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MEMORANDUM

TO: School District Superintendents

FROM: Jacob Oliva, Chancellor, Division of Public Schools
Tim Hay, Executive Director, Office of Safe Schools

DATE: August 6, 2021

SUBJECT: Modifications to Provisions Related to School Safety as a Result of Senate Bill 590

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The 2021 Legislature passed, and Governor DeSantis signed into law, [Senate Bill 590](#). This became effective July 1, 2021. The purpose of this memorandum is to inform school districts of modifications to several provisions related to school safety and mental health.

This bill includes the following changes to existing statutes under the scope of the department's Bureau of Student Support Services:

- Requires public schools, including charter schools, to make a reasonable attempt to notify the parents of a minor student before the student is removed from school, school transportation or a school-sponsored activity for an involuntary mental health examination (Baker Act), unless the child poses an imminent danger to themselves or others.
- Defines “a reasonable attempt to notify” as “the exercise of reasonable diligence and care by the principal or the principal’s designee to make contact with the student’s parent, guardian or other known emergency contact whom the student’s parent or guardian has authorized to receive notification of an involuntary examination.”
- Requires the principal or their designee to, at a minimum, use available methods of communication to notify a parent, guardian or other known emergency contact following the decision to initiate an involuntary examination a student. The methods of communication should include, but are not limited to, telephone calls, text messages, emails and voicemails.

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- Requires a principal or their designee to document the method, number of attempts and the outcome of each attempt made to contact the student's parent, guardian or other known emergency contact, only allowing a delay of notification for no more than 24 hours if it is necessary to avoid jeopardizing the health and safety of the student.
- Requires each district school board to adopt a policy mandating that the school superintendent annually report to the department the number of involuntary examinations initiated at a school, on school transportation or at a school-sponsored activity.
- Adds the following elements to districts and charter schools electing to complete their own Mental Health Assistance Allocation Plans:
 - Requires school districts to adopt procedures, which are to be applied to all students, mandating that specific, trained school personnel (i.e., mental or behavioral health service providers, or school resource or school safety officers who have completed mental health crisis intervention training) attempt to de-escalate a crisis situation before initiating an involuntary examination.
 - Requires schools to make a reasonable attempt to contact, in person or via telehealth, a mental health professional capable of initiating an involuntary examination prior to initiating an involuntary examination. The mental health professional may be available to a school district either by contracts or interagency agreements with a local community behavioral health provider, a managing entity or a local mobile response team. Alternatively, the mental health professional may be a direct or contracted employee of the school district.

The remaining changes from the bill are under the scope of the department's Office of Safe Schools:

- Provide data to support the evaluation of mental health services pursuant to section (s.) [1004.44](#), Florida Statutes (F.S.). Such data must include, for each school, the number of involuntary examinations as defined in s. [394.455](#), F.S., which are initiated at the school, on school transportation or at a school-sponsored activity, and the number of children for whom an examination was initiated.
- Requires any student identification card issued by a public school for students in grades 6-12 to include the telephone numbers for national or statewide crisis and suicide hotlines and text lines.
- Provides that parents of students in public schools, including charter schools, have the right to timely notification of threats, unlawful acts and significant emergencies, as well as access to school safety and discipline incidents as reported in the School Environmental Safety Incident Report (SESIR).

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- Adds requirements to required student codes of conduct to include criteria for:
 - Recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar pre-arrest diversion program as an alternative to expulsion or arrest; and
 - Assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Department of Juvenile Justice Information System Prevention Web.
- Allows district school board policies to provide accommodations for drills conducted by exceptional education centers, and requires district school boards to establish certain emergency response and emergency preparedness policies and procedures.

If you have questions regarding the mental health components of this bill, contact Jesus Aviles, school psychology consultant for the Bureau of Student Support Services, at 850-245-7847 or Jesus.Aviles@fldoe.org. If you have questions concerning the school safety items of this bill, contact Julie Collins, program specialist for the Office Safe Schools, at 850-245-0676 or Julie.Collins@fldoe.org.

JO/TH/ja

cc: School District School Safety Specialists
School District Student Services Directors