Please join me in the  
9 pledge.

10 (Thereupon, the pledge of allegiance is stated.)

11 CHAIR: Thank you. Good morning  
12 everybody, and welcome to the August meeting of  
13 the Stoneman Douglas High School Public Safety  
14 Commission. As we open the meeting to begin,  
15 you have received in your packet for the  
16 meeting a copy of the minutes from the July  
17 meeting. Does anybody have any changes,  
18 corrections, modifications to the minutes?  
19 Hearing none do we have a motion to approve the  
20 minutes?

21 CHIEF NELSON: So, moved.

22 DR. BLACKBURN: Second.

23 CHAIR: Moved by Commissioner Nelson. And  
24 who's the second? Commissioner Blackburn. So,  
25 we have a motion and a second. All in favor,

1           aye.

2                       (AYE)

3           CHAIR:   And opposed like side.   That  
4           motion passes.   I'll turn it over for a minute  
5           to our general counsel Jason Jones for a  
6           reminder about the Sunshine Law obligations.

7           MR. JONES:   Good morning everyone.   This  
8           is just a reminder that this meeting is  
9           governed by the Sunshine Law, which means that  
10          any conversations that we have about subjects  
11          coming before the commission need to be had in  
12          the public, and not in side conversations,  
13          either during breaks.   Just also a reminder  
14          that that also covers when we're outside of  
15          these meetings, as far as e-mails, no e-mails  
16          between each other or to the group.

17          And starting this meeting going forward,  
18          just as with last meeting, we're going to start  
19          getting into some confidential and exempt  
20          information in our closed sessions, so this is  
21          just a reminder that we need to keep those  
22          items confidential and exempt regardless of  
23          what's happening out in the media, or what's  
24          being reported.   If it ever gets to a point  
25          where something that we have discussed can be

1 discussed openly we will let you all know that,  
2 but for now anything that you receive that is  
3 part of the confidential and exempt portions of  
4 the meeting need to be held confidential.  
5 Thank you.

6 CHAIR: Thanks, Jason. Just for  
7 housekeeping, we now know that for the  
8 September meeting that we'll be here again at  
9 the BB&T Center, for planning purposes, and  
10 Jennifer will get out some information to you  
11 on that. For the October meeting we're  
12 probably going to have to move because hockey  
13 season starts, so we will let you all know  
14 about the location for the October meeting, but  
15 for planning purposes, we'll be back here again  
16 in September.

17 I just want to update you, as I have the  
18 last couple meetings, on some things that have  
19 been going on over the last few weeks since we  
20 last were together. The investigators have  
21 been very busy over the last month analyzing  
22 evidence, preparing chronologies and summaries,  
23 and interviewing witnesses, and you're going to  
24 hear, especially tomorrow afternoon, you're  
25 going to hear some results of their work,

1 especially related to Cruz's activity from  
2 birth through February 13th.

3 If you remember what I said, we divided it  
4 into several different chronologies, and that  
5 chronology is, is ready. You're going to hear  
6 today about school hardening and best  
7 practices, one of the topics that's come up  
8 quite a bit are the legal requirements keeping  
9 information private and confidential, and how  
10 in some instances that can present challenges,  
11 and even barriers to the effective information  
12 sharing. And you're going to hear late this  
13 afternoon how law enforcement information data  
14 is acquired and shared here in Broward County.

15 If you remember one of the topics we  
16 decided on very early in the commission, and it  
17 affected our first meeting, that we needed to  
18 address, was what happened regarding school  
19 shootings in other active assailant incidents  
20 in the K-12 setting during recent history. We  
21 also wanted to know if any trends or patterns,  
22 and lessons learned from those incidents, and  
23 how those prior incidents impacted Florida.

24 You're going to hear an extensive and  
25 enlightening presentation tomorrow morning on

1 this topic from Nevin Smith with the Florida  
2 Department of Law Enforcement, who has done a  
3 tremendous job in putting all of that together.  
4 We're then going to have a discussion tomorrow  
5 on another statutory mandate, and that is how  
6 to establish the appropriate SRO to student  
7 ratios.

8 As we have learned, and you'll see, it's  
9 much easier said than done. This is actually a  
10 complicated topic. It appears there is no  
11 methodology that has been previously developed  
12 anywhere in the country to decide on the most  
13 appropriate SRO staffing levels. You heard  
14 some mention in the past, and as early as the  
15 days right after the shooting, that there was  
16 some ratios out there about 1:1000, et cetera,  
17 and that had been floated around out there by  
18 NASRO, the National Association of School  
19 Resource Officers, but when we contacted them  
20 we found out that there's no methodology to  
21 that, it was basically what somebody felt, and  
22 there's no data, there's no analysis, and again  
23 no framework, and no methodology, so there's  
24 really nothing in the country, and it's  
25 something that we're going to have to address.

1           We'll talk about it a little bit tomorrow  
2 morning, setting it up for the September  
3 meeting, where we're going to ask for your  
4 specific input, and develop what our  
5 recommendations will be for the report. So,  
6 that's, again, it's a statutory mandate, it's  
7 important that we get that done, and we're at a  
8 stage now where I think we're prepared to do  
9 that.

10           If you remember the last meeting we  
11 reviewed in the closed session information  
12 about Cruz's treatment by Henderson Behavioral  
13 Health, and we told you that those records,  
14 along with others, would be integrated into one  
15 of the chronologies that we've been working on.  
16 And as I said a minute ago the one regarding  
17 Cruz's life through February 13th is ready to  
18 be shared with the commission, and we'll do  
19 that in closed session tomorrow afternoon.

20           Again, as I said last time, I wish that a  
21 lot of this information can be shared publicly,  
22 because it's very enlightening as to what  
23 occurred, and provides some of the answers the  
24 community is looking for as to what happened  
25 and why, but as to this raw material we have to

1 respect privacy laws regarding confidentiality.  
2 Nonetheless I'm confident that we will be able  
3 to adequately provide the information needed in  
4 our January report for the community to have an  
5 understanding of what led up to this tragedy.

6 The commission should know about a couple  
7 of legal matters that we're dealing with, and  
8 this has come up in the last few weeks since we  
9 met. The Broward Public Defender's Office  
10 served us with a subpoena in the criminal case  
11 asking for documents regarding the commission's  
12 investigation. Specifically, the subpoena  
13 requests a list of commission investigative  
14 personnel, commission monetary expenditures,  
15 and a list of all evidence we've acquired.

16 We are discussing our legal strategy about  
17 how to respond to that subpoena. Because it's  
18 a pending litigation issue if commissioners  
19 want more information on the topic we can  
20 discuss it in the closed session. At this  
21 junction, juncture, there is nothing of concern  
22 that really warrants much of a discussion or  
23 decision by the commission as a whole, but you  
24 all need to know the subpoena exists, and if  
25 anything changes we'll let you know. I just



1 want to make sure you all are aware of it.

2 The Public Defender has also filed a  
3 motion for protective order in the criminal  
4 case against the commission that in essence  
5 would preclude us from obtaining Cruz's mental  
6 health records under our subpoena authority.  
7 The judge in the criminal case denied the  
8 motion on jurisdictional grounds, finding that  
9 she does not have jurisdiction over this  
10 commission, and who or what we subpoena.

11 The Public Defender filed a motion for a  
12 re- hearing, and we have yet to receive a  
13 ruling from the court on that motion. Again,  
14 this is not something requiring commission  
15 action, but I want you to be aware that it is  
16 an issue we are dealing with, and there's  
17 nothing to do unless the court reverses its  
18 prior decision regarding jurisdiction.

19 Another topic that's out there is this  
20 report, which is the independent review of  
21 Cruz's educational record, it's of course been  
22 in the media down here, in South Florida the  
23 last couple of days, and this is the report  
24 that the judge ordered released last week in  
25 redacted form, and unfortunately it got

1 released and became un- redacted, and is now  
2 the subject of additional litigation. But I  
3 want you to make sure that, that you know that  
4 we, this is the -- we published this on the  
5 commission website, and you all have had access  
6 to this report for the last week or two in  
7 un-redacted form, and it's on the commission  
8 website, so I just want to make sure we're all  
9 talking about the same thing, and you know  
10 what, what is available to you.

11 Another question came up from a couple  
12 commissioners about Cruz's confession, and his  
13 statement to the Broward County Sheriff's  
14 Office at the time of his arrest, and portions  
15 of that have been released in redacted form.  
16 We will start getting into that topic probably  
17 in September, and we'll be able to provide  
18 copies in un-redacted form for the commission  
19 members at the appropriate time. We're still  
20 working through that aspect of the  
21 investigation.

22 But I do want to tell you about the  
23 interview methodology that we're employing,  
24 there are literally hundreds of people with  
25 knowledge of this incident, and we have to be

1 efficient in how we conduct these interviews.  
2 While this commission has a statutory mandate,  
3 we are not the first, and we are not the only  
4 entity, to be conducting an investigation, or  
5 to conduct interviews. There is of course an  
6 ongoing criminal investigation, the  
7 investigation being conducted by FDLE's office  
8 of executive investigations under the  
9 Governor's executive order, and there are other  
10 inquiries.

11 We have access, meaning the commission  
12 investigators have access to the recordings and  
13 the transcripts of the interviews already  
14 conducted in the criminal case, and those  
15 conducted by executive investigations, and for  
16 efficiency, and to eliminate redundancy, we  
17 have reviewed all of those transcripts. We  
18 will use those interviews to the extent  
19 appropriate in preparing our material for  
20 presentation to the commission next month. If  
21 follow up or clarifying questions are  
22 necessary, or if people have not been  
23 interviewed regarding topics within the scope  
24 of our investigation they are now in the  
25 process of being re-interviewed by our

1 investigators.

2 The investigators were down here last  
3 week, and conducted several days of interviews  
4 of the Broward County Sheriff's Office  
5 personnel, Coral Springs personnel, and others.  
6 Of course, people who have been identified that  
7 have not been previously interviewed are being  
8 interviewed for the first time, so that leads  
9 me to discuss upcoming interviews that we are  
10 in the process of scheduling with the Broward  
11 County School Board personnel. Some of these  
12 people have been interviewed one or more times  
13 already. Many of these people we need to  
14 interview again because the scope of their  
15 previous interviews were narrower than what our  
16 inquiry needs to be.

17 At the same time, we learned that the  
18 School District retained an investigator to  
19 review a lot of the same information, and cover  
20 a lot of the same topics that we are  
21 investigating, and that would inherently mean  
22 the investigator would be interviewing many of  
23 the same people at the same time that we are  
24 now preparing to interview. That redundancy is  
25 counterproductive, and it's inefficient, so I

1       reached an agreement with Superintendent Runcie  
2       that the District's investigator would not  
3       proceed with his interviews, so as not to  
4       impede our investigation, and that we would at  
5       the appropriate time share our interview  
6       results with the District, just like others are  
7       sharing their previous interviews with us, so  
8       that we're begin efficient, we're being  
9       effective, we're eliminating redundancy, and we  
10      don't have multiple statements by the same  
11      people on the same topics. That's not the way  
12      to conduct a proper investigation. If after  
13      receiving the results of our interviews there  
14      are follow up items that the District needs to  
15      interview its personnel about it would then be  
16      free to do so.

17           Somehow the information about the  
18      agreement with Superintendent Runcie, which is,  
19      again, the proper way to conduct these  
20      interviews, turned into information in the  
21      community that this would delay the District  
22      from assessing or implementing appropriate  
23      security enhancements, or remedial measures as  
24      the schools open here in Broward County next  
25      week. That is incorrect, as this agreement on

1 the interviews has no bearing on the District's  
2 security decisions moving forward. The people  
3 to be interviewed, and in some cases  
4 re-interviewed, are being questioned about what  
5 happened on February 14th and before.

6 Superintendent Runcie and I discussed  
7 this, and he issued clarifying communication to  
8 the community. He stressed his commitment to  
9 ensuring proper security measures are in place  
10 as school opens next week, and that these  
11 interviews have no bearing on the District's  
12 security measures going forward. Again, this  
13 is solely about what happened on February 14th  
14 or before.

15 We received also a fair amount of public  
16 feedback asking that this commission not  
17 transfer or terminate the employment of  
18 administrators or other Marjorie Stoneman  
19 Douglas High School personnel. There does  
20 appear to be some misinformation in the  
21 Parkland and MSD community, and I mention this  
22 mostly for the public's benefit, and to set the  
23 record straight. This commission has no  
24 authority to effect the employment status of  
25 anyone, and that includes anyone employed by

1 the Broward County School Board. Any and all  
2 personnel matters are solely within the  
3 discretion of the School Board and/or the  
4 Superintendent. This commission's authority is  
5 limited to that which is in Florida law, and  
6 none of it has to do with personnel decisions  
7 of the Broward County School Board.

8 At the last commission meeting we heard a  
9 lot about the 911 and radio systems here in  
10 Broward County. One issue that we discussed  
11 was a lack of an integrated CAD, or Computer  
12 Aided Dispatch system between the Broward  
13 County Sheriff's Office and Coral Springs. We  
14 asked the County and Coral Springs to submit to  
15 the commission their concerns about CAD  
16 integration so that we may better understand  
17 the impediments from each entity's perspective.  
18 Both the County and Coral Springs made their  
19 submission as we requested, and we'll have  
20 those posted to the commission website for your  
21 review.

22 Based upon their responses both Coral  
23 Springs and County have valid points from their  
24 perspectives, and there are things that have to  
25 be addressed before integration can occur, but

1 the good news is that the County administrator  
2 was unaware of these issues until our  
3 commission meeting last month, and is now  
4 engaged in dialogue with the Coral Springs city  
5 manager in an effort to work through the  
6 concerns. They've had several meetings to  
7 better understand each other's positions, and  
8 to facilitate solutions. I, as I'm sure you  
9 do, appreciate the efforts by the County  
10 administrator and Coral Springs to resolve this  
11 so that the citizens of Broward County receive  
12 the most effective and seamless public safety  
13 service as possible, and I encourage both  
14 entities to continue their discussion, and we  
15 look forward to hearing updates on their  
16 progress as they move forward in the coming  
17 weeks.

18 At the commission's direction I sent a  
19 letter to Tamarac mayor, commission members,  
20 and the city manager, encouraging them to  
21 approve the County's radio tower so that  
22 replacement of the County radio system may  
23 proceed on an accelerated schedule. I don't  
24 have any updates to share with you on the  
25 status of that, but we'll monitor that



1 situation, and let you know more as that matter  
2 moves to resolution.

3 So, that's kind of an update on the last  
4 few weeks. As always there's a lot going on.  
5 Commission staff is working very hard to put  
6 all of those together, and we appreciate their  
7 work, and their efforts.

8 We're going to follow the same format for  
9 this meeting that we have in the past with the  
10 presenters, we'll hold questions until the end,  
11 and let you all ask all the questions you want.  
12 We'll make sure that there's plenty of time for  
13 it. So, before we begin here this morning does  
14 anybody have any questions, thoughts, comments,  
15 anything you want to bring up before we begin?  
16 Commissioner Schachter.

17 MR. SCHACHTER: Yes, thank you, Chair. I  
18 just wanted to thank you for sending that  
19 letter out to Mayor Dressler of Tamarac  
20 emphasizing the fact that it was of extreme  
21 importance that we get the tower approved in  
22 Tamarac. I did meet with the Mayor, and as of  
23 right now they still do not understand the  
24 urgency. They have not approved it. They are  
25 now having several community meetings, and on

1 the 22nd hopefully they will vote. They  
2 already have a tower behind City Hall. It's  
3 185 feet tall. We want them to replace that  
4 tower with a 325-foot tower, so hopefully they  
5 will get that done, but I still frustrated  
6 with, with my meeting with the Mayor and their  
7 inaction.

8 As far as -- also concerning the statement  
9 that you made about the other investigation by  
10 the Secret Service, do we have any idea when we  
11 would get some results on the interviews from  
12 the school and the administrators, and the  
13 staff there? The reason that the Secret  
14 Service investigator was hired initially was to  
15 figure out the procedures, and why this  
16 happened on, on the campus February 14th, and  
17 do that prior to the start of school. That's  
18 obviously not going to happen, so that, that  
19 was the reason we still have the same people in  
20 place that were there on February 14th, that  
21 are there now, and so that's, that were in  
22 charge of security, so that's what, you know,  
23 makes the community extremely nervous.

24 CHAIR: So, we need to be very careful in  
25 what we say here, because what we say here gets

1 carried out into the community and the media,  
2 and everybody that hears this, and, you know,  
3 there is not an investigation by the Secret  
4 Service. What you just said, an investigation  
5 by the Secret Service, is that the person who  
6 was hired by the District to conduct an inquiry  
7 is a retired former Secret Service employee.

8 MR. SCHACHTER: Correct.

9 CHAIR: Who is not a Secret Service agent  
10 now, and there's not a Secret Service  
11 investigation, so let's be extremely clear  
12 about it.

13 MR. SCHACHTER: Okay.

14 CHAIR: He was hired recently by the  
15 District to conduct an investigation, and it  
16 was only in the last I think month or so that  
17 he was actually hired by them, and whatever it  
18 is the District wants him to do he can do.  
19 Whatever the District wants to do as far  
20 security they can do. There are a lot of  
21 things that have already been identified, and  
22 whether the District does them or doesn't them,  
23 that's up to the District. Our agreement  
24 purely is limited to interviews of personnel  
25 about what happened on February 14th or prior

1 as to relates to the practices that were in  
2 place previously.

3 So, again, there is no impediment, and as  
4 far as us being able to share the results of  
5 our interviews of principals, assistant  
6 principals, teachers, staff, et cetera, that we  
7 are in the process of interviewing -- and one  
8 of the challenges to doing these interviews is,  
9 is that the majority of these people are  
10 represented, and so we're having to coordinate  
11 interviews with union lawyers, with personal  
12 lawyers, with a whole bunch, so the logistics  
13 in coordinating these interviews takes some  
14 time.

15 And we're in the process of doing that,  
16 and I am confident that they'll be done  
17 effectively and properly, and we will share  
18 that information with the School District as  
19 soon as it is appropriate to do that. What  
20 that time frame will be exactly I don't know,  
21 but I would anticipate it will be around the  
22 time, or close to the end, that our interim  
23 report is due, but we need to share it with you  
24 all first before we share it with them, and we  
25 need to form, we need to do the interviews,

1        formulate that into, and synthesize it into a  
2        document so that it all comes together, so we  
3        see a picture.

4                Right now, we don't have the picture, so I  
5        really can't answer the question specifically  
6        as to a timetable, but I would hope and  
7        anticipate that within the next few months that  
8        we will be able to share that information with  
9        the District.

10               MR. SCHACHTER: But currently there's no  
11        investigation being done by the District into  
12        what happened. This is -- this is the only  
13        investigation happening, that's why the former  
14        Secret Service agent was hired, so by, by  
15        cancelling that there is nothing happening with  
16        the District, the same security measures or  
17        protocols that were in place, you know, prior  
18        to February 14th, seem to be the case, so  
19        that's concerning.

20               But also, just to give you an update on  
21        the guardian program, the District started with  
22        twenty-two, and we currently have thirteen that  
23        have gone through the process, nine did not  
24        qualify, or either quit. So, I know we needed  
25        a lot more than that by the 13th. It is

1 extremely upsetting that that's all we have so  
2 far.

3 CHAIR: Sheriff Judd.

4 SHER. JUDD: Mr. Chairman, it's apparent  
5 that we didn't receive a response to our letter  
6 to Tamarac, from Tamarac, and that's been about  
7 thirty days since our last meeting give or take  
8 a few days. I recommend that, as you  
9 understand radio systems, to have a robust  
10 radio system you have to have towers in certain  
11 places, and the people who live in Tamarac  
12 don't stay exclusively in Tamarac, they  
13 traverse all of Broward County.

14 I suggest we prepare to subpoena the  
15 Mayor, and all the commissioners, and bring  
16 them before us and have a base set of questions  
17 based on the necessity for them to cooperate  
18 and obtain a win/win for this integrated  
19 communications system that serves all of  
20 Broward County, to include the Tamarac  
21 residents, whether they're currently residing  
22 at home or at work in Tamarac, or someplace  
23 else in the County, because this, this is  
24 urgent, and the overarching theme that I  
25 continue to hear is a lack of urgency.

1           And it's not just this issue, but it's  
2           lots of issues, so here's a news flash, this is  
3           an urgent matter that we're dealing with, and  
4           people need to start acting like it was their  
5           child that was shot on Valentine's Day this  
6           year, and how would they be responding, or want  
7           the government to respond in all areas if it  
8           were their child, because that's how we're  
9           responding, and it's time to act, and time to  
10          cooperate, and time to put down the political  
11          differences.

12           CHAIR: All right, why don't we -- we're  
13          going to reach out to them and see, since we  
14          haven't had anyhow communication with them if  
15          it's all right with you why don't I reach out  
16          and find out. Before we issue a subpoena why  
17          don't I reach out and find out from them  
18          directly, from the Mayor, and from the city  
19          manager, where they are with this, and based  
20          upon that conversation that I can't report to  
21          you that they're making progress, and/or ask  
22          them to voluntarily come in, then we can go  
23          that route.

24           I like to do it this way before we just  
25          drop a subpoena on them, and have some direct

1 communication with them, since I haven't  
2 directly communicated with them. I know  
3 Commission Schachter says he has, but I  
4 haven't, so I'd like to directly communicate  
5 with them before we issue the subpoena. I  
6 don't have any problem in doing that, but I'd  
7 to at least reach out to them personally before  
8 we do that, if that's all right with you all.

9 SHER. JUDD: I'm certainly comfortable  
10 with that. I mean a letter back from them  
11 saying, hey, we've met with the County, we've  
12 identified the location, and we're building the  
13 tower because we care about the people in  
14 Tamarac and Broward County would be enough for  
15 me, but absent that we do have the authority to  
16 bring them here under subpoena, put them under  
17 oath, and find out why it is that we have a  
18 County government that's investing about \$57  
19 million in a new radio system and they're  
20 being, apparently based on what we heard last  
21 week, not being able to build out the best  
22 system because in that particular geographic  
23 area of the County they need a tower. So, if  
24 they'll agree to just set down and get the  
25 tower than we can avoid all of that, but there



1 is a way for us to get the answers.

2 CHAIR: Absolutely. And I think as we  
3 found out last time, last month, there's no  
4 question that, that the current radio system  
5 affected and impacted the first responder and  
6 the law enforcement response. You know there's  
7 still some question as to what extent, and  
8 where, and how, but there's no doubt that it  
9 impacted it, we know that, so it is important  
10 that the people of Broward County in the most  
11 expedited fashion possible get a replacement  
12 system that will serve their needs to that that  
13 situation doesn't replicate.

14 You know, there's so many things in this  
15 that we can't prevent, we can mitigate, but  
16 that is something that can absolutely be  
17 changed, and should be changed expeditiously, I  
18 agree. So, let me reach out to them and see,  
19 and, you know, perhaps even with that we'll ask  
20 them to come in and talk to the commission, and  
21 answer your questions about, but I'd like to  
22 try and do it voluntarily at first if we can.

23 SHER. JUDD: And certainly I'm comfortable  
24 with that as well, but at the end of the day if  
25 we've got the County saying we're prepared to,

1 and in the process of investing \$57 million in  
2 a brand new radio system, and if the  
3 information is as I understood it here today,  
4 that we need a tower in this location for the  
5 benefit of the people of Tamarac and Broward  
6 County, it's like what are we doing here, I  
7 mean are, you know, they're asking for a tower  
8 location and, and as you said not having the  
9 appropriate communications system did not help  
10 a tragic situation that day.

11 CHAIR: All right, anybody else have  
12 anything before we begin with our presentation?  
13 First Sheriff Ashley?

14 SHER. ASHLEY: I was just hoping for  
15 clarification from our last meeting. I went  
16 through all my notes and I still can't find it.  
17 Who -- was it the team, the risk assessment  
18 team, or was there an individual that decided  
19 that Cruz needed an escort around school?

20 CHAIR: Yeah, it wasn't -- and we can get  
21 into that a little bit more tomorrow, but it  
22 wasn't -- the answer to your question is, is  
23 that it was school, it was not -- there was  
24 only one behavioral threat assessment done of  
25 Cruz, and that was in September of 2016, so one

1 formal level one, and then it turned into a  
2 level two behavioral threat assessment, and  
3 that was done. And you're going to hear more  
4 about that tomorrow, and we'll actually share a  
5 copy with you of the behavioral threat  
6 assessment.

7 But because of his status in the interim  
8 meetings that were being held, and within the  
9 school, there were incidents, and as a result  
10 of those incidents there was a decision made  
11 that he would be escorted because of some  
12 behavioral issues. And if you recall is, is  
13 that with the, the PROMISE program, remember we  
14 talked about that, and how he was in the  
15 bathroom and the damaged the sink, and somebody  
16 was watching him, it was even back at  
17 Westglades, back at the middle school, and at  
18 various times they had implemented an escort  
19 for him because of behavioral issues.

20 But it was not because of a behavioral  
21 threat assessment, that was because of interim  
22 meetings on his IEP plan, and trying to address  
23 behavioral issues, and because they were  
24 required to keep him in the least restrictive  
25 environment, trying to balance what the law

1 required they do with his behaviors, because  
2 they were trying to keep him mainstream as  
3 opposed to moving him to Cross Creek, or some  
4 of the other specific schools. So, that was an  
5 effort by the District to help him succeed when  
6 they were faced with some of those behavioral  
7 issues, and that's why they did that.

8 SHER. ASHLEY: Was -- was it an individual  
9 or the team that made that decision, I just  
10 wanted to --

11 CHAIR: I believe it was the team that  
12 made that decision.

13 SHER. ASHLEY: Thank you.

14 CHAIR: And it was joint. And -- you're  
15 jumping ahead, but I want to just add this to,  
16 in response to your question, is, is that, and  
17 everybody will see this, and you'll all see it  
18 tomorrow, is, is that it's an absolute roller  
19 coaster as it relates to Cruz, really from  
20 birth through February 14th of this year, and  
21 he had some really, really bad, low times, and  
22 he had some times that he was without  
23 behavioral issues, and without a manifestation  
24 of some of these other issues that occurred.  
25 And one of the challenges that everybody had in

1 dealing with him was the roller coaster,  
2 because he went for a period of time where the  
3 reports from across the board, whether it was  
4 the school personnel, whether it was mental  
5 health personnel or others, where is that he  
6 was making great progress and that's things  
7 were going along well, and then all of the  
8 sudden it would dive bomb, and so there was  
9 this roller coaster.

10 So, as they were trying to make these  
11 decisions balances against his rights to be in  
12 mainstream, and in the least restrictive  
13 environment, they were constantly trying to  
14 make adjustments to keep him there, and when  
15 they would send him over to, as an example,  
16 Cross Creek, at one point he was at Cross Creek  
17 for I believe a year, a year and a half, and he  
18 was doing extremely well, so they said, okay,  
19 we'll try again and bring him back. He comes  
20 back, he does okay, and then bombs to the  
21 bottom again.

22 So, there was a really, truly a roller  
23 coaster of behavioral issues as they were  
24 trying different things.

25 SHER. ASHLEY: And I would just point, at

1       least from my opinion as sitting on this  
2       commission, that that was a mistake that  
3       somebody needs to be held accountable. If you  
4       need an escort in order to function at a school  
5       then that's beyond the realm of, I think you  
6       forfeit your right to a free and public  
7       education in the least restrictive environment  
8       if you need an escort because of behavior  
9       issues.

10           CHAIR: Well, maybe Commissioner Stuart  
11       can address that, because I, you know, I hear  
12       you, but I think, and from what I know, and  
13       Commissioner Stuart, I'll ask her to address  
14       it, I think that's what the law requires, and  
15       that's what they were doing.

16           COMM. STUART: I don't know that right now  
17       we could speculate on what that meant. I also  
18       want us to consider are we staying in the realm  
19       of those areas that can be in the public.

20           CHAIR: Right, we need to be careful.  
21       Yeah, so, all right, we'll talk more about that  
22       tomorrow. Anything else before we get going?  
23       Okay, so the first presentation that we have  
24       this morning is on school hardening best  
25       practices, and we have with us Guy Grace from

1 the Littleton, Colorado School District, and  
2 he's going to present their experiences in  
3 Littleton, and with his area of expertise in  
4 school hardening, school hardening. So, Mr.  
5 Grace, welcome. We're going to go from now  
6 until 10:15. Because you have a fairly long  
7 presentation we're going to take a break in the  
8 middle of your presentation at 10:15, so I'll  
9 king of give you a heads up at that point, and  
10 we'll take a fifteen-minute break or so and  
11 then come back and finish. So, welcome, and  
12 thank you for being here.

13 PRESENTATION SCHOOL HARDENING

14 MR. GRACE: Thank you. Good morning,  
15 commission. Thank you for inviting me here.  
16 What I'm going to be doing today is sharing  
17 with you our experiences after experiencing  
18 several active shooter incidents in our school  
19 district. And what I'm saying is, what I'm  
20 going to present today is not a sales pitch or  
21 anything, I was just asked here to share with  
22 you how our community recovered in regards to  
23 physical security and hardening of our  
24 buildings.

25 Our school district, I just want to say

1       like you, very similar to what I'm seeing here  
2       today, it brings back a lot of memories over  
3       the years, but we did a lot of things in mental  
4       health, a lot of things in communications.  
5       It's eerily similar of what I'm hearing today,  
6       what we experienced in our community. But  
7       today I'm going to focus on the hardening of  
8       the buildings, and share with you.

9               But what I want, also want to say, when we  
10       harden buildings it also goes in, and it also  
11       enhances those other areas, such as procedures,  
12       processors, mental health, communications.  
13       Thank you. Thank you, sir. It helps, it  
14       actually helps in hardening, or enhancing the  
15       other areas, such as mental health, and other  
16       areas such as communications technology, and et  
17       cetera. But what this does is also it brings  
18       us to returning our community, and our school  
19       community, into a state of a new normal, what  
20       we call after these incidents the new normal,  
21       and allowing our teachers and our staff, our  
22       teachers to teach and our students to learn,  
23       and our community not to worry about their  
24       loved ones being in the school. And that's  
25       what I'm going to be talking about today, some



1 of the practices that we implemented.

2 So, my bio -- I'm not going to go in, read  
3 my bio. I've been in the security sector for  
4 the last thirty-three years. I've been with  
5 the Littleton Public Schools District for  
6 twenty-nine years, and I will talk about that.  
7 I'm also a director, or excuse me, the Chairman  
8 of the Partner Alliance for Safer Schools,  
9 which is a group that helps school districts  
10 with security initiatives. And what I do is  
11 just from my end user perspective share with  
12 that, on that. So, if you want to read my bio  
13 go ahead, I'm not going to go over that. But  
14 I've been, again, thirty-three years, been  
15 through many, many incidents, and I hope that  
16 we'll share our best practices that we learned.

17 So, in the ninth year of my career one of  
18 the incidents that affected our community was  
19 the Columbine tragedy. The Columbine tragedy  
20 happened on April 20, 1999, and in that day  
21 what we had was in our community, it was in the  
22 school district nearby, but Littleton is our  
23 community, and it impacted our community  
24 greatly. And we had commissions very similar  
25 to what you see here talking about security and

1 premise, talking about mental health, talking  
2 about communications, talking about the  
3 recovery, and I can say that incident went on,  
4 on our response to it, it's been going on since  
5 1999. There is never a day, never a day in  
6 school safety, or never in a day in our  
7 community where you're not reminded of that  
8 tragedy.

9 Days when I go by the cemetery that is by  
10 Peabody Elementary School, is a school where I  
11 patrol every day, and I go by there and there's  
12 the crosses that are up in that cemetery to  
13 honor the victims of that, of that tragedy.  
14 And that hones to me, when I see those crosses,  
15 that there's an importance for us to, to get to  
16 a resolution every day to protect those  
17 students and staff that are in our schools, and  
18 making sure that they're safe.

19 So, Columbine has a tremendous impact on  
20 the incidents that we have, for example, we  
21 here everybody in here talking about radio op,  
22 interoperability. In the Columbine commission  
23 that was the number one initiative that was  
24 identified by that team, was radio  
25 interoperability. And that also impacted our

1 school district, to where we had to buy radios,  
2 and we bought radios, and improved our  
3 communicate processes.

4 Another one was for our school district to  
5 implement, and other school districts in our  
6 state of Colorado, incident commands, so that  
7 we could participate in running emergencies,  
8 and participate with law enforcement and other  
9 responders to those emergencies, and understand  
10 what the incident command processes were. So,  
11 incident command was put in place.

12 But the other area that we had when we  
13 talk about physical security hardening was  
14 access control. Access control was identified  
15 by school districts, but the commission at that  
16 time, by putting the ability for schools to  
17 have card readers and camera systems, and other  
18 technology concerns I there to help what we  
19 call the terminology integrated security. So,  
20 cameras, access control, those were huge  
21 improvements that were put in Colorado schools  
22 at that time.

23 The other one was coordinating of our  
24 active shooter plans, and the coordination of  
25 those active shooter plans had to coordinate

1 with the students and the staff, but also had  
2 to coordinate with the technology, the other  
3 initiatives that we were deploying in our  
4 schools in Colorado. And then obviously as I  
5 mentioned the integrated security was huge. By  
6 integrating all of those processes, the  
7 communicate piece, the technology pieces  
8 together for us to be able to deal with those  
9 emergencies.

10 Now, when we look at the technology  
11 improvements that we put in place these  
12 technologies not only address the active  
13 shooter portion but they address the all  
14 hazards that we deal with in schools all the  
15 time at the time. For example, custody issues,  
16 weather emergencies, basically the things, the  
17 mirage of things that school districts see on  
18 any given day. We have emergencies every day.  
19 For example, in my school district we have four  
20 ambulances coming to the schools almost every  
21 day for a kid having a broken bones, or, or  
22 maybe a peanut allergy, things like that.  
23 Those are hazards we have to deal with, so the  
24 technologies and processes have to be able to  
25 deal with the active shooter all the way down

1 to the other emergencies that we face on any  
2 given day.

3 When we look at this, fourteen years  
4 later, even after doing all those processes,  
5 and all the things that we had done in security  
6 technology and mental health integrations, and  
7 communications, we had the Arapahoe incident on  
8 December 13, 2013. Now, on that day at 12:31  
9 p.m. in the afternoon on a cold December day a  
10 young man who had planned to shoot up our  
11 school, Arapahoe High School, for about five  
12 months, brought about 125 rounds of ammunition  
13 to the school to harm as many people as he  
14 could.

15 When he arrived at that school the staff  
16 and the students had basically eight seconds to  
17 respond to that situation. A custodian using a  
18 radio alerted the school inside that there was,  
19 they were being, there was a young man coming  
20 towards the school with a shotgun and  
21 improvised explosive devices. Unfortunately,  
22 that eight seconds did not get to the victim  
23 Claire Davis, who was immediately shot when the  
24 young man entered the building. However, the  
25 processes that went in, were in place at the

1 time with the students and the staff, allowed  
2 those people bravely to escape the attacker's  
3 wrath and get themselves out of there, and  
4 immediately what we call, shelter, evade,  
5 defend, care, you know, or run, hide, fight,  
6 whatever you want to call it, the processes  
7 were in place, and the technologies were in  
8 place basically, that we had there.

9 But that day had, like what you're dealing  
10 with here today, had a tremendous impact on  
11 what we did in the processes, procedures that  
12 we did in physical security hardening, so when  
13 we looked at the school safety for us one of  
14 the things we -- and this list that you see  
15 here is what we, in regards to physical safety  
16 hardening what we started with here in our  
17 district. So, immediately after the shooting  
18 our teacher's union was very concerned about  
19 the, the locks that we had in place in our  
20 classrooms. And we obviously had a plan,  
21 because we had a bond initiative a year before  
22 in 2012 to fund security improvements, and what  
23 our school, or excuse me, what our teachers  
24 unions wanted was for us to immediately address  
25 the lock situation in our school district.

1           So, when we looked at our locks, our  
2           situations of the deployments that we had  
3           planned for our bond initiative, we actually  
4           said, well, you know, the, wouldn't it be to  
5           get that sense of normalcy for teachers to feel  
6           safe in their work spaces, and students to feel  
7           safe in their work spaces, was to start with  
8           the physical locks, so went through our entire  
9           school district, went in and selected the right  
10          type of locks that would work, push button  
11          locks that lock on the, and I'll talk about  
12          that, but push button locks that are simple to  
13          utilize by staff and students. So, that was  
14          our first area, and that in the summer of 2014  
15          we installed those locks district wide.

16          Another one was putting up what we called  
17          a unified command center. And the reason we  
18          did the unified command center, it's much like  
19          what law enforcement has at the dispatch center  
20          in their operations, our district put up a new  
21          unified command center where we could basically  
22          monitor all the technology and do command and  
23          control, and to facilitate and operate these  
24          technologies.

25          One of the most important pieces I want to

1 make a note, you see around the country, you  
2 know, such, for example, in Indiana they have  
3 really good, a really good school, for example  
4 the safest school in America, what they call  
5 it, and what we -- you have to have a person in  
6 the processes to deploy those things, so we  
7 had, our command center was set up with  
8 security personnel, trained security personnel  
9 to operate and deploy and monitor our security  
10 technology they were putting in. They would  
11 also facilitate communications for the security  
12 system, but also for the mental health, crisis  
13 management, and other situations in the  
14 district.

15 The other point was we looked at our  
16 access control system. We had some problems in  
17 the shooting that were, that were identified.  
18 For example, we had a staff member who Allen  
19 wrenched a door open. They didn't want to --  
20 basically, you know, what a -- for some reason  
21 a person took it upon themselves to Allen  
22 wrench a door open to bypass the card access at  
23 that time. So, we looked at the overall  
24 picture of the grand scheme of things on the  
25 access control system, and we basically started



1 from the get go with a new access control  
2 system.

3 Another -- the other position we did was  
4 the video management system. The video  
5 management system is what you see in all, is  
6 the CCTV, we went in and revamped our video  
7 management system, and upgraded it, but what we  
8 wanted to do was seek things that, that the  
9 video management system would do to enhance our  
10 security systems. Visitor management, we  
11 looked at the all hazards every day, when we  
12 look at, at visitor management. What I'm  
13 talking about is securing our buildings, and  
14 when somebody comes to the school they have to  
15 be buzzed in, they have to be cleared, they  
16 have to be basically screened and cleared to  
17 come in, so driver's license swipes, sex  
18 offender background check, volunteers with a  
19 criminal background check, all those things.  
20 So, there was some pre-screening that went on,  
21 so that also increased our accountability.  
22 Those are the things that we did.

23 The other one is asset protection. We  
24 cannot forget about asset protection. Those in  
25 law enforcement know what I'm talking about.

1       Asset protection is burglar alarms nor  
2       contacts, and other devices that we put into  
3       schools to protect our schools after hours.  
4       What we did was -- what we also did was, taking  
5       those devices to another level, and being able  
6       to use them in responses to other situations.  
7       The other one was duress, lockdown, mass  
8       notification, and then fire alarm override.

9               Now, one of the pieces that comes in is  
10       you hope you don't have to use the duress  
11       system for situations that may arise, so duress  
12       is, for us is providing a panic device to  
13       employees to be able to use when they are  
14       feeling threatened inside your school. And the  
15       other one is empowering, just like we say to  
16       every one of our staff members before the  
17       shooting and after the shooting, that you are  
18       empowered to call a lockdown. So, giving them  
19       a pendant, we are giving our employees pendants  
20       in our school district that allows the school  
21       to be placed in a lockdown. Some people go,  
22       wow, that's pretty crazy, but it's not. What  
23       we're saying is we are empowering our staff to  
24       use that technology to put their school into an  
25       emergency situation.

1           Another one for us was fire, HVAC, and  
2           freezer monitoring. When we look at those, or  
3           other hazards, when you lose, for example, a  
4           refrigerator in a school, for us it's about  
5           \$18,000 per loss when the refrigerator goes  
6           down, so the security department took up other  
7           monitoring, and then basically that pays for  
8           the system itself. Weather station monitoring,  
9           in my school district typically through the  
10          summer we can have anywhere from forty tornado  
11          watches and warnings, and things like that, and  
12          those impact all the schools. We could have  
13          blizzard warnings.

14          You could have, just like you have  
15          Hurricanes and other, thunderstorms or  
16          tornadoes, the same thing for us, those impact  
17          the school operations. We have what we call a  
18          lightening alert, and we have all the outdoor  
19          activities, our security department through the  
20          center is alerting all those activities through  
21          our radio system, hey, there is an emergency,  
22          that you need to shut down.

23          Another piece is the electronic locks, and  
24          we'll talk about that. Electronic locks is  
25          just like you lock a door, is using electronic

1 doors, and then integrating them into your  
2 access control system. Another piece is the  
3 audio and video analytics. For example, cars  
4 drive, and I'll show you a video later on, if a  
5 car is driving too fast through your lot, your  
6 cameras could be scanning, pick up that car  
7 that's going too fast, and alert your security  
8 personnel at the school, or your SRO, hey,  
9 there's some, you know, there's some strange  
10 behavior going on out there.

11 Another piece is what if somebody is  
12 planning to attack your school, and a person  
13 could come and drop something at your school,  
14 throw something over a wall, the analytics  
15 alert can alert your staff monitoring that, and  
16 you could respond to it at 2:00 or 3:00 in the  
17 morning. Those are things that work for us  
18 very good. Another one is report,  
19 documentation, and emergency planning  
20 applications. Those are very critical to our  
21 school district, and they've been very helpful.

22 And then another piece is -- my school  
23 district is going for another funding  
24 initiative here in December, or November  
25 election, and we're going to be looking at door

1 hardening, and hardening our door classrooms  
2 and our windows. It's a very expensive  
3 endeavor, but that's our next layer. And I'll  
4 explain why we put that on our last layer.

5 There is some references here, and those  
6 of you can look in that, they're the best  
7 practices. One of the best practices sheets I  
8 read that was pointed out to me was the New  
9 Hampshire report that just recently came out.  
10 I thought the New Hampshire report was very  
11 common sense, and you're going to see that New  
12 Hampshire report very much in our PowerPoint  
13 today. But where I'm going is, what I want to  
14 say to everybody here, security improvements  
15 are based on the culture of your community.  
16 There are some things you might say, well,  
17 gosh, Guy, your school district is missing  
18 something that we'll deploy, but I'll tell you  
19 one of the things is when we put our commission  
20 together, was like you had many people in the  
21 community, we listened to the community.

22 Obviously, there's some things we had to  
23 override as a school safety division, or law  
24 enforcement division, but we went into a common  
25 source practices where we could get to our

1 community, and sell to our community, and be  
2 able to get this funding to continue to build  
3 on our security systems. So, when I look at  
4 our security systems in our, based on the  
5 culture, our school security systems are rated  
6 in the, for example in funding our community  
7 rates, our security deployments is number four,  
8 typically the top four funding that they want  
9 to fund, the community, our public does. So,  
10 that helps us very much, but what we want to do  
11 is also make sure that we are explaining  
12 adequately what we are planning to do.

13 So, what does security touch? When we  
14 look in school security we see that security is  
15 going to touch IT, it's going to touch  
16 facilities, it's going to touch law  
17 enforcement, it's going to touch integrators,  
18 it's going to touch emergency response, it's  
19 going to touch the administration, it's going  
20 to touch the community, and one of the most  
21 important pieces that we must when we are  
22 looking at school safety, technology, and  
23 permits, am I going to put some technology  
24 that's going to hinder law enforcement in  
25 getting into the building, am I going to put

1 technology that's going to hinder the fire  
2 department in getting into the building.

3 So, what we need to look at in all aspects  
4 is when we are putting these technologies in  
5 that we are looking at what, how these are  
6 going to impact each of the groups. So, for  
7 example when we look at putting electronic  
8 doors in, so like for us we came up with a plan  
9 for, for example, the armed responders, that in  
10 a lock down the card readers are disabled for  
11 everybody else, but the police with their card  
12 readers can get into the building. So, the  
13 staff members are, are basically banned from  
14 getting back into the building, or somebody  
15 else using their card.

16 The other one was, when we look at the  
17 processes, how does the lock down alarm impact  
18 the fire alarm, for example. We say in our  
19 school district in a lockdown, lockdown rules  
20 first, fire alarm second, so what we did in  
21 working with our police and our fire agencies,  
22 for example, is making the system to be able to  
23 override that fire alarm in an actual lockdown.  
24 That was a huge piece for us, because when we  
25 look at, when I talked about December 13, 2013,

1 Carl Pierson, or excuse me, the person that  
2 attacked our building, he had three improvised  
3 explosive devices, and in that process of  
4 attacking, he deployed one of them in the  
5 library, that set off the fire alarm while we  
6 were in the middle of a lockdown.

7 So, to have these processes in place, it's  
8 important to have them in place because other  
9 times systems can actually impact and put other  
10 people in danger by, by going off. Example, a  
11 fire alarm in a lockdown is a bad thing, but  
12 having that override ability is something that  
13 is very important, and we worked with our fire  
14 department to get that.

15 But there's things that we see, and I'm  
16 not, I'm going to be honest with you. We had a  
17 re- shift of a, sometimes you have a new fire  
18 department takes over, they, how do I say,  
19 integrate into the new fire department, so you  
20 kind of have to go a step back and, and get  
21 some of these processes. You always are having  
22 to analyze these processes to make sure that  
23 they are effective in your school district.

24 We also look at IT. A lot of this  
25 technology that we are running is by, is



1       powered by the internet, so when we look at  
2       things, when we're going to put a security  
3       system in place, before you do that you need to  
4       understand your capabilities, what your  
5       personnel are, what your culture is of your  
6       school district, what your needs are. You need  
7       to understand that because when you're, you're  
8       going to look at -- our functions of security  
9       is deterring, detection, and delay, is what you  
10      are looking at in K-12 responses, and deterring  
11      is what you want to do.

12             When we're doing these things, the  
13      security implementations, we need to analyze  
14      what we need to do, in what order are we going  
15      to do it, and how are we going to do it, but  
16      also do we have the personnel to support that.  
17      We can put all the greatest things into our  
18      school district, and the best technologies. If  
19      we don't have the personnel to manage that  
20      technology, and operate that technology, and we  
21      don't have the staff in the school operating  
22      that technology, or buying into that  
23      technology, you're going to make your situation  
24      far worse.

25             So, for example, as we were establishing

1 district wide standards we came up, well, we  
2 need to have more security technicians, for  
3 example, to run the technology. And we also  
4 needed more operators in our command center to  
5 operate that. But we also needed trainers,  
6 trainers to go out to all of our staff members  
7 and our students to train them on how that  
8 technology is going to impact them. If you  
9 don't do those things first you're going to  
10 fail, because you don't want to put millions of  
11 dollars into your security system and then all  
12 of the sudden have no way to support it, no way  
13 to maintain it, and now way to train other  
14 people on it.

15 So, what I'm going to say to you here -- I  
16 invite everybody, there is group called the  
17 Partner Alliance for Safer Schools that you, it  
18 should be in your notes here, you can go in  
19 there and reference that. We have what we call  
20 a tier application of school safety,  
21 recommendations and things that you can apply  
22 in your school district. But what I'm going to  
23 say is a school security technology must be  
24 installed in a sustainable and a holistic  
25 manner when you are putting it in your school.

1 If you put it in and don't do that you're going  
2 to create more of an emergency, you're going to  
3 make things too complicated. And I'll explain  
4 some things in the processes, and the things as  
5 we go about.

6 Another thing, before I came in here today  
7 I looked at how many integrators and what an  
8 integrator is is somebody who installs security  
9 systems, and what that is, you need to have a  
10 really good integrator here to put these  
11 security systems into your schools. What I'm  
12 going to suggest to you is if you --  
13 integrators are like resources, okay? Now,  
14 when you're -- all of the sudden all of your  
15 schools, it sounded like, I don't know what the  
16 guardian program is, for example, but when you  
17 look at, if you were going to put, all of you  
18 at once, we're going to put security in your  
19 schools, you're going to overwhelm your  
20 integrators here in your state of Florida.

21 The same thing is happening to us in  
22 Colorado. So, all of your integrators are  
23 working on all the school security projects  
24 right now and you're not able to get good  
25 service from those security integrators because

1       they're at the other nearby school district  
2       installing. So, what that is, you need to get  
3       good integrators, and make sure that your  
4       integrators are coordinating their construction  
5       projects among each other. They need to  
6       communicate. They need to -- you all need to  
7       work -- if you're going to do a massive  
8       installation in the state of Florida, same  
9       thing that's going on in Colorado right now,  
10      you need to have your integrators be good  
11      integrators, and your integrators need to be  
12      installing these projects and, and working  
13      through them to get them into your schools.

14             We find out, like right now, for example,  
15      we called for service from one integrator and  
16      we found out, well, that person is, that  
17      integrator group is at the nearby larger school  
18      district doing a similar installation that we  
19      just completed, so we're not able to get that  
20      service from them, so what we have to do is go  
21      and look at another integrator. But what I'm  
22      saying is you need to be conscious of that by  
23      selecting the right integrator, and being  
24      conscious and looking to see what the  
25      infrastructure of your integrators is going to

1 be to support your school district, and the  
2 holistic installation of your entire state.

3 Another piece is, when we look at school  
4 security technology nowadays the best practice  
5 is, or the best technology is installed on POE  
6 infrastructure. Power over Ethernet powers  
7 much of our security technology today, but many  
8 of you didn't know that the FCC has a program  
9 called the E-rate program, and what we found  
10 out about it, it helped fund 40% of our  
11 security infrastructure in our school, the POE  
12 connections for our cameras and things, so we  
13 were able to get, we were able to get several  
14 million dollars from the federal government to  
15 install the cabling for our cameras and our  
16 access control devices in our schools.

17 So, what I suggest to you as a school  
18 district is to go with your IT department and  
19 start thinking about combining the learning  
20 services, because usually that's what power  
21 over Ethernet is being added for, but using the  
22 learning services deployments, and also while  
23 you're doing learning, like for a computer lab,  
24 it's also deploying computer technology, so  
25 that FCC has been very helpful, E-rate program

1 has been very helpful for us in our school  
2 district, because if we had not received that  
3 we, our security system, what we're going to  
4 talk about here, was \$8 million, but if we  
5 didn't have that 40% coverage that the FCC  
6 would have gave that would have added several  
7 million more dollars to that project. It was  
8 very helpful. So, it allows us to spend more  
9 money on other technologies. But you, you got  
10 to work with your IT department on that.

11 I also recommend POE infrastructure  
12 because it allows you to change, and totally,  
13 how do I say, evolve. We have evolved since  
14 the installation in 2013 continually. We are  
15 always able to do what we call plug and play,  
16 and we are always evolving with our POE  
17 infrastructure. So, if one device, like for  
18 example a new camera comes out, we can try out  
19 that new camera and put it in there. If  
20 there's a new address, or microphone that's POE  
21 enabled, we can go in and swap that out. That  
22 POE infrastructure is really, really important  
23 for school safety.

24 So, what I'm going to say to you is look  
25 at how, E-rate, and look at how your security

1 systems, and how you're doing it, work on your  
2 POE infrastructure as you're designing your  
3 security system. And when you look at this you  
4 can look at this slide, E-rate was put in,  
5 mandated by Congress in 1996, and you can look  
6 into that, into the universal service fund.  
7 That E-rate is one way for you to, to really  
8 get through this cost process as you're  
9 installing in your, in your schools across the  
10 state of Florida. And basically, the E-rate  
11 is, like I said, it's a marvel for us. I'm --  
12 we didn't really find out about, or think about  
13 doing that until after the, the shooting and we  
14 looked at that, how are we going to do, how are  
15 we going to fund that infrastructure.

16 So, I just want to emphasize that, that's  
17 why there's two slides on that, because money  
18 is hard for us as school officials to get, it's  
19 hard, but that E-rate is there, at least right  
20 now. So, when we look at that, one of the  
21 money, when we look at how E-rate can help us,  
22 it funds our POE infrastructure, but it also  
23 can fund the internet network, so for example,  
24 one of the recommendations I'm going to give  
25 you that our school district learned, in the

1 shooting in 2013 we had all our security  
2 equipment on one network, for example, and when  
3 the -- so imagine -- and I'm sure the same  
4 thing happened to you here in your community,  
5 our community, we had 25 million hits on our  
6 school districts website in the first ten  
7 minutes in that shooting. What did that do?  
8 It crashed our internet, and then we, all of  
9 the sudden we had to shut down all of our  
10 internet, and all of our security technology  
11 went down.

12 So, what we looked at here is the POE  
13 infrastructure that allowed us to put two  
14 networks in now, and that one network is  
15 dedicated to security, emergency response  
16 technology, and the other one is dedicated to  
17 emergencies. It's working really well for us,  
18 so you can fund your internet coverage, your  
19 Wi-Fi coverage. So, for example, we have 300  
20 employees that have tablets that they are using  
21 with video surveillance around our schools and  
22 things. Those tablets are using the Wi-Fi  
23 connections in their schools, and I'll talk  
24 about that, but you can fund that whole  
25 infrastructure in your building for learning



1 and for security.

2 So, as I talked about our teacher's union  
3 wanted us to update our door locks and key  
4 standards. Now, that was on our improvement  
5 list, but to get our community back into that  
6 state of normal our teachers wanted us to make  
7 that our first project. And we did not  
8 disagree, we said, okay, we will facilitate,  
9 but when I look at that by starting with the  
10 doors and the locks, and entering, we basically  
11 looked at reducing our entrances into the  
12 school by blanking key locks or doors that are  
13 not necessary for ingress.

14 One of the things is -- we had -- we have  
15 maybe 70 doors on a high school, and every one  
16 of those doors had a keyhole for an outside  
17 master key to open that door. We blanked them.  
18 But then we, what we did was we expanded our  
19 card reader options, and put fourteen card  
20 readers around that building, and worked with  
21 our other responders as well to how those card  
22 readers would work in an emergency response.  
23 But we blanked out those keys because what if  
24 an employee lost those keys, and then, and then  
25 some kid picks up those keys. And I've seen

1       that many times in my career in Littleton,  
2       where burglars come, have a set of keys, and  
3       open up a door. So, we blanked them, and then  
4       we removed those keys and put master keys and  
5       things. And I'll explain that process.

6               So, we put access control systems in place  
7       of those key locks, and then we, and when we  
8       looked at the classrooms we put the simple push  
9       bottom locks that can be push button locked on  
10      the inside and unlocked from the outside with  
11      keys. So, when we look at that, we looked at  
12      what we're going to do -- when we -- we're  
13      going to talk about hard wire solutions on  
14      access control doors, but when we look at the  
15      mechanical locks, I really feel mechanical  
16      locks are a lifesaver.

17             And I see what happened in the Arapahoe  
18      shooting, for example, I believe the locks, or  
19      the processes with those locks, and getting  
20      behind closed doors, or being able to  
21      understand how locks work, saved a lot of lives  
22      that day. But what I look at that is, when we  
23      looked at it we looked at putting, the  
24      processes was eliminating all of these locks.  
25      So, for example, it's a nightmare when a school

1 district loses a master key for a whole  
2 building, now you've got a key that's out there  
3 that can unlock every one of your doors in your  
4 schools, so what we did was we looked at a  
5 master key setup that allows us to have key  
6 control but also allowed us if a key is lost to  
7 have a cost, a cost solution to basically  
8 re-key all those doors without having a  
9 tremendous impact on -- so the key is basically  
10 set up to open up only specific doors, and then  
11 like a principal or the custodian, they have a  
12 master key.

13 Now, when -- if a master key is lost by  
14 the principal it allows us to go in and just  
15 change out that master, the outside lock, or  
16 whatever to that door to make sure that the bad  
17 guy who picked it up, or the possible threat  
18 cannot, it can be addressed right away, so that  
19 liability by that lost key can be addressed  
20 right away.

21 So, when we looked at that, we looked at  
22 that we looked at key control, and we then  
23 looked at cost effective solutions. Now, there  
24 are many locks out there in the district, or  
25 community, that we can buy, but we looked at

1 best practices, and to me there's about  
2 probably five manufacturers that provide very  
3 good locks out there, and I'm not going to tout  
4 them, but they're, they're out there, and a  
5 good integrator can help you with that.

6 Another is we looked at interior doors.  
7 When we looked at putting an active shooter  
8 program, shooters don't care about offices,  
9 they don't care about common areas, they don't  
10 care about any, any place that you have where  
11 people are working you should be put locks on  
12 those doors, that's just my recommendation.  
13 The ability for people to shelter, evade, get  
14 the heck out of there in these processes, but  
15 get behind that locked door, or use that door  
16 to slow the, the threat down, that's what these  
17 doors do, they slow the threat down so the guys  
18 with the guns can come out and get that person.

19 Another one is going in the cylinder  
20 locks. Cylinder locks allow us to go in and  
21 take the locks out. Instead of replacing the  
22 whole hardware we can just do it by cylinder,  
23 so we did that in our school district. Another  
24 one is exit devices. Exit devices is something  
25 very important when we look at ADA issues and

1 things. And ADA, we talked about in the  
2 commission, the IEPs and ADA, those are things  
3 that school districts are dictated by, and they  
4 have to enforce by federal law, so when we look  
5 at exit devices, we need to have those in place  
6 for our handicapped, but we also need to  
7 enhance, or how do I say this, empower our  
8 handicapped to be able to respond just like any  
9 other kid, or any other staff member, when the  
10 worst arises.

11 Another one is more keys locks and  
12 deadbolts, and we'll talk about that. And then  
13 stand-alone wireless control locks. Those are  
14 a lifesaver, and I'll go into that. If you're  
15 in a library and you have like five entrances  
16 that are coming into your library how is a  
17 staff member going to go lock all those things  
18 in a lockdown. We need to have kids, you know,  
19 kids are going to be coming and going, those,  
20 that's where electronic locks come into play.

21 So, when we look at that, when we're  
22 looking at properly designed patented key, so  
23 it basically creates the ability to control  
24 your physical access into the building, your  
25 property, and other egress and ingress into

1        your school. But when you're doing this, when  
2        we're putting this in we need to think about  
3        auditoriums, large areas such as cafeterias,  
4        and safe zones in an emergency. So, when you  
5        see here, for example, that's a program, one of  
6        our, what we call where kids that have  
7        emotional difficulties, and things where  
8        they're, they've been identified through the  
9        process of having, you know, basically things,  
10       they might have discipline issues, so when go  
11       through that we go and, and we're explaining to  
12       those young people about where their safe zones  
13       is, and how to use the technology, and those  
14       other things, and how to utilize those locks to  
15       keep themselves safe, and the staff members,  
16       and things, so we're empowering everybody to do  
17       that.

18                When we look at key control we look at,  
19       just like when we're doing the processes of the  
20       security system, you need to designate somebody  
21       in charge of your key control, and that person  
22       is, develops and implements, and enforces all  
23       policies and procedures around your key, and  
24       also, they're responsible for ordering and  
25       securing the key supplies, and then they're

1       also responsible for upkeep, installation of  
2       your keying across the district.

3             You're going to find, for us we still find  
4       somethings, like as we go through our active  
5       shooter plans, as we train our kids, we found  
6       initially after that first year, hey, there  
7       were some locks missed, but that's what you  
8       drill for. You go through and you drill, and  
9       you look for where your holes are. And that's  
10      what we found, we found some holes with our  
11      locks and things. But again, you have to  
12      drill, you have to do these things, because,  
13      yeah, you might put all these things in, but  
14      you have to go and test them to make sure that  
15      they're in there, so even with keys you have to  
16      test them.

17            Exterior doors, like we talked about  
18      blanking out the doors so a threat cannot come  
19      in and use a key to get in. Now, a lot of  
20      times with the old processes, teachers would  
21      lose their keys and you wouldn't know about it.  
22      That's kind of a bad thing. And all of the  
23      sudden you've got your, and before analytics  
24      and other things, you've got a burglar in your  
25      school, and you're going like how the heck did

1       he get in, he used the key and he got in. That  
2       -- that's happened to me many times, so we go  
3       out there and we detain a burglar. But I think  
4       about in the, somebody trying to attack a  
5       building, this, doing these types of things  
6       will deter that, but it will deter somebody  
7       that may be taking the larger steps to attack  
8       your building by the fact that they stole keys  
9       and other things from your school to make their  
10      attack.

11           So, when we maintain an exterior master  
12      key system separate from your interior door  
13      system, because what we would recommend doing,  
14      and an exterior master key can be established  
15      for the entire district or each individual  
16      building. But for us we only use one, only  
17      certain individuals will have that key, a  
18      school resource officer, a master key district  
19      security, the superintendent, those are the  
20      only people that are going to have that master  
21      key. We -- but the big thing is using our card  
22      access, everybody has that card access to their  
23      facility that they need to have access to.

24           Interior doors, we look at, again as I  
25      stated, all electrical rooms, boiler rooms,



1 every room that has material in there,  
2 mechanical things, needs to be locked on a  
3 separate key. Now, obviously you don't want  
4 kids going into your boiler room while that's  
5 running, you don't want, they need to be  
6 secure, away from everybody else for safety  
7 reasons, and you can independently any long  
8 room is not designated as escape from harm.

9 Now, what we did in our school district is  
10 any, like for example any place, when we hire,  
11 we give every staff member a key that they can  
12 bypass, they can get into a locked room, and  
13 get a room unlocked if it's locked to get in  
14 there, but what we do is we think about, when  
15 we're thinking about that we also worry too,  
16 that you could worry about the bad guy shooting  
17 the staff member and taking the key and then  
18 using that. But we also look at what common  
19 sense for us is, is getting people safe in  
20 those initial seconds is our best practice, and  
21 then having our other responders coming in to  
22 neutralize that threat. There's some plusses  
23 and there's some minuses with everything.

24 Another one is desks, closets, filing  
25 cabinets. When we look at the filing cabinet,

1       those things need to be keyed as well, because  
2       you have pilferage, you have other things. You  
3       could have somebody plant a device, or  
4       something to use against you and to attack you.  
5       So, those are things that we need to have in  
6       place, is just those little areas, but that's a  
7       pretty expensive endeavor.

8               So, I'll go quickly through there. This  
9       is an example of a cylindrical lockset that we  
10      put in our classrooms. There is a, it's a push  
11      button, and it's a key on the outside in the  
12      hallway. That pushbutton, when we do it, when  
13      we train staff and students we train every  
14      student from kindergarten on how to just push  
15      that button and lock that door when we're doing  
16      our active shooter training. It's just push  
17      the button, and to unlock it you pull it down,  
18      and we teach the kids that, we teach the staff  
19      that. It's amazing that the students catch it,  
20      and sometimes the staff members have a little  
21      hard time pushing the button. No offense to  
22      them, but you do have to train people on just  
23      pushing that button, so that's very important  
24      for us to do.

25             Another one is exit devices. When we look

1 at here, that's a cafeteria, that exit device  
2 is located lower, but let's say you have  
3 somebody in a wheelchair, they need to be able  
4 to go and lock that door, so that's an ADA  
5 requirement for that cafeteria. So, you would  
6 see that in every school in our nation if they  
7 pushed that, they would have to have exit  
8 devices like that. But there are also  
9 electric, ADA electronic exit devices as well,  
10 but you also have to get these technologies to  
11 work with your lockdown systems and  
12 technologies.

13 Another is we have mortise locks, they're  
14 heavy duty, and we have deadbolts. And those  
15 are basically entry function, key on the  
16 corridor side, thumb turn on the interior side.  
17 So, those are on basically a -- we see a lot of  
18 those on offices in our school district, and  
19 what you need to do is, they're simple to use,  
20 up, down, left or right. We use them, but  
21 they're very secure.

22 Now, obviously when we think about a door  
23 hardening, you shoot that lock, it's probably  
24 going to hold up, but what's going to happen to  
25 the wood around that door, well, it's going to

1 go through that wood. There's things that when  
2 you're thinking about this it's important to  
3 make, that schools in the United States are of  
4 average age, what I've been told is about 54  
5 years of age. Our school district, most of our  
6 buildings are 60 years old, so most of the  
7 doors that we have in place are probably  
8 1960's, 1950's, so when we put these locks in  
9 place we chose, you know, it's a matter, we  
10 hope, we would wish we could replace all the  
11 doors with bulletproof doors and things, so  
12 what we do right now is we put the locks in  
13 place, because we're looking at slowing down  
14 any kind of attack that comes on. And you see  
15 the glass there. We'll talk about that,  
16 reinforcing that glass as well.

17 So, as I mentioned you see here what we  
18 call for our district a unified command center.  
19 In that unified command center for our district  
20 we have about, you know, we're a district of  
21 about 16,000 students. We have about roughly  
22 400 card access points, and then we have about  
23 1,200 security cameras. We have 3,800 mass  
24 communication speakers. We have radio  
25 interoperability with our law enforcement and

1 fire department. We have radio  
2 interoperability with all of our schools. We  
3 have basically weather monitoring stations, the  
4 fire alarm, the HVAC, all those things are  
5 managed from that command center.

6 We are also communicating with our schools  
7 constantly, 24/7/365 on the emergency, so if  
8 you get a burglar that's going through here.  
9 Just like a dispatch center for law  
10 enforcement, but if you get a mental health  
11 call it's also going in here, and then we're  
12 coordinating with our law enforcement divisions  
13 on those mental health calls. But that --  
14 basically that command center is unifying all  
15 the processes of mental health, security,  
16 physical security, fire, HVAC, and everything,  
17 and it's allowing us to be more efficient. And  
18 they'll also have somebody, resources in place  
19 24/7/365. That office is staffed 24/7/365, and  
20 it's very important.

21 I can tell you, and I'm very proud of  
22 this, six lives this year are alive because of  
23 that center this year. We had kids that were  
24 hanging, that tried to hang themselves  
25 literally where we worked together with law

1 enforcement will get out there and law  
2 enforcement cuts that kid down off the rope,  
3 the kid is alive. We also had threats come  
4 through. I don't know if those would have  
5 escalated, but those, that center worked  
6 together unifying everybody, interoperability,  
7 it worked together, and I really, really do  
8 recommend a school district take that type of  
9 approach to their operation in their, in their  
10 school district.

11 So, one of the important pieces, why did  
12 we put a command center up, is when we're  
13 putting all this technology in we want to make  
14 sure it also comes back in the right way, so  
15 one of the things we're going to look at is  
16 when you are going to select an access control  
17 system -- everybody thinks a card reader, okay,  
18 it's going to get me into the building, all  
19 right, but the real deal of a good card system  
20 these days is it's going to also integrate  
21 other, or unify other technologies, and it's  
22 going to make you more efficient, and it's  
23 going to evolve with the threats and the, and  
24 give you the ability to grow your system over  
25 time. So, to remember, it's, it's no longer

1       just about card access, it's about, it's the  
2       backbone of your security system.

3               So, when you look at that you select a  
4       manufacturer with a good reputation, and you  
5       need to select a vendor or manufacturer who is  
6       open to open architecture, because I'm going to  
7       tell you I, you know, as a school district some  
8       years I can afford some of the greatest  
9       technologies, but there's going to be some  
10      years that I'm only going to be able to afford  
11      some certain things, and maybe another  
12      manufacturer doesn't want to play nice with the  
13      cheaper solution, okay, but that's all I have.  
14      But I have to serve those kids so I want to  
15      work with a manufacturer who is open to working  
16      with other manufacturers so I can integrate  
17      that Chinese camera into the security system,  
18      or I can integrate that cheaper access, or  
19      excuse me, access card, or excuse me, AI phone,  
20      or what we call intercom, into the system.  
21      Those things allow us to do it, and so it's  
22      important we need to look at this, because it  
23      needs to be open architecture.

24              We also need to have this, they  
25      demonstrated a history of working together with

1 other manufacturers. You know I've been doing  
2 this for many years, and always, I steer clear  
3 of manufacturers who are sole source, sole,  
4 they don't want to work with other people. And  
5 I think it's important for you to find a  
6 company as you're selecting your security  
7 systems for your school district, somebody  
8 that's going to want to be broader, bigger, and  
9 is going to be open to more working with other  
10 groups.

11 And another one is licensing, God,  
12 licensing can be very expensive, so for my  
13 district I have, we have 300 plus people that  
14 are using our security system, from  
15 secretaries, coaches, deans of students, or  
16 administrators, school resource officers,  
17 school security personnel, 300 plus people, so  
18 what we, you have, each one of those people has  
19 a license to go on the various system, such as  
20 the access control system, the BMS, so you need  
21 to go in there and find out when you're  
22 identifying what your security and permits are  
23 going to be, and how many end users are going  
24 to be there, what your licensing fees are going  
25 to be, because you're going to be paying those



1       licensing fees every year. So, you need to  
2       find something that's reasonable and  
3       sustainable for you to do as a school district.

4             And then one of the things is as a school  
5       district, I'm going to recommend to any school  
6       district, is having your own staff that can  
7       repair, respond, and install, so when you do  
8       that the world in security manufacturers right  
9       now, there are a lot of them that don't want  
10      you to do that because they want integrators to  
11      do that, but I can tell you, why do you want to  
12      have staff on your school district that can do  
13      install, and do installation or repair, is  
14      because when we put these devices in it's of  
15      the utmost important that they are running all  
16      the time.

17            So, when you put it in there you need to  
18      have that manufacturer who is going to be open  
19      to training your civilian staff to be enable to  
20      maintain that system. Some manufacturers are  
21      not open to that, integrator only, but I can  
22      tell you when those integrators are all at  
23      those other school districts what's going to  
24      happen, you're going to be waiting weeks for  
25      when something is broken. So, having that

1 staff member that can do repairs and  
2 installations is very important.

3 So, when you're selecting an access  
4 control system you look at its information  
5 ready for design. What that means is being  
6 able to tweak the platform to be able to  
7 operate in your school district based on the  
8 needs of what you want it to do, so it can also  
9 be modified for design. And I'll show you some  
10 modifications we did for our customization for  
11 us.

12 Another one is have a wireless interface  
13 capability. One of the most important pieces  
14 is responders. You know, we always hear about  
15 law enforcement wanting to have the  
16 surveillance, and for the SRO when they're  
17 coming there, well, a lot of times, I'll tell  
18 you as an armed responder myself, the last  
19 thing I want to have is, you know, the camera  
20 on me, like, like looking at a camera when I  
21 might need to deploy my firearm. What I'm  
22 going to say is the ability for that wireless  
23 interface for us when we are doing our day to  
24 day job, like a school resource officer or  
25 campus security officer having a tablet while

1       they're walking around the building, that helps  
2       them to basically monitor the cameras, hey,  
3       what's going on on the, on the dock, what's  
4       going on in the school.

5               But what also, putting apps on there as  
6       well that could allow them to lock down the  
7       building through that app, or when they  
8       identify or see something. Say you have 120  
9       cameras coming in through your, your tablet,  
10      that's giving you 120 more sets of eyes, and  
11      having analytics, putting that intelligence on  
12      there helps those school resource officers and  
13      campus security officers, and others, to keep  
14      that building safe.

15             Another one is trace history capability.  
16      Trace history capability is card access,  
17      suspicious card access, the ability to look up  
18      events, things like that that have happened in  
19      your security system. That trace capability is  
20      very, very important in, basically for  
21      accountability.

22             Another one is simple and customizable  
23      controls, and that is about, you can give  
24      somebody a system, but if it's so complicated  
25      what good is it going to do them. For your

1 operators, or for the people that are using  
2 that, you need to be able to customize that for  
3 your audience, or who is going to be using that  
4 technology. That manufacturer needs to be able  
5 to do that.

6 Another one is data sharing capabilities.  
7 Data sharing is just like an IT world is  
8 sharing your data regarding the security  
9 system, basically being able to do that, your  
10 end user, what data they need to know, what  
11 tracing they need to do, the accountability  
12 pieces.

13 The other is the video system integration,  
14 video management system integration. That is  
15 so important. And then the open and flexible  
16 API, or advance, basically what that means is  
17 when another manufacturer wants to come in and  
18 integrate with their system that API is what  
19 that means, stability for that manufacturer and  
20 that other technology to work together.

21 Another one is card access personnel  
22 groups. That's important because you have the  
23 law enforcement, we have a division, law  
24 enforcement has 24/7/365 access to all of our  
25 schools. They can bypass any of the card

1 readers at any time, they can go in there. But  
2 when there's an emergency such as a lockdown  
3 they're the only ones that are going to, the  
4 armed responders are the only ones that are  
5 going to be going in that building. Of course,  
6 we can coordinate from the command center  
7 opening and closing doors, and things like  
8 that, but in that, you know, they can be  
9 overwhelmed on the radio, the ability for law  
10 enforcement to get in is important, so those,  
11 you can, you can basically, you can have for  
12 the card access deploying it for certain  
13 buildings, and things that where an employee  
14 needs to go into. You don't want to have an  
15 employee being, who works at one school having  
16 27 building accesses for all the other schools.

17 Another one is trigger and macro event  
18 capabilities. What that means is when we're  
19 integrating these technologies, remember when I  
20 talked about in my first couple of slides about  
21 being able to override a fire alarm and have  
22 lockdown rules first, that's a, that's a macro,  
23 or a trigger capability that allows that system  
24 to override the fire systems.

25 Another one is operator user and tenet

1 database, and what that, what that is is who,  
2 when you have employees that are working with  
3 the system that operator is able to basically  
4 put that technology, and deploy that  
5 technology, what they are seeing, based on what  
6 their mission is in the school district. And  
7 for example, a district security officer in  
8 that command center has access to everything.  
9 A secretary, she's just going to have access to  
10 her card readers, and what's going on on her  
11 camera system. Those are things that you need  
12 to have.

13 Another one is direct command programming.  
14 Direct command programming is something that,  
15 that many aspects, one of the most important  
16 pieces is for secretaries at their school to  
17 control their building schedules, security  
18 personnel to control their building schedules.  
19 Going in on doing and programming a card, a  
20 card, what it's going to access. So, direct  
21 command programming is something that I felt  
22 very proud about that, for example we had, and  
23 I'm not slamming any other school district, a  
24 teacher transferred from another school  
25 district and said it took me four weeks to get

1 my ID card at the other school district, and we  
2 had, we gave it to her in five minutes. Where  
3 I'm going with that is having that, it makes  
4 you more efficient.

5 Global hardware actions and edit controls.  
6 Global hardware is, again this goes back into  
7 the custom system integrations. Another one is  
8 using the infrastructure, that if your, all of  
9 the sudden your access control company goes out  
10 of business you can put their, use their  
11 infrastructure on another access control  
12 company. And then obviously custom interface  
13 by operator, we'll talk about that.

14 So, here it is. Here's a custom  
15 interface. I took a picture before we came  
16 down today, and what that is is a secretary's  
17 desk. On that secretary's desk, if you see on  
18 that picture there, she has a graphic map that  
19 has control of all the card readers, she has a  
20 lockdown icon on there. She can put the school  
21 in lockdown. She can sound mass notification  
22 through there. She - - so on that desk she has  
23 a POE phone, she has a Valcom interface --  
24 whoops. What happened there? I'm sorry.  
25 Okay, she has a mass notification interface,

1 and she has a VMS interface, so that system  
2 right there is designed for that, that  
3 secretary to do her work that she normally  
4 does, but also to help us, give us extra eyes  
5 and ears in the school district.

6 The other one is the access control system  
7 here at the district security end, is having  
8 that system in place. And you look here on,  
9 you have the screen in front of those, the  
10 security personnel that are monitoring it, but  
11 then if you look on the right-hand side they  
12 have those little screens there that, that  
13 allows them to do the controls of all those  
14 screens up there on the interface. But then  
15 they also have the ability to, for example, if  
16 a kid comes up and pulls a fire alarm they're  
17 going to get, when they pull the fire alarm  
18 they're going to see who exactly pulled the  
19 fire alarm, they're going to have an audio feed  
20 to who pulled the fire alarm, and they're going  
21 to see, well who just, who just did that why  
22 did they do that, so that helps us with that  
23 accountability piece.

24 We can talk to that kid and say why did  
25 you pull the fire alarm. Those are the, you



1 know, what's going on. So, there's an instant  
2 response to that alarm, it's not like blind,  
3 you're not blind like the old days, so to say.  
4 So, it helps, it keeps us with a piece of mind  
5 to work with that, but that's controlled by  
6 that operator there.

7 Another one is, you see this map here,  
8 that's our school district, and when you look  
9 through that those are all the schools that are  
10 on that, on that system at that time, so if  
11 there's an alarm condition say at Highland  
12 Elementary that will put an audio feed into the  
13 security office, it will tell them that's  
14 there's an alarm condition, or an analytics  
15 event, or whatever is going on. That icon will  
16 freeze up, or put a red icon around that  
17 school, and the security officer will be able  
18 to go right there and drill down to what is  
19 going on. It's going to be -- it's basically  
20 set up to be very user friendly, and very, how  
21 do I say, interactive for that employee just to  
22 go there and work through that process to  
23 identify what's going on.

24 When we look at that, this is a typical  
25 elementary map here for example, a lot of law

1 enforcement might see, or fire officials might  
2 look at that as, wow, that's a pre-incident  
3 map, you have all your security assets lined up  
4 in there, in that school, your entrances, your  
5 camera feeds, everything that's in that school  
6 related to life safety. Well, here you could  
7 have the fire system overlaid on that map, but  
8 what we have is just security operator  
9 interface, so when you look at the icons you  
10 have motion detectors, you have cameras. The  
11 greens are, the green squares are card accesses  
12 points in that building, and the gray boxes,  
13 those are door contacts.

14 So, let's say -- one of the most important  
15 pieces is, for a school official, you have all  
16 of this security in here, but what if somebody  
17 props the door open with a rock, or a chair, or  
18 something. Well, what happen is that door,  
19 that red, or that gray box you see there will  
20 turn red, and it will send an audible alert to  
21 the staff of the school, and to the security  
22 staff that that door is open, so you can look  
23 at the camera, pull up why is that door open,  
24 go and secure that door, and make sure that  
25 that door is secured. Those are things that

1 are used every day.

2 Then you look at the other boxes. There  
3 is, what we call a visitor management intercom,  
4 and they can, what you're seeing in that box  
5 right there is, there's one going as a head  
6 shot and a driver's license scan, and then  
7 there's another one going behind the employee,  
8 or the person there, to make sure that there's  
9 nobody there holding that person hostage or,  
10 you know, trying to make, get into the  
11 building. So, you have a 360 around that  
12 person to make sure there's no other threat  
13 coming in as at all possible.

14 Now, obviously these things take, this is  
15 great technology, but we cannot forget it takes  
16 people to man those things, and to deploy these  
17 things, so it's important for everybody to  
18 realize you have a secretary that's using that.  
19 Also, if that secretary wanted to go in  
20 lockdown, detected something, all she has to do  
21 is push that lockdown icon, and that mass  
22 notification will sound the lockdown alert for  
23 the school, and the processes there.

24 Video management system, my recommendation  
25 is the video management system installation

1       should come next after access control, and you  
2       must select a manufacturer with a good  
3       reputation. Now, you're going to hear there's  
4       a lot of bias in things, it's just like when  
5       you buy a Mercedes or, I don't, you know,  
6       personally my school district, we can only  
7       afford the Hondas, okay, we have a lot of  
8       Mercedes' technology, what you'd call the high  
9       end technology in our school, but we do have  
10      our basic systems that we could afford, and we  
11      put in, and they do the job efficiently and  
12      have basic analytics. What it is is you need  
13      to make sure when you select that vendor that  
14      they are open, that they will work, so if I  
15      need a really expensive camera that's high end,  
16      a high megapixel camera, I can buy it from that  
17      other manufacturer, and put the best of what  
18      they have onto my VMS. So, again, like your  
19      security access control system, open  
20      architecture, and just like the access control  
21      a demonstrated history of working with other  
22      vendors and manufacturers.

23           And again, here we go with licenses.  
24      Licenses is where these companies make their  
25      money. You need to make sure the company

1       you're working with, I recommend one charge  
2       license fee for VMS, most of them will do that,  
3       okay? So, if you can get a one charge license  
4       fee from your, so what it is is when you're  
5       buying your camera, say you're paying, paying  
6       \$800 for each camera, you're going to have a  
7       license fee usually from almost every  
8       manufacturer, that put \$100 extra dollars on  
9       each of those cameras you're running to start  
10      that camera. And then often too if that camera  
11      has analytics features, or different view,  
12      viewing features of that, you'll have to pay  
13      for that as well so it's there. But what we do  
14      is we said, okay, we want to work with a  
15      manufacturer that is open to one-time charge  
16      and one-time fees, because, boy, you can be  
17      fee'd to death on these security systems  
18      another thing is too that they have training  
19      that allows your staff to also maintain these  
20      cameras, because we hear this. You heard about  
21      this in our, our incident in Arapahoe, cameras  
22      are down, okay? If you're counting on an  
23      integrator and they're so overwhelmed there  
24      could be three or four weeks before they get to  
25      your school. But don't want that to be down,

1       you want to have -- our school district  
2       standard is 48- hour repair status, okay,  
3       almost, or instantaneously. What we say, two  
4       techs, you go out, security camera is priority,  
5       access control is priority, you go there and  
6       you fix it, because you lose a camera, you  
7       know, it always bites you in the butt when you  
8       lose a camera. Even though nothing has every  
9       happened in that camera it's like there's, the  
10      law of probability always catches up to you, so  
11      cameras need there.

12           Another thing is converting analog to  
13      digital if possible. You'll hear a lot of  
14      school districts about converter boxes, where a  
15      lot of school districts already have an analog  
16      system. We had the same thing. What an analog  
17      system is, analog is the coaxial powering of  
18      the camera, or, you know, the old wire. Those  
19      of you that don't know what analog is, it's a  
20      coaxial cable, where the new camera systems are  
21      POE. Now, in our school district we tried to  
22      utilize 300 some analog cameras into our  
23      system. It was a disaster. Those, we had the  
24      best converter boxes on the planet, but when  
25      you put those, you compare those analog cameras

1 to those digital cameras it's, it's night and  
2 day. And also, we found that we were having a  
3 lot more failures with the converter boxes on  
4 our camera systems so we decided just, it was  
5 cheaper for us in the end just to convert all  
6 of our cameras to digital.

7 But that, we're a smaller school district.  
8 That might not be possible for a larger school  
9 district, so when you do that look at what the  
10 age of your, of your cameras are. If your  
11 cameras were put in in the 1990's it's probably  
12 time to probably really start looking at  
13 putting a new camera system into your schools  
14 as soon as possible, and on your, looking at  
15 your budget and how you're going to do that,  
16 because having analog cameras, that's going to  
17 start to fail, especially when you put another  
18 piece to it to convert it into digital, onto a  
19 server, or DVR, a digital video recorder, or  
20 NVR, network video recorder on the digital end,  
21 and converting that analog, you're going to  
22 probably run into a lot of problems. That's  
23 just a lesson learned from us.

24 So, another thing is you hear about  
25 central servers, one server for an entire

1 school district on getting all the video back  
2 to the school. We actually thought about that,  
3 and we go what if we lost our video server for  
4 the entire school district, then we're, we lost  
5 all of cameras, and things like that, so we  
6 chose to go with servers at each school. And  
7 it's actually worked pretty good for us,  
8 because when we lose a server, say to a,  
9 something happened with the network at that  
10 school, we can transfer those IP addresses of  
11 those cameras to another server that we have, a  
12 couple servers that we have on a bank. That  
13 allows us to keep our cameras up and running  
14 despite what infrastructure issues that we are  
15 dealing with. So, there's things that you can  
16 thing about, and how you do that. A good  
17 integrator would help you with, with that  
18 process.

19 We're going to talk about a tier system.  
20 So, if I was at starting fresh as a school  
21 employee I would look at, at my school, if my  
22 school didn't have anything, I would say I  
23 would want to put a system that would install,  
24 that covers at a minimum the main entry, the  
25 exterior of any entrance point, the front



1 lobby, the main office, and the student  
2 pickup/drop off line. That's where I would  
3 start if I was starting out fresh with no video  
4 surveillance at my school.

5 The video system would be mission critical  
6 equipment, such as recording devices, power  
7 supplies, should be a secured location. Now,  
8 what we have in our school district now, best  
9 practices, is MDF and IDF rooms, or IT rooms  
10 where we install all these devices. Before we  
11 had our VMS in custodian closet, the custodian  
12 comes in, has his mop bucket, throws his mop  
13 bucket in the, against the water drain, and the  
14 water splashes into your NDVR, and you just  
15 lost an NDVR, so things like that, you need to  
16 look at the environment where you're putting  
17 those things. But if all possible work with  
18 your school district on identifying where are  
19 your IDF and MDF rooms to be.

20 Another one would be making sure that your  
21 video can be remotely accessed from law  
22 enforcement, school safety personnel,  
23 administration, those in an emergency that may  
24 be coming. Now, for us, what happened for us  
25 in the Arapahoe incident is we set a, our

1 mission is the school security department would  
2 set up right next to the command center, in the  
3 command center for the, command van, or command  
4 and control vehicle, we would set up a camera  
5 inter-array, and we would do, relay the  
6 information to the unified command of what is  
7 going on. So, for us as a minimum at that time  
8 we had the ability to store 14 days of video,  
9 but also that video system should have a  
10 capability of forensic review, and what  
11 forensic review is, going back in those 14 days  
12 and looking for an incident.

13 And even better, having an analytics  
14 capability. Like one of -- the simplest  
15 analytics capability that any NDVR, or video  
16 management system has, is motion, motion  
17 detection. And that's when a person is on  
18 school grounds, for example after hours, you  
19 have a camera stationary, that person walked  
20 through, that camera will alert and record that  
21 motion of that person going through the  
22 grounds.

23 A tier two system, that's the next level.  
24 If I was building, and I had the funding, video  
25 coverage of all common areas, such as the

1 cafeteria, gym, media center, and theater,  
2 video coverage of all the exit doors facing  
3 from the door down the hall, video coverage of  
4 strategically important exterior areas such as  
5 the drives off campus from the main building,  
6 the bus lane, and walkways from portable  
7 classroom to the main building entry should be  
8 provided.

9 Now, why do I say portable classrooms? In  
10 our school district we have several portable  
11 buildings, and when I was driving through here  
12 I noticed some of the, some of the schools here  
13 do have portable buildings, and what that means  
14 is modular buildings, because we have more  
15 students maybe attending that school, and the  
16 infrastructure of that school is not capable to  
17 have, house them all in the building. So, you  
18 need to -- when you're housing students you  
19 need to have video coverage adequately  
20 protecting those facilities as well. And then  
21 upping your video storage capability to 21  
22 days, and then your capabilities forensics and  
23 analytics should be increased as well.

24 When we look at a tier three system, video  
25 coverage of the restroom entries, stairwells,

1       should be provided. Now why would you want to  
2       do the bathroom entries, what, what does that  
3       do? Well, for example, for us in 2006 in the  
4       month of April, or just before the Columbine  
5       anniversary, we had 32 bomb threats in my  
6       school, one of our, in our high schools, 32  
7       bomb threats. We're not a big school district,  
8       we only have, you know, four high schools, so  
9       32 bomb threats in a week's time. We were  
10      constantly looking for -- but where were all  
11      those threats centering at? They always write  
12      on the bathroom walls, the bomb is going to go  
13      off on Friday at 2:00 p.m., or 1:00 p.m.,  
14      because they want it caught, you know, they  
15      have, you know, you have a reasonable  
16      expectation of privacy to go into, you know, to  
17      go on the bathroom, you're not going to be  
18      video surveillanced, okay.

19             But what we found was, okay, what should  
20      we do, so we immediately started putting  
21      cameras on the entry ways, and then we had our  
22      campus safety and school resource officers  
23      start going through the bathrooms every hour or  
24      so, and then we would go back and do a forensic  
25      search if somebody wrote that graffiti on

1       there, and then all of the sudden now you had  
2       two kids that went into the bathroom, and now  
3       you have only two suspects instead of 1,200  
4       students, or whatever that number is going to  
5       be.

6               That's been very helpful for us, because  
7       then you go, you get to the bottom of it quick.  
8       And even though maybe that, one of those two  
9       kids isn't going to fee up to it, now they know  
10      if I go and do something stupid like that again  
11      I'm going to probably be caught, and they don't  
12      do it. So, what we were finding is a lot of  
13      our bathroom threats in our school district, or  
14      excuse me, threats were coming from the  
15      bathrooms, where, where all the cameras, you  
16      know, they know the cameras weren't in there so  
17      they would write on the walls. So, that's why  
18      we put them on there.

19             But also, too, a lot of our, you know, our  
20      vandalism in our school district has been  
21      reduced 98% by these systems we put in. We  
22      used to spend about \$250,000 a year on  
23      vandalism. 98% of that has been reduced on  
24      average with these security systems. So, what  
25      does that mean? Well, where somebody is -- if

1       somebody is up to no good they're going to go  
2       in a place where they're not going to get  
3       caught, and that's why we do that with the  
4       bathroom entries. Then your, your minimum  
5       storage capability should be bumped up to 28  
6       days. Now a tier four system, video coverage  
7       of all halls and cross halls, and the full  
8       building exterior should be provided. So, how  
9       do we do that, obviously that's a lot of money  
10      so what we did was we did a lot with pan tilt  
11      zoom cameras, and then filling -- what pan tilt  
12      zoom cameras, are cameras that rove, and then  
13      we put cameras around those cameras to allow  
14      staff to interact and work with those cameras  
15      around. But it was a cheaper way to do it than  
16      the full blown, buying the \$10,000 cameras that  
17      did 8 megapixels. But it works really well for  
18      us because it, it increases our interactivity.

19           Video coverage of high likeability risk  
20      areas, such as in-school suspension rooms and  
21      alternative education rooms should be provided.  
22      Now, what we do, we have a center where we have  
23      some young people that have, you know, been  
24      through the processes of discipline. Every one  
25      of those classrooms has a camera. Every one of

1        those classes has an audio feed. Okay, now  
2        typically most schools are not going to have an  
3        audio feed into their, into their classrooms,  
4        but where we have kids, where we are housing  
5        kids that have been identified as, you know,  
6        had disruptions in their past school year, we  
7        have boosted up that security of that facility  
8        quite a bit.

9                So, the video surveillance system should  
10       be monitored by a district security operations  
11       center. If there's no security operations  
12       center then if the dispatch, local dispatch  
13       center, law enforcement, or fire department  
14       agrees, they can, that can also suffice as  
15       well. But again, they would have to dedicate  
16       somebody. You know, we look at our school  
17       district for example, my school district has  
18       had this last year 4,800, over 4,800 incidents  
19       where we have interacted with the systems, and  
20       mental health process and security system  
21       response. So, that's 4,800, so you would have,  
22       if you were to put it in the fire department,  
23       or police department, you would have to  
24       dedicate some FTE's to that as well, just like  
25       a school district would.

1           So, when we look at here, this is a map of  
2           Arapahoe High School, for example, and that's  
3           an operator interface. Right now, you see  
4           about 120 cameras that are on that system right  
5           now on the first level. You have -- so every  
6           -- that is the video management system, so they  
7           can go to any one of those cameras, any one of  
8           those card readers, they can go to the  
9           upstairs, the basement, the second floor, the  
10          roof. We also -- we protect our roofs, because  
11          we actually found a, a pipe bomb on this roof  
12          that was set up over the principal's office  
13          many, from probably been, that pipe bomb had  
14          been up there probably ten years, but it was  
15          sitting up in an air vent, so when they took  
16          apart that, when we did that construction we  
17          found that pipe bomb.

18          And I remember the kid that -- I caught  
19          the kid when I was, it was back in 1994, and I,  
20          what are you doing up on the roof. So, he was  
21          -- it was hard to -- he's not going to admit he  
22          did it, but he was the only person I think that  
23          could have done it at the time, and he had  
24          motive because he didn't like the principal at  
25          the time. But that pipe bomb sat up there for



1 many years, so it was a wake-up example for us  
2 to put roof detection, and analytics on our  
3 roofs as well, because our air vents -- roof  
4 trespass is the number one trespassing incident  
5 in our school district. I don't know about for  
6 your schools but it is here on Colorado.  
7 There's always kids going up on the roofs, even  
8 with all the surveillance.

9 CHAIR: Mr. Grace, when you, when you get  
10 to a good place if we could take a break --

11 MR. GRACE: We could take a break now.

12 CHAIR: Is it a good time?

13 MR. GRACE: Yeah.

14 CHAIR: Okay. All right, thank you, why  
15 don't we take fifteen minutes, and we'll come  
16 back, and then we'll finish up with Mr. Grace's  
17 presentation.

18 (Thereupon, the meeting is in recess.)

19 CHAIR: Okay, we'll go ahead and get  
20 started again, Mr. Grace. So, you've got about  
21 thirty minutes, so if you would just --

22 MR. GRACE: Sure.

23 CHAIR: -- we'll have enough time for  
24 questions, and we'll -- I've got 10:40 now, so  
25 we'll stop with your presentation at 11:10.

1 Thank you.

2 CONTINUATION OF PRESENTATION

3 MR. GRACE: Thank you, sir. All right, I  
4 will, I will accelerate this. And I apologize,  
5 when we're talking technology, and things like  
6 that, it can be a little bit redundant. I  
7 apologize to you. So, I'm trying to make it as  
8 fun as possible.

9 Okay, so I'm going to speed this up a  
10 little bit, but I wanted to talk about, one of  
11 the critical pieces is video management in  
12 schools. When we're talking, when we're  
13 talking about school shootings, and other  
14 incidents, one of the most important pieces  
15 that we see, I look at as a school security  
16 director, one of the biggest risks I look at as  
17 a school security director is the custodial  
18 issues that go on in schools. For example, I  
19 get called several times a week, my team and I,  
20 several times a week to parents that are  
21 fighting, using the school as a battle ground  
22 over custody issues.

23 So, what we look at, visitor management  
24 can help you, who needs to be in the building,  
25 could do a background check on sex offenders,

1 do a full background check on volunteers and  
2 things, but so when we look at visitor  
3 management we look at tier ones. For example,  
4 visitor management system would utilize a sign  
5 in system for, that is controlled by a staff  
6 member for volunteers and parents, and when a  
7 visitor comes in that visitor's name and  
8 address, and reason for visiting is documented  
9 by the school, and then the staff member would,  
10 a tier one, this is a basic system, verify the  
11 accuracy of that visitor's ID, or reason for  
12 them to be in the building. And then we would  
13 audit, the administration at the building, or  
14 at the district level, could audit the visitor  
15 and the reason they are going to be in there.

16 But when we give out a pass we don't want  
17 to give out a pass that says, it's a white  
18 pass, and it's, it's the pass you use every  
19 day. What I would say, if you're going to do  
20 stickers vary your stickers, like have five  
21 different stickers for five different days, and  
22 rotate the colors every five days and things,  
23 but you don't want staff, or a visitor to use  
24 that to come in. We've had that, kidnapping,  
25 attempted kidnapping, and things like that by

1 parents who want to blend in and things, and  
2 use those things to work against us.

3 Another one, a higher-level recommendation  
4 is having a visitor management system in place  
5 that does a sex offender background check on  
6 every visitor that comes into the building, and  
7 also does a full background, criminal  
8 background check on anybody that's volunteering  
9 to work in your schools. That sign in system  
10 should automatically check the visitors' name  
11 against a national sex offender registry, and  
12 again all parents and all volunteers should be  
13 checked for that, for their background check  
14 before they are coming in your school.

15 But your district needs to have a policy  
16 in place about what if a parent is a felon,  
17 what kind of felony is that, because we look in  
18 our community, I believe we, we've heard things  
19 like 12% of our parent community has felony  
20 records and things. In our community we have  
21 36 parents that are sex offenders, and in our  
22 community, or in Colorado we don't have any  
23 legislation that says a parent cannot be in the  
24 school unless they are, their parole or their  
25 correct documents say they can't be in a

1 school. So, those are things you have to work  
2 around. I think Florida is a little bit  
3 different, from what I understand, but you  
4 would have to work around the laws and things  
5 in your community of what that is.

6 So, another -- so when you look at visitor  
7 management systems the best, the thing you  
8 could do is put up a kiosk, that kiosk, the  
9 parent comes in, they swipe, if something goes  
10 wrong that parent, you know, we'll say that 99%  
11 of the time when there's a match, you might  
12 have a Mike Jones, for example, and there's 8  
13 sex offenders with the name Mike Jones on  
14 record across the nation, and you have 1,000  
15 parents who are named Mike Jones, you're going  
16 to get a match on that sometimes, and what you  
17 need to do is have a process in place to match  
18 the picture of the sex offender versus the  
19 parent to make sure that there's no match. And  
20 99% of the time that's exactly what happens.

21 We use a system called Easy Volunteer in  
22 our school district, Colorado based. Again, a  
23 product, but I'm not going to, the jury is  
24 still out. We're going to work with them, and  
25 work with them over the next year, just like

1 the other applications, continue to monitor and  
2 evolve with this technology.

3 Another piece is buzz in. That is huge.  
4 When a parent drops off a kid to school, or  
5 comes to visit the school, what can be the most  
6 dismaying piece for a parent is coming to a  
7 school and walking right into the front door  
8 and nobody is stopping them. And after the  
9 Sandy Hook tragedy in 2012 we had a lot of  
10 parents that said why, you know Littleton at  
11 that time had reduced their entrances to one  
12 entrance, one main entrance, and we really, you  
13 know, they would come into their and check into  
14 the office, but what happened was parents were  
15 going, well, that's, anybody can still walk in,  
16 there's not an armed responder at the school,  
17 anybody can walk in, so what we came up with is  
18 a buzz in system.

19 So, buzz in is a visitor intercom  
20 integrated system that allows school districts  
21 to see who is coming to the door and then buzz  
22 them in after identifying that they belong into  
23 the school. And basically, this again is  
24 providing a barrier, so if somebody shows up at  
25 that door and they're, and they're being

1 violent, or something to that extent, or  
2 they're deemed a threat, you're buying time,  
3 you're identifying, you're buying time for the  
4 other responders to get there. So, we look at  
5 it as buzz in is a huge practice, but it's also  
6 one of the most visible practices in our school  
7 district for our parent community.

8 So, when you put in buzzer systems you  
9 have to write up protocols for all of your  
10 schools to follow. For example, this is a  
11 flyer that we give out in a training, that we  
12 give out to our staff. Buzz in will only work  
13 if you and your school community are each doing  
14 your part to make sure it works. You can put a  
15 buzz in system, and if people are not following  
16 the rules, the parents and the staff, it's,  
17 again, you're putting in technology, that's  
18 making more of a hindrance, and putting your  
19 school more at risk, so when we do this we  
20 actually go out and train our staff on this,  
21 and if necessary we'll train parents on this as  
22 well.

23 We train the parents and we train the  
24 staff on how to use the buzz in systems at the  
25 school. I'll tell you, when we train parents

1       there is a tremendous amount of buy in to this,  
2       most parents, because they, they want it, when  
3       they drop off their kids to school they want  
4       their kids to be safe in that school, and  
5       they're not offended by us saying, okay, let's  
6       work together. But also, it helps us in the  
7       long wrong because parents say, okay, if we  
8       come out from our funding pieces, and things  
9       like that, they know that we're not wasting  
10      their tax dollars, or their funding dollars on  
11      putting in ignorant security practices, we're  
12      putting in something that's going to protect  
13      them and their children when they drop them off  
14      at the school.

15           So, buzz in systems for us, I'm going to  
16      say if you're going to put on in you need to  
17      go, there's some that you can do, but with your  
18      interoperability, with your radio system in the  
19      school, we did that pre 2012, where we used our  
20      radio system, our low band radios to do an  
21      audio feed into our school radios, that's a way  
22      for you to do it, but you still need to have a  
23      video feed. But the best way is to have video  
24      intercom solutions integrated together.

25           So, when you look up there you have that,



1       there's some examples from three different  
2       companies up there, and what we do is we use a  
3       station, and we do that, we integrated that  
4       through our access control system and our VMS,  
5       video management system, and it allows us to  
6       record audio, all audio transactions at the  
7       school when they take place. But there are  
8       several vendors out there that can do this for  
9       you at you're school, but you need to do it  
10      right, because again this is the most visible  
11      security improvement, if you put it in your  
12      school district this is the most visible  
13      security improvement to your parents.

14           They're going to see it, and if you're not  
15      doing it right they're going to say, they're  
16      going to, you're going to get feedback on it.  
17      But I'm also going to say too this, this also  
18      protects your school in a lot of ways,  
19      especially when we're talking custodial,  
20      custody issues, and other accountability issues  
21      that you face, and other hazards that you face.

22           Asset protection, we look at, asset  
23      protection is the old school devices like many  
24      of us have, motion detectors, door contacts in  
25      our houses. How many of you probably have a

1 security system in your house, you have a  
2 motion detector, door contacts, things like  
3 that are there protecting your school. Schools  
4 us that. So, the most common that we use are  
5 passive infrared detectors. That's the old  
6 school motion detector. If somebody comes into  
7 the school it detects the person and it sends  
8 out an alert through the output to the access  
9 control system, and tell us that that was  
10 tripped.

11 Another system is active ultrasonic  
12 sensors. We use those on our school roofs, and  
13 on our property perimeters. Those are  
14 important for like our transportation lots.  
15 So, if you got bus lots, and your  
16 transportation lots, you can protect your  
17 perimeter, your roofs with those as well. And  
18 then passive ultrasonic detectors, such as  
19 glass break, you know, kid throws a rock, hits  
20 that, and you didn't detect him through your  
21 camera system, that glass break could be  
22 another way that you could detect the, the  
23 system.

24 But let me tell you another thing that you  
25 could do is in the Arapahoe shooting, we

1       thought about this before, we actually used our  
2       motion detectors, we had our system set up  
3       after Columbine, a lesson learned for us was to  
4       be able to arm our security system at any time,  
5       and to turn it off at any time, even during  
6       emergencies. We used the motion detectors to  
7       actually, for the search and rescue in the  
8       aftermath of that, of that shooting, motion  
9       detector, and as people were, law enforcement  
10      was clearing rooms, if there was a motion  
11      detector we would turn that motion detector on,  
12      so that meant if somebody backed around them  
13      that motion detector could be used to send an  
14      alert to our security center, we could alert  
15      the other responders out there to, hey,  
16      somebody is behind you, or there's motion in  
17      there, there must be a kid in there that was  
18      hiding and popped out, was missed in the  
19      search.

20             That happened. And it was very cool how  
21      that worked, because it actually helped to, for  
22      search and rescue. So, when you look at that,  
23      here's that map again, you see the little  
24      circles in every one of those classrooms. We  
25      do a lot of perimeter with our motion detector.

1       Those are, circles signify where a motion  
2       detector is in that school. So, when you look  
3       at it you got the cameras, that little circle  
4       in the classrooms, so if there's a kid hiding  
5       in there, or things, we can, we can get a  
6       sense, a detection out of that room, or if  
7       we're clearing that we can arm that room, each  
8       on a room by room basis to help in search and  
9       rescue, and things in that matter.

10           So, asset protection, there's two ways you  
11       can do it. Installation is hard wire. Hard  
12       wire is the best way. My recommendation is  
13       hard wire, but hard wire, just like wiring of  
14       anything, is going to cost you a lot of money,  
15       so 30% of our school district is hard wired in  
16       motion detection, or asset protection. The  
17       remaining 70% is wireless, because if we did  
18       not do wireless we would have been spending  
19       thousands of dollars, or many thousands of  
20       dollars, hundreds of thousands of dollars to  
21       wire all these motion detectors across the  
22       schools to protect the schools.

23           But another cool thing that comes out of  
24       this is we can now use our burglar alarm system  
25       to create wireless duress and lockdown panic

1 devices as well, and I'll explain that. So,  
2 those are the types of motion detectors, some  
3 of them that we use. I won't go into all the  
4 details about them, but there are, one of the  
5 best companies is probably, is Inovonics, and  
6 I'm not selling them, it's just that they are  
7 one of the few companies that does this type of  
8 technology that is really applicable in  
9 schools.

10 Duress, and lockdown, and fireless system  
11 override, again our address system and lockdown  
12 panels are tied into our asset protection  
13 system, and then we have it unified into our  
14 access control system, and our mass  
15 notification system, but our solution must  
16 enable complete control of every system within  
17 our school district over the existing network  
18 infrastructure, so that means is you can't  
19 have, the system has to be simple, in a  
20 nutshell, and it has to work no matter where it  
21 is.

22 But it must be able to be -- when you  
23 implement a lockdown, or duress, or one of  
24 those functions, it must be software  
25 executable. That means it must be able to

1 multitask for daily business and emergencies,  
2 such as daily schedules, scheduling, time  
3 management, lockdown, and all hazardous  
4 communication. We have duress, but we use our  
5 duress not, not just for active shooter, but we  
6 have a silent hold-up alarm, and what that is,  
7 what we call it, we call it our disgruntled  
8 parents alarm, and when a disgruntled parent is  
9 in there, in our office, and it yelling and  
10 screaming at the staff member, the staff member  
11 can go like this on a wearable pendant, just  
12 push the button, audio feed, video feed turns  
13 on, we are able to hear and see what we're  
14 responding to, and coming into.

15           People say, God, that's an expensive, how  
16 much does that cost? That microphone only cost  
17 - - well, I mean, I won't say only cost because  
18 when you times it every room -- \$78 for that  
19 microphone, for the microphone we're using,  
20 \$78. That camera \$300. But peace of mind is  
21 invaluable for that staff member, because they  
22 know there's going to be an SRO, or school  
23 security office coming down that's got their  
24 back, and also when that parent says you said  
25 this, and you said that, you, you have your,

1       that technology had your back.

2               Now, I don't know -- now you have to --  
3       when you do those types of things you need to  
4       look at what, are you a one-party state in  
5       recording audio, are you a two, are consent,  
6       those are things you need to look at, what your  
7       state laws are. In our state we're a one-party  
8       consent, but we do post in there that all audio  
9       is recorded before you come into the school,  
10      and things like that.

11             So, when you're doing mass notification  
12      for lock down it needs to be easy programming,  
13      and mass notification must be very important,  
14      and it's very important and customizable. We  
15      also insist upon when you're putting speakers  
16      in your school that they are addressable,  
17      because you could have 3,800 speakers, you want  
18      to be able to have a block of speakers sound  
19      off on student notifications for daily  
20      business, but in a lock down you want them to  
21      be able to sound all across that, that school,  
22      inside and outside the school.

23             Or say you have a hostage situation and  
24      you want to use that one speaker to talk to  
25      the, your hostage negotiation team wants to use

1       it to talk to the hostage taker. They can use  
2       that speaker because they're also two way. So,  
3       many of the providers of mass notification use  
4       that same capability, so when you put it in  
5       there, can I, can I talk over those speakers.  
6       You need to ask those questions as a school  
7       district. So, that has to be addressable  
8       two-way communications from any speaker  
9       microphone.

10           As we talked about in a lock down the lock  
11       down message must override the fire alarm  
12       message. Again, it must, and you will have  
13       that because of the fire code, and you need to  
14       make sure all your players when you're  
15       designing this system, your fire department and  
16       your police department are agreeing on that  
17       process. We were lucky ours agreed on that.  
18       And one of the things is we're deterring,  
19       right? You know, there's a lot of ways you can  
20       do things, but one of the things I found was  
21       tying our fire, everybody, every school in the  
22       nation pretty much has fire doors that close in  
23       a fire alarm. Well, if you do that right you  
24       can tie your fire doors into your lockdown  
25       system, so when your lockdown system goes what



1 are you doing, you're putting a barrier if  
2 that, a barrier for that bad guy to get  
3 through. You're using your fire doors to be  
4 another barrier for that bad guy while they're  
5 in the building.

6 So, we tied in all of our fire alarms,  
7 because I remember when we were doing our  
8 lockdown training in 2014 with the, the SRO's,  
9 we sat there, wouldn't that be wonderful if we  
10 could get these fire doors to tie in, and was a  
11 very simple integration. We tied in all of our  
12 fire doors into our lockdown function, and our  
13 strobes, and everything else, so we have the  
14 disorientation and other devices, but your  
15 school districts can do the same thing, so fire  
16 doors should be tied into the lockdown system.

17 Another thing that addressed, a system  
18 should have, create an MSM, or what we call  
19 text messaging or e-mail alerts. When we get a  
20 dress alarm it goes out to certain people,  
21 SRO's, myself, the other armed responders, we  
22 all get an alert that's telling us, hey, that  
23 there's an alert. Also, our security  
24 department is telling us as well.

25 The point is it doesn't hurt to have too

1 many messages telling you, because you could  
2 be, what if you had your radio turned low but  
3 your cell phone is going to come up. The  
4 dress, the dress system should provide  
5 independent and automated alerts to local law  
6 enforcement and other first responders, and  
7 that could go through as through your MSM  
8 alerts, or you can have it come in like we have  
9 -- we also have a backup security company that  
10 alerts our fire department to things as well.

11 And then another thing is, you know how we  
12 deploy fire alarm stations, pull stations, one  
13 of the things we were thinking about doing is  
14 putting dress buttons, like a blue box for our  
15 students, it won't, it will just be if they're  
16 in trouble out there push that blue bottom.  
17 There will be a camera over it, and an audio  
18 feed, they push the blue button and we can get  
19 an audio and video feed from where that button  
20 they pushed at immediately. We call that a  
21 blue box. That's a deployment we're going to  
22 do in our next funding. We're going to do that  
23 just like a fire alarm pull station, but it's  
24 going to be all under camera, and under audio.

25 Now, we talk about national fire codes.

1 When you put a public address system it's  
2 covered by NFPA-72 ESC Requirements for  
3 Intelligibility, including pre-recorded  
4 messages. Again, as an end user I don't know  
5 what that means, other than we as end users  
6 need to have our messages be clear, and they  
7 must be the fire code requirements. You work  
8 with, often in our state we work with the fire  
9 department on that.

10 So, this is kind of an overlay about how  
11 dress works for us. This is a silent dress  
12 alarm. You see that pendant there? That's an  
13 Inovonics pendant. Employees wear that on  
14 their lanyard, it's a two-button push. One  
15 button push you can have an accidental  
16 probability, but you have to push both. So,  
17 what happens is they push it, the camera and  
18 microphone are activated, it goes back to the  
19 dispatch center, the dispatch center radios  
20 SRO's, security officers, and then texts is  
21 sent to patrol and SRO's.

22 And what it does is it makes it efficient.  
23 Now all of us have, responders have tablets. I  
24 often use the tablet and say, okay, what am I  
25 coming into, to base, what am I coming into,

1       and I'll turn my tablet on. You don't want to,  
2       you know, you're driving, trying to get there  
3       quickly, you don't want to have that  
4       distraction, but there's some times where I'll  
5       have my tablet running, and I'll say, okay,  
6       what, what's this guy yelling about, so it  
7       actually helps me with my strategy, helps us  
8       with our strategy when we arrive, like how am I  
9       going to interact with this guy, okay, how am I  
10      going to get a peaceful resolution to this,  
11      okay, or how, who else am I going to have to  
12      call in to help me out.

13             Lockdown, same deal. Now we have -- right  
14      now we have multiple employees at the schools  
15      that are equipped with lockdown pendants, so if  
16      you're working, some of them work outside, some  
17      of them work inside. Lockdown pendant is you  
18      push both buttons, the cameras activate, the  
19      mass notification system sounds, the fire  
20      systems door, all the doors lock, the fire  
21      systems, the strobes go off, the sirens go off,  
22      everything is going off. Those people are  
23      empowered that way. So, school resource  
24      officer, they have that, that on there, but  
25      also, we have apps, like we talked about on

1 phones, and other apps that you can use on your  
2 phones. There's multiple ways to do that. But  
3 what we're doing is giving employees multiple  
4 ways to do things, but what we say, the  
5 simplest way is that two button push, and  
6 everybody is trained on what they're supposed  
7 to do, and understanding that mission.

8 Now, we hope -- we tried doing our recent  
9 COPS grant to get every employee in our  
10 district those wireless dress points. For us  
11 it was 1,400 devices, and it came out to  
12 \$94,000, so it's something for you to think  
13 about, how much that would cost for an endeavor  
14 like that to do for your school district, so it  
15 was \$94,000 for us for, for that price.

16 Another one is emergency alerts,  
17 customizable. We look at -- now we -- we have  
18 -- those are just a few of our alerts at one  
19 building, Arapahoe High School, we have a  
20 secured perimeter, that means the doors are  
21 locked, there's a nearby police emergency, and  
22 then a directed response means the staff  
23 members get on, the principal, or I, or law  
24 enforcement, we say directed response as to  
25 what we need you to do. We have a very, what

1 we call a flexible emergency protocol.

2 Then the other one is a system test. When  
3 we do drills I don't believe in drills  
4 personally that you don't tell people you're  
5 going to be doing a drill, because in a school  
6 that's been in an active shooter incident we  
7 say to them, we tell people we're going to be  
8 doing a lock down drill. We might give them  
9 five minutes notice, we're going to do a lock  
10 down drill in five minutes, okay, we do give  
11 notice on that. That's just our belief. But  
12 before that if you sound lock down at a school  
13 in a lockdown drill you scare the bejesus out  
14 of your community, because our community, like  
15 years, probably around here, is pretty  
16 sensitive if they heard that type of thing. We  
17 always say we're going to do a systems test  
18 beforehand because we don't want the whole  
19 community going crazy, and blowing up the 911,  
20 and everything else when we do system tests.  
21 We have it all pre-recorded, and we do all  
22 clears. Now, have we had incidents since then,  
23 since this, yes, we have, and we had some  
24 incidents that it helped us out very much.

25 So, I'm going to skip over fire and HVAC

1       because I covered that pretty well before, but  
2       fire system, not the HVAC, is critical because  
3       we always think about the kid that could come  
4       up, we hear this, this thought, a kid could  
5       come up and pull a fire alarm station to cause  
6       an evacuation. So, there are integrations,  
7       like we've integrated, we have a camera by our  
8       pull stations, and et cetera, so when he pulls  
9       the pull station we are able to see and hear  
10      what, why they, what's going on. We've had  
11      that. We've used it in prosecutions for false  
12      reporting and other things, in that information  
13      of why that kid do it, so we used that, but you  
14      only got seconds to do that, but it helps you  
15      to manage those incidents.

16             Another weather station installations,  
17      again we're looking at the all hazards approach  
18      to school safety. Weathers are the number,  
19      weather emergencies are the number one  
20      situation in our school district. We put up  
21      weather stations in our schools. You can do  
22      that through the weather, everybody has got  
23      Weather Bug, you can finance that through your  
24      school district for about \$1,200 per building.  
25      I recommend that every school district every

1       ten miles if you have a giant school district  
2       have a weather station. You can do that  
3       through the Weather Bug or the Earth Network.  
4       They'll do that, work with your school  
5       district, and they'll be happy to do that with  
6       you.

7               Now we're getting into stand alone and  
8       wireless access control locks. Again we talked  
9       about that, but one of the most important  
10      pieces is when you have a cafeteria, you have a  
11      library, you have an entrance, a school that  
12      has multiple entrances into a common area, in a  
13      lockdown you can't expect your employees to  
14      lock all those doors, so what we did was, and  
15      I'm pretty proud of this, I helped, put input  
16      on this system after the Arapahoe shooting,  
17      it's called the best shelter system. And  
18      again, I don't get any money for this, okay,  
19      but what I liked it about was it gave, it was a  
20      wireless input that or employees could use, and  
21      then they could see a video, an indication that  
22      their door is locked, and in the lockdown, if  
23      we call a lockdown all those doors, those five  
24      doors in that cafeteria or that library are  
25      locked.



1           They are locked in that lockdown, and what  
2           are we doing, we're putting up barriers for the  
3           staff and the students to shelter, or evade, or  
4           escape, wherever you want to call it, but that  
5           door allows them to have that peace of mind  
6           that it's going to be secure in that emergency.  
7           So, however, there are many solutions out  
8           there, there -- there's Asbloy, Algion, there's  
9           many good solutions out there, and a good  
10          integrator is going to help you to do that.  
11          However, when look at such an installation it's  
12          pretty expensive.

13          Now, that best shelter system works with  
14          our existing locks that we showed you in the  
15          earlier slides, but there are other solutions  
16          out there that are stand alone, and things like  
17          that, that you could explore, but, you know,  
18          you're looking at like three doors, \$16,000,  
19          pretty expensive. So, if -- I would rather put  
20          that in my locks first and then build my budget  
21          later for that. So, there's an example of a  
22          wireless lock, and then there's an integrated  
23          card reader for a computer lab. Again, these  
24          things come later.

25          Now, analytics in video and audio, we

1       talked a lot about that. The simplest one is  
2       motion detection, so one of the things that's  
3       important, as I said 98% of our vandalism has  
4       been negated by this, and it pays for this  
5       system. Motion detection is the simplest one.  
6       Let's say we have a kid that comes over after  
7       hours and he throws something over the wall at  
8       the school. You have a camera on there. Well,  
9       you get an alert that that kid, somebody just  
10      went over there, and you can see that person  
11      throwing something over the wall. That is a  
12      simple analytics move, but what good does it do  
13      you if you don't have somebody monitoring that?  
14      Okay, you're going to review the video in the  
15      morning about what all the analytics will -- if  
16      you're going to put analytics in video and  
17      audio you need to have a command center, or  
18      somebody monitoring that so they can interact,  
19      and respond immediately to the detections. So,  
20      often when you put analytics in a school, you  
21      put the analytics in a school, the cameras are  
22      learning and going, so I'm going to show you  
23      some deployments here in a second.

24             Another one we hear about is biometrics.  
25      Biometrics, we actually have a pilot right now,

1 a finger, finger readers on one of our doors.  
2 What we thought was biometrics would be a way,  
3 you know, you -- I heard a study that 90% of  
4 high schools in our nation have open campuses,  
5 so one of the thoughts was to reduce the risk  
6 is, okay, kids lose their ID cards, okay, if  
7 you wanted to lock all your doors, is to use  
8 biometrics, such as a fingerprint reader, or  
9 such as an eye, iris reader, et cetera, so we  
10 actually, for our school district we're  
11 piloting, piloting one of those right now.  
12 We're pretty excited about it, but again you  
13 also have the culture of your community.  
14 There's people that have religious beliefs that  
15 don't like that. So, that's one of the  
16 analytics that you could use, is a biometrics  
17 reader.

18 And the other one that that we use, and we  
19 use this in every school, is aggression  
20 detection, and that's where somebody, a parent  
21 comes in and starts yelling and running,  
22 yelling and screaming, we get an alert, it's  
23 called, it's a device call the RUE, it's a  
24 microphone, and what that does is somebody  
25 starts yelling and screaming, or a gunshot

1 detection, we have that as well using the same  
2 speakers, and I'll talk about that.

3 Is there any way that you could click the  
4 first video for me? Okay, right here you'll  
5 see the camera is on analytics mode right  
6 there, it's focused on that car driving on the  
7 road. Okay, go ahead and push that play. I  
8 hope it works. Okay, oh, it just picked up a  
9 car going at a high speed at the school. Boom.  
10 Okay, an alert comes up. So, it was focused on  
11 that other car that was moving, but it picked  
12 up on the behavior that that car was going way  
13 too fast for that parking lot so it went right  
14 to the other car because that was unusual  
15 behavior of a vehicle in that parking lot.

16 So, another thing is -- the last one, go  
17 ahead and click on that one. The -- another  
18 one is audio sound. You can do audio  
19 analytics, and what happens in this one, a  
20 person, a kid, and I won't go through that  
21 whole video, it'll take a while, a kid comes  
22 up, smacks his car door into the other car, it  
23 creates a loud boom sound, and then that, what  
24 happened was that in that process that kid  
25 vandalized, basically caused a lot of damage.

1           Next one. This is the one that's very  
2           important, for the last one, is what if  
3           somebody comes to your school, and again this  
4           is just a legal dump, but what if somebody  
5           comes to your school that's planning bad, like  
6           planting a bomb, or something like that. Well,  
7           these are analytics here that alerts our  
8           security department. It will zoom in on the  
9           license plate. This is all controlled by the  
10          camera. If somebody just pulled in the lot  
11          it's unusual behavior at 11:00 at night, and  
12          it's going to go in and start going, okay,  
13          what's going on, the camera is thinking, it's  
14          sending us an alert, our security officer is  
15          going, okay, what's going on.

16          Now it's going to start going, okay,  
17          what's that guy dumping over there. So, it's  
18          going to give them all that information. Now,  
19          in this case it's just an illegal dump, but we  
20          were able -- that would have probably cost us a  
21          couple, \$1,000 to clean up. We called up the,  
22          out their license plate, and had them come and  
23          take all their garbage out of the dumpster or  
24          got a ticket. So, that's a camera doing all  
25          that work, but it's sending the alert back.

1        So, if you have a kid planting something, or  
2        doing something, you can program your cameras  
3        for unusual, or your cameras will learn unusual  
4        activity and things.

5            Audio analytics is aggression detection,  
6        car alarm detector, glass break detector, and  
7        gunshot detector. Now, all of these things are  
8        built into our microphones that you see here.  
9        Now, this is a very, very, very good, very  
10       reasonable cost solution, but again it has to  
11       come, you have to have process and procedures  
12       to respond to these types of things in your, in  
13       your school district.

14           Another piece is law enforcement, you use  
15       a lot of computer aided dispatching, well, at  
16       school security we're doing the same thing now,  
17       and we use that for, you know, as I said, 4,800  
18       reports we've had this year. We use a company  
19       called Adventos. A lot of law enforcement  
20       divisions use it, called Smartforce. They  
21       developed a program for us called Smartschool,  
22       and we are using that to convey, you know, our  
23       threats and documentation, but it also helps us  
24       with funding. It helps us to identify where  
25       we've had incidents and other things happen.

1           It's very important for us.

2           But another thing is all of this equipment  
3           you see has apps. They could be loaded onto  
4           your cell phones. They could be loaded onto  
5           your devices, and make your technology useful  
6           for your, for your end user, such as your  
7           secretary staff. Everybody is able to use  
8           these technologies. So, when you look at that  
9           we, what we plan to deploy is now this goes  
10          into incident command, incident command in an  
11          emergency, we have camera feeds,  
12          administrators, everybody, that's all been  
13          identified on the incident command is able to  
14          use these devices, and be able to utilize them  
15          in the incident command. Obviously, technology  
16          will fail, you still need to count on old  
17          school paper, what's in your brain, you don't  
18          count always on technology, but in small  
19          emergencies I think this will work very well.

20          So, last but not least our next steps, we  
21          have a funding, we're going for \$287 million  
22          next, this coming up school year, and several  
23          million of that is going to be dedicated to  
24          school security, and what we're going to be  
25          doing, the next layer is the door and entrance

1 hardening. So, we're looking at several  
2 different companies, we haven't really selected  
3 a solution, but I did send some material to you  
4 of some of things that we are considering.

5 We're looking at categorizing the basic,  
6 how, what we're talking about is door  
7 entrances, like main entrances. We look like  
8 what if an attacker comes up to a school,  
9 starts shooting up the main entrance trying to  
10 break in, so we look at how we're going to  
11 negate human impact, breaking and entering,  
12 extreme weather. Here you have Hurricanes. In  
13 Colorado we have hail storms. You probably saw  
14 the news of up there, we have hail that comes  
15 down like this sometimes.

16 Another one is bomb blast, and then  
17 another one is ballistic. And ballistic is,  
18 tends to be firearms related, such as 9mm 556  
19 rounds. Again, you see all kinds of hype on  
20 this area, but it's something you need to  
21 really, really consider and do your homework  
22 on. And this is something we're still doing  
23 homework on, and I really suggest it to you to  
24 do homework on it because there's a lot of  
25 companies out there and you don't want to, I



1 mean how do you measure this. You want to --  
2 when you put something in you want to be able  
3 to measure this.

4 So, we look at human impact, possibly  
5 baseballs, breaking and entering, again the  
6 thief comes up to your school, wants to break  
7 into a classroom, they'll try to break in  
8 through the window usually, or a door entry, we  
9 want to be able to reinforce that to slow them  
10 down. If we -- statistics show if you slow  
11 that person down twenty to thirty seconds they  
12 tend to give up and move on and go somewhere  
13 else. Extreme weather, again it's something  
14 very applicable here, Hurricanes, the winds  
15 that might take debris and throw it like a  
16 missile into your glass. We look at extreme  
17 weather in Colorado, the hailstones in storms  
18 coming in and smashing our windows and things.  
19 We just had that two days ago. The thing is we  
20 need to have something that withstands this  
21 type of weather.

22 And then a bomb blast, very rare, but it's  
23 something that you would see that, I heard  
24 statistics, you know, when these bad guys  
25 attack our buildings about 43% of them carry

1       improvised explosive devices. Again, that's a  
2       quote I heard from somebody in law enforcement.  
3       I'm not sure if that's accurate but it seems  
4       like it could be, that we need to think about  
5       bomb blasts. We also need to think about not  
6       just school shooters, but what about a  
7       terrorism event. So, when we put this glass  
8       hardening we need to think about what material  
9       is going to protect us in ballistic, bomb  
10      blast, and weather, and vandal, or how do I  
11      say, human caused incidents. We need to think  
12      about that, and we need to do the applicable  
13      installation, because we could just be wasting  
14      our money, and then if something happens and we  
15      didn't put the right material on those windows  
16      the bad guy gets through that window, we're,  
17      we're in a lot of trouble.

18               So, questions? I covered a lot. I hope I  
19      didn't put you guys to sleep. I know I'm like  
20      Nyquil sometimes, but --

21               CHAIR: So, before, before we take  
22      questions, and we're going to have to try and  
23      limit them a little bit here, but we'll make up  
24      some time, is, is that if you would turn to  
25      Page 11 and 12 in the presentation, and I just

1 want to point out to, and provide a little  
2 context for a couple things before we do  
3 questions. In Page 11 and 12 the locks that  
4 Mr. Grace references in Slides 21, 22 and 23,  
5 remember in the last meeting we heard about  
6 SREF, the State Requirements for Educational  
7 Facilities that control the physical plant in  
8 the facilities and the regulations is, is that  
9 these locks here in Florida today are not  
10 permitted under SREF.

11 And what it says in SREF, and it's Section  
12 58C1 of the SREF manual, a push button or a  
13 thumb turn on the interior side are only  
14 allowed on an individual toilet room door, all  
15 other doors, the outside lever can only be  
16 locked with a key, not a fob or other wireless  
17 device from the inside or the outside, leaving  
18 the inside lever always unlocked in accordance  
19 with this section. So, I know that  
20 Commissioner Stuart is aware of this, but these  
21 are some things that are important that are  
22 coming to light that are going to have to be  
23 addressed, and I know the Commissioner is  
24 willing to consider that, correct?

25 So, -- so but you need to know that,

1       because there's some things in here that we  
2       can't do now in Florida that are ripe for  
3       modification and change. So, just a couple,  
4       again to put it in context, just if you answer  
5       these just, if you can, just as succinctly as  
6       you can, Littleton District you said had four  
7       high schools in Littleton. How many total  
8       schools do you have in Littleton District?

9           MR. GRACE: We have 28 facilities.

10          CHAIR: Okay. And how many total  
11       students?

12          MR. GRACE: 16,000.

13          CHAIR: Okay. And so, is Denver the  
14       largest school district in Colorado?

15          MR. GRACE: It goes between Jefferson  
16       County and Denver public.

17          CHAIR: So, by, you know, in compare and  
18       contrast, because obviously is --

19          MR. GRACE: Yeah, about 125,000 students  
20       in both school districts.

21          CHAIR: And have they implemented  
22       everything that you all --

23          MR. GRACE: Denver Public Schools has,  
24       Denver. We -- again this is like you guys, the  
25       law enforcement share information, Denver

1 Public Schools and Littleton Public Schools  
2 work hand in hand together, and work, we script  
3 off our employees to each other.

4 CHAIR: Okay, questions? Senator Book  
5 first.

6 SEN. BOOK: Thank you, Mr. Chair. One of  
7 the questions that I have relates to the  
8 trainings, and the active shooter drills that  
9 you talked a little bit about. I've been  
10 paying a lot of attention as we kind of go into  
11 the new school year how we're going to engage  
12 with some of those drills that we're going to  
13 be doing in schools, and some, we don't have a  
14 unified way of doing them now. In fact, I saw  
15 a video of one the other day where children are  
16 encouraged to throw toys at an active shooter,  
17 which is quite frightening.

18 Have you guys implemented one standard of  
19 training that is developmentally appropriate,  
20 do you leave it to the school?

21 MR. GRACE: Yes. We have, again at most  
22 school districts the responsibilities falls on  
23 the school districts to create their active  
24 shooter program. We have a program called  
25 shelter, evade, defend, care, and we have a

1 curriculum, that we have trainers that are  
2 assigned, and we go out and teach K-12 grade  
3 students and staff on the practices and  
4 procedures that they would do in those drills.

5 So, we start with -- we do it in a  
6 comprehensive way, like for example when we  
7 start that training we go down and we do, we're  
8 going to do how do we keep you safe in the  
9 building, we talk about what us see here, in  
10 the sense the kids understand, and then we go  
11 into the all hazards threats, and then we go  
12 into the lockdown piece. But then we interact  
13 with the lockdown alarms, we, we make the, it  
14 takes about an hour and a half or the kids for  
15 each class, and we go in there and we show them  
16 how to use the locks. We show them -- we make  
17 them use the locks.

18 Then we go outside the building and we  
19 show them how to use cover and concealment, how  
20 to use the grounds to hide, because a lockdown  
21 could come when you're outside. A lockdown is  
22 not going to come when you're all in your  
23 classroom, what we say, what do you do in the  
24 bathroom, what do you do when you're in the  
25 hallway, what do you do when there's no teacher

1 to tell you what to do, because you have to  
2 empower people regardless of what age, because  
3 the lockdown is not going to come at a  
4 convenient time.

5 So, that's what we focus on. But we focus  
6 on a non-fear type of training, and what that  
7 non-fear training means is, you know, work with  
8 our school resource officers, work with myself,  
9 we teach them. And we might, you will, the  
10 last resort defense, okay, last resort is  
11 defend. You don't want kids going out looking  
12 for that, but what if they're cornered, that's  
13 it, you know. We look at -- I think about  
14 Columbine, when people, you know, basically  
15 hid, and cowered, they had to, they didn't  
16 know, they just got shot. But what we say to  
17 the kids is, you know, that's the last resort.

18 But one of the most important pieces we  
19 emphasize to them is the care concept, and the  
20 car concept is the psychological first aid that  
21 the kid can give their, their classmates and  
22 others when these emergencies arise, but also  
23 to the -- when you're eleven years old and  
24 above we also give first aid training, and stop  
25 the bleed training to eleven year, if their

1 parents' consent to it they, they can come to  
2 our trainings and things.

3 What we're doing is empowering kids  
4 because not just at school, these things can  
5 happen to them out in the community, and I  
6 really think it's important that we need to get  
7 through that fear. And that's something that,  
8 you know, we've, I've seen it myself, I always  
9 couldn't imagine, you know, you can't talk to  
10 that kid that like that. Thank God that's  
11 changed for me, because I, you know, you can't  
12 teach that kid that, we don't want them to be  
13 scared to death, but God forbid what if they  
14 come into that, and the chances are they could  
15 come into that, not just the school, but out in  
16 the community, so giving them strategies will  
17 save their lives, and save the lives of others.

18 CHAIR: Commissioner Dodd.

19 MR. DODD: I've got a couple questions,  
20 just so I make sure I understand the unified  
21 command center. That is in one location for  
22 all of your schools.

23 MR. GRACE: Yes.

24 MR. DODD: And how many hours a day, a day  
25 is that manned?



1 MR. GRACE: 27/7/365.

2 MR. DODD: Okay. And is that -- you also  
3 mentioned later, you said something about a  
4 dispatch center. I assume the unified command  
5 center and the dispatch center is the same?

6 MR. GRACE: That's the same unified  
7 command center.

8 MR. DODD: And so, when we deal with  
9 radios, you also mentioned at the start, you  
10 know, getting all the schools, the schools  
11 portable radios.

12 MR. GRACE: Yeah, every school is on,  
13 every school has multiple 800 MHz radios that  
14 -- so each of our schools has a safety team.  
15 Each of those schools on our incident command  
16 is 20 -- the incident command is operated, so  
17 our school age child, every, our elementary  
18 schools have, for example, school age child  
19 care programs, they're on 800mhz. The front  
20 main office is on 800 MHz. The security staff  
21 is on 800 MHz. So, when we're voicing concerns  
22 of safety concerns in our community that  
23 unified command center is broadcasting all of  
24 those messages for all of the schools to hear  
25 on that 800 MHz radio system.

1           Now, I wasn't here presenting on 800mhz  
2           radios today, but I will say if you were to  
3           look at a presentation I did recently on line,  
4           in the Arapahoe shooting the interoperability  
5           was the only thing that worked consistently for  
6           us, and what I would say is that, if I was  
7           going to say, that would be one of the first  
8           places, if you're having a problem with a  
9           jurisdiction not getting that they need to work  
10          on it, because that's a lifesaver for schools.  
11          It's a lifesaver in Columbine, and it's a  
12          lifesaver in the Arapahoe incident, and I could  
13          imagine it'd be a lifesaver for everybody else.

14          MR. DODD: So, the radio that, the  
15          portable radios that the school staff has,  
16          other than the school resource officer who may  
17          be on that same radio is there a channel that  
18          connects to law enforcement?

19          MR. GRACE: Yes.

20          MR. DODD: It's an 800 MHz system I assume  
21          - -

22          MR. GRACE: So, our radios are, are multi  
23          channeled radios, so for, we have a  
24          transportation channel, we have a maintenance  
25          channel, we have a security channel, we have a

1 school channel, so during the day our schools  
2 and our community command center communicated  
3 on the school channel, but in an emergency we  
4 have a emergency channel that all incident  
5 command can be, you just switch the dial on  
6 your radio, and you go to that on your, on your  
7 radio you go to that incident command channel.

8 MR. DODD: And that might be a radio that  
9 like a custodian or a coach, or someone may  
10 have --

11 MR. GRACE: There's several ways you can  
12 do it. We -- these are actual, the same radios  
13 that police officers carry, or fire officers  
14 carry, fire officials carry, but there is also  
15 ways that you can streamline all that  
16 communicate. Devices at Motorola offers like  
17 Motorola called SchoolSAFE. Again, we use that  
18 in our high schools, and that makes all low  
19 band radios, digital radios, and 800 MHz radios  
20 talk on that same channel.

21 MR. DODD: And then your duress button  
22 system that you talked about at the end, the  
23 1,400 for \$94,000, a little over \$67 each, is  
24 that an RF system, or how is that --

25 MR. GRACE: That is an RF system working

1 through out burglar alarm system with an  
2 integration into our alarm panel, then into our  
3 mass notification system and our access  
4 control.

5 MR. DODD: So, there's -- the only cost to  
6 that was the cost of purchasing those devices,  
7 there's no annual cost that continues with  
8 that.

9 MR. GRACE: No. No, they're -- they're  
10 one- time purchases.

11 MR. DODD: And what was the response of  
12 the faculty -- what was the response to that, I  
13 mean --

14 MR. GRACE: Well, at first people were  
15 like, what -- when you have that duress, and  
16 that camera, and that audio, are you, are you  
17 listening to us, or when we're talking are you  
18 going to listen to our gossip. No. That was  
19 from some people. But from other people it was  
20 like it's a life -- they realize that we have  
21 their back, and it, it's kind of like they  
22 trust us, they know we're not using it for ill  
23 purposes, and they know that that's going to  
24 help, how do I say, give information to other  
25 responders to come and help them out. It's

1 kind of like they feel empowered, so to say,  
2 they know help is coming when they utilize that  
3 device.

4 MR. DODD: All right. And then my last  
5 question. I just want to make sure I heard you  
6 right. You said you were applying for a grant  
7 for hardening, and I thought you said \$227  
8 million, but was that --

9 MR. GRACE: That's for our district wide,  
10 like other improvements, like HVAC, new  
11 construction, so a small part of that will be  
12 security and things, yes, sir.

13 MR. DODD: Okay. All right, thank you.

14 CHAIR: Commissioner Blackburn next.

15 DR. BLACKBURN: Thank you, Mr. Chairman.  
16 No questions per se, just a couple of comments.  
17 This presentation gave me several reminders of  
18 how we prioritize in our recommendations back  
19 to the Governor and the State. One, the, the  
20 need for standardization and regulation across  
21 the entire state. I think we're going to all  
22 need that. I think while it was and is  
23 difficult to implement locally I think the  
24 model of what we did to increase armed security  
25 in our schools where State gave us an

1 expectation, several ways to meet the  
2 expectation, and the regulate our behavior, I  
3 think that's model to continue to improve as we  
4 go forward.

5 One of the ways to improve it in this  
6 space is regulation around the vendors, their  
7 costs, their prioritization, perhaps having an  
8 approved vendor list as we go down this path.  
9 Via local control all of our schools across the  
10 state are at various levels of adherence to  
11 what would be determined, what would be  
12 considered a hardened school, so I'd hate to  
13 see a school in one district further along,  
14 prioritized in this over another district,  
15 another school in another part of the state  
16 that through various local decisions is way  
17 more vulnerable. So, just those comments.

18 CHAIR: All right, thank you. We'll note  
19 that, and certainly have more discussion about  
20 it. Commissioner Petty next.

21 MR. PETTY: Thank you, Mr. Chair. Just a  
22 couple of questions Mr. Grace. Thank you for  
23 the presentation, fantastic ideas. I imagine  
24 this was a bit of a journey for you and the  
25 district, and I'm interested a little bit in

1       that journey. What did it take to get the  
2       buy-in from, from your colleagues within the  
3       district, from the other stakeholders that are  
4       a part of, that you depend on to help keep the,  
5       keep your school safe?

6               I'm a little surprised at having our  
7       school district sort of ground zero for this  
8       right now after Parkland, and the slow response  
9       to this. Could you -- could you walk us  
10      through a little bit how you got everybody on  
11      the same page, so to speak, and made school  
12      safety and security a priority within the  
13      district, and some of the challenges you had in  
14      bringing others along on that journey?

15             MR. GRACE: Well, as a responder to the  
16      Arapahoe shooting, and, you know, I was the  
17      incident coordinator, and, you know, you look  
18      at that journey, you don't want to see kids get  
19      killed or hurt, you don't like to see the, the  
20      psychological suffering of people that you see,  
21      we see in this room, we see the same thing  
22      here, you, you don't, you have to care about  
23      it, and when you do it, you got everybody  
24      pointing their fingers at you, you know, like  
25      you're at fault, you did this, you did that,

1 and you got your own kids, and you got your own  
2 wife, and you got your own -- so what's really  
3 -- you have to be realistic about it.

4 And somebody asked me how did you, you  
5 know, somebody that's worked with you guys at  
6 one of your schools, how did you last that  
7 long, because most people quit in their, in my  
8 role after that, something like that, and when  
9 I look at it is to say you be passionate about  
10 it because you don't want that mistakes to  
11 happen again. I can honestly say on all the  
12 policies and procedures, and things like that,  
13 we're a lot better than where we were. I  
14 thought maybe we were fantastic before that,  
15 but then I realized we weren't, and we had a  
16 lot to improve, and we still have a lot to  
17 improve.

18 So, the important, the important thing is  
19 to come out and humble your, and say to  
20 yourself that I have to be open to change, and  
21 I have to be open, but I also have to mobilize  
22 people for change to do that. So, you look at  
23 your core group of people who you work with on  
24 any given day, the mental health professionals.  
25 One of the most important pieces is the school



1 secretaries, that the school chair, child care  
2 providers, the teachers, the PTO's, you know a  
3 lot of those PTO parents, they, they're already  
4 invested in their school, because not every  
5 parent it going to be involved in PTO, but you  
6 go out there and you meet.

7 When they ask you to come even though it  
8 might be inconvenient you come in there, and  
9 you go in there, and you convey what your  
10 school district needs. You convey your  
11 triumphs, you convey your failures. You admit  
12 to those failures. And you have to admit to  
13 those failures because you're not going to  
14 improve, you've got to be open, and you got to  
15 communicate, so that has helped us immensely,  
16 because you go out and you talk to, you talk to  
17 your stakeholders, and you say what do you want  
18 to see, what, what, what technology, if I put  
19 this in there how will it impact you.

20 And you don't just sit there and throw  
21 things at people, you know, for example, a  
22 school secretary, you listen to them, how is it  
23 going to work, how do we make this better. So,  
24 you go in there and you're, you, it's kind of  
25 like you're creating a collaborative effort to

1 improve your school safety, versus just coming  
2 in there and being the boss and throwing  
3 everything at them. What you're doing is  
4 you're, you're coming out in a way that works  
5 for everybody. And, see, you always hear like,  
6 huh, did the principal have, like we have this  
7 visitor management system, did the principal  
8 have input, you heard that one, no, but I  
9 wasn't in charge of that part, or that process,  
10 and we brought that principal, because that's  
11 principal has always expected that somebody  
12 would be involved from her level in, in  
13 designing that system.

14 But you also don't want to go, when you're  
15 having the more stakeholders you don't want it  
16 to be like something that plays on and on and  
17 on, you want to do it, like, okay, you set a  
18 time limit, okay, we're going to do this, we  
19 need to evaluate this, and we do a couple  
20 months, so you can bring the endeavor to your  
21 school district right away instead of it  
22 languishing for months and years in trying, or  
23 trying out things.

24 So, again it's about being open, being  
25 humble, but also learning from your experience,

1 admitting your failures, admitting your  
2 mistakes, but also too you got to put a lot of  
3 effort into, you know, it's a 24/7/365  
4 endeavor, you've got to go in there, you got to  
5 communicate to the parents, you got to talk to  
6 the parents, you got to, you've got to get the  
7 buy in for them to, they're a big part of the  
8 process to improving the school safety as well.  
9 And there's so many things that you do, opening  
10 up your training to the community. Our active  
11 shooter training is opened up to parents now.  
12 Our Red -- our first aid, we opened that up to  
13 the parents, so they're seeing these things,  
14 and you, so now you've got advocates, and they  
15 go back and they say, well, that school  
16 security department is doing everything  
17 possible.

18 You have media, like we had a, I don't  
19 know if that, a Popular Mechanics article got  
20 us a lot of good positive feedback on that  
21 article, it just came out a couple days ago.  
22 I'm sure it will help out. But I wasn't put  
23 there to get funding. What it says is we truly  
24 believe that, we want your kids to be safe, and  
25 we convey that too, we want your kids to be

1 safe, and the parents do, so they're part of  
2 the team as well in helping us fund these  
3 endeavors, and helping us put them in there  
4 through the culture processes.

5 MR. PETTY: Just one follow up then. So,  
6 how important has been the leadership in the  
7 district and, and in helping you achieve the  
8 mission and objective? Has that been -- have  
9 they defined the mission for you, have you  
10 defined that and then they've supported it, or  
11 can you talk a little bit about how that works?

12 MR. GRACE: Well, by boat -- as a security  
13 director we come up with ideas and processes,  
14 and then we put them together, and then we send  
15 them, we say this is what I'd like to do, and  
16 this is what kind of funding I would do. Then  
17 I report to an assistant superintendent and the  
18 superintendent, and then we put together those,  
19 you know, the proposal, if they like it, they  
20 don't like it, mainly on the technology  
21 premise. But on the emergency preparedness,  
22 most of that is solely up to me working with  
23 our law enforcement, our fire department, and  
24 again trying to be creative all the time,  
25 working with other players in the, in the

1 world, such as the American Red Cross.

2 The American Red Cross is a heck of a, for  
3 schools, if schools don't understand that, you  
4 can get AEDs, first aid supplies, first aid  
5 training, emergency medical responder, stop the  
6 bleed, I mean just working with other players  
7 in there, you know, so it's basically working  
8 through the processes with other people in the  
9 community and within the district. So, yes, my  
10 district had been really good. I'll admit  
11 during the aftermath of the Arapahoe shooting  
12 I, I didn't like what our communication was,  
13 I'll be honest. We froze up. We didn't -- and  
14 our lawyers were telling us not to say  
15 anything, and it wasn't our way. At least that  
16 how I interpreted the last twenty-five years of  
17 my career there, it was not our way, we were  
18 always open, and all of the sudden we silenced.

19 But being somebody that's always in the  
20 community you hated seeing your parents getting  
21 so mad at you, at your school district for not  
22 talking, and it really in my belief, if we  
23 would have said something more, and elaborated  
24 more, I think we wouldn't have, we probably  
25 could have healed a lot quicker, so to say, and

1       so, but that again, that's lawyers telling you  
2       what to do, okay.

3               MR. PETTY:   Mr. Grace, thank you.

4               MR. GRACE:   Thank you.

5               ASA BARTLETT:  I have one quick question.  
6       Is there any individualized screening of the  
7       children that report to school every day, or  
8       other visitors as they come into the school?

9               MR. GRACE:   Excuse me?  I'm sorry.

10              ASA BARTLETT:  Individualized screening.  
11       Like a school bus pulls up full of kids, and  
12       they go now to an entrance, do they just go on  
13       en- masse without --

14              MR. GRACE:   There is a -- there is a  
15       screening that goes on.  There's a -- it's RFID  
16       for the students when they get on the buses, so  
17       a check in and a check out, and then there's a  
18       check in and check out for parents and visitors  
19       at the schools as well through systems that are  
20       in place.  So, they're very good, but again  
21       there's something that if you're a school  
22       district you got to get all that other stuff in  
23       place, and that would be something in your  
24       later tiers to explore.  And it's -- it can be  
25       very expensive, but a lot of times like on a

1 school bus they're, you know, school busses  
2 have GPS systems, a lot of times the RFID is  
3 working in conjunction with the, the video  
4 management system that's put on the school  
5 busses.

6 I mean I could go in a lot of layers on  
7 that, they're -- it's kind of --

8 ASA BARTLETT: Right. I guess I'm asking  
9 though, is there anything to screen if a person  
10 is carrying a weapon, or a gun in a backpack,  
11 anything like that as they enter into that  
12 school?

13 MR. GRACE: Not at this time. But one of  
14 the thoughts was how could a school district do  
15 something for screening, so, you know, one of  
16 -- my school district -- and again I don't want  
17 to be controversial here. My school district  
18 bought, has four therapy dogs now, and I  
19 thought, well, they have the therapy dogs, we  
20 could take Labrador Retrievers that are trained  
21 in weapons screening, and we could have some of  
22 our, you know, we'd have to have some buy in  
23 from the district on that, but they could be  
24 therapy dogs/ -- I don't know if it's possible.  
25 It sounds crazy, but it's a though, okay?

1           So, it'd be a way around that. You could  
2           have -- because what we're looking at, probably  
3           every school is going to have a therapy dog.  
4           Could we have a -- I think it would be a good  
5           idea. That's just my opinion. It's something  
6           I want to explore.

7           CHAIR: All right, well, Mr. Grace, we  
8           appreciate you being here.

9           MR. GRACE: Thank you. Thank you.

10          CHAIR: Hang on. If you hang on, I'll let  
11          you, one last -- any school personnel armed  
12          other than sworn in law enforcement?

13          MR. GRACE: Yes.

14          CHAIR: So, teachers can be armed?

15          MR. GRACE: No.

16          CHAIR: Who can be armed in Colorado?

17          MR. GRACE: So, school security personnel  
18          that are designated by their school board as  
19          armed response. Teachers that are designated  
20          as security officers can be armed, but you have  
21          to go through specific trainings, and things to  
22          that extent. But again I'm -- when I look at  
23          having family in a rural school district way  
24          out in the middle of nowhere, you know, and the  
25          law enforcement is thirty miles away, I'm all



1           for it.

2           CHAIR: Yeah, I'm just -- we just want to  
3 know the landscape, thank you. Last question,  
4 Mr. Schachter, go ahead quickly.

5           MR. SCHACHTER: Thank you very much, Guy,  
6 for your presentation, it was full of valuable  
7 information. And I just want to thank you for  
8 also, you know, helping our task force. You've  
9 been extremely helpful over the last couple of  
10 months. I just have a comment, and then a  
11 couple of questions.

12          MR. GRACE: Sure.

13          MR. SCHACHTER: It's extremely upsetting  
14 that after six months, you know, since the  
15 shooting, Broward County still does not have an  
16 expert with your knowledge helping to make our  
17 schools safe. Due -- due to the realization  
18 that all the seventeen beautiful victims of  
19 this disaster died in just over three minutes,  
20 and the realization that for us to be able to  
21 save lives it needs to happen, within a minute  
22 you really need to stop that shooter, all the  
23 cameras and everything that you, the analytics  
24 are fantastic, have you given any thought into  
25 measures that law enforcement could remotely

1 blind the attacker, or impeded his, his  
2 movement, or delay his attack?

3 MR. GRACE: So, when talked about those  
4 fire alarm tie-ins, for example, and tying in  
5 your fire doors into the system, that's another  
6 way to deter the individual from getting into  
7 the area. But the other one is also using the  
8 strobes and the audible alarm, and how loud  
9 that alarm is for the lockdown function. So,  
10 in our case our school district working with  
11 law enforcement and the responders, we came up  
12 with ten minutes, the lockdown alarm will  
13 sound, it's really loud and the strobes will be  
14 flashing, so what you have is sound and lights  
15 from that system that is also put in place to  
16 disorientate the bad guy, and kind of amp that  
17 up.

18 So, in a psychological -- now, some police  
19 officers, you know, might now agree with that.  
20 There's always opinions on this. But, you  
21 know, the SROs I was working with when we put  
22 in there, we go, okay, let's, how could we, how  
23 could we deter, how could we deter, like you're  
24 talking, deny, so that the door lock, the  
25 lockdown function, the denying -- but I want to

1 say too, when we look at schools like in  
2 Indiana and things it's great, it's good stuff,  
3 what I'm saying though is you still need  
4 personnel, and you need processes of people in  
5 place to deploy those measures and things.

6 So, when you look at what we're doing, the  
7 same thing, there's people deploying those  
8 measures. So, whatever you do you need to look  
9 at your, your procedural, and your processes,  
10 and your resources to do those things.

11 MR. SCHACHTER: Thank you. Can you  
12 educate this commission on why they, I think it  
13 was the Arapahoe School District, lost its  
14 immunity, and why that happened?

15 MR. GRACE: So, the Arapahoe School  
16 District lost its immunity because we, when we  
17 agreed -- I'll be honest with you, I really do  
18 think, and this is just my honest opinion, or  
19 my opinion, is we weren't, we didn't  
20 communicate. We didn't communicate like what  
21 we were known for. We were always known as the  
22 open district. We revised not to communicate,  
23 so things festered for a couple years, you  
24 know, like the School District is not going  
25 enough, even though we're busting our humps on

1        mental health and security, and all the other  
2        aspects, to do these things, but I think that  
3        in the legislative sense, the legislature, the  
4        public, and believed that we were not doing  
5        things, and what the legislatures decided was  
6        to ensure that a school district communicated  
7        and was open, that's why the law was created.

8            I believe the communication process that  
9        we, strategy we had was flawed. Our new  
10       superintendent changed that immediately, but I  
11       think it was flawed beforehand, and that's why  
12       the legislature, legislatures defined that law,  
13       new law in place, they put liability on school  
14       districts and things.

15           When I look back it also enhanced our, it  
16       made us enhance our threat assessment  
17       processes, It made us enhance our mental health  
18       processes, a whole gamut of things. You know,  
19       when we look at the Arapahoe incident most of  
20       it centered around mental health, and I could  
21       give you with my team hundreds of hour  
22       presentation on that, but that's where that all  
23       came from, is centered from how we responded on  
24       the threat assessment process and our  
25       communicate processes.

1 CHAIR: All right, well, thank you for  
2 being here. We appreciate it. We've over on  
3 time so we're going to have to stop there.

4 MR. GRACE: Thank you. Thank you, sir.

5 CHAIR: Thank you. Thank you very much.  
6 The next presentation that we have is on FERPA,  
7 and we have with us Francisco Negron, who is  
8 the Chief Legal Officer from the National  
9 School Board Association. Welcome, Mr. Negron,  
10 thank you for being here. Commissioners, in  
11 your book you have a copy of Mr. Negron's  
12 PowerPoint presentation, but I believe there's  
13 been some minor changes to it this morning, so  
14 we will get you the new version out. It's  
15 substantially the same, but there's been some  
16 tweaks to it, so just so you know it may not  
17 match up perfectly. Welcome, sir, thank you  
18 for being here.

19 PRESENTATION ON FERPA

20 MR. NEGRON: So, good morning commission  
21 members. My name is Francisco Negron. I'm the  
22 Chief Legal Officer for the National School  
23 Boards Association. On behalf of the National  
24 School Boards Association, our state  
25 association members, including the Florida

1 School Board's Association, the over 90,000  
2 school board members that we represent in  
3 14,700 school districts across the country, I  
4 first wish to extend my sincere condolences to  
5 the families, and to this commission, to the  
6 State of Florida, for the unfortunate tragedy  
7 that has caused us all to be here today.

8 So, with that I appreciate the opportunity  
9 to share with you some thoughts on FERPA and  
10 information sharing. And I'd like to begin, if  
11 you will, with just an overview of what the  
12 presentation will be covering. I'm a little  
13 bit AV impaired, so let me see if I can figure  
14 out what I need to be doing. So, we're going  
15 to talk a little bit about what FERPA is  
16 exactly. We're going to talk about some of the  
17 exceptions.

18 We're going to talk about some of the  
19 educational records, and I think that's  
20 important, because as we talk about FERPA it's  
21 important to understand what is an educational  
22 record and what is not an educational record.  
23 We're also going to talk a little bit about the  
24 exceptions to FERPA, and how it effects  
25 information sharing between schools and law

1 enforcement, or others in a community. We'll  
2 talk a little bit about what actually can be  
3 shared, and we're going to touch on this phrase  
4 in FERPA that signifies articulable and  
5 significant, which refers to when there is some  
6 emergency within a school district, and how a  
7 school district goes about making those  
8 determinations.

9 So, what is FERPA, first of all? Of  
10 course, as you know it's a law that has been on  
11 the books at the federal level for over forty  
12 years. It applies to all educational  
13 institutions in the country, not only public  
14 schools but also universities and others. It  
15 officially is called the Family Educational  
16 Rights and Privacy Act, and it addresses how  
17 schools deal with student educational records,  
18 and also what's known as PII, which you'll hear  
19 me refer to throughout the presentation, which  
20 is personally identifiable information.

21 It has been amended only a handful of  
22 times. Each time that it's been amended it's  
23 really been amended in a way that somehow  
24 removes some of the barriers to information  
25 sharing in the statute, so it liberalizes the

1 statute just a bit. And public schools, and  
2 those other institutions that receive federal  
3 funds, federal education dollars, are bound by  
4 FERPA and its regulations. And I know you've  
5 heard a lot about this because it's been  
6 covered in the medial locally.

7 The ultimate penalty for a school  
8 district, or an educational institution, is  
9 that FERPA could result in the withholding of  
10 federal funds by the U.S. Department of  
11 Education. I'll note at the outset that that  
12 has not happened in the 44 years that the law  
13 has been in place, although the Department of  
14 Education has found a number of institutions in  
15 violation of FERPA. One other interesting  
16 thing to mention about that is that FERPA  
17 doesn't have a private right of action, which  
18 means that persons who are aggrieved, say a  
19 parent, or somebody else because their records  
20 have been released, cannot under this law sue  
21 the school district for judicial or other  
22 relief.

23 So, here's really the language of the  
24 statute for you to take a look at. No funds  
25 shall be made available to an institution, a



1 school that permits the release of education  
2 records, and so forth, and then you see the  
3 personally identifiable information, so  
4 something that identifies who the student is,  
5 without the written consent of their parents to  
6 anyone basically, except that there are some  
7 exceptions, and these are some of those.

8 So, student educational records containing  
9 personally identifiable information can be  
10 shared with school officials that have a  
11 legitimate educational interest. So, that's  
12 really an important distinction for school  
13 districts, because as you know from your  
14 experiences dealing with student records  
15 educators, school districts tend to guard  
16 student records very, very zealously, to the  
17 point that the statute doesn't permit school  
18 officials to access a student's records unless  
19 they have a legitimate educational record, so  
20 it can't be because of a bout of curiosity, it  
21 can't be because I heard something, it can be  
22 because I now have, you know, your younger  
23 sibling and I, and I want to refresh my  
24 recollection about how the Jones family is  
25 doing, it has to be a legitimate educational

1 interest, so key to that statute.

2 Now, it can also be released to persons in  
3 an emergency situation. This is called the  
4 health or safety exception, and we'll talk a  
5 little bit more about that in a minute. And  
6 then of course there are certain areas where,  
7 or certain instances where the information can  
8 be shared pursuant to grand jury subpoenas,  
9 other legal documents, specifically in the  
10 statute enumerated as a federal grand jury  
11 subpoena, other subpoenas that are issued under  
12 law enforcement, to comply with a judicial  
13 order for instance.

14 Interesting to note that in the federal  
15 statute even if you have a judicial order the  
16 district has a responsibility to notify the  
17 parents to give them an opportunity to respond.  
18 They may have no objection, but if they do they  
19 might seek an order from the court to quash the  
20 subpoena, or at least intervene in that. So,  
21 we've at least got to notify the parents.  
22 These -- these exceptions so far, by the way,  
23 are tracked in the state law, in the state  
24 educational code, and you'll hear more about  
25 that specifically during that part of the next

1 presentation.

2 So, let's talk first about what are  
3 educational records. So, this is it, records  
4 or documents directly related to a student  
5 maintained by an educational agency, you can  
6 read that as a school, or by some party acting  
7 on behalf of the school, or on behalf of the  
8 institution. So, records or documents, not  
9 necessarily hearsay, not necessarily  
10 conversations, no necessarily observed  
11 behaviors, unless those things are somehow  
12 annotated in an educational record. So, it's  
13 important to, to keep those things in mind when  
14 we're talking about educational records.

15 What are not educational records? That  
16 does not include records that are kept in the  
17 sole possession of a maker, that are sort of  
18 temporary in nature, a memory aid, or that are  
19 made available to a temporary substitute. So,  
20 think about a teacher's personal gradebook, all  
21 right, so unless that gradebook someone finds  
22 its way at the end of a term into some personal  
23 student record, and it's just something that  
24 the teacher is using for their own purpose to  
25 share with a substitute, it may not be an

1 educational record.

2 Now, it could be, depending on what the  
3 school district's policy is. If the school  
4 district's policy is, teachers, when you're  
5 done with your grade book you turn them in and  
6 we store them somewhere, then that's an  
7 educational record. If they're just keeping  
8 notes for themselves on how the kids are doing,  
9 for instance, that's not. Employment records  
10 are also not educational records unless the  
11 employment is part of the program. So, if one  
12 of the students in a K-12 situation is serving  
13 in a vo-tech program, or a career preparation  
14 program, and there's some sort of training, or  
15 employment as that, and there's reporting back  
16 to the school, perhaps an internship, we're  
17 talking about educational records.

18 Okay, records of law enforcement unit.  
19 And thank you, because now I've got somebody  
20 helping me click through. Whoever is doing  
21 that, my AV assistant, I appreciate it. So,  
22 records of law enforcement units, that's very  
23 important, because the law, FERPA actually  
24 distinguishes between what is an educational  
25 record and a record of a law enforcement unit.

1        So, educational records does not include  
2        records that are maintained by a law  
3        enforcement unit of the school, or an outside  
4        law enforcement unit, that were created for the  
5        purpose of law enforcement. So, that even  
6        includes situations where you may have SROs at  
7        school, or you may have, as with the previous  
8        gentleman from Colorado, you may security  
9        personnel that are designated by the school,  
10       and if they're conducting a law enforcement  
11       function that's not an educational record.

12                So, what's a law enforcement unit record,  
13       it's a record that's prepared by the law  
14       enforcement unit in connection with their law  
15       enforcement duties, not discipline records,  
16       okay? So, a law enforcement unit could be any  
17       person or entity that enforces federal law, or  
18       maintains the safety and security of the  
19       school.

20                So, this is an important letter that I've  
21       cited for you, because there's a warning in  
22       this letter. This is a letter from the Family  
23       Policy Compliance Office at the U.S. Department  
24       of Education that actually enforces FERPA. It  
25       dates to 2006, but it's really the seminal

1 letter, it's really the seminal letter that  
2 addresses this distinction between what is an  
3 educational record and what is a law  
4 enforcement record.

5 In this particular situation Montgomery  
6 County Public Schools, which is a suburban  
7 school district of Washington DC, had asked  
8 specifically whether the records created by  
9 their school resource officers were educational  
10 records or not, and the department goes to some  
11 length to talk about the fact that it depends  
12 on their function, so again what is the purpose  
13 of what you're doing.

14 Some school districts use their school  
15 resource officers to support their discipline  
16 function. In other words, you know, kids are  
17 fighting in middle school, because kids always  
18 fight in middle school. Many school districts  
19 use the SROs to, you know, take down notes, to  
20 interview the kids, to help the administrators  
21 decide what kind of school discipline to  
22 impose, right? That is likely an educational  
23 record, right?

24 However, if the law enforcement officer,  
25 including the SRO, is conducting the

1 investigation for purposes of bringing battery  
2 charges, criminal charges, submitting something  
3 to the State Attorney, then that's a law  
4 enforcement unit record, and that means that  
5 that information can be shared, is not subject  
6 to FERPA. Okay, so important distinction  
7 there. It's really the function of the  
8 characteristic of what is happening with the  
9 educational record.

10 The school district can also disclose what  
11 I referenced as personally identifiable  
12 information from student education records  
13 without the consent of parents to, as I said  
14 school officials with legitimate educational  
15 interests, not just, you know, curiosity, but  
16 they've got to have a stated educational  
17 interest. Many school districts have a policy  
18 on this, what is that determined to be, and  
19 train their staff on that issue, and their  
20 faculty. It can also be shared with  
21 contractors, volunteers, others that may be  
22 considered as school officials, but there's  
23 some caveats there as well.

24 So, the contractor or the outside person  
25 has to perform a school service or function, if

1 the contractor or outside parties under the  
2 direct control of the school, and then whoever  
3 that outside party is has agreed to abide by  
4 FERPA and the restriction of further disclosure  
5 of the protected information. It's very  
6 important for schools to have processes in  
7 place ahead of time about how this information  
8 is shared with vendors, or anybody that's  
9 providing resources for this school.

10 So, a little bit of the history, as I  
11 mentioned before the school official exception  
12 was broadened in 2008, generally following some  
13 of the incidents of school shootings at  
14 universities and schools, and it was, it was  
15 what I just spoke about. It was an expansion  
16 to allow contractors to act in the place of  
17 school officials. Also, it came into  
18 recognition of the increasingly use of digital  
19 information for educational purposes, and the  
20 use by school districts of outside vendors, and  
21 so by force there as a necessary exchange of  
22 information that had to happen, and so the law  
23 accommodated that, again still with the  
24 caveats, or the warnings about not  
25 re-disclosing information under that exception.



1           So, there's some challenges I think for  
2       schools in that area, and some of those  
3       challenges arise when an SRO or other law  
4       enforcement person is participating in a threat  
5       assessment team. The school resource officer,  
6       or any member there, cannot under FERPA  
7       re-disclose the information from the  
8       educational records to other law enforcement  
9       unless there's some sort of emergency, there's  
10      the health or safety exception, or a subpoena.  
11      So, again when they're in those meetings and  
12      they're talking about threat assessment and  
13      preparation we have to be very clear about  
14      what's being shared, is it an educational  
15      record or is it a law enforcement record, and  
16      we'll talk in a little bit about how the health  
17      and safety exception is triggered and  
18      activated.

19           So, there's some requirements also for  
20      schools that are sharing this information. You  
21      see that schools must use reasonable methods to  
22      ensure that the access to the records involves  
23      legitimate educational interests, so over and  
24      over FERPA talks about the responsibilities on  
25      the school district. That's important to

1 understand because it's ultimately the  
2 responsibility of the school district, and  
3 anybody acting in the school district's place  
4 will also assume that responsibility, but on  
5 behalf of the school district. So, if the  
6 school doesn't use some sort of physical or  
7 technology aspects to controls it must have  
8 policies for controlling how there is access to  
9 this information.

10 These are all matters that the Federal  
11 Department of Education is going to look at as  
12 it determines whether a district was actually  
13 intent on complying with FERPA, whether they  
14 were acting in good faith, so we always suggest  
15 to school districts that they deal with this  
16 ahead of time, and have these policies in place  
17 to show how they're intent on following the  
18 law.

19 Here's some other exceptions. School  
20 districts can disclose personally identifiable  
21 information without consent, as I mentioned  
22 earlier, to comply with a court order. They  
23 have to make a reasonable effort to notify the  
24 parent unless, unless the federal court order,  
25 the grand jury subpoena, or the law enforcement

1 subpoena, states on its face that there's some  
2 prohibition against disclosure.

3 So, of course grand jury proceedings, for  
4 instance, tend to be secret in nature, they're  
5 confidential, and so you could see that a grand  
6 jury, or a State Attorney, or even a U.S.  
7 Attorney would not want anybody to know what's  
8 going on, and so they may request the  
9 information and require the school district to  
10 keep even that contact confidential, and FERPA  
11 requires school districts to do so.

12 So, let's get to the health and safety  
13 exception, which is really I think at the  
14 center of what are some of the concerns for  
15 school districts and for law enforcement. So,  
16 the health and safety exception as you see says  
17 that this PII, this personally identifiable  
18 information can be shared with law enforcement  
19 or other individuals, what the statute says is  
20 appropriate parties. We're going to talk about  
21 what that means. You'll see that FERPA has,  
22 for every kind of term or phraseology they have  
23 a definition, and when it doesn't it's really  
24 incumbent on school districts and law  
25 enforcement working together to try to identify

1       those. And I'll talk about that when we get to  
2       the memorandum of understanding section.

3               So, personally identifiable information  
4       can be disclosed to appropriate parties in  
5       connection with an emergency if knowledge of  
6       the information is necessary to protect the  
7       health and safety of the student or other  
8       individuals. Okay, so that determination is  
9       ultimately a school district determination,  
10      it's not a law enforcement determination, it's  
11      not an outside party determination, it's a  
12      determination that the federal law puts on the  
13      school district. That does not mean, however,  
14      that part of that decision should not be made  
15      in consultation with law enforcement. We  
16      actually think that it should, and recommend  
17      that that's the best way to help understand  
18      whether there is an emergency that gives rise  
19      to a health or safety exception.

20             And the school district, or the threat  
21      assessment team, however they're going about  
22      it, when they determine that there's a health  
23      and safety exception they're required to really  
24      look at what's called a totality of the  
25      circumstances, coming straight out the statute,

1 and out of the guidance. Okay, so in using  
2 this totality of the circumstances approach  
3 FERPA tells us that schools must determine that  
4 there is an articulable and significant threat  
5 to the health of other students or individuals,  
6 so the threat has to be articulable, and it has  
7 to be significant. It can't just be imagined,  
8 it can't just be maybe remotely foreseeable, it  
9 has to be articulable and significant.

10 So, what does that mean, what does  
11 articulable and significant mean? So, we have  
12 some clues from federal guidance, from court  
13 cases. Schools are going to be required to  
14 explain based on everything that's available,  
15 that totality of the circumstances, what the  
16 significant threat is, okay, so what is it  
17 precisely that you heard. You know a threat  
18 could include some sort of threat of  
19 substantial bodily harm to someone, including  
20 that same student. There's, there's the kid  
21 has said, or the student had said I'm going to  
22 do X. That's sort of the easiest case.

23 But the standard is flexible. Generally,  
24 it's going to refer to things like time, place,  
25 and manner, so do we know from social media,

1 from conversations in the hallway, from  
2 anything that we have that there's actually a  
3 place, a time, perhaps even a manner of  
4 execution here of the threat. Also, you can  
5 consider other things, I mean the list that the  
6 Federal Department of Education has put out is  
7 not by any means exclusive, so school districts  
8 are free to consider other things. And this is  
9 where I think the conversation with local law  
10 enforcement is really, really helpful.

11 So, what about access to weapons, does, is  
12 that a reality, if the student said I'm going  
13 to use a particular type of weapon is that  
14 credible because the student has an arsenal in  
15 her or her home, or in somebody else's home  
16 that they can access? So, that kind of  
17 information I think feeds into the articulable  
18 and significant threat.

19 One of the particular dangers of over  
20 diagnosing, if you will, the articulable and  
21 significant threat, is the degree to which the  
22 school attempts to prognosticate, or to  
23 forecast a future act based on past acts and  
24 mental state. I have a reference here to  
25 Dikel, who is, his name is William Dikel, he's

1 the medical doctor who does, a psychiatrist who  
2 has done for the National School Boards  
3 Association some analysis around the profiles  
4 of school shooters. One of the things that he  
5 warns about is the challenge that modern  
6 medicine has with using some sorts of past  
7 behavior or mental states to predict a future  
8 behavior, so something that we think school  
9 districts ought to take into consideration.

10 Now, you know, what happens if you get it  
11 wrong, the school district gets it wrong with,  
12 well, as I mentioned before the Federal  
13 Department of Education has not gone after  
14 school districts for their federal funding,  
15 although they have found school districts in  
16 violation and required them to enter into  
17 remediation agreements. There -- there is this  
18 other piece of the law that says if based on  
19 information that's available at the time of the  
20 determination there's a rational basis for it  
21 the Department, meaning the Federal Department  
22 of Education, is not going to substitute its  
23 judgment for that of the local school.

24 So, one of the lessons that is important  
25 to understand here is that there is flexibility

1 in FERPA provided the school district is doing  
2 its level best and acting in good faith. So,  
3 just preempt a question that I think maybe on  
4 your minds around this issue, is that, well,  
5 then why are so many school districts holding  
6 onto information so tightly. Well, one of the  
7 reasons is that historically, well, FERPA has  
8 somewhat been liberalized, but there is, there  
9 is a belief that the student records  
10 information have to be closely held, in fact  
11 your own Florida statutes speak to that issue,  
12 but there's also the point of discussion where  
13 school districts are naturally conservative  
14 about sharing this information, they don't want  
15 to violate anybody's rights.

16 They may be receiving legal counsel as  
17 well that may suggest that they could be open  
18 to liability from some, and so that whole sort  
19 of process sometimes lends to, leads to a very  
20 conservative approach. Certainly it leads to a  
21 conservative approach when there's, you know,  
22 potentially an emergency at hand and something  
23 needs to be resolved very quickly, and  
24 sometimes the best thing to do is just sort of  
25 tighten up and not liberalize a conversation,



1       which is I suggest, and NSBA suggests that one  
2       of the things that's very important in  
3       addressing the way that records and information  
4       sharing to be useful is for school districts to  
5       meet in advance with law enforcement officers,  
6       law enforcement agencies, and sort these  
7       matters out so you're not doing it at the table  
8       at the last minute.

9               So, does FERPA permit the sharing of  
10       educational records with outside law  
11       enforcement officials, mental health officials,  
12       certainly it does. It can be shared with any  
13       of these folks. It can be shared with the  
14       threat assessment team and school officials  
15       with that legitimate educational interest.

16              There are some restrictions. I'll go over  
17       them for you. FERPA permits including  
18       non-school staff on threat assessment teams if  
19       the school follows the procedures in FERPA, on  
20       other words the folks that are participating in  
21       the team that aren't school officials are by  
22       policy or by agreement also agreeing to the  
23       non-disclosure requirements of FERPA. And  
24       those threat assessment team members can only  
25       us that personally identifiable information

1 from the education records for purposes for  
2 which the disclosure was made, so that is to  
3 conduct threat assessments and must be subject  
4 to FERPA's re- disclosure requirements. So,  
5 important here to understand, you know, what  
6 the function is of the threat assessment team  
7 at a particular point in time, are they sitting  
8 in advance of any known tragedy to sort of set  
9 up processes and procedures, or are they  
10 actually meeting to discuss particular  
11 incident, in which case the health and safety  
12 exception may apply.

13 So, FERPA is also going to permit a law  
14 enforcement officer to share that personally  
15 identifiable information on behalf of the  
16 school appropriate officials if the threat  
17 assessment team determines, or the school, or  
18 the school district, that there is in fact a  
19 health and safety emergency. That's always  
20 going to be key to the permission to share the  
21 information. And this is where I said it's  
22 important to plan ahead, whether it's through a  
23 memorandum of understanding, memorandum of  
24 agreement, you should include provisions in  
25 those MOUs to address how the information is to

1 be safeguarded and shared. You're going to  
2 want to have those definitions. You, as law  
3 enforcement officers in particular, I think  
4 it's important to share with school districts  
5 the knowledge that you have on how a threat  
6 issue, or how the legal, or the law enforcement  
7 determination of threats can play into the  
8 school setting, what they use, what law  
9 enforcement uses, and try to reduce that to  
10 writing.

11 So, as long as you have these things  
12 addressed in advance I think when you actually  
13 have an emergency, or there's an emergency  
14 that's potentially, you know, about to happen,  
15 you'll be able to address them.

16 There's also another point that we think  
17 is not yet fixed in federal law, but we think  
18 at NSBA that it's important. And we said this,  
19 by the way, to your counterpart at the federal  
20 level, to the Federal Commission on School  
21 Safety, which is comprised of the Secretary of  
22 Education, the Secretaries of Homeland Security  
23 and HHS, and the Attorney General of the United  
24 States. And what we said to them was, look,  
25 there may be good reason to share information

1 about a student, particularly for exculpatory  
2 purposes. And one of the examples that we gave  
3 is one that we hear happen sometimes in school  
4 districts, and that situation might sound  
5 something like this.

6 You might have a student, perhaps a  
7 special education student, and mind you it's  
8 important to understand that not every student  
9 with an IEP is in any way to be regarded as a  
10 potential threat, but this is just one example  
11 that I want to share with you, and so, because  
12 it's relevant to understanding the way that the  
13 student behaves. And so, this particular  
14 student has issues with impulse control, and is  
15 known for making some kinds of statements that  
16 are intended really to shock but are never  
17 really intended to, to be acted upon. And the  
18 school knows this because they've had this kid  
19 since, you know, the very early grades. School  
20 officials know their students, they know their  
21 communities.

22 And so, this student may make a statement  
23 that sounds something like, you know, I could  
24 bring, or anybody could bring a weapon to  
25 school, a firearm to school, or a gun, probably

1 a middle schooler would say. And so, the  
2 school doesn't hear anything about it, but of  
3 course the friends do, and they go home and  
4 tell their parents, and so then the parents get  
5 all abuzz, and they're concerned about this  
6 conversation that was had about the potential  
7 threat, and they call law enforcement, and so  
8 law enforcement wants some information.

9 Well, at that point as law enforcement  
10 discusses the issue with school officials I  
11 think it might be helpful for school officials  
12 to be able to share what's known as exculpatory  
13 information. So, it might be helpful for law  
14 enforcement as it conducts potentially a  
15 criminal investigation to hear from the school  
16 that the child has some impulse control issues  
17 perhaps, but that that's normal for this child,  
18 that it's never acted upon, it's not that kind  
19 of thing, the kid is a violent -- so it may be  
20 useful. And so, one of the things that we've  
21 suggested to the Federal Commission on School  
22 Safety is that perhaps in guidance they might  
23 want to clarify the issue of how that  
24 information can be shared so that there's not a  
25 hesitancy on behalf of the school district

1 officials to share it.

2 So, what is a threat assessment team? I  
3 believe you've been through this this morning.  
4 Just to run through some of the element, this  
5 is a team, it's a group of officials that  
6 convene to identify, evaluate, and address  
7 threats, or potential threats to school  
8 district. The threat assessment teams review  
9 incidents of threatening behavior by students,  
10 both current and former. They also review  
11 behavior by parents, school employees, or other  
12 officials. Some schools may need assistance in  
13 determining whether health or safety emergency  
14 exists in order to know whether a disclosure  
15 may be made under FERPA's health or safety  
16 emergency provision.

17 So, as a result, members of the assessment  
18 team could well include those who can help in  
19 making those determinations, not to school  
20 principals and counselors, but of course law  
21 enforcement, and perhaps even mental health  
22 professionals. So, when is it permissible to  
23 utilize FERPA's health or safety exception for  
24 disclosure, when it's necessary to protect the  
25 health or safety of students. It's limited for

1 the period of emergency, this is in federal  
2 guidance, and generally doesn't allow for a  
3 blanket release. And so, I think that's where  
4 the conversation between a local law  
5 enforcement agency and a school district I  
6 think is very useful.

7 So, because a school is not permitted to  
8 just issue a blank release we're just going to  
9 share any and all information at any time,  
10 you're going to want to in your MOUs be very  
11 careful about defining what that information  
12 is, what the conditions are for sharing it,  
13 and, and then possibly finding, you know, what  
14 the exception is. So, this information is  
15 important to be shared because there's this  
16 emergency, or it qualifies under a health or  
17 safety exception.

18 And so, you see the language from the  
19 guidance here in yellow, the disclosure has to  
20 be related to an actual impending or imminent  
21 emergency. Now, no further definition on  
22 impending or imminent except the prohibition  
23 for blanket response, so again when we're  
24 talking about impending or imminent there's  
25 room there for law enforcement and school

1 officials, the school district, to have a  
2 conversation about how do we define that, and  
3 what's the purpose that, that we're trying to  
4 address here.

5 Who are considered appropriate parties  
6 that can receive this information? You see  
7 local or state law enforcement officials.  
8 Public health officials. Trained medical  
9 personnel. Parents, including parents of an  
10 eligible student, student who is in class that  
11 hasn't aged out for instance. An appropriate  
12 is a party whose knowledge of such information  
13 is necessary to protect the health or safety of  
14 the student. So, again, school districts are  
15 free to build on that and determine how or who  
16 is necessary to protect the health or safety of  
17 their students.

18 So, in sum, just to wrap everything up,  
19 schools cannot generally disclose student  
20 records without consent. If a law enforcement  
21 is part of a threat assessment team they  
22 generally can't share the educational records,  
23 the personally identifiable information beyond  
24 the meeting generally, keeping in mind that law  
25 enforcement, if it's conducting a law



1 enforcement investigation always has the  
2 ability to share that information as it  
3 chooses, or at least it's not restricted by  
4 FERPA. So, important to make that distinction,  
5 when is your SRO being a school official, and  
6 when are they acting as law enforcement. If  
7 there's a cross over generally the law  
8 enforcement agents will have the ability to  
9 share information, but you want to make sure  
10 you address that very clearly up front.

11 So, if there's an emergency, and it  
12 includes this articulable and significant  
13 threat, schools can of course share the  
14 information with other agencies or appropriate  
15 parties, and the key again, and I can't stress  
16 it enough, is to confer in advance and  
17 establish the procedures through memoranda of  
18 understanding. And by the way this doesn't  
19 just apply to law enforcement, we think it's  
20 also a good idea to have MOUs in place with  
21 your county health agencies, your mental health  
22 service providers, whoever it is that's going  
23 to be part of the information sharing, perhaps  
24 other first responders. It depends on the  
25 community, and what the community can tolerate,

1 in terms of its resources and where it wants to  
2 go.

3 We think that law enforcement can play an  
4 important role in helping schools understand  
5 what the threats are, when they are articulable  
6 and significant under a totality of the  
7 circumstances test. Keep in mind I think it's  
8 important that schools are educators, they're  
9 not law enforcement officials, and so at times  
10 schools may see things differently, right?

11 If every student that engaged in a  
12 battery, which fights tend to be, or an  
13 assault, you know, were handled as a law  
14 enforcement matter, that would be hugely  
15 problematic, right, so it's important to  
16 understand what is a real threat, perhaps  
17 around instances of, you know, purported mass  
18 violence, and distinguish those from students  
19 who may simply be acting out as part of their  
20 developmental structure, their growth as human  
21 beings. And those are the educational issues,  
22 so again refocusing the conversation towards  
23 situations of mass violence away from the  
24 individualized.

25 And I think it's also important that law

1 enforcement work with the school districts, and  
2 school districts with law enforcement, because  
3 the time to define what we mean by articulable  
4 and significant is in advance of any incident.  
5 It's going to be important to have that  
6 conversation and agree on the terms of what you  
7 mean, and how you can collaborate with each  
8 other.

9 So, that brings me to the end of the  
10 presentation, the formal piece, and I'd be  
11 happy to take any questions that, that you may  
12 have, or concerns.

13 CHAIR: Sheriff Ashley.

14 SHER. ASHLEY: Thank you for that  
15 presentation and explanation of FERPA. It gets  
16 pretty complicated at times, and there's lots  
17 of room for interpretation in various  
18 districts, and throughout the country, and if  
19 nothing else I'd, personal opinion, I think the  
20 cookie cutter approach to protecting records is  
21 probably long gone. But disciplinary records  
22 are what I'm most interested in, and sharing  
23 those with the public. Certainly you can't do  
24 it by name, but nothing in FERPA prohibits, in  
25 your opinion please, prohibits the school, or

1 school district from sharing the number of  
2 incidents of thefts, fights, you name it,  
3 incidents at a school with their community; am  
4 I correct there?

5 MR. NEGRON: Well, not only -- not only  
6 that. Desegregated information is required to  
7 be reported on the civil rights data reporting  
8 by the federal government, so schools already  
9 must report to the federal government incidents  
10 of different behavior, including threats with  
11 weapons and the like. It's important to note  
12 that that's sort of desegregated information,  
13 that it's not specific to any individual  
14 student.

15 So, yes, that information can be shared,  
16 statistical information can be shared, and  
17 schools already are, school districts are  
18 required to report that to the federal  
19 government.

20 SHER. ASHLEY: Report it to federal  
21 government. I'm speaking more reporting to the  
22 citizens of that community so that a parent can  
23 determine whether a school is safe or not. If  
24 a parent sees that there were 100 fights at a  
25 particular middle school last year, or maybe

1       there were a rash of thefts, or you name it,  
2       giving information to our parents to determine  
3       whether a school is safe or not would be  
4       important, at least in our community, to  
5       determine is this school safe or not, do we  
6       need to bring attention to this school. That  
7       is not a requirement?

8               MR. NEGRON: Right. FERPA wouldn't  
9       prohibit the release of that information, the  
10      disclosure of that information, unless, right,  
11      that information results in personally  
12      identifiable, a personally identifiable  
13      disclosure. So, you know, if you have a school  
14      district that has, you know, I don't know,  
15      3,000 incidents of burglary, or 3,000 incidents  
16      of crimes being committed, that information is,  
17      and it's a relatively large school district,  
18      it's unlikely that that information can be, you  
19      know, tracked to an individual student.

20             But if you have a small school district,  
21      and I know we have, in Florida you have county  
22      sized school districts, but some school  
23      districts are very, very small, and they can  
24      have, you know, as little as 50 students, even  
25      less, and, you know, there may just be one

1 fight. To reveal, and publish that, you know,  
2 we had one fight this year, could very well  
3 single out the one student because it's a small  
4 community. So, it's a question of size, it's a  
5 question of size, it's a question of how the  
6 school district is doing that. Ultimately  
7 that's a decision for the school district and  
8 the school board to make in consultation with  
9 its community, and I would imagine the school  
10 boards as the policy makers for a school  
11 district would want to know the purpose behind  
12 revealing those records, revealing disciplinary  
13 statistics.

14 They very well may want to. The community  
15 may require that, and may demand that. Nothing  
16 in FERPA that says that, that they couldn't if  
17 they found an educational purpose, or another  
18 purpose for disclosing them.

19 SHER. ASHLEY: Thank you.

20 CHAIR: Commissioner, yes.

21 MS. SKINNER: I have -- so I'm a licensed  
22 mental health counselor by education and  
23 training, and one of the very first things we  
24 started learning in school is that the best  
25 predictor of future behavior is past behavior,

1 and in particular that's been applied to  
2 violence, and so I'm curious, and I know you  
3 couldn't put everything in the slides, that's  
4 too much information, but one of the things  
5 that stood out to me is that experts warn about  
6 the dangers of prognostication based solely on  
7 past acts, and I wonder if that causes threat  
8 assessment teams or school officials to be wary  
9 of basing any concern, or being able to  
10 articulate what threat they think there is,  
11 because they think it may be dismissed, unless  
12 there's a flip side to that guidance that says  
13 past behavior is in fact a predictor of future  
14 behavior, but you need to consider, you know,  
15 current facts as well, or a current situation  
16 as well.

17 Do you know if that exists, or if school  
18 officials are encouraged to consider that?

19 MR. NEGRON: I think it depends on the  
20 school district, and it depends on the  
21 particular threat assessment team, and the  
22 facts around the particular, the particular  
23 situation. I don't know that school districts  
24 are encouraged to take that into consideration.  
25 I think school districts are more concerned

1 with can we articular what the threat is, which  
2 is what the law requires, and can we identify  
3 as significant.

4 MS. SKINNER: And then one other question  
5 I had is that there's the time, place, and  
6 manner, so after the events, the terrible  
7 events here in Parkland, my school district had  
8 a number of threats about all kinds of things  
9 that were going to happen, at specific schools  
10 sometimes, other times it was sort of a general  
11 threat, and law enforcement in my community was  
12 very active in trying to chase those down.

13 And what I've noticed, at least it's been  
14 my observation, is many of the threats don't  
15 necessarily have a time or place, but are more  
16 general to there's going to be, I'm going to  
17 blow up a school, I'm going to shoot up a  
18 school, without the time and place added to it.  
19 And I would like to believe that if the student  
20 has been identified that is making those  
21 threats that information that's relevant could  
22 be released without the time and place factor.

23 MR. NEGRON: Yeah, and I wouldn't say that  
24 the list is, you know, exclusive, or even that  
25 it's an and series, right? I would -- I would



1 say that as a school is looking at time, place,  
2 and manner, if it can identify -- the more --  
3 the closer you are to identifying time, place,  
4 and manner, I think the closer a school  
5 district or a threat assessment team is to  
6 being able to specify that a threat is  
7 articulable and significant.

8 But we recognize that that may not always  
9 be case, I mean there being, there may be an  
10 unspecified, you know, time or place, I mean it  
11 might be sometimes in the future, or it might  
12 be, you know, I'm angry, so that's why we  
13 suggest look at other things. And these are  
14 the like, you know, access to weapons, like how  
15 likely is that that threat has any real meaning  
16 behind it, and that's why we think the  
17 expertise of law enforcement is particularly  
18 helpful, to help with those things that you  
19 can't fill in if you don't have time, place,  
20 and manner. But time, place, and manner I  
21 think are helpful in getting to how you  
22 determine the articulable and significant  
23 threat.

24 MS. SKINNER: I appreciate that. I think  
25 it's important to clarify, because obviously in

1        mental health and addictions treatment we are  
2        bound by HIPAA and 42CFR, and we're made to  
3        feel fearful about releasing information when  
4        we do have exceptions where we can, and I think  
5        school officials have the same sort of fear,  
6        let's say, because nobody wants to do something  
7        inappropriate, and so I always think it's good  
8        to clarify those types of issues. So, thank  
9        you.

10            MR. NEGRON: Yeah, I think -- and just to  
11        sort of round out, or close the loop on, on  
12        that conversation, when we talk about sharing  
13        information, and FERPA talks about sharing  
14        information, it's important to know that it's  
15        not just sharing it with law enforcement, also  
16        mental health providers, so to your concern I  
17        do agree that school districts, and I think  
18        communities, school boards, want to be  
19        cognizant of the fact that you don't want to  
20        have a chilling effect on the access to mental  
21        health services, because of course there are  
22        stigmas attached to that.

23            A lot of times schools may refer students,  
24        they're concerned about the wellbeing of  
25        students, and so the appropriate venue may be,

1       you know, to mental health services of some  
2       kind, so I think that's a very important  
3       conversation to have at the local level between  
4       communities and all of the, the sort of  
5       providers, or the stakeholders in the  
6       conversation with the school district.

7               CHAIR:   Okay.

8               MR. PETTY:   Thank you, Mr. Chair.   Thank  
9       you for your presentation today.

10              MR. NEGRON:   You're welcome.

11              MR. PETTY:   And thank you for conveying  
12       condolences to us, I appreciate that.   It seems  
13       to me that the interpretation at least of the  
14       FERPA restrictions seem, seem to be a bit in  
15       conflict with best practices around threat  
16       assessment, specifically intent and means,  
17       right, is really kind of a best practice for  
18       threat assessment.   Is there is -- if there is  
19       indeed intent and means to carry out the, the  
20       threat, then that seems to be perhaps the  
21       standard we need to, we need to act on, right?

22              Can -- in this letter to Montgomery County  
23       there's some words in here that I want to make  
24       sure I understand clearly.   I went back to look  
25       at school official.   So, if the law enforcement

1 officer is acting as a part of a district,  
2 school district sanctioned threat assessment  
3 team they then become school officials?

4 MR. NEGRON: Correct.

5 MR. PETTY: Okay. So, in that regard then  
6 they're not allowed to share education records  
7 with other law enforcement, based on this  
8 letter, is that -- is my understanding of that  
9 correct?

10 MR. NEGRON: Well, yes, except the letter  
11 fudges a bit, and it says that if a law  
12 enforcement officer is acting in a dual  
13 capacity then the law enforcement officer can  
14 share the information.

15 MR. PETTY: So, help me -- so I want to  
16 make sure I understand dual capacity, and I  
17 want to make sure I understand the word  
18 records, because I think that's very specific.  
19 That's different than information that that law  
20 enforcement officer or that SRO may get through  
21 a threat assessment process. A record would  
22 seem to be a physical artifact or something,  
23 passing that along. Is that -- is that the  
24 distinction we should make there?

25 MR. NEGRON: Correct. I think that's -- I

1 think that's a fair distinction. I think what  
2 the federal government is getting at, or at  
3 least in that particular guidance, and it was  
4 only to a particular school district so, but I  
5 think it's still very useful. I think -- I  
6 think what, what they're trying to get at is  
7 that if you use a resource officer for regular  
8 run of the mill activities, like Montgomery  
9 County did, which was their discipline  
10 practice, right, they're, you're going to  
11 investigate why these two middle schoolers were  
12 fighting, and you're going to, you know, take  
13 the interviews down, and give it to us, and  
14 we're going to discipline the students. I  
15 think that what the department is saying there  
16 is that that's clearly an educational record,  
17 right?

18 But if you're also doing that while you're  
19 doing that for the school you're also doing it  
20 for a law enforcement purpose, which means that  
21 you intend to figure out if there was a battery  
22 committed, for instance, or an assault  
23 committed, to bring charges, then you can  
24 disclose the information. So, that's why I  
25 think that it's important from the outset to

1 have school districts confer with their law  
2 enforcement agencies, or local agencies, and  
3 decide what exactly is the capacity in which  
4 this SRO is functioning within the school.

5 MR. PETTY: Okay, so I understand that  
6 when you're looking at a single isolated event  
7 when you're trying to make a determination is  
8 this a discipline issue or is this, is this a  
9 crime, and therefore a law enforcement issue.  
10 If you're looking at it from a perspective a  
11 threat assessment your looking at incidents  
12 over time, is there any --

13 MR. NEGRON: So, I would suggest this. If  
14 I were a school district attorney advising a  
15 client I would say remember that there's a  
16 health and safety exception, right, and there's  
17 a law enforcement record exception, right, so I  
18 would clarify in my memorandum of understanding  
19 that, you know, if in the course of this threat  
20 assessment process somehow there's a rise of  
21 something that, you know, gives rise to an  
22 officer thinking that there is now the  
23 possibility of a law enforcement activity of  
24 something kind, that there's a safety and  
25 health violation, describe how that's handled

1 at that point, well, you know, do you stop the  
2 threat assessment team, do you at that point  
3 say if in the course you give us notice that  
4 now you're functioning in that law enforcement  
5 capacity, is it a conversation where now the  
6 threat assessment team has declared that  
7 there's a safety exception, because if there is  
8 the exception then the information can be  
9 shared.

10 So, I think that's a conversation, and  
11 it's different for every community. Some  
12 communities will not want to have that level  
13 of, you know, intrusion, for lack of a better  
14 word. Some may. It just depends.

15 MR. PETTY: Okay, so the articulable and  
16 significant threat can be defined by the  
17 community perhaps. Intent and means may be a  
18 good way to define that?

19 MR. NEGRON: By the school district,  
20 correct, not -- and of course the school board,  
21 because they're representatives of the  
22 community would confer with their community and  
23 hopefully draft policies that reflect that  
24 interest. But absolutely. So, if intent and  
25 means are part of what you're using in threat

1       assessment, I think that's great, you know, put  
2       that down, and say here's the intent, here's  
3       the means, here's why we think that there is an  
4       articulable and significant threat. Maybe you  
5       come up with, you know, time, place, and  
6       manner, as you conduct that, which is great,  
7       maybe you don't, but I think it's about having  
8       some sort of rational decision around those  
9       pieces that is supported by what your findings  
10      are informed by everything that you know,  
11      because remember the test is totality of the  
12      circumstances.

13           MR. PETTY: Thank you.

14           MR. NEGRON: You're welcome.

15           CHAIR: Okay, so I want to at least follow  
16      up on that and make sure I'm clear on a  
17      question Mr. Petty just asked you about. So,  
18      if you have a SRO, and the SRO works in the  
19      school, the SRO is a school official and can  
20      access the students' school records across the  
21      board, because they are a school official for  
22      that purpose, right?

23           MR. NEGRON: If they have a legitimate  
24      educational interest.

25           CHAIR: Right. Correct. So, let's say



1       that the SRO is just going in and looking at  
2       run of the mill things because they have a  
3       legitimate interest. Let's say there's some  
4       information that the child, you know, has been  
5       tardy a number of times, there's perhaps some  
6       truancy issues, some very minor mild, if you  
7       will, misbehavior, those kinds of things that  
8       don't rise to criminal activity at all, but the  
9       SRO has a legitimate interest in that. Then  
10      later on down the -- and the SRO has knowledge  
11      of that because they're a school official and  
12      they can access the records.

13             Down the road, let's say months later  
14      things escalate, and it rises to a new level,  
15      but the SRO has recollection of what he or she  
16      saw before. Just because the SRO functions as  
17      a school official and can have access to it  
18      under that prior they couldn't take that  
19      information and share it with others in the law  
20      enforcement agency, about the truancy, about  
21      the other mild stuff, correct?

22             MR. NEGRON: You're correct.

23             CHAIR: Okay, but now, let's say months  
24      down the road it has risen to a new level, it's  
25      kind of, the situation has transformed, and now

1 even though the SRO is a school official the  
2 SRO still could apply the health and safety  
3 exception to what they knew previously if it  
4 rose to the level down the road.

5 MR. NEGRON: The health and safety  
6 exception would allow the disclosure of the  
7 information, but I don't think that that's a  
8 determination that under FERPA law enforcement  
9 makes, it's a school determination.

10 CHAIR: So, the -- okay, so the SRO can go  
11 to, and let's just say that they were part of a  
12 threat assessment team, or even if they weren't  
13 the SRO could, because they have to fall within  
14 the confines and the auspices of being a school  
15 official, they can go to whoever the  
16 appropriate person is and say I want to release  
17 this, because they're wearing two hats, they're  
18 wearing the cop hat, and they're wearing the  
19 school official hat. If they learned it as a  
20 school official, and that health and safety  
21 function is going to apply, then it has to be a  
22 determination by the district that it applies,  
23 and then they can already disclose what they  
24 already know, but they have to get the approval  
25 to do it. Is that an accurate

1           characterization?

2           MR. NEGRON: Yeah, I think just overall  
3           the concept can work. What I'm suggesting  
4           though is that that shouldn't be simply an  
5           ad-hoc conversation, there should be a process,  
6           and a framework in place that would inform that  
7           conversation. What I mean by that is let's  
8           suppose everything you said is the actual facts  
9           but in addition there's a new set of facts,  
10          which is that he goes to the principal of a  
11          school, because there is no threat assessment  
12          team, or something along those lines, and the  
13          principal has only been there a week, right, or  
14          there's a new, you know, new leadership, and so  
15          the only context for this student is what this  
16          officer knows, this law enforcement officer,  
17          so, you know, how do you devise just around  
18          that an articulable and significant threat.

19          So, I think that opens you up for  
20          liability under FERPA because it doesn't seem  
21          like, you know, that seems to be more of an  
22          ad-hoc decision, so what I would suggest is  
23          that ahead of that, because we enter into MOUs  
24          with law enforcement agencies, is have the  
25          conversation about, you know, who reviews this

1 information, what is the concern that law  
2 enforcement is bringing, and what's new, or  
3 what's changed, so that the school district if  
4 necessary can declare, you know, the health and  
5 safety, you know, exception, or take advantage  
6 of that. So, the framework, I think the  
7 definitions, and all of that that you work out  
8 in advance would help that information.

9 CHAIR: You said that FERPA does not have  
10 any private cause of action.

11 MR. NEGRON: It does not, no.

12 CHAIR: And so, they're, in some respects,  
13 some would consider it to be a right without a  
14 remedy in some respects, because the only  
15 remedy is, is withholding the funds against the  
16 district. So, what happens, or let me ask you  
17 this way, does FERPA address if a third party  
18 -- so let's say as an example a law enforcement  
19 officer obtained information, did it within the  
20 parameters of FERPA, disclosed it to another  
21 law enforcement officer who then, that other  
22 law enforcement officer improperly disclosed  
23 it, or in the case of a licensed mental health  
24 counselor, or mental health, because when  
25 you're talking about on Page 7, you know, of

1        your presentation there, you're talking about  
2        other appropriate parties, it's broader than  
3        just law enforcement, there are other  
4        appropriate parties, let's say one of these  
5        appropriate parties got the information but  
6        that appropriate party, who is not a school  
7        board employee, not a member of the school  
8        district, et cetera, that they disclosed it.  
9        Does FERPA address that at all?

10            MR. NEGRON: Well, it does, and the  
11        responsibility is always on the school  
12        district, right, so it's not -- so the  
13        responsibility under FERPA is always on the  
14        school district, so it's the school districts  
15        federal funding that's at risk, they are the  
16        ones that are going to be found in violation if  
17        they didn't take the steps through and MOU, or  
18        some sort of agreement, to make sure that the  
19        law enforcement agent -- I mean if we have a  
20        law enforcement, an MOU, or some sort of  
21        agreement that says you can share the  
22        information, and it's all documented, and the  
23        policy says these are the procedures, then the  
24        school district is insulated from that federal  
25        liability.

1           CHAIR: But there's no -- I get that. So,  
2 but as far as, let's say they took all the  
3 proper steps but it was the third party, or the  
4 fourth party removed that disclosed that  
5 information. They took all the right steps but  
6 it was somebody else who did it, there's  
7 nothing within FERPA, and that's all I'm  
8 talking about, within the confines of FERPA,  
9 there's no sanction that would be applicable to  
10 that third or fourth party.

11           MR. NEGRON: That third party that  
12 disclosed it, no.

13           CHAIR: There's no -- there's no  
14 sanctions.

15           MR. NEGRON: No, the sanction would be  
16 against the school district, and what the  
17 Family Privacy Office, the FPCO, compliance  
18 office at US Ed would be looking at is, school  
19 district, did you have the right processes in  
20 place, did you have the right agreements, and  
21 were you enforcing them. I mean, you know, it  
22 just can't be lip service, were you, did you  
23 have good faith about that. And that's how  
24 they determine whether the school district will  
25 be in violation, so you're correct.

1 CHAIR: Sheriff Judd. Sheriff Judd.

2 SHER. JUDD: I think that the Sheriff  
3 answered everything. FERPA gives us a lot of  
4 latitude as long as we have the MOUs in place.

5 MR. NEGRON: I think it can, yes.

6 SHER. JUDD: And the reality of it is if  
7 we're not just arbitrarily looking at kid's  
8 records and releasing it, if we are truly  
9 looking at a problem child that's creating an  
10 articulable emergency at the time then we're  
11 good. The reason I ask that, the traditional  
12 answer, FERPA says we can't talk to you, so I  
13 am very pleased with what I hear here today,  
14 because we don't have the time, nor do we have  
15 the interest, to be plundering around in  
16 student's records, but when we, when a student  
17 is drawn to our attention, and we're not  
18 talking about, you know, a fight in the  
19 courtyard, we're talking about a significant  
20 threat, and we have the MOUs in place, and  
21 we're clearly investigating, or trying to  
22 determination the danger of this child to the  
23 health and welfare of the school and the other  
24 children, I have a lot of relief from what I  
25 hear today, and that's what you're saying.

1           MR. NEGRON: Yes. And I think what I  
2 would, what I would say is what you started out  
3 with, which is work it out with the school  
4 district ahead of time so that you're clear  
5 how, so that the school district is clear on  
6 how they're determining the articulable and  
7 significant threat. Remember it's their  
8 determination, right, so it's the school  
9 districts determination. And you can help them  
10 figure out, because, you know, we're educators,  
11 right, we're not, we're not law enforcement  
12 people, so how do we identify threats, we might  
13 treat an issue differently, so, you know, what  
14 should be in school board policy that helps  
15 schools identify what an articulable and  
16 significant threat is, what are the elements of  
17 that, as we talked before, intent, and means,  
18 and so forth.

19           I think that's part of a conversation that  
20 happens today in hopes that we never have to  
21 get to it, right, but that's I think what's  
22 important.

23           SHER. JUDD: Thank you.

24           CHAIR: Senator Book. I'm sorry, Sheriff  
25 Judd, were you --



1           SHER. JUDD: I'm done.

2           CHAIR: Okay, Senator Book.

3           SEN. BOOK: Thank you, Mr. Chair. And I  
4 want to go back to something that the Chair  
5 asked to maybe ally some of my fears, that  
6 maybe Sheriff Judd, Commissioner Judd is  
7 already okay with, but I -- when the Chair  
8 talked about an SRO wanting to go in to look at  
9 some things because there's some concerns, the  
10 issue that I have is the educational -- I want  
11 to make sure I get all of the words correct.  
12 It is educational -- what is it? Legitimate  
13 education interests.

14          MR. NEGRON: Correct.

15          SEN. BOOK: Why would an -- and this is  
16 what I'm going to argue. What would an SRO  
17 have a legitimate education interest in  
18 records? Some would argue they don't, and so  
19 do not have access. That would be then up to  
20 the school administration and/or the district,  
21 and could block access to the Chair's supposed  
22 question, correct or incorrect?

23          MR. NEGRON: Well, let me answer you this  
24 way. I think that it's important -- I mean  
25 school resource officers don't just show up of

1       their own volition, they show up because  
2       there's an agreement between a school district  
3       and the law enforcement agency. Those  
4       agreements that, you know, we used to draw very  
5       broadly in the past, that talked about hours  
6       and compensation, and, you know, didn't address  
7       many of the concerns that we're talking about  
8       today, really ought to address what you just  
9       said, when is an SRO allowed to go, what is an  
10      educational, a legitimate educational interest  
11      for an SRO.

12             It's going to be different in every school  
13      district. In Montgomery County they were using  
14      SROs, like many school districts use, to help  
15      with discipline, and so they've given them the  
16      ability to look at those records. You want to  
17      specify that in your memorandum of  
18      understanding. This is why your school lawyers  
19      are very, very important to this conversation,  
20      because if you say, yes, you can, because  
21      you're helping us conduct our discipline  
22      interviews, right, because we don't have the  
23      person power to do it, we're going to let you  
24      look at the educational records.

25             You know, they're acting in that capacity

1 as a school official, right, so you're going to  
2 want to be clear in there that that does not  
3 extend to any other law enforcement, and you  
4 can agree to that in advance, you know, so it's  
5 really up to the local community, to the school  
6 district to work those details out in advance.

7 SEN. BOOK: But, Mr. Director, the Chair,  
8 just to again make sure that I understand it,  
9 in that capacity then they would not be able to  
10 share that information with any other law  
11 enforcement entity, correct or incorrect?

12 MR. NEGRON: Correct, unless they're  
13 acting in a law enforcement capacity.

14 SEN. BOOK: The other thing that was  
15 touched upon is this level of fear about  
16 breaking, you know, FERPA, and then not wanting  
17 to, and just I think what my fear is, and what  
18 I've heard, is that there's just a blanket we  
19 don't, we're not, you can't, it's protected,  
20 leave it alone, don't talk about it, which  
21 creates horrific outcomes when looked at in  
22 that way, because there's siloed communication,  
23 nobody is talking about issues that could come  
24 to the surface, and so I think those are some  
25 of the things that when we look at

1 recommendations, what that could look like,  
2 because I have fear that it's that legitimate  
3 educational interest piece, and allowing an SRO  
4 to have communication with law enforcement, and  
5 I know this is important to Commission Ashley,  
6 and we've talked about, about that in some of  
7 these meetings, so that if there is something  
8 that there are other people monitoring it, and  
9 making sure that things like this don't happen  
10 again.

11 CHAIR: And I'll just say to,  
12 Commissioner, remember in some schools in some  
13 places some of the SROs are teaching classes  
14 too, so that would be an interest, and a reason  
15 why they would want access to some of the  
16 records. So, that's just something to keep in  
17 mind, because they do teach classes in some  
18 places as well.

19 MR. GRACE: I just want to make a comment  
20 to the commissioners, the statements, because I  
21 think, I'm a lawyer, and I'm here to tell you  
22 what the law is, but we're all people, we're  
23 all talking about human interest issues, and so  
24 sometimes as I'm fond to tell school board  
25 members and school lawyers, the best answer is

1 not necessarily a legal one. I know I'm not  
2 here to not talk about the law, but to your  
3 point about the level of fear, yes, there's the  
4 FERPA overlay in the law, and what it requires,  
5 but we're talking about children, right, and so  
6 people who give their lives to educate  
7 children, right, one of their, educators are  
8 nurturers by nature, they want their children  
9 to be well, and so part of that entails sort of  
10 this relationship of confidentiality.

11 So, the profession, the institution of  
12 public schools has by nature that human element  
13 to it, and so, you know, it's important to just  
14 recognize that. Even though I'm not here to  
15 talk about that, I'm here to talk about FERPA,  
16 I just wanted to acknowledge that the fear  
17 sometimes is not simply -- I wanted to be clear  
18 that the fear is not just about sort of a  
19 barrier, and an intent to obstruct, but it  
20 comes a very I think sincere with, with our  
21 schools.

22 SEN. BOOK: I started my career as a  
23 teacher, so I do understand that, but, you  
24 know, there's a fear now that I didn't have  
25 when I started teaching when talking about

1 classroom management about taping off safe  
2 harbor zones in classrooms, you know I think  
3 that this is a different time, and this is  
4 something that, you know, we do need to  
5 examine. So, thank you.

6 CHAIR: So, and we're going to wrap up  
7 here, as we're cutting into lunch time, but the  
8 second second to none is HIPAA, and you're  
9 going to hear about that this afternoon. It is  
10 the, I'll say in my opinion even more  
11 misunderstood than FERPA, and more misapplied  
12 than FERPA, and more, as Commissioner Judd was  
13 talking about, where you get the, where you  
14 can't do it because of, and, oh, we can't do it  
15 because of HIPAA, and about 99% of the time  
16 when people say that they're wrong because it  
17 is misapplied and overused as a reason in some  
18 many circumstances and situations.

19 And it's a big problem because it impedes  
20 effective and necessary dissemination and  
21 sharing of information when there are people  
22 who need to know and it is misapplied, so we'll  
23 hear more about that. Commissioner Blackburn,  
24 you had a question? No. Does anybody else --  
25 Mr. Schachter?

1           MR. SCHACHTER: Number one, I had heard  
2           that the Department of Education was going to  
3           give guidance to schools concerning the fear  
4           they have. Has that happened, will that  
5           happen, do you have any --

6           MR. NEGRON: I know that -- I can tell you  
7           that the Federal Commission on School Safety  
8           that I referenced earlier will be issuing its  
9           report this Fall. I imagine that will lead any  
10          changes to the guidance, the FERPA guidance  
11          that the Department has put out for many years  
12          is still available on the U.S. Education  
13          website, so my response would be that look  
14          first in advance of any modification to  
15          guidance to that report that's coming out this  
16          Fall. And we're particularly pleased at the  
17          National School Boards Association that the  
18          head commissioner, Secretary DeVos has  
19          indicated that it's going to contain  
20          recommendations as opposed to mandates to  
21          schools across the country, which I think is in  
22          the spirit of local governments, and having us  
23          resolve issues at the local level in a way that  
24          makes sense for our, our school communities.

25          MR. SCHACHTER: Can you tell me is it a

1 FERPA violation to share video from inside the  
2 school with law enforcement?

3 MR. NEGRON: It depends if the video is an  
4 educational record, and how it was turned into  
5 an educational record, and who took it. So, is  
6 it - - is it a video that's taken, you know,  
7 for disciplinary purposes, is it taken in a  
8 classroom --

9 MR. SCHACHTER: Yeah, I mean we're talking  
10 about the fact that if law enforcement is  
11 responding to a life-threatening emergency they  
12 need to have live actionable intelligence, they  
13 need to see what's going on on the campus to be  
14 able to save lives. Those are the cameras I'm  
15 talking about, in the hallways, wherever the  
16 cameras are in the school.

17 MR. NEGRON: So, similar to what we saw,  
18 something in action, earlier this morning. So,  
19 I think the health and safety -- certainly in  
20 an emergency the health and safety exception  
21 could, could apply there. If you're talking  
22 about regular run of the mill observations it  
23 depends how the record is maintained, and for  
24 what purpose, whether the school maintains it  
25 or whether it's something that law enforcement



1 maintains.

2 For instance, if it's a direct feed to law  
3 enforcement and it's not maintained by the  
4 school perhaps there's an argument that that's  
5 a law enforcement record which, a law  
6 enforcement unit record, which of course is not  
7 covered by FERPA, it not limited by FERPA, so.

8 MR. SCHACHTER: I mean there should be --  
9 there should be not -- there should no  
10 impediment for law enforcement to be able to do  
11 that, so hopefully our commission can recommend  
12 that.

13 CHAIR: Remember all this is federal law,  
14 and so nothing, nothing that the State can do  
15 about federal law. Do Mr. Negron, thank you  
16 very much for being here. We appreciate it.  
17 It was good information, and we learned a lot  
18 from it, so again thank you.

19 MR. NEGRON: Thank you, Commissioner. And  
20 thank you for the opportunity. If there's  
21 anything that we can do at the National School  
22 Boards Association or the Florida School Boards  
23 Association, or through the Council of School  
24 Attorneys, which represents 3,300 school  
25 lawyers across the country that work in this

1 area, to inform your work, please feel free to  
2 reach out, and we'd be more than happy to  
3 assist you.

4 CHAIR: All right, we will. Thank you  
5 very much, a great resource. All right, we're  
6 going to recess until, trying to stay on track  
7 here, cut lunch a little short, sorry about  
8 that, but let's, we'll reconvene at 1:30.  
9 Let's try and be back at 1:30. It will give  
10 you about forty minutes for lunch.

11 (Thereupon, the meeting is in recess.)

12 CHAIR: We'll go ahead and get started.  
13 We have, continuing the discussion about  
14 privacy laws we have with us Brent McNeal, who  
15 is the Deputy General Counsel for the Florida  
16 Department of Education to give us an overview  
17 of the K-12 educational privacy requirements.  
18 Welcome. Thank you for being here.

19 PRESENTATION FDOE K-12 PRIVACY REQUIREMENTS

20 MR. MCNEAL: Thank you, Mr. Chair and  
21 Commissioners. Thank you for the opportunity  
22 to present to you this afternoon. And I too  
23 would like to offer my sincere condolences to  
24 all of you, and to the members of the Parkland  
25 community.

1           I wanted to start out by briefly touching  
2       upon a couple of the points about FERPA that we  
3       heard about in Mr. Negron's excellent  
4       presentation before lunch, primarily because  
5       we're going to be tracking a lot of those in  
6       the Florida law that we're going to be talking  
7       about today. So, of course we know FERPA  
8       protects the privacy of student education  
9       records, and it includes the right to control  
10      disclosure of information in those records, but  
11      schools may disclose such information without  
12      consent in a number of circumstances, and we've  
13      heard about a couple of those today, including  
14      the health and safety exception, and release  
15      to, quote, school officials with legitimate  
16      educational interests.

17           Now, as Mr. Negron discussed the  
18      definition of school officials can be rather  
19      broad when we're talking about SROs acting in  
20      that capacity, members of a threat assessment  
21      team who are not necessarily employees of the  
22      school or the district as long as they have  
23      that legitimate educational interest and they  
24      are under the direct control of the school or  
25      district with respect to the use of those

1 records.

2 A brief tangent, in SB7026 we've received  
3 some more guidance, and a framework with  
4 respect to those threat assessment teams, and  
5 there is a provision therein creating Section  
6 1006.07(7) of Florida Statutes that talks about  
7 the information sharing that occur among the  
8 members of those threat assessment teams, and I  
9 would just submit to you that I believe that  
10 that provision should be read in harmony with  
11 the other provisions of Florida Statutes, and  
12 with the federal law that we're going to talk  
13 about with respect to information sharing of  
14 education records.

15 So, we talked about school officials.  
16 We've talked about release to appropriate  
17 parties if there's a threat to health or  
18 safety. Mr. Negron also spoke about compliance  
19 with judicial orders and subpoenas, and then of  
20 course there are some other specified instances  
21 that aren't necessarily of interest here today  
22 that are detailed in the federal regulations.

23 I also just briefly wanted to touch while  
24 we're on FERPA about the 2011 guidance that was  
25 issued by the United States' Department of

1 Education. This was also touched upon by Mr.  
2 Negron, but the title of the guidance is  
3 addressing emergencies on campus, and I just  
4 wanted to stress that therein they opined that  
5 the emergency would need to be an actual  
6 impending or imminent emergency, so I thought  
7 that the suggestions and advice from Mr. Negron  
8 about defining those kinds of things ahead of  
9 time through MOUs was very sound advice, and I  
10 would certainly echo that.

11 A couple of other important distinctions  
12 that I will echo are the personal observation,  
13 or personal knowledge exception. Something  
14 that someone hears about in the hallway or from  
15 their, from their students about another  
16 student, is not an education record, and so  
17 FERPA would not cover that. Now, that needs to  
18 be distinguished though from an administrator,  
19 for example, learning something through the  
20 administration of discipline. That then would  
21 ostensibly become an education record, because  
22 it would be part of that record. But it's just  
23 important to know that every bit of knowledge  
24 that someone has is not necessarily a part of  
25 an education record.

1           And then of course the even more important  
2           distinction that we heard about this morning  
3           was the exception for records created by a law  
4           enforcement unit of a school for law  
5           enforcement purposes, and they are not subject  
6           to FERPA protections. Just real quickly on  
7           FERPA also we have the two pertinent  
8           regulations for, for this group, which are  
9           found in 34CFR99.31 and 36. I won't take a lot  
10          of time to, to reiterate those, but you'll  
11          remember the conditions for the emergency  
12          exception are important to note, and those are  
13          that the totality of the circumstances must be  
14          taken into account pertaining to a threat, and  
15          that if school officials determine that there  
16          is an articulable and significant threat to the  
17          health or safety they may disclose that  
18          information to any person whose knowledge is  
19          necessary to protect the health or safety of  
20          the student or other individuals.

21          So, just a bit of review there, and one  
22          final point on that, is that the U.S.  
23          Department of Education, as Mr. Negron pointed  
24          out, has explicitly stated that it will not  
25          substitute its judgment if there's a rational

1 basis for the determination. So, that's very  
2 important for folks to note, particularly with  
3 respect to that, that overarching fear related  
4 to FERPA that we talked about earlier today,  
5 and I hope to alleviate some of that fear with  
6 the knowledge.

7 One final point about these regulations is  
8 that they have evolved over time. The  
9 regulation regarding the health and safety  
10 exception, for example, used to explicitly  
11 state that it was to be strictly construed, and  
12 that provision has been stricken from the  
13 regulations, so that's one piece of information  
14 that provides a clue as to a possible  
15 interpretation of the regulation, and that was  
16 alluded to by Mr. Negron.

17 And then finally the regulation in one of  
18 its iterations included specific criteria for  
19 when an emergency might have occurred, and so  
20 that might be something to look to, although  
21 those regulations have been withdraw, and I  
22 believe it was determined by the federal  
23 government that those were best left to the  
24 local entities to make that determination, but  
25 those might provide some guidance for those of

1       you who are working toward some of those  
2       definitions for the MOUs that we talked about.

3             One final piece before I move to the state  
4       level is there is also the Individuals with  
5       Disabilities in Education Act, or IDEA, that is  
6       frequently at issue with respect to data  
7       sharing of student records. It primarily  
8       tracks FERPA in terms of privacy provisions, so  
9       you can typically rely on the FERPA provisions  
10      for that, but you may want to speak with your  
11      counsel about any specific provisions that  
12      apply to records that are covered by that  
13      statute and its regulations.

14            Moving to the Florida Statutes, the three  
15      laws that are the foundation of FERPA  
16      implementation of Florida are found in Chapter  
17      1002 of Florida Statutes, which addresses  
18      student and parental rights. Florida has  
19      explicitly adopted FERPA into its state law,  
20      and these three statutes detail that  
21      implementation. For the most part they simply  
22      adopt FERPA and, and adopt its implementing  
23      regulations, but there are some important  
24      distinctions that I hope to point out to you  
25      all this afternoon.



1           There are other laws throughout the  
2           Florida Statutes that address education records  
3           and privacy, most of those are found within the  
4           education code, and they typically refer back  
5           to Section 1002.22, but it's good to be aware  
6           that these are not the only laws, but these are  
7           the primary laws to look to as we talk about  
8           this issue. So, beginning in 2009 the Florida  
9           legislature explicitly adopted FERPA  
10          protections into Florida law, and there's a  
11          contemporary house bill analysis that states  
12          that the change in Florida law was needed in  
13          order to stay in alignment with federal law. As  
14          we've discussed that law has evolved over time  
15          to some degree.

16          And so, the legislature put forth into law  
17          that the rights of students and their parents  
18          with respect to education records created,  
19          maintained, or used by public educational  
20          institutions and agencies shall be protected in  
21          accordance with FERPA. So, how does Florida  
22          implement that? Well, there are, there are  
23          several differences, or distinctions in  
24          Florida. The first thing that the law directs  
25          in this instance is that the State Board of

1 Education was directed to comply with FERPA  
2 after having evaluated the law and determining  
3 that it was consistent with the principles that  
4 are set forth in the statute, and those  
5 principles are regarding student and parent  
6 rights, and they basically track the language  
7 in FERPA. I won't read the bullet points to  
8 you here, but again they cover this area that  
9 we've been talking about, about access to  
10 education records, the privacy of those  
11 records, the required notice that schools and  
12 districts must provide to students and families  
13 about those records.

14 There's also the provision about waiving  
15 access to, to that, to the education records in  
16 certain circumstances. I don't think that will  
17 be applicable to this commission. The example  
18 that I'm aware of is when a college student  
19 might waive the right to review a letter of  
20 recommendation that a professor had written for  
21 them. They're sometimes asked to do that. And  
22 so that's an example of a waiver of FERPA  
23 rights, but again doesn't really address the  
24 kind of information sharing that you all are  
25 contemplating.

1           The law goes on to require the state board  
2           to adopt rules to administer this section, and  
3           we'll talk about a couple of those rules in a  
4           few minutes. But more significantly, and  
5           here's where we first deviate significantly  
6           from FERPA, the law provides a penalty when a  
7           school official has refused to comply with the  
8           law, so unlike FERPA, which we heard about this  
9           morning that does not include a private cause  
10          of action, Florida's implementation of FERPA  
11          does include a private cause of action, and  
12          that is provided to parents and students who  
13          believe that their rights under this particular  
14          law have been violated.

15          Section 1002.22 provides that a parent or  
16          student has a, quote, immediate right to bring  
17          an action in circuit court seeking an  
18          injunction if they believe that their rights  
19          have been violated under this law. And you all  
20          likely know an injunction is simply a court  
21          order commanding or preventing a specific  
22          action. In this case it would presumably be  
23          something like an order directing a school or  
24          district to allow a parent or student to have  
25          access to their education records, or to

1 challenge the contents of those records, which  
2 is one of the rights within FERPA. Of course,  
3 it could also be a request for an injunction,  
4 or a request for an order directing a school or  
5 a district to stop sharing information if a  
6 judge determined that such sharing was  
7 inappropriate.

8 Now, to succeed generally in an action for  
9 an injunction the plaintiff must show that he  
10 would have no adequate remedy at law, and that  
11 he would suffer irreparable injury if the  
12 injunction is not granted. So, again we've  
13 differed from FERPA a little bit here in the  
14 injunction right, and the teeth behind this law  
15 as well are that the aggrieved parent or  
16 student may be awarded attorney's fees and  
17 costs if the injunction is granted, so  
18 additional incentive for the schools and  
19 districts to follow this law.

20 Moving on to Section 1002.221 of Florida  
21 Statutes, this law addresses K-12 education  
22 records with respect to Florida's public  
23 records law, which as you all know is very  
24 broad. There's a public records right found  
25 within the Florida Constitution, as well as in

1 Chapter 119 of the statutes. And this  
2 particular law was enacted in 2009, and it sort  
3 of addresses that tension between Florida's  
4 very broad public records law and the privacy  
5 of education records that's mandated by FERPA.  
6 It provides that education records are  
7 confidential and exempt from disclosure as  
8 public records, and it explains that education  
9 records may not be released without written  
10 consent except as permitted by FERPA.

11 Now, this law does specific that a school  
12 or district may release a student's education  
13 records without consent to parties to an  
14 interagency agreement between the Department of  
15 Juvenile Justice, the school, law enforcement  
16 authorities, and other signatory agencies. The  
17 shared information is intended solely for use  
18 in determining appropriate programs or services  
19 for each juvenile, or for coordinating delivery  
20 of such programs or services. So, this is an  
21 example of the kind of MOU that Mr. Negron  
22 talked about that it would be wise to enter  
23 into whether or not it's statutorily required.  
24 Here it is statutorily mandated, and so that is  
25 a tool for these agencies to be able to share

1 information with one another.

2 Additionally, in Section 1003.53 of  
3 Florida Statutes it is authorized for drop-out  
4 prevention and academic intervention programs  
5 to coordinate with social service, law  
6 enforcement, prosecutorial, and juvenile  
7 justice agencies in the district, and to share  
8 that information. So, again you've got another  
9 mechanism within Florida law that allows for  
10 sharing of this information, again for a  
11 specified purpose.

12 SB7026 created the Office of Safe Schools  
13 of the Florida Department of Education to  
14 coordinate with FDLE to create a centralized  
15 integrated data repository, as you all are  
16 aware, and information in that data repository  
17 retains its confidential and exempt status when  
18 incorporated into the repository. I understand  
19 that the user and Data Governance Work Group is  
20 currently meeting, and identifying potential  
21 data elements for that data repository.

22 Finally, Section 985.05,.05 rather,  
23 (1)(c) requires that within each county the  
24 sheriff, the chiefs of police, the district  
25 school superintendent, and the department shall

1 enter into an interagency agreement, and that's  
2 the Department of Juvenile Justice, shall enter  
3 into an interagency agreement for the purpose  
4 of sharing information about juvenile offenders  
5 among all parties. So, you've got another  
6 statutory reference to that agreement.

7 Finally, enacted in 2014 Section 1002.222  
8 limits the kind of information that a school or  
9 district can collect, and it provides a list of  
10 such information that a school or district is  
11 prohibited from collecting, things like  
12 political affiliation, voting history,  
13 religious affiliation, of a student cannot be  
14 collected.

15 And it also prohibits the collection of  
16 biometric information. I believe we heard  
17 about some piloting of biometric tools in the  
18 presentation this morning, and so it appear  
19 that that kind of tool would not be allowed in  
20 Florida absent some sort of change to this  
21 provision. The law defines biometric  
22 information very specifically as information  
23 collected from the electronic measurement or  
24 evaluation of any physical or behavioral  
25 characteristics that are attributable to a

1 single person, and then it talks about  
2 fingerprint, hand, eye, and vocal  
3 characteristics as examples of those that are  
4 prohibited from being collected.

5 This law also provides a framework for  
6 when confidential and exempt records may be  
7 disclosed under Florida's public records  
8 statute consistent with FERPA, and again this  
9 is language that you've heard several times  
10 now, that it may not be provide to a person or  
11 political subdivision except when authorized by  
12 the FERPA implementing statute, or by lawful  
13 subpoena or court order, or to a federal  
14 government agency except when authorized by  
15 Florida law, required by federal law, or again,  
16 pursuant to a lawful subpoena or court order.

17 Finally, this section specifies how a  
18 district can designate information as, quote,  
19 directory information under FERPA, and  
20 directory information is defined in the FERPA  
21 regulations as information contained in an  
22 education record of a student that would not  
23 generally be considered harmful or an invasion  
24 of privacy if it were disclosed. It includes  
25 but it not limited to things like the student's



1 name, address, telephone number, e-mail  
2 address, photograph, date of birth, field of  
3 study, grade level, enrollment status, et  
4 cetera. You've also got, for example, height  
5 and weight of members of athletic teams, that  
6 is commonly shared, and is not generally  
7 considered to be harmful.

8 So, the designation of information as  
9 directory information is governed by this  
10 statute, and the statute provides that such  
11 designation must occur at a regularly scheduled  
12 meeting of the school board, and it must be a  
13 public meeting of course, and that the board  
14 must consider whether such designation might  
15 put students at risk with respect to marketing,  
16 media inquiries, or criminal acts. So, that's  
17 another important place in Florida law where  
18 we're fleshing out some of the requirements of  
19 FERPA.

20 Finally, we have a couple of rules from  
21 the Florida Administrative Code that are  
22 intended to implement the laws that we've just  
23 talked about, and so that's what I'll focus on  
24 in the last portion of this presentation. You  
25 have Rule 6A- 1.0955 regarding education

1 records, and then Rule 6A-1.0014, and that  
2 addresses a statutorily mandated comprehensive  
3 management information system.

4 So, the first rule regarding education  
5 records provides that information in education  
6 records must be classified in one of two  
7 categories, either Category A or Category B,  
8 and the shorthand for those categories,  
9 Category A includes information that must be  
10 permanently retained in a student's record, and  
11 there's a very specific list of the information  
12 that must be permanently retained, name, date  
13 of birth, address, name of parents and  
14 guardians, et cetera.

15 Category B records include but are not  
16 limited to the various, a list of various kinds  
17 of information. In other words, the rule does  
18 not explicitly state everything that must be in  
19 Category B, so it's a catch-all. And records  
20 -- it also refers to records that are  
21 designated for retention by the Florida  
22 Department of State in one its records  
23 retention schedules. You all may be aware that  
24 the Department of State issues a series of  
25 records retention schedules for various series

1 of records for different agencies, and so this  
2 one is the General Records Schedule GS7 for  
3 Public Schools. All of these can be found on  
4 the Florida Department of State's website.

5 But the GS7, again is specifically for  
6 K-12 education records, and it provides some  
7 real explicit guidance on the time frames in  
8 which schools are required to retain this  
9 Category B information. For example, it  
10 includes an entry on expulsion records that  
11 defines those records specifically, and then  
12 requires that they be retained for five fiscal  
13 years after final disposition. So, it might be  
14 of interest to this commission to review the  
15 retention schedule for some of these kinds of  
16 records to determine whether recommendations  
17 might be made to alter those retention  
18 schedules for purposes germane to your work  
19 here. Just generally the GS7 provides that  
20 temporary records, or Category B records must  
21 be retained for three years provided any  
22 applicable audits have been released.

23 The Rule also requires each school board  
24 to adopt a policy for education records, and  
25 again this is something that Mr. Negron touched

1       upon and made suggestions about for, for school  
2       boards. Here it's required by the Florida  
3       Administrative Code that school boards do this,  
4       and the policies must include specified  
5       components, including provisions for disclosure  
6       of personally identifiable information where  
7       prior consent of the parent or guardian is not  
8       required, and then provisions for such  
9       disclosure in cases of health and safety  
10      emergencies. So, again, those are going to be  
11      very important for districts to look at, and as  
12      they're developing or refining the MOUs that we  
13      talked about they'll be informed by those  
14      policies, and they should work in conjunction  
15      with those policies.

16           Finally, and included only for the sake of  
17      completeness here today, is Rule 6A1.0014  
18      regarding the comprehensive management  
19      information system. This rule really governs  
20      sharing of data between districts and the  
21      Department of Education in Florida, and it  
22      simply provides that the districts and the  
23      Department must work together to develop an  
24      automated information system. It's primarily  
25      for the purpose of sharing information that is

1 required for reporting purposes at the State  
2 level, and the component that must be developed  
3 must include procedures for the security,  
4 privacy, and retention of automated records.

5 Within the rule that you can find posted  
6 on the Floridarules.org website, there is a  
7 component in Volume I of the requirements that  
8 addresses specifically the data security  
9 requirements for automated student records that  
10 are transmitted by the districts, and as -- and  
11 that's part of the CMIS, to comply with the  
12 mandatory recording requirement. So, those  
13 include things like, for the privacy of student  
14 records, the fact that they may only be  
15 accessible to state education officials for  
16 specified purposes on a need to know basis,  
17 that access to data is stringently controlled  
18 through technical security conventions and  
19 procedures.

20 Sometimes we look to the NIST standards,  
21 the N-I-S-T standards. Also, as a state agency  
22 in Florida we are required to comply with the  
23 Florida Cybersecurity Standards that are issued  
24 by the Agency for State Technology. Those are  
25 found in Chapter 74-2 of the Florida

1 Administrative Code, and those again may  
2 provide useful in providing guidelines on, on  
3 data security. And then lastly the database  
4 requirements Volume I requires that  
5 individually personally identifiable student  
6 records must be destroyed in accordance with  
7 the GS7 records retention schedule that we just  
8 talked about.

9 That concludes my presentation, and I'm  
10 happy to answer any questions that you have  
11 now.

12 CHAIR: Sheriff Ashley.

13 SHER. ASHLEY: Thank you. Even if, if  
14 FERPA violations are not enforced by the  
15 Department of Education they can still, a  
16 school can still be held civilly liable by a  
17 third party for a violation, or a perceived  
18 violation of FERPA.

19 MR. MCNEAL: Well, the -- the injunctive  
20 relief that we talked about that's in statute  
21 is limited to the actions of a school or  
22 district official, and the relief could only be  
23 granted to a parent or student.

24 SHER. ASHLEY: I guess a court could,  
25 could grant that relief to a parent or student.

1 MR. MCNEAL: Yes, sir.

2 SHER. ASHLEY: Okay. The others, is the  
3 process of a student challenging the content of  
4 records, what is that process?

5 MR. MCNEAL: So, that is set forth in  
6 34CFR99. I believe it's in 31. I'd have to  
7 check that exact citation, but I could get that  
8 to you. But that explains the process wherein  
9 that can occur, and it basically allows the  
10 students, more typically the parents, to meet  
11 with the, with the educators, and to go over  
12 that, and to have some sort of due process  
13 about what's included in those records.

14 SHER. ASHLEY: And my last question is  
15 Florida cannot unilaterally exempt disciplinary  
16 records from protection from FERPA?

17 MR. MCNEAL: Well, I think it potentially  
18 could, but then funding, federal funding would  
19 be jeopardized, because remember that's the,  
20 that's the remedy under FERPA, is that funding  
21 could be withheld, although we heard this  
22 morning that that has never occurred, and  
23 frankly may not be likely to occur. But what  
24 could happen is that the U.S. Department of  
25 Education could find a state, or a district

1       presumably, as out of compliance and, and  
2       require some, some measures to bring that back  
3       into compliance if the funding were to be  
4       maintained.

5               Also, briefly, the State Board of  
6       Education as a limited oversight role in  
7       compliance with Florida statutes and rules, and  
8       so the commissioner has the authority to review  
9       allegations of non-compliance with Florida  
10      rules and statutes in this area, and she can  
11      find probable cause that that has occurred, and  
12      then I believe she would make recommendations  
13      to the state board, and the state board would  
14      be able to exert some oversight authority in  
15      that area.

16             SHER. ASHLEY: Thank you.

17             CHAIR: I just want to clarify one thing  
18      that, you said that, make sure that I get this,  
19      that the cause of action under Florida law can  
20      only be brought by the student, or by the  
21      parent or guardian, and they're the only ones  
22      that could be the plaintiff in that civil  
23      action, in that injunctive action, correct?

24             MR. MCNEAL: That's correct.

25             CHAIR: Okay, so no other entity can be



1 the plaintiff, it has to be the parent or the  
2 guardian, or the student.

3 MR. MCNEAL: That's right.

4 CHAIR: And then the only person who can  
5 be the defendant, if you will, or the only  
6 entity that can be defendant is the school  
7 district, correct?

8 MR. MCNEAL: That's right. That's what  
9 the law explicitly provides.

10 CHAIR: So, if it's a situation where,  
11 again getting back to the hypothetical I gave  
12 this morning where let's say there's a decision  
13 by the district meeting the health and safety  
14 exception, and it went a mental health  
15 provider, it went to a law enforcement agency,  
16 it went to some place, and that entity arguable  
17 shared the information where they shouldn't  
18 have shared it, et cetera, is that that sharing  
19 cannot be subject, as we learned this morning,  
20 cannot be subject to any type of action under  
21 FERPA because there is no cause of action, and  
22 under Florida law there could be no action by  
23 the parents against that third party.

24 MR. MCNEAL: I think that's right. I  
25 think that a court would look -- if there were

1       -- if there were action against the district  
2       alleging that the district did something wrong  
3       in allowing that third party to obtain the  
4       information that, that would be one theory, but  
5       again I think, yes, the defendant would have to  
6       be the school or district. I don't think that  
7       the law provides for a suit against a third  
8       party.

9           CHAIR: I just want to be clear with that  
10       so I have an understanding of it. My -- my  
11       hypothetical is, is that the district did  
12       everything right, the district, there was an  
13       MOU, there was let's say, and there was a  
14       proper sharing of the information, and it went  
15       to the other entity, but the other entity  
16       shared it, but the district did everything  
17       right, then there's no relief available.

18          MR. MCNEAL: I don't think there would be  
19       any relief under this statute. Creative  
20       lawyers can always come up with a, with a  
21       different cause of action, but under this  
22       statute it would be limited.

23          CHAIR: I get it. I'm just talking --  
24       that's what I'm talking about, whether this  
25       statute, I just want to make sure that we

1 understand the landscape, so --

2 MR. MCNEAL: Yes, sir.

3 CHAIR: Okay. Chief Lystad.

4 CHIEF LYSTAD: Thank you, Sheriff. And  
5 following up on Sheriff Gualtieri's and  
6 Sheriff's Ashley's comments, I just want to  
7 make sure and see if, if I can understand a  
8 little better. The agency -- so I'm going to  
9 use a specific example. The information shared  
10 with law enforcement and SRO, and they have a,  
11 an interagency agreement, and so the parents  
12 bring a cause of action against the district  
13 for releasing that information, do they still  
14 have a cause of action for injunctive relief?  
15 Are you aware of any cases that that has  
16 happened in?

17 MR. MCNEAL: I'm not aware of any cases,  
18 Commissioner. I looked to try to find some  
19 examples of these kinds of injunctions and I  
20 didn't find any. That may be attributable to  
21 some of the fear that we've talked about  
22 earlier, about, you know, sort of just shutting  
23 things down, mentioning FERPA, and not  
24 releasing anything. I think in that particular  
25 instance a court would look to all of the

1 guidance, and all the regulations that we've  
2 talked about, and whether the, the release to  
3 the law enforcement entity was appropriate,  
4 whether we were truly talking about education  
5 records, or whether we were talking about  
6 records of a law enforcement unit of a school  
7 district, or an SRO's records.

8 We talked about that distinction earlier,  
9 and also about the distinction when an SRO is  
10 acting in a dual capacity. So, I think that a  
11 judge would look at all of those factors, and  
12 it would be a very case specific review.

13 CHIEF LYSTAD: Okay, so in your -- in your  
14 opinion you believe that there would not be a  
15 cause for injunction? And what I'm reaching  
16 for, Chair, is whether or not they need a good  
17 faith exception to provide that information to  
18 us to protect them so that they actually give  
19 us the information now without a fear of we  
20 could still have an injunction, and still are  
21 going to face attorney's fees, and whether or  
22 not we need to make that part of our  
23 recommendation.

24 And then my other -- my other comment is  
25 basically just a recommendation, is that I

1 think we should reconsider the biometrics,  
2 particularly facial recognition, with the way  
3 technology is, I know we're a long ways away  
4 from having camera systems effective in all our  
5 schools, but if we had a facial recognition  
6 using biometrics we may have been able to pick  
7 up students that might not necessarily be  
8 allowed on campus and give the early warning to  
9 the schools. Thank you.

10 MR. MCNEAL: So, in answer to your  
11 question, again I hate to dodge, but I think it  
12 would be very fact specific, and specifically  
13 in what context did the law enforcement entity  
14 release the information, is it a school SRO, is  
15 it pursuant to an MOU, if so was that, were the  
16 terms of that MOU followed, was there an  
17 articulable and significant threat if the, if  
18 the health and safety emergency exception were,  
19 were used. So, there would be a lot of  
20 factors. Again, I haven't found an instance of  
21 this injunction being granted so that, that may  
22 be worth considering as well.

23 CHAIR: It tells you a lot. Commissioner  
24 Dodd.

25 MR. DODD: Yes, I just wanted to clarify

1 on the records retention, the GS7 I think that  
2 you had referred to.

3 MR. MCNEAL: Yes, sir.

4 MR. DODD: So, the Category A information  
5 is permanently retained, correct, it's the  
6 Category B information, student records, that  
7 can be disposed of after three years; am I  
8 correct in that?

9 MR. MCNEAL: That's right. The general  
10 retention for Category B is three years, and  
11 then if there's a specific record series that,  
12 that it falls into, like we talked about the  
13 expulsion records that have a five-year  
14 retention schedule, so if this committee, for  
15 example, believed that it would be important to  
16 be able to view expulsion records for a longer  
17 period of time than the past five years it  
18 might warrant a recommendation that that be  
19 reexamined.

20 MR. DODD: Right. And since so many  
21 records now are electronic records, it's not a  
22 large of an issue to store those records, would  
23 you agree with that?

24 MR. MCNEAL: That's right.

25 MR. DODD: Okay, so that would be

1 something I would think this commission too  
2 could look at, and make a recommendation in  
3 regards to those records.

4 CHAIR: Could you go to Slide 9 for a  
5 minute? I just want to clear this up in my  
6 mind. You said in Slide 9 that records can be  
7 released without consent to the parties to an  
8 interagency agreement, that includes DJJ, law  
9 enforcement, et cetera, but is that the parties  
10 to that agreement for which the information can  
11 be released can only use it solely, solely for  
12 use in determining appropriate programs and  
13 services; is that correct?

14 MR. MCNEAL: That's correct. So, this  
15 would be sort of in addition to all of the  
16 records release that we've discussed under  
17 FERPA.

18 CHAIR: Okay, because FERPA applies, so  
19 the health and safety, so this is in addition,  
20 because then, and this is where it gets just a  
21 little dicey for me, and I want to make sure  
22 that we know the landscape here, is under 985  
23 is, is that it's required to have an agreement,  
24 because it says shall enter into an agreement,  
25 but that is solely for, I'll call it

1 delinquency type information regarding juvenile  
2 offenders among the parties.

3 So, the first section doesn't apply to  
4 let's say threats, because that's only for  
5 programs or services. The 985 provision only  
6 relates to, I'll call it delinquency, about  
7 juvenile offenders, so none of that applies to  
8 the situation of sharing information because of  
9 you'd have to then rely on the health and  
10 safety under FERPA if it wasn't in one of these  
11 exceptions; is that correct?

12 MR. MCNEAL: I think that's right. I  
13 think that as a practical matter a lot of this  
14 information and a lot of the players would be  
15 some of the same, the same entities, and same  
16 individuals. I think that, for example,  
17 information that was shared under one of these  
18 interagency agreements that then rose to the  
19 level of, of a threat, would then be covered by  
20 all of the, all of the --

21 CHAIR: Right, because -- because the  
22 threat, the thing that qualifies for the shared  
23 information for health and safety certainly  
24 could rise to the level of delinquency, and  
25 rely on the 985, so --



1 MR. MCNEAL: Exactly.

2 CHAIR: -- we're kind of going down a  
3 bunch of different paths at the same time, and  
4 sometimes they coincide, and sometimes they  
5 keep going divergent I guess.

6 MR. MCNEAL: I think that's right.

7 CHAIR: Okay. Anybody else have any other  
8 questions? Sheriff Ashley?

9 SHER. ASHLEY: Not for our presenter, but  
10 for Commissions just to chew on, is if it's not  
11 already required that school board members and  
12 superintendents and principals actually go  
13 through FERPA training, and the statut4e  
14 training. That might be a recommendation as  
15 well so we're not all so fearful of what it,  
16 what it entails.

17 MR. MCNEAL: Sheriff Ashley, I would, I  
18 would definitely agree with that. I think  
19 we've heard a number of times today that there  
20 are some misconceptions, and misunderstandings  
21 about, about this law. With your comments, Mr.  
22 Chair, about HIPAA, I wholeheartedly agree. I  
23 address those from time to time, and folks  
24 don't understand. And we'll hear more about  
25 that today. But so, I think education and some

1 training on these things is really a key.

2 CHAIR: So, I guess -- I guess I can say  
3 it because I am one, but part of the problem  
4 here is the lawyers, okay, and the lawyers  
5 caused part of this problem, because the easy  
6 response, the path of I guess least resistance,  
7 is to just say no, as opposed to trying to  
8 navigate through it. And I do -- and I say it  
9 in all seriousness, I do believe that, and I  
10 know that it's a problem across the board,  
11 where the people just say no because it's the  
12 safest route.

13 I tell our lawyers all the time, and all  
14 lawyers, is that your job is, is to give the  
15 advice, and it's my job to make the decision,  
16 so, you know, and unfortunately though is, is  
17 that people who don't know take the lawyer's  
18 advice as gospel, and sometimes the lawyers are  
19 wrong. And they're not trying to get you to  
20 yes, they're not trying to get you to the  
21 finish line, they're trying to get you to the  
22 place that they think is the safest place, and  
23 the safest place is not always the right place.

24 And so that's my two cents on, on all of  
25 that, for whatever it's worth, and I think it

1 absolutely applies in this FERPA situation, and  
2 I know it applies in the HIPAA situation. And  
3 it is so many times erroneously relied on to  
4 stop something from moving forward that really  
5 should move forward, and so, you know,  
6 training, Sheriff Ashley, it would be a very  
7 good thing to enlighten people on, and to, you  
8 know, when somebody says to you you can't do  
9 it, and you ask why, and they say, well the law  
10 says, the next question should be show me,  
11 because about ninety something percent of the  
12 time it's not right. Anyway, that's my  
13 whatever for the afternoon, so. Thank you for  
14 being here. We appreciate it.

15 MR. MCNEAL: Thank you for the  
16 opportunity.

17 CHAIR: So, the next presentation couldn't  
18 be more timely and segued better into, is a  
19 presentation on HIPAA. And we have with us  
20 Tracey Jaensch, who is the Florida Managing  
21 Partner for Ford & Harrison. It's a law firm  
22 out of Atlanta. Tracy was gracious enough to  
23 do the HIPAA presentation for us, trying to  
24 find somebody who that has the expertise on  
25 HIPAA that can explain it is always a

1 challenge, but Tracy has got a lot of  
2 experience representing employers in employment  
3 law, which inherently touches on HIPAA. So,  
4 Tracey, thank you for being here this  
5 afternoon, and welcome.

6 PRESENTATION HIPAA

7 MS. JAENSCH: Thank you, Commissioner.  
8 I'm not sure I'm doing this correctly, so let  
9 me make sure. I think what I'm going to speak  
10 to you today is kind of when HIPAA applies and  
11 doesn't apply. Generally speaking there are  
12 two parts of HIPAA, and HIPAA is really meant  
13 to protect electronically stored and sent  
14 information. That was the original intent of  
15 the HIPAA regulation. So, there's a privacy  
16 component and there's a security component.  
17 I'm going to be focusing more on the privacy  
18 component, but the security component is a lot  
19 of what HIPAA is about.

20 In other words, there's, you know,  
21 sections on privacy, but it's a complicated  
22 long Act primarily because of the security  
23 component, what are you going to do with  
24 electronic information, how can you send  
25 electronic information, how is it stored, what

1 is all the data protections that have to go  
2 into place for providers. So, one of the most  
3 important, probably, things to know about  
4 HIPAA, and this is just some of the how, the  
5 terminology.

6 HIPAA was passed in 2003, and then there  
7 was an amendment to it, which was the High-Tech  
8 Act, which again you will rarely deal with  
9 because it has to do with electronically  
10 transmitted information, data protection, and  
11 this Act continues to be upgraded as computers  
12 and IA become more complicated, but really the  
13 purpose of the Act was to protect the flow of  
14 health information in health care specific to  
15 this notion of now computers. Okay.

16 It's important to understand that only  
17 covered entities are required to comply with  
18 HIPAA. The only people who are, in addition to  
19 covered entities, are business associates of  
20 covered entities. Business associates of  
21 covered entities are entities that receive  
22 private health information from covered  
23 entities. The only covered entities in HIPAA  
24 are health plans, so those insurance companies  
25 that deal with health information, health care

1 providers, and those can be hybrid depending on  
2 whether there's treatment being provided, and  
3 health care clearing houses. And health care  
4 providers are only subject to HIPAA if they  
5 send and receive electronic records  
6 information, if they are providing treatment  
7 through electronic records. Almost all do, but  
8 in that rare instance where they don't there  
9 would be a question about whether they would be  
10 a covered entity under HIPAA.

11 A business associate would be someone like  
12 me. I represent health providers, and so when  
13 they, let's say I have an employment case and  
14 they provide information about patient records,  
15 that include patient records to me, I have to  
16 sign a business associate agreement with those  
17 medical providers so that I am complying with  
18 HIPAA. And so, our firm, for example, has to  
19 do all of the internal mechanisms that protect  
20 protected health information.

21 Entities that are not specifically covered  
22 by HIPAA include employers. So, for example,  
23 if you've got medical information that you've  
24 gotten from a drug test, or something like that  
25 from an employee, that is not protected by

1 HIPAA. It may be protected by something else,  
2 but it is not protected by HIPAA. Worker's  
3 comp, the records that you have from work comp,  
4 those are not HIPAA, not related to the work  
5 comp insurance. It may be if it comes from a  
6 provider, from the provider end of it.

7 Law enforcement agencies are not covered  
8 by HIPAA. Generally speaking schools are not  
9 covered by HIPAA. There's a expressed  
10 exemption for FERPA records as well under  
11 HIPAA, but now I could think of a scenario, but  
12 it would be very rare, where a school could be  
13 covered by HIPAA, and that would be if the  
14 school somehow contracted with a provider and  
15 that provider was being paid by Medicare, or  
16 Medicaid I guess in this situation, or some  
17 private health insurance. So, that would be a  
18 fairly rare thing, but that would be the only  
19 time that a school would be covered by HIPAA.

20 Do you guys have any questions about that  
21 aspect of this? Okay.

22 PHI, which is what HIPAA controls, is  
23 individually identified health inform, and your  
24 slides will, or your paperwork will tell you  
25 exactly what that is. It's mostly identifying

1 information about who the patient is, their  
2 treatment records, in any form, so it includes  
3 oral communications that contain PHI,  
4 electronic or written. And it also covers that  
5 inform if it's provided to a business  
6 associate, so that information has to be  
7 created or received by a covered entity or a  
8 business associate. So, in other words if, I  
9 don't know, a parent were to provide  
10 information to a school, or a law enforcement  
11 agency, about a student's mental health, that's  
12 not covered by HIPAA because it would have to  
13 have come from the covered entity, the  
14 provider, so there's no HIPAA protection for  
15 just what people say unless it's the provider  
16 who is saying it.

17 These are examples of PHI, and PHI is  
18 pretty broad, so if you are a covered entity  
19 then the protected health information is very  
20 broad, to the point of who the patient is,  
21 cameras, for example, in hospitals, there are  
22 potential HIPAA issues because then you know  
23 who the patients are. So, again this is only  
24 for covered entities, but if you are a covered  
25 entity that private health information is



1 almost all encompassing.

2 Now, you can de-identify that information  
3 by taking off any kind of information that  
4 reflects who that person is. So, there are  
5 exceptions to HIPAA, for example if you're  
6 looking at population health statistics and  
7 things like that the provider can provide that  
8 information so long as it's de-identified as to  
9 who the patient is, and any, any very specific  
10 information like their geographic location,  
11 ways you can figure out who that patient is, by  
12 social security number, or some other  
13 identifying information.

14 The HIPAA privacy rules define what PHI  
15 is, and it also defines when PHI can be  
16 disclosed with authority from the patient, or  
17 the patient's representative, and when it's not  
18 a disclosure under HIPAA. Okay, so we talked  
19 about that. HIPAA also, I think you guys have  
20 been talking today about there is no private  
21 right of action under HIPAA, it is enforced by  
22 the government. There are, as you may have  
23 seen in the news, very hefty penalties that the  
24 government levies if there is a HIPAA breach,  
25 and typically the government is notified of a

1 HIPAA breach.

2 Almost always, or very frequently, that  
3 has been in conjunction with a data breach from  
4 a breach in the computer system, or something  
5 to do with their, their electronically stored  
6 information. Occasionally it's something like  
7 people are cleaning the providers office and  
8 there are records laid out and the cleaning  
9 people took, let's say, the social security  
10 information, or other information, patient  
11 information. But the government is who  
12 enforces that, and provides the only remedy  
13 that there is for a HIPAA breach.

14 The permitted uses are of course to the  
15 individual, so if you're a patient you can get  
16 your own records, for routine disclosure  
17 between health care providers, so for example  
18 if a school nurse were to contact a student's  
19 mental health counselor or physician for the  
20 purposes of providing medication to the  
21 student, that would be a permitted disclosure  
22 without having to have the student or parents'  
23 consent, without having to sign a HIPAA form, or  
24 with the individual's authorization to make non  
25 routine disclosures. So, if you're not a

1 health care provider that's not a routine  
2 disclosure, and you would have to get  
3 authorization from the patient.

4 There are exceptions to that of course  
5 that we'll talk about, and HIPAA has tons and  
6 tons of exceptions that are laid out in the  
7 Act. A routine disclosure is for health care  
8 treatment, for health care payment, or for  
9 health care operations, and that typically only  
10 applies to like hospitals and medical providers  
11 where a nurse is communicating, let's say with  
12 a doctor, and they can have that dialogue  
13 because, or hospitals will use it, for example,  
14 if they need to look at wait times, you know,  
15 in the ER, or something like that. Those are  
16 all permitted disclosures under HIPAA without  
17 having to have any kind of authorization from  
18 the, or consent from the patient.

19 Non-routine disclosures are, you know,  
20 employment decisions, marketing, and non-health  
21 purposes, which for your purposes is probably  
22 the one that you would normally need written  
23 authorization unless there's a specific  
24 exception under HIPAA. And again, this is  
25 coming from the health care provider, or the

1 health plan.

2 Any disclosure under HIPAA has to be the  
3 minimum necessary to convey the information  
4 sought, so it has to be limited to whatever the  
5 information is that meets whatever the  
6 exception is. So, in other words, if I need  
7 information about an employee who is part of a  
8 lawsuit and I get a HIPAA release from that  
9 employee for me to get information from their  
10 healthcare provider, I can't just go rummaging  
11 around in their spouse's information, for  
12 example, or some other part of their PHI that  
13 is in their health record. It has to be  
14 limited to the consent given, and for the  
15 purpose that I'm looking at it. HIPAA allows  
16 communication to a parent of a minor child, or  
17 the executor, or administrator of the patient's  
18 estate if they're deceased. Any other family  
19 members other than the parent of a minor child  
20 you would have to have a consent. Okay.

21 Focusing on law enforcement, that is  
22 addressed in 45CFR160 and 164, and as I said a  
23 law enforcement organization is not a covered  
24 entity, so if for some reason a law enforcement  
25 entity knows medical information about someone

1       that they're arresting, or there may be other  
2       reasons why that information cannot be  
3       disclosed, but it isn't, it isn't HIPAA. And a  
4       covered entity, which is again, would be a  
5       healthcare provider or a hospital, or a health  
6       plan, may disclose protected health information  
7       for a law enforcement purpose to a law  
8       enforcement official under certain  
9       circumstances that are laid out in HIPAA.

10           I think for your purposes in terms of this  
11       threat assessment group a question that I was  
12       thinking about when I came here is whether the  
13       group could be defined as a law enforcement  
14       official under HIPAA. So, a law enforcement  
15       official is defined as an officer or employee  
16       of an agency or authority of the United States,  
17       a state, a territory, a political subdivision  
18       of a state or territory, or an Indian tribe,  
19       who is empowered by law to investigate or  
20       conduct an official inquiry into a potential  
21       violation or law, or prosecute, or otherwise  
22       conduct a criminal, civil, or administrative  
23       proceeding arising from an alleged violation of  
24       law.

25           And I'm not aware of other entities of the

1 type that you are contemplating, and so I  
2 don't, there's not just sort of settled law  
3 where I could say one way or the other that  
4 this would constitute a law enforcement  
5 official, the group itself, but if a member of  
6 that group were a law enforcement officer, and  
7 that law enforcement officer were empowered to  
8 look into a potential violation of law, they  
9 would probably be someone that could make a  
10 request that the provider would have to  
11 determine whether they could give the inform  
12 under this section of HIPAA. And there are a  
13 whole bunch of exceptions when it's a law  
14 enforcement inquiry so long as it's, you know,  
15 so long as you comply with HIPAA.

16 So, one example of a permitted disclosure  
17 to a law enforcement, or quasi law enforcement  
18 agency under HIPAA, would be state laws that  
19 relate to child abuse. So, a provider who is  
20 required by state law to report to, let's say  
21 DCF, or any other entity about suspected child  
22 abuse, that's an exception to HIPAA. There may  
23 be lots of others, but that's just an example.

24 Limited by the relevancy requirements, a  
25 court order, a warrant, a subpoena, a grand

1 jury subpoena, all of those are exceptions for  
2 the law enforcement exceptions to HIPAA. The  
3 one that may be the most relevant here is if  
4 the official inquiry is relevant and material  
5 to a legitimate law enforcement inquiry it has  
6 to be specific and limited in scope to the  
7 extent reasonably practicable in light of the  
8 purposes for which the information is sought.  
9 De-identified information, you know, doesn't  
10 count, so if there could be de-identified  
11 information that could be used then this  
12 exception doesn't apply, but typically that's  
13 not going to be the case if you have a specific  
14 suspect.

15 Also of course, the provider, and I should  
16 have had slide to this effect, the provider can  
17 provide information themselves about a patient  
18 to law enforcement, family members, or others,  
19 if the provider believes that the patient  
20 presents a serious danger to self or others.  
21 That has to be limited by a covered entity  
22 disclosing, for example psychotherapy notes,  
23 where the covered entity has a good faith  
24 belief that the disclosure, number one, is  
25 necessary to prevent or lessen a serious and

1       imminent threat to the health or safety of the  
2       patient or others, and two, is to a person  
3       reasonably able to prevent or lessen the  
4       threat. So, again I don't know about the  
5       threat assessment group, but certainly a law  
6       enforcement official would qualify as someone  
7       who would be reasonably able to prevent or  
8       lessen the threat. But I can be others. It  
9       can be the person who is the supervisor, let's  
10      say in an employment setting, who could notify  
11      the person who is being threatened by a  
12      patient. That is an example of where a  
13      provider could provide information if they felt  
14      that the threat was imminent and serious.

15           Now, in these cases the covered entity is  
16      presumed to have acted in good faith where its  
17      belief is based on a covered entity's actual  
18      knowledge, so that could be based on the  
19      covered entity's actual interaction with the  
20      patient, or in reliance on a credible  
21      representation by a person with apparent  
22      knowledge or authority, so if a parent were to  
23      tell the provider that, or another person, it  
24      doesn't have to be a parent, it could be a law  
25      enforcement officer, it could be a school



1 person, if they provide information to the  
2 provider that there is a serious or imminent  
3 threat to the health or safety of the patient  
4 or others they can also rely on that. And that  
5 is -- the exception is in 45CFR164.512(j)(4).  
6 If the threats do not rise to the level of  
7 serious or imminent there are some other HIPAA  
8 privacy rule provisions that could apply.  
9 You'd have to look at, for example, if there  
10 was a state law that allowed the disclosure  
11 that would be an exception to HIPAA.

12 I think that's kind of what I was asked to  
13 speak about. I don't know if you have any  
14 questions. But generally, that's, that's sort  
15 of HIPAA in a nutshell.

16 CHAIR: Questions? Senator Book, go  
17 ahead.

18 SEN. BOOK: Thank you, Mr. Chair. In  
19 speaking about the exception to HIPAA being  
20 child abuse, so let's say you are a classroom  
21 based teacher and you have a parent/teacher  
22 conference because of behaviors that you're  
23 seeing in classroom, for example, and you want  
24 to have a parent/teacher conference, bring the  
25 parent in, have some conversations about things

1       that you're seeing, and the parent isn't  
2       engaging, you try to do multiple, you know,  
3       different visits, and the lack of attention you  
4       believe rises to the level of abuse. Perhaps  
5       it's not the typical child abuse, sexual abuse,  
6       physical abuse, but neglect I guess, could you  
7       then, would that then, if you talked to a  
8       principal, other personnel, would that be an  
9       exception to HIPAA considered?

10           MS. JAENSCH: There is a victim exception  
11       to HIPAA as well, where you could get  
12       information about the victim's treatment, or  
13       the victim's medical care. I don't have all  
14       the specific criteria for that, but generally  
15       speaking if there is a belief that the victim  
16       is either incapacitated, or unable themselves  
17       to be able to say what is happening, and so  
18       this is a specific exception in HIPAA as well,  
19       it doesn't even necessarily require the  
20       exception, that's a state law exception, and  
21       I'd have to give you all the, all the criteria,  
22       but there is an exception for where the  
23       provider has received information that for the  
24       victim's own health and welfare benefit they  
25       can disclose information to protect the victim.

1           You're speaking of if the child is the  
2       victim of that.

3           SEN. BOOK:   Yes.

4           MS. JAENSCH:   Yes.

5           SEN. BOOK:   Even if you as a, as a  
6       provider of education, or counseling services  
7       for that matter, and you don't believe that  
8       that child is getting all of what they need in  
9       their home setting, or, you know, whatever that  
10      might look like in this hypothetical situation,  
11      going to another individual to report that, or  
12      sharing information, that would be an  
13      exception.

14          MS. JAENSCH:   Right.   But as the teacher  
15      you're not constrained by HIPAA.   You're asking  
16      whether you could go to the provider?   Yeah, I  
17      mean you'd have to meet that criteria for that  
18      provider to do that, but generally speaking the  
19      provider, if the criteria is met in their good  
20      faith belief they could disclose information to  
21      the teacher.   But the more likely thing would  
22      be that the teacher would tell the provider  
23      something, and the provider would report that  
24      to law enforcement, or to DCF.   Generally, the  
25      provider is not just going to have some open

1 dialogue with a teacher.

2 CHAIR: Commissioner Senior, do you --

3 SEC. SENIOR: Yes. The website, by the  
4 way, that you've given on the second to last  
5 line is very informative --

6 MS. JAENSCH: Yes. Yes.

7 SEC. SENIOR: -- questions that are  
8 answered there about specifically the law  
9 enforcement exceptions. What we're -- what  
10 we're looking at here, if you could just help  
11 us walk us through sort of the analysis, if  
12 you've got a situation where you have a child  
13 in the school system, is being seen by mental  
14 health professionals who are covered entities,  
15 or by DCF mental health professionals, they are  
16 their managing entities, and you have a  
17 situation where they have some concerns, and  
18 what, what is their obligations, or when could  
19 they really bring a school resource officer in,  
20 or start to go to other people outside and  
21 start to disclose some of this health  
22 information that they have? When does that  
23 happen, what are the thresholds under HIPAA?

24 MS. JAENSCH: Well, HIPAA -- once these  
25 records -- if I am understanding you if the

1 records are already released to the school then  
2 they're no longer HIPAA protected, they're  
3 FERPA protected by the school as school  
4 records, so they don't have to -- you know, in  
5 other words if a physician -- unless it goes to  
6 -- unless it was for treatment purposes, so I  
7 guess it depends on how the school had the  
8 records.

9 SEC. SENIOR: I guess maybe just to  
10 clarify it, it could, I'm talking about the  
11 health care professional has, has information.  
12 They -- they might be in the school, they might  
13 be outside, they might be with the Department  
14 of Children and Families, but they have some  
15 concerns about, about the mental health of an  
16 individual, and what are the, what are the  
17 constraints, if any, on them sharing that  
18 information with a school resource officer or  
19 with school officials?

20 MS. JAENSCH: Your question is too broad  
21 to be answered without breaking it down. So,  
22 for example, if it was a school nurse, a school  
23 nurse is not covered by HIPAA, so if the  
24 treating person is the school nurse she can  
25 talk to whoever she wants. So, that's --

1           CHAIR: I think -- I think if I understand  
2           it is, is that if you had let's say a person  
3           who works for, here in Broward County Henderson  
4           Behavioral Health, who is a behavioral health  
5           mental health provider, and that person is  
6           treating let's say a student at whatever  
7           school, and they know that the student, also  
8           there's an SRO at that school, and the mental  
9           health provider gets some information that is  
10          of concern perhaps about what may be happening  
11          at the school, a threat, or something along  
12          those lines, or some serious behavioral issues,  
13          maybe rise to the level of criminal, or  
14          whatever it may be is, is that what is the  
15          ability of that counselor at Henderson to share  
16          with the SRO? Is that your -- is that --

17          SEC. SENIOR: Correct, yes.

18          CHAIR: All right, so -- so what are  
19          exceptions -- is really comes down to is, is  
20          that one of the under, and I think you covered  
21          it in here, a threat type exception where the  
22          mental health provider who is a covered entity  
23          can share that because of the threat that they  
24          learned.

25          MS. JAENSCH: Okay, right. And HHS does

1 have these very specific questions answered on  
2 that website, but the covered provider has to  
3 have a good faith belief that them telling the  
4 SRO, or the entity that is looking into this,  
5 is necessary to prevent or lessen a serious and  
6 imminent threat to health or safety of the  
7 patient or otherwise. So, it has to be serious  
8 and imminent.

9 SEC. SENIOR: Serious and imminent, okay.

10 MS. JAENSCH: Okay. And --

11 CHAIR: Yeah, go ahead.

12 MS. JAENSCH: -- the person who they're  
13 disclosing it to has to be reasonably able to  
14 prevent or lessen the threat, so it's important  
15 to have the SRO be a law enforcement official  
16 ideally. I mean that's not to say that the  
17 school itself cannot be that person, but  
18 ideally you would, you would prefer that to be  
19 --

20 CHAIR: And because the threat assessment  
21 teams are new, and we know now that there has  
22 to be a threat assessment team on the campus of  
23 every school in a state, and, you know,  
24 certainly it's arguable, because this is new  
25 and untested, that the threat assessment team

1 has the ability to, the verbiage you use is to  
2 lessen the threat, or to investigate it, or to  
3 mitigate it, so the question would become, but  
4 we also know that every threat assessment team  
5 is required to have a law enforcement  
6 representative on it, so in that context  
7 sharing it with the school, or even with the  
8 threat assessment team is certainly, it looks  
9 like to be within the parameters, and it's at  
10 least arguable that it is because of the  
11 language there.

12 MS. JAENSCH: Yeah. And assuming that it  
13 doesn't fall under other exceptions, so as we  
14 talked about it could, it could also fall under  
15 child abuse, and domestic violence, and other  
16 things that the provider is able to disclose  
17 that information otherwise. And, you know,  
18 what is serious and imminent, you know again  
19 the provider can err on the side of it not  
20 being the most serious thing they ever heard,  
21 because --

22 SEC. SENIOR: It's a good faith standard.

23 MS. JAENSCH: It's a good faith standard,  
24 and they're presumed to have good faith so long  
25 as it's a credible representation. So, if you



1 had a threat assessment entity provide  
2 information to a provider there would be an  
3 assumption I think -- and again the only people  
4 who are looking at this is the government.  
5 This is -- this is not a lawyer who can sue on  
6 behalf of the patient the school, or anybody  
7 else, or even the provider for a HIPAA breach.  
8 It would have to be reported as a HIPAA breach  
9 to the government, and the government would  
10 make a determination as to whether or not this  
11 was an improper HIPAA breach. So, I just want  
12 to be clear that the risk is lower, I guess I  
13 would say, because the likelihood that, that if  
14 you reported that as a HIPAA breach, that the  
15 government would say that this was a, an  
16 improper breach that would be sanctionable by  
17 the government is fairly low.

18 I'm not saying, you know, to not follow  
19 HIPAA, but, but it, you know, when there is a  
20 question I would fault to disclosure.

21 CHAIR: Well, so many times what you hear  
22 is, is that I can't do it because I'm going to  
23 get sued under HIPAA, and, you know, and what  
24 goes with that, and people have concern is, is  
25 because you have these statutes that also allow

1 a cause of action, but they have prevailing  
2 party fee shifting provisions, and like we saw  
3 under the state, where you can get fees, so  
4 people are, oh, my God, I'm going to get sued,  
5 and that's where the big expense is. And that  
6 is, like you said is not true here.

7 MS. JAENSCH: The more likely suit would  
8 be against the health care provider, because  
9 under some of the statutes in Florida they have  
10 their own duty to warn if they receive a threat  
11 to others.

12 CHAIR: Which we're going to hear about  
13 next. And again, you got to weave all of this  
14 together, but we're trying to stay just right  
15 now into the HIPAA world here. And just to  
16 clarify is that the school counselors, the  
17 school itself, a school, let's say a counselor  
18 in the school, the school is not a covered  
19 entity.

20 MR. JAENSCH: Right. Nor is the  
21 counselor.

22 CHAIR: And nor is the counselor, so,  
23 right. And then the other thing where you get  
24 this too is, is that you get, oh, it's HIPAA, I  
25 can't, is that if somebody calls, and let's say

1 a woman calls and talks to the police because  
2 there's a domestic, or they're having problems  
3 with their kids, and talks about, elaborately  
4 discusses the kid's mental health issues, and  
5 all the problems, and the medication the kid is  
6 on, and all this stuff, and the cop takes all  
7 that and writes it into a report, none of that  
8 is HIPAA.

9 MS. JAENSCH: Well, medication the person  
10 is taking, if that school nurse has --

11 CHAIR: No, I'm talking about to -- this  
12 is the parent telling the cop, just --

13 MS. JAENSCH: Oh, no, no, no.

14 CHAIR: That's what I'm -- just the parent  
15 tells the cop, and the cop puts that in the  
16 report.

17 MS. JAENSCH: I'm sorry.

18 CHAIR: No, no, I'm not talking about  
19 that. Just in that scenario where it's the  
20 parent, and the parent tells the cop.

21 MS. JAENSCH: Oh, no.

22 CHAIR: And the cop puts it in a report,  
23 that's not HIPAA.

24 MS. JAENSCH: No.

25 CHAIR: But you hear all the time, oh, my

1 God, it's HIPAA, you can't do anything with it.

2 MS. JAENSCH: No, no, no. No.

3 CHAIR: Commissioner, do you have a  
4 question?

5 MS. SKINNER: It's more an observation, as  
6 someone who every year has to take HIPAA  
7 compliance training. So, what's presented to  
8 use every single year is these are the things  
9 that constitute PHI, these are the reasons you  
10 can't give it out, or share it, and these are  
11 the fines that can be levied. It's not about  
12 being sued, it's about the fines that can be  
13 levied, and in many cases especially because I  
14 work for a nonprofit we can't afford those  
15 fines. So, places like Henderson are the same.  
16 I mean there's a lot of us throughout the  
17 state. So, here we have this training, all of  
18 our staff are required to take it, and they're  
19 afraid because they don't want to lose their  
20 jobs because we get a \$25,000 fine, or more.

21 And I think that perhaps one of the  
22 problems is most of the training is focused on  
23 this is PHI, this is what you can't do. It  
24 doesn't provide the exceptions, and so that's  
25 why people don't know. And I think -- I don't

1 know if we can even make a recommendation, but  
2 one of mine would be that HIPAA compliance  
3 trainings in the State of Florida need to  
4 include what are the exceptions.

5 CHAIR: There's probably, Tracey, you can  
6 comment on this, I'd say there as many or more  
7 exceptions than there are prohibitions. The  
8 exceptions, there's a lot of exceptions to it.

9 MS. JAENSCH: Well, I think maybe one of  
10 the things that is challenging is, again,  
11 there's two parts of HIPAA, one is the privacy  
12 part and one is the security part. The  
13 security part is really what the law is for,  
14 it's all about you have to do all these things,  
15 and I think the trainers default to -- because  
16 people leave records everywhere, I mean this is  
17 just a huge problem, I mean, so I'm just, you  
18 know, what they're trying to prevent is just  
19 the fact that somebody goes home and they've  
20 left a bunch of records on their desk, and  
21 things like that.

22 Also, you don't want people who are not  
23 the direct provider to really know what all the  
24 exceptions are, okay, I mean the reality is we  
25 want only the treater to be trained on that, so

1 maybe it's a separate training, but the treater  
2 is really the one who has to, whose license is  
3 on the line on that disclosure.

4 MS. SKINNER: So, the problem with that is  
5 we're trying to come up with ways to make  
6 recommendations to make it different, so that  
7 in these situations people feel comfortable  
8 sharing the information that is pertinent,  
9 whoever has that information. And in most  
10 cases, it would be the direct provider, because  
11 other people wouldn't be likely -- I as the CEO  
12 wouldn't necessarily know. Some people I do  
13 know about directly, others I will not, but one  
14 of my therapists might, or one of my doctors  
15 might. If -- if we want to make a  
16 recommendation as a commission it either means  
17 changes to the law that we recommend or changes  
18 to the way people are given the information  
19 about the law so that they know what they can  
20 share with law enforcement, and with the  
21 schools.

22 MS. JAENSCH: I think -- I think if the  
23 threat assessment team is considered a law  
24 enforcement official, or if there is a law  
25 enforcement official on that team, that's

1       probably good enough. I mean that's -- the  
2       provider could easily have a good faith reason  
3       to release the information if they had a  
4       credible report from a law enforcement  
5       official.

6               CHAIR: Sheriff Ashley, go ahead.

7               SHER. ASHLEY: Thank you, Chair. Just for  
8       the commissions' information, the National  
9       Conference of State Legislatures is actually  
10      examining this across the country, looking at  
11      the number of states that have permissive laws  
12      that allow mental health professionals to be  
13      free from civil liability for sharing  
14      privileged information in suicidal and homicide  
15      subjects towards moving states from a  
16      permissive to a mandatory duty for those  
17      professionals to report, so it may be incumbent  
18      upon us to look at that legislation that  
19      they're suggesting as one of our own  
20      recommendations.

21              MS. JAENSCH: Well, HIPAA preempts any  
22      state law that conflicts with it, so just keep  
23      that in mind. I mean as long as it doesn't  
24      conflict with HIPAA then providers will follow  
25      it, but --

1 CHAIR: All right. Well, thank you,  
2 Tracey, we appreciate you being here. Thanks  
3 very much. All right, why don't we take a  
4 fifteen-minute break, and we'll come back then  
5 with our last section on State privacy laws to  
6 wrap up the section on privacy. So, fifteen  
7 minutes, we'll come back about 3:15.

8 (Thereupon, the meeting is in recess.)

9 CHAIR: Okay, we're going to go ahead and  
10 get started, and to kind of wrap up this  
11 discussion and presentations on the privacy  
12 issues. We've been talking a lot about the  
13 federal laws, and a little bit, of course,  
14 about the state education laws. But we're  
15 going to talk about Florida law across the  
16 board in education, a little bit about health  
17 care and other things, and we have with us Paul  
18 Rozelle. Paul, you want to come up. Paul is  
19 an attorney with the Pinellas County Sheriff's  
20 Office, and I've asked him to summarize all of  
21 this, and do a presentation for us. So, Paul,  
22 welcome, and thank you for you being here.

23 PRESENTATION - FLORIDA LAW

24 MR. ROZELLE: Thank you, sir. Good  
25 afternoon, Mr. Chairman, Members of the



1 Commission. I want to thank you for inviting  
2 me to present here today to all of you, and I  
3 want to first join in words spoken by my fellow  
4 presenters in extending my condolences, and  
5 sharing in, and frankly honoring the grief of  
6 all of you, especially the parents, the  
7 families, the community, to recognize that.  
8 And I also want to thank you all for your  
9 service on this commission, and to hope that  
10 from this terrible and senseless tragedy some,  
11 some good, and something better can come of it.  
12 So, with that I want to jump us into what is a  
13 bit of a grab bag of basically what remains.

14 We've heard about federal educational  
15 privacy laws. We have heard about federal  
16 healthcare privacy laws that protect the  
17 privacy of healthcare information under certain  
18 sets of circumstances. And we've heard today  
19 from Mr. McNeal a little bit about state  
20 educational privacy laws that protect, rather  
21 that track and some ways follow the FERPA  
22 framework, and protect the privacy of certain  
23 educational records. And we want to build on  
24 that today to understand what are the state  
25 laws that pertain to healthcare records, to

1 educational records and contacts, other than  
2 Mr. McNeal discussed, as well as some other  
3 areas that potentially impact the ability of  
4 those in our community, whether it's law  
5 enforcement agencies, mental healthcare  
6 providers, hospitals, physicians, educational  
7 institutions, schools, to communicate with each  
8 other, to share information with each other,  
9 what are, what are the possibilities, what are  
10 the limits, and perhaps what are some areas  
11 where recommendations can be made for  
12 improvement.

13 So, with that there are three broad areas  
14 we need to become informed on. First is our  
15 public records laws here in the State of  
16 Florida, so we'll get a little outline and  
17 understanding of that, and understanding what's  
18 public, we then secondarily need to understand  
19 of information of records, materials that are  
20 public, are there parts of those materials, or  
21 certain information that is exempt, or that is  
22 confidential from disclosure that cannot be  
23 shared, or there is some limits on sharing, and  
24 to explore the ideas of confidentiality and  
25 exemption.

1           Those are two words that I know many of  
2           you have heard much about already today and in  
3           other meetings, and they're words that have  
4           specific particular meanings. They're what us  
5           lawyers call terms of art, and we want to make  
6           sure we're using them accurately and understand  
7           what they mean. And then third, we need to  
8           understand some other limits on information  
9           sharing, and access to information, and that  
10          would be the Florida laws as they pertain to  
11          sealing and expunction of criminal history  
12          records. So, that's a pretty general outline  
13          of where we're headed here today.

14          So, first of all Florida law sets out a  
15          constitutional right to privacy. This is  
16          something that does not exist as explicitly in  
17          our federal constitution as it does in our  
18          state constitution, and there's the  
19          constitutional language for you as it basically  
20          sets up for all of us as citizens of the state  
21          a right to be let alone by the government. As  
22          you notice in the second sentence however, it  
23          is what we call foreshadowing, it says this  
24          right to be let alone does not impinge upon the  
25          public's right to have access to public

1 records.

2 And you see that in the very next section  
3 of Article I of the Florida Constitution where  
4 it sets out this constitutional right of access  
5 for transparency, for operation and function of  
6 government, to public records made or received  
7 in connection with official agency business of  
8 any body, officer, or employee, and I'm not  
9 going to read it all to you, but basically if  
10 you distill all this down it basically says  
11 pretty much anybody who is a state actor is  
12 subject to the Sunshine Act, to the public  
13 records laws, unless there is a applicable  
14 confidentiality or exemption that would apply.  
15 That's a right that exists in the Florida  
16 Constitution itself.

17 So, there is this constitutional framework  
18 that overlies everything we're going to be  
19 talking about, and then there is following on  
20 that a statutory framework that breathes  
21 practicable actionable life into, you know,  
22 what does that mean, and so we need to start  
23 out first with, you know, what is, what is a  
24 public record. And -- and you can turn to, you  
25 know, the Florida Statutes for the definition

1       there. All documents, papers, letters, you see  
2       in the slide here a whole bunch of things with  
3       great particularity, and then closes out, or  
4       other material regardless of physical form, so  
5       just about anything that is made or received  
6       pursuant to law or ordinance, or in connection  
7       with the transmission of official business by  
8       any agency.

9               So, there is this rather broad definition  
10       of what constitutes a public record in the  
11       State of Florida statutorily defined, and the  
12       Florida Supreme Court has gone on to, you know,  
13       streamline and refine that definition a little  
14       bit, and it breaks it out into these six  
15       elements here that we have on Slide 5 in the  
16       Shevin case, materials made or received by an  
17       agency in connection with official businesses  
18       that are used to perpetuate, formalize,  
19       communicate knowledge. And that is what a  
20       public record is.

21              So, knowing what one is now, they're, just  
22       like the operation of lawyers here, here is  
23       this thing, and it sounds really easy, and now  
24       here's a whole lot of complexity about  
25       exceptions, and exceptions to the exceptions,

1 and when it applies. So, the constitution,  
2 remember, has created this right of access to  
3 public records unless the records are made  
4 confidential or exempt, and so we need to  
5 understand those two words.

6 Confidential information is information  
7 that is not subject to inspection by the public  
8 record, so you have material, you have a  
9 document that is a public record but it's  
10 confidential, and therefore there's no right of  
11 public access under the public records laws, or  
12 under the Florida Constitution.

13 Confidentiality means that an agency can only  
14 release that information deemed to be  
15 confidential if there is a specific  
16 authorization to do so, and then it may only  
17 release that information to the extent it is  
18 authorized to do so. So, that authorization  
19 can come from generally two different places,  
20 the individual to whom the confidential  
21 information applies can authorize its release,  
22 can waive the right of confidentiality, it can  
23 also come from a specific delineated statutory  
24 provision that sets out an opportunity to  
25 either release the information or share it with

1 others. And so that's what confidentiality is.

2 Exemptions to the right to inspect public  
3 records, exemptions are similarly not subject  
4 to the access requirements of the Public  
5 Records Act, but the agency, and here's the  
6 difference with confidentiality that we need to  
7 understand, is that exemptions are things that  
8 belong to the agency, so an agency can decide  
9 to do ahead and release the information,  
10 release the record, release the videotape,  
11 whatever the particular information or material  
12 may be, it's not prohibited from disclosing it.  
13 It doesn't have to, but it can certainly choose  
14 to do should it desire to do so. So, put  
15 another way, an agency can release exempt  
16 information if it wants to. And agency can  
17 only release confidential information if it is  
18 specifically authorized or permitted to do so.

19 There are many, dozens perhaps, hundreds  
20 of different confidentialities and exemptions  
21 that exist throughout the Florida Statutes.  
22 Many of them are located in Chapter 119 here,  
23 which pertains to our Public Records Act, or  
24 public records laws, and I have culled out  
25 several that I think are hopefully perhaps most

1       germane to the work of the commission here.  
2       And you've heard about many of them today, at  
3       least their federal counterparts, whether it's  
4       hospital records, medical records that exist  
5       outside of hospitals and surgical centers,  
6       mental health treatment records, records of  
7       child abuse, abandonment, neglect, law  
8       enforcement records, criminal history records  
9       or information.

10               And then ultimately, we're going to  
11       obviously talk about the newly created school  
12       base risk or threat assessment teams, and the  
13       opportunity that the entity has, and the  
14       individuals that are serving on the threat  
15       assessment teams have to obtain information,  
16       and share information from some of these other  
17       entities. But know that there are many, many  
18       other confidentiality and exemptions  
19       throughout the Florida Public Records Act, and  
20       in fact scattered throughout Florida Statutes.  
21       For example, blueprints of your schools, that's  
22       not something that would be a public record.  
23       The location of security cameras, again that's  
24       sensitive information that would be exempt from  
25       disclosure, response plans, that sort of thing.



1       There are many, many other exemptions and  
2       confidentialities that I'm glad to take  
3       questions on, but that's not my intent to  
4       discuss with you here this afternoon.

5             So, let's jump into it. Hospital records,  
6       there is a parallel system throughout the  
7       Florida Statutes, it's parallel to HIPAA, and  
8       it defines hospital records and patient  
9       records, they're confidential, they cannot be  
10      disclosed without the consent of the patient or  
11      the patient's legal representative. And then  
12      of course, you know, as I mentioned lawyers  
13      tend to do, you say something rather simple and  
14      they make it rather complicated by creating a  
15      lot of exceptions to it.

16            So, hospital records can, or rather may be  
17      disclosed even without consent to certain  
18      persons and entities. And there's actually a  
19      list of them here, and I've added at the bottom  
20      here the statutory citation, and reference to  
21      Mr. Chairman's earlier comments about if  
22      somebody asks you, you know, what the law is,  
23      that's a great question, and then ask them to  
24      show it to you, so I put the statutory  
25      citations at the bottom of all these slides

1           here.

2           Chapter 395 of the Florida Statutes  
3           governs hospitals, and A-L are the twelve  
4           different numerated exceptions to circumstances  
5           in which hospitals and surgical centers can  
6           share or disclose otherwise protected  
7           confidential patient record information. Some  
8           of these are obvious, other healthcare  
9           professionals who are involved in treating the  
10          patient for continuity and care, getting a  
11          specialist on board, disclosing to the patient  
12          him or herself, other authorized persons in  
13          response to a subpoena.

14          There's one in here that we're going to  
15          see come up several times, and that I'll circle  
16          back to when we talk about our threat  
17          assessment teams, and that's to the Department  
18          of Children and Families, quote, for the  
19          purpose of investigations, or of services for  
20          cases of abuse, neglect, or exploitation of  
21          children or vulnerable adults. That's  
22          subsection (g) of 395.3025(4). There it  
23          specifically makes this exception to DCF, and  
24          enables them to obtain otherwise confidential  
25          healthcare patient records from hospitals.

1       There are other, you know, tissue banks, poison  
2       control. There's a host of individuals and  
3       entities that have gotten themselves on this  
4       exception list here.

5             Medical records are also dealt with in  
6       Chapter 456. So, hospitals are 395. Medical  
7       records, well, you know, why is this different,  
8       what is this all about, so for example I might  
9       have medical records, in fact, you know, we all  
10      do, that are held by our individual general  
11      practitioner, or a specialist might have his or  
12      her own chart, so these are governed in Chapter  
13      456, and you see a similar framework here.

14            These patient records may not be furnished  
15      to, and the medical condition of a patient may  
16      not be discussed with anyone other than the  
17      patient, the patient's legal representative, or  
18      healthcare practitioners and providers who are  
19      involved in that individual's care and  
20      treatment except on written authorization. It  
21      sounds easy, but then we get a pile of  
22      exceptions in here in Chapter 456 where there  
23      is this may, that is a discretionary authority,  
24      to furnish even absent written authorization  
25      from the individual to whom the records

1       pertain, in response to a subpoena, for  
2       statistical for scientific research, again we  
3       see poison control centers, and the exact same  
4       language here with respect to DCF, quote, for  
5       the purpose of investigations or services for  
6       cases of abuse, neglect, exploitation of  
7       children, or other vulnerable adults, is the  
8       exact same language that was coming out of  
9       Chapter 395.

10       Mental health treatment centers are  
11       governed by Chapter 394, and when one dives  
12       into that what one sees is that there is what I  
13       would describe as a heightened degree of  
14       privacy protection for records that are coming  
15       out of mental health treatment centers. These  
16       are facilities that are receiving and treating  
17       individuals for mental health concerns and  
18       substance abuse, governed by Chapter 394. The  
19       clinical records that these facilities keep are  
20       confidential and exempt, and there is a rather  
21       broad definition of what constitutes a clinical  
22       record there in 394.455, however even these  
23       clinical records of mental health treatment  
24       centers that are entitled to this heightened  
25       protection, there are still circumstances where

1       they can be released, and in fact they shall be  
2       released, obviously on authorization from the  
3       patient or the guardian, authorization from the  
4       patient's attorney needed for adequate  
5       representation. That's one pretty narrow, you  
6       know, what's that all about would be a criminal  
7       defense lawyer who is representing somebody who  
8       perhaps wants to raise a competency or capacity  
9       defense, or for sentencing, that sort of thing.

10       Court orders, and then again, the  
11       Department of Corrections actually has a right  
12       of access to this with respect to continuity of  
13       care, is where that is coming from. There is  
14       the discretionary authority to release mental  
15       health treatment records when a patient has  
16       declared an intention to harm other persons.  
17       And Ms. Jaensch referred to this, made  
18       reference to it in her presentation. Is that a  
19       patient who has declared an intention to harm  
20       another person, the individual who has records  
21       so reflecting that, or has that information,  
22       may authorize that release that's sufficient to  
23       provide an adequate warning to the person  
24       threatened with harm by the patient.

25       So, there is this idea that's coming up in

1 Chapter 394 that privacy protection for mental  
2 health treatment records is going to give way  
3 if there is a articulable threat of specific  
4 harm to another individual. And that's, that  
5 is the statutory language there, the scope of  
6 that exception to the confidentiality provision  
7 of Chapter 394.

8 There is similarly a discretionary  
9 authority of the mental health treatment  
10 facility to release otherwise confidential  
11 records when they are providing treatment for  
12 after care, treatment that's necessary for  
13 continued, or continuity of care for mental  
14 health case, research, quality control, so  
15 there are carve outs throughout Chapter 394 for  
16 the release of this otherwise confidential  
17 information.

18 In connection with mental health treatment  
19 records on of the things that has come up, I  
20 know it's come up here in this commission, it  
21 come up frequently in our line of work, whether  
22 it's as mental health care providers, whether  
23 it's law enforcement, is, you know, what about  
24 Baker Act records. This may well be the  
25 initial point of entry or contact for the

1        mental health care, you know, facility, or  
2        system for an individual, is there's a law  
3        enforcement call for service and law  
4        enforcement responds, and makes that initial  
5        determination that an individual is going to be  
6        taken for evaluation and assessment under the  
7        Baker Act.

8                The document that touches all that off  
9        legally is the BA52. That form is  
10       confidential, and it is confidential because in  
11       Chapter 394 it is expressly made a part of the  
12       patient's clinic record, and the clinical  
13       record itself is confidential, so the BA52  
14       picks up the confidentiality that is attached  
15       to the clinical record. However it's important  
16       to note that, you know, there's almost  
17       certainly going to be a separate incident  
18       report that the law enforcement officer, the  
19       officer, the deputy who responded to that call  
20       for service, you know, here's who I am, here's  
21       where I went, here's who I spoke to, here's  
22       what I have, and here's what I did, and the  
23       reporting, or rather receiving the  
24       circumstances, many, if not most or all of  
25       which are going to be documented in the BA52

1       itself, are going to show up on a police  
2       report.

3             That separate incident report, that  
4       separate police report is not exempt or  
5       confidential, at least it's not under Chapter  
6       394. There's a separate, and I've put here the  
7       AGO, that's an Attorney General's Office  
8       opinion from 1993. These are what us lawyers  
9       consider persuasive authority, that is they're,  
10      you know, a pretty good idea for where, at  
11      least where the Attorney General's Office  
12      thinks the law is, and courts consider them to  
13      have some weight, but it's not necessarily the  
14      end of the story. But this is, you know, I can  
15      say longstanding practice here throughout the  
16      State of Florida, is that those separate law  
17      enforcement reports are not afforded the  
18      confidentiality that the BA52 would be.

19            Then you get to psychiatric records,  
20      records held by psychiatrists. These are  
21      governed by Chapter 456. This is perhaps the  
22      most restrictive level of access to any kind of  
23      health care records, medical records, mental  
24      health treatment records, psychiatric records,  
25      that is communications between a patient and a



1       psychiatrist shall be held confidential, shall  
2       not be disclosed except upon the request of the  
3       patient or the patient's legal representative.  
4       There are some discretionary exceptions to  
5       this, and this is about it here.

6               This is parallel to, but you'll notice the  
7       statutory language is not exactly the same as  
8       you saw in Chapter 394 for mental health  
9       treatment facilities, is that I've got a  
10      psychiatrist who is in a psychiatrist/patient  
11      relationship with an individual, the patient  
12      has made an actual threat to physically harm  
13      and identifiable victims, or victims, and the  
14      treating psychiatrist makes a clinical  
15      judgment, that is in his or her mind the  
16      patient has the apparent capability to commit  
17      this threatened act, and it is more likely than  
18      not, you know, greater weight of the evidence,  
19      preponderance of the evidence, 51% more likely  
20      than not in the near future the patient will  
21      carry out that threat.

22              So, we get this much narrowed exception  
23      that is going to turn on the clinical judgment  
24      of the psychiatrist who has heard whatever this  
25      disturbing information is, as far as assessing

1       whether it is something that can be  
2       communicated. If that threshold is met the  
3       psychiatrist may disclose the patient  
4       communicate to the extent necessary to warn the  
5       potential victim, or to communicate the threat  
6       to a law enforcement agency. And there's safe  
7       harbor provisions that are elsewhere in the  
8       chapter for individuals, and it's been  
9       discussed with previous presenters, you know,  
10      this is, good faith is obviously underlying the  
11      entirety of what's going on in the statutory  
12      framework.

13             Child abandonment, abuse, and neglect  
14      records are subject to the privacy protection  
15      statutory framework that we're talking about  
16      here. This also is up in Chapter 39, governs  
17      much of DCF's operations, or for the six  
18      counties in Florida that are, you know, kind of  
19      running their own system here, child protection  
20      investigation division under the authority of  
21      DCF. Privacy protection generally extends to  
22      all records of child abuse investigations.  
23      This is a rather broad protection against  
24      disclosure here, it belongs to the child and  
25      his or her parents, et cetera. Records held by

1 the Department concerning reports of child  
2 abandonment, abuse and neglect, including  
3 reports to the abuse hotline, all records  
4 generated as a result of such reports, IE the  
5 entire investigation that touches off as a  
6 result of that report, shall be confidential  
7 and exempt, and shall not be disclosed except  
8 as specifically authorized by this chapter.

9 Then you go find out what the exceptions  
10 are. They show up later on Section 202.

11 Access shall be granted only to the following  
12 persons, officials, and agencies responsible  
13 for, and then you see the list of seven  
14 separately named entities that can have access.

15 They principally involve those that are  
16 similarly engaged in providing protective  
17 services, or prevention services to the child,  
18 to the family, early intervention services,  
19 Healthy Start. Licensure, what's that all  
20 about, you know, running a foster home, a day  
21 care center, that sort of thing, there's a  
22 right of access there. Certain employment  
23 screening for caregivers in residential group  
24 homes, and those that are providing domestic  
25 violence services to victims of domestic

1 violence.

2 Elsewhere in Section 202 of Chapter 39  
3 there are nineteen separately enumerated  
4 entities to whom access shall be granted.  
5 Again, some of these are rather obvious, I  
6 didn't list them all out here, parents, the  
7 alleged perpetrator has a, has a right of  
8 access, courts, the State Attorney's Office  
9 under certain circumstances, entities involved  
10 in child placement services, criminal justice  
11 agencies, the Department of Revenue for the  
12 purpose of following up on child support, and  
13 that sort of thing.

14 Law enforcement records, in Florida  
15 generally speaking arrests and crime reports  
16 are not confidential or exempt. There are, you  
17 know, two big things we need to talk about  
18 there. The first are records or materials that  
19 pertain to active investigations, that is  
20 ongoing investigations by a law enforcement  
21 agency, those are exempt. Criminal  
22 intelligence information, that is, you know,  
23 the collection -- we haven't gotten yet to  
24 somebody who has been arrested, and I have an  
25 active case that I'm working, that I'm

1 gathering intelligence and information that is  
2 in some near term, and that I can articulate is  
3 potentially going to lead to an active criminal  
4 investigation, that's exempt from disclosure.

5 One of the things to understand, and I  
6 think obviously with apologies for stating the  
7 obvious to my law enforcement colleagues here  
8 in the room, but for the benefit of all of us  
9 is this is an exemption that is frankly waived  
10 on a probably hourly basis. Cops will do this  
11 all the time, so you don't have to talk about  
12 an active ongoing investigation, you don't have  
13 to share information with the public, you're  
14 entitled not to. In fact, sharing a lot of  
15 information could well compromise the integrity  
16 of your investigation.

17 On the other hand it could have exactly  
18 the opposite result, and that is that it could  
19 enable the public to help you find the  
20 perpetrator, you know, here's, we're out here  
21 on the scene, and here's who I'm looking for,  
22 and here's a description, and here's some of  
23 the evidence, or what witnesses are saying,  
24 because I want to find somebody, or I want to  
25 find additional evidence, I want to find some

1 additional witnesses who, who saw whatever this  
2 thing is that I'm out there investigating. So,  
3 it kind of ties us back into this concept of  
4 what an exemption really is, is it's an  
5 agency's opportunity to disclose information to  
6 the extent that it wants to, but it cannot be  
7 forced to do so.

8 So, that's the general principle. When it  
9 comes to juveniles there is frankly a  
10 completely different framework going on. The  
11 presumption is exactly the opposite, which is  
12 that privacy protections generally do apply to  
13 juvenile records, so criminal history  
14 information pertaining to juveniles is  
15 generally confidential and exempt, and the  
16 statutory definition, this is all coming out of  
17 Chapter 985, which pertains to the juvenile  
18 justice system, information obtained in the  
19 discharge of official duty by, and it lists off  
20 pretty much everybody who would have cause to  
21 be involved in that system, including law  
22 enforcement, licensed professional, licensed  
23 community agency representatives, anyone  
24 participating in the assessment or treatment of  
25 a juvenile is confidential and exempt.

1           There are several exceptions to this  
2           exception, as you might have gathered. This is  
3           a theme that runs throughout the entire  
4           statutory framework. If the juvenile in  
5           question is an individual who was arrested for,  
6           or charged with, or found to have committed a  
7           crime that if it had been committed by an adult  
8           would be a felony then this confidentiality  
9           does not apply. Similarly, if the juvenile in  
10          question was transferred to and is being dealt  
11          with in adult court, again the confidentiality  
12          of juvenile criminal history records, or  
13          juvenile criminal history information, would  
14          not apply.

15          There are other entities to which juvenile  
16          criminal history records are available, so for  
17          example criminal justice agencies for criminal  
18          justice purposes, a juvenile obviously can get  
19          his or her own information, so can the parents,  
20          the attorneys, the guardians, and certain  
21          entities for employment or licensing purposes.  
22          So, for example, DCF again has a right of  
23          access here, the Florida Bar is going to ensure  
24          that individuals are, who are coming into  
25          contact, came into contact with the juvenile

1 justice system, that that's part of the  
2 investigation that they're doing here as well.

3 Mandatory school notification, I  
4 apologize, my clicker is slow and I skipped  
5 something. I did. And this is important so I  
6 apologize, and I want to go back here. Yes,  
7 all right, so we have our big exceptions for  
8 felony stuff. This is the slide. I had to  
9 double click that. My apologies. And I'm  
10 back. For those of you following along this is  
11 Slide 29.

12 There are additional disclosure  
13 opportunities, or additional disclosure  
14 instances in which disclosure is allowed to  
15 court personnel, the Department of Juvenile  
16 Justice, law enforcement agencies, and the one  
17 I wanted to highlight here is where it says  
18 school superintendents and their designees. So,  
19 this is coming out of Chapter 985.04, and what  
20 it's referencing there, if you dive into the  
21 statutory framework, is something that we've  
22 heard about from, in most detail from Mr.  
23 McNeal, but also Mr. Negron, is these  
24 interagency agreements, the memoranda of  
25 understanding, and those are actually



1 delineated there. This is all out of Section  
2 (1)(b), but (1)(c) is going to spell out  
3 exactly what those interagency agreements are,  
4 the requirement that there be one for sharing  
5 information among school boards, law  
6 enforcement, and DJJ.

7 And again, it's just to emphasize what Mr.  
8 McNeal said, it is for the limited purpose of  
9 programs and services to the juvenile in  
10 question. So, that's the, where you see school  
11 superintendents and their designees showing up  
12 on there, that's that MOU is going to specify  
13 exactly who that information is going to. And  
14 then elsewhere on the statutory framework there  
15 are provisions that say, you know, once the  
16 superintendent or his or her designee comes  
17 into possession of that information what do  
18 they have to do with it, as far as  
19 communicating it to other school officials, to  
20 principals, ultimately perhaps to teachers.  
21 So, that's what's going on there. I wanted to  
22 point that out. And again, my apologies for  
23 getting lost in the slides here.

24 We talked about that. The mandatory  
25 school notification, this is part of that same

1 statutory framework here, so when a juvenile is  
2 arrested for or charged with an offense that  
3 would be a felony if committed by an adult, or  
4 any crime of violence, and there is a duty to  
5 notify, you know, law enforcement, State  
6 Attorney's Office, has to notify the  
7 superintendent that the child is alleged to  
8 have committed that delinquent act. So, the  
9 school is receiving this information under that  
10 limited set of circumstances.

11 And that brings us to this threat  
12 assessment team, which is, you know, obviously  
13 been the hot topic of conversation throughout  
14 the day, and throughout the commission's work,  
15 and I'm certain we'll have, you know, questions  
16 and discussion about it here when I wrap up.  
17 Is, you know, a couple things here. One is  
18 this is coming directly out of SB7026, and I  
19 gave you the statutory cite there to where it  
20 is going to show up in the Florida Statutes  
21 when they're published. It's obviously already  
22 online. I've given you the -- I know you have  
23 the bill printed out, so I've given you the  
24 line citations as well so you can access that  
25 at your convenience if you need this

1 information.

2 It sets out what is this threat assessment  
3 team. It goes on to say a couple of things  
4 that I think frankly are really, you know, kind  
5 of helpful, and just try to explore what their  
6 full meaning is, given especially the parallel  
7 federal frameworks that we've heard about. One  
8 is that the threat assessment team has a right  
9 of access to criminal history record  
10 information if the threat assessment team makes  
11 this preliminary determination that a student,  
12 and obviously it's the student for whom this  
13 information is sought, poses a threat of  
14 violence to him or herself or others, or  
15 exhibits significantly disruptive behavior, or  
16 a need for assistance.

17 So, the thing that, you know, kind of flag  
18 and highlight there, is perhaps the distinction  
19 in this new, brand new untested, nobody's done  
20 it yet, we don't have a court that's telling us  
21 what it means or interpreting it, statutory  
22 language that is the trigger, right, the  
23 threshold for the threat assessment team to  
24 say, hey, I'd like access to criminal history  
25 record information. And it is different than

1 the triggers that one is going to see under  
2 HIPAA, and under FERPA, so, you know, we need  
3 to explore, explore that, so, and we'll get  
4 into that here in a second.

5 Further reading along through the new  
6 statutory framework, you know, the threat  
7 assessment teams, it's basically setting out  
8 here in addition to criminal history  
9 information there is, and this is frankly a  
10 rather hopefully beneficial and clear direction  
11 to pretty much any state agency or governmental  
12 entity that may be holding useful information  
13 for the threat assessment team to do its work,  
14 so, you know, state and local agencies and  
15 programs that provide services to students  
16 experiencing or at risk of an emotional  
17 disturbance or a mental illness.

18 That's pretty much, you know, if you're  
19 doing those things you're in, and then it lists  
20 out the specific examples, including school  
21 districts, school personnel, state and local  
22 law enforcement, juvenile justice, DCF,  
23 Department of Health, AHCA, Agency for Persons  
24 with Disabilities, education, guardian ad-litem  
25 program, and any other service provider

1 contracting with such agency. So, if they've  
2 outsourced any of their function to a private  
3 entity, or some of these hybrid public private  
4 entities, and that's especially perhaps the  
5 case in the mental health world, you know,  
6 arguably they're in here. At least that was  
7 the, perhaps the intent of the legislature.

8 All those entities may share with each  
9 other records or information that are  
10 confidential or exempt from disclosure. And  
11 again, we see the standard that we saw with  
12 criminal history record information,  
13 information that's reasonably necessary to  
14 ensure access to services, or to ensure safety  
15 of the student or others. And so, this is the  
16 contrast, where remember from this morning  
17 FERPA, the standard is articulable and  
18 significant threat, and HIPAA is serious and  
19 imminent threat, and here we're getting  
20 ensuring, reasonably necessary to ensure the  
21 safety of the safety of the student or others.

22 And so, we've kind of got, got that to  
23 explore, you know, what exactly does that mean.  
24 All state and local agencies and programs shall  
25 communicate, collaborate, and coordinate

1 efforts to serve such students. And so, this  
2 is coming at the very end of Section 7(d) there  
3 in 1006 is where it's enshrined, 1006.07. And  
4 this is, you know, coming at the end of this  
5 direction that's the, these entities shall  
6 share this information with this triggering  
7 mechanism, and then it makes it, you know,  
8 painfully clear here that the legislature wants  
9 this communication, this collaboration, this  
10 coordination of efforts among these entities to  
11 serve such students.

12 That brings us finally to sealing and  
13 expunction, which is another statutory  
14 framework here in the State of Florida that we  
15 need to understand in order to be fully aware  
16 of the limits on, this wouldn't be necessarily  
17 sharing information, but I think the way to  
18 think about seals and expunctions is can you  
19 get access to the information at all, and so  
20 what is this, and what does this mean.

21 Sealing means to place a record, and this  
22 would a criminal history record, under  
23 restricted access. Expunction, and I'll just  
24 throw it out there, but you may see it  
25 elsewhere in other presentations or other

1 reading that you're doing in your work, is  
2 expungement, so expunction or expungement, they  
3 mean the same thing, is literally obliterating,  
4 removing, destroying the record. It is the  
5 literal physical destruction of the criminal  
6 history record.

7 So, let's talk about seals first. There  
8 are prerequisites and requirements for  
9 obtaining a seal of one's criminal history  
10 record, or criminal history information here in  
11 the State of Florida. They're set forth in  
12 Chapter 943.059, lists them out in real short  
13 order, it's a court petition, cannot have had  
14 any prior seals or expunctions. There are  
15 certain enumerated crimes, and they are really  
16 bad crimes, you're not going to get you're  
17 murder sealed, that would be automatically  
18 disqualifying. FDLE has to give a certificate  
19 of, it's basically a certificate of authority  
20 to entitle one to get a seal, and then you can  
21 get your record sealed.

22 What does that mean? It basically turns  
23 what might well otherwise be a non-exempt, non-  
24 confidential public record into something that  
25 is confidential and exempt, and it further

1 means that the subject who has the benefit of  
2 that seal need not disclose it. They can fail  
3 to acknowledge whatever the record is, whether  
4 it's an arrest record, a record of  
5 incarceration, other criminal history records,  
6 involvement in the criminal justice system.  
7 There are some carve outs to that for, again  
8 for example, you want to become a lawyer, well,  
9 that's, that's not going to work, we really  
10 want to know what's in your background.  
11 There's certain individuals who are licensed by  
12 the State of Florida, occupations, obviously  
13 working on a school environment. There's a  
14 list of ten different entities who can  
15 nevertheless access that information, and to  
16 the individual who has the seal they need to  
17 disclose it.

18 Expunctions, and again remember this is  
19 the literal physical destruction or  
20 obliteration of the subject record, has very  
21 similar prerequisites. They're located in 0585  
22 of Chapter 943. They're very similar. The one  
23 -- there's actually two that kind of stand out,  
24 is there's the possibility of having an  
25 expunction of a record that has already been



1 sealed if it's been sealed for ten years or  
2 longer. And then there's one that's brand new,  
3 will become effective on October 1 of this  
4 year, what was given to us by HB1065, basically  
5 it is a broader right of expunction. It used  
6 to be the case, and will remain the case  
7 through the 30th of September, that if whatever  
8 this criminal history record is is something  
9 that pertains to a matter that went to trial  
10 expunction is not available. Acquittals, not  
11 guilty verdicts, these are now eligible for  
12 expunction, where before they were not. So,  
13 that's what expunction is.

14 Juveniles have a separate statutory  
15 framework that governs the expunction of the  
16 records, and the short version is that there is  
17 a much greater, and in some cases automatic,  
18 availability of expunction of certain juvenile  
19 criminal history records. So, diversion  
20 program records a juvenile has successfully  
21 completed, it was for a misdemeanor, they can  
22 apply for expunction of that record. In  
23 general, FDLE is going to automatically  
24 expunge, or auto expunge all juvenile records  
25 when the individual reaches the age of twenty.

1       It's an automatic right to expunction. Again,  
2       you can see our theme here, is that there are  
3       carve outs for this, so juveniles, individuals  
4       who are deemed to have been serious or habitual  
5       offenders, there is a separate statute. There  
6       is actually three statutory definitions that  
7       you need to turn to to figure out what that is  
8       located through Chapter 985. If one goes to  
9       943.0515 you'll see, you know, the leads for  
10      that if you want to run it down.

11           So, serious and habitual offenders, no,  
12      they're not going to get automatic expunction  
13      at age twenty-one, they got to wait until age  
14      twenty-six. Individuals who were committed to  
15      juvenile correctional facilities, or juvenile  
16      prisons, similarly there's a five-year lag  
17      before the automatic expunction kicks in, it's  
18      going to be age twenty-six instead of age  
19      twenty-one.

20           Additionally some other exemptions to the  
21      auto expunge, so instead of keeping a record as  
22      a juvenile record there are certain times when  
23      that juvenile record is going to either merge  
24      with the offender, the offender's adult record,  
25      or with the offender even if as a juvenile

1 committed an act, you can see there in the  
2 third bullet point, was adjudicated delinquent  
3 after 2007 for an offense that would require  
4 registration as a sex offender, then there's  
5 not going to be an expunction of that record,  
6 so basically what's going on there in the first  
7 two bullet points is the offender is, the  
8 juvenile is no longer a juvenile, he's obtained  
9 the age of majority and becomes, you know,  
10 charged with, or convicted of a forcible  
11 felony, then that record is going to merge with  
12 the adult record, so it's not going to be a  
13 juvenile record anymore, it's going to be part  
14 of that individual's adult criminal history  
15 record. Or while still a juvenile is  
16 adjudicated as an adult for a forcible felony,  
17 again that record is going to merge with the  
18 juvenile record, it's going to become an adult  
19 record, and expunction, at least automatic  
20 expunction would no longer be available.

21 Forcible felonies, there's literally a  
22 list of these, and actually the list here, it's  
23 referenced in 943.0515. The list shows up in  
24 Chapter 776.08, which is actually part of our  
25 statutory framework on justification, self-

1 defense, that sort of thing, and it's a list of  
2 again particularly heinous crimes, but includes  
3 any use or threat of violence against any  
4 individual there at the end, there's a pretty  
5 significant catch-all to it. So, there are  
6 some carve outs there to the automatic  
7 expunction framework in Chapter 943.

8 There is also the possibility of early  
9 expunction for juveniles, so you are -- here  
10 what we're talking about is individuals who  
11 haven't reached twenty-one yet, because at  
12 twenty-one I'm going to get the automatic  
13 expunction unless I'm a serious or habitual  
14 offender, unless I've got one these merger  
15 situations going on, and unless I was dealt  
16 with, you know, in the juvenile corrections, or  
17 juvenile prison. So, I'm eighteen, I'm less  
18 than twenty-one, I'm not charged with, or found  
19 to have committed any other crime in the last  
20 five years, so I've managed to keep a, whatever  
21 I did was done in my distant youth and I have  
22 managed to keep a clean history since then. It  
23 only applies to offenses committed before the  
24 juvenile reaches the age of eighteen, so we  
25 can't kind of use this as a claw back, and it

1 requires the approval of the State Attorney for  
2 each circuit in which the offense was  
3 committed, so there is this opportunity and  
4 ability for individuals who have reached  
5 eighteen, which for the purposes of this  
6 community here in the room, this may well be a  
7 good number of the seniors in your high school,  
8 might well be able to obtain early expunction  
9 of a juvenile criminal history record.

10 So, that is an incredibly quick whirlwind  
11 tour through rather eclectic grab bag of  
12 different statutory provisions that potentially  
13 impact the ability of individuals who are  
14 frankly trying to keep our schools safe, and  
15 keep them appropriate educational environments,  
16 to communicate with each other. I'll kind of  
17 throw this out here in closing, is in going  
18 through this, and especially in listening to  
19 the presentations from others here today, from  
20 the other lawyers that you've all been so kind  
21 to suffer through, is that one of the things  
22 that appears on, on my inspection and reading  
23 of this, is that the new legislation, SB7026  
24 sets up a pretty robust, at least intention, of  
25 state actors, state agencies, contractors who

1 are working with those agencies, to encourages  
2 them, and may well affirmatively direct them to  
3 communicate with each other through the work of  
4 these threat assessment teams.

5 It does not appear to capture otherwise  
6 wholly independent and private entities, so  
7 entities that would be governed by Chapter 395  
8 or 496, you know, hospitals that are private,  
9 doctor's offices, private health care treater,  
10 you know, mental health care providers, those  
11 don't appear to be picked up in SB7026, and I  
12 think it's an open question, perhaps subject to  
13 debate whether they could be. So, I wanted to  
14 flag that for something for your consideration.

15 With that I'm glad to take questions.

16 CHAIR: Anybody have any questions? It's  
17 a lot of information. No, okay. All right,  
18 well, Paul, thank you very much. We appreciate  
19 it. And it kind of brings it all together with  
20 the federal laws that we heard about earlier,  
21 and we can kind of see where things are on a  
22 state level. So, thanks for being here, we  
23 appreciate it.

24 MR. ROZELLE: Thank you, sir. Thank you  
25 for having me, and thank you all.

1           CHAIR: Thank you. Thank you. All right,  
2           so the next and last topic of the day that  
3           we're going to cover is an overview of the law  
4           enforcement records management and data sharing  
5           in Broward County. And we have with us Colonel  
6           Jack Dale from the Broward County Sheriff's  
7           Office, and Lieutenant Adam Hofstein. And I  
8           know there are other people here as well, I  
9           believe Lieutenant Hofstein is going to take  
10          the lead, long with Colonel Dale.

11           I think what you're going to see here, and  
12          they'll get into it but just to kind of set the  
13          stage a little bit, I think you're going to see  
14          again some hodgepodge. You're going to see  
15          some more of the things we went through with  
16          CAD, and with 911, and the stuff we talked  
17          about last time where there are some barriers  
18          to information sharing, and they're going to  
19          talk about that, and kind of lay the landscape  
20          out. So, Lieutenant Hofstein, thank you for  
21          being here. We appreciate it.

22          PRESENTATION LAW ENFORCEMENT RECORDS MANAGEMENT

23           LT. HOFSTEIN: Good afternoon,  
24           distinguished members of the commission. Thank  
25           you for having us here. I stand here with a

1       somber heart in the shadow of this tragedy, and  
2       I just want to share my deepest condolences  
3       with the family members that are present for  
4       your loss, especially as a parent and a  
5       Parkland resident myself. So, that being said  
6       thank you again for having me here, and your  
7       patience through this presentation.

8               My name is Adam Hofstein. I am a  
9       Lieutenant with the Broward County Sheriff's  
10      Office assigned to our information technology  
11      division, and I am going to be providing you  
12      with an overview, let me just make sure I have  
13      my control correct here, with data sharing on a  
14      law enforcement level, specifically how we do  
15      it here in Broward County, which although there  
16      is some unilateral concepts and methodologies  
17      to data sharing across all law enforcement  
18      agencies there are some special nuances here in  
19      Broward County, and that's basically what I'm  
20      going to try to give you an overview of.

21              So, to start with what we're discussing is  
22      law enforcement data. What is that data, that  
23      ranges anywhere from simple unstructured data  
24      up to very complex structured data. So, it  
25      could be as simple as geo-data, you know, basic



1 information gleaned during a crime tip, up to  
2 that complicated structure data such as bona  
3 fide crime trends, police reports, et cetera.

4 So, we have three main levels, or tiers if  
5 you will, that we store control and access data  
6 as a law enforcement agency here in Broward  
7 County, that's the state level, the regional  
8 level, and the local level. And of course, we  
9 have a reciprocity in the federal level. We do  
10 share and exchange a multitude of data which is  
11 very important to our overall operations and  
12 efforts, but the multitude of data that we  
13 control, and we use on an operational basis,  
14 especially in an agency like the Broward County  
15 Sheriff's Office, exists at that state,  
16 regional, which is the county level, and the  
17 local level, or agency level if you will.

18 What's unique about Broward County is our  
19 data and system consortiums, if you will.  
20 There are two main components, or two main  
21 control points for that data. That's our RMS  
22 system, which is our records management system,  
23 and our CAD, or our computer aided dispatch  
24 system. And these are common terms and  
25 acronyms that, you know, many of the

1       jurisdictions, and counties, and states are  
2       familiar with, but here in Broward County these  
3       are part of a regional consortium.

4               So, these are controlled at the county  
5       level by the Broward County Office of Regional  
6       Communications and Technology, so they are the  
7       steward, if you will, of the system and the  
8       data, so they control is, they house it, and we  
9       have regional members, and I'm going to talk  
10      about the various law enforcement agencies that  
11      belong to that consortium, and share and  
12      contribute to that data.

13             And of course just as important is, as you  
14      see on the bottom here, the intradepartmental  
15      sharing, because we're talking about a  
16      multitude of data, so on the strategic level  
17      and the regional level there's a whole lot that  
18      we share between agencies, but especially even  
19      on the local level there's a lot of data within  
20      the Sheriff's Office itself that we exchange  
21      and share, and it's important to understand how  
22      we share that with the troops, how that's sent  
23      out to operations, our analysts, our  
24      investigators, et cetera.

25             Just to give you an idea of the overall

1 structure to our data, and how we share it, how  
2 we control it, how we access it, in its  
3 simplest form, if you can call it simple, you  
4 know, law enforcement data obviously is very  
5 voluminous, it's very complex, and there's a  
6 lot of control points, and a lot of factors  
7 that go into how we control that, and how we're  
8 required to control that, so we have what we  
9 call federated data queries, which this is  
10 important especially for law enforcement data  
11 because it allows that data to retain its  
12 individual integrity. Much of that data must  
13 be maintained and controlled with those  
14 individual agencies, or those individual  
15 entities.

16 There are restrictions, as are listed here  
17 under the factors, such as control and security  
18 concerns, that restrict where that data can be  
19 housed and who can be, or who could be granted  
20 access to that data. So, what federated  
21 queries allow us to do is maintain that control  
22 and security, maintain that individual  
23 ownership of that proprietary data and system,  
24 but all the entities and agencies that need to  
25 share it can view it. So, it's a portal, if

1       you will, through any type of software system  
2       there are various federated queries that we use  
3       that allow us to overcome that hurdle, that  
4       control hurdle, or those individual silos, and  
5       view that data collectively.

6               ON the localized level we have our  
7       centralized data warehouses, so that is where  
8       those individual silos exist, and all of that  
9       aggregate data is combined in one location.  
10      So, for example, that would be that regional  
11      RMS system, that is where all of the report  
12      information that is generated by the deputies,  
13      for example, all of our records, part of our  
14      records management system are located within  
15      that one server, and housed, and we are  
16      allowed, or empowered as part of that regional  
17      consortium to replicate that data, share it,  
18      and use it as we sit fit. And I'll talk about  
19      some of the nuances of that as we go on. And  
20      of course, there are local data sources where  
21      we generate that individual data on a unit  
22      level, on an agency level that is required, or  
23      is maintained, if you will, in its own  
24      individual proprietary database.

25             As I touched on already there's a lot of

1 factors that go into law enforcement data and  
2 information, especially control and security  
3 wise, not just due to the very nature of its  
4 confidentiality, you know, we do not want  
5 obviously data to fall into the wrong hands,  
6 obviously the hands of the bad guy, if you  
7 will, but also there are judicial requirements,  
8 excuse me, and administrative requirements for  
9 juvenile confidentiality, victim  
10 confidentiality. There's counterterrorism  
11 concerns and issues on the federal level. So,  
12 all of these factors tie into that data, and  
13 how we have to control it, and are required to  
14 control it by state and federal guidelines and  
15 regulations.

16 Of course, there's a cost factor. Every  
17 agency obviously here in Broward County varies  
18 in size and scope, and funding, and budget, so  
19 the means by which those individual agencies  
20 are able to fund and build the appropriate data  
21 warehouses, data control systems if you will,  
22 and the software programs that they can  
23 implement, is of course, you know, stipulated  
24 by the cost and the funding available. And  
25 ultimately the most important thing is the ease

1 and the accessibility to that data, and that's  
2 ultimately what the hurdle is, or the challenge  
3 that we overcome, is when you have all of this  
4 disparate data located in so many various  
5 silos, is to tie it together and make sure that  
6 the operational persons, personnel if you will,  
7 that need to use this to keep our community  
8 safe have access to the information, and have  
9 as ease of access and accessibility.

10 So, to start digging into the regional  
11 consortium, as I talked about that applies to  
12 those two main control points, the regional,  
13 I'm sorry, the records management system, and  
14 the computer aided dispatch system. So, to  
15 break those down in simplest form, the records  
16 management system, and we will go into further  
17 detail about that, is where we store all of  
18 that report information, the reports that are  
19 written by the deputies, and also the  
20 information, or the unstructured data that goes  
21 into those reports, where there's tag  
22 information, victim information, suspect  
23 information, all of that is contained in the  
24 records management system. ON the CAD side, or  
25 the computer aided dispatch side, that is all

1 of our CAD data, so that is really effected  
2 with all that geo-data, where all those  
3 incidences occurred, how did we respond, when  
4 did we respond, and what were the law  
5 enforcement, or public safety assets that  
6 responded to those. And I'll also talk about  
7 how those two tied together, because there's  
8 some interoperability, there obviously has to  
9 be.

10 So, as far as those consortiums go, these  
11 are the agencies here in Broward County that  
12 belong to the, and I'll actually be able to  
13 list those specifically, but we have nineteen  
14 municipalities that belong to our regional  
15 management, I'm sorry, our regional records  
16 management system, so all those agencies, as  
17 part of that consortium we have a direct and  
18 real time link, or sharing if you will, of that  
19 information and data. We also have three  
20 non-municipality contracts. That includes our  
21 seaport, our airport, and our courthouse, which  
22 are components of the Sheriff's Office, we  
23 provide police services for them, and the  
24 unincorporated areas of Broward County which  
25 are also part of the Sheriff's Office.

1           On the computer aided dispatch side, that  
2           consortium, we have twenty-five municipalities  
3           that are members, as well again those three  
4           non- municipal contracts in the unincorporated  
5           areas, so of course that leads you to ask what  
6           about the agencies that are not members. So,  
7           we do have eight municipalities, eight police  
8           departments in Broward County that do not  
9           belong to the regional RMS consortium, they  
10          manage their own individual propriety RMS  
11          system. And we'll talk about that, how that  
12          works, and how we share data, and over that  
13          apparent hurdle, if you will. And there are  
14          also two municipalities that do not belong to  
15          the CAD consortium, so they provide their own  
16          dispatch services, or have their own dispatch  
17          center.

18          Starting with how we shared access and  
19          utilizes data, to try to give you the best  
20          visual representation that I can, starting at  
21          the state level, so how do our operational  
22          personnel access and use this data, and when I  
23          say operational obviously it means our field  
24          personnel, our deputies, they could be, also be  
25          civilian investigators and support personnel,



1       anybody that's in the field, investigators that  
2       need to utilize this data, whether it's delayed  
3       for analysis or real time during our crime  
4       prevention efforts, on the state level thanks  
5       to FDLE we have a great hub called CJNET, and  
6       the Florida Criminal Justice Network portal.

7               And that leads, as you see, to a multitude  
8       of resources, or federated queries if you will,  
9       that we can access any time. There is Justice  
10      Exchange, which is a federated network of  
11      federal and state information and analytics.  
12      There is the CEGIS Resource Center, which  
13      provides a hub to nearly every single  
14      participating agency in the State of Florida  
15      that wants to offer access to their database,  
16      or has created a database designed for that  
17      intercounty relationship.

18             Also, you have individual state data  
19      sources, such as DAVID for driver and vehicle  
20      information, Department of Corrections,  
21      Juvenile Justice, Sexual Predator Offender  
22      System, again just to give you a glimpse of all  
23      the powerful tools that are available to our  
24      operational personnel that they can access any  
25      time, that is obviously vital for them to do

1       their duties properly and effectively.

2             Working on down to the regional level, on  
3       the county level, to give you an overview of  
4       that structure, of that consortium, it's  
5       obviously a cyclical, or symbiotic relationship  
6       as well, that's very important as to the way  
7       that functions and we share that data. So,  
8       beginning at that 11:00 position, if you will,  
9       is as I mentioned earlier ORCAT. That's the  
10      acronym again for the Broward County Office of  
11      Regional Communications and Technology. So,  
12      they are the host, they maintain and control  
13      that RMS, and that CAD server that I described  
14      to that houses all of our crime records, and  
15      also all of our CAD data.

16            That leads into that 1:00 position, the  
17      system itself. Again, that's the P1, we call  
18      it Premier 1 CAD, and the RMS system, which is  
19      called OSSI. And that's obviously produced by  
20      a vendor in cooperation with ORCAT. So, on the  
21      lower position here you have Motorola and  
22      Superion, so Motorola is the vendor that  
23      produces and supports, and provides our CAD  
24      services, and Superion is the vendor that  
25      maintains our records management system in

1 cooperation with ORCAT. And you can see  
2 there's various points, or nuances if you will,  
3 for each component that, you know, kind of  
4 stipulate how the data flows, and how it works.

5 I'm the ORCAT, and they are the central  
6 data warehouse, they are the system  
7 administrator, so they set the rules, they set  
8 the precedent for how we operate. But this is  
9 a collaborative effort so there are governance  
10 boards that these participating agencies belong  
11 to and contribute to that ORCAT shares. And  
12 the governance boards, again, stipulate policy,  
13 and the methodology by which we can access this  
14 and utilize the data.

15 On the systems side, you know, again this  
16 not only encompasses the data storage and  
17 sharing, but on the operational end we're  
18 talking about our dispatch system, we're  
19 talking about the radios that our field  
20 personnel use, and also their MCTs, or their  
21 mobile computer terminals, the laptops in their  
22 vehicle, or wherever they may be using that  
23 system in the field. On the vendor end, you  
24 know, we do have a good reciprocal relationship  
25 with the vendors, as well as the county, you

1 know, with Motorola it's more in direct  
2 support, so that system, that support between  
3 the vendor and the end user is pretty much  
4 between Motorola and the County, so they, the  
5 county handles most of our radio needs, most of  
6 the maintenance for the radio infrastructure,  
7 it's not something that's burdened on the  
8 individual agency.

9 On the Superior side for the records  
10 management system we have a lot more of a  
11 direct relationship with that vendor, because  
12 there's a lot more moving parts in that record  
13 management system, not just on the county level  
14 but on the individual agency level, to make  
15 sure that we have the individual tools we need  
16 to do the operations that we do, to glean the  
17 data that we need, and the crime fighting  
18 information. So, that there is from agency to  
19 agency, it's not a one size fits all, if you  
20 will, so the county allows us to work directly  
21 with that vendor, and even though we share in  
22 the same regional system we are able to  
23 customize that system on an individual agency  
24 level to have the tools that we need. And of  
25 course, this all boils down to the end user,

1       which is the agencies, and obviously the  
2       individual operational personnel.

3               So, some of the points to consider in this  
4       type of data sharing arrangement is, again, we  
5       don't directly control the data, so it is  
6       replicated data. That means the original data  
7       stays on that server on the county side, and we  
8       are permitted to replicate that to our server,  
9       with certain restriction sand controls for  
10      security reasons, and you know, via MOUs  
11      between the agencies as to what we get, what we  
12      share, and how we use it. There's also certain  
13      data controls we must abide by, and there are  
14      process times to take into consideration.

15             Some data is real time, some data is  
16      delayed. Obviously, anything that applies to  
17      field personnel, we want that to be real time,  
18      or as close to real time as possible. There is  
19      other data that have other considerations for  
20      analytical purposes that is not necessarily  
21      shared real time, and shared in a different  
22      methodology. And again, there are those  
23      regional considerations that I touched on, so  
24      if we identify an area that we want to improve  
25      upon or change in the way we share and access

1       that data it is done through that governance  
2       board, it is a voting methodology, if you will  
3       amongst all those participating agencies.

4               This is a breakdown of the members of the  
5       regional systems, so starting at the top again  
6       is ORCAT. On the left hand side, you have BSO  
7       listed as a singular agency, which is how ORCAT  
8       identifies us, along with all of the other  
9       participating agencies underneath. On the  
10      right is a breakdown of BSO itself, so it's  
11      important to recognize that BSO is effectively  
12      sixteen police departments within one. So,  
13      even though on paper we're one of all of those  
14      other agencies that belong to the consortium we  
15      really have a much broader, wider scope than  
16      those agencies, and much different  
17      considerations, so it does affect the way  
18      control and manage our data, and there's a lot  
19      of special nuances that we've built into our  
20      system to compensate for that.

21             So, that leads to the question what about  
22      those stand-alone agencies that don't fit into  
23      that paradigm. So, it's important that  
24      obviously we share and have a reciprocity with  
25      these agencies, there has to be data sharing.

1 Even though they have chosen for whatever  
2 reason not to belong to the consortium we still  
3 have methodologies to share data. It's not  
4 shared through that replicated server, not all  
5 of it is real time, but there are sharing  
6 agreements in place.

7 So, what this diagram is showing you on  
8 the left is just an overview of who belongs to  
9 what, so where it's indicated in white, OSSI.  
10 What that means is even though they do not  
11 belong to the consortium they also are Superior  
12 clients, so they're using the same records  
13 management software, which is important,  
14 because even though they don't share in the  
15 combined data on that server on the county end  
16 because they use the same software it eases the  
17 manner in which we can share data directly with  
18 that agency. So, in other words our Superior  
19 OSSI does talk to their Superior OSSI. That's  
20 the module that we call police to police. So,  
21 again, even though they don't belong to the  
22 consortium, and we don't have that real time  
23 sharing that we get with those other agencies,  
24 we do have methodologies to share and exchange  
25 data.

1           The same thing goes for the CAD. So,  
2       where you see CAD is indicated they  
3       participate, or they use Motorola CAD, which  
4       enables that CAD sharing, or the sharing of  
5       that data. Where CAD is not indicated, or  
6       crossed out, they do have their own dispatch  
7       system, so that means there is not a direct  
8       link between our dispatch and their dispatch,  
9       so if communication is required, if there's a  
10      multijurisdictional, I'm sorry, excuse me, a  
11      multijurisdictional issue, that does require  
12      what we call a direct patch, and that can be  
13      facilitated by the dispatchers on both sides.  
14      It's just important to understand that's not a  
15      real time action, that does require some manual  
16      and human input to do that. But that just  
17      gives you an idea of how these systems still  
18      operate even though we don't have complete  
19      interoperability like we do on that regional  
20      level.

21           Also, in the middle you'll see LINKS.  
22      LINKS is a very important component. That is a  
23      federated query system developed on the federal  
24      level by Northrop, excuse me, Northrop Grumman,  
25      and that is a system that we're using to



1       actively share and pool that aggregate data on  
2       a federal level, and a state level, to ensure  
3       that we do share that critical information, and  
4       to kind of plug those leaks, if you will, or  
5       those pipelines that need to be filled to have  
6       that data exchange.

7               So, where does this boil down to the  
8       deputies, or the operational personnel in the  
9       field, which are obviously the tip of the  
10      spear, if you will. They are the most critical  
11      point in that data collecting, and data using,  
12      excuse me, using paradigm, if you will, and  
13      obviously what tools they have access to and  
14      how they use it is critical to our  
15      functionality as a law enforcement agency. So,  
16      this is just an interview of what's happening  
17      in the cockpit, if you will, in the police car  
18      here at the Broward Sheriff's Office.

19             There are the types of systems. Some  
20      we've talked about already on that macro level,  
21      but how do they boil down to this use on the  
22      field level for the deputies. So, just working  
23      our way clockwise starting at the 1:00 position  
24      you have the P1 CAD system that we talked about  
25      on that regional level. For the deputy what

1       does that mean? That gives them, or provides  
2       them with critical information, such as address  
3       history, call history, caller history, and  
4       hazard flags. Hazard flags are manual entries  
5       in the CAD system to let a deputy know that  
6       there's a threat, or some type of information  
7       at a location. So, remembering that CAD is  
8       location based, if you will, it's not person  
9       based, that's why it focuses on addresses, call  
10      history, and those flags are also location  
11      based.

12             Moving down to OSSSI, that's part again of  
13      that regional RMS system, and for the deputy in  
14      the cockpit, that is where they write their  
15      reports and enter the information that they  
16      need that corresponds to, say, previous or  
17      existing reports. It's also where they have  
18      access to NCI, CNFCIC queries, which is where  
19      they run local, state, and national checks for  
20      individuals, vehicles, firearms, property,  
21      anything that's traceable. And they also have  
22      access directly to DHSMV records for vehicles,  
23      and anything correlating to a vehicle.

24             We also have intranet access in our  
25      laptops, which is controlled and secured by our

1       own internal security policies. And this  
2       offers again access to a whole multitude of  
3       data, as I started to touch on already. We  
4       have that CJNET portal, so the deputy in the  
5       field, excuse me, has access to all those tools  
6       that I started to touch on, all those  
7       resources, so they can be not only reactive but  
8       also proactive, and glean the information that  
9       they need. We have a smart system, which is  
10      our internal analytical infrastructure to how  
11      we diagnose and identify threats and crime  
12      trends.

13           We have access to the Odyssey system,  
14      which is the counties Clerk of the Court  
15      system. We have a safe school system which  
16      provides deputies with real time information  
17      regarding all the layouts of all of our Broward  
18      County schools, photos, diagrams and  
19      blueprints, all the information they need to  
20      facilitate a response to a critical incident at  
21      a school. We have access to our mugshot  
22      system, which we call BSO picks, also valuable  
23      information regarding suspect information that  
24      they may come across they're proactively  
25      seeking, and that P2, P2P component that I

1 touched on, which is how they communicate with  
2 other agencies.

3 Some other components, moving clockwise,  
4 messaging, so how do the deputies receive this  
5 information, especially real time, which is  
6 obviously very critical to our operational  
7 endeavors. We have MCT alerts, so that means  
8 through that OSSI MCT they can receive real  
9 time alerts that correspond to suspects,  
10 individuals, vehicles. We have P1 messaging,  
11 so there's a messaging layer within the P1  
12 software, the Premier 1 CAD software, that  
13 enables the deputies to communicate with each  
14 other real time and share criminal information,  
15 or alerts that they come across on that local  
16 level.

17 Obviously, we have BSO e-mail which  
18 facilitates blast e-mails to the entire agency  
19 and our field personnel for the latest BOLO  
20 information, or be on the lookout information  
21 for suspects, vehicles, crime alerts. Their  
22 police radio, which obviously is their point of  
23 contact to the outside world, and dispatch,  
24 where we share a lot of important information  
25 and alerts real time as to what's occurring

1       around the county or within their area. And we  
2       also have text notification systems through  
3       various mobile devices in the cockpit, whether  
4       it's their personal cell phone, an agency cell  
5       phone, that provides real time criminal  
6       information.

7           A couple other components here just to  
8       touch on, rapid ID is a very powerful tool that  
9       we also have out in the field. Rapid ID is our  
10      portable fingerprint system, so our deputies  
11      also have the ability to conduct fingerprint  
12      scanning in the field and remotely access our  
13      local fingerprint database, our warrant system.  
14      And we're also expanding upon that system with  
15      the vendor to get more powerful tools and use  
16      out of that.

17           We also have our LPR system, if you've  
18      heard that acronym that's the license plate  
19      reading system, so that's a burgeoning  
20      technology that you're probably familiar with  
21      that ties into all the camera systems and IP  
22      devices that we have out there flourishing.  
23      So, LPRs, we do have them on a regional and a  
24      local level. Some cities have fixed LPRs at an  
25      ingress or an egress at a park or a location to

1 scan vehicles and tags coming in and out. We  
2 also maintain mobile LPR solutions that we use  
3 as part of our traffic enforcement to also scan  
4 tags for criminal information, et cetera.

5 And we also have two important software  
6 components that tie into that. The deputies  
7 have a system on their laptop that gives them  
8 real time alerts as to stolen cars when they're  
9 detected on that LPR system, and we also have a  
10 LERM system, which is more of the analytical  
11 side, so we can actually take all of that data  
12 and glean something useful from it, and share  
13 it with other agencies, whether it's suspicious  
14 vehicles operating in and out of one of those  
15 LPR areas, et cetera.

16 These are our BSO data sources in-house,  
17 so I've touched on, on the state level and on  
18 the regional level, this is what's directly  
19 controlled and accessed from our internal  
20 agency, so again it does tie into that CAD, or  
21 that regional system, and even though that  
22 information is controlled on that regional  
23 level we do replicate it, so we do have direct  
24 access to use that for our own analytical and  
25 enforcement purposes. Again, the OSSSI and the

1       RMS system, which is available to road patrol,  
2       it's also what we use for our investigative  
3       case management system, so not just for the  
4       field personnel but for our investigators and  
5       our analytical personnel to glean the  
6       information that they need that's entered into  
7       that system from the field.

8               We have a GL management system, which is  
9       where we maintain all our booking records and  
10      our inmate information. We have a civil  
11      database system which ties directly into our  
12      RPO process. That's our risk protection  
13      orders, so that's that project that was started  
14      not too long ago, which is a very important  
15      tool to identify those subjects that present a  
16      certain threat, and how we flag them, and how  
17      we identify them. And that is facilitated by  
18      our civil unit, and maintained in their  
19      database and distributed accordingly. That's  
20      also where we house and maintain all of our  
21      information regarding our summons and our  
22      writs, and other enforceable junctions.

23              We have a criminal warrant system, which  
24      is where we maintain all of our local warrant  
25      information for subjects who have been

1 arrested, or need to be arrested, fugitives, et  
2 cetera. And on our strategic level we have our  
3 strategic investigations division, which  
4 maintains very important relationships with the  
5 regional, state, and federal task forces. And  
6 we have fusion centers that tie all of that  
7 data together across all of those over arcing,  
8 overarching if you will, areas that need to be  
9 tied together and analyzed. And also, again  
10 part of that new proliferating technology, our  
11 camera systems which tie into the LPR, and also  
12 our body worn cameras, which is obviously a  
13 very valuable source of information and data.

14 So, ultimately where do all these  
15 pipelines go? As you can picture there's a  
16 whole lot of information flowing in all  
17 different directions at many different levels,  
18 but ultimately, we bring that down to two  
19 important components, how we analyze that for  
20 crime statistics, how we analyze that for our  
21 UCR and NIBRS information, so UCR is our  
22 uniformed crime reporting data that we provide  
23 to the federal government and break down into  
24 different part one and part two crime types.  
25 That will eventually be replaced by the NIBRS



1 system, but that's important components so we  
2 identify where our crime trends are at, and  
3 where our issues are, and how to deploy the  
4 appropriate operational response to that.  
5 That's how we identify trends in other areas  
6 locally and regionally that we need to respond  
7 to or participate in.

8 Investigatively we take that data, we  
9 analyze it on the criminal investigative end to  
10 do our follow up investigations for what's  
11 generated by the field personnel, and  
12 ultimately, we also feed that into important  
13 intelligence analytics, so analyzing the  
14 forward-looking intelligence as to where, not  
15 just where have we responded but where do we  
16 need to respond, or where do we predict that we  
17 need to respond.

18 That is the basic overview, and I say  
19 basic because obviously you get the idea that  
20 there's a multitude of moving parts. So, at  
21 this point if anything caught your attention  
22 that I can answer questions about, or any  
23 specific direction that you want to address,  
24 please let me know.

25 So, Lieutenant Hofstein, I just want to

1 run through something with you for the benefit  
2 of those who may not be familiar, and just, so  
3 just walk through this with me for a second,  
4 is, is that we have two systems that are  
5 primarily used to capture information where  
6 things are reported from the public. First  
7 could be the CAD, so the CAD is computer aided  
8 dispatch system. So, a deputy is dispatched to  
9 a call, the Broward County Sheriff's Office,  
10 and other law enforcement agencies, have  
11 protocols and policies about the type of call  
12 that the deputy can, as we would call it, clear  
13 in the CAD, meaning the deputy goes out to  
14 something, they're not required to write a  
15 report, they did something, and they can notate  
16 it in the CAD, and clear it in the CAD under  
17 whatever name the agency is using. Some call  
18 it a miscellaneous incident report, some call  
19 it something, but that data as to what the  
20 deputy did, I spoke with Mrs. Jones and she  
21 complained about her neighbor, and they can put  
22 all that information in the CAD; is that  
23 correct?

24 LT. HOFSTEIN: That is correct, Sheriff.

25 CHAIR: Okay. So, then on the other side

1 is that you have an RMS system, a records  
2 management system, which is what most people  
3 would consider to be the report writing system,  
4 if you will, of that law enforcement agency,  
5 correct?

6 LT. HOFSTEIN: Correct, sir.

7 CHAIR: Okay. So, the deputies, depending  
8 upon the policy of the Broward Sheriff's  
9 Office, or whatever the law enforcement agency  
10 is, they can take some information and put it  
11 in the CAD, they can take other information  
12 where they're writing reports, and it would be  
13 in the RMS system. And that's consistent  
14 really across the state, across the country as  
15 to how law enforcement agencies work, right?

16 LT. HOFSTEIN: That is correct.

17 CHAIR: Okay. So, if you would go to  
18 Slide and 9 here, and you've got here, here in  
19 Broward County you've got ORCAT, again the  
20 Office of Regional Communication and  
21 Technology. Broward Sheriff's Office, Fort  
22 Lauderdale Police Department, Hallandale,  
23 Hollywood, is that they have all decided that  
24 they're going to be part of the regional RMS  
25 system, so I'm on the RMS side, the report

1 writing side, and that means that the OSSI  
2 system, which could be ABCDEFG, it's just that,  
3 it's the vendor that you all use for the report  
4 writing system. All of that data when a deputy  
5 or an officer from BSO or one of these police  
6 departments writes a report, it's done in the  
7 OSSI system, and that data is stored on the  
8 server maintained by ORCAT, correct?

9 LT. HOFSTEIN: Correct, sir.

10 CHAIR: Okay. So, if you have that data,  
11 that you don't own anymore, it's stored on the  
12 ORCAT server, is that you have the right to  
13 replicate that data, so it comes back, if you  
14 will, and probably periodically you upload it  
15 back from the server, and you store it on your  
16 own server at BSO; is that right?

17 LT. HOFSTEIN: Correct, it's replicated  
18 real time.

19 CHAIR: Right. Okay, so it's coming --  
20 okay, so it's coming back.

21 LT. HOFSTEIN: Yes.

22 CHAIR: All right. So, if you have a BSO  
23 deputy that writes a report, information from  
24 Mrs. Smith that her son is out of control,  
25 having all of these issues, whatever the case

1       may be, a domestic related, and then an hour  
2       later a Fort Lauderdale police officer comes in  
3       contact with Mrs. Smith at a Walmart in Fort  
4       Lauderdale and wants to find out is there  
5       anything that's known about Mrs. Smith and her  
6       son, that Fort Lauderdale officer would be able  
7       to see the report that was written an hour ago  
8       by a BSO deputy.

9           LT. HOFSTEIN:  Yes, Sheriff, but, yeah,  
10       there's some important layers, or steps in  
11       between.  So, you summed it beautifully, it's  
12       just the timing that we have to breakdown, how  
13       readily accessible that data becomes.

14          CHAIR:  Okay, so how -- so but the, the  
15       BSO, I'm sorry, the Fort Lauderdale officer has  
16       access to the reports, direct access to the  
17       reports written by the BSO deputy.

18          LT. HOFSTEIN:  Correct.

19          CHAIR:  But there might be some things in  
20       there that cause a delay of the Lauderdale  
21       officer being able to see the report?

22          LT. HOFSTEIN:  Yes.

23          CHAIR:  But are those related to more  
24       apply approval of reports, and those kinds of  
25       things?

1 LT. HOFSTEIN: Yes, sir, exactly.

2 CHAIR: Okay, so but it's not  
3 technological, is that assuming that the deputy  
4 wrote the report right now, and the sergeant  
5 approved the report right now, an hour later  
6 the Fort Lauderdale officer could see it.

7 LT. HOFSTEIN: It could be. That might be  
8 a little too brief for the time to estimate --

9 CHAIR: Okay. All right, say, say the  
10 next day.

11 LT. HOFSTEIN: Easily the next day, sir,  
12 if not several hours.

13 CHAIR: Okay. All right. Okay, so but  
14 now go to Slide 9. So, same scenario, because  
15 these agencies, including Coral Springs as an  
16 example, and I'm using that because we're  
17 familiar with it here, and we've been having  
18 discussions about it, is, is that a Broward  
19 deputy in Parkland writes a report about Mrs.  
20 Smith and her son and puts it into the OSSI  
21 system as part of the regional ORCAT server  
22 system, but let's say eight hours later a Coral  
23 Springs officer comes across Mrs. Smith and  
24 her son at Walmart, and they're having another  
25 domestic, and that Coral Springs officer

1 queries the Coral Springs OSSI system, that  
2 Coral Springs officer isn't going to see  
3 anything about the report that the Broward  
4 deputy wrote yesterday, or eight hours ago,  
5 correct?

6 LT. HOFSTEIN: That is correct, Sheriff.

7 CHAIR: Right. See, again we've got this  
8 information silo, because those eight police  
9 departments in Broward County are using OSSI  
10 but they're not sharing their data on, and it  
11 is not part of the regional collaborative for  
12 RMS.

13 LT. HOFSTEIN: Correct.

14 CHAIR: So, if you have a deputy who is an  
15 SRO at Stoneman Douglas High School, and that  
16 deputy is let's say part of a threat assessment  
17 team, and that deputy has information about a  
18 student, and it's of concern, and that deputy  
19 wants to learn everything he or she can about  
20 that person to be as informed as they can to  
21 participate in a threat assessment team  
22 process, that deputy queries what that deputy  
23 has access to, which is your RMS system, that  
24 deputy is not going to see anything that Coral  
25 Springs, Davie, Hillsboro Beach, Lighthouse

1 Point, Miramar, Pembroke Pines, Plantation, or  
2 Southwest Ranches, not going to be able to  
3 access anything that they have.

4 LT. HOFSTEIN: Correct, Sheriff, they're  
5 not going to get that real time RMS data.

6 CHAIR: Right. And so, the same thing  
7 with CAD as it relates to Plantation and Coral  
8 Springs. So, as it relates to Parkland being  
9 next to Coral Springs is, is that the deputy  
10 who is on the threat assessment team at  
11 Stoneman Douglas doesn't have access to what's  
12 been cleared in the CAD, because Coral Springs  
13 CAD is different, doesn't have access to Coral  
14 Springs RMS, so there's a lack of real time  
15 information that that deputy would have to  
16 assess a situation and be able to be informed  
17 and adequately participate in that threat  
18 assessment team, because they would have to  
19 contact Coral Springs and, because you don't  
20 even have query access to the Coral Springs  
21 system, correct?

22 LT. HOFSTEIN: No, sir, that part we do,  
23 and that's where if you may --

24 CHAIR: I find -- then explain how that  
25 works.



1           LT. HOFSTEIN: If you'll allow me to  
2           elaborate, and it's a great overview to take  
3           this on a tangent, there's so many layers to  
4           this. And the key word was real time, and  
5           that's something I kind of touched on with the  
6           overview. There is a lot of data exchange, and  
7           a lot of data available, for example between  
8           BSO and Coral Springs, it's just the nature of  
9           how quickly that data is accessible. So, you  
10          hit it on the head with Coral Springs not being  
11          part of the regional system. We don't have  
12          access to what's called the regional RMS data,  
13          so there's the master RMS data that goes to the  
14          server that's shared with all of those  
15          membership agencies, but Coral Springs  
16          obviously maintains that information on their  
17          own system, so we can access their system, it's  
18          just not real time. So, that --

19          CHAIR: How do you do that?

20          LT. HOFSTEIN: Yeah, that local RMS data  
21          for those participating agencies is real time,  
22          it goes to the server and it slingshots right  
23          back to those participating departments. Coral  
24          Springs, we do have the P2P, so P2P is the  
25          police to police. That is a module built into

1 both of our OSSI systems that does allow an  
2 investigator or a deputy to access Coral  
3 Springs reports. So, for example, if a report  
4 was taken about Mrs. Jones and her son Bob  
5 Jones Jr., and we put that information in the  
6 system on the BSO side into RMS, Coral Springs  
7 can use P2P to access and find that  
8 information, or query that name and find it.

9 And vice-versa, if Coral Springs were to  
10 enter that information BSO can do the same.  
11 The missing link is the real time feed that we  
12 do not share because they're not a  
13 participating member of the consortium.

14 CHAIR: So, how delayed is it?

15 LT. HOFSTEIN: It could be delayed as much  
16 as hours, or up to a day. This is -- and if I  
17 may, sir, too, Sheriff, you know, this is  
18 something that I know it coincides with, you  
19 know, the tragedy at hand, and why we're here,  
20 but this has been an ongoing process that we  
21 have been working on, dare I say to improve  
22 over the years, but also understand it's not so  
23 much an improvement as a natural evolution.  
24 What I've learned in the technology sector, you  
25 know, as a police officer entering the foray of

1 IT, that nothing, or very few things are  
2 revolutionary, most everything is evolutionary.

3 And there's a lot of variables in that  
4 equation, as far as technology, Cloud storage,  
5 software availability, funding, all the things  
6 that we are continuously evaluating to bridge  
7 these gaps. So, that is one thing we have  
8 identified, and we are working with Superior,  
9 for example, to build that link, a bypass pipe  
10 if you will, around the consortium, where we  
11 can get that real time link with Coral Springs  
12 just the same as if they were part of the  
13 consortium, or participated in the regional  
14 system.

15 So, it is technically capable, it's just  
16 one of the many things that we're working  
17 towards facilitating.

18 CHAIR: So, do your -- does every deputy  
19 have that P2P access, and they know how to use  
20 it, so that if you have a deputy that's at  
21 Stoneman Douglas and they want to be able to  
22 know what these, let's say Coral Springs has on  
23 Joe Smith, is that deputy knows how to access  
24 the P2P and they would do it?

25 LT. HOFSTEIN: Yes, sir, they should. All

1 information is put out --

2 CHAIR: Well --

3 LT. HOFSTEIN: And I should in the spirit  
4 of honesty, is they do, and they have the  
5 information.

6 CHAIR: So, would they have to -- if I was  
7 a deputy at Stoneman Douglas and I wanted to  
8 know everything in Broward County on this kid I  
9 can query our, meaning BSO's OSSSI, and I'd get  
10 all those other agencies.

11 LT. HOFSTEIN: Correct.

12 CHAIR: If I want to check Coral Springs,  
13 Davie, Hillsboro, and all those other ones, do  
14 I have to do P2P and do individual queries with  
15 each one of those?

16 LT. HOFSTEIN: Yes, sir, currently they  
17 would.

18 CHAIR: So, I'd have to do nine queries in  
19 order to -- and then plus on top of that then  
20 I'd have to do the CAD query, and if I wanted  
21 to know what Coral Springs' CAD is then I'd  
22 have to figure out a way into Coral Springs'  
23 CAD, right?

24 LT. HOFSTEIN: Yes, sir. And you're  
25 touching on another very important tangent, and

1       this is again one of the things the natural  
2       evolution of our technology and our data  
3       systems, is how do we combine all of these  
4       together. And that is exactly what we're  
5       working towards doing.

6             CHAIR: So, it begs the question, and I  
7       don't expect you to answer it unless you know,  
8       is that, because there on OSSII, which is the  
9       same software --

10            LT. HOFSTEIN: Yes.

11            CHAIR: What's the barrier to those eight  
12       being part of the collaborative? Why don't  
13       they want to be part of the collaborative?

14            LT. HOFSTEIN: That's a very good  
15       question, sir. I can speculate, but I can't  
16       tell you specifically why, whether it was  
17       funding, whether it was something politically  
18       oriented, but there were reasons why those  
19       agencies, it could just be logistical and cost  
20       that they chose to maintain their own records  
21       management system.

22            CHAIR: Well, it can't be they don't like  
23       the software, it's the same software, so --

24            LT. HOFSTEIN: Right. Correct, sir, that  
25       is true.

1 CHAIR: And most likely it's something  
2 along the lines, is, because you touched on it,  
3 is you have a separate governance board for  
4 CAD, you have a separate governance board for  
5 RMS.

6 LT. HOFSTEIN: Yes, sir.

7 CHAIR: And in order to make changes in  
8 the software, and to control the data, is that  
9 you have to get it through that entire board,  
10 so if you want to make changes in the CAD it  
11 requires a whole board, and a whole process.  
12 If you want to make changes in the RMS, and  
13 probably what we would hear from them is, is  
14 that that's one of the barriers to them,  
15 because they just want to be able to change it  
16 when they change it.

17 LT. HOFSTEIN: Correct, sir. And that's  
18 the two edges to the blade, you have better  
19 control of your data but lose that real time  
20 data sharing with those other agencies. And  
21 some agencies seem to have a vested interest in  
22 one or the other.

23 CHAIR: So, when you have, because you're  
24 using replicated data at your office, so if you  
25 have a analyst that's been charged with doing a

1 background, a complete workup of somebody, the  
2 deputies in the field have, from the mobile  
3 they have real time access to the, to the data  
4 through RMS. Is there any delay if an analyst  
5 is in the office and that analyst is trying to  
6 do a complete workup on somebody, is there any  
7 delay in accessing that data from BSO offices  
8 as opposed to the field?

9 LT. HOFSTEIN: No, sir, it's the same  
10 replicated server. It's just a different  
11 portal, or a different access point if you  
12 will.

13 CHAIR: Okay, all right. Questions from  
14 anybody else? Mr. Schachter, go ahead.

15 MR. SCHACTHER: I was just curious --  
16 thank you for your presentation. I was just  
17 curious, did we, did Broward Schools fix so  
18 that the SROs have access to the school  
19 disciplinary system? Do you have that access  
20 yet?

21 LT. HOFSTEIN: That's a very good  
22 question, sir. I'm not familiar with that  
23 secondary system, if you will, outside our  
24 agency, so I do not know exactly what type of  
25 access they have, or what the portal is to

1 access that system.

2 MR. SCHACHTER: And, Sheriff, can we get  
3 an update on that? It's been, you know, we've  
4 got the school year starting, and that was, you  
5 know, a thing that we identified as one of the  
6 problems.

7 CHAIR: It would have -- it's the Broward  
8 disciplinary system -- it's not the term -- Mr.  
9 Gohl is here. He's going to come up in a  
10 second. You can ask him about it.

11 MR. SCHACHTER: Okay.

12 LT. HOFSTEIN: So, I can follow up on that  
13 too if necessary.

14 CHAIR: All right, does anybody have any  
15 other questions for the lieutenant? All right,  
16 thank you for being here, we appreciate it.  
17 Thanks very much.

18 LT. HOFSTEIN: Thank you, Sheriff. Thank  
19 you, ladies and gentlemen, very much for your  
20 time and patience.

21 CHAIR: So, I want to give, Colonel Dale  
22 is here, along with Dan Gohl. If you remember  
23 him from last time, Dan is the Chief Academic  
24 Officer for the Broward County Schools, and I'd  
25 like them to update us on the plan for staffing



1 law enforcement officers and/or guardians at  
2 the Broward County schools as school begins  
3 next week. And then when they are finished  
4 with that if you have your question, Mr.  
5 Schachter, you can ask Mr. Gohl that question.  
6 So, Colonel, thanks for being here.

7 PRESENTATION STAFFING OF OFFICERS

8 COL. DALE: Thank you for having me. As  
9 you're probably aware we have over three  
10 hundred schools in Broward County, and about  
11 ninety of those fall within the jurisdictions  
12 of the Broward Sheriff's Office, the areas that  
13 we patrol, whether they be a contract city or a  
14 regional service they would fall under our  
15 care. So, that's roughly thirty six schools  
16 more than we had last year so we've reassigned  
17 personnel. There's too short of a time period  
18 to hire people, get them trained in the academy  
19 and put into a school, and it's too short of a  
20 time to put a guardian in there, so the Sheriff  
21 has made a decision to reallocate manpower and  
22 make sure that all the schools come the opening  
23 of the school year that are patrolled by  
24 Broward Sheriff's Office will have armed  
25 protection in every school.

1           Once guardians continue to be trained and  
2           certified, the first class just completed, I  
3           believe thirteen subsequent classes, it should  
4           about thirty per class, provided everyone  
5           matriculates, then those will steadily replace  
6           the, for lack of a better word, armed deputies  
7           that are on loan to the schools that they're  
8           at. And I know the Sheriff has also been  
9           involved in the recruiting efforts for  
10          guardians, you know, recently spoke at a  
11          headquarters for the National Guard looking to  
12          try and foster some inspiration for those that  
13          may in military that would like to come and be  
14          guardians, but again each academy is about four  
15          weeks, so it will take some time given the size  
16          of the classes to put everybody into the  
17          schools. But they will all be covered --

18          CHAIR: So, for BSO service area, which  
19          all the contract cities and the sliver of  
20          unincorporated is, is that every school that  
21          you have in your service area there will be  
22          either, in the middle schools and the high  
23          schools there will be a deputy sheriff, and  
24          then in the elementary schools there will  
25          either be a guardian or a deputy sheriff, and

1       then as you train additional guardians then  
2       you'll replace in the elementary schools the  
3       deputy sheriff's with the guardians, but come  
4       next week, and until the additional guardians  
5       are trained, there will be a good guy with a  
6       gun on every campus within the BSO service  
7       area, correct?

8             COL. DALE: We will be 100% covered.

9             CHAIR: Okay. And Mr. Gohl, will you  
10       address that as far as outside of the BSO  
11       service area, like Fort Lauderdale, Hollywood,  
12       Plantation, Coral Springs, that same issue?

13            MR. GOHL: Absolutely. Commission Chair,  
14       Commission Members, thank you again for hearing  
15       us. I want to assure this commission, the  
16       entire Broward community, that we will have  
17       either a certified law enforcement official or  
18       a Coach Aaron Feis Trained Guardian at every  
19       one of our educational facilities, as the  
20       statute calls for.

21            We will have 100% coverage whether or not  
22       the school is in a municipality that  
23       participates in our partnership with BSO, or  
24       they have a different mechanism in place.

25            CHAIR: Okay, does anybody have any

1 questions for the Colonel, or for Mr. Gohl?

2 Mr. Schachter, go ahead.

3 MR. SCHACHTER: So, you're saying we  
4 currently have thirty trained guardians; is  
5 that correct?

6 COL. DALE: No, the first academy, we felt  
7 it was better to get it started and running, we  
8 took the first twenty people we had, thirteen  
9 passed the academy, and they were issued their  
10 certifications the end of last week.

11 MR. SCHACHTER: So, when do -- where -- we  
12 needed to fill a deficit of eighty; is that  
13 true?

14 COL. DALE: No, just for BSO we had ninety  
15 schools, and we had thirty-six that previously  
16 did not have school resource officers, so what  
17 we did is we basically pooled our resources  
18 internally and reassigned them to the schools  
19 until a guardian can fill their spot.

20 MR. SCHACHTER: Well, like in totality how  
21 many did we need to hire between both, do you  
22 have any idea what the total was?

23 MR. GOHL: I do not recall the exact  
24 number at this moment, but we have been able to  
25 do through our partnership with BSO, as well as

1 with contracting certified law enforcement  
2 officers to be placed at the schools, with the  
3 thirteen we have a class of thirty starting on  
4 Monday, which is where I believe you pulled  
5 that number from. That's the class that will  
6 start training on Monday. We have our SIU unit  
7 members who are certified law enforcement who  
8 will be serving primarily to fill gaps. If  
9 somebody gets a sick child the morning of they  
10 will be filling in.

11 But we will have either the thirteen  
12 guardians or certified law enforcement on  
13 temporary deployment through BSO, or by  
14 contract, at every school. As we increase our  
15 number of trained guardians we will be pulling  
16 back the redeployment from BSO, or the  
17 contracted officers, until we only have what  
18 I'll call SRO contracted or guardian trained at  
19 every school.

20 MR. SCHACHTER: Can you tell me why we  
21 don't have, and why we have to go ahead and  
22 hire, you know, BSO, why it hasn't been done  
23 already?

24 MR. GOHL: The training sessions which are  
25 done through the Sheriff's Office began in

1 July, if I recall correctly, and we are now  
2 moving as fast as possible. The class size is  
3 limited. We have a shortage of trained  
4 guardians. We have found a way to ensure that  
5 every school will have a certified law  
6 enforcement official at a school that will  
7 subsequent receive a guardian.

8 MR. SCHACHTER: So, 7026 I think was  
9 passed in March, but why, but it didn't get,  
10 you guys didn't pass your, even start this  
11 until July; is that what you're saying?

12 MR. GOHL: The training for the guardians'  
13 program is what I said commenced in July, and  
14 you are correct on that.

15 MR. SCHACHTER: Why is that?

16 CHAIR: Mr. Schachter, I think -- just  
17 know that this is no different than any place  
18 else. I can tell you that in Pinellas County  
19 we need a hundred ten guardians. We don't have  
20 them all. We just got done doing an academy,  
21 about twenty failed out. We're going to use  
22 law enforcement officers to replace them.  
23 Sheriff Judd can speak to what they're doing in  
24 Polk. This is -- the same thing that's going  
25 on Broward is going on the same thing

1 everywhere else. We're running another academy  
2 that's starting here in another month, and  
3 we're going to run two more guardian academies.  
4 But what's happening here in Broward with a mix  
5 of guardians and law enforcement is the exact  
6 same thing that's going on around the state.

7 MR. SCHACHTER: But I think the difference  
8 is that the School Board voted down the  
9 guardian program on April 10th, and then voted  
10 yes on the guardian program June 26th, so do  
11 you think that's the reason for the delay?

12 CHAIR: And the same thing happened to  
13 Pinellas County, the exact same thing, is they  
14 said no, and then I said what are you going to  
15 do because there's only one option, and that is  
16 to have a good guy with a gun on the campus,  
17 and you got a choice, either you pay for all  
18 SROs or you approve the guardian program, and  
19 finally they got off the mark and they approved  
20 the guardian program, so, and you just can't  
21 just stand it up like this.

22 And in order to, I can tell you to, we are  
23 just in applications alone, okay, applications,  
24 people who are just applicants, we're cutting  
25 about 40% of just applicants. In order to get

1 the hundred and ten we've screened hundreds,  
2 probably three, four hundred people, so it's a  
3 very tough process to get them screened, and  
4 then you have to backgrounds, you have to do  
5 drug testing, you have to do psychologicals,  
6 and then you have to schedule, and the academy  
7 is a minimum of a month. So, what they're  
8 doing here in the time table that they're on is  
9 the same time table we're on, and I know other  
10 counties are on. It's happening the same way  
11 everywhere else around Florida that I know of.  
12 Senator.

13 SEN. BOOK: Thank you, Mr. Chair. I just  
14 want to make sure I understand. So, it would  
15 be one deputy or guardian when we fill in the  
16 gaps starting next week when school is back in.

17 COL. DALE: In some cases, it's more than  
18 one deputy, if they're larger schools.

19 SEN. BOOK: Okay, I wanted to make sure  
20 what the numbers were. So, it could be more  
21 than one.

22 COL. DALE: Correct.

23 SEN. BOOK: But at the very least one.

24 COL. DALE: Yes, at larger schools. I  
25 think I've seen a couple that are at least



1 three.

2 SEN. BOOK: Thank you. And could you just  
3 speak to how rigorous the training is, because  
4 I know that there has just been a lot of  
5 concern, and I know that, that the Chair or  
6 Sheriff Judd has spoken quite a bit about what  
7 the training is there, but could you just speak  
8 to that first cohort of folks, we talked about  
9 some of the matriculation, some, you know,  
10 didn't make it all the way. What did that look  
11 like for those folks?

12 COL. DALE: Well, we -- we're all  
13 operating on the same state curriculum, unless  
14 someone chooses to add more to it, but it's a  
15 hundred thirty-two hours. A large majority of  
16 it is related to firearms and tactics. Since  
17 they're not police officers, not making a  
18 physical arrest, they're only there to, you  
19 know, intervene in a life and death situation,  
20 they're prior military, they're prior law  
21 enforcement, so for many of them this is a  
22 refresher of some sorts. They're qualification  
23 scores are actually slightly higher than that  
24 of law enforcement, they're at 85%. We hold  
25 them to the standard, which is why you see

1 thirteen of twenty matriculate. So, regardless  
2 we're not going to certify anyone who we don't  
3 feel successfully passes the program.

4 CHAIR: Just -- just because I want to  
5 make sure everybody is clear, and, you know,  
6 miscommunications, it's a hundred and  
7 thirty-two hours, plus there's twelve hours of  
8 diversity training, so the total is one  
9 forty-four, but that's with the diversity  
10 training. And here you've got only guardians  
11 in the elementary schools. All of the middle  
12 schools and high schools will all have SROs,  
13 have sworn law enforcement. So, the guardians  
14 are only in the elementary schools in Broward,  
15 correct?

16 COL. DALE: Correct.

17 CHAIR: Right. Okay. Sheriff.

18 SHER. JUDD: Just so if you, if you're not  
19 aware, we're staffed with guardians in our  
20 county, but we had to go through six hundred  
21 applications. Only 16% made it from  
22 application to certified guardian, so you've  
23 got to put hundreds of applications in the pool  
24 in order to end up with enough, so you've got  
25 to be a full press recruiting mission to, to

1 finish, because we're about 16% that made it.

2 CHAIR: Senator, I'm sorry, did you --

3 MR. GOHL: Staffing -- I was just going to  
4 say staffing this is an incredibly important  
5 priority for our district. We in fact have a  
6 special condition for this position  
7 description, which is a new one that had to be  
8 done. In most, in fact I would say in every  
9 other contract with Broward County Public  
10 Schools there's a line at the bottom that says  
11 and other duties as assigned. For the creation  
12 of this position that language was struck from  
13 the position description. These staff are to  
14 be dedicated to -- function only, and that is  
15 being ready should anything happen.

16 CHAIR: Senator, go ahead.

17 SEN. BOOK: Let me make sure I follow up,  
18 because I know this was very important when we  
19 passed 7026, so it is, I just want to make sure  
20 we're very clear. No classroom teacher,  
21 correct me if I'm wrong, based on what you just  
22 said, will be a guardian.

23 MR. GROHL: That is correct. They would  
24 need to go from being a teacher to a guardian.  
25 It is a distinct position with a distinct job

1 description, pay scale, and training.

2 CHAIR: Commissioner Blackburn.

3 DR. BLACKBURN: Sheriff, I just wanted to  
4 echo what you said earlier, that many of the  
5 districts are in the exact same place as we  
6 heard articulated here from Broward, I know we  
7 are in Brevard as well, having a good guy with  
8 a gun on every campus via a number of different  
9 strategies because of the human capital aspect,  
10 and so down to even using detailed deputies  
11 until we run our people through the guardian  
12 training program, so we're about all in the  
13 same place.

14 CHAIR: All right, does anybody else have  
15 any other questions? Mr. Schachter, did you  
16 want to ask your question about the --

17 MR. SCHACTHER: Oh, yeah, thank you. Do  
18 you know if we fixed that issue, and that the  
19 SROs have visibility into the school district  
20 disciplinary program?

21 MR. GOHL: So, subsequent to the  
22 discussion of this commission, and thank you  
23 again to the commission for raising these  
24 issues, what we discovered is that the primary  
25 issue was one of training, that is the SROs in

1       their law enforcement capacity needed to be  
2       interfacing with the administrators when an SRO  
3       is, and you heard discussions of this earlier  
4       today during your testimony, is the SRO doing a  
5       law enforcement job or are they an extension of  
6       a disciplinary process of the schools. That  
7       language exists in our agreements with BSO, as  
8       well as with other municipalities that we have  
9       for SROs.

10           That language had been reviewed. We  
11       trained our administrators on it last week. I  
12       will be happy to provide to the commission a  
13       reflection of where we are at to make sure that  
14       when an SRO needs access to disciplinary record  
15       they are partnered with the administrators to  
16       get that immediately.

17           CHAIR: Okay, thank you very much for  
18       being here, we appreciate it. We have for  
19       public comment John Thompson. And I'd just ask  
20       public comment be limited to three minutes.

21           PUBLIC COMMENTS

22           MR. THOMPSON: My name is Jack Thompson of  
23       Miami, Florida. I have one piece I believe of  
24       the Parkland puzzle. On December 1, 1997  
25       thirteen-year-old Michael Carneal walked into

1 his Paducah, Kentucky high school and opened  
2 fire, hitting eight students and killing three,  
3 whose parents I wound up representing. In  
4 Carneal's criminal proceedings it was proven  
5 that but for his immersion in the violent video  
6 game Doom he would not have killed.

7 Two weeks after the causal connection  
8 between the Paducah massacre and video games  
9 was established Columbine occurred. The nation  
10 learned within seventy-two hours that Klebold  
11 and Harris had trained on Doom. They stated in  
12 their taped suicide note that they wanted to  
13 replicate Doom in the hallways of Columbine.

14 Because of the school massacres that had  
15 been frequently occurring President Clinton  
16 ordered the FBI to issue a fifty-two-page  
17 school shooter threat assessment perspective,  
18 and it contains there words. Quote: Themes of  
19 hatred, violence, weapons, and mass destruction  
20 recur in virtually all of the shooters'  
21 activities, hobbies, and past times, the  
22 student demonstrates an unusual fascination  
23 with video games with violent themes.

24 In 1999 Attorney General Janet Reno  
25 submitted this fifty-two-page threat assessment

1 to the nation with these words in her cover  
2 letter. Quote: We must continue to search for  
3 those crucial behavioral and environmental  
4 indicators which suggest that a threat of  
5 school violence may be real. This report, she  
6 continued, presents a model procedure for  
7 threat assessment and intervention, including a  
8 chapter on key indicators that should be  
9 regarded as warning signs. And she finished by  
10 saying we will be then in a position to help  
11 those children who show a propensity for  
12 violence before, before they scar themselves  
13 and others forever.

14 Four days after Columbine President  
15 Clinton told the nation, quote: The one man  
16 America should listen to as to why Columbine  
17 happened is Colonel Grossman. Colonel  
18 Grossman, a friend of mine, has a book  
19 entitled, and published by Little Brown, which  
20 is a serious publishing house, Assassination  
21 Generation. I have copies here for you for  
22 whomever wants them. This book proves the  
23 causal, not the correlational but the causal  
24 link between video games and school massacres.

25 The U.S. military uses video games to

1 suppress the inhibition to kill in recruits,  
2 and to train them how to kill. These murder  
3 simulation video games have the same affect,  
4 ladies and gentlemen, upon teen civilians.

5 The Miami Herald has reported that Nikolas  
6 Cruz played hyper violent shooter video games  
7 fifteen hours a day, which is the same number  
8 of hours that Adam Lanza, the author of the  
9 Sandy Hook Elementary School massacre trained  
10 on them to efficiently kill twenty-six.

11 The Broward State Attorney armed with  
12 search warrants seized from Cruz's home, quote,  
13 two X- boxes, closed quote. The State Attorney  
14 has refused to produce to the public, and to  
15 this commission, what video game evidence was  
16 surely found.

17 Finally, for three hundred years in this  
18 country boys went to school with guns to hunt  
19 after school. It never occurred to them to  
20 hunt one another. Something is changed, and it  
21 is this. Some at risk boys spend fifteen hours  
22 a day practicing killing their classmates,  
23 turned by these murder simulators into mini  
24 Manchurian candidates. None of this is to say  
25 that Nikolas Cruz is not responsible for what



1 he did, but ladies and gentlemen, as one of the  
2 parents in Paducah said to Ed Bradley on 60  
3 Minutes when asked are you saying that Michael  
4 Carneal was not responsible for what he did,  
5 she said, no, Ed, I'm saying there's plenty of  
6 blame to go around.

7 This is a piece of the Parkland puzzle.

8 CHAIR: Okay, thank you. The next is  
9 Christine Brasile.

10 MS. BRASILE: Thank you again for being  
11 here, and I thank the BSO, Sheriff's Department  
12 for sharing how their systems work. I think  
13 that drilling down, and looking at the  
14 jurisdictions and, and municipalities in  
15 Broward County and how they interact is hugely  
16 important. If you had a Plantation situation,  
17 and a Miramar situation, you were asking about  
18 if you were able to drill down and look into  
19 that information what would Plantation if they  
20 did not have BSO interaction, what is their  
21 access, and I think that's important as you  
22 move forward in looking at your jurisdictions.

23 And then we get to the SROs and  
24 school-based protection, and there was big  
25 discussion at the School Board as far as these

1 new positions of the guardians, that they will  
2 just be there, and be available to secure the  
3 perimeters, and that they're not going to be  
4 the good guy, necessarily the good guy on  
5 campus with a gun, because there's not going to  
6 be a lot of interaction, they're there to  
7 secure the perimeter. The good guy with a gun  
8 needs to be available across the board,  
9 whatever our county does as we move forward we  
10 need to make sure that -- I'm sorry, because  
11 personally this has, has touched me,  
12 jurisdictions, and the lack thereof of SIU, or  
13 a municipality in order to investigate  
14 something because supposedly somebody else is  
15 investigating it.

16 So, being able to tap into the information  
17 and seeing what's happening certainly would  
18 help the law enforcement that are trying to  
19 investigate an issue, and being able to have  
20 real time access to that, so I hope that we are  
21 able to secure that for our county and our  
22 district. AS far as being able to actually  
23 track discipline, and track occurrences within  
24 Broward County public schools, and the  
25 appropriate law enforcement that is brought

1       into that, I believe that there is a huge  
2       gaping hole in our process, and I hope that  
3       these conversations are going to help that to  
4       be aligned.

5               I wish I had amazing things to say to you  
6       today about how we could fix it. My experience  
7       I think would help with those that are at the  
8       table in order to do that, and I'm willing to,  
9       to be available, but we need to change the way  
10      we are operating. We -- as we talked -- the  
11      last time that I talked before you I talked  
12      about the fact that law enforcement and our  
13      first responder's delay in order to get on the  
14      scene, and the way that our operating system,  
15      now that we're hearing what's happening with  
16      the 911 system, is not functioning  
17      appropriately either, so that needs to come in.

18             But we need to make our children a  
19      priority, and if a child comes forward with a  
20      report to anybody in this system it needs to be  
21      a very clear way for us to discern the inform  
22      that the child, or a parent, or a community  
23      member brings forward, and action on it, and I  
24      believe that's what you are all here for today.  
25      My heart continues to go out to all of those

1       that have lost their precious family members,  
2       and I want to work with all of you to have the  
3       remedy that we need for the next generation.

4             And I'm going to say in regards to the  
5       video games thing, that coming forward in that  
6       memory thing, I know as a young child from  
7       watching the Snow White movie that things can  
8       get in there very quickly, into the  
9       subconscious mind. I didn't find out until I  
10      was thirty-two that the reason I had a fear of  
11      sand had to do with the animators in Disney,  
12      and they wanted to have sand when they clicked  
13      the hourglass.

14            CHAIR: Thank you, ma'am, appreciate your  
15      comments. Next is Michael Sirbola.

16            MR. SIRBOLA: Yes, hello. My name is Mike  
17      Sirbola, and I was going to start out by saying  
18      that you're all here to deliver a lie to the  
19      public, and that's not true. You're all here,  
20      we're all here for the same reason. Arnie  
21      Duncan has been speaking recently about the  
22      fact that what we're dealing with as far as  
23      education goes is a coast to coast issue. Your  
24      being here implicitly, because I know you're  
25      not individually wanting to promote the status

1       quo, you're not wanting to promote shootings in  
2       our schools coast to coast, you're not wanting  
3       that, okay, and yet you're here. You're here  
4       for what, to see if there's something here,  
5       special here that led to this, that someone  
6       here did something wrong? What about all the  
7       other places across the country? You're here  
8       for silliness, to defend the status quo without  
9       even addressing or questioning how is this  
10      happening coast to coast, what are we doing.

11             What we're doing is zero tolerance. What  
12      we're doing is disrespecting our children.  
13      What we're doing is -- and what you're  
14      concerned now about being too lax with the  
15      kids, and you're going to bring us back to zero  
16      tolerance, what we're doing is when you raise  
17      your voice or your hand to a child you miss an  
18      opportunity to teach because you're too busy  
19      punishing, because you were yourself punished  
20      at some point. All of you who spank your  
21      children were spanked yourself, you're okay,  
22      you're not damaged, you're perfectly adapted to  
23      a damaged world.

24             If we want to change the way our world is  
25      here in the U.S. we need to change ourselves.

1 We need to change our discipline practices. We  
2 have this 1984 nonsense, and gibberish like  
3 positive behavior intervention and support that  
4 hands out discipline matrixes, and we have  
5 conscious discipline that lists things,  
6 everything except having to actually change how  
7 you deliver discipline in a classroom.

8 The minute you raise your hand or your  
9 voice to a child they're going to focus on the  
10 raised hand or the voice, or the disciplinary  
11 action, or the conscious discipline, or  
12 whatever other nonsense meaningless words you  
13 want to put to it. When a kid makes an error  
14 it's an opportunity to teach. We need to  
15 invest the time and the money. Not investing  
16 in children is child abuse, okay, it's child  
17 abuse to sit there, because they are voiceless,  
18 and not give them the resources they need.

19 We even discuss whether to feed them or  
20 not. What is wrong with us? It is us. We can  
21 change. When we assign a discipline matrix  
22 that's really assign resources. We can assign  
23 those resources. Instead of sending the kid  
24 off to a Gulag external suspension we can give  
25 the teacher training and resources. Instead of

1        assigning all those resources money we can give  
2        her the right to deal with that child right  
3        there, and call in a teacher's aide, and she'll  
4        deal with that kid right there. And you'll  
5        say, oh, my God, you're going to lose the whole  
6        period. You're right, for that one kid we'll  
7        lose a period, maybe two, but after that that  
8        class will be gold for the rest of the year,  
9        and that's what none of you seem to realize.

10       We need to change our schools. Right now,  
11       we're having a riot between teachers, the  
12       administration, and other principals because we  
13       lost control. We look to --

14       CHAIR: Okay, thank you.

15       MR. SIRBOLA: -- charterize our public  
16       schools by giving our principals autonomy, full  
17       autonomy --

18       CHAIR: Your time is up. Your time is up.

19       MR. SIRBOLA: -- and that's why you don't  
20       have any records, because the principals --

21       CHAIR: Your time is up. Any commission  
22       members have anything before we recess for this  
23       afternoon? Okay, thank you, we'll see you  
24       tomorrow morning at 8:30.

25       (Thereupon, the meeting concluded.)

C E R T I F I C A T E

(STATE OF FLORIDA)

(COUNTY OF MIAMI-DADE)

I, NIDELIS GONZALEZ, Reporter, certify that I was  
authorized to and did report the foregoing  
proceedings and that the transcript is a true and  
correct transcription of my notes of the  
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NIDELIS GONZALEZ, Reporter

Commission: FF 188630

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