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MARJORY STONEMAN DOUGLAS HIGH SCHOOL
PUBLIC SAFETY COMMISSION MEETING

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

September 6, 2018

8:30 A.M. - 2:16 P.M.

1 COMMISSION MEMBERS/ATTENDEES:
2 SHERIFF BOB GUALTIERI - CHAIR
3 JASON JONES - PSC GENERAL COUNSEL
4 CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE
5 BRUCE BARTLETT - CHIEF ASSISTANT STATE ATTORNEY,
6 SIXTH JUDICIAL CIRCUIT
7 RICHARD SWEARINGEN - COMMISSIONER FLORIDA DEPARTMENT
8 OF LAW ENFORCEMENT
9 MAX SCHACHTER - VICTIM PARENT
10 LARRY ASHLEY - SHERIFF, OKALOOSA COUNTY
11 MELISSA L. SKINNER - CEO, CENTERSTONE FLA.(absent)
12 PAM STUART - COMMISSIONER OF EDUCATION
13 JUSTIN SENIOR - SECRETARY, AHCA
14 TIMOTHY NIERMANN, SECRETARY, DEPT OF JUVENILE
15 JUSTICE MICHAEL CARROLL - SECRETARY, DCF
16 JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER
17 COUNTY
18 DESMOND BLACKBURN - SUPERINTENDENT, BREVARD CNTY
19 GRADY JUDD - SHERIFF, POLK COUNTY
20 DOUGLAS DODD - SCHOOL BOARD MEMBER, CITRUS COUNTY
21 LAUREN BOOK - SENATOR, DISTRICT 32
22 RYAN PETTY - VICTIM PARENT
23 MARSHA POWERS - SCHOOL BOARD MEMBER, MARTIN COUNTY
24 KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEF ASSOC
25 CHRISTINA LINTON - COMMISSION STAFF, FDLE

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

2 CHAIR: All right. Good morning
3 everybody. We're going to get started. So
4 where we left off yesterday on the SRO
5 discussion, we were going through making
6 specific findings, and then addressing, at
7 least for the draft report, what initial
8 recommendations will be. So I think that since
9 we started that, and made progress going
10 through that, I think it will be quite
11 beneficial if we go ahead and continue that,
12 and finish that section.

13 But as I think we saw yesterday, and the
14 reason why we set it up this way, again I want
15 to just put it against this context, is the
16 whole purpose of this, the design and purpose
17 of it, was to, one, allow for good discussion,
18 dialogue, discourse, and input from all of you
19 on what is going to be our collective, and your
20 report. But not to settle on final language,
21 not to settle on a final product, to keep it
22 more high level in concepts and theories, with
23 the thought that it can be tweaked down the
24 road, not looking for perfect out of this,
25 looking for those big high level concepts and

1 theories that are informed based on what you've
2 learned up to this point, and what you all
3 think would be the best practices and
4 recommendations, and not just for the
5 legislature, but for those that are involved in
6 the process.

7 So is, and I'll give you an example of
8 that, and we can talk about maybe as, is
9 something as we get into this morning. One of
10 the things you heard through the presentations
11 from the Broward Sheriff's Office and SROs was
12 they have a very decentralized SRO structure,
13 is that their school resource officers on
14 February 14th, if you recall from the
15 presentation is they didn't even report to the
16 law enforcement commander, it was a community
17 services commander that they reported to, and
18 that in each of the districts is that the SROs
19 didn't report to an SRO sergeant or a
20 supervisor, it was a collateral responsibility
21 for an administrative sergeant assigned to the
22 district.

23 And again if you recall I think the
24 testimony was, is that the SROs probably saw
25 the supervisors once a week every two weeks.

1 It was, there wasn't a lot of close
2 supervision. So again, as we're talking about
3 some of this, that's the kind of thing that,
4 you know, is that okay, is that the kind of
5 thing that we should, and we have to be careful
6 we don't go too far in the weeds and get into
7 too much of the operation of individual
8 agencies, but is that structure one that is
9 ripe for some thought, and some discussion, and
10 some recommendation specific, is it that should
11 be that where there is closer supervision and
12 greater familiarity, and, you know, having a
13 completely decentralized structure, is that
14 appropriate.

15 So there will be some things, anyway,
16 that, you know, outside, that that's not
17 something for the legislature, or something,
18 but that is something from a best practices
19 standpoint that, you know, at least warrants
20 some, some consideration. But with all that
21 said, and again the thought is that, and we
22 heard from a lot of you that you wanted input,
23 and I respect that, and agree with it, but we
24 also have to realize that we're on a short time
25 frame, and as we saw the process yesterday is,

1 is that it was, you know, tough going, but once
2 we got the ball rolling, I think we made
3 progress with it. So I think we all realize
4 though that we can't do this, and use this
5 process with every topic, it's not possible.

6 So what I suggest we do is, is that we do
7 additional work on the SRO topic, since we've
8 already started it. We then segue way this
9 morning into framing, okay, framing the school
10 hardening topic. And you'll see what -- and
11 I'm going to jump ahead of myself here in a
12 little bit, but just to give you an idea, what
13 I'm going to suggest on that is, is that we
14 divide the school hardening topic into
15 prioritized categories.

16 And if you all are agreeable to that, and
17 I'll lay it out for you, is that we then ask
18 you based on those prioritized categories from
19 the most doable, or the most easily doable, the
20 ones that have little or no costs, and probably
21 can be implemented fairly quickly and easily,
22 to way over here, things that are major shifts
23 that require significant amounts of money, and
24 that we ask you to give us your recommendations
25 within, I don't know, we'll set a period of

1 time, a week, ten days, whatever it is, that
2 you give us your recommendations in those
3 lanes, and that we will then ask the Commission
4 staff to de-conflict those and come up with a
5 list, we'll present them next time, and we'll
6 do it that way.

7 And with the other topics, we're going to
8 talk about, today we're going to talk about a
9 little bit, set the stage in the open session
10 on the FSSAT. We're going to talk about it in
11 the closed session. We need to do the same
12 thing with behavioral threat assessments. So
13 as opposed to, you know, it's not going to
14 work, sit here and go through all these, is the
15 more, to frame it and then ask you all to
16 submit feedback, and then we'll put the
17 feedback up and then tweak it once we have a
18 starting place for all of it. So does that
19 work for everybody, sound like a better
20 approach?

21 SHER. JUDD: I have one question. I don't
22 know if this is the appropriate time, but have
23 we, or when will we see the training records of
24 those involved, the policies and procedures as
25 they existed that day, any updates,

1 modifications, any agency protocols?

2 CHAIR: And that's really going to start,
3 Sheriff, in October, and as we are really
4 getting into the meat of the 13th and the 14th,
5 and, you know, what happened. And that's what
6 these interviews have been, all the data
7 collection, the evidence collection if you
8 will, and like Peterson's training file, all of
9 those things, and what their active assailant
10 training was.

11 We interviewed the captain at the Broward
12 Sheriff's Office, or oversees their training
13 session. We have an understanding now of what
14 they were doing and not doing with active
15 assailant training, and they've made
16 modifications since the 14th to that. So all
17 of that will be part of next month's, at least
18 beginning next month's presentation, and we're
19 going to have to decide how we're going to do
20 that next month, is I've said I really would
21 like to do as much as we can in the open.
22 However, in order to give you all the best
23 information and the clearest picture a lot of
24 what you need to know is not in the public, it
25 is still confidential, so I'm going to have to

1 figure out how we present that.

2 Some of those things, like, you know,
3 training records, and all that, that's, you
4 know, that could be public stuff. But if it's
5 comingled in with stuff that's not then it may
6 be that we're going to have to do a lot of this
7 in a closed session. So we got to work all
8 that out, but all that will start for next
9 month.

10 SHER. JUDD: Because to me one of the, one
11 of the basis of this is you look at the policy
12 and the procedures, and you see if the training
13 followed the policies and procedures, then you
14 see if the practices followed the training and
15 the policies and the procedures. And to me
16 there's a lineage there, in order to find out
17 did Peterson react as he was last trained,
18 because there was a time that you contained.

19 CHAIR: Right.

20 SHER. JUDD: Or was there clear, clear
21 policies and practices, or clear policies and
22 training, and practices that he ignored, or
23 that the agency ignored with checks and
24 balances and follow ups, and that's, that's
25 still kind of a mystery to me. The next thing,

1 the last question I'll ask, I understand a lot
2 of this is still confidential, but in the
3 investigative world one of the things is to
4 drag out the confidential until everybody goes
5 away, so we're not going away. So the sooner
6 we can wrap this thing and get to, get sunshine
7 on these issues, to me the better off.

8 And I understand some of it, depending on
9 the stage of the investigative has to be, but
10 it's, it's always --

11 CHAIR: Yeah, and some -- some of it is,
12 is that we're need to be, want to be, and
13 should be respectful of the State Attorney's
14 office, and its role in the criminal
15 prosecution. You know, we don't want to do
16 anything that is going to interfere, you know,
17 with that. And so some of it is, and when I
18 say confidential is, is that they have a
19 criminal case to try, and we don't want to do
20 anything that is going to cause them any
21 problems or angst in what their, task their
22 doing, so we're coordinating closely with them,
23 and making sure that we don't put anything out
24 in any manner publicly, not to you all but
25 publicly, that is going to interfere with that.

1 So that, that is, you know, part of it. I
2 can tell that, when I say that the
3 confidential, there is nothing that is now
4 confidential, which means that it's either
5 confidential under the public records laws, or
6 exempt, and hasn't been released, et cetera.
7 There is nothing that I'm aware of, and I'm
8 confident that we're fully aware, there's
9 nothing that we don't have. So there's nothing
10 that the Commission doesn't have, and there's
11 nothing that you're not going to hear about.
12 The question is, is that can we get it out to
13 the public, and I absolutely know that it is
14 beneficial for the public to know as much as
15 they possibly can from an objective fact
16 standpoint, because there is so much false
17 information, rumor mill, false narrative
18 floating around down here in South Florida,
19 that it is important.

20 So I feel that it's incumbent upon us to
21 as much as we possibly can make sure that we do
22 as much in the open, and get out that
23 information, because it's human nature. What
24 happens -- people are starving for information,
25 the public is starving for information. They

1 want to know. This is a, probably if not the
2 most, one of the most traumatic events that's
3 ever happened in South Florida, probably in the
4 state. I mean Pulse, it was a huge tragedy as
5 well, but let's say in South Florida. And it's
6 human nature, when people don't get information
7 they start talking, and it becomes made up
8 information. And when people aren't getting
9 information, because they're starving for it,
10 then they start talking about and made, and it
11 becomes made up, and then that gets
12 perpetuated, and one person tells another, who
13 tells another, and before you know it that
14 becomes the, quote, truth, when it is a
15 complete falsity, because people are looking
16 for answers.

17 They want some explanation as to why this
18 horror happened. They want some explanation as
19 to how this could have been allowed to occur,
20 et cetera. And, you know, as we are finding
21 out sometimes just bad things happen, but there
22 are certainly things here that were done or not
23 done that there can be constructive comments,
24 feedback, and criticism about. But not
25 everything done here was done wrong, or

1 improper, and not everything is subject to
2 criticism. There are things that are, and
3 there are things that were done, done well.

4 So this is where we're trying to -- but we
5 got to get this information out, and the more
6 fact-based information that we can get out, not
7 just to you all, and to this Commission for its
8 decision, but to the public, the better off we
9 are. And so that's the, that's the challenge.

10 SHER. JUDD: I appreciate that, and I
11 couldn't agree more that we don't want to do
12 anything at all to interfere in the
13 prosecution, but I think most of the
14 information of interest to us, and the
15 community, shouldn't be things that would
16 affect the prosecution's tactics. And we
17 obviously have to consider them and their
18 strategies. But to me, at the core of this, is
19 if Scott Peterson had the best training, the
20 appropriate training, the state-of-the-art
21 training at that time, and it's all documented,
22 and his colleagues had it at that time, and
23 it's all documented, then obviously it's all on
24 him.

25 But if the policy and the procedure, and

1 the training, and the records don't reflect
2 that, then it goes further up. I understand
3 how, how a colonel, or a chief, or sheriff
4 sitting in his office 30 miles away can't help
5 when somebody does something wrong in an agency
6 of 5,000 people. But if the policy, the
7 procedure, the training, was not appropriate,
8 and complete, and documented, then that's,
9 that's -- and that's where I'm just as curious
10 as I can be, as one of my cornerstones as, as
11 we go through and try to rationalize this.

12 CHAIR: Yeah, absolutely, you know, and we
13 said that from the get-go, is it that, and this
14 is a very, very important, what you raised is a
15 very important distinction, is is that we have
16 to separate what is human failure from policy
17 failure, is that people can't be criticized, or
18 shouldn't be criticized, at least in my view,
19 if they followed it to a T as they were
20 instructed, ordered, trained, and policy
21 dictated. If it's a problem in the policy,
22 then that's not the individual's fault. If it
23 is a solid, sound, tried, true practice
24 implemented policy, and it wasn't implemented
25 properly, or there was deviation from the

1 policy, then that's a people problem.

2 You know, and I think an example of that,
3 and because we've talked about it, and a, and a
4 good example of that, it's probably both in
5 hybrid, is this whole code red thing, is it
6 that there is a lot of question about whether
7 there was immediate notification that Cruz was
8 coming on the campus, and whether people
9 reacted, and how they reacted, and who could
10 make those notifications, et cetera.

11 And, you know, that's probably one, we've
12 talked about it, and alluded to it, so, you
13 know, talk about it a little bit and allude to
14 it. I think that is what we're seeing, and
15 you're going to hear more about is, is that
16 that's a failure on both sides, is it that one
17 of the things we're seeing is, is that, and
18 from the interviews is, is that there was a lot
19 of confusion about what the code red policy is,
20 or was. They don't have formal promulgations
21 of policy where it's disseminated, people are
22 trained on it, they know, and yet some people
23 that had some familiarity with it but others
24 who didn't, and so it's a real mix-match. So
25 that's probably, you know, that falls probably,

1 falls on both sides, where it's a human failure
2 plus a lack of effective policy.

3 So, you know, those are the things that we
4 absolutely have to start getting into, and we
5 will, and now that we are putting it together.
6 And the training aspect of it is very
7 important. I can tell you that on that active
8 assailant training, is that the Broward
9 Sheriff's Office has already made some
10 modifications to it from what they were doing.
11 So we'll get into that, and tell you what they
12 were doing, how they were doing it, what was
13 done, not done, and what they're doing now.

14 MR. SCHACHTER: I would like to get more
15 information, because Steve Wexler was there two
16 months ago and told them, you know, gave the
17 school specific information of what to do and
18 what not to do, and so I do want to hear, you
19 know, especially on the code red issue I want
20 to hear what the investigators found out, and
21 what the truth is, so --

22 CHAIR: We're going to get into it.

23 MR. SCHACHTER: I -- I understand. But
24 you're absolutely right, did the policies and
25 procedures, what were there, at school, and

1 what is the culture at school. That's --
2 that's another, another, you know major thing
3 that hopefully, you know, investigators will
4 talk to us about.

5 CHAIR: Well, and I'll tell you another
6 thing, and I'll say it now because I think it
7 warrants saying, I'm very comfortable with it,
8 and you'll hear more about this, and what's
9 going on down here. You've seen a number of
10 people criticize the lack of rescue task
11 forces, or medical care, that was allowed to
12 enter the 1200 Building after the incident.

13 MR. SCHACHTER: Yeah, of course.

14 CHAIR: And I can tell that from
15 personally being involved in the interviews of
16 command staff, and people that were in the
17 buildings, is that there's no basis for that
18 criticism, in that there was nobody who didn't
19 get the medical care that they needed. And you
20 had people who were in the building who we've
21 interviewed that say that, and testify to that,
22 and say that, that that wasn't the case, and
23 that there was adequate medical care.

24 So we'll flesh throughout some of these
25 things. And some of the people that were

1 saying we weren't allowed to go in, I
2 understand where they're coming from, I
3 understand they wanted to help, I understand
4 that they wanted to practice their craft, you
5 know, but there were other people in there that
6 they didn't know about. See, you know what you
7 -- when you -- you don't know what you don't
8 know, and --

9 MR. SCHACTHER: But we don't -- we don't
10 know a lot. You know -- you know all of the
11 details, we don't, so that's the reason --

12 CHAIR: And this is where we're starting
13 to get this stuff out, now, so this is the mode
14 that we're in. And this where, again, this is
15 where October comes. And we said from the
16 get-go this is how we had to do this. Remember
17 what we said when we set this up. We said that
18 we're going to let the investigators do all of
19 their work, we got to move this thing, it's
20 going to take time, and it does.

21 This is a mammoth amount of information,
22 it truly is, and it is complex, and there's
23 tons of different tentacles to it. We need to
24 let them do their work, let everything start
25 coming to fruition, and in the meantime what we

1 were going to do was to learn the background,
2 learn the framework, so when we start getting
3 the information, we have something to compare
4 it to, because otherwise you're evaluating, or
5 making decisions in a vacuum, in a tunnel, and
6 you don't have anything to compare it against.

7 So we have used that methodology, I think
8 successfully, and you've received a lot of
9 information. So, in other words, if in October
10 when you start getting a presentation, and you
11 start hearing audiotape, and you start seeing
12 CAD entries, and you start seeing a chronology,
13 you start seeing all of this of what happened,
14 if you hadn't had all that information, and all
15 the explanation about the radio systems, and
16 the CAD, and the 911 systems, you wouldn't have
17 anything to compare it against.

18 So this is where it's hard, and I just ask
19 you to be patient with it, because it is coming
20 to a culmination point, and now we have had all
21 of that, and now we are getting all of the
22 factual information together. It is at a point
23 where it is ready for presentation, and similar
24 to what you're going to hear this afternoon on
25 all the history of Cruz with the mental health

1 records, the school counselors, the law
2 enforcement contacts, and all that; so we did
3 the same thing there, where you heard about the
4 Baker Act system, you heard about the mental
5 health system, you heard about how Henderson
6 operates, you heard about the ESE at the
7 school, you heard about all of the things that
8 are in place, and now you're seeing the
9 culmination of that.

10 So there's just -- there's no other way to
11 do it, because we have to bring -- but your
12 start, you're going to start seeing all that
13 now so that you can get all that information.

14 MR. SCHACTHER: As far as the FDLE
15 investigation, separate investigation, do we
16 know where that is in its stage, and when that
17 will be? No?

18 CHAIR: It's ongoing. That's all I can
19 tell you, it's ongoing, and I don't think that
20 there's a specific timeframe for it. You know,
21 they are working hard, they're doing their due
22 diligence. You know, we are coordinating with
23 them, and communicating with them, and sharing
24 with them, but, you know, again, you know,
25 these things take time, and they have to take

1 its course. And I know FDLE is doing great
2 work with it, and I know that because of
3 communicating with them, and they're being
4 thorough in doing their diligence on it, but,
5 you know, these things take time, so I can't
6 give you a timeframe. I don't think that they
7 have a timeframe.

8 MR. SCHACHTER: And that's specifically on
9 the emergency response, right?

10 CHAIR: That's what the directive is under
11 the, the governor's order, is to look at, and
12 it's a narrow, it's much narrower, much
13 narrower than what we're looking at. Their
14 investigation is limited to the response.

15 MR. SCHACHTER: And then there's a
16 separate investigation being done by the School
17 Board?

18 CHAIR: I don't know about what the School
19 Board's, you know, I don't know what they're
20 doing, no. Commissioner Blackburn.

21 DR. BLACKBURN: Sheriff, speaking of the
22 recommendations, and building on this
23 confidentiality conversation, prior to the
24 event, and certainly after the event, I know as
25 one school district, and working with my

1 sheriff, there were security protocols that we
2 only discussed in closed session, for some
3 obvious reasons. Has there -- has there been
4 any thought around us doing something similar,
5 and, and discussing some of our recommendations
6 away from the public ear?

7 CHAIR: Well, we are going to do that as
8 it relates to the FSSAT, and so those are, and
9 what is in that. So that's the tool, the
10 evaluation form, as you know. So we are going
11 to do that. Some of these things, and we can
12 if it's necessary, and as we come back with
13 some, but some of these things are common sense
14 things that are public, you know, if we get
15 into anything we can certainly do that, but
16 when we start having discussions about making
17 sure doors are locked, making sure that hard
18 corners are free so the students can get into
19 them, making sure that we have effective
20 communications systems, whether radios should,
21 radio systems should be enhanced in school so
22 that, and whether teachers should have, be able
23 to have push buttons that they can set off, I
24 mean those are the kinds of things that when we
25 talk about hardening that I don't think fall

1 into that, but if you see it going there, or
2 anybody sees it going into an area that you
3 think that we should stay away from, raise it,
4 and we can, you know, put it aside or come back
5 to it.

6 I can't think of anything in this area of
7 hardening, because it's not really specific
8 procedures per se, strategies, tactics. Some
9 of the things that would be, if we were getting
10 into, like right now is, is there is drilling
11 going on in every campus, and how we are
12 teaching those kids to drill, where we're
13 telling them to go, how we're telling them to
14 act, no, that shouldn't be public because that
15 could compromise, because for every measure
16 there's a counter measure, and if we're putting
17 the measures out then somebody could, so that
18 wouldn't be appropriate.

19 But I don't see us getting into that level
20 of it, but if we do then we should do it
21 confidentially, and if anybody sees that it's
22 going there raise it and we will, we'll do it,
23 okay? Senator Book.

24 SEN. BOOK: I was just wanting to kind of
25 talk through some of the further

1 recommendations, so that was --

2 CHAIR: We're there if everybody is ready,
3 ready to go. Okay.

4 SEN. BOOK: One of the things that we
5 ended up talking about before we ended was, I
6 wanted to make sure that, that the SROs have
7 access to the educational and discipline
8 records, and not simply with an, you know, a
9 memorandum of understanding that they can have
10 access, they need to be, they need to be at
11 that table. And beyond that, you know, some of
12 the threat assessment teams, they need to be,
13 and have a seat at the table. And I think that
14 those are really important pieces that have
15 been missed.

16 And the other piece of that within that
17 universe is if there are any of those threat
18 assessments of students who may have some
19 issues typically, oftentimes those records
20 don't go in the cumulative folder, and so stay
21 in a certain type of place. They need to be
22 copied and given those records. And I know
23 that may create some issues, but if the SRO,
24 the person who is there to keep everyone safe,
25 isn't aware of those things, then the populace

1 isn't safe. And so those were some of the
2 things that I wanted to bring up in that
3 regard.

4 CHAIR: Okay. As Heather has up there
5 access to educational or disciplinary records.
6 Does anybody have anything else to add to that,
7 as far as that, that topic. Again, we can
8 tweak it. Commissioner.

9 SEC. SENIOR: There -- there's been some
10 discussion that there's no real profile here,
11 but you've, you've said, I think correctly,
12 that almost all of the school shootings occur
13 with current or former students, so it's really
14 important, school resource officers are going
15 to turn over, students are going to leave the
16 campus, it's important that they have a record
17 of the history of the threat assessments, and
18 understand who the potential former student
19 threats are, that there's some sort of
20 persistence to the records. And I think that
21 needs to be part of, you know, somewhere in
22 these recommendations, about how the school
23 resource officer is going to know bat what the
24 threats are to the campus.

25 CHAIR: And of course some of these topics

1 more align, and they blend, and in some of
2 these they just ask you to, like along those
3 lines, especially as we're doing threat
4 assessments, kind of keep a note. And I think
5 that's going to be one of those topics we're
6 going to ask you to submit suggestions on, and
7 next time we'll go through, because there are a
8 lot of things, like and to give you an example,
9 with threat assessment, so you're right, and it
10 blurs into this, and, Senator, you're correct,
11 is it that, that we need to have it here, so
12 they have access to it.

13 But let's not try and -- let's not get too
14 much into the threat assessments, because one
15 of this things, just off the top on threat
16 assessments, I think this is low hanging fruit
17 is, is that, one, is the behavioral threat
18 assessments across Florida, one, are not
19 standardized, and two, they're not automated.
20 So I think that is to me something that is
21 essential, that they be standardized, and they
22 be essential.

23 The other thing, and I'll say it now, is
24 is that, at least my thought is, is that we
25 should not be making a recommendation to the

1 legislature that they, quote, create a task
2 force, because nothing will ever get done. Is
3 it that the way in my view that should be is,
4 is that the legislature say that by, pick a
5 date, September 1 of 2019 there will be a
6 standardized automated behavioral threat
7 assessment in Florida, and here's the agency
8 that's tasked with ensuring that it's
9 implemented, here are the dollars to do it, I
10 don't care how you do it, get it done.

11 Because if you -- if you take the task
12 force approach with it, you'll be here in five
13 years and -- because people aren't going to
14 agree. There's not going to be a consensus
15 because all the districts, or many of the
16 districts are doing it differently. So I think
17 those are things when we get, you know, that
18 are blaring, that -- and that's also one of the
19 things from what we saw, and from what I've
20 seen with others, and you all can look, weigh
21 in on this, and Superintendent Blackburn, is I
22 think Broward's system of behavioral threat
23 assessments is pretty comprehensive compared to
24 a lot of districts. That -- that may, that in
25 and of itself may be a model, and I can tell

1 you from looking at other districts they're not
2 as comprehensive as Broward's.

3 So but those -- I think that --
4 absolutely, you're absolutely correct, but, but
5 here the kind of the other side of that,
6 though, is, and what, Senator Book, you're
7 talking about, which is appropriate to have
8 here is, is that, so the SRO needs access to
9 educational and disciplinary records, and, you
10 know. Now, they're required now, under current
11 law, is the 7026, they're required to be part
12 of the threat assessment team. But another
13 thing, and somebody can make a note on it if
14 you want is, is that in practice with the
15 threat assessment teams, and in some districts,
16 they don't have consistency of how the law
17 enforcement is, or even how it's being done.

18 I can tell you that we had one the other
19 day where there was a threat assessment team in
20 a specific school, and the school called our
21 communications center for a patrol deputy to
22 respond to be part of the threat assessment
23 team. It, no, okay, that, that's like about an
24 ineffective as you -- so -- so it gets to the
25 point of, you know, maybe some of that stuff

1 needs to get tweaked with those. But as far as
2 we're talking about this is, is access to
3 educational disciplinary records and, and what
4 else? What about the SESIR data, the SESIR
5 reports, do they have access to those now?

6 Yes. Do they have easy access to it?

7 You need to -- how -- how would -- how
8 would a school resource deputy be able to
9 access the SESIR reports to know about the --
10 let's say I'm a school resource deputy and I'm
11 being assigned to Marjorie Stoneman Douglas,
12 I'm coming in, it's a new school year, I
13 haven't been there, it's a new assignment for
14 me and I'm trying to learn the landscape, and I
15 want to know what's happened the last three
16 years at this school.

17 Do I have access? Could I log onto a
18 system and do an analysis of the SESIR reports
19 and find out what has happened at that school
20 the last three years?

21 COMM. STEWART: I don't know how
22 accessible it is at the school. If you give me
23 fifteen minutes I can find out. But I do know
24 it's public information, so, because it's in
25 the aggregate.

1 CHAIR: Right. So -- so can -- so the
2 point is for this, as we're trying to frame
3 this, so they should have access to educational
4 disciplinary records. Should -- should we
5 recommend -- should we put here that they
6 should have access, direct access to the SESIR
7 data so they can find out what's been going on
8 at that school?

9 SEN. BOOK: I think so. And more than
10 simply just access I think that, just like we
11 talked about yesterday with the Fusion Center
12 and, you know, Commissioner Judd speaking about
13 the SWAT team, they not only need to simply has
14 access to it but be an active participant
15 within the school's system and the records.
16 And whether that means that we require a
17 monthly meeting with the SRO to review those
18 records with folks there, I just think there
19 needs to be an active engagement piece of this,
20 not simply, yes, you can have access to them.

21 CHAIR: So, Commissioner Blackburn, any of
22 the school board members, anybody have anything
23 that you want to add to this?

24 DR. BLACKBURN: Sheriff, you asked a
25 question, do we have access to the SESIR data.

1 We're here to uncover brutal realities and, and
2 make decisions based on that. I would argue
3 that the average school-based staff member has
4 no idea what the term SESIR even means. And so
5 if there's a body of information, and we feel
6 that law enforcement should have it, we should
7 create some kind of smart dashboard reporting
8 system, and whatever time frame we think is
9 appropriate just push it to the necessary
10 person, or persons.

11 CHAIR: Okay. So the SRO shall have
12 access, so that tells us that we have to
13 provide social and, yeah, to educational and
14 disciplinary records, and that that information
15 should be disseminated by the school to -- how
16 do you want to word -- how do want to phrase
17 that? Again, high level -- just put the
18 concept. Just -- all we're doing is putting
19 some book, some place markers here so we know
20 to tweak it. So you want something in there
21 that says, so disciplinary records, should have
22 access to disciplinary, educational
23 disciplinary records, and those records are
24 disseminated by the school to the SRO. We can
25 tweak that later. Just put a placeholder in

1 there for it so that we know that we're talking
2 about, not just they have access, but it's
3 proactive, is what you're saying, so that the,
4 the district is pushing the information out so
5 it's not just up to them to go query it; is
6 that right?

7 SEN. BOOK: And would this eliminate the
8 educationally necessary piece that we talked
9 about whenever that meeting was when we talked
10 about you don't need to simply have an
11 educational reason to access --

12 CHAIR: Right, because of that emergency
13 exception, et cetera, in there. You have to --
14 you're going to have to -- all of this is going
15 to have to be, you know, judge, or not judged
16 but evaluated, you know, against the legal
17 requirements.

18 SEN. BOOK: If we -- could we -- within
19 our notes here can we simply add perhaps a
20 tweak to statute to make sure that that is not
21 required for an SRO, just so we can --

22 CHAIR: We can put in there. And along
23 the same lines we probably should something in
24 there to the effect is, is that the SROs should
25 receive proper training on what the law is and

1 is not, you know, and maybe, you know, the SROs
2 in conjunction with school personnel should
3 receive adequate training on, you know, not
4 just what the law is, but what the exceptions
5 are to it, and the applicable exceptions.

6 I think we heard that a lot, didn't we, in
7 some of that legal presentation about the
8 misconceptions that are out there, and the
9 people are applying the law too strictly, too
10 stringently, too rigidly, and when it doesn't
11 need to be.

12 SEN. BOOK: And I think that part of, Mr.
13 Chair, you're so correct, and I think part of
14 the thing that we've uncovered through our time
15 is how dangerous the siloed communication can
16 be, but also I think the siloed typical way
17 that we've looked at SRO, school personnel,
18 school administration, when that SRO should not
19 be considered an outside entity, even though it
20 may be from the Sheriff's Office it is, and he
21 or she should be part of that school community,
22 and engaged upon with those, with that
23 information to keep everyone safe.

24 SHER. ASHLEY: But is that going to allow
25 law enforcement to have that data? So -- so if

1 they're school personnel, if that's how we
2 treat them, then they can't necessarily share
3 that data with law enforcement.

4 SEN. BOOK: No, I agree with you. I'm
5 simply saying they should not be considered
6 outside entities. They really should be
7 included in all of the information that
8 typically now they're not. And I do think that
9 law enforcement should have access to some of
10 what that is.

11 CHAIR: So -- and just be careful -- so we
12 can come back to this, Heather -- when we say
13 the SRO, because it reminds me of this, the SRO
14 shall have access to educational -- the SRO --
15 just put it in there this way, again we can
16 tweak it. The SRO or applicable law
17 enforcement agency, because with our
18 recommendation yesterday the elementary schools
19 don't have to have an SRO, is that we need to
20 make sure we put a placeholder in that because
21 there's not an SRO, so if you get a kid in, in
22 an elementary school, and there is an assembled
23 behavioral threat assessment team, or process,
24 or law enforcement is called, there's not an
25 SRO, but the agency, the law enforcement, the

1 applicable law enforcement agency. So we'll
2 figure out exactly how to word that, but we, I
3 think we need to place hold that, so we don't
4 pigeonhole ourselves into just SROs.

5 UNDER SHER. HARPRING: Two questions, Mr.
6 Chair. One, and this is probably for
7 Commissioner Stewart, or our school district,
8 our school board personnel. To what extent in
9 terms of volume or substance do educational
10 disciplinary records go from district to
11 district? Say I go from Dade to Broward, that
12 in and of itself, if they don't, if there's no,
13 if there's no process, no requirement that
14 there is a computer file sent up registration,
15 whatever happens to be, that in and of itself
16 is going to be a major issue in terms of
17 information sharing and communication.

18 And then secondarily when we're thinking
19 about the guardians, we know they are not law
20 enforcement, law enforcement officers, they're
21 not employed by the agency, and to some extent
22 that actually gives me concern, that a non-law
23 enforcement officer, or non-agency employee
24 would have access, excuse me, so I, in a way I
25 read that it, because the guardians are not

1 part of the threat assessment team, it says law
2 enforcement. So I just bring that up as a
3 practical definitional matter, that I don't
4 think that SRO should be read to include
5 guardian non- law enforcement personnel.

6 And then to reiterate my concern about the
7 transfer of information from district to
8 district, because we're a mobile fluid society,
9 and some people, you know, maybe literally move
10 their child to a different district, and of
11 course with the breaking down of the barriers
12 with, with high school sports, you may get
13 people move across county lines and district
14 lines, and go to different, you know, middle
15 schools, high schools, and things like that, so
16 I'm concerned about that data, and that
17 information essentially traveling with the
18 student.

19 I don't even want to go into the out of
20 state issues that, you know, that could occur,
21 but I do think that that's a concern that I
22 have about moving from district to district and
23 the information not going anywhere.

24 COMM. STEWART: I will address just one
25 thing, Sheriff, if I may.

1 CHAIR: Okay.

2 COMM. STEWART: An expulsion would be part
3 of the electronic record that would go forward,
4 but you're day to day discipline records would
5 stay within that school.

6 UNDER SHER. HARPRING: So the -- for
7 example, if Cruz had gone from Broward to Palm
8 Beach, or Broward to Dade, all of that data,
9 all of that information, information to include
10 things, like he literally had to have a person,
11 a school employee walk him from class to class
12 --

13 COMM. STEWART: That actually might be
14 part of his record.

15 UNDER SHER. HARPRING: That may not travel
16 though.

17 COMM. STEWART: That would -- no, that may
18 travel because it would be part of his IEP. I
19 think in his case it was part of the IEP.

20 UNDER SHER. HARPRING: IEP, okay.

21 COMM. STEWART: And so if it is part of
22 their ESE record it could transfer with them.
23 But that wouldn't really qualify under the
24 discipline.

25 MR. SCHACHTER: But if he didn't have an

1 IEP, it would not transfer?

2 COMM. STEWART: That's correct.

3 MR. SCHACHTER: Yeah, that needs to
4 change.

5 CHAIR: All right, so -- so we would add
6 something, the point is, is that, again
7 placeholder, add something in there about
8 students transferring, students transferring
9 with, between districts.

10 UNDER SHER. HARPRING: Yeah, something
11 along, well, basically a recommendation that
12 educational disciplinary records shall follow
13 the student --

14 CHAIR: Right, something to that effect.

15 UNDER SHER. HARPRING: -- from district to
16 district, or if they transfer districts,
17 something along that line.

18 CHAIR: Yeah, just put it in there as a
19 placeholder where you got it, and then we'll
20 come back, and we got the concept so we'll,
21 we'll figure out how to, how to word that.
22 Anything else on that, that issue of access to
23 records, documents, information sharing with
24 law enforcement? Anybody have anything else
25 you want to --

1 MR. SCHACHTER: I would. I would like to
2 get an answer to Senator Book's question that
3 I've asked repeatedly over the months, is that
4 do the SROs currently have access to the
5 disciplinary records? I know they've said that
6 they've got to get trained, or there's an MOU.
7 I just -- I want to know finally, you know, is
8 it done, if it's possible to find that answer
9 out.

10 CHAIR: Yeah, and I think that -- I think
11 in the past, I think that you've asked that
12 question of school board personnel when they've
13 been here.

14 MR. SCHACHTER: And they've said --
15 they've said, yes, it's done?

16 CHAIR: Right.

17 MR. SCHACHTER: Okay, beautiful.

18 CHAIR: So, I mean I think you got that
19 answer previously.

20 MR. SCHACHTER: Okay, good.

21 CHAIR: Before we -- can you go back up to
22 the top for a second, I just want to remember
23 where we are here. So we talked about
24 staffing. Go to two, is funding. What's
25 three? The role of the SRO. And then where

1 are we at now with, okay, we're in the role.
2 Maybe you should break out the, that bullet
3 there, Heather, put, make it four. Maybe that
4 should be access, it should be four, access,
5 SRO access to records and information.

6 If you all -- if you all would look at
7 your, because this is one of the things we have
8 to do, it's in the statute, if you would look
9 at the handout that I gave you yesterday on the
10 first page, and it's the first big paragraph,
11 so it's the, it's the one, two, three, four,
12 fifth item down. It says one role, other than
13 role what other factors should be considered in
14 determining the appropriate number of SROs, and
15 I've just listed a number of things there,
16 physical size of the campus, campus design,
17 how, all those things.

18 So will you grab that, Heather, out, and
19 put it, and put it into five? Does anybody --
20 and this is just a starting place, so unless
21 anybody has got any objection to it, I'm just
22 going to ask Heather to cut and paste that into
23 this for recommendations. And what I think
24 we'll do is, when we finish this here shortly,
25 is take what we have now, what we decide on when

1 we stop this here in a little bit, we're going
2 to e-mail this out to everybody, and then like
3 with the other topics we're talking about, like
4 hardening, and threat assessments, and
5 everything else, we're going to ask you to then
6 submit any additions or revisions to us.

7 So we'll get this out to you, so we don't
8 necessarily need to go through this in any
9 great detail now unless somebody sees something
10 here that they want to add. So Senator,
11 Senator Book, go ahead.

12 SEN. BOOK: One of the things that I was
13 thinking about is that we could look at a
14 rubric to generate some of these. And so
15 depending upon maybe the amount of time that
16 law enforcement takes to respond, because maybe
17 it's a more rural school, or the type of school
18 that it is, whether it's a sprawling campus or
19 it has more portable or pods, that, that all is
20 on a rubric, you get a score. That score
21 determines an amount of guardians, SROs, or
22 whatever that the district can decide that they
23 would like to, to have. But we, we the
24 legislature, determines, you know, what, what
25 are those numbers, and what is that appropriate

1 ration.

2 CHAIR: So put as five A, just put in
3 there, you know, consider a rubric methodology
4 to determining school staffing. So we'll just
5 put that in there as a placeholder, and then we
6 can have further discussion in it. So we'll
7 just that in there as five A, consider that
8 rubric methodology. Does anybody -- Mr. Petty.

9 MR. PETTY: A question. I'm not sure that
10 I have a suggestion or an answer, but a lot of
11 what we just did is defined only for the SRO,
12 but not for the guardian. So are we creating
13 an environment where a guardian is not part of
14 a threat assessment team or doesn't have access
15 to the same information that an SRO would have,
16 and are we creating a two-tier system there, or
17 -- and so just a consideration. I don't know
18 that I have an answer, but just because I think
19 about --

20 CHAIR: Well, I think you have -- I think,
21 you know, you have a valid point. I think
22 there are some things that we probably need to
23 consider as far as in this discussion about
24 what is applicable to the guardian. Getting
25 into that specific comment that you just made,

1 and, you know, others weigh in on this please,
2 but my feeling is, is that the guardian should
3 not be part of the threat assessment teams.

4 I think that the -- there should be --
5 there's going to have to be a requirement that
6 when the police department or the sheriff's
7 office staffs a school with a guardian -- every
8 school is required to have a threat assessment
9 team, but when that school is staffed with a
10 guardian and not a law enforcement officer,
11 that the sheriff, or the police chief, is going
12 to have to assign somebody to be part of that
13 threat assessment team. The guardians don't
14 have a place in being part of those threat
15 assessment teams in my view.

16 UNDER SHER. HARPRING: Sheriff, when I
17 read the statute the statute specifically
18 refers to law enforcement, not --

19 CHAIR: It does. It does. But, and the
20 point is though that they're going to have to
21 assign somebody, because they, the example I
22 gave you, you know, a minute ago, that happened
23 to us this week is, is that, is something we
24 saw a pitfall with, is that somebody's calling
25 the communications center and having a patrol

1 deputy respond. That's -- that doesn't work,
2 and that - - I don't think that should be
3 allowed to happen. I think that, you know, if
4 you're using guardians, and maybe this point
5 is, is that there's going to have to be
6 somebody designated, and how we word that,
7 there's going to have to be somebody designated
8 to be part of that threat assessment team.

9 You just -- if it's going to be effective
10 you can't just have some cop off the street
11 responding, and they're not going to know what
12 to do, how to do it, it's going to be totally
13 useless.

14 UNDER SHER. HARPRING: And I think that
15 ties into some extent to the discussion that
16 we'll have that you alluded to, which has to do
17 with the, the organizational structure of a
18 school resource unit, a school resource team,
19 especially where you have municipalities that
20 are involved as opposed to, you know, a unified
21 structure, where the municipalities are under
22 and part of a particular team, whether it
23 includes deputy sheriffs and, and police
24 officers, and I think that's going to tie into,
25 you know, who they're going to get there for

1 the threat assessment team. But I agree it
2 shouldn't be, it shouldn't be somebody
3 unfamiliar with the school system, the school
4 process, the threat assessment team process,
5 and all of that. I think that's going to be
6 something that we're definitely going to have
7 to address on the guardian side.

8 CHAIR: Can you think of anything specific
9 that we should add in here as you, that you're
10 seeing that should be added here, that is
11 specific to the guardians that you want to add?

12 MR. PETTY: Yeah, I mean -- and I'm
13 probably not the best to address this issue,
14 and I realize the guardians won't have access
15 to the law enforcement information that an SRO
16 would have, but if we're saying definitively
17 that they're not part of the threat assessment
18 team, then we do need to have a law enforcement
19 officer participate in those on a regular
20 basis. And it can't be, to your point, it
21 can't be an ad hoc call thirty minutes before a
22 threat assessment is being done, it should be
23 -- and so those are considerations that are
24 going to have to be made by the school
25 districts and the communities, one how to staff

1 those threat assessment teams effectively.

2 CHAIR: And I can tell you, I mean just --
3 there's multiple ways of doing it. I can tell
4 you one of the things that we've done is, is
5 that, and how we've addressed this, even though
6 we had that call the other day, but we have
7 established a school guardian unit, and there's
8 a sergeant and four deputies in it, and the
9 deputies are going to the schools with the
10 guardians all the time, every day, checking on
11 the guardians, monitoring them, answering
12 questions, helping them.

13 And the deputies are assigned to a group
14 of schools, so if we had ten schools, fifteen
15 schools, there's one deputy assigned to all of
16 those guardians at that school, so that deputy
17 is assigned to that group of schools, and that
18 deputy would participate on the threat
19 assessment team. So there's like one deputy
20 over fifteen schools with fifteen guardians, so
21 it's a specific and dedicated school guardian
22 unit that's doing nothing but participating
23 where law enforcement should be participating,
24 and having in some cases daily contact with the
25 guardians, just making sure that things are

1 going the way they should be going.

2 So that's one way to do it. Our way
3 doesn't mean it's the right way for everybody,
4 but that's what we're doing.

5 SEN. BOOK: One of the things that, that
6 we had talked about before, and this is not my
7 universe to so I apologize for my layman's
8 understanding of it, but we talked about the
9 chain of command, and when, I think Sheriff
10 Judd has asked at one point who did they have
11 to report to, and there was really kind of
12 nobody, and sometimes they were there, and
13 while you do it there, it may not fit for
14 everybody, I do think there's something to be
15 said for having a coordinated system where
16 people know who they have to report to, where
17 that goes, and there is, you know, a here, a
18 here, a here, and a here. And sometimes I
19 think that's a really important system to have.

20 CHAIR: Structure is a good thing.
21 Commissioner Swearingen.

22 COMM. SWEARINGEN: I just want to say
23 regarding the deputies, or those that would be
24 assigned to those threat assessment teams, I
25 think we need to mandate standardized training.

1 This should not be ad hoc, every school system
2 decides what training they need. It needs to
3 be there's a minimum standard, you can go above
4 that. Anybody that is participating in one of
5 those threat assessment teams must have to have
6 attended that training.

7 As I pointed out yesterday Nikolas Cruz
8 showed four or five of the typical indicators
9 that have been determined to be indicative of
10 an active shooter, a potential active shooter.
11 If you don't know what to look for, and you
12 haven't had the training, you're not going to
13 recognize the signs. So, this should not allow
14 a sheriff, or a chief, or whoever, sending that
15 one person. It shouldn't just be a Wednesday
16 you decide that, okay, this guy is not busy,
17 he's going to go. There has to be mandatory
18 training that everybody, and I think everybody
19 in the school should have to go through a
20 minimum level of training when it comes to
21 threat assessments, and then there can be other
22 trainings required for some of those that are
23 actually assigned, maybe a little more detailed
24 training for those assigned to threat
25 assessment teams.

1 If we leave this up to the school systems,
2 and or leave them to their own devices, we know
3 what's going to happen.

4 CHAIR: Okay, hold that thought for a one
5 second. Heather, open up a new page, because
6 while we're doing this, let's just take
7 advantage of this so that we don't lose these
8 thoughts, because they're all good thoughts.
9 And Secretary Senior had some good thoughts, he
10 and others, on the threat assessment, so let's
11 just, you know, while we're here is, is that,
12 and then again, we'll tweak this stuff, let's
13 get the concepts down, though, and this will
14 help us, so take advantage of it.

15 So what Commissioner Swearingen's, under
16 threat assessments for recommendations one
17 would be -- go ahead.

18 COMM. SWEARINGEN: Well, I think the team
19 makeup should be standardized, that you
20 shouldn't leave that to a school system to
21 decide. And I think it's laid out in statute
22 that there are, there are certain people that
23 have to be.

24 CHAIR: Right.

25 COMM. SWEARINGEN: You can go beyond that

1 if you choose, but we need to make sure that --
2 and somehow there's got to be teeth in this.
3 You can't just say this and let three people
4 show up to these threat assessment meetings.
5 There has to be some mechanism to track, and
6 make sure that people are actively engaged. If
7 you're assigned to that team you have to show
8 up for every meeting, you don't get to pick and
9 choose which ones you go to.

10 So I think there should be standardized as
11 far as the makeup of the teams. There should
12 be standardized training for all school
13 personnel, that so everybody knows at least the
14 indicators, and just so there's a basic level
15 that all school and staff have to go through.
16 And then maybe there's an additional layer for
17 the people assigned specifically to the team.

18 CHAIR: And so -- so standardized training
19 for all school personnel. And, Heather, you
20 can this, because this is one of the problems
21 we saw with the Cruz one, and just add it in
22 here, is it that there should be, and I don't
23 know what the writing is, there should be
24 specific time frames from commencement to
25 conclusion, and if not, because this one fell

1 through the cracks, it sat for two months
2 before anybody -- and then it was, and you'll
3 hear more about it next month when we meet but,
4 we can get into this a little bit more but, and
5 it wasn't even signed off on by the right
6 people, you saw a little bit about, you know,
7 this, we talked about it in closed session.

8 But anyway, so specific time frames from
9 inception to conclusion so that it doesn't fall
10 through the cracks. So training, standardized
11 training for all school personnel, additional
12 training for additional people assigned to the
13 team, specific time frames from inception to
14 conclusion. Secretary Senior, you had some
15 thoughts on that before; do you remember what
16 they were?

17 SEC. SENIOR: My point had to do with the
18 fact that SROs are going to turn over, and
19 that, and that some of these threats are going
20 to be coming from current students, but also
21 from former students, and so the new SRO, or
22 the SRO has to have access to threat
23 assessments that have been done, that the
24 threat assessment has to persist for some
25 period of time so that a new SRO could come in

1 and be briefed on current and former students
2 that may have had a threat assessment done.

3 CHAIR: So maybe we put in here, and this
4 is the place to put it is, is that the
5 recommendation, if everybody agrees, is that
6 the threat assessment process and forms should
7 be standardized throughout the state.

8 SEN. BOOK: Digitized.

9 CHAIR: And, right, and then should be,
10 the process should be standardized and
11 automated. And so that would help to
12 facilitate what your point is, is that because
13 if it was standardized and automated then you
14 can just log onto a system and you could access
15 it. So you can put that in there too, Heather,
16 is that all prior behavioral threat assessments
17 should be available to all threat assessment
18 team personnel, so everybody's got access.

19 MS. POWERS: And the only thing that I
20 would add to the threat assessment team is that
21 it be, the members be consistent, not that
22 we're going to train everybody in the school
23 and then ten people are going to show up, every
24 time a different group of people. There needs
25 to be some consistency.

1 CHAIR: So I'm just going to put -- so --
2 and we talked about this, and my initial
3 reactions was, until I sat down with people at
4 the school board here in Broward, some do it,
5 again it's inconsistent around the state, it
6 doesn't mean, in that aspect, inconsistency is
7 bad.

8 Their belief here in Broward when I talked
9 to them about them it was, is that it shouldn't
10 be consistent, and it should be put together
11 for each event, and each incident, because that
12 way you're bringing together people that have
13 familiarity with that individual student. So
14 when you're talking about a teacher, you're
15 talking about a licensed mental health
16 counselor, or you're talking about a cop,
17 you're talk about an administrator, et cetera,
18 if they are standardized on a big campus, like
19 3,000, 4,500, 5,000 students, is that if, if
20 student over here that nobody on that team has
21 any familiarity with, then they're going to be
22 disadvantaged, as opposed to picking a teacher
23 who knows the kid, picking an AP who knows the
24 kid, pick, et cetera. So there's two trains of
25 thought on that.

1 MS. POWERS: Well, and I look at kind of
2 like, like what we're doing here. You have a
3 consistent team, and then you bring in the
4 experts, you bring in the people who are
5 familiar with that, but you have some
6 consistency so that people are really -- a
7 consistent team is trained, and then you bring
8 in the experts to talk about that specific
9 situation.

10 CHAIR: So maybe -- so the point would be
11 is, is that they're, that you have some
12 consistent, or static team members, so in other
13 words you've got some permanent spots, and
14 you've got spots that are fluid depending upon
15 the situation. So you can bring in -- so
16 you've got a designated people, but then you
17 add, you have some open positions that fill
18 each team as it's put together.

19 COMMM. SWEARINGEN: So, if the teams are
20 consistent I think you would still have the
21 opportunity within the system to invite, if you
22 know this teacher spends more time with this
23 kid, or -- I think you still have that
24 opportunity. But I agree, I think there has to
25 be some consistency, it can't just change every

1 meeting with who shows up. And especially if
2 we're going to require additional training for
3 the members of that team. And everybody that's
4 assigned to that team should be responsible for
5 bringing everything that, that they know, or
6 that they have in their system about. Because
7 we're tearing down the silos and the barriers,
8 there should be no reason for anybody to show
9 up at that meeting and not have everything that
10 their entity knows about this particular kid.

11 CHAIR: So it's a minimum, yeah, a
12 minimum, to a maximum, it's floor, not the
13 ceiling, and you have certain assigned static,
14 dedicated if you will, personnel, and then they
15 can bring other people in. So however -- just
16 capture that and we'll, then we'll tweak it.
17 Mr. Schachter.

18 MR. SCHACHTER: Is there any way that we
19 can, for the other districts that don't have
20 threat assessment teams, or that aren't as
21 robust -- you know, we heard from the US Secret
22 Service about their, that's what they do, they
23 specialize in that, they just put out another
24 report on threat assessment teams, and also we
25 heard from Virginia, Don Michaelis, is there

1 any way to get that kind of information, or put
2 something to that effect, that they train these
3 other districts and, I mean I would advocate
4 for this to be national, every district around
5 the country have these.

6 CHAIR: Well, we got to worry about
7 Florida right now, so that's what we're tasked
8 with.

9 MR. SCHACHTER: But just one more second.
10 In response to your comment earlier that, that
11 you were under the impression that SROs did
12 have vision into the system, I just got done
13 speaking with Captain Chris Mulligan, who is
14 the Parkland Captain, replaced Jan Jordan, and
15 he spoke to Captain Russell, who is the agency
16 SRO coordinator, and they did confirm that as
17 of right now SROs do not have disability into
18 the school disciplinary system and PROMISE. So
19 that upsets, me, and I certainly would like
20 that fixed. I don't understand why, after
21 school started already, they still do not,
22 haven't had this done.

23 SEN. BOOK: To that point I think that,
24 and I alluded to this earlier, that this threat
25 assessment should not simply stay in a

1 student's cumulative folder. While we are
2 digitizing it to standardize it, and kind of
3 make sure that there's compliance, I think that
4 that also should extend to make sure that, that
5 people see this, that they know that this
6 exists, and they can track it as a flag if
7 necessary.

8 So now, if I understand this correctly,
9 and correct me if I'm wrong, this threat
10 assessment would live in the principal's office
11 in a folder, or like in a place in that
12 school's ecosystem, it doesn't travel with that
13 student, much to, you know, the other
14 Commissioner's point, but it stays there, it
15 doesn't travel with them, nobody else can see
16 it.

17 CHAIR: Right. I don't know.

18 Commissioner Blackburn, can you speak to that
19 at all? Would - - would a behavior threat
20 assessment, do you know, is part of a student
21 record, if a student transferred from Brevard
22 County to Seminole County would that behavioral
23 threat assessment stay in Brevard or would it
24 go with the student?

25 DR. BLACKBURN: I'm not sure if it travels

1 from, from one district to another.

2 SEN. BOOK: If I can, within the threat
3 assessment actually on the form itself, and
4 this is probably because it's district by
5 district by district, this report is not to be
6 included in the student's cumulative folder, a
7 designated administrator should maintain a
8 separate threat assessment file.

9 CHAIR: Okay. So the recommendation is,
10 is it gets back to I think what Commissioner
11 Harpring talked about, or somebody, talked
12 about travel, the record should travel. So not
13 just in the disciplinary records, but talk
14 about here in the, the behavioral threat
15 assessment should travel with the student, and
16 follow the student as part of the student
17 record.

18 Commissioner Dodd had a question.

19 MR. DODD: I wanted to point out that as
20 far as the behavioral threat assessments go at
21 the school level, great concept to get the team
22 together, you know, one of my questions would
23 be should there be at a certain level a
24 reporting to someone at the district office, at
25 the superintendent's office, the safe schools

1 coordinator, you know, at what point do we make
2 sure that this is on, on the, this child is on
3 the radar at the district level.

4 And I still have a question. Sheriff
5 Ashley talked about what the SROs, or what the
6 law enforcement officers are going to be
7 allowed to share outside of that threat
8 assessment with other law enforcement officers,
9 and I would like to have some clarification
10 there. My, you know, my assumptions are, is
11 that if there is a, a serious threat, that that
12 information would be relayed to other law
13 enforcement personnel.

14 CHAIR: So just make a note of that, as
15 far as we need to address the sharing of
16 behavioral threat assessment results outside of
17 the team to law enforcement, and then we'll
18 know what that means, and we'll figure that
19 out.

20 MR. DODD: And to the, the district
21 office, or superintendent's office --

22 CHAIR: All right, so that's -- and I'm
23 not sure, unless somebody knows, unless
24 Commissioner Stewart knows, or somebody else
25 does know, I'm not sure that issue about

1 sharing the results -- there is something in
2 7026 now, and I'm trying to remember exactly
3 what it is about sharing, and there are, there
4 is, there are provisions in there that break
5 down the inability to share, but I'm not sure
6 whether some of this isn't federal law that has
7 to be dealt with. You know, we can certainly
8 have some input, and recommendations, and
9 influence what's done at the state level but at
10 a federal level it's a whole other story.

11 So do you know whether any of this,
12 Commissioner, any of this has to -- so that's
13 something we're going to have look at, is to --
14 and just kind of make a note in parenthesis,
15 Heather, if you will, when we're talking about
16 need to address the sharing is, is just put in
17 parenthesis state and/or federal, so we know to
18 look at that and flesh that out.

19 AS far as at a district level is
20 concerned, again we can put this in here, is it
21 that, and I believe here in Broward, and in
22 other districts, a lot of it is done at the
23 school level, and it may not even make it to
24 the district level for decisions, and it is, so
25 I'm not sure exactly how we frame that, and

1 those from the school board and the school may
2 be in the best position to provide some
3 thoughts or recommendations on it, but the
4 concept is, is that it should be overseen at a
5 higher level than just at the school, is your
6 point.

7 DR. BLACKBURN: The concern, Sheriff, that
8 I'm having as I'm, as I'm listening to the
9 conversation around data sharing and, and
10 releasing of information, that it's all great,
11 as one agency lead. My -- my fear is that we
12 just turn on all of the data faucets. And I
13 can tell you if I receive hundreds and hundreds
14 of papers regarding every student in a system,
15 that staff then has to analyze to determination
16 the existence of a threat that we are
17 receiving, I would argue that's not
18 information.

19 If there is an episode, or a series of
20 episodes that happened somewhere with a kid,
21 and this kid now presents a real live threat to
22 himself, or to others, that piece of
23 information needs to be shared, and shared
24 broadly, but not just turning on all of the
25 faucets. I don't think we help anyone by doing

1 that.

2 CHAIR: Well, no, but I mean there has to
3 be some quantum of information, material, data
4 that would, that'd trigger the process. So you
5 certainly could end up in an information
6 overload situation, that's what you want to be
7 careful of, but I'd suggest to you that that
8 back to one of the other bullet points about
9 developing a consistent statewide system, and
10 whoever is tasked with that would set that
11 criteria and, and you know, maybe it's an art
12 and not a science, and maybe it would need to
13 get tweaked, but making sure that you have to
14 have certain things before you begin the
15 process.

16 And I do think that Broward's process
17 here, where they have a level one with certain
18 criteria, then it goes to a two with certain
19 criteria, and depending upon the level it
20 results in different things, is that that
21 concept to me seems good, and seems to work
22 well, you know, even though it wasn't, you
23 know, totally executed the way that it was
24 designed in the Cruz situation, but the
25 framework was there. And that goes back to

1 what Sheriff Judd was talking about earlier, do
2 they have a good policy, do they have a good
3 protocol, do they have a good procedure in
4 place, versus did somebody mess up in
5 implementing it. And that goes to that issue,
6 but I think that that can be covered,
7 Commissioner, in that section with whoever goes
8 to implementing, my thought, but --

9 All right, so -- Commissioner Petty.

10 MR. PETTY: Just one other concept I want
11 to make sure we don't lose in this. I think we
12 heard testimony from both the Secret Service
13 and from Virginia that the threat assessment
14 teams need to be acting not only in reaction to
15 events but also based on new information that's
16 coming in, so in a more proactive mode. I
17 don't want to lose that concept in what we're
18 doing here, so it's not always in react, a
19 reaction to a disciplinary issue, it is in fact
20 because somebody has reported information in a
21 See Something Say Something app, or a teacher
22 has a bit of information, or something, so they
23 need to, they need to be meeting on a regular
24 basis, and they need to be a place for that
25 information to land and be, and be analyzed.

1 CHAIR: So I think that goes to what
2 Commissioner Swearingen is talking about, about
3 being aware of indicators, being aware of
4 behaviors, of signs, et cetera. And that also
5 goes to the heart of what was talked about, is
6 that before you can ask people to do that you
7 got to train them on it. So you got to train
8 them what to look for, ask them to look for it,
9 and ask them, because right now, and again from
10 people from the school boards and the
11 educators, and the system, is the way I
12 understand it is the behavioral threat
13 assessment system currently in place across
14 Florida is, if not totally is primarily
15 reactive.

16 And there is very little or no proactive
17 function to these behavioral threat assessment
18 teams, so they really looking, they're, they
19 have to have information before they form, and
20 they're only forming and reacting to what it is
21 that they received, and they're not looking
22 outside of that. And -- and that's -- so I
23 think that's, has a lot of merit, to making
24 sure that the teams are more proactive, and are
25 trained and know what to look for.

1 MR. SCHACHTER: Sheriff, do we want to
2 recommend that an Office of Safe Schools be
3 created, or something to that effect so that
4 they can take the knowledge from the FBI, I
5 mean from the Secret Service, disseminate it to
6 the state, and then the state would train
7 everyone on all these signs and ways to
8 identify, and give them the knowledge? How do
9 we disseminate that information?

10 CHAIR: You know, I -- you know, again I
11 don't know that we can -- we got to -- let's
12 just get these things together, then we start
13 talking about more of the mechanics of it. A
14 lot of that will go to, you know, who's going
15 to be responsible for, you know, assuming that
16 this is adopted, remember, you know, these are
17 recommendations, so are they going to be
18 adopted, we'll find out, but that there would
19 be a consistent state-wide automated system.
20 That seems to me low hanging fruit for the
21 legislature, because it just seems like if we
22 don't have that then all this is for really
23 naught, because if it's not consistent and it's
24 not automated, but along those lines is, is
25 that if it's consistent, it's automated, then

1 there's an opportunity for those that are
2 putting it together.

3 And who's tasked with that, whether it's
4 DOE and the Office of Safe Schools, or whether
5 it's some other entity, that's for somebody
6 else to decide, but whoever the best entity is
7 for it, then they guide that process, and use
8 what's out there, and using SMEs to develop it
9 and to implement it.

10 SEN. BOOK: And I think, Mr. Chair, and
11 it's something that you've talked quite a bit
12 about, and Commissioner Swearingen, perhaps
13 asking the legislature to fund some data
14 analytics to some of what this is, because I
15 think that again that is a piece of this puzzle
16 that even if we had, turning on all the
17 faucets, all this information, that would
18 require a tremendous amount of manpower to cull
19 through when we have the data analytic software
20 to do a lot of that for us.

21 CHAIR: No, that's right. You're right,
22 because there should be -- again, you know,
23 we're trying to make informed decisions, and
24 one of the ways to, with anything, that you can
25 make an informed decision, is to know what

1 happened in the past, you know, again not that
2 there is predicting future behavior, but I
3 think we've seen this with what Dr. Smith
4 presented, is it informs knowing what happened
5 in the past.

6 So same point here, is we're going to, if
7 we're going to create a system there needs to
8 be some mechanism in there for analysis, and
9 probably reporting on some basis that's
10 available to everybody to see what's happening
11 in other districts, and within their own
12 district.

13 SEN. BOOK: And I know we'll talk about
14 this later today, but even with some of the
15 threat assessments too, right now they're
16 submitted to the department, and they're just
17 kind of there. Maybe there's other things that
18 can be done to be more proactive, to make those
19 more robust.

20 CHAIR: Well, I agree with you, and we'll
21 get to that here shortly. But, yeah, I
22 wholeheartedly agree on that.

23 COMM. SWEARINGEN: I just want to add that
24 we need to make sure that when we're conducting
25 these, or when the schools are conducting these

1 threat assessments that, and I'm not a lawyer,
2 but that there's some teeth to this, that when
3 a kid reaches a certain level that there's a
4 mechanism to either remove him from the school,
5 and some of this we're going to run into, I
6 think we all know, the FERPA, and all of that,
7 and I know our limitations with, with federal
8 law, but we need to make sure certainly at a
9 state level that we don't have any laws, or
10 policies and procedures, that would protect the
11 rights of one over the rights of many.

12 And there may be -- there may need to be
13 some legislative changes, even to our threat
14 statutes, you know. This is a guy who said I
15 want to be the next school shooter, and yet we
16 all know, law enforcement in the room, there's
17 very little we would be able to do with that
18 currently. To me you should take somebody at
19 their word, if they're, if they're making
20 statements like that, that you should not be
21 able to just have a consult with a school
22 administrator and that's the most that gets
23 done, so there may, I'm not a lawyer, again,
24 but there needs to be some changes I think.

25 Your -- your right to free speech ends

1 when you impact my safety.

2 CHAIR: So are you suggesting that there
3 should be school sanctions for that, or it
4 should be a criminal thing, what are you,
5 what's your --

6 COMM. SWEARINGEN: I don't know that I
7 want to -- I mean some of them may be criminal.
8 I guess it would depend on the facts around
9 that particular case. Some of it may just be
10 that, that he's at least out of the school.

11 CHAIR: Well, you've got -- remember the
12 7026 did remove that transmission requirement
13 from the threats statute, which is a good
14 thing, that, you know, somebody now writes on
15 the bathroom wall I'm going to shoot up the
16 school, now we can do something about it, it
17 doesn't require transmission. The verbal,
18 without getting all into it, you are going to
19 run into some constitutional issues, you're
20 going to run into some victim issues, if
21 somebody just makes a verbal threat and says,
22 you know, just to, you know, talks to somebody,
23 but we can add it on there somehow. We can
24 talk about it. I'm not sure, you know, what we
25 can do, what we do with that.

1 COMM. SWEARINGEN: Again, I'm no lawyer.
2 We should look at ways to tighten that if we
3 can.

4 CHAIR: Sure. And maybe -- maybe it's not
5 - - maybe it's in the school, you know, maybe
6 it should rise to the level, is that if
7 somebody does that in the school then it
8 results in some sort of school sanctions, you
9 know, that are, that are substantial. I don't
10 know.

11 MS. POWERS: Well, that was added I think.
12 I know in our school district we changed our
13 policy to add that specifically as a zero
14 tolerance. We have the SESIR violations, which
15 obviously are zero tolerance violations, but
16 that's pretty much it, and that was added as a
17 result of the legislation. So, I think many
18 school districts added making any sort of
19 threat as a zero-tolerance part of their
20 disciplinary policies as a result of the
21 legislation.

22 SEN. BOOK: I think this is kind of
23 indicative of the things that we keep
24 repeating, it's done here but it's not done
25 here, it's done here but it's not done here,

1 and I think that one of the things that we all,
2 I think, can almost agree on, that we have to
3 create a standardization. And maybe it's
4 because you're wearing a suit today, Mr. Chair,
5 that I'm thinking of you as an attorney more
6 than as a Sheriff and the Chair, but when, you
7 can't yell, you know, I'm going shoot in a
8 crowded theater. And so I think perhaps if you
9 are in a school and you make that sort of a
10 threat, that first amendment, you know, I think
11 --

12 CHAIR: And we can look at it. I mean
13 like I said we're just trying to really, just
14 to get these concepts out there, and we can
15 look at, you know, we can look at, you know,
16 tweaking those things. The other that comes to
17 mind with this, and it's been a while, I
18 haven't gone back and looked at it, but didn't
19 we when we heard he presentation on SESIR and
20 the incident reporting, weren't there some, and
21 some of you asked questions about it I think,
22 weren't there some inconsistencies in that
23 information? Wasn't there some concern about
24 whether districts were accurately reporting,
25 and whether they were reporting everything?

1 And so, you know, let's just flag that
2 here, because I go back to is, is that what do
3 threat assessment teams need in order to
4 assess, they need information. If we don't
5 have accurate information, because one of the
6 things that I would think they'd be going to is
7 looking to incidents that have been reported
8 about that individual, not necessarily just at
9 that school but other schools within the
10 district, and go to the point of maybe if the
11 person came from another district even.

12 So, you know, the -- we need to look at
13 this, and make sure that people aren't,
14 districts aren't under reporting, or
15 inaccurately reporting, because it does go to
16 the threat assessment team's ability to have
17 accurate information in order to function. But
18 there -- go ahead.

19 MR. SCHACTHER: So are you referring in,
20 between 2014 and 2017 when Marjorie Stoneman
21 Douglas reported?

22 CHAIR: I was talk -- are we talking about
23 SESIR you mean?

24 MR. SCHACTHER: Is that what you're
25 referring to?

1 CHAIR: I'm talking about generally. When
2 we had the presentation on SESIR we got the
3 data, we had the reports, is that there were
4 issues raised about whether some districts were
5 under reporting, or not reporting, et cetera,
6 across the board.

7 MR. SCHACHTER: Right. Right. This is --
8 this is exactly it, you know, they've reported
9 zero bullying, zero harassment, zero
10 trespassing over the three-year period of time,
11 so yeah, I would definitely agree with you, if
12 there was something we could put in there to
13 put teeth into that.

14 CHAIR: Right. And some -- one of the
15 things, and, you know, Commissioner Stewart may
16 disagree with me on this, but so be it, is
17 that, I don't know, maybe he won't, but one of
18 the problems I see with this, and I see -- and
19 this is going to, a statement that's going to
20 go across the board, is I think with a lot of
21 these things is that right now as it stands
22 today the Department of Education has no
23 oversight authority, there are no consequences,
24 and has no ability other than to be a
25 repository for the information, and I think

1 that has to change. I think that the
2 legislature has to give the Department of
3 Education not only oversight authority but
4 responsibility for ensuring that, so that this
5 takes away the under reporting, takes away
6 individual district's abilities not to follow
7 what's been prescribed.

8 So I think this is one of those areas, as
9 it relates to SESIR reporting as an example,
10 that it should be required, and that the -- you
11 know, you're going to see here, and I'm going
12 to jump quickly ahead, you're going to see here
13 in a minute is, is that the FSSAT, okay, it's
14 required in law that every district submit an
15 FSSAT. There are districts that haven't
16 submitted them. There are schools that are
17 required to have been assessed. They haven't
18 -- they haven't submitted them.

19 But there's nobody -- they don't have the
20 authority to pick up a phone and call the
21 district and say, hey, you didn't submit it,
22 you've got five days to get it in or X. They
23 don't have the authority to do that, so we need
24 to give DOE, I believe, greater authority to
25 ensure compliance, because somebody's got to do

1 it when people aren't doing it themselves.

2 MS. POWERS: So that would be a
3 recommendation I would have. We're, as school
4 employees are, mandatory reporters for many
5 things, that this become a mandatory reporting
6 requirement, and if they don't then they, now
7 then DOE has the teeth from a professional
8 practice standpoint, and they could lose a lot
9 if they don't report.

10 CHAIR: So who become -- who become a
11 mandatory reporter, teachers, or the district?

12 MS. POWERS: Any -- any district employee
13 is a mandatory reporter when it comes to --

14 CHAIR: A reporter of what?

15 MS. POWERS: Of child abuse --

16 CHAIR: No, I know that, but -- but -- but
17 they become a reporter, a mandatory reporter of
18 suspicious activity?

19 MS. POWERS: Of any threat, suspicious
20 activity. Reporting -- under reporting to me
21 is, should be, you know, that's not okay.

22 Commissioner, go ahead.

23 MR. SCHACHTER: And that's determined by a
24 principal now.

25 CHAIR: Hang on. Let Commissioner Stewart

1 - -

2 COMM. STEWART: Here's the, I think the
3 sticky part of this. When it comes to us
4 having some authority if they don't submit the
5 FSSAT, that's clear cut, and we, I mean that
6 could be clear cut, and we can put something
7 into a recommendation.

8 CHAIR: Right.

9 COMM. STEWART: It is very difficult for
10 us to be able to know if someone is under
11 reporting, and so some way for us to be able to
12 get at that information, but when a school
13 reporters, for instance, that they have zero
14 bullying incidents, it will be difficult for us
15 to investigate to determine. Do we then go to
16 a Marjorie Stoneman Douglas and interview every
17 single student to determine were you bullied?
18 I think that's where this will become a bit
19 more difficult.

20 I'm not saying that we shouldn't make it
21 mandatory. I'm not saying there shouldn't be
22 consequences. Just the reality of the
23 situation on underreporting; the only time
24 underreporting sanctions might work is if they
25 don't get funding because they underreported

1 how many students they have. They are
2 motivated to accurately report that.

3 CHAIR: Chief Lystad, go ahead.

4 CHIEF LYSTAD: So, for Commissioner
5 Stewart, the reporting of that information
6 you're talking about, who is required to report
7 that, the principals or the district?

8 COMM. STEWART: As is most requirement to
9 the Department it's the superintendent's
10 responsibility, and then it would be the
11 superintendent's responsibility to ensure that
12 their principals, and then the principals'
13 responsibility to require teachers.

14 CHIEF LYSTAD: And so, the principals
15 report that in a vacuum, and under the current
16 recommendations the law enforcement SRO, and so
17 if the SRO was reviewing that report before it
18 went to the district I doubt very seriously an
19 SRO would say, no, there was no bullying, if he
20 was aware of such cases.

21 COMM. STEWART: So to that point, remember
22 we emphasized yesterday that that SRO is to
23 enforce the law. And I think to that point
24 that does address that if they are included in
25 all of the access to records. But there is

1 also some subjectivity to what qualifies as
2 bullying, that law enforcement may not, but it
3 would rise to the level of bullying as far as
4 we might see it.

5 CHAIR: Yeah, and, you know, and, you
6 know, we can talk more about it, but, you know,
7 perhaps maybe, maybe, you know, it warrants,
8 within the Office of Safe Schools, you know, as
9 Director Kelly is getting around the state now,
10 and maybe it is a person or two that is charged
11 with doing some audits of these, and making
12 sure that it's being done.

13 There -- there lacks -- in my opinion
14 there lacks oversight what a lot of the things
15 that the districts are required to do, is that
16 it lacks any accountability and oversight
17 authority. And some are doing it very well,
18 some there seems to be falling through the
19 cracks with some of it, and, and I'm a big
20 believer in trust but verify, and I think
21 there, there needs to be a better verification
22 piece that a lot of this is being done, and if
23 it's being done well, great, so be it, but
24 there needs to be some increased
25 accountability.

1 MS. POWERS: Well, and I do think that
2 while we can't necessary police it, and verify
3 every time, I think that if you make it
4 mandatory the risk of someone not reporting it
5 and you finding out, that they could lose their
6 license, they could never be able to teach
7 again in the state of Florida if they're caught
8 doing something like that, so I just think
9 adding that just --

10 CHAIR: Consequences.

11 MS. POWERS: Consequence. If they are
12 caught doing that, not that we're going to
13 catch them all, but it just adds that layer --

14 CHAIR: You know, if you're having a
15 problem at a school it doesn't get solved by
16 underreporting it. It doesn't get solved by
17 painting a rosy picture and saying that it's
18 something other than what it is, and in fact it
19 just makes the problem worse, it exacerbates it
20 because you're not solving it. So, you know,
21 if you got a problem, fly it in the headwind,
22 deal with the problem, fix it and move on, you
23 know, again, the world is not perfect. Nobody
24 ever said it was. Commissioner Petty.

25 MR. PETTY: Again, I think the quick

1 answer is, is audit authority for the DOE. I
2 think you have to have the ability to go in and
3 spot check, and how we do that is probably a
4 discussion for another day, but there has to
5 be, you have to have the authority to go in and
6 actually verify the inform that's being set by
7 the districts, number one. And number two, I
8 agree, Commissioner Stewart, there need to be
9 sanctions for underreporting or misreporting of
10 data.

11 As I sit here, and I obviously cannot go
12 through the specifics, but I sit here and read
13 the FSSAT that was submitted by Broward County
14 to the Department of Education, the more I read
15 the more, the angrier I get. If this took the
16 District more than thirty minutes to copy and
17 paste the nonsense that was submitted to the
18 DOE I would be surprised.

19 This is -- this is -- these are
20 non-answers, and it makes me angry that a
21 district would take something that, that is so
22 important to the educational opportunities and
23 safe schools in our state, that they would
24 treat it with this lack of respect is, is
25 beyond words.

1 CHAIR: But let -- well, let me just tell
2 you, we're going to talk about this. I have a
3 few comments for you in an open session as we
4 wrap up here this morning, and of course we're
5 going to get into that in a closed session
6 before lunch, into the specifics of it. But
7 let me say this to, to that extent now, since
8 you raise it, is it that you're correct, but
9 Broward is not alone.

10 And I've looked at them from a sampling of
11 many districts across Florida and they pretty
12 much all did the same thing. And as we get
13 into it more we're going to have discussion
14 about it, but I also think that it is, a
15 contributing reason why is because of the
16 nature of the instrument. The instrument, to
17 me, is not good, and here's why it's not good,
18 is that it asks long rambling self-serving
19 questions that you just have to answer yes to,
20 that I'm the greatest thing in the world. And
21 the next question is I do it wonderful, I do it
22 great, we're perfect, yes. Next question.

23 And that's really what it is, and it
24 doesn't require a thoughtful meaningful
25 narrative response. And there are tons of

1 inconsistencies, and I'll point them out to you
2 if you haven't found them yourself. There's
3 tons of inconsistencies in the documents, that
4 they say yes to one thing and they're saying no
5 over here, and the answers contradict
6 themselves. And some of this goes to the
7 nature of the instrument, you know, and when
8 the instrument is asking, seriously it does, in
9 some cases it asks we do it well, we do it
10 wonderfully, we have it all together, we're
11 this, and there's whole big rambling paragraph,
12 is that it doesn't require anything other than
13 that result.

14 So while there is some responsibility for
15 it by the entity preparing it and submitting it
16 some of it is on the instrument, and how that
17 instrument was developed, and the way that it
18 asked those questions. So we'll talk more
19 about that, but you're absolutely right. The
20 question is, is that why does it get there and
21 how, and is that totally on the district,
22 that's where I don't think it's totally on the
23 district, I think part of it is the instrument,
24 it's flawed.

25 MR. PETTY: I think that's fair. The

1 questions are long and rambling. I get your
2 point, but in my view every district has an
3 opportunity to take these long and rambling
4 questions and think, and put some thought into
5 them about how they are implementing these
6 kinds of policies and procedures, and within
7 their districts, and what I see here is less
8 than thoughtful.

9 CHAIR: You know, you have -- and the one
10 is that -- and the one for MSD that was done
11 this year, it says the Broward Sheriff's Office
12 hasn't done any assessment of MSD in the last
13 three years, you know, and then it talks about,
14 they had SROs there that had people, you know,
15 so there's, there's all kinds of problems with
16 this, this thing. And this is where it gets
17 into, is it that, and we'll hear more about
18 again, we're kind of getting there now, but
19 anyway is, is that DOE has, in 7026 has \$1
20 million to have a consultant review this and
21 make recommendations.

22 Now, the way I understand it is, and I do
23 think it's a problem, is it that you have a
24 report that's due to the State Board of
25 Education, to the Senate, to the House, and to

1 the Executive Office of the Governor by January
2 1st, is that this thing, I think that's too
3 much too fast. I think it needs to slow down.
4 Somebody needs to change that deadline because
5 all the problems with that document, and just
6 going to spend \$1 million between now and
7 January in the name of getting the report on,
8 that isn't going to work in my view. And that,
9 and that's something that, that needs to
10 change, and that deadline needs to change so
11 that this can be done right.

12 COMM. SWEARINGEN: Wouldn't it make sense
13 that that group hear what comes out of this
14 body, because I think some of these
15 recommendations we're making should be tied to
16 that FSSAT, and they should be required to ask,
17 if we, let's say we go with the FSSAT, and
18 we're tier one, two, and three, some of those
19 questions should be asked on there, where are
20 you as far as getting to tier one, tier two, so
21 wouldn't it make sense that that person that's
22 responsible for that report, if they're going
23 to do that come and at least --

24 CHAIR: So we talked about the consultant,
25 and they're in the process of engaging the

1 consultant, or the process, I'm sorry, the
2 consultant is engaged, or in the process, you
3 can talk about that, but we have talked to
4 Commissioner Stewart about this, about having
5 the consultant come in at the next meeting so
6 that we can do that, but again I think it's too
7 much too fast, I don't know. So, Commissioner,
8 where are you in that process as far as the
9 consultant is concerned?

10 COMM. STEWART: So the award letter has
11 been posted, and has to be posted for a number
12 of days. We're in that period right now, so
13 that if there are bid protests they have the
14 opportunity, and at the conclusion of that then
15 the vendor will be engaged.

16 CHAIR: So let me -- since we're on the
17 topic let me give you the remarks that I was
18 going to give you, because we're here, let's
19 not, you know, while we're on this, and you can
20 have, so you can, so you can know what
21 happened, and how we got to the point that we
22 are with the FSSATs. So let me just give you
23 these, these comments on it, so you can know
24 the history, and know how we got here with it.

25 Is it that the thought is, the theory is

1 that we need to harden the campuses, we need to
2 have effective site security. In order to do
3 that you got to know where your strengths are,
4 where you're weaknesses are, and where you're
5 vulnerabilities are. This is the instrument,
6 or document that should inform that, and so
7 that was the thought, and between 2001 and
8 2014, and this happened after Columbine, so the
9 FSSAT came about, or the site security
10 evaluation came about after Columbine, and
11 between 2001 and 2014 each district in Florida
12 was required to assess their physical site
13 security on a district wide basis and submit a
14 report to DOE.

15 That district wide report was not, was not
16 an automated report. During the same period of
17 2001 to 2014 it was recommended, recommended
18 that each district as a best practice assess
19 each school, but these school specific
20 assessments were not required, so the only
21 thing a district had to do was do a district
22 wide assessment and submit it to DOE, but it
23 was not automated. They were recommended to
24 assess every school. Well, to me it's like,
25 okay, the no-brainer is, is that if you're

1 going to do a district wide assessment, how can
2 you do a district wide assessment without doing
3 every school affectively, but I can tell you
4 they were, and they weren't doing the schools.

5 Is that DOE did not track whether the
6 districts did school specific assessments
7 because it was a best practice and it wasn't
8 required. Then in 2014 the legislature
9 authorized expenditures to create an electronic
10 Florida Safe Schools Assessment Tool, which we
11 now know as the FSSAT, and this is an automated
12 assessment and reporting process. Each
13 district was required to submit the electronic
14 district wide FSSAT annually. Again we're
15 still in the district wide report.

16 There was also again a school specific
17 version of the FSSAT that was created, an
18 automated version that was created, but that
19 was optional and not required. The Department
20 of Education, as we've talked about, had, and
21 has no oversight of the district's FSSAT
22 submissions, and some districts failed to
23 submit them. In 2015, which is the first year
24 that the FSSATs were submitted four districts
25 did not submit an FSSAT. In 2016 five

1 districts failed to submit. In 2017 seven
2 districts did not submit. And the 2018 reports
3 are not due until October 31st of this year.

4 As to the optional school specific
5 assessments, in 2015, the first year of the
6 automated FSSAT, there were only 116 completed
7 in the system, and that's out of, as we now
8 know, to meet 3,900 schools. So out of 3,900
9 schools only 116 were done. In 2017, out of
10 3,900 schools in 2017 there were 16 done.

11 There was no school specific report entered for
12 Marjorie Stoneman Douglas High School during
13 that entire period. The Department of
14 Education did provide training to the districts
15 on completing the FSSAT. You have somebody
16 that traveled the state and trained the
17 districts on these forms and their completion.

18 COMM. STEWART: You have someone that
19 trains the districts. I think they're done
20 through webinars.

21 CHAIR: Okay, but -- okay, well, there's
22 training provided by DOE. In talking to the
23 person I understood that she traveled a little
24 bit, but I may be wrong on that. But anyway,
25 the training is provided. So there, again, no

1 consequence for noncompliance, and the
2 Department of Education did not have, and still
3 doesn't have that regulatory authority. DOE is
4 the entity that the districts report the data
5 to, but again there's no oversight.

6 Each district as a result of 7026 is now
7 required to complete a school specific
8 assessment for each school, and that they were
9 required to have those school specific reports
10 entered by August 1st. Again though, there is
11 no consequence for noncompliance. Now, the
12 current FSSAT system cannot be sorted by the
13 district to determine compliance with the
14 requirement that each school be assessed, but
15 as of last week, as of last week out of 3,900
16 schools in Florida there were only 3,500 school
17 specific assessments entered in the system, so
18 that means that you have schools that have not
19 complied with 7026, schools that have not
20 either one or entered their school specific
21 assessments.

22 So they missed the deadline and there's no
23 consequence, and there's no oversight of that.
24 So when we look at the district's FSSATs
25 between '15 and '17 it appears that the FSSATs

1 submitted in '15 were comprehensive reports,
2 and so when Commissioner Petty, you're looking
3 at the reports that you were looking at in the
4 book we gave you last night, is that Broward's
5 report for the first year in 2015 is about 125
6 pages. That's consistent with the other
7 reports that I've looked at for other
8 districts, and they are longer, more
9 comprehensive, and there was some thought put
10 into those, some, but they're still long
11 rambling narratives that are generally just
12 answered in the affirmative with very few
13 notes, and there were some comments.

14 But as you got past '15 and you got into
15 '16 and '17, Broward and others, including
16 Pinellas, they were totally perfunctory
17 documents. It was an absolute just yes, yes,
18 yes, yes, yes. There was no thought. There
19 was no input. There wasn't anything, it was
20 totally a perfunctory -- and most of the pages,
21 most of the page ranges were about 25 pages,
22 and most of that 25 pages was the long rambling
23 narrative question that everybody just answered
24 yes to, and some just didn't even answer the
25 questions, they just omitted answers. They

1 didn't even put yes in some of them, they just
2 skipped through them.

3 So the FSSAT is, again, is a confidential
4 document. You have Broward's in your book. We
5 are going to talk about it in the closed
6 session, so that the thought being that we can
7 make recommendations on the process itself.
8 Now, what I was -- and my intention is, is to
9 talk about it in the closed session, about the
10 document itself, but there are some questions
11 about the Broward specific one, and I've talked
12 to the Broward School District about having
13 them come in, maybe in next session, and answer
14 your specific questions about that document
15 related to Broward. So the thought today is
16 we're not going to get into Broward specific,
17 but we are going to talk about the document.

18 So hopefully we can make some
19 recommendations to DOE, because this thing is
20 not a fast track, and the fast track is they
21 have to have this report in by January, which
22 maybe as a result of this we all make some
23 recommendations and get that stocked so that
24 this can be done the right way.

25 SEN. BOOK: So first of all perhaps, and

1 maybe we can entertain the thought of sending a
2 letter to, as the Commission to the Governor,
3 or the President, and the Speaker, to kind of
4 pump the breaks a little bit. Secondly to
5 that, wisdom is knowing the things that you
6 don't know, and knowing that you don't know
7 them, and that you're not an expert in them,
8 and, you know, while I think that I am the
9 world's greatest interior decorator and, you
10 know, fixer upper, I still wouldn't try to put
11 in a faucet in my house by myself, and I think
12 that sometimes when we're talking about these
13 types of assessments, when you're asking
14 someone, or a school, or a district to tell us
15 what is, assess your safety, assessment those,
16 those are things that -- we went to school to
17 be educators, how to educate, you know, what's
18 a great behavior modification tool in a
19 classroom, not necessarily, you know, what are
20 out vulnerabilities from a physical plant
21 perspective.

22 I would look to some of the other folks
23 here to, to look at that for me, because I
24 think that you are a more trained in that.
25 That is your profession. And so, I think that

1 we look at sort of how and why, the way that
2 this is done, I mean if I had to click on did I
3 do good on my diet this week, yes, I did, and
4 we're all fabulous. And so I think we do have
5 to take an honest look at the way that this is
6 done.

7 CHAIR: Yeah, no, and you're right. And
8 they're being done differently, you know, my
9 understanding is that Broward hired, for the
10 school specific ones they hired an outside
11 consultant to do theirs. In Pinellas they were
12 done by law enforcement officers between the
13 City police departments and the sheriff's
14 office, we did them all in conjunction with the
15 school districts, so they had law enforcement
16 eyes on them.

17 I know in other counties they weren't,
18 they were done by the schools, so they're being
19 done differently in different places. And
20 quite honestly with ours is, is that we used
21 this school specific FSSAT as a base, we put
22 together a county wide committee with law
23 enforcement and the schools and came up with
24 our own instrument, because this instrument is
25 inadequate, so -- and so we have a book that

1 thick of assessments that is outside of this.
2 So it's being done differently all over.
3 Commissioner.

4 MR. DODD: And it's interesting to note
5 that the school hardening money was tied to the
6 FSSAT, correct, as far as getting those in,
7 because they're going to base the distribution
8 of monies there on that instrument; is that
9 correct?

10 COMM. STEWART: That is correct. That is
11 not due to us until October 31st.

12 MR. DODD: Right, but the Senate bill, or
13 the law was requiring it to be in by August 1st
14 though, correct?

15 COMM. STEWART: As the Chair pointed out
16 the schools were due August. The district is
17 due to us October 31st, and that is what the
18 disbursement of the dollars is based on.

19 CHAIR: And those dollars have to be
20 disbursed by January 15th, right?

21 COMM. STEWART: Yes.

22 CHAIR: So. And so -- and again these
23 district wide assessments, you know, I can
24 hardly wait, you know.

25 MR. DODD: Well, and my other question is

1 what happens to the schools that aren't, that
2 have not reported. Is there any --

3 COMM. STEWART: If I may. I think we all
4 right going to have the opportunity to be able
5 to ensure that all of the schools are included.
6 Remember yesterday my comment about 3,884 is
7 the number we felt was best to get at what this
8 commission is looking for, but many, many
9 factors go into what is the school, so I can't
10 speak to it today, but it is entirely possible
11 that hospital homebound is a school, but we
12 are, we are not going to be able to assess its
13 safety because it is, it does not have a brick
14 and mortar, so it is possible that there are
15 some of those within that number that fall in
16 that category, where either they legitimately
17 are not going to be able to do a FSSAT
18 assessment on, or they need encouragement to
19 know that that really does, even though there's
20 only five students and it resides in the school
21 district office one has to be done on that. So
22 there will be something in between there, but
23 only requirement in 7026 with regard to the
24 dollars being tied to that is that they submit
25 their FSSAT.

1 To the chair's point, we don't have
2 authority. Will we exert a little more
3 authority this year? Probably so, as I just
4 described.

5 CHAIR: Okay. But what the -- but -- but
6 even if they're required to submit, and they
7 all submit, it's still on that document that's
8 a --

9 COMM. STEWART: That's right.

10 CHAIR: -- rose colored glasses --

11 COMM. STEWART: That's right.

12 CHAIR: Self-serving narrative that you
13 just answer yes to, and if you check the box
14 and you answer yes you get your money. I mean
15 it doesn't matter what they submit, they just
16 have to submit something, and that's the
17 problem.

18 COMM. STEWART: That is true, but there
19 is, and I think that Ms. Ifft, who is here, who
20 has done those trainings, and spoken with the
21 safety people, could give a better description
22 of what the tenor is out there now versus
23 previously. And in addition to that, I think I
24 can verify, and Superintendent, former
25 Superintendent, could speak to the serious

1 nature for superintendents now, they all are
2 taking all of this very seriously at this
3 point. So I think those combinations, we're in
4 a better place even though the tool, may not be
5 ideal with regard to specificity it is the
6 impetus to make them look more seriously at
7 what they're doing.

8 CHAIR: If I hear you what you're saying
9 is give them an opportunity to submit these
10 October 31st ones and, and see if they're
11 different before we --

12 COMM. STEWART: That's right.

13 CHAIR: I know. There may have been
14 problems in the past, but that they may have
15 gotten the message, and they may be fixing it.

16 COMM. STEWART: That's right. And it does
17 give us more leverage now than we would have
18 had previously.

19 CHAIR: Mr. Schachter, go ahead.

20 MR. SCHACHTER: It seems to me that there
21 should be an unbiased third party do an
22 evaluation of these schools, like Senator Book
23 mentioned. To evaluate yourself, you know,
24 seems fruitless.

25 CHAIR: You know, so we're going to get,

1 you know, again we'll get into this. We can
2 come up with our recommendations on this.
3 Commissioner Swearingen.

4 COMM. SWEARINGEN: One last -- I want to
5 go back to the underreporting issue. I think
6 we all remember, and this discussion came up I
7 believe when we saw the presentation by the
8 PROMISE program about potential incentives for
9 people to underreport, whether that be, we all
10 know with school choice people are going to
11 want to send their kids to schools with good
12 safe and secure reputations, and if you're
13 reporting a lot of crime and a lot problems
14 people are going to not send their kids there.
15 There's probably funding tied to it.

16 And my concern is after seeing what, and
17 don't quote me because I, it's been several
18 months, or a couple months since we saw that
19 presentation, but there was a lot of
20 subjectivity, even in the reporting on that.
21 So, for example, I believe harassment was not
22 reportable, but bullying was. Fighting wasn't
23 reportable, but assault was. There's a lot of
24 subjectivity there that somebody that didn't
25 want to have to report something could say, eh,

1 this really isn't bullying, this is just
2 harassment, so we're going to put that over in
3 this column, yeah, they got in a fight, he
4 punched him a few times, we're not going to
5 call that an assault, we're going to call this
6 fighting.

7 So I think we need to figure out a way to
8 take out, especially in those alternative
9 programs, some of that subjectivity that would
10 allow somebody to underreport, and if we can
11 address any of those incentives that would,
12 would allow a school to, whether it's based on
13 school attendance or funding that would, would
14 cause them to underreport.

15 MR. DODD: On that --

16 CHAIR: Go ahead.

17 MR. DODD: On that topic I just, I wanted
18 to come back to, because what we were talking
19 about, the underreporting of information, and
20 then I know that it was mentioned about the
21 mandatory reporting requirements for suspicious
22 activity, and it seemed like we got off on a,
23 on a different tangent, almost that it was
24 going to be the responsibility of the teachers.
25 You know, I thought we were talking about when

1 it's reported to administration that it is
2 documented, so I'm a little bit curious about
3 the mandatory reporting that was -- I don't
4 really follow that. Could we maybe -- could
5 you expand on that a little bit more, as far as
6 are we talking about teachers required to
7 report suspicious activity, or are we talking
8 administration requiring to report it in a
9 documented format?

10 MS. POWERS: I think both. I think both,
11 that suspicious behavior become a mandatory
12 reporting requirement for everyone in the
13 school district, it doesn't matter, and then,
14 then it's turned over to administration to
15 investigate, and if it's a legitimate threat
16 then the threat assessment team gets involved.
17 But I think it has to be at every level, and,
18 yes, whoever is, how that is coded, and you're
19 right, Commissioner Swearingen, there are
20 incentives to not expel kids because that
21 impacts your graduation rates. Suspending kids
22 impacts attendance, which impacts your school
23 grade.

24 So there are things that are factors that,
25 you know, could lead people to underreport.

1 CHAIR: Mr. Schachter, go ahead.

2 MR. SCHACHTER: I think you're a hundred
3 percent right, Commissioner, that these are
4 issues that this Commission needs to address.
5 So, number one, how do we fix the fact that,
6 you know, universally Marjorie Stoneman Douglas
7 reported two instances of battery over a three-
8 year period of time, three instance of
9 vandalism, zero intimidation, zero threat. I
10 mean we talk about how, how do we track these;
11 the media did. The media found out that this
12 was inaccurate and, and lies. If the media can
13 find out, I know that, you know, we have the
14 resources find out as well.

15 And this goes to a larger issue. School
16 districts are not going to make their schools
17 safe, parents are not going to pressure their
18 schools to make their schools safe if you think
19 that you live in the safest community in the
20 world and nothing is happening at your school
21 except for everybody is having a great day.

22 CHAIR: Go ahead, Senator.

23 SEN. BOOK: Well, and I also think too
24 from public, the comment that we've had here,
25 we have had teachers, you know, talk about the

1 fact that they're intimidated not to be, not to
2 report some of the things that they're seeing
3 in their schools, and so I do think that that's
4 something that perhaps, you know, we continue
5 to, to investigate, because if that is the
6 case, and schools in the district have an
7 incentive to not, where does that leave us? In
8 a vacuum of information where you cannot
9 possibly assess where we truly are.

10 UNDER SHER. HARPRING: Mr. Chair, just
11 very briefly --

12 CHAIR: Go ahead.

13 UNDER SHER. HARPRING: I just want to
14 caution the Commission that it's very difficult
15 to, in my opinion, to put forward
16 recommendations that in some way take away the
17 subjectivity. Subjectivity is always going to
18 be there, and we do know, at least my personal
19 opinion is, maybe this is, maybe I'm a little
20 tainted, but regardless of the tool, or the
21 mandate, people are going to ultimately act in
22 their best interests. The teachers are. The
23 principals are. The districts are. So I just
24 think we need to be cautious that we're, and I
25 know this is very preliminary, but I would very

1 much like to be extremely realistic in whatever
2 sanctions we're talking about, and whatever
3 reporting tools we're talking about, because
4 people will find a way ultimately to act in
5 their best interests, and I want what we do to
6 be narrow enough to have some teeth and be
7 actionable.

8 And as, Sheriff, as you mentioned, you
9 know, our January 1st report is a preliminary
10 report, and I just want to maybe just remind
11 everybody, or caution everybody, or just
12 mention that we should try to do things, and
13 make recommendations and findings that will be
14 initially actionable, that both the legislature
15 can act on, and that all the relevant
16 stakeholders could actually do in the short
17 term, and then we can look at some of these
18 more subjective issues later on.

19 CHAIR: So, you know, and you mentioned
20 that people are going to act, you know, in
21 their interests, and, you know, I think to come
22 degree, you know, perhaps, but I do think that
23 most of the people within the school system are
24 going to act in the best interest of the
25 students, and I know that they will. You're

1 going to have some people that are going to
2 push it, but that's life. And we have a lot of
3 mandatory reporting in a number of areas so,
4 and yes, there is a degree of subjectivity to
5 it, but there's a degree of subjectivity to
6 everything. There's a degree of subjectivity
7 to mandatory reporting for child abuse, you
8 know, what constitutes abuse, abandonment,
9 neglect, what constitutes within that criteria.

10 There's room, there's bookends for
11 everything, but there's, there's room here if
12 we wanted to, and somebody wanted to go down
13 that path, there's, there's ways to craft it,
14 and at the end of the day the majority of the
15 school personnel I think, and, you know, I
16 don't think I'm naive about it, I believe that
17 a majority of the school personnel will do the
18 right thing, and especially if they're told to
19 do it, and they're given some parameters.

20 And then it goes back to training as well,
21 you can't ask them to do something that you
22 don't give them the information on and train
23 them on. If you say, hey look, you know, you
24 have an obligation, and you have a
25 responsibility, and for some it may even make

1 them easier for them to report. Some people
2 may not want to report for whatever reasons
3 that they're hesitant about it, but if they
4 know they're required to do it, hey, I'm
5 required to do it, and I'm going to do it. It
6 gives them a, you know, whatever, it gives them
7 some cover, if you will, for doing that type of
8 reporting.

9 So it's, you know, it's not perfect, as
10 you're saying, and you're right, it's not, but
11 there's ways I think that that could be done,
12 and, you know, and one of the things that
13 Commissioner Swearingen has, you know, raised,
14 and articulated several good points on, that
15 there are people saw things, and were in a
16 position to see things that were indicators
17 that weren't brought forward. That's going to
18 beg the question why. Did they not know?
19 Perhaps. Were they reluctant?

20 So when you look at the results of the
21 behavioral threat assessment, the level two
22 behavioral threat assessment that was done on
23 Cruz, look at the two teachers responses, and
24 what did it say in there, when they said, when
25 it asked that question about whether they were

1 concerned about Cruz they said, yes, they're
2 afraid of him, they're concerned about guns.
3 Okay, so why did it take you having to be asked
4 a question in a written form for you to bring
5 that information forward, because they didn't
6 just form that opinion that instant when
7 they're reading that, they had that along. Why
8 weren't they bringing that forward ahead of
9 time, you know?

10 So I think that those are, you know,
11 questions where if they're required, if they,
12 if it rises to a certain level, you know, I
13 think there's some merit to that, is it that
14 telling people, you know, across the board, see
15 something say something, and if you're in a
16 position, you know, in a school, a position of
17 authority, and you have some concerns, you
18 should bring it forward. You know, one of the
19 questions I have for them is why didn't they
20 bring some of this stuff forward. But anyway,
21 we can, we can flesh all that out as we go
22 there.

23 MR. SCHACTHER: You know, the question is
24 obviously Marjorie Stoneman Douglas swept a lot
25 of things under the rug, based on their

1 reporting, how do we prevent that from
2 happening again?

3 CHAIR: Right. So, time wise where we are
4 is we've got a start to the findings, a start
5 to the recommendations on the SROs. We've got
6 a start to recommendations on the behavioral
7 threat assessment. So what I'd like to do is
8 -- and I alluded to it, so I'm just going to
9 kind of bring it full circle here and make sure
10 that you all are in agreement, or if anybody
11 has any idea to do it differently.

12 What I'd like to do on the school
13 hardening, and we're going to have to make,
14 again, findings and recommendations for the
15 report on that, what I suggest we do is, is
16 that we give you certain criteria for a level
17 one through a level four. Level one being that
18 which is little or no cost and can fairly
19 immediately be implemented. So as an example
20 at level one would be some ideas such as
21 effectively developed promulgated trained on
22 code red policy so that everybody knows what it
23 is, everybody is trained on it, and it's clear
24 that when you have locks on doors that the
25 doors are actually locked, that you have -- so

1 using the things that are in place now, and
2 solidifying those things that are in place now,
3 and making sure that they're being used, making
4 sure they're being implemented. So that would
5 be over here at a level one, that is again
6 fairly easy to implement and has little or no
7 cost associated with it.

8 Then we go to a level two, a level three,
9 and a level four. As an example over here on a
10 level four would be high cost and/or some major
11 policy shifts, or shifts in the way things are
12 being done. An example I would think, would be
13 in a level four, would be, is a live real time
14 monitored close circuit TV system. That's
15 going to be a very expensive, and it's going to
16 require staffing, and it's going to require
17 setting up the equivalent of a quasi-real time
18 crime center type concept. That might be over
19 there.

20 Maybe at a level two, which would require
21 some expense, some, but is also more on the
22 attainable side, would be making sure that you
23 have adequate fencing around the campus, that
24 you have as many single, if you can, or at
25 least controlled access points, ingress and

1 egress. So what I'd like to do is send out to
2 you a level one with certain criteria, a level
3 two with certain criteria, a three and a four,
4 and then ask you all to give us your ideas,
5 your suggestions about what you think should be
6 in each of those levels.

7 And then we get your feedback as to those
8 levels, then we'll ask staff to go through and
9 de-conflict those, and eliminate redundancies,
10 and then for the next meeting we'll come
11 forward with a list of proposed items in levels
12 one, two, three and four, and then we'll
13 modify, tweak, adjust off of that. Go ahead.

14 SEN. BOOK: I think that's a very
15 brilliant idea, Mr. Chair. And also, to kind
16 of piggyback to the spending of these dollars
17 in January, on that time frame, perhaps at that
18 time we readdress, because, well, the October
19 meeting is before the 31st, but maybe at that
20 point since we'll have a more fleshed out list
21 we can then send a letter from the Commission
22 with some of those, with our list, to the
23 presiding officers if we are still concerned.

24 CHAIR: Yeah, sure. And, you know, and
25 that's something that you all can discuss. And

1 if you think, you know, one of the, is that
2 that money right now under the current bill is
3 that it has to be disbursed by January 15th.
4 It's \$99 million, and it's not going to be
5 disbursed this way, but to put it in context,
6 and to make the point that this is not that
7 much money, and also making the point, as I
8 said yesterday in some, you know, opening
9 remarks, is that we have to be realistic about
10 this.

11 And meaning -- realistic means, is that as
12 we make these recommendations it's something
13 that can be implemented, and we can afford.
14 And so, you know, we cannot, this state cannot
15 afford \$2.2 billion to do this all at once, so
16 that's why I suggest we go level one, level
17 two, et cetera, and let's focus on those things
18 that are the low hanging fruit, the things that
19 are easy to implement, low cost, and that can
20 be done, and should -- a lot of these things
21 should already be in place.

22 You know, again, why was the east door of
23 the 1200 Building at Marjorie Stoneman Douglas
24 unlocked, why, you know, it shouldn't happen.
25 Is that one of the hearings from teachers is,

1 is that the Aps don't check, the classroom
2 doors are required to be locked but they
3 weren't locked, why, because some people just
4 didn't do it. Who's checking to make sure that
5 the classroom doors are locked, nobody, so come
6 people are going to do it, and some people are
7 going to do it because they're afraid of the
8 consequences when there's oversight, and when
9 you don't have either you end up with it not
10 being done.

11 But when you average it out, and again
12 this is not how it's going to be done, when you
13 average it out it's roughly about \$1.4 million,
14 you know, that \$99 million is about 1.4 I
15 think, something like that, you know, per
16 district. That's not that much money. So when
17 you average it out that way -- now, I know
18 you're not going to distribute it that way,
19 you're going to use a formula, and you can do
20 that, but when you take that \$99 million and
21 you divide it it's about \$1.4 million a
22 district, so the point with that is it's not
23 that much.

24 So, you know, and I understand why, you
25 know, the legislature did it, and allocated

1 that money, and said get it out so that
2 something can be done, but with what we're
3 seeing is it too fast? I don't know the answer
4 to that.

5 SEN. BOOK: Well, and I think again we
6 come to the this district does it this way,
7 this one does it this way, there's no
8 standardization, everyone is running to go to
9 the thing that they think is best, and there's
10 no philosophy behind it, there's no -- I mean
11 perhaps things can be done in a different way.

12 CHAIR: Right.

13 MS. POWERS: The only thing that I would
14 say is, to the point that I think the Chair was
15 making, is that because it's \$99 million that
16 sounds like an awful lot of money, but when you
17 break that down by district --

18 CHAIR: It's not.

19 COMM. STEWART: And then by 3,800 schools,
20 it is not going to be misused. It's not like
21 they're going to go out and buy the latest
22 greatest something very expensive that was off
23 course because it is a smaller amount. And I
24 think if we're looking at levels one through
25 four when there were, if and when we get to a

1 point where there are large dollar amounts,
2 that will all be in those recommendations so
3 that we can more clearly clarify for school
4 districts what those dollars should be spent
5 on.

6 SEN. BOOK: Well, Mr. Chair, if I may?

7 CHAIR: Go ahead.

8 SEN. BOOK: And I agree with you,
9 Commissioner. I think that the thing that
10 still creates some heartburn in me is, you
11 know, just before the school year was set to
12 begin, you know, it's a fire code to lock the
13 doors, and so I think we can give them \$1
14 million, and it's not that much money, and they
15 won't misuse it, but perhaps it's more
16 strategically spent in a different way that can
17 address some of these concerns in a broader
18 sense than \$1 million here, \$1 million here, \$1
19 million here, \$1 million here.

20 CHAIR: But they may be able to use, like
21 with the, with the \$1 million they're going to
22 get, as an example is, is that probably in a
23 district, some of this low hanging, like doors
24 that have locks that need repair, and ensuring
25 that every door has a lock. I think that -- I

1 think that's what Commissioner Stewart is
2 talking about, is it that even letting this
3 money out, is that they're going to use it for
4 this, and they should be using it right now,
5 again, focus on the core, focus on the trunk,
6 don't worry about the branches on the tree, do
7 the basics, making sure that the fences --

8 Like one of the things that we're seeing
9 is that there are gaps in fences in these
10 schools, the bottoms of the fences aren't
11 anchored, some of the things that are just,
12 should have been done, so that there's such a
13 need, and there's such a breadth of need, is
14 that this money hopefully will just be used for
15 the basics, and that is not going to be used,
16 and that probably just let it go out as the way
17 it is with the hope that the districts will
18 just use it for those very basic things,
19 because there is a need.

20 And some of them may need to, even when
21 what we would like to see them do with the
22 basics, like locks on doors, and communication
23 devices, you know, do they have, does every
24 district have effective communication, some may
25 need to go purchase some radio type systems, or

1 walkie- talkies, or something, they have to be
2 able to communicate, that would be down here.

3 Another thing I, and we'll weed it out,
4 but on the level four side I think would be, or
5 maybe three, but up to the four, is the stuff
6 that requires a policy shift, it reminded me
7 because, or a, and a law change, because you
8 just mentioned it. One of the things that's
9 floating around down here now, again because,
10 you know, the rumor mill abounds, is it that,
11 that the district and at MSD, it has to with
12 delayed response to fire alarms, and we, we
13 know that that's not true, that they can't
14 delay it. There is no process in place now
15 legally where the school cannot respond to the
16 fire alarm, that they can have a delayed
17 response. That's going to have to be a law
18 change, or regulation change.

19 About the types of locks that are on the
20 doors, so that you can have the thumb locks, so
21 that you can do that, that requires a
22 regulation change. So let's get those things
23 in categories, and let's get the stuff done
24 that we can get done. Let's get that level one
25 stuff identified and say to the districts get

1 this done. And -- and hopefully they'd be able
2 to use some of those dollars to accomplish
3 that, but it's going to have to be a tiered
4 approach.

5 SEN. BOOK: I guess perhaps I'm on a
6 Thursday feeling a little bit cynical, because
7 everybody is perfect and there aren't any
8 problems here, so you know --

9 CHAIR: I don't know about that.

10 SEN. BOOK: So I'm a little cynical
11 perhaps.

12 CHAIR: All right, so does that -- does
13 that work.

14 SEN. BOOK: Sarcastic.

15 CHAIR: What's that?

16 SEN. BOOK: I was being sarcastic.

17 CHAIR: Yeah, I know. Does anybody, is
18 everybody good with that way of doing it with
19 the hardening? Commissioner Blackburn, do you
20 have - -

21 DR. BLACKBURN: Yes, sir, very good with
22 doing it that way. I'm not quite sure how to
23 articulate it but, but I want to add it to our
24 thinking. In the, in some vein yesterday we
25 discussed a school isn't a school, isn't a

1 school, so we have to like tighten up our
2 definition of a school. I think we need to go
3 through, through a similar exercise to
4 determine the definition of the hardened
5 school, the time frame, the days of the year.

6 Especially at the high school level these
7 campuses are small villages that literally
8 operate close to 24/7 right, between the
9 extracurricular activities that our students
10 are involved in, so like we have to determine
11 when we expect the campus to be our definition
12 of hard.

13 CHAIR: Okay. We can put that in there.
14 And so we're going to do the same thing, again,
15 we'll get out to you this tiered, the levels on
16 the, and definitions on the hardening. We'll
17 get out to you these recommendations. And then
18 with some of the other things that we need to
19 do, some of the other topics, we'll do the same
20 thing, we'll get those out to you and ask you
21 for some feedback. Probably we'll get, we're
22 going to get these out to you as soon as we
23 can, and ask for your feedback probably within
24 the next couple weeks. It will be no more than
25 three weeks so that we can get the information

1 back, we can digest it, we can format it, so
2 that we can use it in October. So there'll be,
3 you know, somewhat of a tight turnaround, so
4 please when you get these spend the time and
5 give us the feedback.

6 Now, we're not going to -- in the essence
7 of time, because we need to stop here, because
8 we need to be able to go into closed session
9 and deal with the FSSAT itself, and then move
10 into this afternoon's closed session, we need
11 to give the Florida Channel time to be able to
12 break down. That's why I haven't taken a break
13 this morning, is because I know we need to give
14 them about twenty, twenty-five minutes or so,
15 hopefully, to break down.

16 And so what I want to do, and again in the
17 essence of time, is that I'm going to ask you
18 all to take a look at the format of the January
19 report that is in your books. I'm not -- I was
20 going to go through it, and have some
21 discussion on it, but in the essence of time
22 I'm just going to ask you all to take a look at
23 it, and if you have any comments or thought is
24 that we'll, when we send something out to you
25 we'll remind you of this and ask you to provide

1 us with feedback.

2 This is a complete draft, but as you can
3 see, and I'm just going to look at, look at
4 Chapter 3 as an example, because I think you're
5 familiar with what we've already done with
6 that, is, is that the format will be, is again
7 the backdrop. So Chapter 3, 3.1 Juvenile
8 Diversion Overview, how does it work in
9 Florida, what are the laws, who runs the
10 programs, everything we heard from DJJ,
11 everybody, we heard from others, on juvenile
12 diversion. Then how is it working in Broward
13 County, the Broward County Intervention
14 Program, the PROMISE Program.

15 So we heard generally the law, we heard
16 the framework state wide, we learned how it's
17 working in Broward, and then key findings, role
18 in the incident and system failures, and
19 recommendations. If you look at the mental
20 health system, it's set up the same way. We
21 heard about the mental health system in
22 Florida, we heard how it's working here in
23 Broward County, and then we'll get into key
24 findings, role in the incident, system
25 failures, and recommendations, so each chapter

1 is set up that way.

2 Again, right now in Chapter 9, I believe
3 it is, yeah, Chapter 9, under 9.1 Summary of
4 Past Incidents, that would be Dr. Smith's
5 report. I'm going to suggest we move that up
6 to the front. And I'm also going to suggest
7 that the order of the report not be as it is
8 here, this is taking it by topic, but to order
9 the report with that that is most doable, that
10 is most actionable, that, that the reader can
11 have takeaway. So in other words I'll suggest
12 to you that changes to the Florida mental
13 health system and behavioral based programs is
14 lower down, and is going to require a lot more
15 than some of the other things that we are
16 looking at.

17 So I'm not suggesting that we don't, we
18 don't put those things in the front of the
19 report that are down the road things, and let's
20 order it in a way that lists the things that
21 are most doable at the front of it. So if
22 anybody has any, again, thoughts, comments on
23 it, kind of digest that, take a look at this,
24 and we're going to ask you to provide feedback,
25 and then we'll talk about it a little bit more

1 in October. Okay. So do we have any public
2 comment? Okay, so we don't have any public
3 comment. And what we're going to do now is
4 I've got to read that closed meeting
5 announcement, and then we'll go, we'll break
6 twenty minutes or so, whatever it takes the
7 Florida Channel to break down, and then we'll
8 come back in closed session. We're going to go
9 through the FSSAT, we're going to break for
10 lunch and come back, and then we're going to do
11 the closed session presentation on the mental
12 health issues this afternoon.

13 So let me just read this. This meeting
14 requires us to hear or discuss active criminal
15 investigative information, active criminal
16 intelligence information, and/or other inform
17 that is confidential and exempt under Florida
18 law. Because of this under the authority of
19 Florida Statute 943.687(8) the meeting is
20 closed to the public, and is exempt from
21 Florida Sunshine Law found in Florida Statute
22 286.011 and Section 24(b) Article I of the
23 State Constitution. The required written
24 declaration of the Commission Chair will be
25 entered into the Council, or Commission

1 minutes. Only authorized Commission members,
2 Commission support staff, and persons otherwise
3 specifically authorized by the Chair may attend
4 this meeting. We will not reconvene today in
5 public meeting. We'll take a break for the
6 next twenty minutes or so, and begin the closed
7 portion of the meeting at that point. Thank
8 you for your consideration. So with that we'll
9 be in recess for about twenty minutes, and as
10 soon as they break down then we'll start again.
11 Thank you.

12 (Thereupon, the meeting is concluded.)
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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 proceedings.



NIDELIS GONZALEZ, Reporter
Commission: FF 188630
Expires: 01/11/19

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