

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: INITIAL **READING: AMENDMENT OF BOARD POLICIES 8405, SCHOOL SAFETY; 5112, ENTRANCE REQUIREMENTS; AND 8330, STUDENT RECORDS**

COMMITTEE: PERSONNEL, STUDENT, SCHOOL, AND COMMUNITY SUPPORT

LINK TO STRATEGIC BLUEPRINT: SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENT

After the tragedy at Marjory Stoneman Douglas High School in Broward County in 2017, the Florida Legislature and State Board of Education passed various new statutes, amendments to statutes, rules and forms, to address school safety and security, threat assessment and mental health concerns at schools. This item seeks authorization to initiate rulemaking proceedings to amend Board Policies 8405, *School Safety*, 5112, *Entrance Requirements*, and 8330, *Student Records*, to incorporate these statutory requirements from the earlier SB 7026 and from SB 7030 which just recently became law and amended statutory provisions passed in SB 7026 and added additional requirements. Many of the SB 7030 amendments were the result of recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission.

The proposed policy revisions include School Board safe-school officer requirements; establishment, duties and responsibilities, and recommendations of the District School Safety Specialist; the requirement for the Board and each charter school to adopt an active assailant response plan and accompanying certifications that all personnel have received annual training; authority for the Superintendent to develop administrative procedures for the prevention of violence on school grounds; threat assessment teams; the responsibility to ensure timely and accurate reporting of incidents related to school safety and discipline; student crime watch requirements; timely transfers of student cumulative files and mental health information, and required mental health disclosures upon school registration. All of these policies have been reviewed and are recommended by the Superintendent and the District Cabinet members and staff who will be responsible for implementing them.

Attached are the Notice of Intended Action and policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policies 8405, *School Safety*, 5112, *Entrance Requirements*, and 8330, *Student Records*.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policies 8405, *School Safety*, 5112, *Entrance Requirements*, and 8330, *Student Records*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on July 24, 2019, its intention to amend Board Policies 8405, *School Safety*; 5112, *Entrance Requirements*; and 8330, *Student Records*, at its regular meeting on September 4, 2019.

PURPOSE AND EFFECT: Board Policies 8405, *School Safety*; 5112, *Entrance Requirements*; 8330, *Student Records*; are proposed to be amended to include School Board safe-school officer requirements; establishment, duties and responsibilities, and recommendations of the District School Safety Specialist; the requirement for the Board and each charter school to adopt an active assailant response plan and accompanying certifications that all personnel have received annual training; authority for the Superintendent to develop administrative procedures for the prevention of violence on school grounds; threat assessment teams; the responsibility to ensure timely and accurate reporting of incidents related to school safety and discipline; student crime watch requirements; timely transfers of student cumulative files and mental health information; and required mental health disclosures upon school registration.

SUMMARY: Proposed amendments to Board Policies 8405, *School Safety*, 5112, *Entrance Requirements*, 8330, *Student Records* are being made to incorporate statutory requirements from SB 7026 and from recently passed SB 7030 which amended many of the statutory provisions passed in SB 7026 and added additional requirements. Many of the SB 7030 amendments were the result of recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2), (3); 1001.42 (8), (11); 1001.43(1), (4), (7); F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 30.15; 365.171; 493.6101(18); 1001.212; 1006.04; 1006.07; 1006.12; 1006.13; 1006.1493; 1011.62(17); 1012.584; F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF September 4, 2019, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by August 19, 2019, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

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ENTRANCE REQUIREMENTS

2 All children who have attained the age of six (6) years or who will have attained the
3 age of six (6) years by February 1st of any school year or who are older than six (6)
4 years of age but have not attained the age of sixteen (16) years, except as otherwise
5 provided in Florida law, are required to attend school regularly during the entire
6 school term. All children enrolling in a District school shall meet the immunization
7 requirements in F.S. 1003.22 and provide evidence of a physical exam. The person
8 enrolling the student shall report in person to the school to enroll their school age
9 child.

10 A child who attains the age of sixteen (16) during the school year is not subject to
11 compulsory school attendance beyond the date upon which s/he attains that age if
12 the child files a formal declaration of intent to terminate school enrollment with the
13 School Board. The declaration must acknowledge that terminating school
14 enrollment is likely to reduce the student's earning potential and must be signed by
15 the child. The District must notify the parent of the child's declaration of intent to
16 terminate school enrollment.

17 **Kindergarten**

18 Any child who will have attained the age of five (5) years on or before September 1st
19 of the school year shall be eligible to enroll in kindergarten at any time during the
20 year.

21 A transferring kindergarten student is eligible to be enrolled in the District if the
22 entrance age requirements have been met outside Florida and the child had been
23 regularly enrolled there.

24 Children entering kindergarten in the District for the first time must comply with
25 F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before
26 September 1st, in order to meet the Florida age requirement for kindergarten. A
27 child under age six (6) who is enrolled in kindergarten will be considered of
28 compulsory school age.

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1 **First Grade**

2 Any child who has attained the age of six (6) years on or before September 1st of the
3 school year and satisfactorily completed the requirements for kindergarten in a
4 public school according to the District's Student Progression Plan (Policy 5410) or in
5 a nonpublic school from with the Board accepts transfer of academic credit, or who
6 otherwise meets the criteria for admission or transfer in a manner similar to that
7 applicable to other grades shall be admitted or promoted to the first grade at any
8 time during the school year.

9 A transferring first grade student is eligible to be enrolled in the District if the
10 entrance-age requirements have been met outside Florida and the child had been
11 regularly enrolled there.

12 Children entering first grade in the District for the first time must comply with
13 F.S. 1003.21. Any child who has attained the age of six (6) years on or before
14 September 1st of the school year and who has been enrolled in a public school or
15 who has attained the age of six (6) years on or before September 1st and has
16 satisfactorily completed the requirements for kindergarten in a non-public school, or
17 who otherwise meets the criteria for admission or transfer in a manner similar to
18 that applicable to other grades, shall progress according to the District's Student
19 Progression Plan (Policy 5410).

20 **Initial Entry**

21 Every child initially entering a District school must prove age by an authentic
22 document issued by a governmental agency. The school should attempt to verify age
23 at the time of spring registration. State law (F.S. 1003.21) specifies the evidence
24 which may be used for this purpose and also indicates that if the first prescribed
25 evidence is not available, the next evidence obtainable in the order below shall be
26 accepted:

27 A. a duly attested transcript of the child's birth record filed according
28 to law with a public officer charged with the duty of recording births;

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- 1 B. a duly attested transcript of a certificate of baptism showing the
2 date of birth and place of baptism of the child, accompanied by an
3 affidavit sworn to by the parent;
- 4 C. an insurance policy on the child's life which has been in force for at
5 least two (2) years;
- 6 D. a bona fide contemporary Bible record of the child's birth
7 accompanied by an affidavit sworn to by the parent;
- 8 E. a passport or certificate of arrival in the United States showing the
9 age of the child;
- 10 F. a transcript of record of age shown in the child's school record of at
11 least four (4) years prior to application, stating date of birth; or
- 12 G. if none of this evidence can be produced, an affidavit of age sworn to
13 by the parent, accompanied by a certificate of age signed by a public
14 health officer or by a public school physician, or, if neither of these
15 is available in the county, by a licensed practicing physician
16 designated by the Board, which certificate shall state that the health
17 officer or physician has examined the child and believes that the age
18 as stated in the affidavit is substantially correct.
- 19 H. Children entering the District for the first time must comply with
20 F.S. 1003.21 and with the District's Student Progression Plan
21 (Policy 5410). Students must have an immunization record on file
22 at the school. Any student who does not have the proper
23 immunization shall be temporarily excluded from attendance until
24 compliance has been documented.

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1 I. Upon a child's initial entry to a District school, the principal shall
2 require evidence of a physical examination performed within one (1)
3 year prior to the date of entry. An appointment for a physical
4 examination by a county health officer, licensed physician, or
5 chiropractor may be accepted provided the principal is given
6 evidence of the physical examination within one (1) week of such
7 examination. Students transferring into the District from a school
8 within the State of Florida who have completed physical examination
9 form as part of their school record need not be re-examined.
10 Examinations taken out-of-state may be accepted if performed
11 within one (1) year of entry and include documentation and reported
12 on the official forms of the physician.

13 J. A child may be exempt from the required physical examination
14 and/or immunization upon written request of the parent or
15 guardian of such child stating objection to examination and/or
16 immunization on religious grounds or for medical reasons certified
17 by a competent medical authority.

18 **Proof of Age**

19 If acceptable proof of age is not presented when the child first seeks admission, the
20 principal should enroll the student temporarily and give the parent thirty (30)
21 calendar days to secure proper proof.

22 **Birth Certificate**

23 The Division of Attendance Services will supply appropriate forms for making
24 application for a birth certificate. Some parents may need help from school
25 personnel in completing these applications. Providing such assistance will enable
26 the school to be sure that the proper procedure has been followed. Original copies
27 of birth certificates usually have an embossed seal imprinted on them. All
28 photostatic copies not bearing this seal should be carefully evaluated to determine
29 authenticity.

30 If questions arise which the school cannot answer regarding birth certificates, the
31 principal should call the appropriate region director.

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1 Student Disclosures

2 Each student at the time of initial registration for school shall note previous school
3 expulsions, arrests resulting in a charge, juvenile justice actions, and any
4 corresponding referrals to mental health services by a school district that the
5 student previously attended, the student has had.

6 Verification of Residence

7 Verification of a parent's residence via a Statement of Bonafide Residence - FM-7444
8 shall be required at the time the child registers in a District school. Verification of
9 residence may also be required at any other time at the discretion of the
10 Superintendent. The student shall reside with the parent placing the student in the
11 attendance area of the school.

12 In addition, submission of two (2) of the following items are required:

- 13 A. broker's or attorney's statement of parents' purchase of residence, or
14 properly executed lease agreement;
- 15 B. current Homestead Exemption card;
- 16 C. electric deposit payment receipt or electric bill, bottom portion,
17 showing name and service address.

18 If verification is not provided or acceptable, the Superintendent may verify the
19 student's residence.

20 If an electric deposit payment receipt is used as verification, the electric bill, bottom
21 portion, must also be submitted to the school within forty (40) calendar days after
22 registration. If the parent is unable to furnish the school with the requested electric
23 deposit payment receipt, the student will be allowed to enroll in the new school, but
24 must submit the electric bill, bottom portion, to the school within forty (40) calendar
25 days.

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- 1 When a change of family residence occurs after ninety (90) school days in which a
2 student is enrolled in a school which would place the student in a different
3 attendance area, the student, upon the request of the parent, may complete the year
4 in the present school. No transportation will be provided.
- 5 When a change of family residence occurs after ninety (90) days in which a student
6 is enrolled in grades 11 through 12, or is enrolled in the last grade offered at a
7 school, which would place the student in a different attendance area, the student,
8 upon the request of the parent, may remain in the present school through
9 graduation (for grades 11 through 12), or the last grade offered at the school. No
10 transportation will be provided.
- 11 The Board authorizes the Superintendent to create, generate, communicate, store,
12 process, use, and rely upon electronic signatures from a parent. District staff and
13 parents shall comply with all the provisions of F.S. 668.50 regarding electronic
14 records and electronic signatures.

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1 Anyone who knowingly makes a false statement in writing with the intent to mislead
2 a public servant in the performance of his/her official duty is guilty of a
3 second-degree misdemeanor of the second degree under F.S. 837.06. In addition,
4 anyone who knowingly makes a false verified declaration is guilty of perjury, a
5 third-degree felony under F.S. 95.525.

6 F.S. 92.525
7 F.S. 837.06
8 F.S. 1003.01
9 F.S. 1003.21
10 F.S. 1003.22
11 F.S. 1006.07(1)(b)
12 F.S. 1012.584
13 F.A.C. 6A-1.0985

14 Revised 4/15/15
15 Revised 3/9/16
16 Revised 4/25/18
17 Revised 4/17/19

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STUDENT RECORDS

2 In order to provide appropriate educational services and programming, the School
3 Board has the authority to create student educational records and is responsible for
4 maintaining, reviewing for accuracy, and restricting access to the records.
5 Continued efforts will be made to protect the accuracy and privacy of the
6 information contained in student educational records.

7 **Maintenance of Student Records**

8 Only records mandated by the State or Federal government and necessary and
9 relevant to the function of the District or specifically permitted by this Board shall
10 be compiled by District employees. The Superintendent is authorized to develop and
11 issue directives pertaining to student records.

12 Each school shall maintain a permanent cumulative record for each student
13 enrolled in the school which shall contain the data as prescribed by Administrative
14 Rule F.A.C. 6A-1.0955 and this policy. Each student's cumulative record shall
15 include the following types of data:

16 A. Category A Records, Permanent Information

- 17 1. Student's full legal name.
- 18 2. Authenticated birthdate, place of birth, race, and sex.
- 19 3. Last known address of the student.
- 20 4. Name(s) of the student's parent(s) or guardian(s).
- 21 5. Name and location of last school attended.
- 22 6. Number of days present and absent, date enrolled, date
23 withdrawn.

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- 1 7. Courses taken and record of achievement, such as grades,
2 credits, or certification of competence.
- 3 8. Date of graduation or date of program completion, including a
4 statement of diploma, that is, standard, special, certificate of
5 completion, or General Equivalency Diploma.
- 6 9. State and/or District standardized assessment/achievement
7 test results, if required for graduation.
- 8 10. Written records of access to the student's records.
- 9 11. Home language survey.
- 10 B. Category B Records, Temporary Information
- 11 1. Health information, family background data, standardized
12 test scores, educational and vocational plans, honors, and
13 activities, work experience reports, teacher/counselor
14 comments.
- 15 2. Reports of student services or exceptional student staffing
16 committees including all information required by
17 F.S. 1001.42.
- 18 3. Correspondence from community agencies or private
19 professionals.
- 20 4. Driver education certificate.
- 21 5. A list of schools attended.
- 22 6. Written agreements of corrections, deletions, or expunctions
23 as a result of meetings or hearings to amend educational
24 records.

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- 1 7. Written requests to waive access to confidential records.
- 2 8. Written requests to restrict the release of directory
- 3 information.
- 4 9. Court orders of relevance.
- 5 10. Records of major student discipline actions, suspension,
- 6 and/or expulsion records.
- 7 11. Student Limited English Proficiency (LEP) Plans.
- 8 12. Grade Change Forms
- 9 13. Such other records of educational importance as the school
- 10 shall deem necessary.

- 11 Category A and B records shall be maintained in compliance with the approved
- 12 District records retention schedule which is made available to all schools and
- 13 appropriate worksites by the District's Department of Records and Forms
- 14 Management.

- 15 Individual exceptional student records shall be kept separate from regular
- 16 cumulative records. These records shall be sent to each succeeding school the
- 17 student attends in the District and shall be maintained in accordance with the
- 18 approved District records retention plan.

- 19 **Fingerprints**
- 20 No report or record relative to a student which includes a copy of the student's
- 21 fingerprints will be maintained by the District.

- 22 The Superintendent will be responsible for the privacy and security of records that
- 23 are not under the supervision of the school principal.

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1 **Transfer of Student Records**

2 When a student transfers to any school within the District, previously enrolled in the
3 District or transfers out of the District to another school, public or private, within
4 this State or out of State, the pPrincipal, upon written request of the principal of the
5 receiving school, the parent, guardian, or eligible student, shall immediately within
6 three (3) school days transfer a copy of the student's cumulative record containing
7 Category A and B information to the requesting school. Pursuant to Federal law,
8 disciplinary records with respect to suspension and expulsion shall be considered
9 "other records of educational importance" and, as a Category B record, shall be
10 transferred to the requesting school. The administration is authorized to forward all
11 Category A and B student records, including disciplinary records with respect to any
12 current suspension and expulsion, upon request to a school or school district in
13 which a student of this District is enrolled, seeks or intends to enroll, or is
14 instructed to enroll, on a full-time or part-time basis, upon condition that the
15 student's parents be notified of the transfer, receive a copy of the record if desired,
16 and have an opportunity for a hearing to challenge the content of the record. The
17 school shall retain a copy of the Category A and B information in its files. Category
18 B health and testing information shall be retained if it is related to a weighted or
19 categorical program placement which is subject to audit. The files which are
20 retained will be held by the principal who is custodian of the records for the period
21 of time specified in the Student Educational Records Manual. Category A and
22 Category B student records retained beyond the specified time after the student
23 leaves the District will be forwarded to Records Management. When a request comes
24 to the school for student records after the files have been sent to Records
25 Management, the written request should be forwarded to Records Management.
26 Based upon reasonable requests, parents or eligible students will receive
27 explanation and interpretation of the records. Records Management will make
28 copies of the student's files at the current established rate cost.

If applicable, the records to be transferred shall also include:

- * verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and
- * psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by District or charter school staff, as appropriate.

29 While all reasonable efforts shall be made to collect for damaged or lost library books
30 or textbooks, under no conditions shall the transfer of a student's cumulative record

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1 be delayed or denied for failure to pay any fine or fee assessed by the school.
2 Progress reports to parents (report cards) may also not be withheld for failure to pay
3 any fine, fee, or an assessment for lost or damaged books.

4 **Periodic Review of Records**

5 A periodic review of student records by the custodian or designee shall be made in
6 accordance with F.S. 1001.52. The custodian of the student records shall be
7 responsible for maintaining the accuracy of information.

8 The custodian of the records is responsible for amending materials in the student's
9 records he/she believes is inaccurate, misleading, or otherwise in violation in the
10 privacy of other rights of the student.

11 Student records scheduled for disposition/destruction in accordance with the
12 procedures specified in the current Student Educational Records Manual will be
13 forwarded to Records Management.

14	Type Record	Location	Custodian	Address
15	Active and inactive	Last school	Principal of last	As shown in
16	student records as	attended	school attended	local
17	specified in the			directory
18	current Student			
19	Educational Records			
20	Manual for the District			
21	Inactive student	Central	Superintendent	Records
22	cumulative records	District office	or designee	Management
23	(Category A) as specified			
24	in the current Student			
25	Educational Records			
26	Manual for the District			
27	Individual exceptional	Last school	Principal of last	As shown in
28	student education records	attended	school attended	local
29	as specified in the current			directory
30	Student Educational			
31	Records Manual for the			
32	District			

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1 Access to Student Records

2 The rights of parents and eligible students with respect to education records created,
3 maintained, or used by the District must be protected according to FERPA and its
4 implementing regulations. Parents and eligible students have the right to access
5 education records, including the right to inspect and review those records, and have
6 the right to waive their access to their education records in certain circumstances.

7 The term "parents" includes legal guardians or other persons standing in loco
8 parentis (such as a grandparent or stepparent with whom the child lives, or a person
9 who is legally responsible for the welfare of the child). The term "eligible student"
10 refers to students who are eighteen (18) years of age or older, or who are enrolled in
11 a postsecondary institution, regardless of age.

12 The custodian of the student record shall permit the eligible student or the parents
13 or guardians of the student who is or has been in attendance in the District to
14 inspect and review the education records of the eligible student or student.
15 Provisions for such inspection and review shall be made within a reasonable period
16 of time of the request, but in no case shall be more than thirty (30) days after the
17 request has been made.

18 The District presumes that the eligible student or either parent of the student has
19 the right to inspect, review, and receive copies of the education records of the
20 student or eligible student unless the Board, its staff, or the individual school has
21 been provided a legally binding instrument or court order that expressly revokes
22 those rights.

23 When records are opened to parents, guardians, or eligible students, schools shall
24 make available a member of the professional staff to interpret the record and shall
25 provide copies, at the current District copy rate, upon request. Testing materials
26 will not be copied. The copy rate will include actual reproduction costs and will not
27 include the labor costs for retrieval.

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1 Parents, guardians, and eligible students may waive their right of access to
2 confidential letters or statements of recommendations or evaluation. Such waiver
3 shall be made in writing to the custodian of the records and shall be signed by the
4 parent, guardian, or eligible student. Such waiver shall apply to recommendations
5 or evaluation only if:

6 A. the parent, guardian, or eligible student is, upon request, notified of
7 the names of all persons submitting confidential letters or
8 statements; and

9 B. such recommendations or evaluations are used solely for the
10 purpose for which they were specifically intended.

11 The waiver of right of access may be revoked in writing with respect to actions
12 occurring after the revocation.

13 Whenever a student has attained eighteen (18) years of age, the permission and
14 consent required of and rights accorded to the parents of the student as to student
15 records maintained by the District, shall thereafter be required of and accorded to
16 the eligible student only, unless the eligible student is a dependent of his/her
17 parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of
18 1954. The District may, in this instance, disclose personally identifiable information
19 from the education records to the parents without the prior consent of the eligible
20 student.

21 Whenever a student has enrolled in a postsecondary institution, regardless of age,
22 the permission and consent required of and rights accorded to the parents of the
23 student as to student records maintained by the postsecondary institution shall
24 thereafter be required of and accorded to the eligible student only. However, if the
25 student is not eighteen (18) years of age, then the permission and consent required
26 of and rights as to the student records maintained by the District shall be retained
27 by the parents.

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1 **Disclosure of Student Record Information**

2 A. Prior Written Consent

3 1. Prior written consent of the parent, guardian, or eligible
4 student shall be obtained prior to disclosing personally
5 identifiable student information. The written consent shall
6 include: signature of the parent, guardian, or eligible student;
7 date; specification of records or information to be disclosed;
8 purpose of the disclosure; and the party or class of parties to
9 whom a disclosure is to be made.

10 2. Personally identifiable student information which is disclosed
11 to an institution, agency, or organization may be used by its
12 officers, employees, and agents, but only for the purpose for
13 which the disclosure was made. Whenever parental consent
14 is required for the inspection and/or release of a student's
15 health or educational records, either parent may provide such
16 consent unless agreed to otherwise in writing by both parents
17 or specifically stated by court order.

18 3. If the student is under the guardianship of an institution, the
19 Superintendent shall appoint a person who has no conflicting
20 interest to provide such written consent.

21 B. Without Prior Written Consent

22 Personally identifiable records or reports of a student may be
23 released to the following persons or organizations without the prior
24 written consent of the student or the student's parent or guardian:

25 1. Officials of schools, school systems, career centers, or public
26 postsecondary educational institutions in which the student
27 seeks or intends to enroll; and a copy of such records or
28 reports shall be furnished to the parent or student upon
29 request.

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2. Other school officials, and teachers within the educational institution or agency, who have legitimate educational interests in the information contained in the records. The Superintendent may designate "other school officials" not directly employed by the School Board through inter-agency agreements that are created in support of legitimate educational interests and contain the pertinent requirements of this rule. Such agreements shall specify that the designated agency may not disclose the information to any other party without the prior consent of the parent or eligible student and may use the information only for the purposes for which the disclosure was made. However, the designated agency may make further disclosures of the information on behalf of the School Board if the disclosure meets the other requirements of this rule. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.
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3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.
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4. Other school officials, in connection with a student's application for or receipt of financial aid.

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5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.
6. Accrediting organizations, in order to carry out their accrediting functions.
7. School Readiness Coalitions and the Florida Partnership for School Readiness in order to carry out their assigned duties.
8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.
9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals. Within a reasonable time after the disclosure, the District must record the following information in the student's education records when it discloses personally identifiable information from education records under the health or safety emergency exception:
 - a. The articulable and significant threat to the health or safety of a student or other individuals that formed the basis for the disclosure; and
 - b. The parties to whom the agency or institution disclosed the information.

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- 1 10. The Auditor General and the Office of Program Policy Analysis
2 and Government Accountability in connection with their
3 official functions; however, except when the collection of
4 personally identifiable information is specifically authorized
5 by law, any data collected by the Auditor General and the
6 Office of Program Policy Analysis and Government
7 Accountability is confidential and exempt from F.S. 119.07 (1)
8 and shall be protected in a way that does not permit the
9 personal identification of students and their parents by other
10 than the Auditor General, the Office of Program Policy
11 Analysis and Government Accountability, and their staff, and
12 the personally identifiable data shall be destroyed when no
13 longer needed for the Auditor General's and the Office of
14 Program Policy Analysis and Government Accountability's
15 official use.
- 16 11. A court of competent jurisdiction in compliance with an order
17 of that court or the attorney of record in accordance with a
18 lawfully issued subpoena, upon the condition that the parent
19 or eligible student is notified by the custodian of the record
20 of the order or subpoena in advance of compliance.
- 21 A person or entity in accordance with a court of competent
22 jurisdiction in compliance with an order of that court or the
23 attorney of record pursuant to a lawfully issued subpoena,
24 upon the condition that the student, or his/her parent if the
25 student is either a minor and not attending a postsecondary
26 educational institution or a dependent of such parent as
27 defined in 26 U.S.C. 152 (section 152 of the Internal Revenue
28 Code of 1954), is notified of the order or subpoena in advance
29 of compliance therewith by the educational institution or
30 agency.

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1 If the custodian of the record is unable to notify the parent or
2 eligible student prior to time of compliance, s/he shall bring
3 to the court's attention the provision of the Family
4 Educational Rights and Privacy Act of 1974 and comply with
5 the court's instructions.

6 If it is a subpoena issued for a law enforcement purpose in
7 which the court or other issuing agency orders the
8 educational agency or institution not to disclose the existence
9 or contents of the subpoena or any information furnished in
10 response to the subpoena, the school shall comply with the
11 subpoena without giving notice to the parent.

12 12. Credit bureaus, in connection with an agreement for financial
13 aid that the student has executed, if the information is
14 disclosed only to the extent necessary to enforce the terms or
15 conditions of the financial aid agreement. Credit bureaus
16 shall not release any information obtained under this
17 paragraph to any person.

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13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided pursuant to interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.
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14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Family Services or a community-based care lead agency acting on behalf of the Department of Children and Family Services, as appropriate.
- 26
27
15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.
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16. If the District initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against the District. In such circumstances, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with legal action as the plaintiff or to defend itself.

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1 17. If the release is to the Attorney General of the United States
2 or to his/her designee in response to an ex parte order in
3 connection with the investigation or prosecution of terrorism
4 crimes specific in Sections 2331 and 2332 of
5 Title 18, U.S. Code.

6 Under this exception, school officials are not required to
7 record (i.e., on an access log) the disclosure of information
8 from a student's education record when the school makes
9 pursuant to an ex parte.

10 Further, an educational institution that, in good faith,
11 produces information from education records in compliance
12 with an ex parte order shall not be liable to any person for
13 that disclosure.

14 **Directory Information**

15 The District shall not make available certain information known as "directory
16 information" without prior permission of the parents or the eligible student. The
17 Board designates as student "directory information": a student's name; address;
18 telephone number, if it is a listed number; date and place of birth; participation in
19 officially-recognized activities and sports; height and weight, if a member of an
20 athletic team; dates of attendance; date of graduation or program completion; and
21 awards received.

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1 In accordance with State law, the District shall release the names and addresses of
2 students in grades ten through twelve (10-12) to a recruiting officer for any branch
3 of the United States Armed Forces or an institution of higher education who
4 requests such information. Such data shall not be released if the eligible student or
5 student's parents submit a written request not to release such information. The
6 recruiting officer is to sign a form indicating that "any information received by the
7 recruiting officer shall be used solely for the purpose of informing students about
8 military service and shall not be released to any person other than individuals
9 within the recruiting services of the Armed Forces". The Superintendent is
10 authorized to charge mailing fees for providing this information to a recruiting
11 officer. A secondary school student or parent of the student may request that the
12 student's name, address, and telephone listing not be released without parental
13 consent.

14 **Record of Disclosures**

15 Record of any requests or disclosures of personally identifiable student information
16 shall be maintained except for disclosures to the parent, guardian, or eligible
17 student; or any other school officials with a legitimate educational interest. The
18 record of requests for disclosure shall include the following: the parties who have
19 requested or obtained personally identifiable student information, the legitimate
20 interests of the persons requesting or obtaining the information, and
21 date parental/eligible student consent was obtained.

22 With regard to such disclosures, a "school official" is determined to be any employee
23 of the School Board of Miami-Dade County, Florida, with direct responsibility for
24 providing services to students and other school officials designated by the
25 Superintendent through an inter-agency agreement. A "legitimate educational
26 interest" is determined to mean responsibility for providing direct educational
27 services to students which will include teaching, counseling, psychological services,
28 or other services to students which require access to personally identifiable
29 information and/or those specified in the law.

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1 Public Notification

2 Under FERPA, parents and eligible students must receive notice of their rights with
3 respect to educational records. An annual written notice shall be given to inform
4 parents, guardians, and eligible students of their rights of access, waiver of access,
5 challenge and hearing, privacy, categories of personally identifiable student
6 information designated as directory information data, and the location and
7 availability of the District's policy on education records of students. Alternate
8 methods of notice shall be made for parents, guardians, or eligible students unable
9 to comprehend a written notice in English. The Superintendent shall prepare
10 administrative procedures to ensure that students and parents are adequately
11 informed each year regarding their rights to:

- 12 A. inspect and review the student's educational records;
- 13 B. request amendments if the parent believes the record is inaccurate,
14 misleading, or otherwise in violation of the student's privacy rights;
- 15 C. consent to disclosures of personally-identifiable information
16 contained in the student's educational records, except to those
17 disclosures allowed by the law;
- 18 D. challenge District noncompliance with a parent's request to amend
19 the records through a hearing;
- 20 E. obtain a copy of the District's policy and administrative procedures
21 on student records.

22 The Superintendent shall also develop, and update as needed, procedures for:

- 23 A. the proper storage and retention of records including a list of the
24 type and location of record;
- 25 B. informing District employees of the Federal and State laws
26 concerning student records.

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1 The District is authorized to use the microfilm process or electromagnetic processes
2 of reproduction for the recording, filing, maintaining, and preserving of records.

3 No liability shall attach to any member, officer, or employee of this District
4 specifically as a consequence of permitting access or furnishing student records in
5 accordance with this policy and procedures.

6 **Hearing Procedure to Correct Student Records**

7 Whenever a parent, guardian, or eligible student believes the content of the student
8 record is inaccurate, misleading, or in violation of their privacy, they may request an
9 informal meeting with the record custodian for the purpose of requesting the
10 correction, deletion, or expunction of any inaccurate, misleading, or otherwise
11 inappropriate data or material contained in the student record.

12 If the record custodian agrees at the informal meeting to grant the parent's request,
13 the data or materials in question should be amended and the parent given written
14 notification of the amendment. The appropriate school officials shall take the
15 necessary actions to implement the amendment. If the parent's request is denied,
16 the decision must be made in writing and provided to the parent, guardian, or
17 eligible student, with a notification of the right to an informal hearing with the
18 Regional Center. The decision of the Regional Center shall be made in writing to the
19 parent, guardian, or eligible student with a copy to the Superintendent. The written
20 decision of the Regional Center may be appealed to the Administrative Director,
21 Division of Student Services.

22 A hearing shall be requested, in writing, to the Superintendent within ten (10) days
23 of the written notice of denial at the informal hearing conducted by the Regional
24 Center. The Administrative Director shall convene and conduct the hearing and
25 shall render a decision in writing to all concerned parties within a reasonable time
26 after the conclusion of the hearing. The hearing shall be held no more than
27 thirty (30) days from the date of the written request.

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1 The parents, guardian, eligible student, student, and officials of the school shall be
2 afforded a full and fair opportunity to present evidence relevant to the issues raised
3 and may be assisted or represented by one or more individuals of his or her own
4 choice, including an attorney. The hearing decision must be made in writing to the
5 parent, guardian, or eligible student, must be based solely on the evidence
6 presented at the hearing, and must include a summary of the evidence and the
7 reasons for the decision.

8 If the decision of the hearing officer is that the records are not inaccurate,
9 misleading, or otherwise in violation of privacy rights, the parent, guardian, or
10 eligible student shall be allowed to comment in writing on the information in the
11 education record and state any reasons for disagreeing with the decision. This
12 written response shall be filed in the education records of the student.

13 F.S. 1001.41
14 F.S. 1001.52
15 F.S. 1002.22
16 F.S. 1003.25
17 F.A.C. 6A-1.0955
18 F.A.C. 6A-1.9555
19 20 U.S.C. Section 1232f (FERPA)
20 20 U.S.C. Section 1232g (FERPA)
21 20 U.S.C. Section 1232h (FERPA)
22 20 U.S.C. Section 1232i (FERPA)
23 20 U.S.C. 7908
24 26 U.S.C. 152
25 20 U.S.C. 1400 et seq., Individuals with Disabilities Act
26 Privacy Rights of Parents and Students - P.L. 90-247

27 Revised 3/15/17

28 © NEOLA 2009

1 SCHOOL SAFETY

2 The School Board is committed to maintaining a safe and drug-free environment in
3 all of the District's schools. School crime and violence are multifaceted problems
4 that need to be addressed in a manner that utilizes all available resources in the
5 community through a coordinated effort of School District personnel, law
6 enforcement agencies, and families. School administrators and local law
7 enforcement officials must work together to provide for the safety and welfare of
8 students while they are at school or a school-related event or are on their way to and
9 from school.

10
11 Safe-School Officers

12
13 The School Board shall establish or assign a safe-school officer at each school in the
14 District in accordance with Section 1006.12, F.S. In order to fulfill this requirement,
15 the Superintendent (1) may recommend, and the School Board may appoint, school
16 safety officers and/or (2) may enter into cooperative agreements with county and
17 municipal law enforcement agencies for the provision of school resource officers as
18 necessary, or (3) contract with a security agency as defined in Section 493.6101(18)
19 to employ school security guards provided certain training and contractual
20 conditions are met as required by Section 1006.12, F.S.

21
22 The School Board by a majority vote may implement a guardian program in
23 accordance with law. Regardless of whether the School Board implements a
24 guardian program, however, a charter school governing board in the District may
25 implement a guardian program in accordance with law.

26
27 Emergency Operations Plan

28
29 In accordance with Policy 8410, The Superintendent, in conjunction with the
30 School Safety Specialist, shall develop ~~and~~ the District's Emergency Operations Plan
31 (EOP). ~~Critical Incident Plan with input from representatives of the local law~~
32 ~~enforcement agencies; the local Fire Marshall(s) or his/her designee(s);~~
33 ~~representative(s) from emergency medical services; and/or representatives of the~~
34 ~~Miami Dade County Health Department~~ The EOP shall be annually reviewed and
35 updated as necessary and provided to the Board and other relevant parties in
36 accordance with this and other Board policies (See Policies 8410, 8420.01).

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37 ~~Thereafter, the Superintendent shall convene a meeting periodically for the purpose~~
38 ~~of reviewing the Critical Incident Plan, and making modifications as deemed~~
39 ~~necessary and proper; identifying additional training that might be needed; and~~
40 ~~discussing any other such related matters as may be deemed to be necessary by the~~
41 ~~participants. Participants in this meeting shall include the Superintendent or~~

1 ~~his/her designee, representatives of the local law enforcement agencies stated above,~~
2 ~~and any other appropriate District level personnel.~~

3 ~~The Superintendent shall report to the Board about this review and recommend the~~
4 ~~approval and adoption of any proposed revisions or additions to the Critical Incident~~
5 ~~Plan.~~

6
7 **School Safety Specialist**

8
9 The Superintendent shall designate a District School Safety Specialist in accordance
10 with state law and rules. The School Safety Specialist is responsible for the
11 supervision and oversight of all school safety and security personnel, policies, and
12 procedures in the District. The School Safety Specialist's responsibilities include,
13 but are not limited to, the following:

14 A. reviewing District policies and procedures for compliance with
15 Florida law and applicable rules, including the District's timely and
16 accurate submission of school environmental safety incident report
17 to the Florida Department of Education(FDOE)(SESIR)in accordance
18 with Section 1001.212, F.S.;

19 B. providing necessary training and resources to students and staff in
20 matters relating to youth mental health awareness and assistance;
21 emergency procedures, including active shooter training; and school
22 safety and security;

23 C. serving as the District liaison with local public safety agencies and
24 national, State, and community agencies and organizations in
25 matters of school safety and security;

26 D. in collaboration with the appropriate public safety agencies, as
27 defined in Section 365.171, F.S., conducting a school security risk
28 assessment in accordance with law by October 1 of each year at
29 each District school using the Florida Safe School Assessment Tool
30 (FSSAT) developed by the Office of Safe Schools; the District will
31 report to FDOE by October 15 of each year that all public schools
32 within the district have completed the assessment using the FSSAT;

33 E. coordinating with appropriate public safety agencies, as defined in
34 Section 365.171, F.S., that are designated as first responders to a
35 school's campus to conduct a tour of such campus once every three
36 (3) years and to provide recommendations related to school safety;

37 Any changes related to school safety, emergency issues, and
38 recommendations provided by the public safety agencies will be
39 considered as part of the recommendations by the School Safety
40 Specialist to the Board.

1 F. providing, or arranging for the provision of, youth mental health
2 awareness and assistance training to all school personnel as set
3 forth in Section 1012.584, F.S.;

4 The training program shall include, but is not limited to the
5 following:

6 1. an overview of mental illnesses and substance abuse
7 disorders and the need to reduce the stigma of mental illness;

8 2. information on the potential risk factors and warning signs of
9 emotional disturbance, mental illness, or substance use
10 disorders, including, but not limited to, depression, anxiety,
11 psychosis, eating disorders, and self-injury, as well as
12 common treatments for those conditions and how to assess
13 those risks; and

14 1.3. information on how to engage at-risk students with skills,
15 resources, and knowledge required to assess the situation,
16 and how to identify and encourage the student to use
17 appropriate professional help and other support strategies,
18 including, but not limited to, peer, social, or self-help care.

19 G. earning, or designating one(1) or more individuals to earn,
20 certification as a youth mental health awareness and assistance
21 trainer in accordance with Section 1012.584, F.S.

22 **Recommendations of the School Safety Specialist**

23 Based on the findings of the school security risk assessment, the School Safety
24 Specialist shall provide recommendations to the Superintendent and Board which
25 identify strategies and activities that the Board should implement in order to
26 address the findings and improve school safety and security. The Board must
27 receive the school security assessment findings and the recommendations of the
28 School Safety Specialist at a publicly noticed Board meeting to provide the public an
29 opportunity to hear the Board members discuss and take action on the findings and
30 recommendations. The EOP and Threat Assessment and Mental Health Services
31 Guide, however, are confidential and not subject to review or release as public
32 records to the extent provided by law.

33 The School Safety Specialist shall report the school security risk assessment
34 findings and the Board's action(s) to the Florida Office of Safe Schools no later than
35 thirty (30) days after the Board meeting.

36
37 **Active Assailant Response Plan**

38 The School Board and each charter school governing board shall adopt an active
39 assailant response plan (AARP) that includes security assessments, roles and

1 responsibilities of all personnel, information sharing, training, identification of safe
2 spaces and command posts, response to the threat of an active assailant, response
3 to the threat of an active assailant on school grounds, communication with law
4 enforcement, communication with parents and the public, and post-incident
5 recovery. The District may include its District AARP in its EOP in accordance with
6 Policy 8410.

7 By October 1, 2019, and annually thereafter, the Superintendent shall certify for
8 each District operated school that all school personnel have received annual training
9 on the procedures in the AARP and each charter school principal shall certify that
10 all personnel in the charter school have received annual training on the procedures
11 in its active assailant response plan.

12 **Safety and Security Best Practices**

13 The Superintendent shall develop administrative procedures for the prevention of
14 violence on school grounds, including the assessment and intervention with
15 individuals whose behavior poses a threat to the safety of the school community.

16 **Drug-Free Schools**

17
18 As part of the EOP, the Superintendent shall verify that procedures are in place for
19 keeping schools safe and drug-free that include:

- 20 A. appropriate and effective school discipline policies that prohibit
21 disorderly conduct, the illegal possession of weapons and the illegal
22 use, possession, distribution, and sale of tobacco, alcohol, and other
23 drugs by students;
- 24 B. security procedures at school and while students are on the way to
25 and from school;
- 26 C. prevention activities that are designed to maintain safe, disciplined
27 and drug-free environments;
- 28 D. a code of conduct or policy for all students that clearly states the
29 responsibilities of students, teachers, and administrators in
30 maintaining a classroom environment;
- 31
32 E. safety and security best practices.

33 **Persistently Dangerous Schools**

34 Federal and State law require that the District report annually incidents which meet
35 the statutory definition of violent criminal offenses that occur in a school, on school
36 grounds, on a school conveyance, or at a school-sponsored activity, as well as those
37 incidents that would be a Gun-Free Schools Act violation. School administrators

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1 shall respond appropriately to any and all violations of the Student Code of Conduct,
2 especially those of a serious, violent nature.

3 **Victims of Violent Crime**

4 The parents and/or student victim of a violent crime in a school, on school grounds,
5 in a school conveyance or at a school-sponsored activity shall be offered the
6 opportunity to transfer to another school within the District that serves the same
7 grades. If there is another school serving the same grades, the transfer shall be
8 completed in a timely manner.

9
10 **Threat Assessment Teams**

11
12 A threat assessment team shall be established at each school in accordance with
13 Section 1006.07, F.S., and other relevant law and State Board of Education rules.
14 The responsibilities and duties of the threat assessment team include the
15 coordination of resources, assessment and intervention with individuals whose
16 behavior may pose a threat to the safety of school staff, other students, or
17 themselves, consistent with the model policies, procedures, and behavioral threat
18 assessment instrument as developed by the Office of Safe Schools and as required
19 under applicable law.

20
21 The Superintendent shall develop and implement, in coordination with the District
22 School Safety Specialist, a *Threat Assessment and Mental Health Services Guide*
23 (Guide) that shall include the provisions of Section 1006.07(7), F.S., as well as
24 model policies developed by the Florida Department of Education Office of Safe
25 Schools and other best practices which will govern the activities of the threat
26 assessment teams in addition to this policy. The *Guide* must also include procedures
27 for referrals to mental health services identified by the District in accordance with
28 Section 1012.584(4), F.S., when appropriate; circumstances under which sharing of
29 information among agencies and providers is permissible under confidentiality laws,
30 consultation with law enforcement, and conditions under which access to a
31 student's criminal history may be obtained.

32
33 If an immediate mental health or substance abuse crisis is suspected, school
34 personnel shall follow policies established by the threat assessment team to engage
35 behavioral health crisis resources, including but not limited to, crisis teams and
36 school safety or resource officers trained in crisis intervention and assessment,
37 which shall provide emergency intervention and assessment, make
38 recommendations, and refer the student for appropriate services. Onsite school
39 personnel shall report all such situations and actions taken to the threat
40 assessment team, which shall contact the other agencies involved with the student
41 and any known service providers to share information and coordinate any necessary
42 follow-up actions. Upon the student's transfer to a different school, the threat
43 assessment team shall verify that any intervention services provided to the student
44 remain in place until the threat assessment team of the receiving school
45 independently determines the need for intervention services.

1 Each threat assessment team shall report quantitative data on its activities to the
2 Office of Safe Schools and shall use the threat assessment database developed in
3 accordance with Section 1001.212, F.S.

4
5 **Referral to Mental Health Services**

6
7 All school personnel will receive training pursuant to Section 1012.584, F.S., and
8 shall be notified of the mental health services that are available in the District, and
9 the individual to contact if a student needs services. The term "mental health
10 services" includes, but is not limited to, community mental health services, health
11 care providers, and services provided under Sections 1006.04 and 1011.62(17), F.S.

12
13 **School Environmental Safety Incident Reporting**

14
15 The Superintendent shall develop and implement procedures for timely and accurate
16 reporting of incidents related to school safety and discipline and shall provide
17 training to appropriate personnel in accordance with law and State Board of
18 Education rules.

19
20 **Student Crime Reporting Program**

21
22 A student crime watch program shall be implemented in accordance with Section
23 1006.07, F.S., to promote responsibility among students and improve school safety.
24 The student crime watch program shall allow students and the community to
25 anonymously relay information concerning unsafe and potentially harmful,
26 dangerous, violent, or criminal activities, or the threat of these activities, to
27 appropriate public safety agencies and school officials.

28
29 **Promotion of School Safety Awareness**

30
31 The Board shall promote the use of the FDOE's mobile suspicious reporting tool
32 (FortifyFL) on the District's website, in newsletters, on school campuses, and in
33 school publications. FortifyFL shall also be installed on all mobile devices issued to
34 students and bookmarked on all computer devices issued to students.

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36
37
38 **Confidentiality**

39
40 The *Emergency Operations Plan and Threat Assessment and Mental Health Services*
41 Guide shall be confidential and exempt to the extent provided by law.

42
43 F.S. 30.15, 119.071(3), 365.171, 493.6101(18), 1001.212, 1006.04, 1006.07,
1006.12, 1006.13, 1006.1493, 1011.62(17), 1012.584

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