

School Board of Orange County, Florida



Camp Legal 2022



Office of Legal Services



**Orange County
Public Schools**

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Orange County Public Schools

Legal Services

The Office of Legal Services is committed to advancing public education through the provision of skilled legal advice aimed at providing sound legal guidance to help inform sound decision-making. It supports efficient management of administrative functions, minimizes financial liability, and ensures compliance with federal, state, and local laws and Board policy.

We endeavor to work collaboratively to advance the District's objectives through the provision of high quality and timely legal advice with professionalism, vigorous advocacy, and creative problem-solving, while acting at all times in accordance with the highest standards of ethics, integrity and respect for the community, the School Board and our employees.

We provide advice and counsel to the Members of the School Board, the Superintendent, Executive Leadership, and other persons responsible for the management of academic and administrative units. The Office of Legal Services does not provide legal advice to families, individual members of the community, or employees on personal matters.

Amy D. Envall, General Counsel

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Orange County Public Schools
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Amy D. Envall
General Counsel

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As the General Counsel, **Amy** is the principal legal advisor to the School Board and leads the Office of Legal Services. She supervises the provision of legal advice and representation of OCPS before various administrative agencies and courts.

Prior to her tenure at OCPS, she served as General Counsel for the School Board of Brevard County, Florida, as General Counsel for the Clerk of Courts, as an Assistant County Attorney, and as a Trial Court Staff Attorney for the Ninth Judicial Circuit. She also served as the Director of Academic Success and as the Assistant Dean for Academic Programs and Faculty Development at Barry University School of Law. She served as a fourth grade teacher prior to going to law school.

In her experience representing local government agencies, **Amy** has focused on public records laws, ethics, lobbying, public procurement, rule development and policy revision, operations, and student services. She is admitted to practice before the Supreme Court of the United States of America, the Middle District of Florida, and is a member of the Florida Bar. In her spare time, she serves on the Board of Directors for the Florida School Board Attorneys Association as well as on some local non-profit organizations, travels, volunteers, and spends time with her family.

Education

B.S. in Elementary Education -- Miami University, Oxford, Ohio
J.D. – Barry University Dwayne O. Andreas School of Law, Orlando, Florida

Bar Admissions

United States Supreme Court
United States Middle District of Florida
State of Florida



John C. Palmerini
Deputy General Counsel

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John serves as the Deputy General Counsel in the Office of Legal Services, where he specializes in labor and employment law, employment litigation, school choice law (including all issues involving charter schools), First Amendment issues, and school athletics.

John has practiced for 20 years, mostly concentrating his practice in labor and employment before coming to Orange County Public Schools. He provides counsel to District Staff in all areas of labor and employment law, including hiring and termination issues, wage payment issues, exemption, and overtime issues, as well as compliance with state and federal disability and, leave laws. He has represented the District in cases involving claims regarding Title VII of the Civil Rights Act of 1964, the American with Disabilities Act, the Age Discrimination in Employment Act, the Family Medical Leave Act, the Florida Civil Rights Act, and the Fair Labor Standards Act.

John conducts training with respect to issues such as union representation, progressive discipline, religious issues in schools, sexual and workplace harassment, handling leave issues, and best practices. John also handles collective bargaining issues, including grievance arbitrations and mediations.

In addition, **John** has also been a guest speaker before the Association of Legal Administrators, the Florida School Boards Association, the Florida Association of District School Superintendents, the Orlando Diversity Council, and the Florida Interscholastic Athletic Administrators Association.

John received a B.S. in Journalism and a B.A. in Political Science from the University of Florida and his J.D. from the University of Florida, Levin College of Law. He is Board Certified in Education Law and Labor and Employment Law.

Education

University of Florida, B.S., Journalism, and B.A., Political Science
University of Florida, J.D., Levin College of Law

Bar Admissions

State of Florida
District of Columbia
United States Northern District of Florida
United States Middle District of Florida
United States Southern District of Florida
United States Court of Appeals for the 11th Circuit

Certifications

Florida Bar Certified in Education Law
Florida Bar Certified in Labor and Employment Law



Vivian Cocotas
Associate General Counsel / Ethics Compliance Officer

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Vivian serves as a Staff Attorney in the Office of Legal Services and as the Ethics Compliance Officer for OCPS. Her areas of specialization include procurement, operations, public records, investigation of ethics and Whistleblower claims, contract development and negotiation relating to curriculum, grants and vendor agreements.

Vivian has extensive experience representing local government agencies and corporate entities in both transactional and litigation matters dealing with ethics, ethics enforcement, lobbying, campaign financing, and procurement. She regularly counsels District Staff in the procedures, laws and regulations applicable to school districts, public entities and public officers.

Vivian conducts training with respect to public records, reporting requirements, conflicts of interest, along with the District's code of ethics.

Vivian received her BA and JD from Stetson University. She is admitted to the Florida Bar, and to the United States District Courts for the Northern, Middle and Southern Districts of Florida.

Education

Stetson University, B.S.
Stetson University, J.D.

Bar Admissions

State of Florida
District of Columbia
United States Northern District of Florida
United States Middle District of Florida
United States Southern District of Florida



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Jad serves as a Staff Attorney in the Facilities Services Department, where he specializes in the areas of real estate development, facility use management, construction, and land use and zoning matters. He manages the Real Estate Department, Facilities Planning Department, and Facility Use Management.

Jad provides counsel and training to District Staff and consultants in the areas of construction contracting, real estate development, acquisition, disposition and leasing, long and short-term facility use agreements, joint use agreements, capacity enhancement and concurrency mitigation agreements, and processing of entitlements for future and existing school sites.

Prior to joining OCPS, **Jad** worked as a Senior Attorney at the Florida Department of Transportation, Assistant County Attorney, Assistant State Attorney, as well as private practice.

Education

University of Florida, B.A., Political Science

Florida State University College of Law, J.D.

Bar Admissions

State of Florida

United States Middle District of Florida



Sarah W. Koren
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Sarah serves as a staff attorney in the Office of Legal Services where she specializes in exceptional student education, Office of Civil Rights student matters and worker's compensation. She also provides legal support in the areas of McKay Scholarship, testing, behavior support, restraint/seclusion, LGBTQ, accommodations and transition. Prior to joining the Office of Legal Services, **Sarah** served as an attorney in the Special Education and Mental Health Law Unit of Community Legal Services of Mid-Florida, Inc. ("CLSMF"), where she represented dependent youth and families in special education, dependency, delinquency, and mental health matters. Prior to working at CLSMF, **Sarah** worked at the Legal Aid Society of the Orange County Bar Association, as an Equal Justice Works Fellow/Guardian ad Litem Program Education Attorney representing the educational and dependency (foster care) needs of foster youth.

Sarah has presented on the issues of educational advocacy to: Florida Statewide Guardian ad Litem Program Attorneys, Council of Parent Attorneys and Advocates; National Association of Counsel for Children; Department of Children and Families, Family Case Managers; Orange County Public Schools Administrators, Foster Care Liaison Program; Pro-Bono Guardian ad Litem attorney trainings; and the Orange County Dependency Summit.

She is a member of The Florida Bar Education Law Committee and Education Law Certification Committee. She serves as the 2021-2022 Chair of the Education Law Certification Committee.

Education

University of Florida, BA in Elementary Education, Varying Exceptionalities

University of Florida, M.S., Education Leadership

Nova Southeastern University, Shepard Broad College of Law, J.D.

Bar Admissions

State of Florida

United States Middle District of Florida

Certifications

Florida Bar Certified in Education Law



Keshara D. Cowans
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Keshara serves as a staff attorney in the Office of Legal Services. In that capacity, she serves as the Equal Employment Opportunity (EEO) Officer, Equity Officer, and Title IX Officer. Her primary practice areas include employment discrimination and Title IX compliance. She also serves as the legal advisor for the OCPS District Police.

Prior to joining OCPS, **Keshara** served as bar counsel with the Florida Bar for over 10 years. She investigated complaints against attorneys accused of violating the Rules Regulating the Florida Bar and handled all phases of the disciplinary trial, including filing appellate briefs with the Florida Supreme Court.

Keshara has been recognized by the National Bar Association as one of the Nation's Best Advocates: 40 Lawyers Under 40, and by the Florida Association for Women Lawyers as a "Leader in the Law." In 2017, her peers recognized her as one of the top Government/NonProfit attorneys in *Florida Trend's* Legal Elite.

A proud Floridian, **Keshara** earned her Bachelor of Science in Criminology and her Juris Doctorate from Florida State University. She is a member of the Executive Council of the Orange County Bar Association, where she previously served as president of the Young Lawyers Section.

Keshara is a frequent lecturer on ethics and professional responsibility, presenting to local law schools, government agencies and voluntary bar organizations. She enjoys spending time with her husband and three children, and cheering for the Seminoles!

Education

Florida State University, B.S., Criminology, 2004
Florida State University College of Law, J.D., 2007

Bar Admissions

State of Florida
Orange County Bar Association



Sarah J. Kopesky
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Sarah serves as a Staff Attorney in the Office of Legal Services, where she specializes in student matters, including student custody and student enrollment matters, student discipline, threat assessments, the Family Educational Rights and Privacy Act (FERPA), truancy and rezoning.

Sarah is a product of Orange County Public Schools and is a proud graduate from Olympia High School. She earned her Bachelor of Science in Elementary Education from the University of South Florida and taught various grades for four years. **Sarah** then attended Barry University School of Law where she earned her Juris Doctorate and Honors Certificate in Children and Family Law.

Education

University of South Florida, B.S., Elementary Education

Barry University School of Law, J.D.

Bar Admissions

State of Florida

Orange County Bar Association



Jay Cardinali
ADA Compliance Officer

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Jay serves as the District's ADA Compliance Officer.

His areas of specialization includes compliance with Titles I, II, and III of the Americans with Disabilities Act (ADA) which mandates equal access for individuals with disabilities. **Jay** manages the District's accessibility efforts which encompass providing reasonable workplace accommodations to employees, researching and evaluating auxiliary aids, assessing school and facility access and barrier removal, overseeing website accessibility and compliance, and creating disability awareness through staff training and development.

Jay has worked in disability access since the mid-1990's and spent more than 25 years developing and leading accessibility strategies and support infrastructure, both domestically and internationally, for Walt Disney Parks and Resorts' iconic travel and leisure brands.

In addition to his efforts at Disney, **Jay** has also worked on accessibility initiatives with several United States government agencies including the Access Board, Transportation Security Administration, and Department of Labor; as well as performing as a subject matter advisor to variety of national and international not-for-profit accessibility organizations.

Education

BS in Business Management, *Nova Southeastern University*
Hospitality Certificate, *Florida Atlantic University*

Certifications

Certified Professional in Accessibility Core Competencies (CPACC), *International Association of Accessibility Professionals*
ADA Coordinator Certification (ADAC), *University of Missouri-ACTCP*
Certified Professional in Accessible Built Environments (CPABE) Level II, *International Association of Accessibility Professionals*

Office of Legal Services Key Areas of Responsibilities

Amy D. Envall, General Counsel
Principal Legal Advisor

John C. Palmerini, Deputy General Counsel

John C. Palmerini, Deputy General Counsel

Board Certified in Education Law and Labor and
Employment Law

- Litigation
- Employee and Human Relations Issues; FMLA
- Employee Benefits and Retirement Services
- Labor Relations
- Religious and First Amendment Issues
- FHSAA and Athletics Issues
- School Choice / Charter Schools / Magnet Programs

Vivian Cocotas, Associate General Counsel and Ethics Compliance Officer

- Annual Financial Disclosure
- Procurement (including contract disputes)
- Bid Protests
- Contracts / Agreements
- Public Records Requests
- Operations
- Whistleblower Claims
- Fundraising, Marketing, and Revenue Generating Concerns
- Lobbying / Ethics
- Philanthropic Matters and OCPS Foundation Support
- Legislative and Congressional Matters

Keshara D. Cowans, Staff Attorney, EEO/Equity/ Title IX Officer

- Equal Employment Opportunity (EEO) Officer, Equity Officer, and Title IX Officer
- Discrimination Claims
- OCPS Administration Claims (General Counsel, Superintendent, and Chief of Staff)
- ADA Compliance Advisor
- District Police Advisor
- Safety and Emergency Management
- Legal Services Internship Program
- District Threat Assessments (secondary contact)

Sarah W. Koren, Staff Attorney

Board Certified in Education Law

- ESE issues regarding charter schools, McKay scholarships, and ADA and Section 504 issues (student portion); service animals
- IDEA issues: IEPs, state complaints, due process, testing, behavioral supports, and some restraint and seclusion issues
- Student discipline and threat assessments when it relates to students with disabilities
- OCR and other student-related complaints
- LGBTQ+ issues
- Workers' Compensation

Jad Brewer, Staff Attorney

Planning and Real Estate Law

- Facilities and Facility Use Agreements
- Construction
- Real Estate and Land Use

Sarah J. Kopesky, Staff Attorney

- FERPA
- Student Enrollment / Rezoning
- Student Custody / Parental Disputes
- Student Discipline
- Truancy
- District and School Threat Assessments (primary contact)

Cindy Valentin, RP®, FRP, Administrator

- Department Administrator/Office Manager
- Executive Assistant to General Counsel
- Executive Assistant and Paralegal to Deputy General Counsel
- Liaison between General Counsel and Outside Counsel

Jay Cardinali, ADA Compliance Officer

- ADA Accessibility and Compliance
- Website Accessibility and Compliance
- Building Code Accessibility and Compliance
- Workers' Compensation / FMLA

Juanita D. Williams, FRP, Equity Compliance Manager

- Equity Compliance
- Title IX Compliance Case Manager
- ASL Program Compliance

Kirsten Cuthbert, Paralegal

- Paralegal to Equal Employment Opportunity Officer (EEO) and Equity Officer and Title IX Officer - Attorney Keshara Cowans
- Paralegal to Attorney Sarah Koren over ESE and IDEA Issues

Joanne L. Montalvo, FRP, Paralegal

- Paralegal to Attorney Vivian Cocotas
- Paralegal to Attorney Sarah Kopesky
- Policy Revision Process Facilitator
- Lobbying / Ethics Compliance Administration

Carolyn Schieferstine, Paralegal

- Overflow Paralegal
- Records management
- Travel

Office of Legal Services Alphabetical Contact List

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Cindy Valentin, RP®, FRP, Administrator

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Manager**

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Sarah J. Kopesky, Staff Attorney

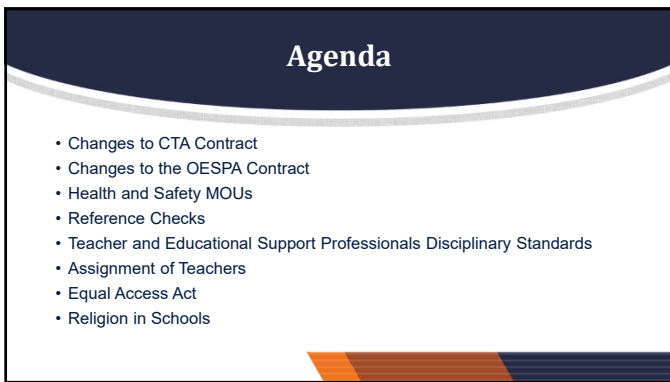
Direct Dial: (407) 317-3459

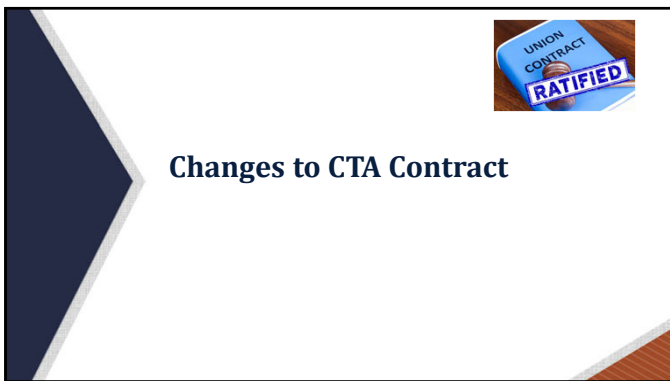
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Labor and Employment







Changes to CTA Contract

- For the first time since 1998, at the Union's request, the parties went from a collaborative bargaining relationship to a collective bargaining relationship. (Article II, Section A)
- "Guidance counselors, **school psychologists**, media specialists, and Magnet Program Coordinators may be offered extended employment for the period following postplanning and/or for the period preceding preplanning." (Article XV, Section J(6))
- **"School Psychologists may be considered for summer employment for which they are qualified before others are hired."** (Article XV, Section J(6)(a))

Changes to CTA Contract

- Employees who work in the summer school program shall earn sick leave up to a maximum of 15 hours based upon the number of hours worked.
- Any district employee may authorize any district employee to use sick leave that has accrued to the authorizing employee as follows:
 1. The recipient must provide documentation, by the treating physician, of the illness, accident, or injury for which leave is otherwise authorized.
 2. The recipient must have at least a ten-day balance of accrued sick days in order to receive donated sick leave.
 3. Any unused transferred sick leave shall be returned to the authorizing employee whose donated sick leave has not yet been used.
 4. The employee who authorizes the donation must retain at least a ten-day balance in his or her own sick leave account.
 5. The recipient of donated sick leave may not use the donated sick leave until all of his or her sick leave has been depleted, excluding sick leave from the Sick Leave Bank.
 6. Donated sick leave shall have no terminal value.

Changes to OESPA Contract



Changes to OESPA Contract

- Article IX, Section A(1)(c): "Recognizing that situations arise requiring employees to 'perform other duties as assigned,' the parties agree that such tasks shall not be assigned on a continual basis."
- Article XVII, Section H:
 1. When a death occurs in the immediate family of an employee, the employee shall be granted leave with or without pay for up to three (3) duty days to travel to and from the funeral location and attendance at the funeral for instate activities. An employee shall be granted up to two (2) additional duty days to attend out-of-state funerals. Employees must use sick leave with or without pay for bereavement leave.
 2. Immediate family is defined as spouse, same sex domestic partner, child (natural or step), mother, father, brother, sister, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent or grandchild.
 3. Additional time may be granted at the discretion of the Administrator.

Health and Safety MOUs



Health and Safety MOU

- Both Health and Safety Memoranda of Understanding with CTA and OESPA will expire on June 30, 2022.
- Paid TDY for any COVID-19-related illness will no longer be an option. Staff members can use their sick time per district protocol for any time off work for COVID-related symptoms or diagnosis.
- The *COVID-19 Case Management Intake Form* will be removed from the SAP Portal.
- The OCPS COVID-19 Dashboard will be archived.
- Notifications via email and ConnectOrange will no longer need to be sent.
- The OCPS Health and Safety Manual will be updated to reflect protocols for infectious diseases, including but not limited to COVID-19.
- Any COVID-19 signage still left in buildings will be removed by custodial staff.

Health and Safety MOU

- Symptomatic individuals should not attend work/school until fever-free for 24 hours and other symptoms have improved. Follow OCPS sick policy for return guidance.
- Employees who test positive will need to follow directions provided by their healthcare provider or guidance provided from our local Health Department.
- Under [Rule 64D-3.049 -Protocols for Controlling COVID-19 in School Settings](#), students who test positive can end isolation early with a doctor's note or negative test.
- Employees with a lab-confirmed positive diagnosis must be out for the isolation period and cannot come back early with a negative test. Once their isolation period is complete, they do not need a negative COVID-19 test result to return to work.
- Note: Students and employees exhibiting symptoms but who have not been diagnosed with COVID-19, a negative COVID test is no longer required to return.

Health and Safety MOU

- FDOH-Orange may provide optional exclusion lists/letters, in which case OCPS personnel may be asked to assist those efforts.
- Frequent handwashing and good hygiene practices such as covering a cough with one's elbow, remain important to prevent many illnesses, and should be continued to be encouraged in our schools and work locations.
- Please continue to refer any parents or staff members with questions about possible exposure to the virus and/or a positive diagnosis to the FDOH-Orange at 407-723-5004 or their personal healthcare provider.

Reference Checks



Reference Checks

- Management Directive A-11:
 - References are a critical part of the hiring and transfer process. Before any hire, internal or external, verbal reference checks must be completed by the hiring authority, defined as an administrator with sufficient experience and responsibility to make a hiring decision.
- The hiring authority shall obtain verbal references from the following former employers:
 - All employers within the last five years listed on the application.
 - At least two references should be obtained. If the employment candidate only has one employer within the last five years, the next most recent employer must be contacted.
 - If the employment candidate only has one past employer, only one reference will be required.
 - If you are the candidate's current supervisor, you are not required to fill out a reference form.
 - If the selected candidate is a current OCPS employee, it is only necessary to contact the current supervisor for a final reference check.

Reference Checks

- If the employment candidate is a current or former employee of Orange County Public Schools, previous evaluations shall be reviewed.
- Request for reference forms are available on the intranet under OCPS Official Forms, and must accompany a request for a reference from outside of the district employers. The district maintains all release forms and references in the official personnel file of the employee.
- If unable to obtain a reference on an applicant, make at least two additional attempts. Document each attempt that a reference was unobtainable in the comments section of the Final Reference Check Questionnaire.

Reference Checks

- Employees need to provide accurate and legally defensible references upon request. Florida Statute 435.10: Sharing of Personnel Information Among Employers, reads as follows:
- "Every employer of employees covered by this chapter shall furnish copies of personnel records for employers or former employers to any other employer requesting this information pursuant to this section. Information contained in the records may include, but is not limited to, disciplinary matters and any reason for termination. Any employer releasing such information pursuant to this chapter shall be considered to be acting in good faith and may not be held liable for information contained in such records, absent a showing that the employer maliciously falsified such records."

Reference Checks

- Section 1001.42(6), Fla. Stat.:
 - "A district school board, or any of its employees or personnel, may not enter into a confidentiality agreement regarding terminated or dismissed educational support employees, instructional or administrative personnel, or school officers who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide educational support employees, instructional personnel, administrative personnel, or school officers with employment references or discuss the employees', personnel's, or officers' performance with prospective employers in another educational setting, without disclosing the employees', personnel's, or officers' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by educational support employees, instructional personnel, administrative personnel, or school officers which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced."

Reference Checks

- Negative references without documentation should not be given to employers. Also of concern are positive references that the employer knew, or should have known, to be inaccurate. It is critical when providing references that they be accurate and you can provide appropriate documentation.
- Managers may give references to employers outside of the district. Documentation must support all comments made to a prospective employer.
- All employees must maintain honesty in professional matters. Do not make malicious statements, fraudulent statements, or assist an unqualified person entry into the profession.

Reference Checks

- It is a violation of the Principles of Professional Conduct for the Education Profession in Florida to do any of the following:
 - Make malicious or intentionally false statements about a colleague. (Fla. Admin Code R. 6A-10.081(2)(c)(5))
 - Misrepresent one's own professional qualifications. (Fla. Admin Code R. 6A-10.081(2)(c)(7))
 - Submit fraudulent information on any document in connection with professional activities. (Fla. Admin Code R. 6A-10.081(2)(c)(8))
 - Make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position. (Fla. Admin Code R. 6A-10.081(2)(c)(9))
 - Assist entry into or continuance in the profession of any person known to be unqualified in accordance with these Principles of Professional Conduct for the Education Profession in Florida and other applicable Florida Statutes and State Board of Education Rules. (Fla. Admin Code R. 6A-10.081(2)(c)(12))

Teacher and Education Support Professional Disciplinary Standards

Teacher Disciplinary Standards

- Section 1012.33(1)(a), Fl. Stat., defines just cause for professional service contract teachers: "Just cause includes, but is not limited to, the following instances, as defined by rule of the State Board of Education: immorality, misconduct in office, incompetency, two consecutive annual performance evaluation ratings of unsatisfactory under s. 1012.34, two annual performance evaluation ratings of unsatisfactory within a 3-year period under s. 1012.34, three consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under s. 1012.34, gross insubordination, willful neglect of duty, or being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

Teacher Disciplinary Standards

- Section 1012.335(5), Fl. Stat., defines "just cause" for probationary and annual contract discipline teachers:
 - (a) Immorality.
 - (b) Misconduct in office.
 - (c) Incompetency.
 - (d) Gross insubordination.
 - (e) Willful neglect of duty.
 - (f) Being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

Teacher Disciplinary Standards

- Rule 6A-5.056(1): "'Immorality' means conduct that is 'inconsistent with the standards of public conscience and good morals. It is conduct that brings the individual concerned or the education profession into public disgrace or disrespect and impairs the individual's service in the community.'"
- Rule 6A-5.056(2): "Misconduct in office":
 - Violation of Code of Ethics of Education Profession in Florida.
 - Violation of Principles of Professional Conduct of the Education Profession in Florida.
 - Violation of adopted School Board rules.
 - Behavior that disrupts the student learning environment.
 - Behavior that reduces the teacher's ability or his or her colleagues' ability to effectively perform duties.

Teacher Disciplinary Standards

- Rule 6A-5.056(3): "Incompetency":
 - "Incompetency" means the inability, failure or lack of fitness to discharge the required duty as a result of inefficiency or incapacity.
- "Inefficiency"
 - Failure to perform duties prescribed by law;
 - Failure to communicate appropriately with and relate to students;
 - Failure to communicate appropriately with and relate to colleagues, administrators, subordinates, or parents;
 - Disorganization of his or her classroom to such an extent that the health, safety or welfare of the students is diminished; or
 - Excessive absences or tardiness.
- "Incapacity" is lack of emotional stability; adequate physical ability; lack of general educational background; or lack of adequate command of his or her area of specialization.

Teacher Disciplinary Standards

- Rule 6A-5.056(4): "gross insubordination" is "the intentional refusal to obey a direct order, reasonable in nature, and given by and with proper authority; misfeasance, or malfeasance as to involve failure in the performance of the required duties."
- Rule 6A-5.056(5): "Willful Neglect of Duty" is "means intentional or reckless failure to carry out required duties."
- Rule 6A-5.056(8): "Conviction of a Crime of Moral Turpitude" encompasses the offenses listed in s. 1012.315 and other enumerated offenses in the rule.

Teacher Disciplinary Standards

- Due process hearing can be a Division of Administrative Hearings (DOAH) hearing or in arbitration at the election of the teacher: "In *DeSoto County* this court decided that arbitration may be provided for in a collective bargaining agreement, as it was here, that arbitration is an alternative to the statutory appeal procedure provided by section 231.36, and that that alternative may be selected by a discharged teacher, as it was here." *DeSoto County Teachers Ass'n v. Dist. Sch. Bd. of DeSoto County*, 502 So. 2d 928, 929 (Fla. 2d DCA 1987)
- Employee is entitled to compensation due for the rest of the contract period. They are not entitled to reinstatement beyond the contract term.
- "The Union's argument that the arbitrator is within his authority to order reinstatement under an annual contract is well taken, but extending the power of renewal to the arbitrator is not." *Orange County School Board v. Orange County Classroom Teachers Association*, 2019-CA-13129.

Teacher Disciplinary Standards

- In administrative hearing under s. 1012.33, Fl. Stat., the administrative judge decides case by preponderance of evidence: See *Sublette v. Sumter County School Board*, 664 So.2d 1178, 1179 (Fla. 5th DCA 1995) holding "[w]e agree with the hearing officer that for the School Board to demonstrate just cause for termination, **it must prove by a preponderance of evidence, as required by law**, that the allegations of sexual misconduct were true, not merely that the allegations were made.
- Judge will hold hearing pursuant to ss. 120.569 and 120.57, Fl. Stat.
- Hearsay can supplement admissible evidence but is not sufficient in and of itself to make a factual finding. See s. 120.57(1)(c), Fl. Stat.
- Judge issues Recommended Order
- For annual contract teachers, their administrative hearing is held before the School Board or subcommittee thereof. (s. 1012.335(4), also under the rules of ss. 120.569 and 120.57, Fl. Stat.)

Support Professionals Disciplinary Standards

- Section 1012.40(2)(c), Fla. Stat.: "In the event a district school superintendent seeks termination of an employee, the district school board may suspend the employee with or without pay. The employee shall receive written notice and shall have the opportunity to formally appeal the termination. The appeals process shall be determined by the appropriate collective bargaining process or by district school board rule in the event there is no collective bargaining agreement."

Support Professionals Disciplinary Standards

- OESPA Contract, Article XII, Section A(2): "Disciplinary action appropriate to the circumstances may take one or more of the following forms: dismissal, suspension without pay, verbal reprimand, and written reprimand. While disciplinary action shall normally be progressive, whereby the severity of the violation, past violations of a similar nature, and past disciplinary action for those violations are all taken into consideration, a given form of discipline need not necessarily be preceded by a less serious form of discipline. Except in cases of absence without authorized leave, progressive discipline shall apply to cases relating to absenteeism."

Support Professionals Disciplinary Standards

- OESPA Contract, Article XII, Section A(4): "The following shall be grounds for suspension without pay for a specified time period or for dismissal: conviction of any crime involving moral turpitude, drunkenness, gross insubordination, immorality, misconduct in office, willful neglect of duty, or continued failure to satisfactorily meet performance standards for the job."

Assignment of Teachers



Assignment of Teachers

- Article IX, Section A: "Employees shall be assigned by the Superintendent to positions which fit their preparation, certification, experience and aptitude."
- It is not enough that the employee is certified in the area. If a teacher has never taught the subject, it will not fit their preparation, experience and aptitude.
- Article IX, Section C(3): "Involuntary changes in assignment at the work-site shall not be made in a punitive manner."

Assignment of Teachers

- Article IV, Section B(3): "When the site Association Representatives are either involuntary transferred, or have grade/subject assignment changes and room changes on the work location's campus, the transfer or changes, shall be reviewed by the CTA President and the Superintendent or their designee. The site Association representative must request such a review in writing, and submit the request to the Association within ten (10) days of the transfer or change."



Equal Access Act

Students who want to have religious clubs must have access

Equal Access Act

- 20 U.S.C. §4701:
 - "It shall be unlawful for any public secondary school which receives Federal financial assistance and which has a limited open forum to deny equal access or a fair opportunity to, or discriminate against, any student who wish to conduct a meeting within that limited open forum on the basis of the religious, political, philosophical or other content of the speech of such meeting."

Equal Access Act

- Participation by staff in these meetings is severely curtailed:
 - (1) the meeting is voluntary and student-initiated;
 - (2) there is no sponsorship of the meeting by the school, the government, or its agents or employees;
 - (3) employees or agents of the school or government are present at religious meetings only in a nonparticipatory capacity;
 - (4) the meeting does not materially and substantially interfere with the orderly conduct of educational activities within the school; and
 - (5) nonschool persons may not direct, conduct, control, or regularly attend activities of student groups.

Equal Access Act

- Board of Education of Westside Community Schools v. Mergens, 496 U.S. 226 (1990).
 - A group of students wanted to form Christian Club that would meet after school on campus just like other clubs, including Chess Club, DECA, Drill Club, International Club, Creative Writing and Photography (among others).
 - The School did not allow the club, fearing that allowing the club would be an Establishment Clause violation

Equal Access Act

- The Court disagreed, holding the Equal Access Act requires the Christian Club to be allowed:
 - *"Given that the Act explicitly prohibits denial of 'equal access ... to ... any students who wish to conduct a meeting within [the school's] limited open forum' on the basis of the religious content of the speech at such meetings, § 4071(a), we hold that Westside's denial of respondents' request to form a Christian club denies them 'equal access' under the Act."*

Equal Access Act

- In Carver Middle School Gay-Straight Alliance v. School Board of Lake County, 842 F.3d 1324 (11th Cir. 2016), a group of students wanted to form a gay-straight alliance club and argued the Equal Access Act required the Middle School to allow it. The trial court ruled that, under state law, a middle school is not a "secondary school" and therefore the Equal Access Act is not triggered. The 11th Circuit reversed, holding that since the middle school offered classes for which high school credit could be earned, it qualified as a "secondary school."

Equal Access Act

- This means that groups such as Fellowship of Christian Athletes are allowed to meet on campus. However, the group must be student initiated and student led. Employees may only be present to ensure student safety and cannot participate in the meetings.

Religion in Schools



Religion in Schools

- First Amendment to Constitution:

- “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

Religion in Schools

- School prayer was addressed by the United States Supreme Court in 1962.
- In Engel v. Vitale, 370 U.S. 421, 422 (1962), the School District required the principal to recite the following prayer at the beginning of each school day:
 - ‘Almighty God, we acknowledge our dependence upon Thee, and we beg Thy blessings upon us, our parents, our teachers and our Country.’

Religion in Schools

- The Supreme Court started by discussing the purpose of the Establishment Clause in the First Amendment and discussed the history behind the creation of the Establishment Clause:
 - "It is a matter of history that this very practice of establishing governmentally composed prayers for religious services was one of the reasons which caused many of our early colonists to leave England and seek religious freedom in America." *Id.* at 425.

Religion in Schools

- After a discussion of the History, the Supreme Court wrote as follows:
 - "By the time of the adoption of the Constitution, our history shows that there was a widespread awareness among many Americans of the dangers of a union of Church and State. These people knew, some of them from bitter personal experience, that one of the greatest dangers to the freedom of the individual to worship in his own way lay in the Government's placing its official stamp of approval upon one particular kind of prayer or one particular form of religious services. ... The First Amendment was added to the Constitution to stand as a guarantee that neither the power nor the prestige of the Federal Government would be used to control, support or influence the kinds of prayer the American people can say—that the people's religions must not be subjected to the pressures of government for change each time a new political administration is elected to office. Under that Amendment's prohibition against governmental establishment of religion, as reinforced by the provisions of the Fourteenth Amendment, government in this country, be it state or federal, is without power to prescribe by law any particular form of prayer which is to be used as an official prayer in carrying on any program of governmentally sponsored religious activity." *Id.* at 429-430

Religion in Schools

- One of the concerns about state endorsement of religion was its coercive effects on non-believers and the adverse affects on religion itself:
 - "When the power, prestige and financial support of government is placed behind a particular religious belief, the indirect coercive pressure upon religious minorities to conform to the prevailing officially approved religion is plain. But the purposes underlying the Establishment Clause go much further than that. Its first and most immediate purpose rested on the belief that a union of government and religion tends to destroy government and to degrade religion. The history of governmentally established religion, both in England and in this country, showed that whenever government had allied itself with one particular form of religion, the inevitable result had been that it had incurred the hatred, disrespect and even contempt of those who held contrary beliefs." *Id.* at 431.

Religion in Schools

- The court stated that prohibition of official state prayer before a school day is not a violation of the Free Exercise clause.
- "It has been argued that to apply the Constitution in such a way as to prohibit state laws respecting an establishment of religious services in public schools is to indicate a hostility toward religion or toward prayer. Nothing, of course, could be more wrong." Id. at 433–34 (1962).

Religion in Schools

- In 1971, the Supreme Court ruled upon the provision of state financial support to religious schools. Lemon v. Kurtzman, 403 U.S. 602, 606–07 (1971), the Court analyzed the practices of Pennsylvania, which adopted a statutory program that provided financial support to nonpublic elementary and secondary schools by way of reimbursement for the cost of teachers' salaries, textbooks, and instructional materials in specified secular subjects. Rhode Island adopted a statute under which the State pays directly to teachers in nonpublic elementary schools a supplement of 15% of their annual salary. Under each statute state aid has been given to church-related educational institutions.
- The Court held both practices were unconstitutional.

Religion in Schools

- The Supreme Court observed as follows with respect to the First Amendment:
 - "Ordinarily political debate and division, however vigorous or even partisan, are normal and healthy manifestations of our democratic system of government, but political division along religious lines was one of the principal evils against which the First Amendment was intended to protect. The potential divisiveness of such conflict is a threat to the normal political process." Id. at 622.

Religion in Schools

- The Court established a three part test: "Three such tests may be gleaned from our cases. First, the statute must have a secular legislative purpose; second, its principal or primary effect must be one that neither advances nor inhibits religion, finally, the statute must not foster 'an excessive government entanglement with religion.'" Id., at 612–13.
- The Court ruled that the practices by Pennsylvania and Rhode Island advanced religion and was therefore unconstitutional.

Religion in Schools

- In the case of Wallace v. Jaffree, 472 U.S. 38 (1985), the United States Supreme Court analyzed Alabama Code Section 16-1-20.1, which is almost identical to Section 1003.45, Fl. Stat. The Alabama Statute read:

"At the commencement of the first class of each day in all grades in all public schools the teacher in charge of the room in which each class is held may announce that a period of silence not to exceed one minute in duration shall be observed for meditation or voluntary prayer, and during any such period no other activities shall be engaged in." (Emphasis added)

Religion in Schools

- The United States Supreme Court held that the statute was unconstitutional:
 - "The legislature enacted § 16-1-20.1, despite the existence of § 16-1-20 for the sole purpose of expressing the State's endorsement of prayer activities for one minute at the beginning of each school day. The addition of 'or voluntary prayer' indicates that the State intended to characterize prayer as a favored practice. Such an endorsement is not consistent with the established principle that the government must pursue a course of complete neutrality toward religion." The Court then invalidated the Alabama statute as unconstitutional. "Keeping in mind, as we must, 'both the fundamental place held by the Establishment Clause in our constitutional scheme and the myriad, subtle ways in which Establishment Clause values can be eroded,' we conclude that § 16-1-20.1 violates the First Amendment." (Emphasis added)

Religion in Schools

- Invocations at graduation ceremonies was addressed in the case of Lee v. Weisman, 505 U.S. 557(1992). The School District had a policy of allowing invocation at middle and high school graduation ceremonies. The following was recited at a middle school graduation:

- "O God, we are grateful to You for having endowed us with the capacity for learning which we have celebrated on this joyous commencement. Happy families give thanks for seeing their children achieve an important milestone. Send Your blessings upon the teachers and administrators who helped prepare them. The graduates now need strength and guidance for the future, help them to understand that we are not complete with academic knowledge alone. We must each strive to fulfill what You require of us all: To do justly, to love mercy, to walk humbly. We give thanks to You, Lord, for keeping us alive, sustaining us and allowing us to reach this special, happy occasion. AMEN"

Religion in Schools

- The Court ruled as follows:

- "The government involvement with religious activity in this case is pervasive, to the point of creating a state-sponsored and state-directed religious exercise in a public school. Conducting this formal religious observance conflicts with settled rules pertaining to prayer exercises for students, and that suffices to determine the question before us. The principle that government may accommodate the free exercise of religion does not supersede the fundamental limitations imposed by the Establishment Clause. It is beyond dispute that, at a minimum, the Constitution guarantees that government may not coerce anyone to support or participate in religion or its exercise, or otherwise act in a way which 'establishes a [state] religion or religious faith, or tends to do so. The State's involvement in the school prayers challenged today violates these central principles.'" Id. at 587.

Religion in Schools

- The Supreme Court addressed a School Board policy allowing student-initiated, student-led prayer over the loudspeaker at football games.
- The court held in Santa Fe Indep. Sch. Dist. v. Doe, 530 U.S. 290, 309–10 (2000) that such practice violated the Establishment clause:
 - "School sponsorship of a religious message is impermissible because it sends the ancillary message to members of the audience who are nonadherents 'that they are outsiders, not full members of the political community, and an accompanying message to adherents that they are insiders, favored members of the political community.' The delivery of such a message—over the school's public address system, by a speaker representing the student body, under the supervision of school faculty, and pursuant to a school policy that explicitly and implicitly encourages public prayer—is not properly characterized as 'private speech.'

Religion in Schools

- The court further held as follows:

- "To assert that high school students do not feel immense social pressure, or have a truly genuine desire, to be involved in the extracurricular event that is American high school football is 'formalistic in the extreme.' *Ibid*. We stressed in *Lee* the obvious observation that 'adolescents are often susceptible to pressure from their peers towards conformity, and that the influence is strongest in matters of social convention.' High school home football games are traditional gatherings of a school community; they bring together students and faculty as well as friends and family from years present and past to root for a common cause. Undoubtedly, the games are not important to some students, and they voluntarily choose not to attend. For many others, however, the choice between attending these games and avoiding personally offensive religious rituals is in no practical sense an easy one. The Constitution, moreover, demands that the school may not force this difficult choice upon these students for '[i]t is a tenet of the First Amendment that the State cannot require one of its citizens to forfeit his or her rights and benefits as the price of resisting conformance to state-sponsored religious practice.' *Id.* at 311-12.

Religion in Schools

- Holloman v. Harland, 370 F.3d 1252 (11th Cir. 2004) is the instructive case which binds all schools in Florida as Florida is in the 11th Circuit's jurisdiction.
- The teacher in the case opened every school day by asking if any of the students had prayer requests. She would begin the moment of silence with "Let us pray" and end it with "Amen."
- The teacher never told students they were free to leave during silent prayer. The teacher also let students read aloud out of the Bible to the whole class.

Religion in Schools

- The 11th Circuit ruled that a teacher taking prayer requests from students was unconstitutional and subjected the teacher to individual liability:
 - "Praying goes sufficiently beyond the range of activities normally performed by high school teachers and commonly accepted as part of their job as to fall outside the scope of Allred's official duties, even if she were using prayer as a means of achieving a job-related goal." Holloman v. Harland, 370 F.3d 1272 (11th Cir. 2004).

Religion in Schools

- In 2017, the Supreme Court started to switch focus from the Establishment Clause to the Free Exercise Clause with respect to religion in schools.
- In Trinity Lutheran Church of Columbia, Inc. v. Comer, 137 S. Ct. 2012, 2019 (2017) a private school applied for a state grant for playground rubber surfacing. The state denied the private school the grant based upon the establishment clause. The court ruled as follows:
 - "The Free Exercise Clause 'protect[s] religious observers against unequal treatment' and subjects to the strictest scrutiny laws that target the religious for 'special disabilities' based on their 'religious status.' Applying that basic principle, this Court has repeatedly confirmed that denying a generally available benefit solely on account of religious identity imposes a penalty on the free exercise of religion that can be justified only by a state interest 'of the highest order.'"

Religion in Schools

- Continuing with the move towards the superiority of the Free Exercise Clause, the Supreme Court ruled on a case involving the state of Montana not providing scholarships for students to attend private schools because of a "No aid" provision in its state constitution not allowing the state "make any direct or indirect appropriation or payment from any public fund or monies, or any grant of lands or other property for any sectarian purpose or to aid any church, school, academy, seminary, college, university, or other literary or scientific institution, controlled in whole or in part by any church, sect, or denomination."
- The Supreme Court in Espinoza v. Montana Dep't of Revenue, 140 S. Ct. 2246, 2261 (2020) ruled: "A State need not subsidize private education. But once a State decides to do so, it cannot disqualify some private schools solely because they are religious."

Religion in Schools

- Kennedy v. Bremerton School District, 869 F.3d 813 (9th Cir. 2017):
 - An assistant coach for a high school football team was employed. His job description said he assisted the head coach with supervisory responsibilities. He was tasked in his employment contract with creating good athletes and good human beings.
 - From 2008-2015, the coach led his coaching staff and players in prayer. He would also do religiously motivational speeches at midfield with players and coaches from both teams. He originally prayed alone at midfield, but when players asked to join him, he said "This is a free country. You can do what you want."

Religion in Schools

- In September 2015, he was sent a letter from his school district. The School District in the letter stated it had a policy which states that "school staff shall neither encourage or discourage a student from engaging in non-disruptive oral or silent prayer."
- The letter said that his inspirational talks at the 50-yard line had to be entirely secular in nature so as to avoid alienation of any team member.
- The letter also said while the coach was entitled to engage in prayer, he had to physically separate from students and that the prayer be non-demonstrative (i.e. not noticeable as prayer)

Religion in Schools

- The coach, through a lawyer, wrote a letter to the School District stating that he was requesting a religious accommodation under Title VII of the Civil Rights Act to allow him to continue to say a private post game prayer.
- The lawyer told the school district he would resume praying at the fifty yard line at the October 16, 2015 game.
- The coach also made media appearances announcing he would be praying at the 50 yard line that night.

Religion in Schools



Religion in Schools

- While the coach was praying, other students were jumping the fence and running among the cheerleaders and the players.
- After the Coach participated in his public prayer, the Satanists asked if they could have a ceremony at the fifty yard line after the games.
- The School District had to make arrangements with local police to cordon off the field for the next game so spectators could not come out of the stands onto the field.

Religion in Schools

- The District sent another letter to the coach and his lawyer saying he was violating his obligation to supervise students after the game as well.
- The District suggested it would allow prayer in a private location, such as a school building, or press box while students are still on campus. It also offered to allow prayer at the 50-yard line after the stadium completely emptied.
- This case returned to the Supreme Court for Oral Argument on April 25, 2022.

Religion in Schools

- Oral Argument has some interesting exchanges:
 - "JUSTICE KAGAN: I -- I take it from your earlier answers that you're not contesting the right of the school district to discipline Coach Kennedy if he had been praying during the official, if you will, post-game talk?
 - MR. CLEMENT: I think that's right. We don't -- I mean -- JUSTICE KAGAN: Correct?
 - MR. CLEMENT: -- we don't take an issue that --
 - JUSTICE KAGAN: So -- so that's like --
 - MR. CLEMENT: -- he discontinued that practice." (Transcript of Oral Argument, page 25)

Religion in Schools

- JUSTICE KAGAN: -- if he were praying -- if he were a math teacher and he prayed in math class, same? If he's a coach and he prays during the post-game talk, that the school can discipline him for?
- MR. CLEMENT: That's right because --
- JUSTICE KAGAN: And -- and --
- MR. CLEMENT: -- it would be government speech.
- JUSTICE KAGAN: -- just briefly, why?
- MR. CLEMENT: Because it would be government speech." (Transcript of Oral Argument, page 26)
- JUSTICE KAVANAUGH: What about the player who thinks, if I don't participate in this, I won't start next week, or the player who thinks, if I do participate in this, I will start next week, and the player, like, wants start?

Religion in Schools

- JUSTICE KAVANAUGH: What about the player who thinks, if I don't participate in this, I won't start next week, or the player who thinks, if I do participate in this, I will start next week, and the player, like, wants start?
- MR. CLEMENT: So that's -- that's where I think making a clear message that that's inappropriate, that this doesn't matter for those purposes, that's -- that's how you deal with those problems. And if there is a coach or a teacher --
- JUSTICE KAVANAUGH: But how -- how will you -- how will you ferret that out? Because every player's trying to get on the good side of the coach, and every parent is worried about the coach exercising favoritism in terms of the starting lineup, playing time, recommendations for colleges, et cetera.
- MR. CLEMENT: I -- I -- I think the school district, if it has that concern, and I'm not saying it's not a legitimate concern, just makes it as clear that it's school policy that nothing turns on that. But that concern, although legitimate, isn't even specific to religion. I mean, if -- if -- (Transcript of Oral Argument, Pages 47-48)

Religion in Schools

- The Court will rule on this matter by the end of its term at the end of June.
- This will have wide-ranging implications if the Court rules for the Coach.
- If the Coach prevails, this will apply to all coaches of all faiths or no faith at all. Imagine a Muslim or Atheist Coach doing the same thing as Kennedy -- the decision would apply with equal force.



Student Free Speech

Students do not lose their right free speech at the school house door.

Student Free Speech

- The seminal case on student free speech is Tinker v. Des Moines Independent Community School District, 393 U.S. 503 (1969).
- In this case, the student's speech was to wear a black arm band in protest of the Vietnam War. The School found out about the protest and the school district adopted a policy which required students who wore the arm band to be suspended and they could not return until the armband was removed.
- Interestingly, buttons for political campaigns were not banned by the school district, and neither was the swastika.

Student Free Speech

- The Supreme Court ruled this was a violation of the Student's right to free speech:

"In our system, state-operated schools may not be enclaves of totalitarianism. School officials do not possess absolute authority over their students. Students in school as well as out of school are 'persons' under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State. In our system, students may not be regarded as closed-circuit recipients of only that which the State chooses to communicate. They may not be confined to the expression of those sentiments that are officially approved."

Student Free Speech

- Speech has been limited in certain instances.
 - Students do not have the right to advocate illegal drug use. In Morse v. Frederick, 551 U.S. 393 (2007), a student, while watching the Olympic torch go through his Alaska town as part of a school approved trip, unfurled a banner which read "Bong Hits 4 Jesus."
 - There is no constitutional right to engage in vulgar or lewd speech. In Bethel School District v. Fraser, 478 U.S. 675 (1986), a student referred to his favored student government candidate in a forum in an "elaborate, graphic, and explicit sexual metaphor."

Student Free Speech

- Students do not have the right to display the Confederate Flag as that flag is likely to cause substantial disruption. Scott v. School Board of Alachua County, 324 F.3d 1246 (11th Cir. 2003).
- Schools may control the content of yearbooks and student newspapers which are part of the school's curriculum. Hazelwood School District v. Kuhlmeier, 484 U.S. 260 (1988).

Student Free Speech

- In Bannon v. School District of Palm Beach County, 387 F.3d 1208 (11th Cir. 2004), a student painted a mural on the school walls which paraphrased *John* 3:16 as "Because He ♥ed, He Gave." The second mural was only a few panels down from the office and read, "Jesus has time for you; do you have time for Him?" The third mural, located in a main hallway, read, "God Loves You. What Part of Thou Shalt Not Didn't You Understand? God."

Student Free Speech

- The district removed the mural. The student sued saying her right to free speech was violated by the removal. The Court disagreed, holding that because murals to beautify the school were part of the school's curriculum and that persons viewing the mural might think it bore the imprimatur of the school, the school had the right to remove the mural:
- *"Sarah's expression bore the imprimatur of the school and occurred in the context of a curricular activity, so Appellees can censor her expression subject to the limitations announced in Hazelwood."*

Student Free Speech

- Mahanoy School District v. B.L., 141 S. Ct. 2038 (2021)
- A rising sophomore cheerleader was placed on JV cheerleading squad. She was not happy and she posted the following on Snapchat with a photo of herself and another friend giving the middle finger:
 - "Fuck school fuck softball fuck cheer fuck everything." To that post, B.L. added a second: "Love how me and [another student] get told we need a year of JV before we make varsity but that's [sic] doesn't matter to anyone else?."

Student Free Speech

- The cheerleading coach responded by kicking B.L. off the team for the entire cheerleading season.
- The lower court and appeals court both ruled that the student had her first amendment right to free speech violated because her speech occurred off campus on Snapchat.
- The Supreme Court stated "This Court has previously outlined three specific categories of student speech that schools may regulate in certain circumstances: (1) 'indecent,' 'lewd,' or 'vulgar' speech uttered during a school assembly on school grounds (2) speech, uttered during a class trip, that promotes 'illegal drug use,'; and (3) speech that others may reasonably perceive as 'bear[ing] the imprimatur of the school,' such as that appearing in a school-sponsored newspaper."

Student Free Speech

- As for off campus speech, the Supreme Court stated “The school’s regulatory interests remain significant in some off-campus circumstances. The parties’ briefs, and those of *amici*, list several types of off-campus behavior that may call for school regulation. These include serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices, including material maintained within school computers.” *Id.* at 2045 (2021)

Student Free Speech

- Beyond those categories, three principles emerge
 - “First, a school, in relation to off-campus speech, will rarely stand *in loco parentis*.”
 - Second, from the student speaker’s perspective, regulations of off-campus speech, when coupled with regulations of on-campus speech, include all the speech a student utters during the full 24-hour day.
 - Third, the school itself has an interest in protecting a student’s unpopular expression, especially when the expression takes place off campus. America’s public schools are the nurseries of democracy. Our representative democracy only works if we protect the “marketplace of ideas.”

Student Free Speech

- “[T]he school argues that it was trying to prevent disruption, if not within the classroom, then within the bounds of a school-sponsored extracurricular activity. But we can find no evidence in the record of the sort of “substantial disruption” of a school activity or a threatened harm to the rights of others that might justify the school’s action. Rather, the record shows that discussion of the matter took, at most, 5 to 10 minutes of an Algebra class ‘for just a couple of days’ and that some members of the cheerleading team were ‘upset’ about the content of B. L.’s Snapchats. App. 82–83. But when one of B. L.’s coaches was asked directly if she had ‘any reason to think that this particular incident would disrupt class or school activities other than the fact that kids kept asking ... about it,’ she responded simply, ‘No.’”
- “It might be tempting to dismiss B. L.’s words as unworthy of the robust First Amendment protections discussed herein. But sometimes it is necessary to protect the superfluous in order to preserve the necessary.”



Questions?

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EEO, Title IX and ADA

Camp Legal

EEO, Title IX, and ADA

Keshara D. Cowans, Esq.
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June 2022



Agenda

- ADA- Essentials for Administrators
- Title IX- 2020 Regulations and Beyond
- EEO- Federal and state law, OCPS policy, and Tips to Avoid Complaints

Workplace Accommodations

- Any individual who believes that they may require a workplace accommodation on the basis of an ADA-defined disability, medical condition, or sincerely held religious belief should be encouraged to contact the ADA Compliance Office
- If an individual has an apparent disability, or makes their disability or other potential need for workplace accommodation known to any OCPS school administration, you must communicate this information to the ADA Compliance Office
- Accommodation plans are only required if the employee’s medical limitation impacts their ability to perform the essential functions of the job

Accommodation Plan Documentation

- To determine a reasonable workplace accommodation, the ADA Compliance Office works with the employee and their Principal (or Principal's designee) to identify and explore potential accommodations
- Typically not a question of "do we have to make a modification" but rather "how will we make a modification"
- Once determined, copies of the workplace accommodation plan will be sent to the employee and their Principal
- Paperwork should never be an excuse to not provide or delay a reasonable workplace accommodation

Medical Documentation

- All medical related information, including but not limited to medical correspondence, medical notes and physician's reports must be provided to the ADA Compliance Office and should be kept confidential and separate from an individual's personnel file
- Return to work notes without restrictions, or with limitations that do not impact the employee's ability to perform the essential functions of the job, do not require ADA Compliance Office approval

Title IX

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any education program or activity receiving federal financial assistance."

- Title IX of the Education Amendments of 1972

Sexual Harassment

• **Sexual harassment** is defined as conduct on the basis of sex that satisfies one (1) or more of the following:

1. A school employee conditioning the provision of aid, benefits, or services on the individual's participation in unwelcome sexual conduct (**quid pro quo**);
2. Unwelcome conduct that a reasonable person would determine to be so **severe, pervasive, and objectively offensive** that it denies a person equal access to the education program or activity; or
3. **Sexual assault**, as defined in the Clery Act, or dating violence, domestic violence or stalking, as defined in the Violence Against Women Act.

Elements of Title IX

1. Recipient of federal funding;
2. Schools must respond once they have **actual knowledge** of sexual harassment;
3. The discrimination or harassment must be severe, pervasive, and objectively offensive;
4. Schools must not act with **deliberate indifference** to known acts of harassment in its programs or activities; and
5. The harassment must have occurred within the school's education program or activity against a person in the United States

Two years after the 2020 Regulations...how can we improve?

1. Ensure adequate staff are trained in Title IX procedures at all schools;
2. Open lines of communication between the discipline team and Title IX Coordinator;
3. Recognize the importance of the severe, pervasive, **and** objectively offensive standard;
4. Promptly begin an investigation once the school has actual knowledge;
5. Follow the Title IX timelines as outlined in School Board Policy JB; and
6. Understand the difference between Title IX sexual harassment and sexual harassment covered in the code of student conduct

Actual Knowledge

- All OCPS employees are required to report in writing any allegations of sexual harassment to the District Title IX Coordinator, school-based Title IX Coordinator, or appropriate area or district administrator
- When **any** school-based employee has knowledge of sexual harassment or allegations of sexual harassment, OCPS is obligated to respond
 - This includes food service employees, custodial staff, paraprofessionals, school clerks etc.

Actual Knowledge

- A school may receive actual knowledge of sexual harassment from any person. There is no requirement that the person be participating or attempting to participate in a school program or activity to report sexual harassment
- A school may receive notice through an oral report of sexual harassment by a complainant or anyone else, a written report, through personal observation, through a newspaper article, through an anonymous report, or through various other means
- Once a school receives notice, we must respond and take action regardless of whether a formal complaint is filed

Actual Knowledge Scenarios

- Teacher hears a rumor about a sexual relationship between another teacher and a student;
- A staff member watching a student speak in a sexually inappropriate way to another student;
- The school received notice that an off-campus sexual violence event is creating retaliation at school;
- Incident on the bus where the bus driver saw a student grab another student in their private area

What is required after actual knowledge?

- Title IX Coordinator determines if the allegations fall within the scope of Title IX (no disciplinary action can be taken at this time)
- SRO, DCF, and Professional Standards notified
- Formal complaint (filed by student, parent, or TIX Coordinator)
- Supportive Measures offered to complainant and respondent



Deliberate Indifference

- When a school has actual knowledge of sexual harassment in any of its programs or activities that take place in the United States, it must "respond promptly in a manner that is not deliberately indifferent."
- A school is deliberately indifferent "only if its response to sexual harassment is clearly unreasonable in light of the known circumstances."

How can we prevent a deliberately indifferent response?

- Follow the procedures & timelines outlined in School Board Policy JB, Equal Educational Opportunities
- Initiate an investigation once the complaint is received? (24 hours or no more than 2 school days)
- Train staff to report allegations to the school-based Title IX Coordinator or administration



Initial Assessment for Title IX Coordinators

- Does the alleged conduct fall within the scope of Title IX?
 - Do the allegations meet the definition of sexual harassment?
 - Did the incident occur during an OCPS education program or activity?
 - Did it occur against a person within the United States?
- Mandatory Reporting- DCF, SRO, Professional Standards

Role of Law Enforcement in Title IX investigations

- If the alleged sexual harassment constitutes a crime the matter shall immediately be reported to your SRO or appropriate law enforcement agency
- A law enforcement investigation does not relieve the school of its duty to respond promptly and effectively

Title IX Timelines

- Ensure all steps in the investigation are conducted pursuant to the procedures located in School Board Policy JB, Equal Educational Opportunities
- Extensions for good cause
 - Absence of a party
 - Absence of a party's advisor
 - Concurrent law enforcement activity
 - Language assistance
 - Accommodation of disabilities
- Provide written notice of delays and extensions to all parties

What if the respondent withdraws from school during the Title IX investigation?

- If the respondent withdraws during the course of the investigation, the Title IX investigation **shall** continue. The Title IX coordinator will continue to send notification to the parent/guardian of the withdrawn student until the investigation has concluded.

Assessment for Decision Makers

- Does the alleged conduct meet the Title IX definition of sexual harassment?
 - Severe, pervasive, and objectively offensive; or
 - Sexual assault, dating violence, domestic violence, or stalking
- Was the complainant denied equal access to the education program or activity?
 - Would a reasonable person in the complainant's position be effectively denied equal access to education compared to a similarly situated person who is not suffering the alleged sexual harassment.

Denying Equal Access to an Education Program or Activity

Examples of effectively denying equal access to a school's education program or activity:

- Skipping class to avoid a harasser;
- A decline in a student's grade point average;
- Having difficulty concentrating in class;
- A third grader who starts bed-wetting or crying at night due to sexual harassment;
- A high school wrestler who quits the team but carries on with other school activities following sexual harassment

Denying Access to an Education Program or Activity

While the previous examples help illustrate an effective denial of access, **no concrete injury is required** to prove an effective denial of equal access.

- Complainants do not need to have dropped out of school, failed a class, had a panic attack, or otherwise reached a 'breaking point' or exhibited specific trauma symptoms
- A complainant does not need to have already suffered loss of education before being able to report sexual harassment
- Effective denial of equal access to education also does not require that a person's total or entire educational access has been denied

School officials turning away a complainant by deciding the complainant was "not traumatized enough" would be impermissible

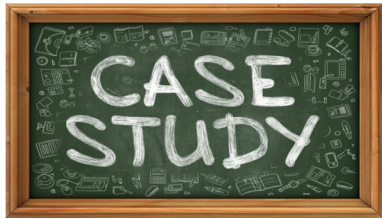
Davis v. Monroe County Board of Education 1999

- The United States Supreme Court held that a school district is liable in cases of student-on-student harassment, if the school is deliberately indifferent to sexual harassment, of which the school had actual knowledge, and the harassment was so severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school.

It has to be Title IX, right?

- Wrong! Title IX is not the exclusive remedy for sexual misconduct
- If the allegations do not fall within the scope of Title IX, schools have discretion to respond appropriately to reports of sexual misconduct utilizing the code of student conduct
 - This may include sexual misconduct that does not deny a complainant equal access to an OCPs education program or activity
- Schools are permitted and encouraged to offer supportive measures for complainants impacted by sexual misconduct that occurred outside the scope of Title IX

Title IX Case Study



What's next for Title IX



Federal Equal Employment Laws

There are federal laws that prohibit employment discrimination. These laws cover all personnel decisions that could affect the equal employment opportunities for employees or applicants for employment.

These federal laws include:

- **Title VII of the Civil Rights Act of 1964** – race, color, national origin, religion, sex (incl. pregnancy)
- **The Genetic Information Nondiscrimination Act (GINA)** – genetic tests of family members
- **The Equal Pay Act (EPA)** – equal pay between genders (equal pay for equal work)
- **The Americans with Disabilities Act (ADA) and the ADAAA** - disability
- **The Age Discrimination in Employment Act (ADEA)** – individuals over 40

THE EEOC ENFORCES THESE LAWS

Florida Civil Rights Act of 1992

Chapter 760, Florida Statutes

It is an unlawful employment practice for an employer:

- To discharge or to fail or refuse to hire any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's **race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status**.
- To limit, segregate, or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities, or adversely affect any individual's status as an employee, because of such individual's **race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status**.
- Complaints are filed with the FCHR

School Board Policy GBA

- Prohibits discrimination on the basis of race, color, religion, sex, national origin, disability, age, marital status, sexual orientation, gender identity or expression & genetic information.
- Also prohibits workplace harassment, including sexual harassment, and retaliation for participation in an EEO investigation.
- Outlines the internal grievance process.

EEO Scenario

- Suzy recently graduated from college and she was hired as a first year teacher at an elementary school. Soon after she was hired, she began receiving text messages from her assessing administrator that said "You looked great today, keep wearing skirts!" and "Are you free to go out for drinks after work?" "Be sure to wear one of those skirts I like" The text messages made Suzy uncomfortable, and she did not respond hoping that her administrator would take the hint and leave her alone. She confided in another first-year teacher about the text messages and how they made her uncomfortable. Then one day, the administrator hugged Suzy, and said "The way you look in that skirt, it's clear you're my best hire yet." Suzy immediately pushed him away and reported the incident to you.

EEO Scenario

- April was recently promoted as an Assistant Principal at a middle school. April regularly called Barbara, the school's 55 year old media specialist, "Grandma." At one staff meeting, April gave Barbara a cane as a joke. Another day, April told Barbara to take the afternoon off and go home to take a nap. Barbara reported April's comments and behavior to the school's principal, and the principal told her to lighten up. At the end of the school year April suggested to Barbara that she transfer to another school because she believes a younger media specialist will relate better to the students. Did April discriminate against Barbara?

Tips to Avoid Complaints

- Avoid sexual, racial, ethnic, cultural, age/disability related jokes, epithets, comments, and emails
- Communicate regularly with staff (reiterate EEO policies in meetings)
- Refer complaints promptly to Professional Standards and/or the EEO/ADA Officer
- Treat everyone equally and fairly
- **Document, Document, Document**
- Pay attention to work group relations (enforce respect in the workplace)
- Avoid creating isolated workplaces
- Encourage employees to report unwelcome conduct

Contact Information

Keshara Cowans

- EEO/Equity Officer; District Title IX Coordinator
- Discrimination Complaints; OCPS District Police Matters
- Keshara.Cowans@ocps.net; eeo@ocps.net; titleix@ocps.net
- Ext. 2002921

Jay Cardinali

- ADA Compliance Officer
- Workplace Accommodations; Leaves & Absences, ASL Interpreter Program; Facility Modifications; Assistive Technology and Website Accessibility
- ADA@ocps.net
- Ext. 2002923

ESE, Parental Rights, LGBTQ+

Camp Legal

ESE, Parental Rights, LGBTQ+

Sarah W. Koren, B.C.S.
Staff Attorney

June 2022



In The News

- <https://www.winknews.com/2022/05/18/department-of-education-accuses-lee-county-school-board-of-trying-to-avoid-new-laws/>
 - The Department of Education (DOE) sent them a specific and aggressive letter. In no uncertain terms, the interim commissioner of the state Department of Education accuses Lee County schools of discussing “Ways to circumvent the upcoming requirements set forth” by three new Florida laws: On [critical race theory](#), [parental rights](#), and curriculum transparency.
- <https://www.orlandoweekly.com/news/state-officials-seek-name-of-orange-county-public-schools-employee-who-approved-gender-queer-memoir-for-libraries-31685051>

Florida House Bill 7: Individual Freedom

Florida House Bill 7: Individual Freedom

General Overview:

The bill includes provisions designed to protect individual freedoms and prevent discrimination in the workplace and in public schools. The bill also conforms the identification of protected classes in the law prohibiting discrimination in Florida's K-20 educational system to those identified in federal law and the Florida Civil Rights Act.

Florida House Bill 7: Individual Freedom

Section 760.10, Florida Statutes: Unlawful Employment Practices.

ADDS:

(8)(a) The bill specifies that subjecting any individual, as a condition of employment, membership, certification, licensing, credentialing, or passing an examination, to training, instruction, or any other required activity; or subjecting any K-20 public education student or employee to training or instruction, that espouses, promotes, advances, inculcates, or compels such individual to believe the following concepts constitutes an unlawful employment practice or unlawful discrimination:

1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
2. An individual, by virtue of his or her race, color, sex, or national origin is inherently racist, sexist, oppressive, whether consciously or unconsciously.

Florida House Bill 7: Individual Freedom

3. An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.
6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
7. An individual, by virtue of his or her race, color, sex or national origin, bears personal responsibility for and must feel guilt, anguish, or other form of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.
8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members or another race, color, sex, or national origin.

Florida House Bill 7: Individual Freedom

Section 1000.05, Florida Statutes: Discrimination against student and employees in the Florida K-20 public education system prohibited; equality of access required.

EXISTING:

Formatting Changes:

"Color" replaces "Ethnicity"

"Sex" replaces "Gender"

ADDS:

(4)(a) It shall constitute discrimination on the basis of race, color, national origin, or sex under this section to subject any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels a student or employee to believe any of the following concepts:

Florida House Bill 7: Individual Freedom

1. Members of one race, color, sex, or national origin are morally superior to members of another race, color, sex, or national origin.
2. An individual, by virtue of his or her race, color, sex, or national origin is inherently racist, sexist, oppressive, whether consciously or unconsciously.
3. An individual's moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, sex, or national origin.
4. Members of one race, color, sex, or national origin cannot and should not attempt to treat others without respect to race, color, sex, or national origin.
5. An individual, by virtue of his or her race, color, sex, or national origin, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, sex, or national origin.
6. An individual, by virtue of his or her race, color, sex, or national origin, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.

Florida House Bill 7: Individual Freedom

7. An individual, by virtue of his or her race, color, sex or national origin, bears personal responsibility for an must feel guilt, anguish, or other form of psychological distress because of actions, in which the individual played no part, committed in the past by other members of the same race, color, sex, or national origin.
8. Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, sex, or national origin to oppress members or another race, color, sex, or national origin.

Florida House Bill 7: Individual Freedom

Section 1003.42, Florida Statutes: Required Instruction.

EXISTING:

- (1)(b) Annual Approval of HIV/AIDS materials
- (2) Prescribed Courses of Study
 - (a)History of the Declaration of Independence.
 - (b)Constitution of the United States, etc.
 - (c)Arguments in support of a republican form of government.
 - (d) Flag education.
 - (e) Elements of civil government and primary functions, etc.
 - (f)History of the United States.
 - (g) History of the Holocaust; designating the second week in November as Holocaust Education Week.
 - (i)Principles of agriculture.

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- (j) Effects of alcohol.
- (k) Kindness to animals.
- (l)History of the state.
- (m)The conservation of natural resources.
- (p)The study of Hispanic contributions to the United States.
- (q) The study of Women's contributions to the United States.
- (r)The nature and importance of free enterprise to the United States economy.
- (t)Encouraging patriotism, and teaching of the sacrifices veterans make, etc. on or before Medal of Honor Day, Veterans' Day, and Memorial Day.

*Headings are not outlined exactly as denoted in statute.

Florida House Bill 7: Individual Freedom

REVISES:

- (2)(h) The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition and the history and contribution of African Americans of the African diaspora to society.

ADDS:

Students shall develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions. Instruction shall include the roles and contributions of individuals from all walks of life and their endeavors to learn and thrive throughout history as artists, scientists, educators, businesspeople, influential thinkers, members of the faith community, and political and governmental leaders and the

Florida House Bill 7: Individual Freedom

courageous steps they took to fulfill the promise of democracy and unify the nation.

Instructional materials shall include the vital contributions of African Americans to build and strengthen American society and celebrate the inspirational stories of African Americans who prospered, even in the most difficult circumstances. Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the individual freedoms of persons have been infringed by slavery, racial oppression, racial segregation, and racial discrimination, as well as topics relating to the enactment and enforcement of laws resulting in racial oppression, racial segregation, and racial discrimination and how recognition of these freedoms had overturned these unjust laws. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the [eight principles previously outlined above].

Florida House Bill 7: Individual Freedom

REVISES: Requirements for required instruction:

(2)(n) Comprehensive age-appropriate and developmentally appropriate K-12 instruction on

REMOVES: Mental and Emotional Health

KEEPS: (renumbered)

(2)(n)1. Health education that addresses concepts of community health, consumer health

- a. Injury prevention and safety
- b. Internet safety
- c. Nutrition
- d. Personal Health
- e. Prevention and control of disease
- f. Substance use and Abuse
- g. Prevention of child sexual abuse, exploitation, and human trafficking

Florida House Bill 7: Individual Freedom

REVISES:

(2)(n)2. ~~The health education curriculum~~ For students in grades 7 through 12, ~~shall include a~~ teen dating violence and abuse. This component must include that includes, but is not ~~be~~ limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of health relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

(2)(n)3: ~~The health education curriculum~~ For students in grades 6 through 12, ~~shall include~~ an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

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ADDS:

(2)(n)4. Life skills that build confidence, support mental and emotional health, and enable students to overcome challenges including:

- (a) Self-awareness and self-management.
- (b) Responsible decision making.
- (c) Resiliency.
- (d) Relationship skills and conflict resolution.
- (e) Understanding and respecting other viewpoints and backgrounds.

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(f) For grades 9 through 12, developing leadership skills, interpersonal skills, organization skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using state career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations, and self-motivation.

Health education and life skills instruction and materials may not contradict the principles enumerated in subsection (3).

Florida House Bill 7: Individual Freedom

REVISES:

Requirements for Civic and Character Education.

Removes most of the current language and leaves the follow revised language:

(2)(s) Civic and character education on the qualities and responsibilities of patriotism and citizenship, including kindness; respect for authority, life, liberty, and personal property; honesty; charity; racial (~~REMOVES self-control~~), ethnic, and religious tolerance; and cooperation and for grades 11 and 12, voting using the uniform primary and general election ballot.

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ADDS:

(3) The legislature acknowledges the fundamental truth that all individuals are equal before the law and have inalienable rights. Accordingly, required instruction, instructional materials, and professional development in public schools must be consistent with the following principles of individual freedom:

(a) No person is inherently racist, sexist, or oppressive, whether consciously or unconsciously, solely by virtue of his or her race or sex.

(b) No race is inherently superior to another race.

(c) No person should be discriminated against or receive adverse treatment solely or partly on the basis of race, color, national origin, religion, disability, or sex.

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ADDS:

(d) Meritocracy or traits such as a hard work ethic are not racist but fundamental to the right to pursue happiness and be rewarded for industry.

(e) A person, by virtue of his or her race or sex, does not bear responsibility for actions committed in the past by other members of the same race or sex.

(f) A person should not be instructed that he or she must feel guilt, anguish, or other forms of psychological distress for actions, in which he or she played no part, committed in the past by other members of the same race or sex.

Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the individual freedoms of persons have been infringed by slavery, racial oppression, racial segregation, and racial discrimination, as well as

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topics relating to the enactment and enforcement of laws resulting in racial oppression, racial segregation, and racial discrimination and how recognition of these freedoms had overturned these unjust laws. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the [eight principles previously outlined above].

Florida House Bill 1557: Parental Rights in Education

Florida House Bill 1557: Parental Rights in Education

General Overview:

HB 1557 expands on parents' rights by "requiring school districts to adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student."

Prohibits school districts from adopting procedures or forms that prohibit school district personnel from notifying a parent about their student's mental, emotional, or physical health or well-being, or a change in related services. Additionally, the bill prohibits classroom instruction by school personnel on gender identity and sexual orientation to children enrolled in kindergarten through third grade "or in a manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards."

Florida House Bill 1557: Parental Rights in Education

Section 1001.42, Florida Statutes: Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(8) STUDENT WELFARE.—

EXISTING:

(a) Proper Accounting for All Students, Control, and Proper Attention to Health, Safety & Welfare.

(b) Removal of Disobedient, Disruptive Students to Alternative Settings.

Florida House Bill 1557: Parental Rights in Education

ADDS:

(8)(c) 1. In accordance with the rights of parents enumerated in ss. 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent.

Florida House Bill 1557: Parental Rights in Education

The procedures may not prohibit a parent from accessing any of their student's education and health records, created, maintained or used by the school district.

(8)(c)2. A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

Florida House Bill 1557: Parental Rights in Education

EXCEPTION:

(8)(c)2. [Continued] This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01.

Florida House Bill 1557: Parental Rights in Education

ADDS:

(8)(c)3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in **kindergarten through grade 3** or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards.

Florida House Bill 1557: Parental Rights in Education

ADDS:

(8)(c)4. Student support services training developed or provided by a school district to school district personnel must adhere to student services guidelines, standards, and frameworks established by the Department of Education (developed by **2023**).

(8)(c)5. At the beginning of the school year, each school district shall notify parents of each healthcare service offered at their student's school and the option to withhold, consent, or decline any specific service. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this subparagraph.

Florida House Bill 1557: Parental Rights in Education

ADDS:

(8)(c)6. Before administering a student well-being questionnaire or health screening form to a student in **kindergarten through grade 3**, the school district must provide the questionnaire or health screening form to the parent and obtain the permission of the parent.

Florida House Bill 1557: Parental Rights in Education

ADDS:

(8)(c)7. Each school district shall adopt procedures for a parent to notify the principal, or his or her designee, regarding concerns under this paragraph at his or her student's school and the process for resolving those concerns within 7 calendar days after notification by the parent.

a. At a minimum, the procedures must require that within 30 days after notification by the parent that the concern remains unresolved, the school district must either resolve the concern or provide a statement of the reasons for not resolving the concern.

Florida House Bill 1557: Parental Rights in Education

b. If a concern is not resolved by the school district, a parent may:

(I) Request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after

Florida House Bill 1557: Parental Rights in Education

the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district.

(II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

c. Each school district shall adopt policies to notify parents of the procedures under this section.

Florida House Bill 1557: Parental Rights in Education

The law requires district training to adhere to DOE standards, and the DOE has until **June 30, 2023**, to update its "school counseling frameworks and standards; educator practices and professional conduct principles; and any other student services personnel guidelines, standards, or frameworks in accordance with the requirements of this act."

LEGAL CHALLENGE:

Equality Florida, et al. v. DeSantis, N.D. Fla. (2022).

LGBTQ

LGBTQ

OCPS Policy GBA: Equal Opportunity Employment.

OCPS Policy JB: Equal Educational Opportunities.

*The Code of Conduct applies to all students.

Section 1006.205, Florida Statutes: Fairness in Women's Sports Act.

Transcripts are an official document. Information maintained in Skyward and PEER are official documents.

The OCPS Dress Code is gender neutral.

Scheduling of IEP Meetings

Scheduling of Meetings

- A school should provide notice to a parent at least ten days prior to a meeting. Fla. Admin. Code R. 6A-6.03028(3)(b)(1).
- The district should make efforts to schedule at a time mutually agreeable to the parents and the school. 34 C.F.R. § 300.322(a).
- A meeting may be conducted without a parent in attendance if the public agency is unable to convince the parents that they should attend. 34 C.F.R. § 300.322(d).

IEP Team/Meetings

IEP Team/Meetings

20 U.S.C. 1414(d)(1)(B): Individual Education Team.

- (i) The parents of a child with a disability,
- (ii) Not less than 1 regular education teacher of such child (if the child is, or may be, participating in the regular education environment),
- (iii) Not less than 1 special education teacher, or where appropriate, no less than 1 special education provider of such child,
- (iv) A representative of the local educational agency who-
(I) is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities,

IEP Team/Meetings

- (II) is knowledgeable about the general education curriculum; and
 - (III) is knowledgeable about the availability of resources of the local education agency;
 - (v) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team described [above];
 - (vi) At the discretion of the parent or the agency, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;
 - (vii) Whenever appropriate, the child with a disability.
- *A member of the team is not required to attending if the parent and the local educational agency agree that the attendance is not necessary.

IEP Team/Meetings

Pursuant to Section 1002.20(21)(a), Florida Statutes, a parent is entitled to be accompanied by another adult of their choice at a meeting with school district personnel. The statute does not contemplate parents bringing multiple guests to attend the meeting; nor is there any statute or rule allowing such attendance.

IEP Team/Meetings

- Teachers, nurses, providers, etc. should not be discussing the IEP with a parent outside of an official IEP meeting. **ALL** decisions should be made by the entire IEP team (which includes the **parent**) during an IEP team meeting.
- Asking a parent to excuse a required participant because the school has not secured proper coverage for a teacher is not a valid request.

Recording Meetings

Recording Meetings

Pursuant to Section 934.03, Florida Statutes, it is a crime to record a conversation with another person without first obtaining their consent to do so.

Neither federal nor state law requires that participants be allowed to videotape, audio record, or transcribe IEP/Section 504 meetings. Videotaping and court reporting are never allowed. Audio recording will be permitted during IEP/Section 504 meetings in accordance with the following circumstances:

1. The District will take whatever action is necessary to ensure a parent understands the proceedings at IEP/Section 504 meetings. That action may include allowing the parents to record the proceedings. But because the act of recording can inhibit the free discussion that

Recording Meetings

should take place in the meeting and may in fact be counterproductive to a full understanding of the IEP/Section 504 meeting, recording will be permitted only when it is in fact necessary. Therefore, a parent desiring to record must demonstrate the need for recording. Examples of such a need include a language barrier that cannot be resolved through the presence of an interpreter or by other means, or a disability as discussed below.

2. The Americans with Disabilities Act ("ADA") provides that no qualified person with a disability shall, by reason of such disability, be excluded from participation in, or denied the benefits of the services, programs or activities of the School District. The ADA applies to IEP/Section 504 meetings. The ADA applies to IEP/Section 504 meetings in the same way as it

Recording Meetings

does to other District activities. Therefore, the District will provide reasonable accommodations to persons who are disabled within the meaning of the ADA. Recording may constitute such an accommodation, but the District may elect to provide an accommodation other than recording so long as it is reasonable under that law. Persons who require any accommodation in order to ensure their full participation in the IEP/Section 504 process will be required to disclose the need for such accommodation and the specific accommodation requested at least three days prior to the meeting via the Office of Legal Services (407) 317-3200 x 2964. This disclosure shall be made prior to the IEP/Section 504 meeting to allow proper consideration and discussion of the request via the OCPS Office of Legal Services.

Recording Meetings

3. When recording is necessary in order to comply with the District's obligations under IDEA/Section 504 or the ADA, only audiotaping will be allowed. Neither a court reporter nor videotaping will be permitted. When a tape recording is made of an IEP/Section 504 meeting by any participant, the District will also tape record and the District's copy of the recording will be maintained and treated as an educational record under Florida and federal law.

4. The recording will not be a part of, substitute for, amend, expand or limit the IEP itself or any other document or record prepared as a part of the IEP/Section 504 process.

Recording Meetings

5. Florida law allows the tape recording of a person's conversation only with that person's consent. The granting of permission by the District to tape record an IEP will be deemed to be consent by the IEP participants employed by or representing the District, but only to the extent that the recording is used by the taping participant for his or her personal use to facilitate his or her understanding of the IEP meeting. Therefore, the tape and its contents will not be disseminated to any other person without the consent of all persons whose conversations were recorded.

Recording Meetings

Americans with Disabilities Act:

Parents can request reasonable accommodations to qualified individuals with disabilities via the OCPS ADA Office via ADA@ocps.net or (409) 250-6248.

Seclusion

Seclusion

Section 1003.573, Florida Statutes: Seclusion and restraint of students with disabilities in public schools.

SECLUSION IS NOT ALLOWED UNDER ANY CIRCUMSTANCE

DEFINITION: The involuntary confinement of a student in a room or area alone and preventing the student from leaving the room or area. The term does not include time-out used as a behavior management technique intended to calm a student.

WARNING: It does not matter if you call a seclusion room a "time-out" room. If the action meets the definition of seclusion it is seclusion.

Transfer of Rights

Transfer of Rights

Can a competent adult student (18 years or older in Florida) with a disability can delegate their rights under IDEA to their parent(s) or a non-attorney third party through a power of attorney or similar instrument? **NO.**

Under IDEA, parents of a student with a disability have a plethora of rights, which are outlined in Procedural Safeguards and include, but not limited to review of educational records, meaningfully participate in IEP meetings, and to file a due process complaint. See 34 C.F.R. §§ 300.500 through 300.507. However, once a student with a disability reaches the age of majority those rights transfer, as a matter of law, directly to the adult student. See 20 U.S.C. § 1415(m), 34 C.F.R. §§ 300.520(a), and Fla. Admin. Code R. 6A-6.03311(8)(a)-(d).

Transfer of Rights

Federal and state laws specify two exceptions which prevent the transfer of IDEA rights from parents to the student at the student's age of majority. **The first is when an adult student with a disability has been declared incompetent by a state court. See 20 U.S.C. § 1415(m)(1), 34 C.F.R. §§ 300.520(a), and Fla. Admin. Code R. 6A-6.03311(8)(a). In Florida, the process for having an individual declared incompetent is governed by Section 744 F.S.** The second exception is a "special rule" for circumstances in which an adult student with a disability has not been determined to be incompetent but is determined not to have the ability to provide informed consent with respect to the adult student's educational program. See 20 U.S.C. § 1415(m)(2) and 34 C.F.R. §§ 300.520(b). IDEA allows states to establish procedures for

Transfer of Rights

appointing the parent or a third party to represent the educational interest of a student throughout the period of the child's eligibility under Part B of IDEA. **In Florida the process is for a guardian advocate to be appointed for a competent adult student to make educational decisions. Section 393.12 F.S.**

IDEA does not provide for an adult student to transfer IDEA rights back to the student's parent(s) or to another non-attorney third party by signing powers of attorney. This is made clear in comments to 34 C.F.R. §§ 300.520. See Federal Register, Vol. 71, No. 156 (August 14, 2006) at p. 46713. ("Whether parents may retain the ability to make educational decisions for a child who has reached the age of majority and who can provide informed consent is a matter of

Transfer of Rights

state law regarding competency. That is, the child may be able to grant the parent a power of attorney or similar grant of authority on the child's behalf under applicable state law. We believe the rights accorded individuals at the age of majority, beyond those addressed in regulation, are properly matters for state control").

- Some individual states have enacted specific statutory framework to permit an adult student to delegate their educational interests to an agent through powers of attorney or other similar legal document. See in re: Student with a Disability, 111 LRP 50818 (Virginia State Educational Agency, May 16, 2011).

Transfer of Rights

- Florida does not have a statutory framework or case law supporting the use of powers of attorney to delegate IDEA rights by competent adult students. Florida's "Powers of Attorney and Similar Instruments" only addresses powers of attorney for use in financial and/or property matters. Section 709 F.S.

Transfer of Rights

As is the current practice in the District, the Notice of Transfer of Rights is given to the parent and the student at the IEP meeting when the student is seventeen. It is recommended that when this notice is provided to both the student and parent it be explained in detail that these rights can only be delegated to another party by a court of law.

Likewise, ESE staffing specialist should be informed that neither IDEA nor Florida law provide a statutory framework supporting a parent's or student's use of powers of attorney or other similar instruments to delegate rights under IDEA to another individual.

*Review of such materials should be done by the Office for Legal Services.

Manifestation Determinations and Discipline Removals

Manifestation Determinations and Discipline Removals

- Was the conduct in question caused by, or did it have a direct and substantial relationship to the student's disability?
 - consider if the behavior was premeditated and deliberate or impulsive and thoughtless.
 - Is the behavior supported by a PATTERN of prior similar behavior?
- Was the conduct in question the direct result of the district's failure to implement the IEP?

Manifestation Determinations and Discipline Removals

When Parents Claim Disability After Expellable Offense:

- Did the School Have a Basis of Knowledge?
 - Did the school have reason to know that the student has a disability PRIOR to the behavior that precipitated the disciplinary action?
- School Has a Basis of Knowledge if:
 - Parent expressed concern *in writing* to an administrator or teacher that the student is in need of special education and related services, OR

Manifestation Determinations and Discipline Removals

- Teacher or other school personnel expressed *specific concerns* directly to the special ed teacher or school supervisor (OCPS would be administrators, or staffing specialist, etc.) about a *PATTERN OF BEHAVIOR* demonstrated by the child, OR
- Parent requested an evaluation.
- If the School did NOT have a Basis of Knowledge:
 - If an evaluation is requested it should be done in an expedited fashion (this means less than 60 days).
 - The student will remain in the placement determined by the school which could include suspension, placement at Positive Pathways, or expulsion without educational services.

Manifestation Determinations and Discipline Removals

*If the evaluation then determines the student is eligible for services pursuant to IDEA, the district must provide services for the remainder of the discipline period.

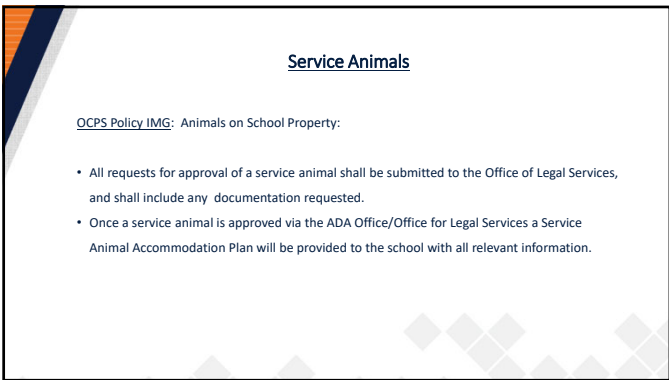
Manifestation Determinations and Discipline Removals

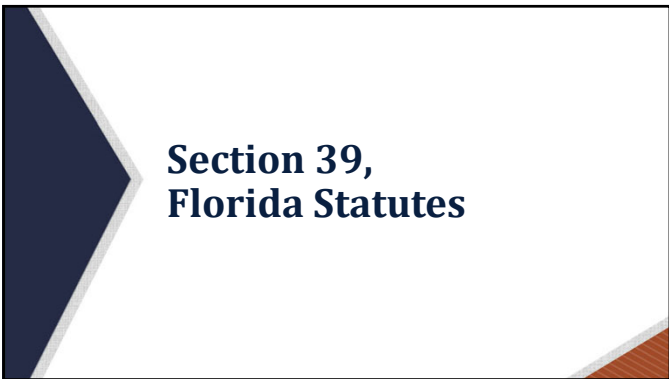
- School personnel may remove a student with a disability for not more than 10 (cumulative or collective) school days without regards to the student's disability.
- What counts as a day?
 - Removal for portion of a day could be considered a removal if there is a *pattern*.
 - Bus Suspensions, if transportation is part of the IEP.
 - If it is not part of the IEP then it is not a suspension day.
 - Behavior Intervention Plans may be necessary on the bus if the behavior is similar to the patterns of behavior exhibited in the classroom.

Manifestation Determinations and Discipline Removals

- In school suspensions are not removals provided that the student is afforded the opportunity to participate in the general curriculum, receives the services on the IEP, and participates with non-disabled peer pursuant to the minutes on the IEP.







Section 39, Florida Statutes

39.01 Definitions.—When used in this chapter, unless the context otherwise requires:

(1) "Abandoned" or "abandonment" means a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the caregiver, while being able, has made no significant contribution to the child's care and maintenance or has failed to establish or maintain a substantial and positive relationship with the child, either through frequent and regular visitation or frequent and regular communication to or with the child, and the exercise of parental rights and responsibilities. Marginal efforts and incidents or isolated acts or omissions are not sufficient to establish or maintain a substantial and positive relationship with a child. A mother's acknowledgment of paternity of the child does not limit the period of time considered in determining whether the child was abandoned. The term does not include a surrendered newborn infant as described in s. 39.10(1), a "child in need of services" as defined in chapter 394, or a "family in need of services" as defined in chapter 394. The absence of a parent, legal custodian, or caregiver responsible for a child's welfare, who is a servicemember, by reason of deployment or anticipated deployment as defined in 38 U.S.C. § 1715(f), may not be considered a child in a situation of abandonment, the separation, repeated incarceration, or extended incarceration of a parent, legal custodian, or caregiver responsible for a child's welfare.

(2) "Abuse" means any willful act or threatened act that results in any physical, mental, or sexual abuse, injury, or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Abuse of a child includes the birth of a new child into a family during the course of an open dependency case when the parent or caregiver has been determined to lack the protective ability to safely care for the children in the home and has not substantially complied with the case plan toward successful reunification or met the conditions for return of the children into the home. Abuse of a child includes acts or omissions. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.

(3) "Neglect" occurs when a child is deprived of, or is allowed to be deprived of, necessary food, clothing, shelter, or medical treatment or a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The following circumstances shall not be considered neglect if caused primarily by financial inability unless abuse services for that home have been ordered to and rejected by such person. A parent or legal custodian legitimately practicing religious beliefs in accordance with a recognized church or religious organization who thereby does not provide specific medical treatment for a child may not, for that reason alone, be considered a negligent parent or legal custodian; however, such an exception does not preclude a court from ordering the following services to be provided, when the health of the child so requires:

- (a) Medical services from a licensed physician, dentist, optometrist, podiatric physician, or other qualified health care provider; or
- (b) Treatment by a duly accredited practitioner who relies solely on spiritual means for healing in accordance with the tenets and practices of a well-recognized church or religious organization.

Neglect of a child includes acts or omissions.

Have a fantastic summer!

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**STAT, Custody, Discipline,
Truancy, GAL/DCF/DJJ**

Legal Training

STAT, Custody, Discipline, Truancy, GAL/DCF/DJJ

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June 2022



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Agenda

- School Safety, What Can I Do?
- Custody and KBBA...Yes, we have a School Board Policy on that!
- Wait! My student discipline case can be overturned for what?!
- Are you smarter than an OCPS Attorney?

School Safety, What Can I Do?



Cease Bernell Steven Currow Corey DePoder Kelly Fleming Matthew Keckler Daniel Mauser



Dan Rohrbaugh William Sanders Rachel Scott Isiah Shells John Tomin Lauren Townsend Kyle Velasquez

Columbine High School, Outside, Hallways, and School Library: 13 fatalities, 24 injured

School Safety, What Can I Do?



Virginia Tech University, Dormitory and Classrooms: 32 fatalities, 17 injured

School Safety, What Can I Do?



Sandy Hook Elementary, Classrooms: 26 fatalities, 2 injured

School Safety, What Can I Do?



Majory Stoneman Douglas HS, Classrooms and Hallways: 17 fatalities, 17 injured

School Safety, What Can I Do?



Santa Fe HS, Classrooms: 10 fatalities, 13 injured

School Safety, What Can I Do?



Robb Elementary School, Classroom: 21 fatalities, 17 injured

School Safety, What Can I Do?

ACTIVE SHOOTER INCIDENTS

Total Active Shooter Incidents and Locations

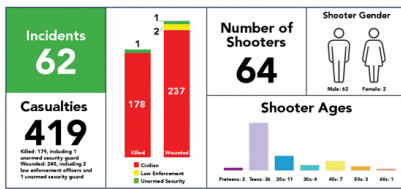
Quick Look:
The 173 active shooter incidents are categorized into 12 different location types:



Active Shooter Incidents 20-Year Review (2000-2019), FBI Review, <https://www.fbi.gov/file-repository/active-shooter-incidents-20-year-review-2000-2019-060121.pdf/view>

School Safety, What Can I Do?

Key Findings:



Incidents: 62. Total casualties: 419. Killed: 178 (including 17 school security guards). Wounded: 241 (including 2 law enforcement officers and 1 untrained security guard). Number of shooters: 64. Shooter gender: 62 male, 2 female. Shooter ages: Preteen (2), Teen (38), 20s (11), 30s (4), 40s (7), 50s (3), 60s (1).

Active Shooter Incidents 20-Year Review (2000-2019), FBI Review of Educational Environments, <https://www.fbi.gov/file-repository/active-shooter-incidents-20-year-review-2000-2019-060121.pdf/view>

School Safety, What Can I Do?

Case Study

Early Years and Elementary School



- Student born in Korea
- Suffered from serious physical health issues and medical procedures from 9 months to 3 years old, which resulted in him not wanting to be touched
- Immigrated to the United States when he was 8 years old, homeless for the first 2 months
- Took 2 years to learn to speak, read, and write English
- Quiet and reserved, barely has any friends, family concerned with being so introverted
- Both parents work, no extra-curricular activities
- Allegedly bullied – but never reported to school administration or family
- No disciplinary problems
- No weapons in the home
- Speaks very little, even with family, avoids discussing feelings, and avoids eye contact
- Does not interact socially, communicate verbally, or participate in group activities
- Parents let him be the way he is and do not force him to interact and talk with others
- Elementary School recommends therapy, but mental and emotional problems are signs of shame and guilt in Korea

School Safety, What Can I Do?

Case Study

Middle School and High School



- During 7th grade parents finally decide to follow through with therapy recommendation from elementary – parents expressed their concern with student's social isolation and unwillingness to discuss his thoughts or feelings
- Diagnosed with having severe social anxiety disorder and emotional trauma from medical tests as an infant
- Mental Health records are shared with middle school and indicated social immaturity, lack of verbal skills, but IQ was above average
- Change in behavior when student gets to second semester of 8th grade – therapist observes depression
- Student writes a paper in English class with generalized thoughts of suicide and homicide and says he wants to repeat Columbine – does not name anyone in particular in writings
- Student is evaluated by a psychiatrist and is diagnosed with "selective mutism" and "major depression: single episode" and placed on an anti-depressant, but is taken off after one year of improvement
- In High School teachers report that student's speech is barely audible, he is shy and shut down, but does not have any behavior problems. Student is evaluated and given an IEP and does well academically, graduating with honors
- Student is accepted into college and parents worry that the school is too large and he will not receive adequate individual attention

School Safety, What Can I Do?

Case Study

College

- Student is not seeing a counselor
- Student takes an interest in writing and submits a book idea to a publishing house, which is rejected
- Student's family notices that he is writing less and is less enthusiastic about writing
- Student attends a party where he is seen by other students stabbing a carpet with a knife
- Student starts writing about violence and taking photos of classmates – even though poem student wrote is violent, there is no specific threat, so the school suggests the student goes to counseling
- Student allegedly starts setting fires in the dorm lounge
- Student starts contacting female students and leaving strange and aggressive messages
- Student makes threat of self-harm, is taken to psychiatric facility, where he is later released and told to follow up on counseling
- Student writes a play about a young man who hates the students at his school and plans to kill them and himself. Although reported, the dean finds no mention of mental health issued or police reports and encourages counseling, but student declines
- Student writes 3 more violent stories
- On April 16, 2007, student tragically kills 32 people and injured 17

School Safety, What Can I Do?

- Threat Assessment
 - STAT and DTAT
 - Sections 1001.212 and 1006.07, Florida Statutes and Rule 6A-1.0018, Florida Administrative Code
- Section 1003.25, Florida Statutes
- School Board Policy JICK – Threats
- Threat Procedures Guide
 - <http://districtcollaboration.ocps.net/team/DPSA/stat/Pages/default.aspx>
- Indicators **1**
- SRO
 - If you believe something is crime, notify the SRO
- Felony Suspension/Expulsion
 - Section 1006.09, Florida Statutes
- Students from out of county and transferring students
- Safety Checks
- Lockdowns

School Safety, What Can I Do?

Roles and Responsibilities

PRINCIPAL/AP

- Convene and facilitate the STAT, this includes monthly and emergency meetings
- Ensure all members of the STAT are present for the STAT meeting and the process is followed for all threats (Levels 2, 3, and 4 as outlined in the Code of Student Conduct), as well as for any threatening behavior
- Determine the storage location for completed Threat Assessments for Levels 2, 3, and 4, and ensure the security of the location (the Threat Assessment cannot be stored in the student's cumulative file)
- Designate staff to upload the Threat Assessment to the School Threat Assessment Team Assessment Submission Site on SharePoint
- Contact the parent(s)/guardian(s) of the subject and victim to make them aware of the threat **ONLY** if the threat is substantive (see [Section II: Parent/Guardian Notification](#) section for additional information)
- Contact the parent(s)/guardian(s), or assign a designee to contact, if a student makes a threat of self-harm or exhibits self-harm behavior and intervention is needed (see [Section II: Parent/Guardian Notification](#) section for additional information)
- Ensure discipline paperwork and Threat Assessment is completed properly and in a timely manner
- Ensure proper redaction of documentation if provided to parents (see appendix)
- Designate staff (i.e., Registrar, Records Clerk, etc.) to send documentation to a receiving school for transferring students (see [Section 1003.25, Florida Statutes](#) in appendix)
- Ensure any instructional staff that is part of the STAT does not raise past the duty day per CTA Contract
- Ensure every Threat Assessment is uploaded to the [STAT Submission Site](#) immediately after a Threat Assessment is completed
- Establish an internal procedure for the STAT on how they will gather, receive, and manage information pertaining to a new student who has a prior threat assessment completed, or is exhibiting threatening behavior. Some recommendations include reaching out to the prior school of enrollment for additional information, checking Skyward for prior discipline offenses and/or completed threat assessments
- For threats of self-harm: Verify de-escalation strategies have been utilized and outreach to a mobile crisis response team has been initiated before contacting law enforcement, unless the principal/designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others (this statutory requirement does not supersede the authority of the law enforcement officer to initiate an involuntary examination on their own willings)

School Safety, What Can I Do?

Roles and Responsibilities

MENTAL HEALTH DESIGNEE (MHD)

- Assist with interviewing the subject, victim, and witnesses for the Threat Assessment (pgs. 2-3 + additional pages as needed for victims/witnesses)
- Provide mental health history at the monthly and emergency STAT meetings
- Complete all mental health referrals and ensure follow through
- Contact the District Mental Health Counselor/Social Worker assigned to your school to complete the mental health component of the Threat Assessment (pgs. 8-19) for all very serious substantive threats (MS and HS ONLY: Contact your School-Based Social Worker to assist with completion of pgs. 8-19) (Note: if a student with a serious threat has a significant history of mental health concerns, a mental health assessment may be conducted)
- Provide follow-up for Threat Assessment case plan (pg. 6)
- When notified of a student suicidal ideation the MHD will follow the District Threat Response process as outlined in the [Threat Response Flowcharts](#)
- The MHD will complete the form on the Threat Response SharePoint and fax the required documents to the Mental Health Services Department
- Check the [Florida Safe Schools Portal](#) for any additional mental health information when completing a Threat Assessment

School Safety, What Can I Do?

Roles and Responsibilities

INSTRUCTIONAL

- Assist with interviewing the subject, victim, and witnesses for the Threat Assessment (pgs. 2-3 + additional pages as needed for victims/witnesses)
- The person in charge of the student discipline investigation, such as the Dean or Principal/AP over discipline, should complete the Threat Report (pg. 1) on the Threat Assessment
- Provide discipline background for the student and any other relevant information pertaining to the student at the monthly and emergency STAT meetings
- Check the Florida Safe Schools Portal for any additional relevant student information when completing a Threat Assessment

LAW ENFORCEMENT

- Assist the STAT in determining whether a student poses a threat to the school and community
- May provide criminal background history if there is an established criminal predicate and as provided in [Section 1006.07, Florida Statutes](#) and the Florida School Safety Portal User Agreement

OTHER OCPS PERSONNEL

- The Staffing Specialist/SDA Coordinator should review and provide IEP/504 information (including the behavior plan, if applicable) to the STAT (and provide pertinent information to the IEP/504 team for review, if appropriate)
- The Behavior Specialist/Designee should provide prior behavior support given to the student
- The ELL Compliance staff member should provide information if the student is an ELL student
- Any other employee who can contribute relevant information to the specific student in question, should provide such input if it is related to the threat

Custody and KBBA

Custody and KBBA
Court Lingo



Petition, Motion, Notice



Order, Final Judgment,
Temporary Order

Custody and KBBA

Section 744.301, Florida Statutes

- (1) The parents jointly are the natural guardians of their own children and of their adopted children, during minority, unless the parents' parental rights have been terminated pursuant to chapter 39. If a child is the subject of any proceeding under chapter 39, the parents may act as natural guardians under this section unless the court division with jurisdiction over guardianship matters finds that it is not in the child's best interests. If one parent dies, the surviving parent remains the sole natural guardian even if he or she remarries. If the marriage between the parents is dissolved, the natural guardianship belongs to the parent to whom sole parental responsibility has been granted, or if the parents have been granted shared parental responsibility, both continue as natural guardians. If the marriage is dissolved and neither parent is given parental responsibility for the child, neither may act as natural guardian of the child. The mother of a child born out of wedlock is the natural guardian of the child and is entitled to primary residential care and custody of the child unless the court enters an order stating otherwise.

Section 742.031, Florida Statutes

- (2) If a judgment of paternity contains only a child support award with no parenting plan or time-sharing schedule, the obligee parent shall receive all of the time-sharing and sole parental responsibility without prejudice to the obligor parent. If a paternity judgment contains no such provisions, the mother shall be presumed to have all of the time-sharing and sole parental responsibility.

Custody and KBBA

	MOM	DAD
Never Married NO Court Documentation	<input checked="" type="checkbox"/>	
Never Married WITH Court Documentation	CHECK THE PARENTING PLAN, IF AVAILABLE, OR OTHER COURT DOCUMENTATION	
Never Married WITH Child Support Order, but NO Parental Responsibility	THE PARENT RECEIVING CHILD SUPPORT HAS SOLE CUSTODY	
Married Not Separated/Divorced	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Separated or Divorce	CHECK COURT DOCUMENTATION, IF AVAILABLE, IF NOTHING HAS BEEN ORDERED YET, THEN PARENTS HAVE SAME RIGHTS – CANNOT CHANGE THE CHILD'S SCHOOL***	
Divorced	CHECK THE PARENTING PLAN	

Custody and KBBA "Custody Rights and Responsibilities"

Family Related Court Documentation

- Responsibility of the parent to provide custody orders and any updated orders
- OCPs will remain neutral in ALL custody matters
- Forged court documents must be reported to the Office of Legal Services to determine whether to report to law enforcement
- Refusal to give a copy of court order = notation in cumulative record and defer to enrolling parent
- OCPs is not to be used a visitation site for supervised visitation and cannot be on property where the child is present
- Parent ultimate responsibility to ensure compliance with timesharing
- Parents are expected to follow their court order and refrain from using OCPs as an intermediate
- If there is conflict, OCPs will defer to: (1) the parent with sole responsibility; (2) the parent whose address is designated for enrollment purposes; or (3) the enrolling parent

Custody and KBBA "Custody Rights and Responsibilities"

Enrollment and/or Withdrawal of a Student from School

- Mother of a child born out of wedlock, absent court documentation*
- Either parent/guardian if they are married and no pending divorce*
- Parent/Guardian whose address is designated for school boundary determination
- Parent/Guardian with sole parental responsibility
- Parent/Guardian who has a court order stating they have custody of the child
- Parent/Guardian with documentation from the Office of Student Enrollment

Custody and KBBA "Custody Rights and Responsibilities"

Release of a Student from School

- Principal/designee to establish identity and obtain consent from the parent/guardian
- Provides examples of when consent is not required
- If parents/guardians have equal decision making authority and disagree as to who can pick-up, then only the parents/guardians remain on the pick-up list and everyone else is removed until an agreed upon list or court order is submitted to the school
- Students are required to ride their designated bus, even if parents are separated and reside in the same zone, unless an exemption is made by the principal/designee

Custody and KBBA "Custody Rights and Responsibilities"


Visiting a Student at School or School Activity

- If there is an active no contact order or an order requiring supervised visitation, the parent/guardian/third party will not be permitted to visit the student at school or school sponsored activities
- The principal has the ultimate authority to determine whether the school permits visitors (unless there is a no contact order or supervised visitation order in place)
- Parents/Guardians are responsible for abiding by their court ordered timesharing and shall not use OCPS as a way to obtain additional timesharing with their child
- If parents/guardians who have equal decision making authority disagree as to a third party visiting the student, only the parents/guardians can visit until an agreed upon list or court order is provided


Custody and KBBA "Custody Rights and Responsibilities"

Release and/or Access to Student Records

- Both parents/guardians may have access to records, when the request is made in writing, unless there is a court order prohibiting access (parents name on birth certificate, or designated parent/guardian by court order)
- School is NOT required to make duplicate copies of automatically generated reports
- Both parents/guardians can attend parent-teacher conferences if their name is on the birth certificate or they've been designated the parent/guardian by court order
- School is NOT required to conduct separate conferences
- Parents/guardians can grant third parties access to records by completing a records release as provided by OCPS Records Management, but if there is disagreement, then both parents/guardians need to agree to the third party having access




Student Discipline



Wait! My student discipline case can be overturned for that?!

Jurisdiction

1. If the incident occurs on school grounds during the school day (1003.31)
2. If the incident occurs on school grounds 30 minutes before/after school (1003.31)
3. If the incident occurs on the school bus (1003.31)
4. If the incident occurs at a school sponsored activity/event (1003.31)
5. If the incident occurs on School Board property at any time if the act is a felony is committed by an adult (1003.31)
6. If a student commits a felony in the community and there is an adverse impact on the school (1006.09)
7. If the incident occurs as an extension of the school day
8. If the incident occurs off campus through the use of an electronic device AND the incident has a substantial impact on the victim's ability to benefit from school services OR the incident has a substantial impact on the educational environment (1006.147)



Wait! My student discipline case can be overturned for that?!

Due Process

- **Goss v. Lopez** - Landmark SCOTUS case that provides all students who will be suspended are entitled to (1) notice of the charges against them and (2) an opportunity to be heard. The following are some of the students who brought the case:
 - Lopez: Suspended for lunchroom disruption along with 75 other students
 - Crome: Arrested off school property and suspended
 - Washington: Asked to leave auditorium by Principal and refused
 - Sutton: Physically attacked a police officer in the presence of the Principal
- **Carey v. Piphus** - Student was caught smoking marijuana; Student was alleged to be representing gang affiliation
- **Wooleyhan v. Cape Hanlopen School District** - Student offensively touched a teacher
- **John Doe v. University of Cincinnati** - Student sexually assaulted another student
- **Doe v. Rivera** - Student raped another student
- **Barnes v. Zaccari** - Student displayed threatening behavior to school and administration

Wait! My student discipline case can be overturned for that?!

Due Process Check

1. Jurisdiction
2. ESE protocol
3. Code of Conduct signature page or Canvas acknowledgement
4. Dates of suspension (10 days)
5. Suspension letter (24 hours from first day of suspension)
6. Contact parent/guardian by phone (asap)
7. Notice to student and parent/guardian of what student is accused of
8. Opportunity for student to tell the student's side of the story (witness statement, interviewing all witnesses listed)
9. Providing the parent/guardian with a redacted copy of the discipline file
10. Allowing the parent to view video if the school used video for discipline (no copies, no virtual viewings)

Wait! My student discipline case can be overturned for that?!

Reasonable Suspicion Searches

YES!!!

- Well-founded suspicion that a search will reveal evidence of a violation of the Code or law
- Well articulated objective and factual details must be included in the investigation to support the search
- Must have reasonable suspicion (*New Jersey v. T.L.O.*, 469 U.S. 325 (1985))
- Random Urinalysis for Athletes (*Vernonia School District v. Acton*, 515 U.S. 646 (1995); *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002))
- Alternative Schools (*C.N.H. v. State*, 927 So.2d 1 (Fla. 5th DCA 2006))
- Firearms (*M.D. v. State*, 65 So.3d 563 (Fla. 1st DCA 2011))

NO!!!

- Strip Searches (*Safford Unified School District No. 1 v. Redding*, 557 U.S. 364 (2009))
- Acting "Funny" (*A.N.H. v. State*, 832 So.2d 170 (Fla. 3d DCA 2002); *A.H. v. State*, 846 So.2d 1215 (Fla. 5th DCA 2003); *R.S.M. v. State*, 911 So.2d 283 (Fla. 2d DCA 2005); *S.V.J. v. State*, 891 So.2d 1221 (Fla. 2d DCA 2005))
- Group of Students (*S.D. v. State*, 650 So.2d 198 (Fla. 3d DCA 1995); *R.M. v. State*, 129 So.3d 1157 (Fla. 3d DCA 2014); *A.S. v. State*, 693 So.2d 1095 (Fla. 2d DCA 1997))
- Gang Affiliations (*T.L.B. v. State*, 271 So.3d 1038 (Fla. 4th DCA 2019))
- Second Searches (*G.C. v. State*, 207 So.3d 366 (Fla. 4th DCA 2016))
- Transferring Reasonable Suspicion (*M.S. v. State*, 808 So.2d 1263 (Fla. 4th DCA 2002); *C.A. v. State*, 977 So.2d 684 (Fla. 3d DCA 2008))
- Out of Area (*T.A. O'B v. State*, 459 So.2d 1106 (Fla. 2d DCA 1984))

ARE YOU SMARTER THAN AN OCPS ATTORNEY?

Student Enrollment and Custody	Student Discipline and Threats (Part I)	Student Discipline and Threats (Part II)	GAL/DCF/LEO/DJJ
200	200	200	200
400	400	400	400
600	600	600	600
800	800	800	800
1000	1000	1000	1000

Which of the following people can have access to student records?

- A. A non-OCPS attorney who has a HIPAA or medical release signed by the parents
- B. A grandparent who does not have legal custody
- C. A stepparent
- D. A parent you have never met, but their name is on the birth certificate
- E. A teacher who does not have a legitimate connection to the student

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ANSWER: D

Per the Family Educational Rights and Privacy Act (FERPA), the natural parent of a child is entitled to access their child's educational records.

An educational record is anything created or maintained by the school, so if it is in the student's cumulative file, or a record, such as a sign-in sheet, then the parent is entitled to see it. If the record contains other student information, then that information MUST be redacted before releasing the record to the parent.

If the parent lives in another state, or coming in person would be a hardship, have the parent send a copy of their ID, a notarized statement stating they are the parent of [child], they reside at [address], their email is [email], their phone number is [phone number], and they are requesting the following records: [records]. The reason for the notary is that the notary essentially checks the parent's ID for us and then we have accurate information to communicate with the parent. PLEASE ONLY MAIL OR FAX RECORDS, DO NOT EMAIL.

We are not required to automatically send records to non-custodial parents. The school may do so as a courtesy, but it is usually the parents responsibility to communicate with one another and send information to each other.

We have 30 days to comply with a records request. If it is a simple request, the school can handle, if it is more complex, or the parents are deliberately trying to put the school in the middle, send them to records management.

True or False: The school and/or OCPS can be held in contempt of court for not following a parenting plan. For example, you inadvertently release a student to mom on dad's timesharing day.

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ANSWER: FALSE – if the school's name or OCPS is not listed as a party in the court order (which we never are), then we cannot be held in contempt for not following a parenting plan. The parents have the ultimate responsibility for following their own court order. Per OCPS Policy KBBA, we will attempt to accommodate parents and their timesharing schedules, but it is the parents ultimate responsibility for ensuring compliance with their timesharing agreement.

In addition, if you have parents who are constantly in disagreement about who is picking up in specific days, have them submit a calendar to the school at the beginning of the year, that both parents have signed, so the calendar can be referenced if needed.

Scenario: Dad's timesharing days are every other Friday with pick-up from school. Dad works late on Fridays and needs stepmom to pick-up. Dad adds stepmom to the pick-up list. Mom finds out and says, "I don't think so." What do you do if the parents have shared parental responsibility? What do you do if dad has sole parental responsibility?

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ANSWER:

If the parents have shared parental responsibility, then per OCPS Policy KBBA, everyone but mom and dad are removed from the pick-up list until the parents either provide an agreed to list or a court order allowing a third party to be on the list.

If dad has sole parental responsibility, or educational decision making authority, then dad can add stepmom.

Shared parental responsibility means the parents make decisions together; sole parental responsibility means that parent makes all decisions.

Be sure to look at where exchanges take place. If exchanges are to occur at KFC, McDonalds, Walmart, the Orange County Sheriff's office, then they are not to take place at the school.

Scenario: You've only met dad and have only worked with dad. Dad is the enrolling parent and dad attends all events. Mom comes to the school one day to withdraw. Mom shows you a copy of the birth certificate, states that she and dad were never married, and there is no court documentation. The only thing you have on file is an expired Educational Guardianship from Student Enrollment. You contact dad and there is no additional information. What do you do?

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ANSWER:

Mom can withdraw per Section 744.301, Florida Statutes that states mom is presumed to have care and custody of a child born out of wedlock. Definitely contact dad and ask if he has anything, such as a court order, that would prohibit mom from withdrawing, but if he doesn't then mom can withdraw.

ALWAYS, call legal if you are unsure.

Scenario: Mom comes to school on Wednesday and provides you with a Petition for Injunction against Domestic Violence and a Temporary Injunction Against Domestic Violence between her and dad. The injunction states mom has 100% timesharing and dad is to have no contact. The hearing is set for the following Monday. Mom wants dad removed from everything. What do you do?

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ANSWER: Remove dad and create a legal alert – temporarily. If the injunction is only temporary, then the injunction will “expire” on the date of the hearing. At the hearing the judge will either dismiss the injunction, extend the injunction, or make the injunction final. After the date of the hearing, mom would need to provide additional court documentation to continue restricting dad’s rights, as it is the parents responsibility to provide the school with the most updated court documentation per OCPs Policy KBBA.

Also, give the petition back to mom. A petition is the mom asking the court to give her an injunction, it is not a court order and does not hold any weight. The only thing a petition for an injunction does is provide the school with way too much information that is not needed and may unintentionally form biases against one parent.

ALWAYS check the “No Contact” section to see if your school’s name or address is listed on the injunction; if the school is there, then the parent who the injunction is against cannot come within 500 feet of your school.

We do not look at whether an injunction has been served, if it is signed by a judge, we follow it.

If the injunction is only between the parents and there is no mention of the children, then it has no effect on the school. Both parents can attend special events and it is up to them to figure out the rest.

True or False: A serious threat classification is a threat to hit, fight, or beat up.

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ANSWER: True. A serious threat is a type of substantive threat where the intent to harm (hit, fight, or beat up) is present, or not clear, and requires protective action. The question is whether there is an express intent to physically injure someone beyond the immediate situation and there is at least some risk that the person will carry out the threat. If there is doubt or if the threat cannot clearly be categorized as transient, threats should be treated as substantive.

What is the key difference between Bullying and Harassment?

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ANSWER: Harassment can be a one time occurrence. Bullying is repetitive.

True or False: A Hope Scholarship notification should be given to both students involved in a fight?

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ANSWER: True. There is not a clear victim in a fight, therefore, it is recommended that the Hope Scholarship be provided to all students involved.

When can OCPS discipline a student (aka take jurisdiction)?

- A. On school campus during campus hours
- B. On school campus during non-campus hours if a felony is committed
- C. On the school bus
- D. At the bus stop when the driver is in sight
- E. At school sponsored events
- F. Off campus if there is a connection back to the school (i.e. a substantial impact on the victim/school; fight started on campus and ended down the street)
- G. All of the above
- H. Only choices A, C, and E

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ANSWER: G

Per Section 1003.31, Florida Statutes, OCPS can discipline a student while they are on campus during school hours; while they are being transported to and from school at public expense; during a school-sponsored activity; and a reasonable time before and after school. In addition, OCPS can discipline a student for any act that occurs on campus if the act is a felony (for example, a student who causes \$3,000 in damages on a school campus by spraying the cafeteria with a fire extinguisher during winter break).

Per Section 1006.147, Florida Statutes, OCPS can also discipline a student for acts that occur off campus if there is a substantial impact on the victim or school (for example, a student is harassing another student off campus only, and the victim refuses to come to school and as a result the victim's grades are suffering).

Scenario: Arya approaches you and tells you that Daenerys aka Khaleesi and Jon Snow just set a fire in the stairwell with their dragon lighters. You know you have a security camera there so you run to check it, but unfortunately, the students are out of view and there are no other cameras in the vicinity. But you have a statement from Arya and Jon Snow (who betrays Khaleesi). Khaleesi's parent requests all evidence before the DTM, do you have to tell them about the video and let them view it if they request?

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ANSWER: Yes. The video's existence, though it doesn't show anything, must be mentioned to the parent. If the parent requests to view it, they can. The viewing should be in person and a copy of the video cannot be provided. In addition, parents should be reminded that they cannot record the video.

If the video does show something, it only helps the school's case and it is recommended the parent be able to view the video either before the DTM (if it's a Level 4 offense), if requested, or at the DTM at the direction of the Area Administrator.

True or False: A parent can opt their student out of a discipline investigation.

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ANSWER: True. According to the Code of Student Conduct, “[p]arents/guardians may request their student not participate in student discipline investigations without authorization from the parent/guardian by submitting the request, in writing, to the school administration.”

True or False: A school can use their own in-house referrals before issuing an OCPS referral.

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ANSWER: False. A school cannot use their own referrals to keep their official number low. We are required by the FLDOE to report specific offenses to SESIR and our numbers could be inaccurate if schools are not reporting all referrals. In addition, in-house referrals are not recognized at the district level, so if a school puts a student up for a Level 4 – Repeated Misconduct, and the only thing they have documented are in-house referrals, the Level 4 will not stand.

True or False: A very serious threat classification is a threat to rape, kill, or cause serious bodily harm.

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ANSWER: True. A very serious threat is a type of substantive threat where the intent to harm (rape, kill, or cause serious bodily injury) is present, or not clear, and requires protective action. The question is whether there is an express intent to physically injure someone beyond the immediate situation and there is at least some risk that the person will carry out the threat. If there is doubt or if the threat cannot clearly be categorized as transient, threats should be treated as substantive.

True or False: A school is not required to notify the parent/guardian of an intended target of a transient threat.

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ANSWER: False. A school must notify the parent/guardian of an intended target of all types of threats. However, what is disclosed to the parent/guardian for a transient threat differs from a substantive threat. According to the Threat Procedures Guide:

"If a student makes a transient threat, according to Dr. Dewey Cornell, "[p]arent contacts for transient threats differ from parent contacts for substantive threats. In the case of a transient threat, you do not contact the parents to warn them about a potential danger to their child, since transient threats are threats that have been resolved. You would contact the parent to advise them of how the threat was resolved, in anticipation that they might learn of the incident from their child." It is important to note, that the alleged offender's information should not be disclosed to the alleged target's parents, as transient threats are not deemed an emergency exception under the Family Educational Rights and Privacy Act (FERPA)."

Which of the following offenses does the parent/guardian of the victim receive a Hope Scholarship notification form?

- A. Bullying/Harassment
- B. Battery/Physical Attack
- C. Hazing
- D. Kidnapping
- E. Robbery
- F. Threats/Intimidation
- G. Sexual Offenses (harassment, assault, battery)
- H. COVID-19 Harassment
- I. All of the above
- J. Choices A-F only

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ANSWER: I – All of the Above. The FLDOE has generated a list of offenses that school districts are required to provide notice of the Hope Scholarship for. In 2021, the FLDOE added COVID-19 Harassment as an offense to the Hope Scholarship list.

When should you involve your SRO in a disciplinary investigation?

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ANSWER: Per new legislation, our SRO Agreements, and our School Justice Partnership Agreement, schools are to consult with their SRO, or law enforcement if the SRO is not available, ANYTIME a reasonable person believes that a crime has taken place.

Consult differs from report per the FLDOE and SESIR. Making a report to law enforcement results in charges being filed, an arrest, a case number from law enforcement, etc.

True or False: A Safety Plan issued by DCF is equivalent to a court order.

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ANSWER: FALSE. A Safety Plan is typically created with agreement of the parents and prior to a court order. The parents are supposed to abide by the Safety Plan, but if they choose not to, then DCF can take the children into custody.

Scenario: Maverick, an attorney, has contacted your school and provided a court order appointing him the Guardian ad Litem for Goose. Maverick would like to schedule a phone conference with Goose's teachers and the guidance counselor and would also like a copy of Goose's IEP. What do you do?

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ANSWER: Although an attorney, a GAL is court appointed for the child and represents the child and their best interests in court. There are two types of GALs, one for family court that the parents pay for, and one for dependency court that is paid for by the GAL program. The GAL will typically have a court order appointing them as GAL for the child and there will be language included that states they can interview anyone with information pertaining to the child, and may have access to records. If the GAL would like to have a phone conference, please obtain a copy of the court order, the GAL's ID and the school should call the number listed on the court order to verify that they are talking to the correct person.

Outside of talking to staff and viewing records, the GAL has no other rights to the child. They cannot pick-up, enroll/withdraw, etc.

Scenario: Luke Skywalker, a DCF investigator, comes to your school and wants to access records pertaining to Yoda. There are allegations of employee misconduct. Do you give the records to Luke?

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ANSWER: Yes, so long as you have checked Luke's ID and confirmed he works for DCF. You can also ask for his supervisor's name and number and contact the supervisor to ensure Luke is there on official business. Please also ask Luke whether you can contact the parents. If the answer is no, obtain a business card from Luke to provide to the parents and notate his refusal in writing.

DCF may access the child and records if it is pursuant to an investigation or if they have been assigned to the child per court order.

If a child is in the care and custody of DCF, the case manager will typically be a contact for the student and the case manager can pick up the student for visitation, doctor appointments, etc.

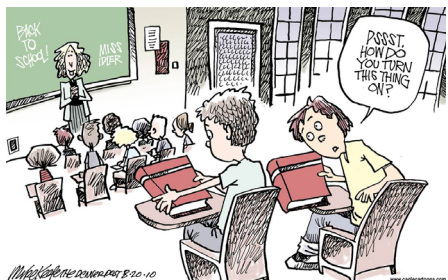
If a child has been placed in foster care, the foster parent makes all decisions, and the parent's access to the child would be limited by what is in the court order. In addition, the foster parent's name and contact information is confidential, so although the parent may still have access to records, it is important to redact the foster parent's information.

If a parent shows up at your school and says the child has been reunified with them, we require a court order stating the same.

Scenario: Bart Simpson is on probation for prior juvenile delinquency. Part of Bart's probation order requires that he does not receive any additional school disciplinary referrals. Bart just received a Level 2 referral from the school. Do you need to report this information to the SRO and/or probation officer?

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ANSWER: No, unless there is a concern for school safety, or there is a reasonable belief that a criminal act has occurred. It is not the school's responsibility to automatically report a violation of probation to the SRO or JPO. However, if the JPO asks for the information then we are required to provide the JPO with records (so long as the school has a court order connecting the JPO with the student) and the JPO can make a determination at that time as to whether he/she will violate the student's probation.



APPENDIX.

Tab A

Date: March 10, 2022
To: All Principals
Facility Supervisors
From: Amy D. Envall, General Counsel
Office of Legal Services
CC: Cabinet
Subject: Election Issues and Campaigning on OCPS Property

Election Issues and Campaigning on OCPS Property

In anticipation of some of the issues you may face as a principal and/or facility supervisor regarding the use of school and district facilities during an election year, the Office of Legal Services is issuing a memorandum to help answer some of the more common questions you will be faced with and to provide you with some perspective on our office's interpretation of the various applicable statutes and School Board policies.

Please find below links to the Office of Legal Services' Guidance Memorandum No. 2021/22-17 and relevant School Board policies. Should you have any questions, please feel free to contact me at Amy.Envall@ocps.net or 407-317-3411.

Guidance Memorandum No. 2021/22-17

- [Policy KF Public Use of School Board Facilities](#)
- [Policy GBI Political Activities of Staff](#)
- [Policy KHC Distribution-Posting of Promotional Materials](#)
- [Policy KHB Advertising in Schools](#)

Our office is working with the Supervisor of Elections to determine voting locations. More specific information will be relayed once the agreement has been finalized.



GUIDANCE MEMORANDUM

To: Candidates

From: Amy D. Envall, General Counsel

cc: School Board Members
Dr. Barbara M. Jenkins, Superintendent

Date: March 2, 2022

Subject: **Election Issues and Campaigning on OCPS Property**

As part of several educational forums on elections and in anticipation of some of the questions that arise in Orange County Public Schools (OCPS) regarding the use of school facilities during an election year, the Office of Legal Services is issuing this memorandum to help answer some of the more common questions and to provide some perspective on our office's interpretation of the various applicable statutes and School Board policies. A similar version of this memorandum has been provided to principals and facility supervisors.

Please note that, many times, the mistakes that candidates and their volunteers make are because they simply were not aware of our School Board policies or they may simply be misinformed or misguided. This memorandum is prepared in a simple Question and Answer (Q&A) format to help address common issues that come up during the election season. Our goal is to educate candidates and elected officials on the application of the relevant provisions of law and our School Board policies. Also, this memorandum supersedes and replaces any prior memorandums issued on this topic in prior years. Finally, for further clarification, please feel free to consult our office when in doubt or if an issue arises that is not addressed in this memorandum.

Question 1 – Flyers, Pens, Campaign Business Cards, Bumper Stickers, Other Swag, and Other Campaign Materials at a School Event:

An OCPS school hosts an “after hours” community event such as a strings concert, a school-sponsored play, a PTA meeting, or a community meeting. Can an elected school board member, any other elected official, or any candidate for office hand out flyers, pens, campaign business cards, bumper stickers, campaign swag, or any other campaign materials to those in attendance at the “after hours” community event held at the school?

Response to Question 1:

No. [Board Policy KF – Public Use of School Board Facilities](#) provides that “No political events shall be conducted at, on, or in Board Property at any time.” It also provides that “the following forms of political activity shall be prohibited at all times on Board Property: (a) Distribution of campaign material, including cards, brochures, and other materials defined by law as political advertising to students or employees; (b) Placement of political signs in or on Board Property. It is permissible to allow advertising on items of clothing, bumper stickers, sunshades, or other signs affixed to a private vehicle that is legal for roadway traffic; and (c) Personal appearances of candidates or advocates/opponents of an issue before student groups, unless part of an approved course of study

and presented in a responsible manner, and unless equal opportunity is afforded to all candidates in a particular race and representatives of both sides of an issue.”

“Political activity,” as defined in [Board Policy KF](#), “shall include any and all efforts of individuals, individually or in concert with others, done for the purpose of supporting or opposing any candidate, party, or issue in an election or done to affect the results of that election.” This means that the distribution of political petitions or candidate petitions on Board Property is also prohibited. In addition, there is the prohibition against the active or passive distribution of political materials as identified in [Board Policy KHC – Distribution/Posting of Promotional Materials](#). Do note that this also applies to the distribution of materials in favor of or against any possible political measures, including any constitutional amendments or local charter referendums. See also Question 16 below on those items.

Question 2 – Participation in a Discussion on a Panel at a School:

May a candidate for office participate in a discussion on a panel at an OCPS school, where that panel discussion is not related to the campaign?

Response to Question 2:

Yes, but only if the discussion is not directly related to the campaign. Also, a prospective candidate may always attend and participate in the discussion, if an opportunity for public comment is provided to all members of the public in attendance. The candidate is also able to greet those in attendance and introduce himself/herself to prospective voters as a candidate. It should also be noted that, under [Board Policy KF – Public Use of School Board Facilities](#), it is permissible to allow “advertising on items of clothing, bumper stickers, sunshades, or other signs affixed to a private vehicle that is legal for roadway traffic.” However, the candidate may only wear such apparel if he/she is not there in an official business capacity, such as representing the school district. In no instance may the candidate hand out any campaign items such as flyers, pens, campaign business cards, bumper stickers, campaign swag, candidate petitions, or any other campaign materials.

Question 3 – Use of OCPS Emails to Further Campaign:

I am a candidate and I have obtained a list of all OCPS employees’ emails (they are all public record). I am going to send them all an email to their OCPS accounts suggesting that they vote for a particular candidate or otherwise participate in a campaign event. Is this email consistent with OCPS policy? Can I also suggest that the OCPS employees forward my email to others?

Response to Question 3:

No and no. The use of OCPS emails is intended for official school business only. Any emails that relate to campaigning are considered spam and should NOT be forwarded or otherwise reproduced. Any reported incidents of the use of OCPS emails for campaigning purposes will initially result in a discreet response from the Office of Legal Services to notify the candidate of the existing policy. Any subsequent incidents will result in the email account being blocked entirely. Please note that, as a private citizen, any employee, on his/her own time, may attend political functions and distribute campaign communications via private email accounts; however, the promotion of any particular political candidate or political event is not a sanctioned use of OCPS email accounts.

Question 4 – Current Elected Official Address to a Class, Assembly, or Group of Parents at a School:

A current elected official, up for reelection, would like to address a class, an assembly, or a group of parents/legal guardians at an OCPS school to update them on a particular legislative issue or subject. Is this permissible?

Response to Question 4:

Yes. As long as the discussion is not related to the candidacy of any particular candidate or any issue on the ballot, then the elected official's comments and presentation are permissible. Do be mindful that there may be a number of constitutional amendments on the ballot. If the presentation is informational only on these issues, without advocating for or against any particular issue, that is also permissible.

However, please note that the privilege to address a group is limited to currently elected officials acting in their official capacity. Former elected officials, that are not current candidates for any office, are also eligible to participate. However, candidates that are not elected officials should not be selected to address a group or a class absent some specific topic on which they are qualified to address.

Example: If a parent/candidate is an engineer or an accountant and he/she speaks to a class about his/her duties in his/her professional capacity as an engineer or an accountant, that is permissible; but, if a parent/candidate is asked to address staff about his/her campaign, that would not be permissible. Finally, do note that, as with any other speaker, no distribution of campaign literature is permitted before, during, or after the presentation.

Question 5 – Participation in a Graduation Celebration and/or Any Other School Function:

An elected official, up for reelection, and a candidate have both asked to participate in a graduation celebration and/or any other school function open to the public with an assembly. Can both individuals be invited to sit on the stage, be introduced in the proceedings, and/or be allowed to address the participants attending the OCPS event?

Response to Question 5:

No. Invitations to school ceremonies, graduations, or even baccalaureate programs are not political events and are considered school functions. As such, invitations to sit on stage or be introduced at such ceremonies should be limited to currently elected officials only. All other candidates, including former elected officials, should not be provided that privilege. Otherwise, with the number of current candidates in a variety of local and statewide races, a candidate's program or event will potentially be compromised.

Worth noting is that School Board Members can, and frequently do, attend ceremonies such as ground breakings and graduations at schools in and out of their district boundaries. Because School Board Members make decisions in the best interest of all students in Orange County, they are not restricted to attending events only in the schools physically located in their districts.

Question 6 – Meeting with Principals:

As a candidate for office (school board or any other position), I wish to contact a principal to discuss general issues in schools. Can I do so? Is the principal required to meet with me?

Response to Question 6:

Yes, a candidate can contact a principal. No, the principal is not required to meet with a candidate. There is no requirement to participate in a meeting with any particular candidate to discuss issues at schools. However, it is strongly advised that the principal treat the request from the candidate as the principal would a request for a meeting by any other member of the public that is looking to learn more about the public education system and OCPS. If it pertains to particular issues related to a school, the principal should be inclined to accept the meeting request and address those particular concerns. However, if the meeting is a request on broader issues regarding the public education system, a principal is free to refer the candidate to a more appropriate spokesperson for the District, such as an Area Superintendent.

Question 7 – Seeking Endorsements:

As a candidate for office (school board or any other position), or a currently elected official, I wish to contact OCPS employees to seek their endorsement. Can I do so on Board Property?

Response to Question 7:

No, if a candidate is seeking an OCPS employee's endorsement, such discussions may not take place on Board Property; those discussions must take place elsewhere. While every OCPS employee has the right to endorse any candidate for public office or any issue on the ballot, any materials which display the OCPS logo (including the use of OCPS letterhead) and/or list the employee's title or position with OCPS should first be submitted to the Office of Legal Services to confirm that it does not run afoul of any policies or statutes. [Board Policy GBI – Political Activities of Staff](#) reiterates that staff retains all rights and obligations of citizenship provided in the laws and Constitution of the State of Florida and the Constitution of the United States.

Also, if an employee is initiating the meeting to assist a candidate with education issues, the employee should probably refrain from conducting any such meetings on school grounds or during hours of operation. It goes without saying that if an OCPS employee initiates assistance to any particular candidate, it may be perceived by the other candidate(s) as assistance provided by OCPS towards that candidate.

Question 8 - Private Charitable Fundraisers Held on OCPS Property:

A charitable fundraiser for a foundation or booster club that will benefit an OCPS school has been scheduled at a school or facility pursuant to an OCPS Facility Use Agreement by an outside user. Can campaign signs be present at that event on OCPS property since the event is not a school-sponsored event and since OCPS is leasing the facilities to a third party?

Response to Question 8:

No. Any events on OCPS property are subject to the same restrictions on political activity as prescribed in [Board Policy KF – Public Use of School Board Facilities](#). This includes the leasing of the premises to outside groups. While no principal or administrator is expected to monitor or "police" every event to insure compliance with this or any other policy, it is recommended that, when leasing or renting the facilities to outside groups (including those hosting charitable events at which the school may be a beneficiary), proper notification be given to the facility user about the School Board's policies. Therefore, it is incumbent upon the principal or the OCPS employee that is facilitating the rental of the facilities to effectively communicate that political activities, as described in this memorandum and in [Board Policy KF](#), are not inadvertently undertaken during the event. Furthermore, if it comes to the attention of OCPS that such materials are present, and/or will be

present, the organizers will be notified about the restrictions under [Board Policy KF](#) by the facility supervisor or by the Office of Legal Services.

The only exceptions to this response are the events identified in Question 13 below in which all candidates for a particular race have been invited in writing.

Question 9 - Private Charitable Fundraisers NOT Held on OCPS Property:

What if the charitable fundraiser is for the benefit of the school, a team, or a booster club but the event does not take place on OCPS property - can campaign signs be present at that event since they are taking place off-site?

Response to Question 9:

Maybe. [Board Policy KF – Public Use of School Board Facilities](#) does not address, nor does OCPS have any legal authority to enforce, any such limitations on political activities at events held on non-OCPS property. However, be advised that the property owner may have separate restrictions on campaigning on their property.

Question 10 – Collecting Political Petitions/Candidate Petitions on OCPS Property:

Can an individual collect “political” petitions or candidate petitions on OCPS property?

Response to Question 10:

No. [Board Policy KF – Public Use of School Board Facilities](#) defines “political activity” to “include any and all efforts of individuals, individually or in concert with others, done for the purpose of supporting or opposing any candidate, party, or issue in an election or done to affect the results of that election.” The collection of petitions on OCPS property would constitute activity that is done for the purpose of supporting a candidate or issue to be placed on the ballot.

However, any individual may collect petitions outside of OCPS property in a designated area such as a sidewalk or at the perimeters of the property. Attempting to collect signatures, however, in the pick-up or drop-off lines would be considered to be on OCPS property and such activity would most likely pose a safety issue so that would not be permissible. On issues like this, it is also advisable to contact the Office of Legal Services for further guidance.

Question 11 – Collecting Political Petitions/Candidate Petitions at Bus Stops:

Can an individual collect “political” petitions or candidate petitions at bus stops?

Response to Question 11:

Probably, but this is not advisable and could interfere with the normal safety and security of OCPS transportation employees to carry out their duties. Again, [Board Policy KF – Public Use of School Board Facilities](#) does not specifically address the collection of petitions. However, bus stops are considered OCPS property from the moment the bus approaches the stop until the bus driver departs from the location. Therefore, for a brief and limited time, it does become OCPS property. However, as no resources are allocated to the monitoring of bus stops, it is practically impossible for OCPS to monitor this activity. In addition, parents/legal guardians should be afforded some level of privacy from political activity in dropping off and picking up their children. If such reports are received, the Office of Legal Services often provides additional guidance, particularly if the activity is becoming a disruption to the pick-up or drop off students.

Question 12 – Starting a Rally or Petition Drive at an OCPS School or OCPS Parking Lot:

A candidate has advertised a rally and a possible petition drive on a weekend morning or during the summer when classes are not in session. The starting location for the rally has been advertised as an OCPS school or facility or OCPS parking lot. Is this permissible?

Response to Question 12:

No. The selection of an OCPS parking lot or facility as a rally starting or finishing point is not permitted. A principal or facility administrator is the custodian of the district's public property. Therefore, any activities taking place on that particular OCPS property is that principal's/administrator's responsibility, including on the weekends and during summer school. This particular situation was addressed during a prior election cycle and the candidate was notified by the Office of Legal Services that the rally could not be held or started on OCPS property and that to do so was a possible violation of [Board Policy KF – Public Use of School Board Facilities](#).

Please note that the use of the property for cars to park may be permissible so long as the rally or event does not take place on OCPS property itself provided other members of the public typically enjoy the privilege of being able to park in the school's/facility's parking lot. If a special effort is being made to open the parking lot to allow political participants to park, then this activity would not be permissible and the Office of Legal Services will likely provide guidance to the candidate.

Question 13 – School Fundraising Event at a School to Honor Certain Political Candidates:

I would like to schedule a school fundraising event at an OCPS school, such as a breakfast, to honor certain political candidates and invite members of my community. Must I invite all candidates running for office for that position?

Response to Question 13:

Yes. As a general rule, political events are fraught with potential issues which may escalate if not properly managed. However, [Board Policy KF – Public Use of School Board Facilities](#) does allow for such events so long as the following guidelines are strictly adhered to:

- ✓ Sponsorship is by an organization having an official affiliation with the school or school district (such as a PTA, SAC, or a Foundation).
- ✓ An invitation, in writing, is extended to all announced candidates for the specific office. If qualifying has not yet occurred, consult the Supervisor of Elections' website to determine which individuals have filed paperwork and intend to run.
- ✓ The time allotted for presentations is the same for each candidate and no preferential treatment is afforded to any candidate in any way.

Do note that, in this limited forum, campaign materials MAY be distributed at these events but SHALL be confined to the immediate area in which the forum is being conducted. The decision to provide materials is discretionary on the part of the event organizers and is not required.

Question 14 – Election Day Restrictions on Political Activity on OCPS Property:

An OCPS school has been selected as a polling place. Do the restrictions on political activity in [Board Policy KF – Public Use of School Board Facilities](#) apply on Election Day?

Response to Question 14:

No. The selection of an OCPS school or facility as a polling place requires the adherence to Florida's Election Laws, including well-established constitutional cases regarding freedom of political speech at polling locations which render [Board Policy KF](#) moot and unenforceable. This includes the ability to collect petitions and the support of candidates. However, those privileges are **only** for the day of the election and not on other dates. Should you have any questions regarding Election Day issues, please coordinate with the Supervisor of Elections' representatives on site during the election.

Question 15 – Active or Passive Distribution of Political Materials on OCPS Property on Election Day:

An OCPS school has been selected as a polling place. Do the active or passive distribution of political materials apply pursuant to [Board Policy KHC – Distribution/Posting of Promotional Materials](#) on Election Day?

Response to Question 15:

No. The selection of an OCPS school or facility as a polling place also requires that a safe election zone be established no closer than 150 feet to the entrance of the polling place under [Section 102.031, Florida Statutes](#). Typically, this area is well marked by the Supervisor of Elections' Office and any solicitation or petition gathering or handing of political materials is restricted to the area identified by the Supervisor of Elections' Office.

Question 16 – Constitutional Amendments:

There may be several constitutional amendments concerning issues that impact public education. What information can be sent home or emailed to the parents/legal guardians and can recommendations be made that they approve or defeat the measure?

Response to Question 16:

[Section 106.113, Florida Statutes](#), titled *Expenditures by local governments*, prohibits local governments or a person acting on behalf of local government, including district school boards, from spending public funds on “political advertisements” or “electioneering communications” concerning an issue, referendum, or amendment that is subject to a vote of the electors. The statute does provide an exception for those communications that are “limited to factual information.” As such, no materials issued should advocate for the passage or defeat of any of these measures.

To avoid any inadvertent violations of the statute, please note that no correspondence regarding any ballot initiatives should be issued unless previously approved by the Office of Legal Services or provided by the District.

Question 17 – OCPS Employees Wearing Campaign T-Shirts on OCPS Property:

Can an OCPS employee proudly support a candidate or issue of his/her choice by wearing a campaign t-shirt?

Response to Question 17:

Yes, but only if the OCPS employee is NOT wearing such campaign clothing during the school day or while the employee is officially “on the clock” on behalf of OCPS. Pursuant to changes to [Board Policy GBI – Political Activities of Staff](#), OCPS employees may not “engage in passive political expressions, including but not limited to wearing a lapel pin, campaign button, hat, or political

advertising on items of clothing.” However, after hours expressions are permissive. Similarly, [Board Policy GBI](#) prohibits the display of “any political advertising or signage on OCPS owned vehicles.”

Question 18 – Advertisements for the Yearbook/Baseball Team/Drama Club:

The yearbook staff is looking for sponsors. So is the baseball team. So is the drama club. They want to sell advertising for displays in the yearbook, on outfield billboards, and in their performance programs. Can a candidate or currently elected official advertise in those OCPS-sponsored venues?

Response to Question 18:

No. [Board Policy KHB - Advertising](#) provides that “Advertisements containing a campaign or other political message supporting or opposing a political candidate for public office, a political platform, or a political issue are prohibited. Consistent with this prohibition, no organization or political candidate may sponsor an advertisement (including public service announcement) if the name of that organization or candidate indicates, reflects, or in any way suggests its political message or candidacy.”

Do note that it is the responsibility of the principal or administrator to effectively communicate this information to staff to avoid any inadvertent errors in publication or advertising.

Question 19 – Advertising for a PTA Fundraiser:

What about a PTA fundraiser - can the PTA add a candidate’s logo to a t-shirt if the candidate is a sponsor?

Response to Question 19:

Technically yes because the candidate is not directly subject to OCPS advertising rules. However, as prior experience indicates, this is an extremely poor practice and will most likely result in significant public scrutiny of all involved, especially if all candidates for that particular race were not notified of the opportunity to advertise. Principals are advised that this form of advertising or sponsorship should be highly discouraged.

Question 20 – Elections Issues and/or Further Clarification:

I have further questions about elections issues as they pertain to OCPS property which are not addressed here or need further clarification. Who should I contact?

Response to Question 20:

Should you have any further questions regarding any of these issues or any other election matters as they pertain to OCPS property, please do not hesitate to contact me directly at (407) 317-3411 or email me at amy.ennall@ocps.net. Please indicate if the matter is time sensitive as is usually the case with elections issues.



Orange County Public Schools

Date: May 26, 2022
To: All Principals
From: Amy D. Envall, General Counsel
Office of Legal Services
Recipients: Principals and Assistant Principals
Subject: Equal Access Act (Boy Scouts of America)

RECENT INQUIRIES AND OVERALL QUESTION: It has been reported that representatives of the Boy Scouts of America are reaching out to school administrators indicating that they have received “approval from the Orange County Superintendent to get back into all schools this Fall” and that they are hoping to “visit classrooms and then do the sign-up night with parents in the cafeteria.” As a result of this communication to school administrators, this memo answers the fundamental question: ***Are representatives of the Boy Scouts permitted to go into classrooms and recruit under the Equal Access Act?***

SHORT ANSWER: *The legal concept set forth in the Equal Access Act is “equal access” - not “preferred access.”* The short answer to the question is that the district treats everyone the same, to wit: representatives of the Boy Scouts are allowed to go into classrooms and recruit **if** other groups are also allowed to go into classrooms and recruit. It has been the district’s practice for years to **not** allow other organizations to go into classrooms to promote their programs (often called a “walk-through”), so the Boy Scouts have not been allowed to go into classrooms to promote their program. This practice is in compliance with the Equal Access Act. The long answer is below.

LONG ANSWER: The [Boy Scouts of America Equal Access Act](#) is part of the No Child Left Behind Act of 2001 that amended the Elementary and Secondary Education Act of 1965. Under the Equal Access Act, and its implementing regulations, no such public school, local educational authority (LEA), or state educational authority (SEA) that provides an opportunity for one or more outside youth or community groups to meet on school premises or in school facilities before or after school hours shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in Title 36 of the United States Code as a patriotic society. Accordingly, the Boy Scouts are clearly authorized to recruit on school district campuses. This is a federal law with which the district has to comply. However, the district is required to provide **equal access to the Scouts, not preferred access**. See 20 U.S.C. 7905.

- [20 U.S.C. 7905](#): “Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 (as a patriotic society), **that wishes to conduct a meeting within that designated open forum or limited public forum**, including denying such access or opportunity or discriminating for reasons



Orange County Public Schools

based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 (as a patriotic society).”

- [34 C.F.R. 108.6\(b\)\(1\)](#): “*Meetings*. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting as described in the covered entity’s designated open forum or limited public forum **must be given equal access to school premises or facilities to conduct meetings.**”
- [34 C.F.R. 108.6\(b\)\(2\)](#): “*Benefits and services*. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting as described in paragraph (b)(1) of this section must be given **equal access to any other benefits and services** provided to one or more outside youth or community groups that are allowed to meet in that same forum. **These benefits and services may include, but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.**” (emphasis added)

ENFORCEMENT AND COMPLAINTS: The Office for Civil Rights (OCR) enforces the Equal Access Act in public schools, local educational agencies (LEAs), and state educational agencies (SEAs) that receive federal funds made available through the Department of Education. Complaints alleging violations of the federal Equal Access Act may be filed with OCR.

FACILITY USE AGREEMENTS: As a reminder, any group that wishes to use district facilities, including the Boy Scouts, must enter into a Facility Use Agreement and go through Facilitron.

Again, the district practice remains and is in compliance with the Equal Access Act. Should you have any questions, please feel free to contact me.

Tab B

CUSTODY RIGHTS AND RESPONSIBILITIES

FILE: KBBA

TITLE: Definitions

POLICY:

Definitions. For purposes of this policy, the following definitions shall apply:

- (1) "Child" means any unmarried person under the age of eighteen (18) years who has not been emancipated by order of the court.
- (2) "Legal Custody" means a legal status created by a court which vests in a custodian of the person or legal guardian, whether an agency or an individual, the right to have physical custody of the child and the right and duty to protect, nurture, guide, and discipline the child and to provide him or her with food, shelter, education, and ordinary medical, dental, psychiatric, and psychological care.
- (3) "Guardian" or "Legal Guardian" means an agency or individual which has been granted legal custody of child or been granted Educational Guardianship by Orange County Public Schools ("OCPS") Office of Student Enrollment.
- (4) "No Contact Order" means a court-ordered relationship with one or both parent(s)/legal guardian(s) that restricts contact with the parent(s)/legal guardian(s) and minor child/children. This term includes, but is not limited to, orders issued by the Dependency Court, Injunctions, and the Domestic Relations Court.
- (5) "Parent" means a person who gives birth to a child or a person whose consent to the adoption of the child would be required under Section 63.062, Florida Statutes. If a child has been legally adopted, the term "parent" means the adoptive parent of the child. The term does not include an individual whose parental relationship to the child has been legally terminated or an alleged or prospective parent.
- (6) "Parenting Plan" means a document created to govern the relationship between the parents/legal guardians relating to decisions that must be made regarding the minor child.
- (7) "Shared Parental Responsibility," which includes "Joint Legal Custody," means a court-ordered relationship in which both parents/legal guardians retain full parental rights and responsibilities with respect to their child and in which both parents/legal guardians confer with each other so that major decisions affecting the welfare of the child will be determined jointly.

- (8) "Sole Parental Responsibility," including "Sole Educational Decision Making Authority" and "Sole Legal Custody," means a court-ordered relationship in which one parent/legal guardian makes decisions regarding the minor child for educational purposes.
- (9) "Supervised Visitation," including "Supervised Timesharing," means a court-ordered relationship in which one or both parents/legal guardians cannot have contact with the minor child without an approved third party or agency present.
- (10) "Timesharing Schedule" means a timetable included in the parenting plan that specifies the time, including overnights and holidays that a minor child will spend with each parent/legal guardian.
- (11) "Third Party" includes stepparents, grandparents, aunts, uncles, non-relatives, and any other person not designated as a parent/legal guardian under Florida Statutes and this policy.

SPECIFIC AUTHORITY: Sections 39.01; 61.046; 63.032; 63.062, Florida Statutes

TITLE: Family Related Court Documentation

POLICY:

- (1) If there are court orders affecting the custody of a student, it is the responsibility of the parents/legal guardians to provide a complete certified copy of the court order signed by the presiding Judge to their child's school.
 - (a) While Orange County Public Schools ("OCPS") will accept and review applicable, school related, court documentation relating to the custody of a student, the School Board of Orange County, Florida ("Board") and OCPS will remain neutral in all custody matters.
 - (b) Parents/legal guardians that have provided court documentation to their child's school will be expected to follow their court order and refrain from using OCPS as an intermediate between the parents/legal guardians.
- (2) The parents/legal guardians are responsible for providing any updated court documentation that may affect the custody of a student. The new documentation must be complete, certified by the court, and signed by the presiding Judge.
 - (a) If it is determined that a court document has been modified without the consent of the court or the other parent/legal guardian, OCPS may refer the forged document to local authorities in compliance with Section 831.01, Florida Statutes, with approval from the Office of Legal Services.
- (3) If the parents/legal guardians have court documentation affecting the custody of

a student and refuse to provide a copy of the court order to OCPS, the principal or designee will be advised and the refusal will be noted in the student's cumulative record.

- (a) If the parents/legal guardians refuse to provide court documentation, OCPS will defer to the parent/legal guardian whose address is on file for registration purposes.
- (4) OCPS may not be used as a visitation site for supervised visitation.
- (5) Parents/legal guardians who have an active supervised visitation and/or no contact order shall not be permitted on Board property where the child who the order is in place to protect is present. This includes, but is not limited to, schools, school transportation, and school sponsored events.
- (6) Although OCPS may reference a court-ordered timesharing schedule and/or a custody order when there is a dispute between the parents/legal guardians, it is the parents/legal guardians ultimate responsibility for ensuring compliance with court ordered timesharing.
- (7) For the purposes of this policy the following shall apply:
 - (a) Pursuant to Section 744.301, Florida Statutes, absent court documentation, the mother of a child born out of wedlock is presumed to be the natural guardian of the child and is entitled to primary residential care and custody of the child.
 - (b) Married parents/legal guardians are entitled to the same rights and responsibilities in regards to their child, unless there is court documentation stating otherwise.
 - (c) If family related court documentation is provided to OCPS, OCPS will reference the court order(s) when there is a dispute or disagreement between the parents/legal guardians of a student.
 - (i) In the event OCPS receives conflicting direction from the parents/legal guardians and it is not specifically outlined in this policy or in the court order, OCPS shall rely on the direction of the parent/legal guardian identified by the following criteria, which are listed in order of priority:
 - a. The parent/legal guardian who is designated in a parenting plan or other court order as having either sole educational decision-making authority or sole parental responsibility of the student; or
 - b. If the parents/legal guardians have shared parental responsibility, then the parent/legal guardian who resides

at the address specified in the parenting plan or other court order as the address to be used for school boundary determination; or

- c. If no parenting plan or court order exists or provided, then the parent/legal guardian whose address is on file with the Office of Student Enrollment.

SPECIFIC AUTHORITY: Sections 742.031; 744.301; 831.01; 1001.42; 1001.51; 1003.02, Florida Statutes

TITLE: Enrollment and/or Withdrawal of a Student from School

POLICY:

A child may be enrolled or withdrawn from OCPS by the following parent/legal guardian:

- (1) The mother of a child born out of wedlock, absent court documentation;
 - (a) If there is a pending paternity case between the parents and the father has been adjudicated the father as provided in Chapter 742, Florida Statutes, the child cannot be relocated from his/her current school so long as at least one (1) parent remains in the school zone or the student qualifies for a transfer under Board Policy JCA.
- (2) Either parent/legal guardian if the parents/legal guardians are married or the parent/legal guardian has legal rights to the child.
 - (a) If there is a pending dissolution of marriage case between the parents/legal guardians, the child cannot be relocated from his/her current school so long as at least one (1) parent/legal guardian remains in the school zone or the student qualifies for a transfer under Board Policy JCA;
- (3) The parent/legal guardian whose address is designated by court order for school boundary determination. If an address is not designated, the parent/legal guardian will be required to go to the OCPS Office of Student Enrollment;
- (4) The parent/legal guardian who has been given sole parental responsibility or has sole educational decision making authority for the child by court order;
- (5) The parent/legal guardian who has a current court order stating the parent/legal guardian has custody of the child; or
- (6) The parent/legal guardian who has documentation permitting the enrollment/withdrawal from OCPS Office of Student Enrollment.

SPECIFIC AUTHORITY: Sections 742.031; 742.10; 744.301; 1001.42; 1001.51; 1003.02, Florida Statutes

Administrative Order 2004-05-04 Amended Order Governing Dissolution of Marriage Actions with or without Children of the Domestic Division of the Circuit Court of Orange County, Florida.

Administrative Order 2010-27-01 Amended Order Implementing a Standing Temporary Order for Paternity Actions, Orange & Osceola Counties

TITLE: Release of a Student from School

POLICY:

For the purposes of the this policy, the following applies when releasing a student from school prior to the regularly scheduled dismissal time of the school, or as it relates to releasing a student to another party when the student is in the care of the school:

- (1) The principal or designee shall establish the identity and authority of any individual who seeks the release of a student from school. If an individual other than the student's parent/legal guardian requests release of a student, the principal or designee shall obtain the consent of the parent/legal guardian prior to releasing the student. Consent will not be required in the following circumstances:
 - (a) A legally binding court order requiring the release of a student. The order must be verified by OCPS Office of Legal Services;
 - (b) A law enforcement officer requesting the release of a student and acting in his/her legal capacity to do so;
 - (c) A child protection investigator from the Department of Children and Families requesting the release of a student and acting in his/her legal capacity to do so;
 - (d) Any other official requesting the release of a student and acting in his/her legal capacity to do so with approval from OCPS Office of Legal Services;
 - (e) A minor, married student requesting to be released from school;
 - (f) A minor student who is a single custodial parent may be released from school when an emergency condition exists involving parental care of the student's child;

- (g) A student who is eighteen (18) years or older requesting to be released from school; or
 - (h) A student who is under the age of eighteen (18) but has been emancipated by order of the court requesting to be released from school.
- (2) In the event that parents/legal guardians, who have equal decision making authority, such as shared parental responsibility or are currently married, disagree as to a third party being authorized to sign a student out of school from the school's front office, the parents/legal guardians will be required to submit a court order or an agreed upon written list of approved people that may pick their child up from school. Until such time that a court order or agreed upon list is given to the school, only the parents/legal guardians of the child shall be permitted to sign the student out.
- (a) If a parent/legal guardian is designated as having sole decision making authority, such as sole parental responsibility or sole timesharing, the parent/legal guardian with this designation may authorize third parties to pick up the child/children from school without consent from the other parent/legal guardian.
- (3) A student released at the regularly scheduled school time who rides a school bus home shall ride his/her designated school bus unless the principal or designee has agreed to a deviation from the designated bus in advance of the end of the school day. This section includes riding the school bus to each parent's/legal guardian's home if the parents/legal guardians live separately.

SPECIFIC AUTHORITY: Sections 39.0014; 843.06; 1001.42; 1001.51, Florida Statutes

TITLE: Visiting a Student at School or School Activity

POLICY:

For the purposes of this policy the following applies when a parent/legal guardian or third party would like to visit a student during the school day or during a school activity:

- (1) If there is an active no-contact order, or an active order requiring supervised visitation/timesharing, the parent/legal guardian or third party will not be permitted to visit the student at school or during school sponsored activities.
- (2) The principal of the school has the ultimate authority to determine whether the school permits visitors during the school day, on school transportation, or during a school activity, unless section (1) applies.
- (3) All visitors and parents/legal guardians shall immediately check in at the school's office. Visitors and parents/legal guardians shall sign in through the school's visitor management system each time the visitor or parent/legal guardian comes

to the school to visit a student.

- (4) Parents/legal guardians are responsible for abiding by any court ordered timesharing schedule when visiting their child while at school or school activity, such as for lunch, and shall not use OCPS as a way to obtain additional timesharing with their child.
 - (a) This section does not apply to school sponsored events where the community is invited in general.
- (4) In the event parents/legal guardians, who have equal decision making authority, such as shared parental responsibility or are currently married, disagree as to a third party, who is not the legal guardian of the student, visiting the student at school the principal or designee must be provided with the prior written authorization of both parents/legal guardians, or a court order permitting the third party to visit.
 - (a) If a parent/legal guardian is designated as having sole decision making authority, such as sole parental responsibility or sole timesharing, then the parent/legal guardian with this designation may authorize third parties to visit the child/children at school without consent from the other parent/legal guardian.
 - (b) This section does not apply to school sponsored events where the community is invited in general.
- (5) In the event that a visitor is exposed to confidential student information regarding another student, the visitor shall not share the confidential student information with any third party as the information is protected under the Family Educational Rights and Privacy Act.
- (6) All visitors shall also comply with Board Policy KI.

SPECIFIC AUTHORITY: Sections 1001.54; 1002.22; 1012.28, Florida Statutes

20 U.S.C. § 1232G; 34 CFR Part 99

TITLE: Release and/or Access to Student Records

POLICY:

- (1) Both parents/legal guardians of a student may view the student's records or have copies of the student's records when a request is made in writing, unless the principal or designee is provided a court order prohibiting such access. This provision applies regardless of parental responsibility or whether custody has been established. The parent/legal guardian shall provide identification confirming they are the parent/legal guardian before records are released by

OCPS. The identification shall match the birth certificate of the child/children or court order that establishes the person as the parent/legal guardian.

- (2) OCPS is not required to make duplicate copies of automatically generated records or general publications for each parent/legal guardian.
- (3) Both parents/legal guardians of a student may attend parent-teacher conferences unless the principal or designee is provided a court order prohibiting such access. The school is not required to conduct a separate conference for individual parents/legal guardians.
- (4) In the event a parent/legal guardian wants a third party, who is not the legal guardian of the student, to be provided copies of the student's records and/or attend a parent- teacher conference the principal or designee must be provided with prior written authorization.
- (5) If the school receives conflicting direction from the parents/legal guardians who have equal decision making authority, such as shared parental responsibility or are currently married, as to which third parties may have access to records and/or attend a parent- teacher conference, the principal or designee must be provided with prior written authorization from both parents/legal guardians, or a court order permitting the third party access.
 - (a) If a parent/legal guardian is designated as having sole decision making authority, such as sole parental responsibility or sole timesharing, the parent/legal guardian with this designation may authorize third party access to records and/or attendance at a parent- teacher conference. This authorization must be submitted to the school every year.
- (6) See Board Policy JRA for additional information regarding student records.

SPECIFIC AUTHORITY: Section 1002.22, Florida Statutes

20 U.S.C. § 1232G; 34 CFR Part 99

ADOPTED: 06/22/2010

REVISED: 05/08/2018; 6/14/22

THREATS

School Threat Assessment Team Procedure Guide



**Orange County
Public Schools**

OCPS EEO Non-Discrimination Statement

The School Board of Orange County, Florida, does not discriminate in admission or access to, or treatment or employment in its programs and activities, on the basis of race, color, religion, age, sex, national origin, marital status, disability, genetic information, sexual orientation, gender identity or expression, or any other reason prohibited by law. The following individuals at the Ronald Blocker Educational Leadership Center, 445 W. Amelia Street, Orlando, Florida 32801, attend to compliance matters: Equal Employment Opportunity (EEO) Officer & Title IX Coordinator: Keshara Cowans; ADA Coordinator: Jay Cardinali; Section 504 Coordinator: Tajuana Lee-Wenze. (407.317.3200).

Revised August 2021

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SUMMARY OF CHANGES

The following is a list of the important changes made to the Threats Procedure Guide for the 2021-2022 school year:

Section I: Overview of School Threat Assessment Teams

- Overview
 - The first paragraph was added to ensure confidentiality of STAT meetings
- Roles and Responsibilities
 - Information was added regarding whether all STAT members should be present for a meeting
 - Information regarding school breaks was added
 - Additional responsibilities for the Principal/AP were added - see the last 3 bullets
 - Checking the Florida Schools Safety Portal was added for the MHD and Instructional members
 - Additional responsibilities for Other OCPS Personnel was added to the first bullet
- Training Requirements - NEW SECTION
- Monthly Meetings
 - The Meeting Form for the STAT's monthly meetings has been updated
- District Threat Assessment Team Review
 - If the DTAT reclassifies a Threat of Harm to Others the DTAT will provide the school with an Amendment that should be attached to the front of the Threat Assessment and the school is responsible for updating the STAT Submission Site with the correct classification

Section II: Threat to Others - Threat Assessment

- Threat Assessment Process Flowcharts
 - The flowcharts were updated for general education students and ESE/504 students
- ESE/504: General Education Setting Process
 - Bullets 3, 4, and 6 were modified
- ESE/504: Unit Setting Process
 - The first bullet was modified
- Threat Classification
 - Some of the examples for Transient and Very Serious Threats were updated
- Parent/Guardian Notification
 - "Threats to the School" was updated to match the Code of Student Conduct definition and reference Connect Orange messages
 - "Threats to a Person" was updated to match the Code of Student Conduct
 - A NEW section on contact for Transient and Substantive Threats was added
 - Alleged Offender and Intended Target Notification was updated to allow the school to disclose the name of the alleged offender to the intended target for all substantive threats (serious and very serious)
 - A NEW section on subsequent questions from parents of the intended target was added

SUMMARY OF CHANGES

Section II: Threat to Others - Threat Assessment (Continued)

- School Threat Assessment Procedures
 - The OCPS Threat Assessment Decision Tree was updated - this will also be reflected on the new Threat Assessment form
 - Step 5 is updated to show the modified Page 7 of the Threat Assessment which now includes a brief threat summary - this page is provided when there is a records request for student records
 - Step 6 is updated to state that the Florida Safe Schools Portal does not allow information to be uploaded as of the date of this procedures guide's last revision
- Submitting Paperwork
 - Step 7 is updated to include the new state requirements to report the race, gender, and grade level of the alleged offender
- Sending/Requesting Paperwork
 - NEW Sections for Sending and Receiving School responsibilities have been added
- Supervision Plan
 - Information regarding supervision plans for students placed in PASS, return/remain in their school prior to/after their DTM has been added
 - The current school should include the PPTC in the re-entry meeting for Level 4 offenses if the student is returning from PPTC
- Florida School Safety Portal
 - The Portal does not permit users to print/upload information, therefore information pertaining to these tasks has been removed

Section III: Threat of Self-Harm - Threat Response

- Threat Response During School Hours and Threat Response Outside School Hours
 - The flowcharts for these sections have been updated to include legislative changes
 - School Interventions have been updated to include additional measures a school should take throughout the Threat Response Process - this is pursuant to legislative updates and School Board Member requests
 - A NEW section on School Involvement if a Student is Place Under a Baker Act has been added at the School Board's request
- Parent/Guardian Notification
 - NEW information pertaining to the school's "reasonable attempt" to notify the parent has been added (this is a statutory requirement)
 - A NEW section on Non-Notification to Parent/Guardians has been added

SECTION I:

Overview of School Threat Assessment Teams

(Threats to Others and Threats of Self-Harm)

*This section is intended to be used for **all** threats, including threats to others and threats of self-harm. For more detailed information on Threats to Others, see [Section II](#). For more detailed information on Threats of Self-Harm, see [Section III](#).*

OVERVIEW

ALL INFORMATION AND/OR RECORDS DISCUSSED AND/OR DISCLOSED DURING A THREAT ASSESSMENT MEETING OR BY A THREAT ASSESSMENT TEAM MEMBER, AS IT RELATES TO THREATS, ARE CONFIDENTIAL AND SHALL NOT BE DISCLOSED OUTSIDE OF THE THREAT ASSESSMENT TEAM, UNLESS SPECIFICALLY PERMITTED BY [SCHOOL BOARD POLICY JICK](#), FEDERAL OR STATE STATUTE, OR STATE BOARD OF EDUCATION RULES.

The School Threat Assessment Team Procedures Guide was created to assist Orange County Public Schools (OCPS) School Threat Assessment Teams (STAT) in determining how to proceed when a student makes a threat of harm to others or a threat of self-harm. The guide is divided into four sections:

[Section I: Overview – Threat Assessment and Threat Response](#)

[Section II: Threat to Others – Threat Assessment](#)

[Section III: Threat of Self-Harm – Threat Response](#)

[Section IV: Appendix](#)

The STAT is responsible for monitoring **both** types of threats (threats to others and threats of self-harm) at the monthly STAT meeting. In addition, the STAT should complete the STAT Monthly Meeting Form to document the student's discussed at the monthly meeting. The STAT Monthly Meeting Form should be kept at the school in a secure location and a copy shall be provided to the school's Learning Community on a monthly basis.

If a student makes a threat to others, as defined in the [OCPS Code of Student Conduct](#) under Levels 2, 3, or 4, [Section II](#) should be utilized and a Threat **Assessment** and Response Protocol (Threat Assessment) is conducted. If a student makes a threat of self-harm, [Section III](#) should be utilized, and a Threat **Response** to Suicide/Self-Harm (Threat Response) is conducted.

If a student makes a threat of harm to others **and** a threat of self-harm, and there is not an immediate concern for other student safety, follow the procedures in [Section III: Threats of Self-Harm – Threat Response](#) **first**, then proceed with the procedures in [Section II: Threat to Others – Threat Assessment](#).

IMPORTANT REMINDERS

Immediately notify the School Resource Officer (SRO), or law enforcement if the SRO is not available, if the student makes **any** threat with a weapon and defer to the SRO as to next steps.

If a student transfers schools to either an OCPS school or non-OCPS school, [Section 1006.07, Florida Statutes](#), requires the STAT to verify any intervention services provided to the student remain in place until the STAT at the receiving school independently determines the need for intervention services.

ALL EMPLOYEES ARE REQUIRED TO REPORT ANY EXPRESSED THREATS OR BEHAVIORS THAT MAY REPRESENT A THREAT TO THE SCHOOL, COMMUNITY, OR SELF TO SCHOOL ADMINISTRATION.

All documents referenced herein can be located in [Section IV: Appendix](#).

DEFINITIONS

The following definitions apply to all sections of the Procedures Guide.

Aberrant Behavior: Behavior which is atypical for the person or situation and causes concern for the safety or well-being of those involved. Aberrant behavior for an individual involves actions, statements, communications or responses that are unusual for the person or situation; actions that could lead to violence toward self or others; or are reasonably perceived as threatening or causing concern for the well-being of the person.

Baker Act: Florida’s Mental Health Act, known as the Baker Act ([ss. 394.451-394.47892, F.S.](#)), provides for voluntary and involuntary admission for mental health examinations and also provides procedures for civil commitment. Generally, when a person says someone “was Baker Acted,” it means that the person was held up to 72 hours for an involuntary examination based on a threat of harm to themselves or others. Involuntary examination can only be initiated by a law enforcement officer on School Board of Orange County, Florida (“Board”) property.

Education records: Any records or documents, including information derived from those records or documents that are directly related to a student and are maintained by an educational agency or institution, or by a party acting for the agency or institution. [34 C.F.R. s. 99.3](#). In most cases, this includes student health and mental health records maintained by an educational agency or institution. Law enforcement unit records, as defined by [34 C.F.R. ss. 99.3 and 99.8](#), are not considered education records.

Guardian: The natural guardian of a minor (a person under the age of 18), or person appointed by the court to act on behalf of a ward’s person. Guardian is interchangeable with parent throughout this guide.

Involuntary Examination: The taking of a person to a facility for involuntary examination if law enforcement evaluates the person and has reason to believe: (1) the person has a mental illness; (2) the person has refused voluntary examination, if the person is 18, or the parent/guardian has refused voluntary examination if the person is a minor; and (3) without care or treatment, the person is likely to suffer harm.

Law Enforcement Officer: Any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. This definition includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency. Law enforcement officers are the only designated official on Board property to conduct a Baker Act assessment to determine if an examination is required. “Law enforcement officer” is interchangeable with School Resource Officer (SRO) throughout this guide.

Continued on next page

DEFINITIONS

Mental Health Designee (MHD): The mental health designee on each campus may have the title of School Counselor, SAFE Coordinator, or High School Mental Health Social Worker. The designee's primary role is to support student's social-emotional and mental health needs. Designees work within a multidisciplinary team to comprehensively address students' needs during a crisis and develop post-crisis intervention plans. Designees work collaboratively with the school's Threat Assessment team to establish safety plans for the students on school campuses and provide families with resources to best support students' individual needs. The designee works closely with students and families to provide referrals for counseling and other outside resources. In addition to collaborating with external providers to best advocate for student services, the designee also follows up on behavioral/treatment plans, and request other pertinent documents relevant to supporting students' needs.

Mental Illness: An impairment of the mental or emotional processes that exercise conscious control of one's actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person's ability to meet the ordinary demands of living.

Receiving Facility: Any hospital, community facility public or private facility, or receiving or treatment facility providing for the evaluation, diagnosis, care, treatment, training, or hospitalization of persons who appear to have or who have been diagnosed as having a mental illness or substance abuse impairment.

Substantive threats: Threats where the intent to harm is present, or not clear, and require protective action. The question is whether there is an express intent to physically injure someone beyond the immediate situation and there is at least some risk that the person will carry out the threat. If there is doubt or if the threat cannot clearly be categorized as transient, threats should be treated as substantive.

- Serious substantive threats are threats to hit, fight or beat up another person.
- Very serious substantive threats are threats to kill, rape or cause serious injury with a weapon.

Threat: A threat is a communication of intent to harm oneself or someone else that may be spoken, written, gestured or expressed in some other form, such as via text messaging, email or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) or whether the intended target is aware of the threat.

Continued on next page

DEFINITIONS

Threat Assessment: A problem-solving approach to violence prevention that involves assessment and intervention with students who have threatened violence. It is a fact-based process that emphasizes identification, evaluation, intervention and follow-up in order to prevent serious threats of harm or actual acts of violence from occurring.

- Threat Assessment is not an emergency or crisis response. If there is an indication that violence is imminent, such as when a person is at school with a gun, a crisis response is indicated. School staff must take immediate action by contacting law enforcement, the school's area office, and District Police at x2003333.
- Threat Assessment is not a disciplinary process. District procedures regarding discipline and referral to law enforcement should be followed, no matter the outcome of a threat assessment. Information learned in a threat assessment may be used in disciplinary proceedings, where appropriate.
- Threat Assessment is not a suicide or self-harm assessment; rather a Threat Response should be utilized for a threat of self-harm.
- Threat Assessment is not a means to profile the next school shooter. There is no known profile of a school shooter or student attacker. The threat assessment process is focused on prevention, not prediction. Because a student has been the subject of a threat assessment does not mean the student is a potential shooter or attacker; it simply means that a threat (whether minor or serious) was reported and evaluated by the STAT.

Threat Response: Threat response is the process that is implemented when a student has indicated an intent to harm themselves which may include suicidal ideation and self-injurious behavior.

Transient Threats: Threats where there is not a sustained intent to harm. The critical question is whether the person intends to carry out the threat, or whether the threat was made in the heat of the moment as an expression of anger, frustration or humor without intent to harm. Transient threats can be resolved with an apology, retraction or explanation by the person who made the threat.

Voluntary Examination: The voluntary consent and admission by a person who is 18 or older, or by the person's parent/guardian if the person is a minor, into a facility for observation, diagnosis, or treatment.

ROLES AND RESPONSIBILITIES

WHO IS ON THE THREAT ASSESSMENT TEAM?

Pursuant to [Section 1006.07, Florida Statutes](#), a school-based threat assessment team (STAT) **shall** include persons with expertise in:

- School Administration
- Counseling
- Instruction
- Law enforcement

OCPS has defined the following people as personnel that fall within the above categories:

- School Administration – Principal/AP
- Counseling – Mental Health Designee (School Counselor, School Social Worker, School Psychologist, or Licensed Mental Health Counselor)
- Instructional – Dean, Staffing Specialist, Resource Teacher, 504 Coordinator, ELL Compliance, etc.
- Law enforcement – SRO, local law enforcement, or OCPS District Police
- If a student is eligible for ESE services the Staffing Specialist must be present
- If a student is eligible for 504 accommodations the 504 Coordinator must be present

[School Board Policy JICK – Threats](#), requires additional personnel to be included on the team that can provide valuable input; these people should be included on a case-by-case basis. For example, Professional Standards should be involved if the threat concerns a threat made by staff.

DO ALL STAT MEMBERS MEET FOR EVERY THREAT ASSESSMENT?

Yes. A Threat Assessment cannot be completed without all the statutorily required members present. Each member contributes different information that may change the classification of the threat.

WHEN DOES THE STAT MEET?

The STAT shall meet immediately for any threat as outlined in the [OCPS Code of Student Conduct](#). In addition, the STAT shall meet monthly, or as often as necessary, to ensure students are appropriately assessed and referred to services.

The STAT is not required to meet during school breaks when students are not present on campus; however, if students are present on campus, then the STAT is expected to continue having monthly STAT meetings and on an as needed basis for threats and/or threatening behavior. If students are present during a school break and the STAT needs to meet, but does not have the statutorily required members as detailed above, the Principal/AP should contact their learning community office to see if another school has a STAT member trained in Threat Assessment that can sit in on the STAT meeting. STATs should also meet at the end of a school break before students return to school.

ROLES AND RESPONSIBILITIES

STAT BEST PRACTICES

IF THERE IS AN IMMINENT THREAT TO SCHOOL SAFETY, CONTACT LAW ENFORCEMENT IMMEDIATELY. CONTACT WITH THE LEARNING COMMUNITY OFFICE, AND DISTRICT POLICE AT X2003333 SHOULD ALSO BE MADE. THE STAT MUST CONVENE AN EMERGENCY THREAT ASSESSMENT MEETING TO ADDRESS THE IMMINENT THREAT.

The STAT must identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

The STAT must use the OCPS Threat Assessment and Response Protocol (Threat Assessment) for threats to others, and the OCPS Threat Response to Suicide/Self-Harm for threats of self-harm.

The STAT should provide guidance to students and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self.

All threats, evaluations, and resultant actions should be documented.

PRINCIPAL/AP

- Convene and facilitate the STAT, this includes monthly and emergency meetings
- Ensure all members of the STAT are present for the STAT meeting and the process is followed for all threats (Levels 2, 3, and 4 as outlined in the Code of Student Conduct), as well as for any threatening behavior
- Determine the storage location for completed Threat Assessments for Levels 2, 3, and 4, and ensure the security of the location (the Threat Assessment cannot be stored in the student's cumulative file)
- Designate staff to upload the Threat Assessment to the School Threat Assessment Team Assessment Submission Site on SharePoint
- Contact the parent(s)/guardian(s) of the subject and victim to make them aware of the threat **ONLY** if the threat is substantive (see [Section II: Parent/Guardian Notification](#) section for additional information)
- Contact the parent(s)/guardian(s), or assign a designee to contact, if a student makes a threat of self-harm or exhibits self-injurious behavior and intervention is needed (see [Section III: Parent/Guardian Notification](#) section for additional information)
- Ensure discipline paperwork and Threat Assessment is completed properly and in a timely manner
- Ensure proper redaction of documentation if provided to parents (see appendix)
- Designate staff (i.e. Registrar, Records Clerk, etc.) to send documentation to a receiving school for transferring students (see [Section 1003.25, Florida Statutes](#) in appendix)
- Ensure any instructional staff that is part of the STAT does not stay past the duty day per CTA Contract
- Ensure every Threat Assessment is uploaded to the [STAT Submission Site](#) immediately after a Threat Assessment is completed
- Establish an internal procedure for the STAT on how they will gather, receive, and manage information pertaining to a new student who has a prior threat assessment completed, or is exhibiting threatening behavior. Some recommendations include reaching out to the prior school of enrollment for additional information, checking Skyward for prior discipline offenses and/or completed threat assessments.
- For threats of self-harm: Verify de-escalation strategies have been utilized and outreach to a mobile crisis response team has been initiated before contacting law enforcement, unless the principal/designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others (this statutory requirement does not supersede the authority of the law enforcement officer to initiate an involuntary examination on their own volition)

ROLES AND RESPONSIBILITIES

MENTAL HEALTH DESIGNEE (MHD)

- Assist with interviewing the subject, victim, and witnesses for the Threat Assessment (pgs. 2-3 + additional pages as needed for victims/witnesses)
- Provide mental health history at the monthly and emergency STAT meetings
- Complete all mental health referrals and ensure follow through
- Contact the District Mental Health Counselor/Social Worker assigned to your school to complete the mental health component of the Threat Assessment (pgs. 8-19) for all very serious substantive threats (MS and HS ONLY: Contact your School-Based Social Worker to assist with completion of pgs. 8-19) (*Note: if a student with a serious threat has a significant history of mental health concerns, a mental health assessment may be conducted*)
- Provide follow-up for Threat Assessment case plan (pg. 6)
- When notified of a student suicidal ideation the MHD will follow the District Threat Response process as outlined in the [Threat Response Flowcharts](#)
- The MHD will complete the form on the Threat Response SharePoint and fax the required documents to the Mental Health Services Department
- Check the [Florida Safe Schools Portal](#) for any additional mental health information when completing a Threat Assessment

INSTRUCTIONAL

- Assist with interviewing the subject, victim, and witnesses for the Threat Assessment (pgs. 2-3 + additional pages as needed for victims/witnesses)
- The person in charge of the student discipline investigation, such as the Dean or Principal/AP over discipline, should complete the Threat Report (pg. 1) on the Threat Assessment
- Provide discipline background for the student and any other relevant information pertaining to the student at the monthly and emergency STAT meetings
- Check the Florida Safe Schools Portal for any additional relevant student information when completing a Threat Assessment

LAW ENFORCEMENT

- Assist the STAT in determining whether a student poses a threat to the school and community
- May provide criminal background history if there is an established criminal predicate and as provided in [Section 1006.07, Florida Statutes](#) and the Florida School Safety Portal User Agreement

OTHER OCPS PERSONNEL

- The Staffing Specialist/504 Coordinator should review and provide IEP/504 information (including the behavior plan, if applicable) to the STAT (and provide pertinent information to the IEP/504 team for review, if appropriate)
- The Behavior Specialist/Designee should provide prior behavior support given to the student
- The ELL Compliance staff member should provide information if the student is an ELL student
- Any other employee who can contribute relevant information to the specific student in question, should provide such input if it is related to the threat

TRAINING REQUIREMENTS

THREAT ASSESSMENT (Threat to Others)

- All members of the STAT shall attend the district sponsored CSTAG training within 90 days of appointment to the STAT; this training is offered throughout the school year. It is important to note, that starting with the 2021-2022 school year, all STAT members must be trained in CSTAG by December 31, 2021. Also, beginning with the 2022-2023 school year, all STAT members must be trained in CSTAG before the start of the school year. If a member is appointed to the STAT after the start of the 2022-23 school year, they will have the requisite 90 days to complete the CSTAG Training.
- All members of the STAT shall participate in a Threat Assessment training once every four years, or as needed, if new guidance is issued by the Department.
- All STAT members who utilize the Florida Safe Schools Portal (FSSP) must complete the Florida Department of Education, Office of Safe Schools, *Security Awareness Training* prior to being granted access to the FSSP. This training shall be completed annually and can be found at: www.sat-fldoe.org.

THREAT RESPONSE (Threat of Self Harm)

- All Mental Health Designees shall attend the district Threat Response training, which is offered annually, or as needed, if new guidance is issued.
- SROs are required by Section 1006.12, Florida Statutes, to complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve the officer's knowledge and skills as first responders to incidents involving students with emotional disturbances or mental illness, including de-escalation skills to ensure student and officer safety. If your SRO needs assistance with scheduling this training, please have the SRO contact their regional training center.

MONTHLY MEETINGS

The STAT shall meet immediately for any threat as defined in the [OCPS Code of Student Conduct](#). In addition, the STAT shall meet monthly, or as often as necessary, to ensure all students who make threats to others or threats of self-harm are appropriately assessed and referred to services. Information pertaining to the students discussed at the monthly STAT meeting should be documented on the School Threat Assessment Team Monthly Meeting form; the form should be kept at the school in a secure location and a copy shall be provided to the school's Learning Community on a monthly basis.

It is important to note that not all columns will have information entered when completing the monthly meeting form for students who make threats of self-harm. For example:



**Orange County
Public Schools**

School Threat Assessment Team Meeting Form

School Name: **ABC High School** Date: **10-30-19**

Incident Date	Student #	Student Name	Grade	Incident	Recommendation			Follow Up Needed	Threat Level	Uploaded to STAT Site
					ISS	OSS	MH Referral			
10/2/19	1234567890	Bobby Doe	10	Student made a threat to blow up the school.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	Very Serious	<input checked="" type="checkbox"/>
10/15/19	2345698701	Sally Doe	12	Student made a threat of self harm.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	Select Level	<input type="checkbox"/>

Pursuant the [Family Educational Rights and Privacy Act \(FERPA\)](#), educational records are records that contain information directly related to a student and are maintained by an educational agency; therefore, the monthly meeting notes are protected by FERPA regulations. Although the SRO is part of the STAT, if the SRO requests a copy of the meeting notes, a copy can be provided so long as all personally identifiable student information is redacted, such as the student's name and student number and any other identifying student information. For example:



**Orange County
Public Schools**

School Threat Assessment Team Meeting Form

School Name: **ABC High School** Date: **10-30-19**

Incident Date	Student #	Student Name	Grade	Incident	Recommendation			Follow Up Needed	Threat Level	Uploaded to STAT Site
					ISS	OSS	MH Referral			
10/2/19			10	Student made a threat to blow up the school.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	Very Serious	<input checked="" type="checkbox"/>
10/15/19			12	Student made a threat of self harm.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	Select Level	<input type="checkbox"/>

DISTRICT THREAT ASSESSMENT TEAM REVIEW

A District Threat Assessment Team (DTAT) has been established to provide guidance and oversight to the STAT. The DTAT also makes recommendations to the Board and District regarding policies and procedures dealing with threats.

The DTAT consists of members from District Police, Student Discipline, Student Services, ESE, 504, and Legal. The DTAT meets on a regular basis, and as often as needed, to review and assess STAT Threat Assessments and Threat Responses.

THREAT OF HARM TO OTHERS

A STAT classification may be reviewed by the District Threat Assessment Team (DTAT) if District personnel and/or the parent of the student does not agree with the classification and has a compelling reason as to why the threat should be reclassified. The DTAT follows the same statutory requirements as the STAT. When a classification is appealed, the DTAT will review the discipline file and Threat Assessment, and may ask the school for clarifying information if needed.

If the DTAT reclassifies the threat, the Area Administrator will notify the school of the reclassification and provide an amendment to attach to the front of the Threat Assessment. The school is responsible for updating the [STAT Submission Site](#) with the correct classification.

THREAT OF SELF-HARM

The DTAT may review Threat Response data, students who make repetitive threats of self-harm, and/or those students who make a threat of self-harm coupled with a threat to others. In addition, any student who has been placed under a Baker Act two or more times will be discussed by the DTAT on a monthly basis to ensure the DTAT is aware of the more fragile students in the District.

For additional information pertaining to the Threat Assessment or Threat Response process, or to ask the DTAT a question, please contact:

District Police	Mental Health	Student Discipline	ESE/504 Students	Legal Services
(407) 317-3333 X2003333	(407) 317-3911	(407) 317-3200 X2002011	(407) 317-3229	(407) 317-3411 X2003411

Section II: Threat to Others Threat Assessment

*This section is intended to be used for students who make a **threat of harm towards others**. For students who make a threat of self-harm please reference [Section III](#).*

INTRODUCTION

The following section **ONLY** applies to threats to others, for threats of self-harm see [Section III](#).

Orange County Public Schools (OCPS) has developed the following guidelines in accordance with [Section 1001.212, Florida Statutes](#), which requires each school district to develop behavioral threat assessment procedures.

These guidelines were developed using the *Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence*, by Dr. Dewey Cornell, Florida Statutes, and guidance provided by the Florida Department of Education. These guidelines provide practical guidance for school-based threat assessment teams for students who make threats or exhibit threatening behavior.

These guidelines should be used in conjunction with the *Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence*, by Dewey Cornell.

The OCPS Threat Assessment Guidelines apply to all school-based threat assessment teams.

The Florida Statutes and OCPS Board Policy requiring schools to have threat assessment teams and accompanying documentation are located in the [Appendix](#).

All information contained herein applies to all students. Additional information pertaining to students who are eligible for services under the Individuals with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 (Section 504) and American with Disabilities Act (ADA) can be found throughout and is highlighted in orange.

WHAT IS A THREAT ASSESSMENT?

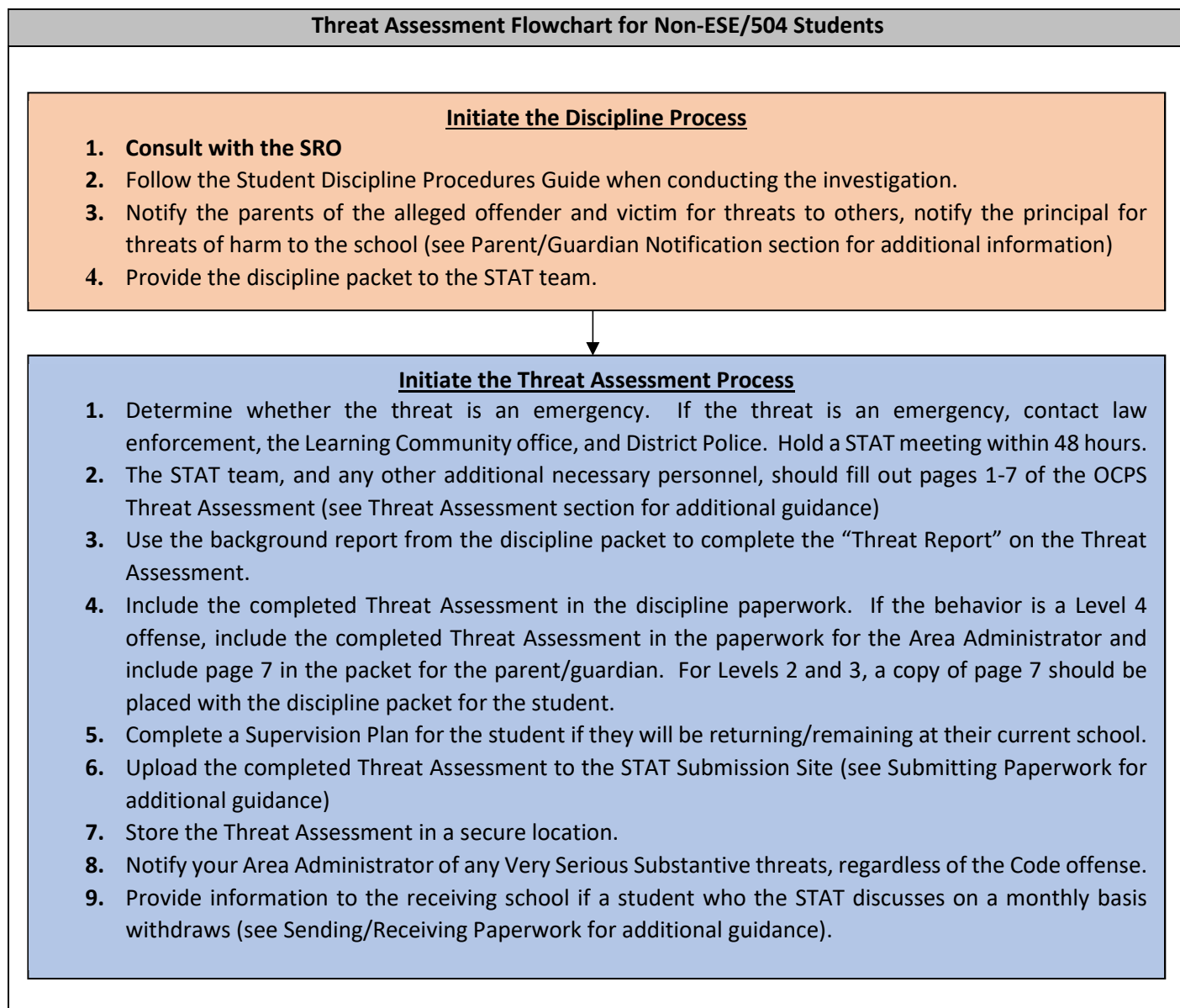
A threat assessment is conducted when there is a **threat to others**. According to the *Comprehensive School Threat Assessment Guidelines: Intervention and Support to Prevent Violence*, by Dewey Cornell:

Threat assessment is an approach to violence prevention . . . A threat assessment is conducted when a person (or persons) threatens to commit a violent act or engages in behavior that appears to threaten an act of violence . . . Threat assessment is a process of evaluating the threat and the circumstances surrounding it in order to uncover any evidence that indicates the threat is likely to be carried out.

A threat assessment team must be established at each school and must include members with expertise in school instruction, school administration, counseling, and law enforcement. Other OCPS staff members may also be needed to ensure a thorough review of the student is complete, **such as a 504 Coordinator or Staffing Specialist**. The threat assessment team must meet, at minimum, on a monthly basis to review all students who have been referred to the school-based threat assessment team, and must meet immediately for any threat as outlined in the [OCPS Code of Student Conduct](#). The threat assessment team may also meet at other times deemed necessary by the team.

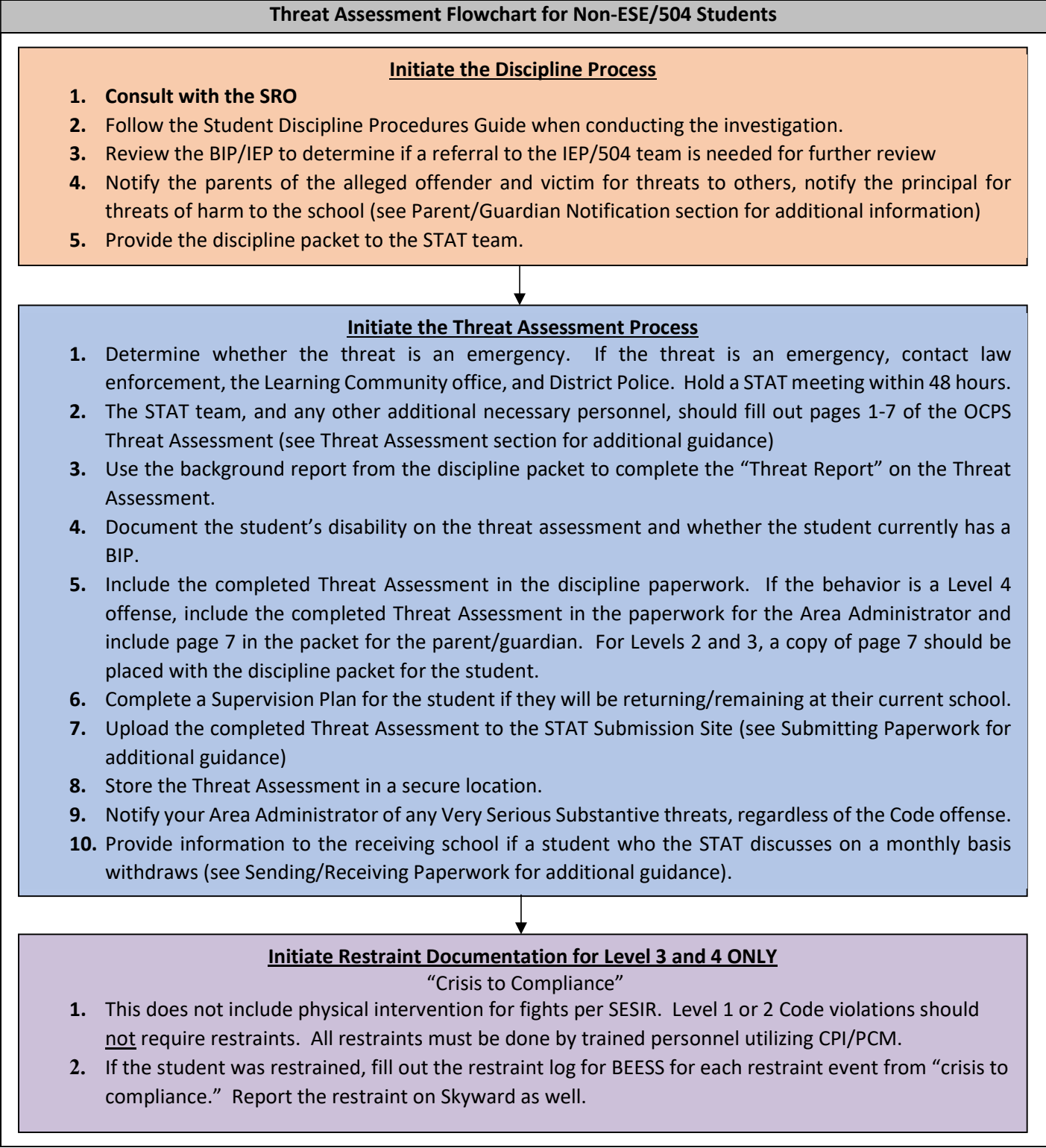
THREAT ASSESSMENT PROCESS

The following flowchart should be used as guidance when a **non-ESE/504** student makes a **Level 2, 3, or 4** threat or exhibits threatening behavior **towards others** and a Threat Assessment must be completed.



ESE/504: THREAT ASSESSMENT PROCESS

The following flowchart should be used as guidance when an **ESE/504** student makes a **Level 2, 3, or 4** threat or exhibits threatening behavior **towards others** and a Threat Assessment must be completed. Additional guidance for ESE/504 students can be found throughout this guide. “Crisis to compliance” means one incident.



ESE/504: GENERAL EDUCATION SETTING PROCESS

The following procedures were developed for students who are in a general education setting (not a unit) with an IEP/504 plan, or for students for whom you have knowledge or suspicion that they may have a disability that would qualify them for an IEP/504 plan, or for students who have open consent for evaluation. The STAT would follow the same procedures as you would for General Education students as outlined in this Procedures Guide with the following caveats:

- If the threat is immediate, imminent, or the student poses as a danger to other students/staff if they remain on campus, contact law enforcement, learning community office, and District Police.
- The student should not be removed if he/she is being considered for a more restrictive placement (refer to “ESE Students in a Unit”)
- The student should not be removed if he/she was recently transitioned from a more restrictive placement (refer to [ESE Students in a Unit](#)), however all appropriate discipline interventions should be considered on a case-by-case basis.
- A Threat Assessment should be completed for every threat, regardless of the student’s disability (one assessment for each event, “Crisis to Compliance”).
- The [OCPS Code of Student Conduct](#) should be followed for every threat, regardless of the student’s disability.
- If an ESE/504 student makes a threat or exhibits threatening behavior, the Behavior Specialist and ESE Teacher, or Staffing Specialist, should review the student’s IEP and/or Behavior Intervention Plan (BIP) to identify if the behaviors are addressed in those plans, consult with the student’s teachers regarding exhibited behaviors (if possible), and discuss their findings at the STAT meeting. If appropriate, an IEP/504 meeting should be scheduled to review the matter.

SUSPENSION OF ESE STUDENTS FOR THREATS

All ESE students should be disciplined in the same manner of their non-disabled peers when being suspended from school. Once a student has accrued 10 days of out of school suspension (cumulative or collective) he/she should be placed in PASS (students must receive ALL 504/ESE accommodations and services while in PASS) in lieu of out of school suspension (for Level 4 offenses, the student must remain in PASS pending the DTM), **unless** the threat is immediate, imminent, or the student poses as a danger to other students/staff if they remain on campus.

If the threat is immediate, imminent, or the student poses as a danger to other students/staff if they remain on campus, and the student has accrued 10 days of out of school suspension (cumulative or collective) then the student should be immediately suspended out of school **upon consultation with appropriate district staff** (i.e. Area Administrator, Legal, ESE).

ESE/504: UNIT SETTING PROCESS

The following applies to ESE students who are currently in an ESE unit (regardless if they are being mainstreamed for electives), are being considered for a more restrictive placement, or have been recently removed from a unit:

- A Threat Assessment should be completed for every threat, regardless of the student’s disability (one assessment for each event, “Crisis to Compliance”).
- The [OCPS Code of Student Conduct](#) should be followed for every threat, regardless of the student’s disability.
- Students in a unit that are engaging in threatening behavior should be allowed to return to school with a supervision plan in place, unless, the threat or threatening behavior is believed to be immediate, imminent, or very serious substantive.
- If the threat is immediate, imminent, or very serious substantive, contact law enforcement, learning community office, and District Police.
- When processing the discipline for the student, contact your Area Administrator and/or OCPS Office of Legal Services for additional guidance.

EXAMPLES OF IMMEDIATE, IMMINENT, OR VERY SERIOUS SUBSTANTIVE

1. ESE/Section 504 student in a unit who makes a threat to kill another person and is in possession of a weapon.
2. ESE/Section 504 student who makes a bomb threat and has researched how to build a bomb.
3. ESE/Section 504 student who makes a threat to kill his teacher and then physically attacks the teacher in the classroom.

ASSESSING THREATS

INITIAL EVALUATION

When a threat is reported, the STAT should begin an initial evaluation of the situation to determine if the threat is imminent and the seriousness of the threat.

INTERVIEWS

All cases, even threats that are determined to be transient, should include an interview of the person who made the threat and any witnesses who observed the threat. The Instructional and Mental Health members should conduct these interviews in tandem to ensure all information obtained is accurate. Other interviews may also be warranted depending on the situation if the STAT believes the interview would contribute to the classification of the threat. This may include, but is not limited to, interviewing parents, teachers, etc.

KEY QUESTIONS TO THINK ABOUT WHEN CONDUCTING INTERVIEWS

- What are the student's motives and goals?
- What first brought him/her to someone's attention?
- Have there been any communication suggesting ideas or intent to attack?
- Has the student shown any inappropriate interest in school attacks/attackers, weapons, incidents of mass violence?
- Has the student engaged in attack-related behaviors?
- Does the student have the capacity to carry out an act of targeted violence?
- Is the student experiencing hopelessness, desperation, or despair?
- Does the student have a trusting relationship with at least one responsible adult?
- Does the student view violence as an acceptable, desirable – or the only – way to solve a problem?
- Are the student's conversation and "story" consistent with his or her actions?
- Are other people concerned about the student's potential for violence?
- What circumstances might affect the likelihood of an attack?

KEY OBSERVATIONS

The Threat Assessment contains several questions pertaining to the student in the "Key Observations" section which will assist the STAT in classifying the threat. All answers in the "Key Observations" section should be answered accurately with the information the STAT has. If needed, the STAT should contact parents, staff, members in the community, etc. to assist with answering any of the questions (for example, additional information may need to be obtained to determine if the student has suffered from a traumatic event in his/her life; or if the student has access to weapons in the home).

The STAT should attempt to avoid answering "Don't know" to any of the questions if possible. The point of the Threat Assessment is to obtain a well-rounded picture of the student and their propensity to carry out the threat, answering the questions in the Key Observations section will assist in achieving this goal.

If the STAT marks an observation as "Yes" or "Partially" the STAT should provide a brief explanation in the designated area on the form.

THREAT CLASSIFICATION

WHAT WOULD BE CLASSIFIED AS A “NO THREAT”?

A “no threat” is communication that is not intended to inflict harm or intimidate another person, but may be a figure of speech, or fall within the “Pop Tart Bill” ([Section 1006.07, Florida Statutes](#)). However, if the playing substantially disrupts student learning, causes bodily harm to another person, or places another person in reasonable fear of bodily harm, it should not be classified as a “no threat.”

Examples of “No Threats”

1. Elementary students are playing cops and robbers and using their fingers as guns, without verbalizing any threat.
2. A student holds out a finger gun and says, “pew, pew” without any history or reference to another person or school.
3. Students discussing a violent movie or video game exclusively, without going outside the context of the movie or video game.
4. A student posts on social media, “who’s got beef?” without any reference to another student or school and after investigation it is determined that there is no intended victim of the communication.

WHAT ARE TRANSIENT THREATS?

As outlined by Dr. Dewey Cornell in the *Comprehensive School Threat Assessment Guidelines*, transient threats are defined as statements that do not express a lasting intent to harm someone. Transient threats either are intended as figures of speech or reflect feelings that dissipate in a short period when the student thinks about the meaning of what he or she has said. All transient threats end in an apology or explanation that makes it clear the threat is over.

Examples of Transient Threats

1. “I’m gonna kill you”- said as a joke.
2. “I’m gonna kill you”- said in the heat of competition during a basketball game.
3. “I’m gonna bust you up”- said in anger but then retracted after the student calms down.
4. “I could break you in half”- said to intimidate someone but retracted after the student calms down.
5. “I’ll get you next time”- said after a fight but retracted after the two students reconcile.
6. “Watch out or I’ll hurt you”- said to intimidate someone but retracted after the student calms down.
7. “I oughta shoot that teacher”- said in anger but retracted after the student calms down.
8. “There’s a bomb in the building”- said in a phone call for the purpose of disrupting school, with there being no actual bomb.
9. A student is found with a pocketknife that he accidentally left in his backpack and no threat is made.

THREAT CLASSIFICATION

WHAT ARE SUBSTANTIVE THREATS?

As outlined by Dr. Dewey Cornell in the *Comprehensive School Threat Assessment Guidelines*, substantive threats are defined as statements that express a continuing intent to harm someone. Substantive threats may express emotion like transient threats, but they also indicate a desire to harm someone that extends beyond the immediate incident or argument when the threat was made. In other words, a substantive threat has substance. **If there is doubt or uncertainty about whether or not a threat is substantive, it should be treated as substantive and evaluated further.** Again, the context and meaning of the threat are more important than the verbal content of the threat.

There are two classifications of substantive threats: serious and very serious. A serious substantive threat would include a threat described above that includes threat to fight, hit, punch, mess-up, etc.

Examples of Serious Substantive Threats

1. Two students exchange threats and then throw rocks at each other.
2. "I'm gonna bust you up"- said in anger and not retracted later.
3. "I could break you in half"- said in an intimidating manner, followed by stony silence.
4. "I'll get you next time"- said after a fight and the student refuses mediation.
5. "Watch out or I'll hurt you"- said by a student with a history of bullying.

WHAT ARE VERY SERIOUS SUBSTANTIVE THREATS?

As outlined by Dr. Dewey Cornell in the *Comprehensive School Threat Assessment Guidelines*, a very serious substantive threat would include a threat described above under Substantive that includes a threat to kill, stab, shoot, etc.

Examples of Very Serious Substantive Threats

1. "I'm gonna kill you"- said with an intent to injure.
2. "I'm gonna kill you"- said while holding a weapon.
3. "I oughta shoot that teacher"- said by a student who later denies making the statement and has access to weapons.
4. "There's a bomb in the building"- said in a phone call made by a student who later is found to have bomb-making materials and plans at home.
5. A student who threatened to stab a classmate is found to have a pocketknife in his backpack.

PARENT/GUARDIAN NOTIFICATION

THREATS TO THE SCHOOL

The [OCPS Code of Student Conduct](#) defines “Threats to the School” as “Any direct or indirect threat that may harm the school or may disrupt the function of the school campus or school sponsored activity, including, but not limited to, threats made verbally or nonverbally by act, through social media, or by text. All threats are taken seriously, regardless of intent. Threats to the school may include, but are not limited to, bomb threats, threats to use firearms in a violent manner, and/or threats to conduct a mass shooting or an act of terrorism. Threats to the school are deemed zero tolerance by Sections 1006.07 and 1006.13, Florida Statutes.”

For threats that are school-wide, consult with your area supervisor for direction on whether communication should be provided to all parents/guardians through a Connect Orange message pursuant to [Section 1002.20, Florida Statutes](#), requiring timely notification to parents of public school students of threats, unlawful acts, and significant emergencies.

THREATS TO A PERSON

The [OCPS Code of Student Conduct](#) defines “Intimidation/Threats to a Person” as:

Level II: Any direct or indirect threat to do harm to the property of another student, OCPS employee, contracted vendor, or OCPS volunteer. Or any direct or indirect harm to hit, fight, or beat up another student or a threat to another student’s life if the threat to life is vague, said out of anger or frustration, an expression of humor or rhetoric and can be easily resolved. The content of the threat suggests the person is unlikely to carry it out. This section does not include threats made to OCPS employees, contracted vendors, or OCPS volunteers; these threats are a Level III or IV.

Level III: Repeated Level II threats or any direct or indirect threat to another student’s life if the threat has some details and information obtained suggests that some thought was given to how the threat will be carried out, but there is no clear indication that the student has taken preparatory steps. This section also includes threats of harm or violence towards an OCPS employee, contracted vendor, or OCPS volunteer without any further acts of aggression or where there is no intent to carry out the threat.

Level IV: Repeated Level III threats. Or any direct or indirect threat to hit, fight or beat up an OCPS employee, contracted vendor, or OCPS volunteer with an aggressive act to carry out the threat. Or any direct or indirect threat which threatens the life of another student, OCPS employee, contracted vendor, or OCPS volunteer and the threat to life appears to pose an imminent or a serious danger to the safety of others. The threat is specific, detailed and plausible. Information obtained suggests steps may have been taken to carry out the threat, and/or there is a strong concern about the student’s potential to act. This offense includes, but is not limited to, threats made verbally or nonverbally by act, through social media, or by text.

Please note, other offenses may also require parent/guardian notification under this section if there is threatening behavior, an intended target, and the threat classification is serious or very serious substantive. Some of these other offenses may include, but are not limited to: arson, battery, firearms, other weapons, robbery, sexual battery, hazing, physical attack, and sexual assault.

PARENT/GUARDIAN NOTIFICATION

TRANSIENT THREATS TO OTHERS (RECOMMENDED CONTACT)

If a student makes a transient threat, according to Dr. Dewey Cornell, “[p]arent contacts for transient threats differ from parent contacts for substantive threats. In the case of a transient threat, you do not contact the parents to warn them about a potential danger to their child, since transient threats are threats that have been resolved. You would contact the parent to advise them of how the threat was resolved, in anticipation that they might learn of the incident from their child.” It is important to note, that the alleged offender’s information should not be disclosed to the alleged target’s parents, as transient threats are not deemed an emergency exception under the Family Educational Rights and Privacy Act (FERPA).

SUBSTANTIVE THREATS TO OTHERS (MANDATORY CONTACT)

According to Dr. Dewey Cornell, “[i]f a student has threatened to commit a violent act, it is important to notify the parents of the student so they can take appropriate protective action and supervise their child. It is also appropriate to notify the person who has been threatened, and if that person is a student, to notify the student’s parents or guardians.”

In addition, Sections [1001.212](#) and [1006.07](#), Florida Statutes, require schools to utilize the Threat Assessment, which requires that the intended target(s) of a threat of violence or harm and his/her parent/guardian are notified of the alleged threat **if the threat is deemed to be serious or very serious substantive**. Notification should take place immediately after the threat is confirmed **and** has been classified by the STAT as serious or very serious substantive. Notification should not occur before a classification has been determined, unless there is a concern for the immediate safety of the intended target. The name of the alleged offender may be released to the victim and victim’s parent/guardian. Please see the next section for additional information on what should be disclosed.

If translation for the parent is required, schools can utilize Language Line at 1-866-874-3972, Client ID 580614; additional information can be found [here](#).

PARENT/GUARDIAN NOTIFICATION

ALLEGED OFFENDER NOTIFICATION

Adhere to the following during the communication with the parent/guardian of the alleged offender for serious and very serious substantive threats:

- An “alleged offender” is the student who made the threat
- Prior to calling the intended target(s), the STAT must contact the alleged offender’s parent/guardian and advise that the STAT is required to notify the intended target(s) parent/guardian of the threat
- Two (2) staff members must witness the phone call
- The STAT must advise the parent/guardian that the alleged offender’s name will be released to the intended target if the threat is determined to be **substantive only (this information should not be released for transient substantive threats)**

INTENDED TARGET NOTIFICATION

Adhere to the following during the communication with the parent/guardian of the intended target for serious and very serious substantive threats:

- An “intended target” is the person who the threat is targeted against (e.g. the victim)
- Inform the parent/guardian that threats of any kind are taken seriously, regardless of intent
- Give the parent/guardian facts they need for safety. **The identity of the alleged offender and pertinent information pertaining to the threat should only be disclosed for substantive threats as outlined in the Threat Assessment, Section 1001.212, Florida Statutes, and 34 C.F.R. Part 99.36(c) (FERPA)**
- Let the parent/guardian know of any steps that have been taken or will be taken in regards to their child specifically
- Reassure the parent/guardian that disciplinary measures are being taken and the other student will be disciplined in accordance with the Code of Student Conduct
- Encourage the parent/guardian to discuss any concerns they have with you pertaining to their child’s safety while in your school and let the parent know that you are committed to student safety
- If the parent/guardian inquires about criminal charges, provide the name of the law enforcement agency the act was reported to and advise that any information will need to be obtained through a records request with the agency

The following has been prepared to use when speaking to the parent/guardian, but may need to be modified on a case-by-case basis:

A report has been received by our administration regarding a threat that was made to other students. I am calling to notify you that your child’s name was referenced as a potential target of the threat. [If the threat is classified as substantive only, state the following, [Alleged Offender’s Name] made a threat against your child]. [School name] took immediate action in removing the student from school and communicating this information to law enforcement. There were no weapons involved or harmful objects that were used in furtherance of the threat [remove this is statement if this is not the case]. In addition, [school name] has adhered to all OCPS policies and procedures in response to the threat.

At the conclusion of the investigation, additional steps may be taken for student safety. Although we cannot share the outcome of the discipline investigation for the other student under federal law, the student will be disciplined in accordance with the OCPS Code of Student Conduct which includes consequences that may result in a full exclusion. If you would like to meet to discuss further and address any concerns you may have, please schedule a date and time with [staff name and number].

PARENT/GUARDIAN NOTIFICATION

SUBSEQUENT QUESTIONS FROM PARENTS OF THE INTENDED TARGET

It is reasonable that a parent of an intended target may contact the school after notification of the threat for additional information pertaining to the alleged offender and interventions put in place to protect their child. According to Dr. Dewey Cornell, “[s]afety takes priority over confidentiality. It [seems] reasonable to let parents know - in general terms - what steps have been taken to assure their child’s safety. If the student who made the threat is returning to school, the principal should call or meet with the parents of the victims for the purpose of assuring them that their child will remain safe at school.”

It is recommended that information provided to the intended target’s parent be informative without disclosing specific details regarding the alleged offender to avoid any unintended FERPA violations. For example, if the parent of the intended target inquires what discipline the alleged offender received, a proper response would be, “the student was disciplined in accordance with the Code of Student Conduct.”

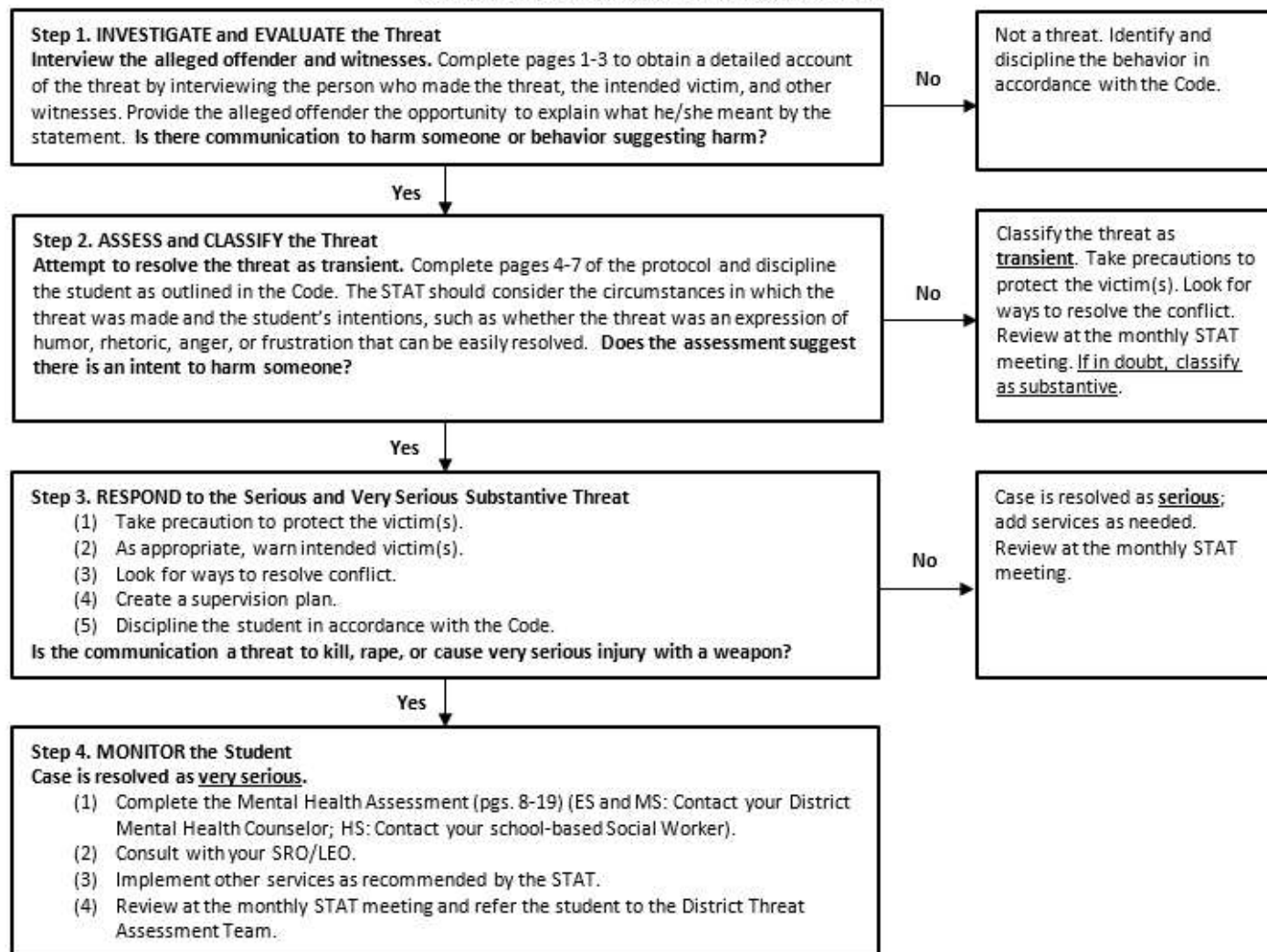
If an alleged offender was removed from the school for the threat and there is concern for safety should the student return, the STAT should inform the Principal, who should discuss the concern with the Principal’s supervisor to determine next steps.

SCHOOL THREAT ASSESSMENT PROCEDURES

STEPS TO TAKE WHEN A THREAT IS MADE

If the threat is immediate, imminent, or a very serious situation, contact law enforcement, your area office, and District Police. The following “Decision Tree” should be followed to investigate and evaluate the threat, assess and classify the threat, respond to the threat, and monitor the student.

OCPS THREAT ASSESSMENT DECISION TREE



THREAT ASSESSMENT

The Threat Assessment has been adopted by the Florida Department of Education pursuant to Sections [1001.212](#) and [1006.07](#), Florida Statutes, to be used by all Florida public schools in assessing threats and threatening behavior.

HOW TO FILL OUT THE OCPS THREAT ASSESSMENT – STEP-BY-STEP

1. The “Threat Report” (pg. 1 of the Threat Assessment) should be completed by the Dean or the Administrator following the discipline investigation. **The parent of the alleged offender must be contacted in accordance with discipline procedures.** The information should be presented and discussed at the STAT meeting.

THREAT REPORT			
<i>(This section should be completed by the Dean or Administrator following the Discipline Investigation)</i>			
Name of person reporting threat:		Date/time threat reported:	
Person reporting threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Other:		Reported to:	
INCIDENT or BEHAVIOR OF CONCERN			
Name of person making threat:		School:	
Student Number:		Date/time threat made:	
Person making threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Unknown		Status: <input type="checkbox"/> Current Student <input type="checkbox"/> Former Student <input type="checkbox"/> Other	
Identification: <input type="checkbox"/> Male <input type="checkbox"/> Female	Age:	Grade:	ESE/504: <input type="checkbox"/> Yes <input type="checkbox"/> No
Code of Student Conduct Offense:		Suspended: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reported to SESIR: <input type="checkbox"/> Yes <input type="checkbox"/> No		Consult/Report with SRO/LEO: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Location threat occurred: <input type="checkbox"/> School Building or Grounds <input type="checkbox"/> School Bus/Other Travel <input type="checkbox"/> School-Sponsored Activity <input type="checkbox"/> Social Media <input type="checkbox"/> Other			
Victim's Name (if applicable):			
Detailed summary of the incident or threat (Background Report from Discipline Investigation):			

2. The “Interviews” (pg. 2 of the Threat Assessment) should be completed by two STAT members. The subject and victim must be interviewed and additional witnesses that have relevant information should also be interviewed, if needed. All questions must be asked as they appear on the form and all answers must be written by the STAT members verbatim to what the student says. The student should not be given the form to fill out, and the school should not reference the student’s witness statement as the answer to any of the questions. **The victim’s parent/guardian must be contacted regarding the threat allegations ONLY if the threat is substantive (see [Parent/Guardian Notification](#) section).** The information should be presented and discussed at the STAT meeting.

INTERVIEWS	
<i>(This section should be completed by two STAT members by asking the questions below)</i>	
When a threat is identified, obtain a specific account of the threat by interviewing the student or other person who made the threat, if appropriate to the circumstances. Interview the intended victims, and other witnesses. Write the exact content of the threat and statements by each party. Consider the circumstances in which the threat was made and the threatening individual’s intentions.	
SUBJECT INTERVIEW	
<i>(Person who made threat or engaged in threatening behavior)</i>	
Student Name:	Refer to prior page for additional identifying information.
Person(s) Conducting Interview:	Location, Date of Interview:

THREAT ASSESSMENT

HOW TO FILL OUT THE OCPS THREAT ASSESSMENT – STEP-BY-STEP (Continued)

- The “Key Observations” (pgs. 4-5 of the Threat Assessment) which include “Assessment Findings,” “Observations,” and “Classification Review,” **must be completed by the STAT as a team**. The “Key Observations” will require information from each member of the STAT and must be discussed as a group, these documents cannot be completed by one person. **If a box is checked as “Reviewed” under “Assessment Findings” or “Yes/Partially” under “Observations” and “Classification Review” an explanation must be included to justify the notation.** The STAT Rationale for Classification should be a summary from pages 1-5 of the Threat Assessment which includes factual information that was discovered and documented by the STAT. Notate specific information from the “Key Observations” pages which includes “Assessment Findings,” “Observations,” and “Classification Review.” *Please be advised that this document is subject to review by the District Threat Assessment Team, parents, and others, so the information must be detailed and accurate, while remaining professional.*

KEY OBSERVATIONS				
<i>(This section should be completed by the entire STAT)</i>				
These items can help assess whether a threat is transient or substantive, but must be considered in the broader context of the situation and other known facts. Regard these items as a checklist to make sure you have considered these aspects of the threat, but they are not to be summed or used as a score. If the STAT marks “Reviewed,” “Yes” or “Partially” below, an explanation should be included in the space provided.				
THREAT CLASSIFICATION				
Date of Classification:	<input type="checkbox"/> Not a threat	<input type="checkbox"/> Transient	<input type="checkbox"/> Serious Substantive	<input type="checkbox"/> Very Serious Substantive
STAT Rationale for Classification:				

- The “Case Plan for Threat Response” (pg. 6 of the Threat Assessment) should include actions taken in response to the threat. Each case must include actions. The “Follow-up or Revision Plan” should be revised if the student is coming from a different school (OCPS or non-OCPS) to make the Case Plan specific to the enrolling school.

CASE PLAN FOR THREAT RESPONSE	
<i>(This section should be completed by the entire STAT)</i>	
Use additional pages as needed. This is a list of common actions taken in response to a threat. Each case may require a unique set of actions. Add date and signature of person taking action if appropriate. Note if action was recommended but for some reason not completed (e.g., parent refusal).	
Follow-up or Revision of Plan	Date
Use this section if the above case plan needs to be modified and attach a new case plan.	

THREAT ASSESSMENT

HOW TO FILL OUT THE OCPS THREAT ASSESSMENT – STEP-BY-STEP (Continued)

- Page 7 of the Threat Assessment should include basic student information, a brief summary of the threat, the threat classification as determined by the STAT, the rationale for the classification, the meeting time/date of the STAT, and signatures from meeting participants. All STAT members must sign as meeting participants. This page should be included with the DTM packet **for the parent(s)** in a Level 4 proceeding. This page should also be sent upon request if a student transfers schools.

STUDENT INFORMATION			
Name:		Student Number:	
Code of Student Conduct Offense:		ESE/504: <input type="checkbox"/> Yes <input type="checkbox"/> No	
THREAT SUMMARY			
Brief Summary of Threat/Threatening Behavior:			
THREAT CLASSIFICATION			
Date of Classification:	<input type="checkbox"/> Not a threat	<input type="checkbox"/> Transient	<input type="checkbox"/> Serious Substantive <input type="checkbox"/> Very Serious Substantive
STAT Rationale:			
MEETING PARTICIPANTS			
Meeting Date:		Meeting Time:	
School:			
Title	Print Name	Signature	
Principal/AP			
Dean			
Mental Health Designee			
SRO/LEO			
Staffing Specialist (ESE/504)			

 Uploaded to the STAT Submission Site: <http://districtcollaboration.ocps.net/team/DPSA/stat/Pages/default.aspx>

Page 7

THREAT ASSESSMENT

HOW TO FILL OUT THE OCPS THREAT ASSESSMENT – STEP-BY-STEP (Continued)

6. All Threat Assessments should be uploaded to the [OCPS School Threat Assessment Team Assessment Submission Site](#) on SharePoint for **all level threats**. A summary of the Threat Assessment should also be included on the [Florida Schools Safety Portal](#), however, as of the last revision of this Guide, the Portal does not permit information to be uploaded; additional guidance will be issued once this feature comes available.
7. The “Mental Health Assessment” (pgs. 8-19 of the Threat Assessment) is only completed if the threat classification is “very serious substantive,” or “serious substantive” if the student has an extensive mental health concerns. ES: contact your District Mental Health Counselor/Social Worker assigned to your school to assist with filling out the documentation; MS and HS: contact your school-based Social Worker to assist with filling out the documentation. The Threat Assessment should then be uploaded to the [OCPS School Threat Assessment Team Submission Site on SharePoint](#).

SUBMITTING PAPERWORK

ALL COMPLETED THREAT ASSESSMENTS ARE TO BE DIGITALLY SUBMITTED TO THE [SCHOOL THREAT ASSESSMENT TEAM ASSESSMENT SUBMISSION SITE](#) ON SHAREPOINT.

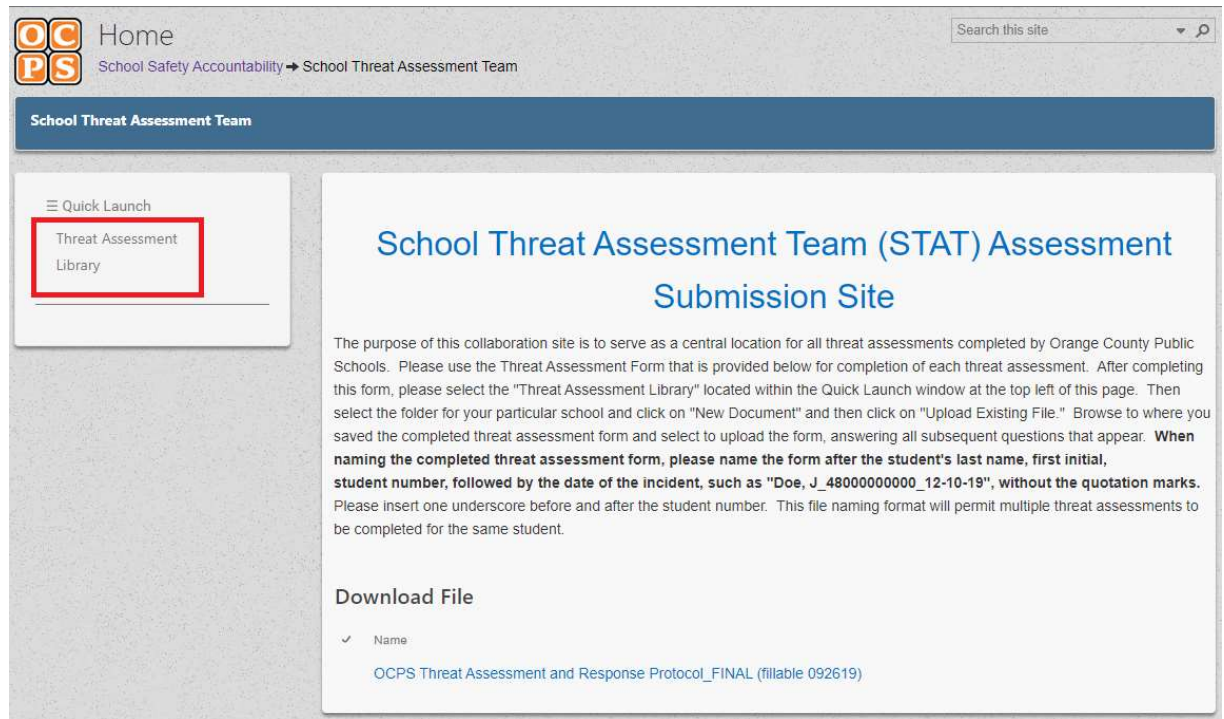
HOW TO UPLOAD TO THE SCHOOL THREAT ASSESSMENT TEAM ASSESSMENT SUBMISSION SITE ON SHAREPOINT – STEP-BY-STEP

After completing the digital fillable Threat Assessment, the Threat Assessment must be saved by an OCPS employee on their OCPS computer using the following naming structure:

- Student's Last Name, First Initial, Student Number, and Date of Threat
 - Separate the Student Name, Student Number, and Date with underscores
 - Example: **Doe, J_4800000000_12-19-19**

The completed Threat Assessment must then be digitally submitted as follows:

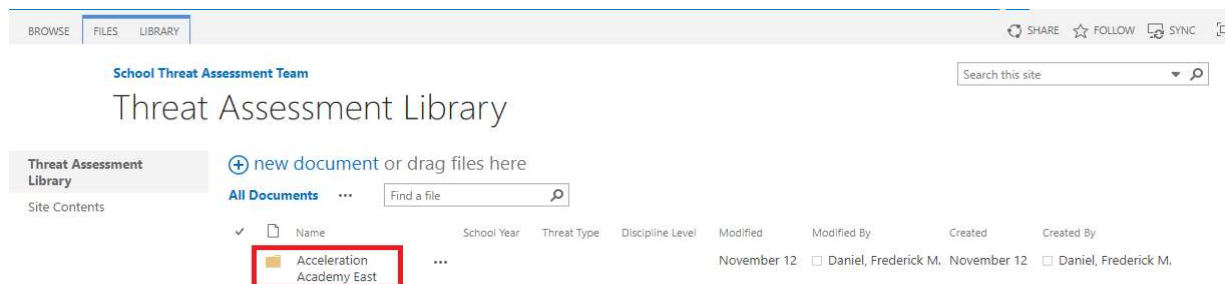
1. Access the digital submission site at <http://districtcollaboration.ocps.net/team/DPSA/stat/Pages/default.aspx>
2. Using your mouse pointer, hover over the “Quick Launch” window and click on the “Threat Assessment Library” link:



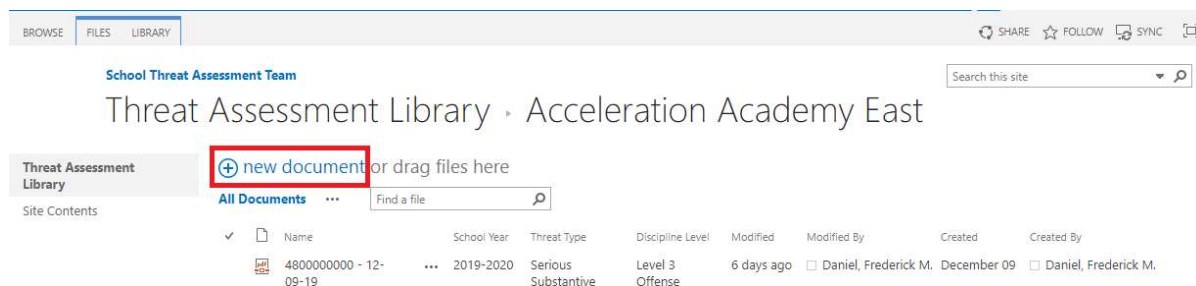
SUBMITTING PAPERWORK

HOW TO UPLOAD TO THE SCHOOL THREAT ASSESSMENT TEAM ASSESSMENT SUBMISSION SITE ON SHAREPOINT – STEP-BY-STEP (Continued)

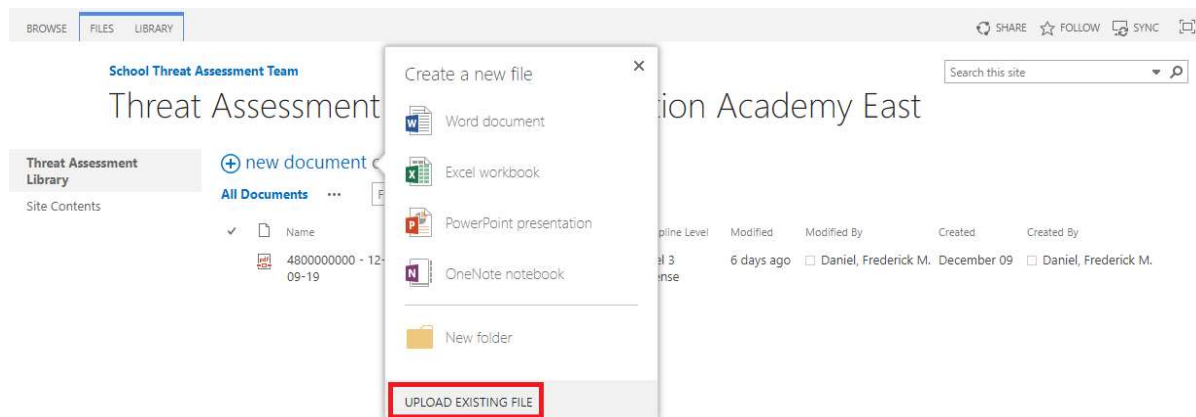
- Click on the folder named after your school, which should be the only folder available:



- Click your mouse pointer on the “new document” link. **DO NOT** “drag and drop” the files or the file will not be submitted properly:



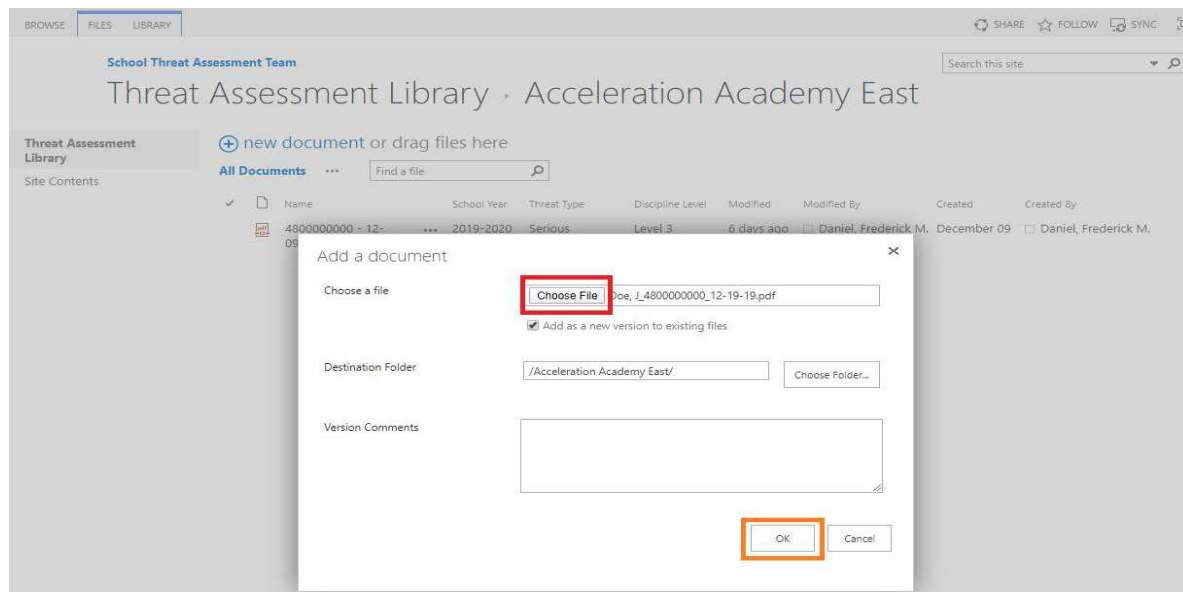
- Click your mouse pointer on “**UPLOAD EXISTING FILE**” link:



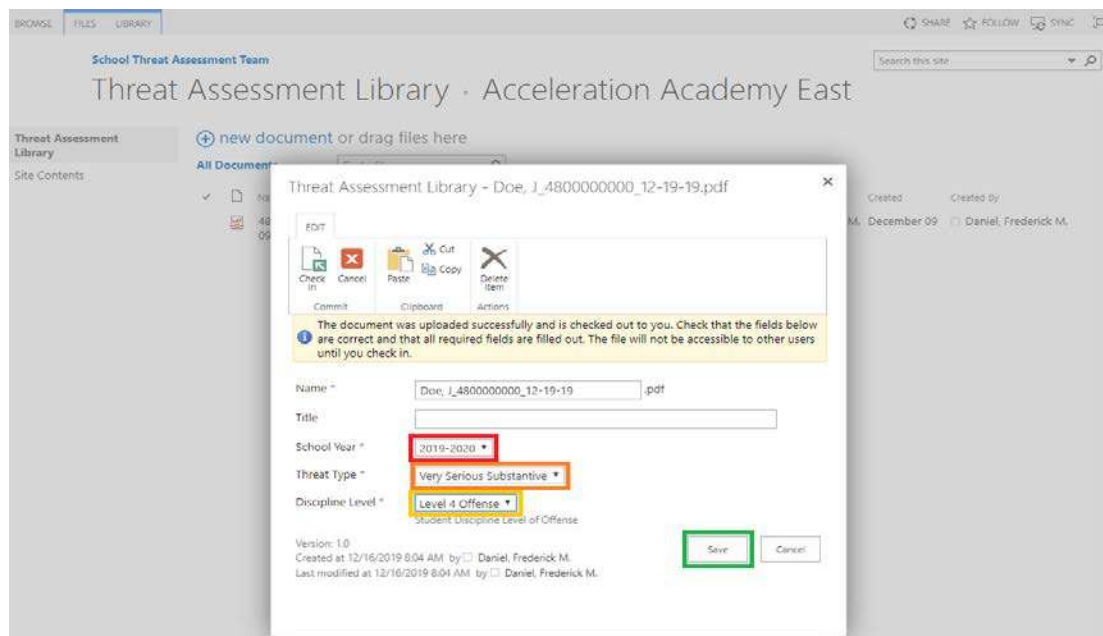
SUBMITTING PAPERWORK

HOW TO UPLOAD TO THE SCHOOL THREAT ASSESSMENT TEAM ASSESSMENT SUBMISSION SITE ON SHAREPOINT – STEP-BY-STEP (Continued)

- Click your mouse pointer on **“Choose File”** and browse to the completed threat assessment that you previously saved on your school computer. Once the file is selected, click on the **“OK”** button:



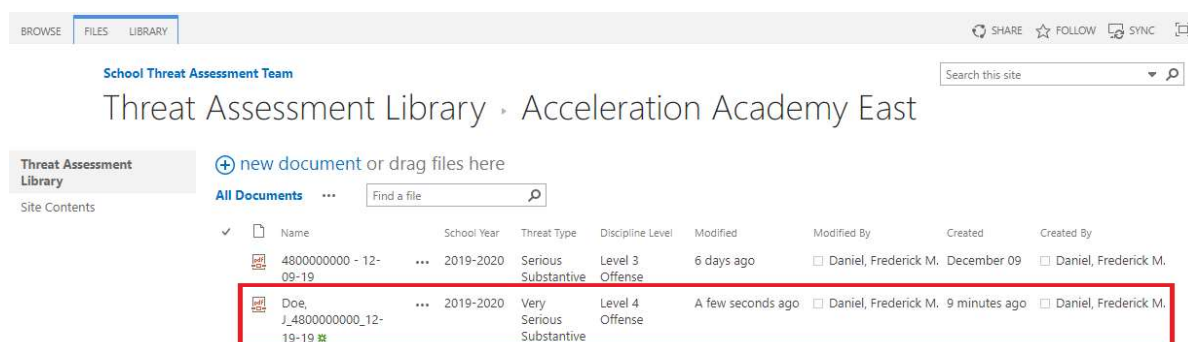
- Answer the six required questions by selecting the proper response for the **“School Year,” “Threat Type,” “Discipline Level,” “Race of Person Making Threat,” “Gender of Person Making Threat,”** and **“Grade Level of Person Making Threat.”** Select **“Save”** after answering the questions.



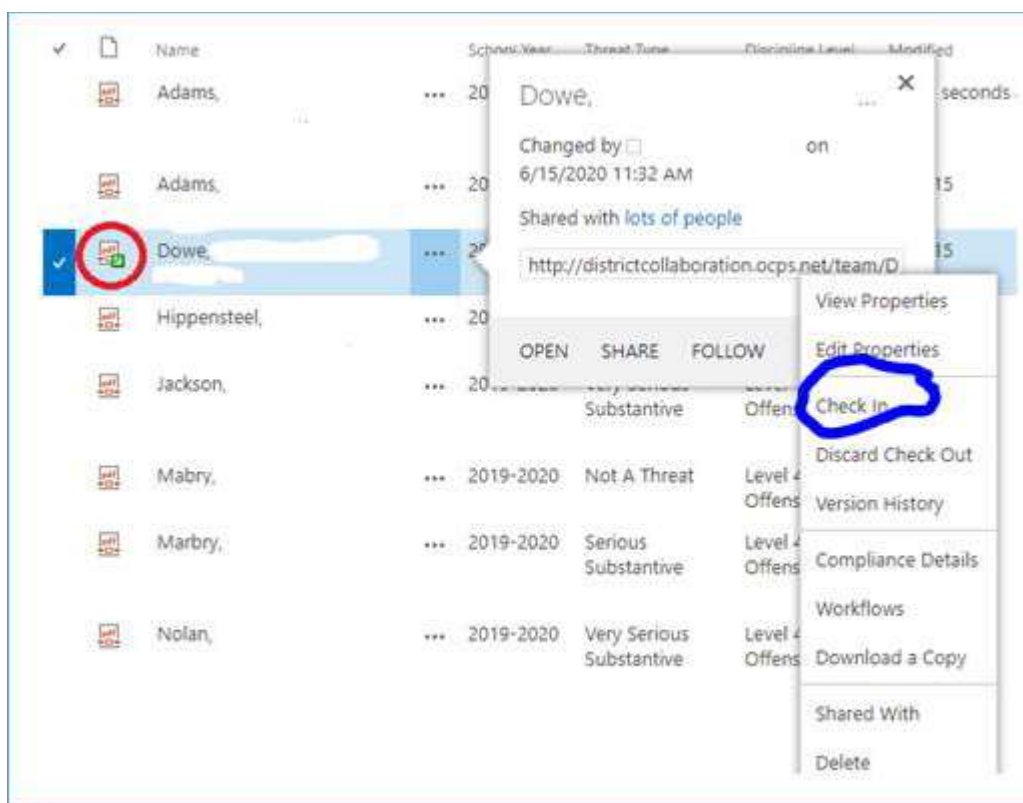
SUBMITTING PAPERWORK

HOW TO UPLOAD TO THE SCHOOL THREAT ASSESSMENT TEAM ASSESSMENT SUBMISSION SITE ON SHAREPOINT – STEP-BY-STEP (Continued)

- Verify that the completed threat assessment is now contained within your school's folder. If it appears, you have finished submitting the assessment to the District Office. If it does not appear in the folder, repeat the above procedures until the completed assessment appears within your school's folder.



- If the uploader sees that the files are “checked out” to the uploader, there will be a little green and white arrow on the file type icon (circled in red below). The uploader just needs to click the “...” until they get to the window containing the “Check In” option as indicated below. After clicking on “Check In,” another window will popup where the uploader needs to make sure that “No” is selected and then the uploader simply needs to click on okay/save and the file will then be “checked in” to SharePoint.



STORING PAPERWORK

WHERE SHOULD WE STORE THE COMPLETED THREAT ASSESSMENT?

The Principal is responsible for determining where to store the records and will be the District liaison should the District or Florida Department of Education require additional information. The Threat Assessment must also be electronically stored on the [OCPS Threat Assessment Team Assessment Submission Site](#) on SharePoint.

The Threat Assessment should not be stored in the student's cumulative file. The Threat Assessment should be kept in a secure location where only members of the STAT or records designee (i.e. Registrar, Records Clerk) can access the files.

DO I NEED TO SEND THIS INFORMATION TO THE DISTRICT?

Yes, the procedure on uploading the Threat Assessment is located within this procedures guide (see the [Submitting Paperwork](#) section).

SENDING/REQUESTING PAPERWORK

WHAT IF THE STUDENT TRANSFERS SCHOOLS?

If the student transfers to another school, whether the school is an OCPS school or non-OCPS school, [Section 1003.25, Florida Statutes](#) requires “threat assessment evaluations and intervention services” to be transferred to the requesting school within **3 days** of the request for records.

Sending School Responsibilities

The school sending the records shall provide a print-out of the student’s “Information Report” in Skyward, which must include the “Discipline Information” in the report. In addition, a copy of page 7 of the Threat Assessment (which contains a summary of the assessment) should be sent to the requesting school; this information can be obtained from the STAT or the Principal/AP over discipline. These documents **must** be sent within 3 days of receipt of the request for records and should be sent with the student’s educational file.

Additional information, such as witness statements, the entire threat assessment, etc., can be provided at the request of the receiving school so long as other student information is redacted (see the [Appendix](#) for instructions on how to redact the Threat Assessment).

REMINDER: All threat assessments should be uploaded to the STAT Submission Site and, when applicable, noted in Skyward.

In addition, if a threat assessment is conducted it should be notated on the student discipline referral under the School Action section (DDD-Threat Assessment). This information must be entered into Skyward as a Discipline Resultant Code.

Receiving School Responsibilities

If the receiving school is an OCPS school, the Registrar, upon enrollment, must notify the principal/designee if a student enrolls and has a “Admin Alert” indicator on his/her student profile in Skyward ([U](#)). In addition, the STAT should create an internal procedure as to how they will gather, receive, and manage information pertaining to a new student who has a prior threat assessment completed, such as contacting the prior school when a new student enrolls to request the Threat Assessment if not received, or reviewing the discipline tab on all new students to determine if a Threat Assessment was completed previously.

Also, if the student is transferring from an OCPS school to an OCPS school, the STAT at the receiving school can contact the DTAT to obtain a copy of the Threat Assessment from the STAT Submission Site.

SUPERVISION PLAN

All students (including ESE/504 students) who make a threat or exhibit threatening behavior must be placed on an [OCPS Supervision Plan](#) upon returning to school if the incident rises to a Level 4 in the [OCPS Code of Student Conduct](#); this includes students who are placed in PASS, return/remain in school prior to their DTM, and/or students who remain in their current school after the DTM. Other threats which meet the criteria for a Level 2 or 3 Threat in the OCPS Code of Student Conduct, or other offenses in the Code of Student Conduct that cause concern for student safety, may also require an OCPS Supervision Plan to be implemented depending on the behavior and the threat classification. Additional documents should also be implemented, if needed, such as a No Contact Contract.

In addition to a Supervision Plan, for students eligible for ESE/504 services appropriate staff must review IEP/504 plans and consider implementation of additional supports and services as appropriate.

CODE OF STUDENT CONDUCT - LEVEL 4 SUPERVISION PLANS

If the student receives a Level 4 for the threat or threatening behavior and the recommendation is the student be transferred to Positive Pathways Transition Center (PPTC), PPTC must develop the [OCPS Supervision Plan](#) for the student and send to the home school once the student's behavior contract is complete. The home school/PPTC representative should have a re-entry meeting with the student and parent/guardian to modify the [OCPS Supervision Plan](#), if needed, so it is conducive to the home school setting. The current school of enrollment should include the prior school in the re-entry meeting for the supervision plan.

If the student receives a Level 4 for the threat or threatening behavior and the recommendation is the student be expelled, the home school must have a re-entry meeting with the student and parent/guardian to create the [OCPS Supervision Plan](#) once the student's behavior contract is complete and the student returns to school.

If the student is an ESE/504 student and receives a Level 4 for the threat or threatening behavior and the behavior is determined to be a manifestation of the student's disability, the school must develop an OCPS Supervision Plan for the student and recommend to the IEP/504 team that the student receive the Skill Streaming Program, if appropriate. The OCPS Supervision Plan must be reviewed with the student and parent/guardian before re-entry into the student's home school.

CODE OF STUDENT CONDUCT - LEVEL 2 AND 3 SUPERVISION PLANS

If the STAT determines that an [OCPS Supervision Plan](#) is warranted for a student who receives a Level 2 or 3 Threat offense as outlined in the [OCPS Code of Student Conduct](#), or other offenses in the Code of Student Conduct that cause concern for student safety, the school must develop an OCPS Supervision Plan for the student. The OCPS Supervision Plan must be reviewed with the student and parent/guardian.

FLORIDA SCHOOLS SAFETY PORTAL

The Florida Department of Education has established the [Florida Schools Safety Portal \(FSSP\)](#) in accordance with [Section 1001.212, Florida Statutes](#). The FSSP was created to improve access to timely, complete and accurate information, integrating data from, at a minimum, the Florida Department of Children and Families, the Florida Department of Law Enforcement, the Florida Department of Juvenile Justice, and local law enforcement along with the Department of Education to, among other things, enable members of the STAT to timely access information that may be useful in assessing and intervening with individuals that may pose a threat.

- Members of the STAT cannot access the FSSP without first signing an Individual User Data Access and Use Agreement and after being issued a username and password.
- The information contained in the FSSP is protected by law and by strict rules implemented by the Florida Department of Education and OCPS. Failure to comply with the confidentiality rules as outlined in the FSSP Individual User Data Access and Use Agreement may subject an employee to disciplinary action and may result in the termination of rights, termination of your role as a STAT member, as well as employment with OCPS. You may also be held criminally and financially liable for any confidential data that is compromised.
- If at any time you feel that the confidentiality of your FSSP username and/or password has been compromised, or if you have knowledge of another STAT member whose information may have been compromised, you must immediately report to the FSSP.
- If your role as a STAT member ceases for any reason you must cease all access to the FSSP.
- The STAT members are responsible maintaining the information viewed on the FSSP as confidential.

FLORIDA SCHOOLS SAFETY PORTAL

The following user roles have been issued by the Florida Department of Education to access the FSSP. The portal was created to assist threat assessment teams at schools statewide.

Role	Description	Required Roles
User	Basic access to the system. This role is mandatory for all FSSP users.	User and at least one additional role
Mentalhealth	Users assigned this role have access to DCF Baker Act Data, which contains records protected by HIPAA. This role should only be assigned to a team member that is experienced in behavioral health, such as a school counselor, social worker, psychologist, or other mental health professional serving on a threat assessment team.	User, Mentalhealth
Education	Users assigned this role have access to SESIR, FortifyFL and Social Media Monitoring Data. Those assigned to this role may include teachers, school administrators, and others on the threat assessment team that meet the definition of school officials with legitimate educational interests under 34 CFR § 99.31(a)(1)(i)(A) or (B).	User, Education
Lawenforcement	Users assigned this role have access to Criminal Justice Data. This user role may only be assigned to sworn law enforcement with access to CJNet.	User, Lawenforcement
Districtadmin	Users assigned this role can upload documents on behalf of users within their district, such as completed access agreements.	User, Districtadmin

Section III: Threat of Self-Harm Threat Response

*This section is intended to be used for students who make a **threats of self-harm**. For students who make a threat of harm towards others please reference [Section II](#).*

INTRODUCTION

The following section **ONLY** applies to threats of self-harm, for threats towards others see [Section II](#).

A Threat of Self-Harm is a threat to injure oneself or engage in other threatening behavior which may include, but is not limited to, suicidal ideation and self-injurious behavior. The threat may be spoken, written or gestured.

Orange County Public Schools (OCPS) has developed the following Threat Response to Suicide/Self-Harm (Threat Response) guidelines in accordance with Sections [1002.20](#), [1006.07](#), [1012.584](#), Florida Statutes. These statutes require the following:

- Provide training and resources to students and school district staff in matters relating to youth mental health awareness and assistance;
- Provide referrals to mental health services as identified by the District, when appropriate;
- If an immediate mental health crisis is suspected, engage in behavioral health crisis resources, such as mobile crisis teams and school resource officers trained in crisis intervention;
- If an immediate mental health crisis is suspected, provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services;
- Ensure any intervention services provided to the student remain in place if the student transfers schools, until the receiving school independently determines the need for intervention services;
- The school principal or designee to verify de-escalation strategies have been utilized and an outreach to a mobile crisis response team has been initiated before contacting the SRO or law enforcement officer, unless the principal or designee believes that any delay in removing the student will increase the likelihood of harm to the student or others;
- The principal or designee to immediately notify the parent of a student who is removed from school, school transportation, or a school-sponsored activity and taken for an involuntary examination (*note: notification may be delayed for no more than 24 hours after the student's removal if the principal or designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline*); and
- Notification to all school personnel, who have received evidence-based youth and mental health awareness training, of the mental health services available in the school district and the individual to contact if a student needs services.

The OCPS Threat Response Guidelines apply to all OCPS schools and OCPS STATs.

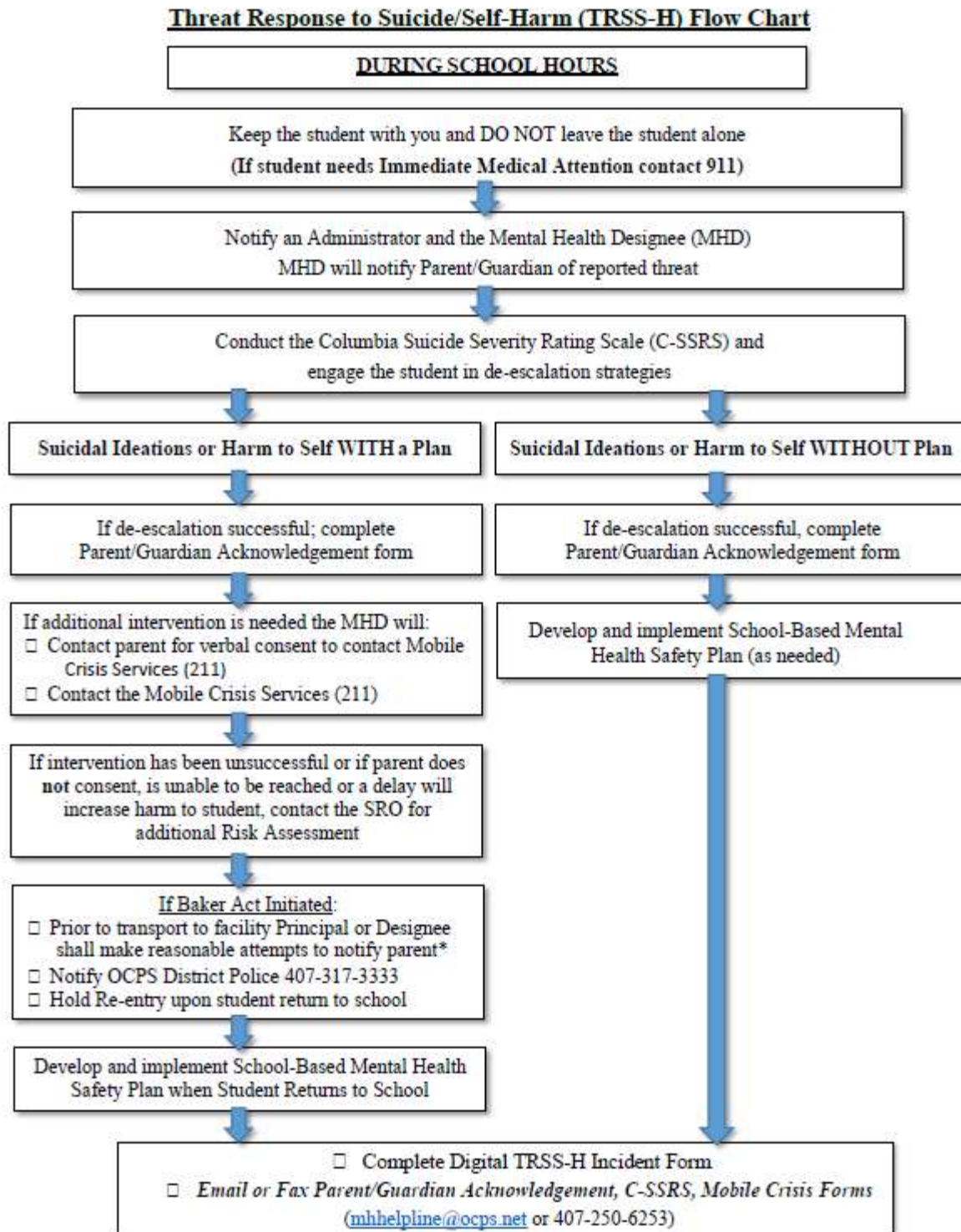
All information contained herein applies to all students. Additional information pertaining to students who are eligible for services under the Individuals with Disabilities Act or Section 504 of the Rehabilitation Act of 1973 (Section 504) and American with Disabilities Act (ADA) can be found throughout and is highlighted in orange.

WHAT IS A THREAT RESPONSE?

Threat Response is the process that is implemented when a student has indicated an intent to harm themselves which may include, but is not limited to, suicidal ideation and self-injurious behavior.

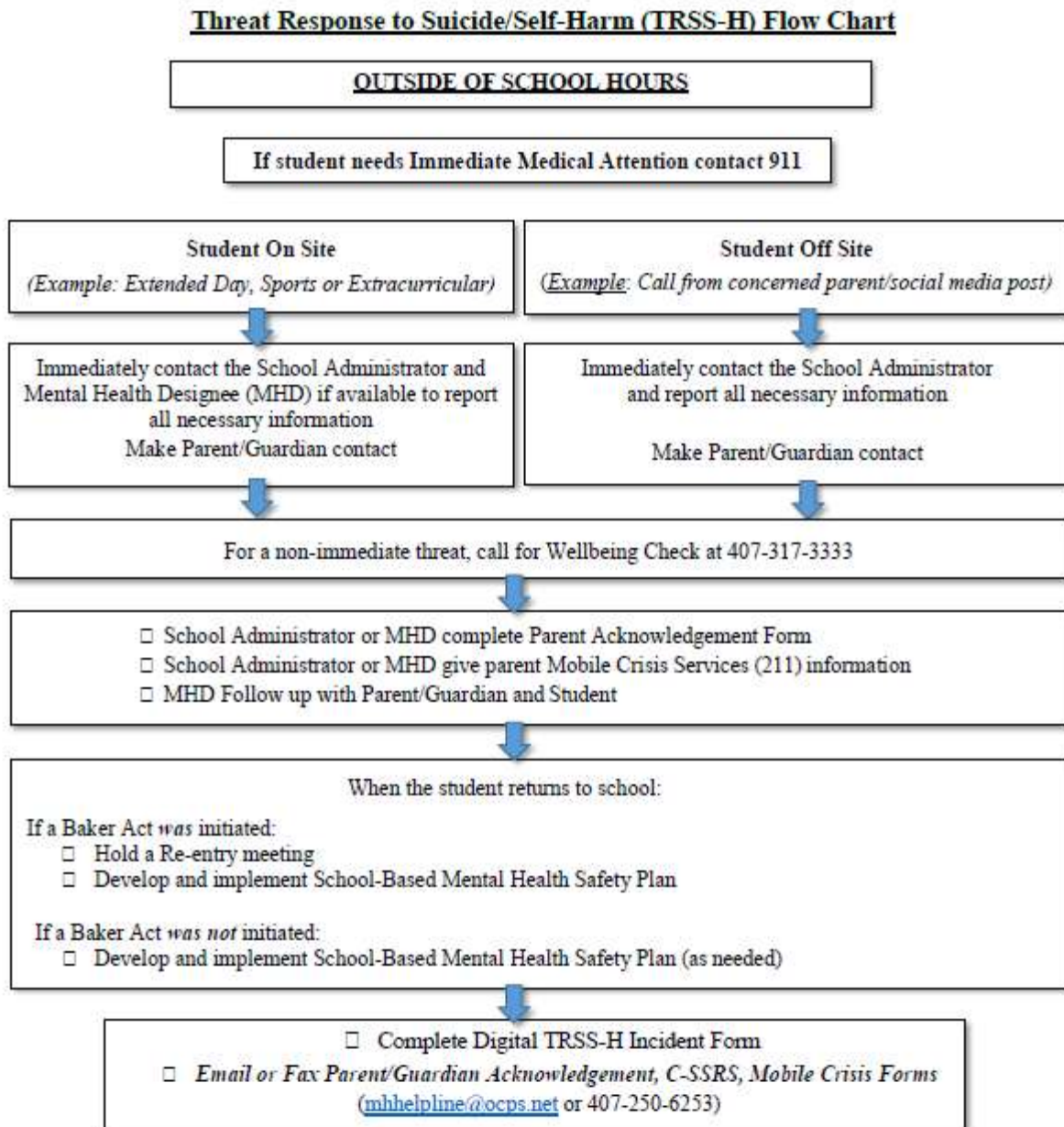
THREAT RESPONSE DURING SCHOOL HOURS

The following flowchart should be used as guidance when a student makes a threat of self-harm or exhibits self-injurious behavior during school hours and a Threat Response must be completed.



THREAT RESPONSE OUTSIDE OF SCHOOL HOURS

The following flowchart should be used as guidance when a student makes a threat of self-harm or exhibits self-injurious behavior outside of school hours or on an OCPS virtual learning platform (such as LaunchEd@Home) and a Threat Response must be completed.



THREAT RESPONSE PROCESS

If a student makes a threat of self-harm or exhibits self-injurious behaviors a **Threat Response** must be completed and the Threat Response to Suicide/Self-Harm (TRSS-H) Flowchart should be followed. There are two TRSS-H flowcharts, one for threats of self-harm that occur during school hours, and one for threats of self-harm that occur outside of school hours or on an OCPS virtual learning platform, such as LaunchEd@Home. Essentially, if the student is in the care/custody of the school (i.e. during school hours in a face-to-face instructional model, at a school-sponsored event, on school transportation, etc.), the TRSS-H flowchart during school hours should be utilized.

In addition to the above, if the student making the threat is ESE/504 the MHD should also:

1. Consult with the staffing specialist/504 Coordinator;
2. Determine if the threatening behavior or statements are related to the student's disability;
3. Determine if these concerns are addressed in the IEP/504; and
4. Based on the information received, determine if the threat is valid and follow the district process as outlined in the flowchart.

*****If the student requires immediate medical attention, contact 911 before any intervention strategies are implemented.**

*****If the threat involves a weapon and the weapon is in the student's possession the SRO should be contacted immediately before any intervention strategies are implemented. This only includes threats made during school hours; for threats made outside of school hours or on an OCPS virtual learning platform, the school should contact their local law enforcement agency.**

SCHOOL INTERVENTION

School shall follow the TRSS-H flowcharts for step-by-step procedures in conducting a Threat Response. Additional procedures that should be considered include:

- Checking with the school clinic as to whether the school has medical records of the student being prescribed medication, either at school or at home.
- When contacting the parent ask if there is any additional information the parent may like to share regarding the student.
- Maintain the student's privacy throughout the Threat Response process. This means all information obtained by OCPS employees regarding the student shall remain confidential from disclosure to parties who do not have a legitimate interest in obtaining the information.
- Pursuant to [Section 1002.20, Florida Statutes](#), the principal or designee must verify the following before contacting the SRO or local law enforcement to conduct an evaluation for a Baker Act:
 1. De-escalation strategies have been utilized (see [TRSS-H flowcharts](#)); **and**
 2. An outreach to a mobile crisis team has been initiated, unless there is a reasonable belief that any delay in removing the student will increase the likelihood of harm to the student or others.
- If a student is removed from the school for an involuntary examination, the principal/designee is required to make a reasonable attempt (see [Parent/Guardian Notification](#) section) to contact the parent/guardian before removal. However, a principal/designee may delay the required notification to the parent/guardian for no more than 24 hours after the student is removed if the delay is deemed to be in the student's best interest because a report to the central abuse hotline has been made, or the principal/designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

THREAT RESPONSE PROCESS

MOBILE CRISIS UNIT

The number to contact for a mobile crisis unit evaluation is 211 and a [211 Mobile Crisis Reporting Form](#) should be completed. When contacting 211, the MHD should ask for an approximate response time; if the estimated time of arrival is longer than 60 minutes and student safety is of concern, the MHD should immediately contact the SRO. If at any time during the mobile crisis unit assessment process, the SRO determines the initiation of a Baker Act is the most appropriate course of action, the school should defer to the SRO.

LAW ENFORCEMENT/SRO

Law enforcement, including the SRO, are required by [Section 1006.12, Florida Statutes](#), to be trained in mental health crisis intervention involving students with emotional disturbance or mental illness. The statute requires law enforcement to be trained in the use of de-escalation skills to ensure student and officer safety. In addition, the SRO is the only official on School Board Property that can initiate a Baker Act; therefore, the SRO may decide to intervene at his/her own accord at any time during the intervention process to conduct an assessment of the student for a Baker Act assessment as permitted under Sections [1002.20](#) and [394.463](#), Florida Statutes.

SCHOOL INVOLVEMENT IF A STUDENT IS PLACED UNDER A BAKER ACT

- *Maintain the student's dignity.* This means that should the student be assessed by 211 or the SRO, the meeting shall take place in private. If the student is removed from school for a Baker Act assessment by the SRO, ask the SRO to coordinate the removal in a discrete manner, if possible (for example, it is preferable not to place the student in handcuffs or place in a law enforcement vehicle during class transition times).
- *Explain what will happen next.* If a student is going to be placed under a Baker Act, explain the following to the student: (1) they will be transported to a facility; (2) a facility is a place where people are there to help the student and do an assessment on the student to make sure they are okay; and (3) the school will make a reasonable attempt to notify parent/guardian that the student will be transported to a facility for evaluation.
- *Provide support for the student.* If a student is going to be placed under a Baker Act, an OCPS employee may volunteer to accompany the law enforcement officer and student to the facility if the parent/guardian is not available. The OCPS employee will have to drive separately and may not be permitted past the lobby of the facility; in addition, the OCPS employee cannot provide consent for treatment. The OCPS employee will only be there for moral support and may choose to stay at the facility until the parent/guardian arrives.
- *Provide support for the student when they return to school.* Request the parent and student to participate in a re-entry meeting to create a Mental Health Safety Plan for the student. Additional information on the re-entry meeting can be found on the [Re-Entry Meeting and Safety Plan](#) page of this procedures guide.

PARENT/GUARDIAN NOTIFICATION

As outlined in the [Threat Response to Suicide/Self-Harm Flowcharts](#), the MHD should contact the parent/guardian at various stages throughout the Threat Response process. In addition, Section 1002.20, Florida Statutes, requires the principal/designee to make a “reasonable attempt” to notify the parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination. However, if a report has been made to the central abuse hotline based upon knowledge or suspicion of abuse, abandonment, or neglect, or there is a reasonable belief that such delay is necessary to avoid jeopardizing the health and safety of the student, the principal or MHD may delay notification to the parent/guardian for no more than 24 hours after the student is removed for an involuntary examination, if the delay is in the student’s best interest, or the principal or MHD reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student. If a report is made to the central abuse hotline and the student is not removed for an involuntary examination, but the Department of Children and Families (DCF) accepts the case, the principal or MHD shall defer to DCF as to notification to the parent/guardian.

A parent/guardian should be contacted:

1. Immediately following the threat of self-harm or exhibiting self-injurious behaviors;
2. For the completion of the Parent Acknowledgment and Resource Form;
3. For parent/guardian consent to contact 211 (if applicable);
4. Prior to the removal of the student if the student is removed by the SRO under a Baker Act, if possible; and
5. To schedule a re-entry meeting if a Baker Act was initiated.

If translation for the parent is required, schools can utilize Language Line at 1-866-874-3972, Client ID 580614; additional information can be found [here](#).

What is a “reasonable attempt?”

[Section 1002.20, Florida Statutes](#), defines a “reasonable attempt” as “...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...”

In order to make a “reasonable attempt” the principal/designee must do the following:

- DOCUMENT THE METHOD AND NUMBER OF ATTEMPTS MADE
- Use all available methods to contact the parent/guardian, including, but not limited to, phone calls, voicemails, text messages, emails, etc.
- Attempt to contact everyone on the student’s contact/emergency contact list using all available methods, including, but not limited to, phone calls, voicemails, text messages, emails, etc. - **HOWEVER, a principal/designee who successfully contacts any other contact than the parent/guardian, may only share information necessary to alert such contact that the parent/guardian must be contacted.**

PARENT/GUARDIAN NOTIFICATION

THREAT OF SELF-HARM IS MADE

The following has been prepared to assist schools when speaking to the parent/guardian immediately after a threat of self-harm is made or the student exhibits self-injurious behavior. The following may need to be modified on a case-by-case basis:

This is (name of caller). I am calling to notify you that your child (name of student) has expressed suicidal ideation or a threat to engage in self-injurious behavior. We are following the OCPS threat response process to intervene and keep your child safe. We will contact you after completion of the process to advise you of next steps. We are required to finalize the process before the student is released, even if you decide to report to the school immediately; this ensures that we can provide you with all the information and resources necessary to keep your child safe.

STUDENT IS REMOVED UNDER BAKER ACT

The following has been prepared to assist schools when speaking to the parent/guardian before a student is removed by the SRO under a Baker Act. The following may need to be modified on a case-by-case basis:

*This is (name of caller). I am calling to notify you that your child (name of student) is being transported to (name of receiving facility) by law enforcement for making a threat of self-harm. Additional information pertaining to the transport can be obtained by contacting (name of police department) at (phone number for police department). Please keep us informed on (child's name) progress.**

*If an employee voluntarily followed the student to the facility also provide the employees name to the parent/guardian.

NON-NOTIFICATION TO PARENT/GUARDIANS

If DCF or the SRO tells the school not to notify the parent/guardian of the removal of the student, the school should obtain a business card from the official and immediately contact the Office of Legal Services for further guidance at (407) 317-3411.

COLUMBIA – SUICIDE SCREENER

[Section 1012.583, Florida Statutes](#), requires the completion of a suicide screener when a student reports suicidal ideation or threats of self-injurious behavior. In OCPS the screening instrument is the [Columbia-Suicide Severity Rating Scale \(C-SSRS\)](#). This screener is to be completed by the school counselor, school psychologist, mental health counselor or school social worker. The screening instrument is only completed by the SAFE coordinator if they also have certification or licensure in one of the previously mentioned areas.

The screener should be completed if a threat of self-harm is made during school hours while the student is in the care/custody of the school (i.e. face-to-face instructional model, school transportation, school-sponsored activity, etc.). The screener will assist the MHD in determining whether the student has a plan for his/her suicidal ideations or harm to self.

RE-ENTRY MEETING AND SAFETY PLAN

The re-entry meeting is held after a student has been placed under a Baker Act or if a student is returning to school after mental health treatment. The purpose of the re-entry meeting is so that all stakeholders are able to discuss the needs of the student and support the transition back to the school environment. The [Threat Response to Suicide/Self-Harm \(TRSS-H\) Re-Entry Meeting form](#) should be utilized to document the re-entry meeting.

It is best practice to hold the meeting as soon as possible, but the student should not be denied access to school while waiting on the re-entry meeting.

Re-entry meeting participants may include administrator, student, parent, mental health designee, **staffing specialist (if student is ESE)** and itinerant student services staff as necessary. If the student or parent need assistance with language please make sure to work with your CCT to ensure the necessary support.

Completion of the [School Mental Health Safety Plan](#) is recommended whenever a student has suicidal ideation or threatens self-injurious behavior. The School Mental Health Safety Plan is typically completed with parent input during the re-entry meeting or at the end of the Threat Response process if the student does not receive a Baker Act. The goal of the plan is to identify current concerns, supporting adults, strategies to help the student address challenging situations and to develop a check-in schedule to provide support so that any concerns can be addresses.

SUBMITTING PAPERWORK

The [Threat Response to Suicide/Self-Harm \(TRSS-H\) Incident Report Form](#) is completed online using the Threat Response SharePoint. Access to SharePoint has been granted to the mental health designees at each school.

The following documents should be faxed to the Mental Health Services Department at (407) 250-6253:

- [The Threat Response to Suicide/Self-Harm Parent/Guardian Acknowledgment and Resource Form](#)
- [The Columbia –Suicide Severity Rating Scale \(C-SSRS\)](#)

The following documents should be kept in the Mental Health folder in the student's cumulative folder:

- [The School Mental Health Safety Plan](#)
- [211 Mobile Crisis Reporting Form](#)
- [Threat Response to Suicide/Self-Harm \(TRSS-H\) Incident Report Form](#)
- [Threat Response to Suicide/Self-Harm \(TRSS-H\) Re-Entry Meeting form](#)
- [Re-entry meeting notes](#)

Appendix for the Threat Assessment Procedures Guide

The following documents include information that will assist and guide the STAT with the Threat Assessment and Threat Response processes.

School Threat Assessment Team Meeting Form

School Name: _____

Date: _____

Incident Date	Student #	Student Name	Grade	Incident	Recommendation			Follow Up Needed	Threat Level	Uploaded to STAT Site
					ISS	OSS	MH Referral			
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
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					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>

Incident Date	Student #	Student Name	Grade	Incident	Recommendation			Follow Up Needed	Threat Level	Uploaded to STAT Site
					ISS	OSS	MH Referral			
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
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					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Select Level	<input type="checkbox"/>

Participant Signature/Title

Participant Signature/Title

☐ Please keep a copy and send this monthly meeting form to your Learning Community by the 5th of each following month.

The following protocol has been adopted from the Virginia Student Threat Assessment Guidelines and retains the same information and procedures in a more condensed format. The protocol was adopted by the Florida Department of Education pursuant to Section 1001.212, Florida Statutes, and is required to be used by school-based threat assessment teams (STAT) in accordance with the Marjory Stoneman Douglas High School Public Safety Act and Section 1006.07, Florida Statutes. The process is designed for assessment of threats to harm others and is not intended for individuals who have threatened self-harm (threat response). Only a small percentage of cases require both threat assessment and threat response, and in those cases, the team should supplement this form with the OCPS Threat Response to Suicide or Self Harm. **Remember, all threats are taken seriously regardless of intent.**

OVERVIEW

What is a threat? A threat is a communication to harm someone that may be spoken, written, gestured, or expressed in some other form, such as via text messaging, email, or other digital means. An expression of intent to harm someone is considered a threat regardless of whether it is communicated to the intended target(s) and regardless of whether the intended target is aware of the threat. Threats may be implied by behavior that an observer would reasonably regard as threatening, planning, or preparing to commit a violent act. Orange County Public Schools (OCPS) recognizes different types of threats in the Code of Student Conduct (Code). This document should be used for any threat or behavior that may be considered threatening, regardless if the behavior is classified as a threat in the Code.

What if I'm not sure how to classify a threat? When in doubt, treat the communication or behavior as a threat and conduct a threat assessment. If you are not sure if the threat should be classified as a "transient" or "substantive" threat, treat the threat as "substantive" to ensure student safety. Threats that are not easily recognized as harmless (e.g., an obvious joke that worries no one) should be reported to the school administrator or other team members. The administrator or another team member makes a preliminary determination of the seriousness of the threat. The student, targets of the threat, and other witnesses should be interviewed to obtain information using this protocol and the OCPS Discipline Procedures Guide.

What are the different classifications for a threat?

A transient threat means there is no sustained intent to harm another person.

A serious substantive threat means the intent to hit, fight, or beat up is present (or not clear) and therefore requires protective action.

A very serious substantive threat means the intent to kill, rape, or cause very serious bodily injury is present (or not clear) and requires protective action.

What should I do in an emergency? A threat assessment is not a crisis response. If there is indication that violence is imminent (e.g., person has a firearm at school or is on the way to school to attack someone), a crisis response is appropriate. Take immediate action such as calling 911, contacting your SRO, contacting District Police at (407)317-3333, and following safety and/or emergency procedures issued by the District.

OCPS THREAT ASSESSMENT DECISION TREE

Step 1. INVESTIGATE and EVALUATE the Threat

Interview the alleged offender and witnesses. Complete pages 1-3 to obtain a detailed account of the threat by interviewing the person who made the threat, the intended victim, and other witnesses. Provide the alleged offender the opportunity to explain what he/she meant by the statement. **Is there communication to harm someone or behavior suggesting harm?**

No

Not a threat. Identify and discipline the behavior in accordance with the Code.

Yes

Step 2. ASSESS and CLASSIFY the Threat

Attempt to resolve the threat as transient. Complete pages 4-7 of the protocol and discipline the student as outlined in the Code. The STAT should consider the circumstances in which the threat was made and the student's intentions, such as whether the threat was an expression of humor, rhetoric, anger, or frustration that can be easily resolved. **Does the assessment suggest there is an intent to harm someone?**

No

Classify the threat as transient. Take precautions to protect the victim(s). Look for ways to resolve the conflict. Review at the monthly STAT meeting. If in doubt, classify as substantive.

Yes

Step 3. RESPOND to the Serious and Very Serious Substantive Threat

- (1) Take precaution to protect the victim(s).
- (2) As appropriate, warn intended victim(s).
- (3) Look for ways to resolve conflict.
- (4) Create a supervision plan.
- (5) Discipline the student in accordance with the Code.

Is the communication a threat to kill, rape, or cause very serious injury with a weapon?

No

Case is resolved as serious; add services as needed. Review at the monthly STAT meeting.

Yes

Step 4. MONITOR the Student

Case is resolved as very serious.

- (1) Complete the Mental Health Assessment (pgs. 8-19) (ES and MS: Contact your District Mental Health Counselor; HS: Contact your school-based Social Worker).
- (2) Consult with your SRO/LEO.
- (3) Implement other services as recommended by the STAT.
- (4) Review at the monthly STAT meeting and refer the student to the District Threat Assessment Team.

THREAT REPORT

(This section should be completed by the Dean or Administrator following the Discipline Investigation)

Name of person <u>reporting</u> threat:			Date/time threat <u>reported</u> :		
Person <u>reporting</u> threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Other:			Reported to:		
INCIDENT or BEHAVIOR OF CONCERN					
Name of person making threat:			School:		
Student Number:			Date/time threat made:		
Person making threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Unknown			Status: <input type="checkbox"/> Current Student <input type="checkbox"/> Former Student <input type="checkbox"/> Other		
Identification: <input type="checkbox"/> Male <input type="checkbox"/> Female	Age:	Grade:	ESE/504: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Code of Student Conduct Offense:			Suspended: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Reported to SESIR: <input type="checkbox"/> Yes <input type="checkbox"/> No			Consult/Report with SRO/LEO: <input type="checkbox"/> Yes <input type="checkbox"/> No		
Location threat occurred: <input type="checkbox"/> School Building or Grounds <input type="checkbox"/> School Bus/Other Travel <input type="checkbox"/> School-Sponsored Activity <input type="checkbox"/> Social Media <input type="checkbox"/> Other					
Victim's Name (if applicable):					
Detailed summary of the incident or threat (Background Report from Discipline Investigation):					
Parent/Guardian Name:		Phone:		Parent Contact: <input type="checkbox"/> Yes <input type="checkbox"/> No	
				DATE: TIME:	
Prepared By:		Title:		Date:	

INTERVIEWS

(This section should be completed by two STAT members by asking the questions below)

When a threat is identified, obtain a specific account of the threat by interviewing the student or other person who made the threat, if appropriate to the circumstances. Interview the intended victims, and other witnesses. Write the exact content of the threat and statements by each party. Consider the circumstances in which the threat was made and the threatening individual's intentions.

SUBJECT INTERVIEW

(Person who made threat or engaged in threatening behavior)

Student Name:	Refer to prior page for additional identifying information.
Person(s) Conducting Interview:	Location, Date of Interview:

Use these questions to interview the person making the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. Adjust spacing below as needed.

1. Do you know why I want to talk to you? What happened today when you were [place of incident]? (Record person's exact words with quotation marks for key statements if possible.)
2. What exactly did you say? And what exactly did you do?
3. What did you mean when you said or did that?
4. How do you think [person who was threatened] feels about what you said or did? (Probe to see if the subject believes it frightened or intimidated the person.)
5. What was the reason you said or did that? (Probe to find out if there is a prior conflict or history to this threat.)
6. What are you going to do now? (Ask questions to determine if the subject intends to carry out the threat.)

VICTIM (*person who was target of threat*) or **WITNESS** (*person with relevant information*)

If more than one, complete additional forms. If a group targeted, describe how subject identified the group (e.g., "everyone on this bus") and list all individuals.

Name of Victim/Witness:**School:****Student Number:**☐ Administrator ☐ Teacher ☐ Staff ☐ Student ☐ Parent/Guardian ☐ Other**Emergency Contact:****Phone:****Contacted:** ☐ Yes ☐ No
DATE: **TIME:****Person(s) Conducting Interview:****Location, Date of Interview:**

Use these questions to interview the person targeted by the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. If target is a minor, record parent under emergency contact.

1. Do you know why I want to talk to you? What happened today when you were [place of incident]? (Record person's exact words with quotation marks for key statements if possible.)

2. What exactly did (subject) say? And what exactly did (subject) do?

3. What did you think he or she meant when he or she said or did that? (Does target believe that subject intends to carry out the threat?)

4. How do you feel about what (subject) said or did?

5. What was the reason (subject) said or did that? (Probe to find out if there is a prior conflict or history to this threat)

6. What are you going to do now? (Ask questions to determine how target plans to respond to the threat and assist in planning a safe and non-provocative response.) What do you think he/she will do now?

KEY OBSERVATIONS

(This section should be completed by the entire STAT)

These items can help assess whether a threat is transient or substantive, but must be considered in the broader context of the situation and other known facts. Regard these items as a checklist to make sure you have considered these aspects of the threat, but they are not to be summed or used as a score. **If the STAT marks "Reviewed," "Yes" or "Partially" below, an explanation should be included in the space provided.**

ASSESSMENT FINDINGS

Sources of Information	Reviewed?	Relevant Findings (use additional pages as needed)
Prior threats	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Prior discipline incidents	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Academic records	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Special education records (include IEP/BIP if applicable)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Mental health history	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Other records	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Records from other schools	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Records from outside agencies (e.g., social services or mental health)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Law enforcement records (criminal history, firearms purchases, etc.)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	
Employment records (grievances, disciplinary actions, Title IX, etc.)	<input type="checkbox"/> Reviewed <input type="checkbox"/> Not applicable <input type="checkbox"/> Not available	

OBSERVATIONS

History of physical violence	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
History of criminal acts	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Preoccupation with violence, violent individuals, or groups that advocate violence	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Preoccupation with mass shootings or infamous violent incidents	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
History of intense anger or resentment	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Has grievance or feels treated unfairly	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Feels abused, harassed, or bullied	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
History of self-injury or suicide ideation or attempts*	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Has been seriously depressed*	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Experienced serious stressful events	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Substance abuse history	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
History of serious mental illness (symptoms such as delusions or hallucinations)*	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Might or does qualify for IEP/504 services due to serious emotional/behavioral disturbance*	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Prescribed psychotropic medication*	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Substantial decline in level of academic or psychosocial adjustment*	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Lacks positive relations with one or more staff	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Lacks supportive family	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Lacks positive relationships with peers	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Other factors that suggest need for intervention	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	

*Refer student to Section 504/IEP Team for consideration if student is eligible for services and needs a plan or if student is already eligible then review current services

CLASSIFICATION REVIEW		
Threat is likely to be <u>less serious</u> if:		
Subjects admits to threat (statement or behavior)	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject has explanation for threat as benign (such as joke or figure of speech)	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject admits feeling angry toward target at time of threat	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject retracts threat or denies intent to harm	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject apologetic or willing to make amends for threat	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject willing to resolve threat through conflict resolution or some other means	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Threat is likely to be <u>more serious</u> if:		
Subject continues to feel angry toward target	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject expressed threat on more than one occasion	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject has specific plan for carrying out the threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject engaged in preparation for carrying out the threat	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject has prior conflict with target or other motive	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject is suicidal	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Threat involved use of a weapon other than a firearm, such as a knife or club	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Threat involves use of a firearm	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject has possession of, or ready access to, firearm(s) and/or weapon(s)	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Subject has or sought accomplices or audience for carrying out threat.	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Threat involves gang conflict	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Threat involves peers or others who have encouraged subject in making threat	<input type="checkbox"/> Yes <input type="checkbox"/> Partially <input type="checkbox"/> No <input type="checkbox"/> Don't know/Not available	
Other relevant observations		

THREAT CLASSIFICATION				
Date of Classification:	<input type="checkbox"/> Not a threat	<input type="checkbox"/> Transient	<input type="checkbox"/> Serious Substantive	<input type="checkbox"/> Very Serious Substantive
STAT Rationale for Classification:				

CASE PLAN FOR THREAT RESPONSE*(This section should be completed by the entire STAT)*

Use additional pages as needed. This is a list of common actions taken in response to a threat. Each case may require a unique set of actions. Add date and signature of person taking action if appropriate. Note if action was recommended but for some reason not completed (e.g., parent refusal).

ACTION STEPS

<input type="checkbox"/>	1. Increased contact/monitoring of subject	
<input type="checkbox"/>	2. Reprimand or warning	
<input type="checkbox"/>	3. Parent conference	
<input type="checkbox"/>	4. Student apology	
<input type="checkbox"/>	5. Contacted target of threat, including parent if target is a minor	
<input type="checkbox"/>	6. Counseling (note number of meetings)	
<input type="checkbox"/>	7. Restorative Practice	
<input type="checkbox"/>	8. Schedule change	
<input type="checkbox"/>	9. Transportation change	
<input type="checkbox"/>	10. Mental health assessment	
<input type="checkbox"/>	11. Mental health services in school	
<input type="checkbox"/>	12. Mental health services outside school	
<input type="checkbox"/>	13. Assess need for IEP/504 referral	
<input type="checkbox"/>	14. Review of Individualized Education Program (IEP) for students already receiving services	
<input type="checkbox"/>	15. 504 plan or modification of 504 plan.	
<input type="checkbox"/>	16. Behavior Support Plan created or modified	
<input type="checkbox"/>	17. In-school time out or suspension	
<input type="checkbox"/>	18. Out-of-school suspension (number days)	
<input type="checkbox"/>	19. Referral for expulsion	
<input type="checkbox"/>	20. Other disciplinary action	
<input type="checkbox"/>	21. Change in school placement (e.g., transfer, homebound instruction)	
<input type="checkbox"/>	22. Services for other persons affected by threat	
<input type="checkbox"/>	23. Law enforcement consulted	
<input type="checkbox"/>	24. Legal actions (e.g., arrest, detentions, charges)	
<input type="checkbox"/>	25. Other actions (e.g. Safety Plan, No Contact Contract, etc.)	

Follow-up or Revision of Plan**Date**

Use this section if the above case plan needs to be modified and attach a new case plan.

STUDENT INFORMATION				
Name:		Student Number:		
Code of Student Conduct Offense:		ESE/504: <input type="checkbox"/> Yes <input type="checkbox"/> No		
THREAT SUMMARY				
Brief Summary of Threat/Threatening Behavior:				
THREAT CLASSIFICATION				
Date of Classification:	<input type="checkbox"/> Not a threat	<input type="checkbox"/> Transient	<input type="checkbox"/> Serious Substantive	<input type="checkbox"/> Very Serious Substantive
STAT Rationale:				

MEETING PARTICIPANTS	
Meeting Date:	Meeting Time:
School:	

Title	Print Name	Signature
Principal/AP		
Dean		
Mental Health Designee		
SRO/LEO		
Staffing Specialist (ESE/504)		

MENTAL HEALTH ASSESSMENT

(ES and MS: To complete this section, please contact your District Mental Health Counselor for assistance; HS: Contact your School-Based Social Worker)

A mental health assessment is usually conducted in cases involving a **very serious substantive threat**. The purpose of the mental health assessment is to maintain the safety and well-being of the student and others. Therefore, the assessment has two objectives:

1. *Treatment and referral needs.* Assess the student's present mental state and determine whether there are urgent mental health needs that require attention, such as risk of suicide, psychosis, or rage. Beyond these immediate needs, consider whether there are other treatment, referral, or support needs.
2. *Threat reduction.* Gather information on the student's motives and intentions in making the threat in order to understand why the threat was made and identify relevant strategies or interventions that have the potential to reduce the risk of violence.

SUBJECT INTERVIEW

(Person who made threat or engaged in threatening behavior)

Subject Name:	See records and additional information obtained by threat assessment team to supplement this assessment.
Person(s) Conducting Interview:	Location, Date of Interview:

Usually the interview can begin by asking "Do you know why I want to talk to you?" and after the subject has responded, "Let me explain the purpose of our meeting today." Use these questions as a guide to interview the person making the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. Adjust spacing below as needed.

Review of threat

1. What happened that made others worried that you wanted to harm someone? What exactly did you say or do that made them worried? What did you mean by that?
2. I know you must have had reasons to say (or do) that; can you explain what led up to it?
3. How would you do it? (carry out the threat) (Probe for details of any planning or preparation.) Where did the idea come from?
4. What could happen that would make you want to do it? (carry out the threat)
5. What would happen if you did do it? (review both effects on intended victims and consequences for student)
6. What do you think the school should do in a situation in which a person makes a threat like this?
7. What were you feeling then? How do you feel now?
8. How do you think (the person threatened) felt?

Relationship with intended victim(s)

1. How long have you known this person?
2. What has happened in the past between you and this person?
3. What do you think this person deserves?
4. Do you see any way that things could be improved between you and this person?

Family Support

1. Whom do you live with? Are there family members you don't live with? Have there been any changes in the past year?
2. Whom in your home are you close to?
3. How well do your parents/guardians know you?
4. Where do you go after school? Where are your parents/guardians at this time? How much do they keep track of where you are or what you are doing?
5. How strict are your parents/guardians? What do they do if you do something they don't want you to do? When was the last time you got in trouble with them? What was the worst time?
6. How will your parents/guardians react (or how did they react) when they found out about this situation?

Stress and Trauma

1. What kinds of things have been going on with you lately? What sorts of things have you worried about?
2. How has your school work been going lately? Are there things you have been worried about with your school work? Other things at school?
3. What is the worst thing that has happened to you lately? Have any other bad things happened? Is there something you regret or wish you could change?
4. Have there been any changes in your family? Has anyone been sick, moved away, or had anything bad happen to them?
5. Do you have any family members in jail or prison?
6. Do you take any medication?
7. Have you been involved in any counseling?

Mood

1. What has your mood been like the past few weeks? Have you felt down or depressed at times? How bad has it been? (Be alert for statements of pessimism and hopelessness that might indicate suicide risk. If there are indications of suicidal thoughts or feelings, there should be a more extensive evaluation of suicide risk. If necessary, develop a plan for protecting the student and making appropriate referrals.)
2. Have you felt nervous or anxious? Irritable or short-tempered? How bad has it been?
3. Have you ever felt like life wasn't worth living? Like maybe you would kill yourself?
4. Have you ever done something to hurt yourself on purpose? Ever cut yourself on purpose?
5. Have you had any problems with your sleep? Appetite? Energy level? Concentration?
6. Have you been taking any medication to help with your mood or for any other reason?

Psychotic Symptoms

Ask a few probe questions and follow up if there is any indication of delusions or hallucinations. Phrase questions appropriate to student's age and understanding.

1. Have you had any unusual experiences lately, such as hearing things that others cannot hear or seeing things that others cannot see?
2. Have you felt like someone was out to get you or wanted to harm you? Have you had any other fears that seem strange or out of the ordinary?
3. Do you have any abilities or powers that others do not have, such as ESP or reading minds?
4. Have you felt numb or disconnected from the world, or like you were somehow outside your body?

Note and inquire about any other symptoms of mental disorder.

Weapons

Ask about any weapons mentioned in the threat. As an example, these questions concern a threat made to stab someone.

1. You said that you were going to stab (name of victim). What were you going to stab him with?
2. Do you have a knife? What kind of a knife is it? (Or, how would you get a knife?)
3. Have you ever had to use a knife with someone? What happened?
4. What do you think would happen if you did use a knife with (name of victim)?

Access to Firearms

Ask about firearms in all cases, even if no firearm was mentioned. If the threat involved a knife, bomb, or other weapon, ask about that weapon, too.

1. Do you have a gun?
2. Are there guns in your home? Have you ever used a gun for hunting or target shooting?
3. If you wanted a gun, how would you get one?
4. What do you think you might do if you had a gun?
5. Have you ever had to use a gun with someone? Have you ever thought about using a gun with someone?

Aggressive Behavior

1. Do people treat you fairly? Who has been unfair with you lately? When people treat you unfairly, what do you do about it?
2. When you get angry, what do you do? Has your temper ever gotten you into trouble?
3. Do you get into fights? When was the last time? What happened?
4. Have you ever threatened to harm anyone before?
5. Have you thought about what it would be like to hurt someone really bad? Have you written any stories or made any drawings that are violent?
6. Have you ever set fire to things?
7. Have you damaged your own property or someone else's property?
8. Have you ever intentionally hurt an animal?

School Discipline

1. When was the last time you got into trouble in school? What happened?
2. Have you ever been suspended or expelled?
3. Have your parents ever been called to school because of your behavior?
4. Do you ever cut school or certain classes?
5. Do you feel that the rules at this school are fair? What has been unfair?

Delinquent Behavior

1. Have you been in trouble with the law or with police before? What happened?
2. Have you ever gone to juvenile court? What was it about?
3. Have you done things that could have gotten you arrested or in trouble with the law? What was the worst thing? What else?
4. Do you drink beer, wine, or other alcohol? Have you ever? How often do you drink? When was the last time? Tell me about it.
5. Do you smoke marijuana? Have you ever? How often? When was the last time?
6. Have you used any other drugs? How often? When was the last time? Tell me about it.

Exposure to Violence

1. Do you see or hear of violence in your neighborhood?
2. Do you know anyone who was shot, stabbed, or beat up real bad?
3. Do people argue much at home? Does anyone get physically aggressive?
4. What kind of movies do like? What kind of video games do you enjoy playing? What are your favorite Internet sites?
5. Ask the student about his/her reactions to any recent acts of violence or to any highly publicized school shootings.

Bullying

Bullying is broadly defined and may include teasing, social exclusion, or other forms of humiliation in addition to physical threats of violence. The student may not use the term "bully," and may be reluctant to admit being the victim of bullying behavior, so be prepared to rephrase questions and probe for victim experiences.

1. Is there anyone who has threatened you recently? Is there anyone who makes you feel afraid? (Ask about sexual threats if appropriate to situation.)
2. Is there anyone who has teased you or picked on you recently? Is there anyone who has beat you up or pushed you around? How about at home?

In response to any positive answer, follow up for more information: How often does it happen? What have you tried to do about it? Did you let any adult know about this, and if so, what happened? Be alert to statements indicating that a bullied student feels like there is no solution to the problem or is contemplating revenge.

Peer Relations

1. What are your friends like? Have you had any trouble with your friends lately? Who is your best friend?
2. How would your friends describe you?
3. Do you have a boyfriend/girlfriend? (Keep in mind that the student might not be heterosexual, and there may be concerns in this area.) How are things going with him/her? Did you have one before? What happened in that relationship?
4. Do you have friends who get in trouble?
5. Have you ever joined a gang? Been part of a group like a crew, clique, posse, or mob?
6. Do any of your friends know about (refer to threat situation?) What did they say about it? Anyone who feels the same way you do?

Coping

1. How do you like to spend your free time?
2. What kinds of things do you do well?
3. What are your hobbies and interests? What do you enjoy doing?
4. Can you think of a problem you faced in the past that worked out okay? Can you think of a problem that you solved? Can you think of a time when you went to someone about a problem and that person was able to solve it?
5. What are your plans for the future? What would you like to do when you finish school?
6. What could we do that would help with (refer to the problem that led to the threat)?

PARENT/GUARDIAN INTERVIEW

Parent Name:

Relationship to Student:

Person(s) Conducting Interview:

Location, Date of Interview:

Understandably, parents may feel apprehensive, guilty, or defensive when being interviewed about their child's behavior. It is important that the interviewer find ways to convey respect for the parent, starting from the initial contact and throughout the interview. Also, it should be evident that the interviewer is interested in understanding and helping the parent's child; otherwise, the parent may regard the interview as an investigation designed to uncover evidence of wrongdoing by the student or incompetence by the parent. Overall, the interviewer should make every effort to engage the parent as an ally. Emphasize the common goal of helping their child to be safe and successful in school.

Parent knowledge of the threat

1. What do you (the parent) know about the threat?

2. Have you heard your child (or use child's name) talk about things like this before?

3. Are you familiar with (the intended victim)? (Ask about the child's history with the intended victim—previous relationship and interactions.)

4. (Ask questions to determine if the child has the means to carry out the threat, such as access to firearms.)

5. What are you planning to do about the threat? (Is the parent willing to work with the school to develop a plan to assure the threat will not be carried out and that the student's needs are addressed?)

School adjustment

1. Has your child ever been suspended or expelled from school?

2. Have you ever met with the school (teacher, counselor, principal) about concerns in the past? What happened, what was going on, what was the outcome?

3. Has your child ever needed special help in school? Ever been retained?

4. Has your child ever been tested in school?

5. How does your child like school?

6. How often does your child do homework?

7. What are your child's teachers like?

Family Relationships and Current Stressors

1. Who lives in the home?
2. Are there any important events that have affected your family/child? Ask about any recent or pending changes, such as: Move, divorce/separation, losses, financial status, employment changes for parents, Others in home involved with court or the law
3. Who does your child share concerns with? Who is he/she close to?
4. How well does he/she get along with parents? Siblings? Type of conflicts, over what, how resolved?
5. How does your child show anger toward you and other family members?
6. What does your child do after school? Who supervises? What time is your child supposed to be home at night?
7. What responsibilities does your child have at home?
8. Does your child follow rules? What are the consequences for not following the rules?

Peer Relations and Bullying

1. Has your child reported being teased, intimidated, rejected, or bullied in some other way? (If so, what has the parent done in response?)
2. Who are your child's friends? Are you pleased or displeased with your child's choice of friends?
3. How much is the child influenced by peers? Are there any examples of your child doing something to please peers that got him or her into trouble?

Delinquent Behavior

1. Has your child been in trouble with the law or with police before? What happened?
2. Has your child ever gone to juvenile court? What was it about?
3. Has your child done things that could have gotten him or her arrested or in trouble with the law? What was the worst thing? What else?
4. Does your child drink beer, wine, or other alcohol?
5. Does your child smoke marijuana?
6. Has your child used any other drugs?

History of Aggression

1. How does your child handle frustration?
2. When your child gets angry, what does he/she do?
3. Has your child gotten into fights in the past? When, where, with whom?
4. Has your child's temper ever gotten him/her into trouble?
5. Has your child ever hit you or other family members?
6. Has your child destroyed his or her own things, or someone else's property?
7. Does your child have any pets? Has he/she ever intentionally hurt the pet or some other animal?

Access to Weapons

1. Do you have a gun in your home? Does your child have access to firearms through friends, relatives, or some other source?
2. Does your child have access to weapons other than firearms, such as military knives, martial arts weapons or some other kind of weapon?
3. Has your child ever talked about using a weapon to hurt someone? Ever gotten into trouble for using a weapon, carrying a weapon, or threatening someone with a weapon?
4. What can you do to restrict your child's access to weapons?

Exposure to Violence

1. Has your child ever been a victim of abuse?
2. Is your child exposed to violence in the neighborhood?
3. Do people argue much at home? Has there been any physical aggression at home?
4. What kinds of movies, video games, internet sites does your child like? Any parent restrictions? Level of supervision? Child's response?

History

1. Ask about any delays in cognitive, motor, language development. How old was your child when he/she started to walk, talk?
2. Has your child ever had a problem with bedwetting? When, how long? Was anything done for this?
3. Has your child ever been hospitalized? Had any serious illnesses?
4. Has your child had any recent medical treatment? Taking any medications? Obtain diagnoses and medications. Ask for a release.

Mental Health

1. Does your child have problems paying attention? Does your child follow directions without repetition and reminders? Does your child complete activities on his/her own? Does your child say things without thinking? Surprised by the consequences of his/her actions?
2. What has your child's mood been like the past few weeks?
3. Has your child been unusually nervous or anxious? Irritable or short-tempered? How bad has it been?
4. Has your child had problems with sleep? Appetite? Energy level? Concentration?
5. Has your child ever talked about hurting himself or herself? Have you ever been concerned that he/she might be suicidal?
6. Have there been any times when your child seemed to be hearing things that weren't there? Has he/she said things that didn't make sense or seemed to believe in things that weren't real?
7. Has your child ever seen a counselor or therapist? Ever taken medication for his/her behavior or mood?
8. Has your child had any involvement with other agencies/programs in the community?

TEACHER/STAFF INTERVIEW**Name of Person Interviewed:****Relationship to Student:****Person(s) Conducting Interview:****Location, Date of Interview:****Academics**

1. How is this student doing academically? Has there been any change in recent weeks?
2. What are this student's verbal skills? How well can he or she express himself/herself in words?
3. Has this student been considered for special education or placed in special education? What kinds of difficulties does the student have? If a student is receiving special education services, ask about the problem behaviors that are regarded as part of his or her disability.

Teacher knowledge of the threat

1. What do you know about the threat?
2. Have you heard this student talk about things like this before?
3. What have other students told you about this incident?
4. Is there another teacher or staff member who might know something about this?

Student's peer relations

1. How well does this student get along with other students?
2. Who are the student's friends?
3. Are there students who do not get along with this student?
4. Have there been other conflicts or difficulties with peers?
5. Has this student ever complained of being bullied, teased, or treated unfairly by others?

Depression

1. Have there been any apparent changes in the student's mood, demeanor, or activity level? Seemed withdrawn or apathetic?
2. Has the student expressed any attitudes that could imply depression, such as expressions of hopelessness or futility, inadequacy or shame, self-criticism or worthlessness?
3. Has this student shown an increase in irritability or seemed short-tempered?

Discipline

1. What kinds of discipline problems have you experienced with this student?
2. How does this student respond to being corrected by an adult?
3. What are the student's emotional responses to being disciplined?

Aggression

1. How does this student express anger?
2. Does this student seem to hold a grudge? Seem resentful?
3. Has this student done anything that expresses anger or aggression, or has an aggressive theme in written assignments, drawings, class projects, etc.?

Parents

1. Have you had any contact with this student's parents? What happened?

ADDITIONAL SERVICES

(Provide a description of any additional services not mentioned on the Case Plan)

Student Supervision Plan – Harm to Others

The purpose of the student supervision plan is to establish and maintain consistent measures for school personnel, student and parents to follow when a student displays unsafe behavior **AND** is considered at risk for future unsafe behavior. An individual student safety plan addresses specific behavior that is dangerous to others.

Student Name: _____ School Name: _____
 ESE/504: ☐ Yes ☐ No BIP Reviewed: ☐ Yes ☐ No

Description of Specific Unsafe Behavior(s): *Why student requires a Plan*
The School Will:

- Make certain pertinent staff/personnel are familiar with and follow this Plan
- Monitor effectiveness and appropriateness of this Plan
- Revisit this Plan as needed and review at times of transition
- Communicate and work with student/parent(s) to resolve student issues to ensure his/her safety and safety of others
- Implement the student Behavior Intervention Plan as documented in the IEP, if applicable
- **Additional Provisions (*specific to the school and student*):**
 1. _____
 2. _____
 3. _____

The Student Will:

- Follow school and district policy as stated in the Code of Student Conduct
- Follow this Plan to ensure his/her own safety and the safety of others
- Communicate with school personnel and parent(s) when student has concerns
- Stay on campus at all times during school hours unless supervised
- Follow the steps listed in the student's Behavior Intervention Plan as documented in the IEP, if applicable
- **Additional Provisions (*specific to the school and student*):**
 1. _____
 2. _____
 3. _____

The Parent/Guardian Will:

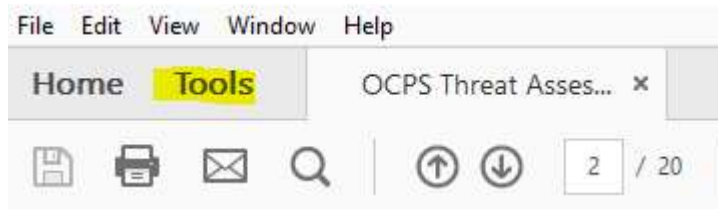
- Encourage the student to follow the Code of Student Conduct
- Encourage the student to follow this Plan to ensure the student's safety and safety of others
- Encourage the student to share concerns with trusted adults in his/her school family/team
- Communicate and work with the school to resolve student issues to ensure the student's safety and safety of others
- Initiate review of this Plan as needed and communicate with the school the need to review at times of transition
- **Additional Provisions (*specific to the school and student*):**
 1. _____
 2. _____
 3. _____

Participants Involved in Creating Student Supervision Plan:

Print Student Name:	Student Signature:	Date:
Parent/Guardian Name (Print):	Parent/Guardian Signature:	Date:
AP/Dean Name (Print):	AP/Dean Signature:	Date:
Principal Name (Print):	Principal Signature:	Date:

HOW TO REDACT THE THREAT ASSESSMENT AND RESPONSE PROTOCOL

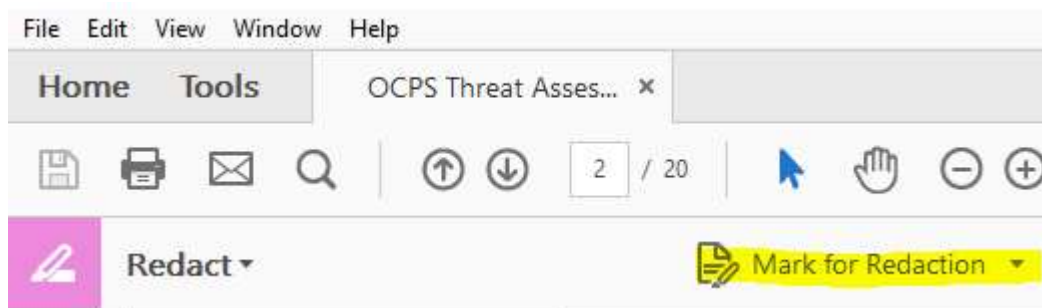
- **Step 1:** Scan the document into a PDF file.
- **Step 2:** Select “Tools” on the top left of the Adobe screen



- **Step 3:** Select the “Redact” tool



- **Step 4:** Click “Mark for Redaction” -> “Text and Images”



- **Step 5:** Highlight the area to be redacted. The writing will still show, but a red box should appear around the writing.
- **Step 6:** Other student Personally Identifiable Information (PII) shall be redacted from the document before being released to the parent. PII is defined by the Family Educational Rights and Privacy Act (FERPA) (34 CFR Part 99.2): PII includes, but is not limited to:
 - Student's name;
 - Student's parent or family members;
 - Student's address;
 - Personal identifiers (social security number, student number, or biometric record);
 - Indirect identifiers (birthdate, place of birth, mother's maiden name);
 - Other information that alone or in combination is linked or linkable to a specific student that would allow a reasonable person in the school community to identify the student with reasonable certainty; or
 - Information requested by a person who the school believes knows the identity of the student to whom the education records relates.

The following pages of the Threat Assessment and Response Protocol shall include, at minimum, the following redactions (black boxes):

Page 1: Background Information

THREAT REPORT			
<i>(This section should be completed by the Dean or Administrator following the Discipline Investigation)</i>			
Name of person reporting threat: [REDACTED]		Date/time threat reported:	
Person reporting threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Other:		Reported to:	
INCIDENT or BEHAVIOR OF CONCERN			
Student Number:		School:	
Name of person making threat:		Date/time threat made:	
Person making threat: <input type="checkbox"/> Student <input type="checkbox"/> Parent <input type="checkbox"/> Staff <input type="checkbox"/> Unknown		Status: <input type="checkbox"/> Current Student <input type="checkbox"/> Former Student <input type="checkbox"/> Other	
Identification: <input type="checkbox"/> Male <input type="checkbox"/> Female	Age:	Grade:	ESE/504: <input type="checkbox"/> Yes <input type="checkbox"/> No
Code of Student Conduct Offense:		Suspended: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Reported to SESIR: <input type="checkbox"/> Yes <input type="checkbox"/> No		Consult/Report with SRO/LED: <input type="checkbox"/> Yes <input type="checkbox"/> No	
Location threat occurred: <input type="checkbox"/> School Building or Grounds <input type="checkbox"/> School Bus/Other Travel <input type="checkbox"/> School-Sponsored Activity <input type="checkbox"/> Social Media <input type="checkbox"/> Other			
Victim's Name (if applicable): [REDACTED]			
Detailed summary of the incident or threat:			
Parent/Guardian Name:		Phone:	Parent Contact: <input type="checkbox"/> Yes <input type="checkbox"/> No
			DATE: TIME:
Prepared By:		Title:	Date:

Page 2: Offender's Interview

INTERVIEWS	
<i>(This section should be completed by two STAT members by asking the questions below)</i>	
When a threat is identified, obtain a specific account of the threat by interviewing the student or other person who made the threat, if appropriate to the circumstances. Interview the intended victims, and other witnesses. Write the exact content of the threat and statements by each party. Consider the circumstances in which the threat was made and the threatening individual's intentions.	
SUBJECT INTERVIEW <i>(Person who made threat or engaged in threatening behavior)</i>	
Student Name:	Refer to prior page for additional identifying information.
Person(s) Conducting Interview:	Location, Date of Interview:
Use these questions to interview the person making the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. Adjust spacing below as needed.	
1. Do you know why I want to talk to you? What happened today when you were [place of incident]? (Record person's exact words with quotation marks for key statements if possible.)	
2. What exactly did you say? And what exactly did you do?	
3. What did you mean when you said or did that?	
4. How do you think [person who was threatened] feels about what you said or did? (Probe to see if the subject believes it frightened or intimidated the person.)	
5. What was the reason you said or did that? (Probe to find out if there is a prior conflict or history to this threat.)	
6. What are you going to do now? (Ask questions to determine if the subject intends to carry out the threat.)	

Page 2

Page 3: Victim/Witness Interview

VICTIM (person who was target of threat) or WITNESS (person with relevant information) If more than one, complete additional forms. If a group targeted, describe how subject identified the group (e.g., "everyone on this bus") and list all individuals		
Student Number: [REDACTED]	School: [REDACTED]	
Name of Victim/Witness: [REDACTED]	<input type="checkbox"/> Administrator <input type="checkbox"/> Teacher <input type="checkbox"/> Staff <input type="checkbox"/> Student <input type="checkbox"/> Parent/Guardian <input type="checkbox"/> Other	
Emergency Contact: [REDACTED]	Phone: [REDACTED]	Contacted: <input type="checkbox"/> Yes <input type="checkbox"/> No DATE: [REDACTED] TIME: [REDACTED]
Person(s) Conducting Interview: [REDACTED]		Location, Date of Interview: [REDACTED]
<p>Use these questions to interview the person targeted by the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. If target is a minor, record parent under emergency contact.</p> <p>1. Do you know why I want to talk to you? What happened today when you were [place of incident]? (Record person's exact words with quotation marks for key statements if possible.)</p> <p>REDACT OTHER STUDENT INFORMATION FROM THIS SECTION. THIS WOULD INCLUDE NAMES, STUDENT NUMBERS, OR ANY OTHER PERSONALLY IDENTIFIABLE INFORMATION.</p> <p>2. What exactly did (subject) say? And what exactly did (subject) do?</p> <p>3. What did you think he or she meant when he or she said or did that? (Does target believe that subject intends to carry out the threat?)</p> <p>4. How do you feel about what (subject) said or did?</p> <p>5. What was the reason (subject) said or did that? (Probe to find out if there is a prior conflict or history to this threat)</p> <p>6. What are you going to do now? (Ask questions to determine how target plans to respond to the threat and assist in planning a safe and non-provocative response.) What do you think he/she will do now?</p>		

Page 3

Pages 4-5: This includes information pertaining to the student themselves, no redaction is necessary unless other student information is listed

Page 6: Case Plan

CASE PLAN FOR THREAT RESPONSE		
<i>(This section should be completed by the entire STAT)</i>		
Use additional pages as needed. This is a list of common actions taken in response to a threat. Each case may require a unique set of actions. Add date and signature of person taking action if appropriate. Note if action was recommended but for some reason not completed (e.g., parent refusal).		
ACTION STEPS		
<input type="checkbox"/>	1. Increased contact/monitoring of subject	
<input type="checkbox"/>	2. Reprimand or warning	
<input type="checkbox"/>	3. Parent conference	
<input type="checkbox"/>	4. Student apology	
<input type="checkbox"/>	5. Contacted student's parents/guardians	
<input type="checkbox"/>	6. Counseling (note number of meetings)	
<input type="checkbox"/>	7. Restorative Practices	
<input type="checkbox"/>	8. Schedule change	
<input type="checkbox"/>	9. Transportation change	
<input type="checkbox"/>	10. Mental health services	
<input type="checkbox"/>	11. Mental health services in school	
<input type="checkbox"/>	12. Mental health services off campus	
<input type="checkbox"/>	13. Assess need for IEP/504 referral	
<input type="checkbox"/>	14. Review of Individualized Education Plan (IEP) for students with IEPs	
<input type="checkbox"/>	15. 504 plan or modification of 504 plan	
<input type="checkbox"/>	16. Behavior Support Plan (if not previously in place)	
<input type="checkbox"/>	17. In-school time out or suspension	
<input type="checkbox"/>	18. Out-of-school suspension (if not previously in place)	
<input type="checkbox"/>	19. Referral for expulsion	
<input type="checkbox"/>	20. Other disciplinary action	
<input type="checkbox"/>	21. Change of placement (e.g., homebound instruction)	
<input type="checkbox"/>	22. Services for other persons affected by threat	
<input type="checkbox"/>	23. Law enforcement consulted	
<input type="checkbox"/>	24. Legal actions (e.g., arrest, detentions, charges)	
<input type="checkbox"/>	25. Other actions (e.g. Safety Plan, No Contact Contract, etc.)	
Follow-up or Revision of Plan		Date
Use this section if the above case plan needs to be modified and attach a new case plan.		

Page 7: No redaction is necessary unless other student information is listed

Pages 8-19: Mental Health Assessment (Very Serious Substantive Threats ONLY) – Work with your District Mental Health Designee for additional redactions other than the ones listed below:

MENTAL HEALTH ASSESSMENT	
<i>(To complete this section, please contact your District Mental Health Counselor for assistance)</i>	
<p>A mental health assessment is usually conducted in cases involving a very serious substantive threat. The purpose of the mental health assessment is to maintain the safety and well-being of the student and others. Therefore, the assessment has two objectives:</p> <ol style="list-style-type: none">1. <i>Treatment and referral needs.</i> Assess the student's present mental state and determine whether there are urgent mental health needs that require attention, such as risk of suicide, psychosis, or rage. Beyond these immediate needs, consider whether there are other treatment, referral, or support needs.2. <i>Threat reduction.</i> Gather information on the student's motives and intentions in making the threat in order to understand why the threat was made and identify relevant strategies or interventions that have the potential to reduce the risk of violence.	
SUBJECT INTERVIEW <i>(Person who made threat or engaged in threatening behavior)</i>	
Subject Name:	See records and additional information obtained by threat response team to supplement this assessment.
Person(s) Conducting Interview:	Location, Date of Interview:
<p>Usually the interview can begin by asking "Do you know why I want to talk to you?" and after the subject has responded, "Let me explain the purpose of our meeting today." Use these questions as a guide to interview the person making the threat. Ask other questions as appropriate. Try to use open-ended questions rather than leading questions. Adjust spacing below as needed.</p> <p>Review of threat</p> <ol style="list-style-type: none">1. What happened that made others worried that you wanted to harm someone? What exactly did you say or do that made them worried? What did you mean by that?2. I know you must have had reasons to say or do that. Can you explain what led up to it?3. How would you do it? (carry out the threat) (Probe for details of any planning or preparation.) Where did the idea come from?4. What could happen that would make you want to do it? (carry out the threat)5. What would happen if you did do it? (review both effects on intended victims and consequences for student)6. What do you think the school could do to help you with this situation?7. What were you feeling when you said or did that?8. How do you think you could feel better? <p>Relationship with intended victim(s)</p> <ol style="list-style-type: none">1. How long have you known this person?2. What has happened in the past between you and this person?3. What do you think this person deserves?4. Do you see any way that things could be improved between you and this person?	

**REDACT OTHER STUDENT
INFORMATION FROM THIS
SECTION. THIS WOULD
INCLUDE NAMES, STUDENT
NUMBERS, OR ANY OTHER
PERSONALLY IDENTIFIABLE
INFORMATION.**

Screen with Triage Points for Schools

Incident Summary:

Person(s) Completing Form (*print*):

Title:



School Mental Health Safety Plan

Student Name:	Student ID#:	Date:
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Problem Behaviors - These are behaviors I sometimes show, especially when I'm stressed:

- | | | | | |
|---|---|---|--|--|
| <input type="checkbox"/> Losing my temper | <input type="checkbox"/> Fighting/Assaulting people | <input type="checkbox"/> Feeling suicidal | <input type="checkbox"/> Running away | <input type="checkbox"/> Using other drugs |
| <input type="checkbox"/> Injuring myself | <input type="checkbox"/> Attempting suicide | <input type="checkbox"/> Threatening others | <input type="checkbox"/> Using alcohol | <input type="checkbox"/> Feeling unsafe |
| <input type="checkbox"/> Other (please describe): _____ | | | | |

Triggers - When these things happen, I am more likely to feel unsafe and upset:

- | | | | | |
|---|---|--|--|--|
| <input type="checkbox"/> Not being listened to | <input type="checkbox"/> Feeling pressured | <input type="checkbox"/> Being touched | <input type="checkbox"/> Lack of privacy | <input type="checkbox"/> People yelling |
| <input type="checkbox"/> Loud noises | <input type="checkbox"/> Feeling lonely | <input type="checkbox"/> Arguments | <input type="checkbox"/> Not having control | <input type="checkbox"/> Being isolated |
| <input type="checkbox"/> Darkness | <input type="checkbox"/> Being stared at | <input type="checkbox"/> Being teased | <input type="checkbox"/> Particular time of day: | <input type="checkbox"/> Particular time of year |
| <input type="checkbox"/> Contact with family | <input type="checkbox"/> Particular person: _____ | | | |
| <input type="checkbox"/> Other (please describe): _____ | | | | |

Warning Signs - These are things other people may notice me doing if I begin to lose control:

- | | | | | |
|---|--|--|--|--|
| <input type="checkbox"/> Sweating | <input type="checkbox"/> Breathing hard | <input type="checkbox"/> Racing heart | <input type="checkbox"/> Clenching teeth | <input type="checkbox"/> Clenching fists |
| <input type="checkbox"/> Red faced | <input type="checkbox"/> Wringing hands | <input type="checkbox"/> Loud voice | <input type="checkbox"/> Sleeping a lot | <input type="checkbox"/> Sleeping less |
| <input type="checkbox"/> Acting hyper | <input type="checkbox"/> Swearing | <input type="checkbox"/> Bouncing legs | <input type="checkbox"/> Rocking | <input type="checkbox"/> Can't sit still |
| <input type="checkbox"/> Being Rude | <input type="checkbox"/> Pacing | <input type="checkbox"/> Crying | <input type="checkbox"/> Squatting | <input type="checkbox"/> Damaging things |
| <input type="checkbox"/> Eating more | <input type="checkbox"/> Eating less | <input type="checkbox"/> Not taking care of myself | <input type="checkbox"/> Isolating/avoiding people | |
| <input type="checkbox"/> Laughing loudly/giddy | <input type="checkbox"/> Singing inappropriately | <input type="checkbox"/> Becoming very quiet | | |
| <input type="checkbox"/> Other (please describe): _____ | | | | |

Interventions - These are things that might help me calm down and keep myself safe when I'm feeling upset:

(Check off what you know works; star things you might like to try in the future)

- | | | | | |
|---|--|---|---|---|
| <input type="checkbox"/> Time out in my room | <input type="checkbox"/> Listening to music | <input type="checkbox"/> Reading a book | <input type="checkbox"/> Sitting with staff | <input type="checkbox"/> Pacing |
| <input type="checkbox"/> Talking with friends | <input type="checkbox"/> Talking with an adult | <input type="checkbox"/> Coloring | <input type="checkbox"/> Molding clay | <input type="checkbox"/> Humor |
| <input type="checkbox"/> Exercising | <input type="checkbox"/> A cold cloth on face | <input type="checkbox"/> Writing in a journal | <input type="checkbox"/> Punching a pillow | <input type="checkbox"/> Hugging a stuffed animal |
| <input type="checkbox"/> Taking a hot shower | <input type="checkbox"/> Taking a cold shower | <input type="checkbox"/> Playing cards | <input type="checkbox"/> Video Games | <input type="checkbox"/> Lying down |
| <input type="checkbox"/> Ripping paper | <input type="checkbox"/> Screaming into pillow | <input type="checkbox"/> Holding ice in my hand | <input type="checkbox"/> Getting a hug | <input type="checkbox"/> Using the gym |
| <input type="checkbox"/> Bouncing a ball | <input type="checkbox"/> Male staff support | <input type="checkbox"/> Female staff support | <input type="checkbox"/> Deep breathing | <input type="checkbox"/> Speaking w/ my therapist |

- ☐ Drawing ☐ Being read a story ☐ Making a collage ☐ Crying ☐ Snapping bubble wrap
☐ Being around others ☐ Doing chores/jobs ☐ Cold water on hands ☐ Drinking hot tea ☐ Using a rocking chair
☐ Calling family (*who?*): _____ ☐ Other (*please describe*): _____

Things That Make It Worse - These are things that do NOT help me calm down or stay safe:

- ☐ Being alone ☐ Being around people ☐ Humor ☐ Not being listened to ☐ Peers teasing
☐ Being disrespected ☐ Being Touched ☐ Loud tone of voice ☐ Being ignored ☐ Having staff support
☐ Talking to an adult ☐ Being reminded of rules ☐ Other (*please describe*): _____

Crisis Plan:

- 1) I will try to notice the following warning signs and triggers: _____

- 2) I'd like school personnel to notice the following warning signs: _____

- 3) When I notice these triggers or warning signs, I will take action to prevent a crisis from developing by doing the following: _____

- 4) When school personnel notice that I'm getting upset, I'd like them to help me prevent a crisis by doing the following: _____

- 5) Caring adults on campus I can go to for support: _____

Student Name (<i>print</i>):	Student Signature:	Date:
Parent Name (<i>print</i>):	Parent Signature:	Date:
Supporter Name (<i>print</i>):	Supporter Signature:	Date:
Supporter Name (<i>print</i>):	Supporter Signature:	Date:



Orange County Public Schools

211 Mobile Crisis Reporting Form

School Name:		Learning Community:	
Administrator/Staff Responding to Incident (<i>print</i>):			
Student Name:			
Student ID#:		Grade:	DOB:
<input type="checkbox"/> General ED <input type="checkbox"/> ESE <input type="checkbox"/> 504 <input type="checkbox"/> Gifted		<input type="checkbox"/> Verbal de-escalation strategies implemented (REQUIRED) <i>Please provide strategies implemented in summary below</i>	
Parent Must be contact prior to the initiation of mobile crisis			
Person Notifying Parents/Guardians (<i>print</i>):		Title:	
Parent/Guardian Name:		Contact Phone Number:	
Date of contact:	Time of Contact:	<input type="checkbox"/> Mobile Crisis: parent consent verbally <input type="checkbox"/> Mobile Crisis: parent declined <input type="checkbox"/> Parent unable to be reached	
Mobile Crisis (211) Contacted : Estimated wait time: _____ <i>If student is in immediate crisis and response time causes a delay, please proceed with contacting SRO for a suicide risk assessment</i>		Time of Call:	
Mobile Crisis Responder's Name:		Arrival Time:	End Time:
Mobile Crisis Responder's Contact Information:			
Baker Act Initiated: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes please provide facility: _____ Responding Law Enforcement Officer and Badge #: _____ Case #: _____			

Follow-up Summary: (we can include questions that they need to answer in this section if we want)

- How was this brought to your attention?
- What verbal de-escalation strategies were implemented (**REQUIRED**)?
- How will 211/Mobile Crisis Responder follow up with student and family?
- What was the outcome and recommendations from 211 responder?
- Was the parent/guardian reached regarding outcome? By whom?

Person Completing Form (<i>print</i>):	Title:
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Send the completed form to the District Office by the end of the school day:

Mental Health Services Fax 407-250-6253

Received in Mental Health Services by:	Date:	Time:
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Mobile Crisis Reporting Form

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Orange County Public Schools

Mental Health Services

August 13, 2020



Threat Response to Suicide/Self-Harm (TRSS-H) Parent/Guardian Acknowledgement and Resource Form

Student Name:		DOB:
School:	Grade	ID#:
Parent/Guardian Names		

- ☐ 1) I have been informed that my child has expressed suicidal ideation / thoughts.
- ☐ 2) I understand that my child has engaged in self-injurious behavior.
- ☐ 3) I understand that I have a part in keeping my child safe.
- ☐ 4) I have been encouraged to take the following steps:
- ☐ a) Provide supervision for my child at all times.
- b) In order to assist my child, I ☐ agree or ☐ disagree to immediately take him/her to a qualified mental health professional for assistance. ****Please provide a copy of the Parent-Guardian Acknowledgement Form to the facility**** A list of mental health facilities are provided below:

- **University Behavioral Center** - 407.281.7000
2500 Discovery Dr, Orlando, FL 32806
- **Central Florida Behavioral Hospital** - 407.370.0111
6601 Central Florida Pkwy, Orlando, FL 32821
- **South Seminole Hospital** - 407.767.1200
555 W State Road 434, Longwood, FL 32750
- **Park Place Behavioral Healthcare** - 407.846.0023
206 Park Place Blvd, Kissimmee, FL 34741
- **Palm Point Behavioral Health** – 321-603-6550
2355 Truman Scarborough Way, Titusville, FL 32796

- ☐ c) Remove access to lethal means, such as firearms, knives, medications, belts/ropes, etc.
- ☐ d) Assist school personnel with creating a School-Based Safety Plan.
- ☐ e) Share with school/district personnel the names of other agencies involved with my child.
- ☐ f) Contact professionals that can assist me and my child.

In case of emergency, I should:

- 1) Call 911
- 2) Take my child to a hospital or to one of the Baker Act facilities listed on the first page of this form.
- 3) Non-Emergency Parent Resources:
 - a) Call 211 (Mobile Crisis)
 - b) National Suicide Prevention Lifeline, 1-800-273-TALK (8255)

Parent/Legal Guardian Name:	Parent/Legal Guardian Signature:	Date:
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Principal/Designee Name:	Principal/Designee Signature:	Date:
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- ☐ **If Baker Act Initiated**, Prior to transport, Principal or Designee shall make reasonable attempts to notify parent:

Attempt Time: _____	Home Phone _____	Contact Time: _____
Attempt Time: _____	Cell Phone _____	Contact Time: _____
Attempt Time: _____	Work Phone _____	Contact Time: _____
Attempt Time: _____	Emergency Number _____	Contact Time: _____
Attempt Time: _____	Additional Method _____	Contact Time: _____

Provide a copy to the parent/guardian. Retain original.

Send the completed form to the District Office by the end of the school day:

Mental Health Services: Email: mhhelpline@ocps.net or Fax: 407-250-6253



Threat Response to Suicide/Self-Harm (TRSS-H) Incident Report Form

(Confidential form to be completed by school administration or mental health designee)

School:		Learning Community:
Administrator/Staff Responding to Incident <i>(print)</i> :		
Student Name:		
Student ID#:	Grade:	DOB:
<input type="checkbox"/> ESE <input type="checkbox"/> 504 <input type="checkbox"/> Gifted		
Location of Incident:		
Date of Incident:	Start Time:	End Time:
Responding Law Enforcement Officer and Badge #:		Case #:
<input type="checkbox"/> Orlando Police <input type="checkbox"/> Orange County Sheriff <input type="checkbox"/> OCPS District Police <input type="checkbox"/> Other Law Enforcement Agency:		
Concern <i>(check all that apply)</i> : <input type="checkbox"/> Threat to Self <input type="checkbox"/> Suicide Attempt on Campus <input type="checkbox"/> Suicide Attempt in the Community / Home		
Agency Response <i>(check all that apply)</i> : <input type="checkbox"/> SRO Contacted <input type="checkbox"/> Emergency/Rescue Contacted <input type="checkbox"/> DCF Contacted <input type="checkbox"/> Transported to Hospital <input type="checkbox"/> Baker-Acted <input type="checkbox"/> Responding Mobile Response Team Member:		
Hospital/Medical Facility <i>(if applicable)</i> :		

School-Based Response (*check all that apply*):

<input type="checkbox"/> Interviewed at School (name of school-based personnel and/or agency):	<input type="checkbox"/> Referral to Mental Health Services
<input type="checkbox"/> Interviewed by Outside Agency (name/contact information of agency):	<input type="checkbox"/> Acknowledgement Form Completed <input type="checkbox"/> Management Directive A-4 Completed

Threat Response to Suicide/Self-Harm (TRSS-H) Incident Report Form
 Page 2 of 3 Orange County Public Schools - Mental Health Services July 2020

Person Notifying Parents/Guardians (<i>print</i>):	Title:
Parent/Guardian Name:	Contact Phone Number:

Incident Summary:

When completing the summary section, please keep in mind the following questions:

- How was this brought to your attention?
- What did the student say? • Who did the student speak to (SRO, guidance counselor, SAFE Coordinator, nurse, administrator, etc.)? Please list all employees involved with response.
- Was the parent/guardian reached? By whom?

Person Completing Form <i>(print)</i> :	Title:	
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Send the completed form to the District Office by the end of the school day:
 Mental Health Services Fax:

407-250-6253

Received in Mental Health Services by:	Date:	Time:
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**Threat Response to Suicide/Self-Harm
(TRSSH)
Re-entry Meeting**

School:		Date of School Re-entry Meeting:
Student Name:		
Student ID#:	Grade:	DOB:

Hospitalization Information:

Mental Health Receiving Facility Name:	Date of Admission:	Date of Discharge:
Discharge Plan Recommendations:		
Mental Health Receiving Facility Safety Plan Recommendations:		
Medications Prescribed:		
Consent to Release Records from Hospital Signed by Parent? <input type="checkbox"/> Yes <input type="checkbox"/> No		

Outside Agencies/Services in place:

Agency (A) Name:	Agency (A) Phone:
Agency (A) Service:	
Agency (B) Name:	Agency (B) Phone:
Agency (B) Service:	

Referrals Made/Resources Provided at the Meeting:

Agency (A) Name:	Agency (A) Phone:
Agency (A) Service:	
Agency (B) Name:	Agency (B) Phone:
Agency (B) Service:	

Re-entry Information:

School Counselor:	SAFE Coordinator:
Student will Check-in: <input type="checkbox"/> Daily <input type="checkbox"/> Weekly	Student will Check-in with:
Safety Plan in place: <input type="checkbox"/> Yes <input type="checkbox"/> No	Safety Plan to be completed by (date): / /
Academic Supports Needed:	
MTSS information and updates:	
IEP/504 Plan updates:	

Plans/Notes:

(Please ensure plans are specific and measurable)

Participants

Parent:	School Counselor:
Student:	SAFE Coordinator/Mental Health Designee:
Nurse:	Administrator:
Other/Title:	Other/Title:
Other/Title:	Other/Title: