

SB7026 Impact on Schools

The Marjory Stoneman Douglas High School Public Safety Act enacted several changes to existing law regarding school safety, firearms possession and sale, and mental health services.

As the Commission considers what occurred on and before February 14, 2018, it is necessary to be mindful of changes that have already been mandated by law and for the Commission to understand and monitor the implementation of these changes.

The Commission should consider whether mandated changes have been fully implemented by the required deadlines, whether the changes are producing the desired results and whether modifications or further changes are necessary as we prepare our January report to the Governor and Legislature in preparation for the 2019 legislative session.

The following is a summary of relevant changes required by SB7026 that impact the Commission's investigation and recommendations.



Section 4 Creates Office of Safe Schools within the Department of Education (DOE)

Line 325: Creates the Office of Safe Schools (OSS) within DOE. This has been completed and a Director named.

Section 21 Establishes Responsibilities of State Office of Safe Schools (OSS) within DOE

Line 1609: The OSS is responsible for “compliance oversight of all matters regarding school safety and security.”

Line 1619: OSS must establish a school security and assessment tool to be used by the school districts and made available to the charter schools.

Line 2152: The risk assessment tool contemplated by this law is a physical site security risk assessment instrument, which shall be known as the Florida Safe Schools Assessment Tool (FSSAT). This type of assessment concerns facility vulnerabilities and physical site hardening needs.

This is distinguished from a behavioral threat (or risk) assessment that focuses on an individual person and whether certain actions or behaviors warrant interventions.

It is VERY IMPORTANT that we use proper and consistent terminology to ensure a common understanding of the presentations over the next few days and over the course of our work.

Prior to SB7026, there was a physical site security risk assessment tool, however, it was mostly used as a district tool and not used to assess each specific school. DOE has modified that tool creating the **FSSAT** for individual school assessments.

Section 51 of SB7026 provides \$1 million for DOE to contract with a consultant to independently evaluate and make recommendations regarding the FSSAT as a school-specific assessment instrument.

SB7026 (line 2775) requires that each school district have completed and report to DOE the results of a school specific physical security site assessment for each and every school in its district by August 1, 2018. This is also required for charter schools.

Some districts, in conjunction with law enforcement, are adding to the FSSAT criteria and working collaboratively to meet the August 1st deadline.



Lines 1625 & 1640: OSS is required to provide review, recommendations and technical assistance on the results of the security risk assessments and may contract with experts to provide the recommendations. (DOE action item after August 1, 2018 and dependent on district compliance).

Line 2195: Section 28 requires that DOE report to the governor by December 1, 2018, and annually thereafter, on results of the assessments and positive changes made.

Section 44 provides \$98.9 million for Education Facility Security Grants and this money will be made available to the districts by DOE grant.

The timetable in the bill (line 2776) is that assessments must be done by August 1, 2018, DOE must publish grant guidelines by August 31, 2018, districts must apply for the grants by December 1, 2018, and DOE must award the grants by January 15, 2019.

In sum, districts have from now until August 1st to assess every school and grant money for hardening must be disbursed by January 15th.



Line 1630 & 1902: Each district is required to appoint a School Safety Specialist. OSS is required to develop and implement a School Safety Specialist Training Program for school safety specialists (SSS) that are appointed by each district. SSS must receive this training within one year of appointment. (Gov. Scott's letter of March 23, 2018 to each school board requires that each district appoint an SSS by July 1, 2018. (District and DOE action item).

Line 1918: The district School Safety Specialist (SSS) (discussed below) must conduct a school security risk assessment using the tool developed by OSS/DOE. The SSS is required to report his/her findings to each school board annually and within 30 days of presenting the finding to the school board, the findings have to be presented to OSS. (District action item). (Note: Line 2204 makes the risk assessments confidential and exempt from disclosure under the public records laws.)

Line 1940: The School Safety Specialist shall coordinate with law enforcement so that at least once every three years first responders tour every campus and provide recommendations. The SSS must include law enforcement recommendations in the report to the school board and OSS, as required at line 1918. (Law enforcement and district action item).

Line 1644: The law now requires that DOE coordinate with FDLE to provide a centralized and integrated data repository and this is to be implemented by December 1, 2018. Data sources from the following are named DJJ, DCF, DLE, social media, and local LE data. \$3 million is allocated for this data integration (Section 50, line 2821)

Note: DOE will procure Social Media Monitoring as a separate data searching tool (DOE action item).

Section 19 School Safety Awareness Program

Line 1448: FDLE shall procure a mobile suspicious activity app (FortifyFL) for incident reporting. (FDLE, Department of Legal Affairs item) (An Invitation to Negotiate (ITN) has been advertised).

Section 23 Access to Mental Health Services in Schools

Line 1703: Provides for a multiagency network of services for students with emotional or behavioral disabilities and facilitates student access to services. There will be a presentation during this meeting on SEDNET and it is the vehicle for implementing this provision. (DOE and district action item).

Section 30 Mental Health First Aid for Students

Line 2406: By beginning of 18/19 school year, DOE must establish an evidence-based youth mental health awareness and assistance curriculum for students. Each district's School Safety Specialist must be trained or designate someone to be trained in the curriculum and then ensure "all personnel" within each district are trained. (DOE and district action item). (Gov. Scott sent a letter to each district on March 23, 2018 setting the beginning of the 18/19 school year for the deadline to implement this curriculum).

Section 24 FS. 1006.07 District School Board Duties as it relates to the health, safety and welfare of students:

Line 1772: At registration every student must disclose any prior mental health referrals.

Line 1794: Allows the school district to refer students to mental health services.

Line 1850: Each school district by resolution must establish a Student Crime Watch Program. The program must allow anonymous reporting of information to public safety agencies and school officials. (District action item).

Line 1861: Every school in the state must formulate policy and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats...
Schools shall conduct these drills as often as they conduct other drills.

Line 1881: Active Shooter training for each school must engage the participation of the district school safety specialist, threat assessment team members, faculty, staff, and students and **must be conducted by the law enforcement agency** or agencies that are designated as first responders to the school campus. (Governor's letter requires each school to have active shooter training at least once every semester) .

Line 1948: There must be Threat Assessment Team (TAT) at each school. Law enforcement must be part of each team. The TAT is required to report students who pose a threat of violence to the superintendent, who is required to notify the student's parents. The Threat Assessment Team may have access to criminal history information (line1978). There are several other requirements in the new law for the TATs, including reporting requirements to OSS/DOE. (Law enforcement and district action item). (Gov. Scott's letter of March 23, 2018 requires that each district have a TAT at each school by September 1, 2018.)

Line 1983: Eliminates any Ch.119 public record exemption barriers to information sharing between the schools, law enforcement and others. All agencies, including schools that provide services to students may share confidential or exempt information.

Section 27 Zero Tolerance Policies

Line 2138: Zero tolerance policies cannot apply to petty acts, but when a student commits more than one misdemeanor the Threat Assessment Team must consult with law enforcement to determine if the act should be reported to law enforcement. Gives law enforcement the discretion to decide whether law enforcement action is appropriate rather than solely school-based sanctions.

Line 2146: The Threat Assessment Team may use alternatives to expulsion unless the alternatives pose a threat to school safety.

Section 25 Court Responsibility to Notify School Superintendent

Line 2035: Each court must notify the school superintendent of any student that the court refers to mental health services. (Court action item).

Section 26 Safe School Officers

Line 2042: There must be a Safe School Officer at each elementary, middle, high and charter school. While this requirement became effective upon the bill becoming law, most districts are using the beginning of the 18/19 school year in August as the implementation deadline. (This is consistent with Gov. Scott's March 23, 2018 letter) (District action item).

Line 2106: The SSO must be either an SRO employed by a police department or sheriff, a school's police officer, or a "school guardian." School personnel who are exclusively classroom teachers are not permitted to be guardians. (Gov. Scott's letter of March 23, 2018 requires that each school board report by July 1, 2018 whether it will implement the Guardian Program).

SB7026 and Mental Health

Section 9 Community Action Teams

Line 576: DCF is to contract for 40 additional Community Action Teams.

The teams will be community based service teams for 11 to 13 year olds and 18 to 21 year olds who have DJJ and/or LE involvement, a record of poor academic performance, and/or meet other criteria.

Specific counties are designated for CAT funding with any additional funding available to other counties. DCF is to contract with the Managing Entities to implement the teams.

Fiscal Appropriations Section 47



Line 2804: Section 48 of the Act provides DCF with \$18.3 million for additional mobile response teams. These crisis teams must provide services for up to 72 hours and then if appropriate transfer to a service provider. The Act addresses enhanced services to be provided in several specific counties and adds 30 teams.

Also see Gov. Scott's Executive Order 18-81 requiring DCF to convene stakeholder meetings in six regions and for a Sheriff or police chief to sit on the board of each Managing Entity. The meetings are designed to enhance communication and collaboration. A report required to the Governor by the DCF Secretary on January 1, 2019 regarding implementation.

Section 8 Baker Act Firearm Seizure

Line 469: A law enforcement officer taking custody of a person under an initial involuntary examination order under the Baker Act may seize the firearm the person possesses at the time, if the person poses a potential danger to himself or herself or others and has made a credible threat of violence against another person. If other firearms are not voluntarily surrendered, law enforcement may petition the court for a risk protection order.

Section 10 Firearms Disability for Persons Adjudicated Mentally Defective or Committed to a Mental Institution

Line 648: A person who has been adjudicated mentally defective or who has been committed to a mental institution (those terms are already defined in statute) may not own or possess a firearm. This firearms disability may only be lifted if the person obtains a court-ordered restoration of firearms rights.

Section 16 Risk Protection Orders—Creates s. 790.401

Line 791: Law enforcement may seek a Risk Protection Order (RPO) when a person **poses a significant danger of causing personal injury to themselves or to others by:**

- **Having a firearm or ammunition in their custody or control, or**
- **Purchasing or receiving a firearm or ammunition.**

An RPO prohibits the person from possessing or purchasing any firearms. An RPO authorizes law enforcement to collect the person's currently owned or possessed firearms and ammunition.

Law enforcement may also seek a search warrant to find and seize any other firearms or ammunition in the person's custody or control which have not been surrendered.

A violation of the RPO is a felony crime.



Section 16 Risk Protection Orders—Creates s. 790.401 (continued)

To obtain an RPO, law enforcement must provide the court with specific facts that establish, by clear and convincing evidence, a reasonable fear of significant dangerous acts by the person.

Recent threats of violence, a violent criminal history, prior reckless display of firearms, and evidence of serious mental illness, as well as other factors, may be taken into consideration by the court.

It is not required to establish the person has mental health issues, if other facts establish a reasonable fear of significant dangerous acts.

Written Threats to Kill or Conduct a Mass Shooting, Amends s. 836.10

Line 1366: Section 17 of SB7026 amends F.S. 836.10 and makes it a felony to threaten to kill someone without the current “transmission” requirement. Also, it is now a felony crime to post a threat to conduct a mass shooting or an act of terrorism on an electronic record (including social media).

Sections 36 to 51 Are Specific Fiscal Appropriations

36) Provides \$69,237,286 in recurring funding to DOE for Mental Health Assistance Allocation (1011.62(16)). There are specific spending requirements in at line 2700 and in Section 29 at line 2346. School districts must establish or expand school-based mental health care. Each district is to receive a minimum of \$100,000 and the balance distributed based on a formula.

The district is required to provide services that focus on evidence based mental health treatment that includes assessment, diagnosis, intervention, treatment and recovery services to students with mental health or co-occurring disorder diagnosis, or those at high risk of such diagnosis. The district is required to employ or contract with a provider to provide these services.

Before the district can receive any of the funds, Line 2364 requires a spending plan approved by the school board. Gov. Scott's March 23, 2018 letter sets a deadline of August 1, 2018 (also in statute) for each district to submit its plans to DOE on how each student will have access to school-based mental health services by 18/19 school year.



37) Provides \$500,000 recurring and \$6,200,000 in nonrecurring funding to DOE to implement youth mental health awareness and assistance training

38) Provides \$1,000,000 in nonrecurring funding to DOE for MSDHS memorial.

39) Provides \$25,262,714 in nonrecurring funding to DOE to raze and rebuild MSDHS Building 12

40) Provides \$500,000 recurring and \$67,000,000 in nonrecurring funding to DOE for reimbursing sheriff's offices who establish school guardian program. Funds to be used for screening and training related costs and providing a one-time stipend of \$500 to school guardian who participate in the program.

41) Provides \$344,393 recurring and \$150,000 nonrecurring to DOE for the Office of Safe Schools salaries.

42) Provides \$97,500,000 recurring to DOE for Safe Schools allocation. This funding must be used by the districts exclusively to hire or contract for school resource officers.



- 43)** Provides \$100,000 in recurring funding to DOE to procure an active shooter training component of the school safety specialist training program.
- 44)** Provides \$98,962,286 in nonrecurring funding to DOE for a grant program for school site hardening. This is the funding that must be disbursed by January 15, 2019.
- 45)** Provides \$300,000 non-recurring and \$100,000 recurring funding to FDLE for a mobile suspicious activity reporting tool. Tool must be implemented by January 31, 2019.
- 46)** Provides FDLE with 5 full-time equivalent positions, with associated salary rate of \$345,000, and \$600,000 recurring and \$50,000 nonrecurring to for the Marjory Stoneman Douglas HS Public Safety Commission.
- 47)** Provides \$9,800,000 recurring funding to DCF for additional community action teams (CAT) to ensure statewide coverage.

48) Provides \$18,300,000 in recurring funding to DCF for additional mobile crisis teams to ensure statewide coverage.

49) Provides \$18,321 recurring and \$225,000 in nonrecurring funding to DOE for death benefits for three staff members who died at MSDHS

50) Provides \$3,000,000 in recurring funding to DOE for the development of data analytic resources (1001.212).

51) Provides \$1,000,000 in nonrecurring funding to DOE to contract with a third party security consultant to conduct risk assessments of public schools and review and analyze DOE's current security risk assessment tool, the Florida Safe Schools Assessment Tool (FSSAT).