

Marva Johnson, *Chair*
Andy Tuck, *Vice Chair*
Members
Ben Gibson
Tom Grady
Michael Olenick
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May 31, 2019

Dear Superintendents:

February 14, 2019, marked the one-year anniversary of the tragedy at Marjory Stoneman Douglas High School in Parkland, Florida that took the lives of 17 Florida students and educators. Over the last year, there have been extensive investigations into the series of events that allowed the shooter to access the campus and carry out this heinous act.

As Speaker of the Florida House at the time of the tragedy, I was proud to play a role in the Marjory Stoneman Douglas High School Public Safety Act (Chapter 2018-3, Laws of Florida), which outlines critical evidence-based policies and procedures schools and districts should adhere to in order to keep our students safe. Now, as Florida's Education Commissioner, I am committed to helping you carry out this law with fidelity.

Although school districts have some flexibility in how they meet these requirements, we continue to receive questions about compliance and implementation from school districts. This memo is designed to address the most frequently asked questions and reinforce the Legislature's intent regarding these provisions.

Pursuant to Governor Ron DeSantis' [Executive Order #19-45](#), the Florida Department of Education (Department) has been directed to "communicate to all school district superintendents how to implement compliance with Section 1006.12, Florida Statutes, regarding safe-school officers." Based on the Department's review of the law and considering the intent of the Legislature to ensure effective school safety, the following guidance is issued to school districts and charter schools to ensure consistent application on Florida school campuses.

Safe-School Officers (section [s.] 1006.12, Florida Statutes [F.S.])

The Legislature clearly stated that "each district school board and school district superintendent shall partner with law enforcement agencies to establish or assign one or more Safe-School Officers at each school facility." In order to implement the law and greatly enhance the safety of every school so that all students are protected, every public elementary, middle and high school in Florida, including all Florida charter schools, must have a Safe-School Officer (SSO) physically present on each campus while school is in session. An SSO is a police officer, deputy sheriff or Guardian.

While "1:1" specifically is not a legislative mandate, because the Legislature anticipated a cost factor, the Legislature gave school districts a pathway through the [Guardian Program \(s. 30.15\(k\), F.S.\)](#) to ensure student safety. If finances are preventing your districts from achieving these goals, I implore you to work with your local sheriff to leverage the expedient and affordable authority given to you to establish a Guardian Program.

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If you or your sheriff are concerned about their capacity to provide training for the Guardian Program, I urge you to work with our State Colleges, 23 of which already have law enforcement training academies. Of course, training for the Guardian program, including ongoing year to year training, is at the direction and discretion of the Sheriff.

The Marjory Stoneman Douglas High School Public Safety Commission's initial report found that having Guardians in schools is the best way to ensure highly trained personnel are in place to respond immediately in the event of a school shooting. The fact that the Commission encouraged the Legislature to expand the Guardian program speaks volumes, and I hope you will keep that in mind when considering this opportunity. You still have every ability to act on this authority now, as pursuant to Executive Order #19-45, we recently re-opened a new window of opportunity to apply for Guardian funds.

Additionally, the 2019 Legislature's SB 7030 includes a provision for school districts or charter school governing boards to contract with a security agency to employ school security guards, provided certain training and contractual conditions are met.

Overall, I cannot fathom using the word "assign" to devise a minimalistic approach to school safety and I strongly recommend you view one SSO as the floor, the minimum, for keeping our students safe, as the law reads "one or more." Moreover, it is simply unconscionable that some are choosing to use this as a moment to debate whether public charter schools are covered under the law. The law did not empower anyone to decide which public schools count – they all count. To not make every effort to protect all children at every public school constitutes blatant disregard for the law.

To better define what it means for a school to be considered in session, at a minimum, use the same guidance for reporting instructional hours provided to students to meet the requirements in [s. 1011.60\(2\)](#), F.S., *Minimum requirements of the Florida Education Finance Program*, and rule [6A-1.045111, Florida Administrative Code](#), *Hourly Equivalent to 180-Day School Year*.

Districts have asked whether this applies to extracurricular activities (e.g., athletic events, open house, school plays). Schools will have to decide whether to have an SSO present beyond when school is in session. There may be extracurricular activities where an SSO is necessary. You should work with your school safety specialists and/or local law enforcement agencies to determine the appropriate level of staffing.

Active Shooter Drills (s. 1006.07(4), F.S.)

The minimum expectation in law is that every school conduct an active shooter drill at least as often as other drills are required. The Florida Fire Prevention Code requires that fire drills be conducted monthly, at a minimum. Therefore, active shooter drills are required at least monthly at every school. Schools should consult and work with the law enforcement agency that is the first responder to the school to plan and carry out monthly drills.

Threat Assessment Teams (s. 1006.07(7), F.S.)

Each school is required to have a behavioral threat assessment team, and the members of the team are specified in the law: a threat assessment team shall include persons with expertise in counseling, instruction, school administration and law enforcement. The threat assessment team should meet regularly and be proactive, not merely reactive, and it should consider behavioral indicators.

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School Environmental Safety Incident Reporting (SESIR)

Certain school incidents must be reported to the Department through the School Environmental Safety Incident Reporting (SESIR) System. The quality of those data has been the subject of some recent concern; underreporting of criminal activity at schools is cited in the [February 25, 2019, Supreme Court of Florida order](#) impaneling a statewide grand jury. The reliability of school safety data has also been questioned at a recent meeting of the Marjory Stoneman Douglas High School Public Safety Commission, as well as in the media. Additionally, the Office for Civil Rights of the U.S. Department of Education (USED) and the American Civil Liberties Union have contacted my office with specific concerns about the accuracy of school safety and discipline data collected and reported to USED.

The 2018-19 school safety and student discipline data, collected through Survey 5, is due July 26, 2019, and the final update/amendment date is October 31, 2019. Superintendents are expected to review and certify their district's data since it is used for various federal and state-level reports.

School districts that receive funds from the USED are obligated to submit reports and information pertaining to civil rights compliance requested by the USED in a timely and accurate manner (refer to 34 C.F.R. §§ 75.700 and 76.770). Also, sections 1001.54(3) and 1006.09(6), Florida Statutes, require that principals provide accurate and timely reports on school safety and discipline. It is imperative that you communicate the importance of this data to your principals. Without quality data, schools will be unable to justify needed safety resources or demonstrate the impact of interventions. Inaccurate or incomplete safety and discipline data may also put some state and federal funds at risk – let alone our school children.

For additional information on SESIR data and reporting, you can visit <http://www.fl DOE.org/safe-schools/sesir-discipline-data/>. Also, school and district-level personnel charged with reporting SESIR and discipline data should complete the on-line training at www.SESIR.org.

Overall Reporting and Compliance (s. 1001.212, F.S.)

The Department's Office of Safe Schools needs the full cooperation of every school district, not just those who wish to respond to our requests for data on compliance with the law. The Office is charged with "compliance oversight in all matters regarding school safety and security" and is regularly asked to report on the steps taken by school districts to ensure the safety of Florida's nearly 2.9 million public school students.

For those districts that choose to treat our requests for information as optional, then going forward our only choice will be to use the full extent of the law to ensure compliance. We all share in the responsibility to do everything we can to ensure the safety of our children, and we cannot choose to be vague or nonresponsive when we do not like the question that is being asked.

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Diversionsary Programs

The law requires that an SSO be assigned “at each public school.” Across Florida, there are a number of diversionary programs that provide a range of important services to K-12 students. These diversionary programs, such as the PACE Center for Girls, typically receive funding from a variety of sources, including: the Department of Juvenile Justice, local school districts, state and federal grants and private donations. Because these diversionary programs are not public schools, they fall outside the scope of s. 1006.12, F.S., and thus, school boards and superintendents are not required to assign an SSO to these programs. While no requirement exists for SSOs or threat assessment teams, consideration of these resources should be weighed as part of the safety planning process.

If you have additional questions regarding the requirements outlined in this letter, please contact the Office of Safe Schools at SafeSchools@fldoe.org and staff can work with you on your individual needs.

I am grateful for the leadership that many of you have shown, and I look forward to supporting every districts’ ongoing efforts to improve the safety and security of all of Florida’s students and educators.

Sincerely,



Richard Corcoran
Commissioner

RC/ak

cc: School District School Safety Specialists
Charter Schools