



Ernie Lozano, Director– Behavioral Threat Assessment

# Impact of House Bill 543

State Rule 6A-1.0019 – Threat Management

# Purpose of State Rule 6A-1.0019

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The purpose of this rule is to set forth requirements relating to threat management, a process by which school districts, K-12 schools, charter school governing boards, and charter schools identify, assess, manage, and monitor potential and real threats to student safety.



# District must update policies

Each school district and charter school governing board must adopt policies, consistent with this rule, for the establishment of threat management teams and for the completion of threat assessments. These policies must include procedures for referrals to mental health services, pursuant to Section 1012.584(4), F.S., and referrals for threats of self-harm, consistent with Section 394.463, F.S.

**Response: The Behavioral Threat Assessment Department is following the District Policy Rule Adoption timeline to bring the updated policy to the Board for rule adoption prior to January 1, 2023.**



# Updates to Parent/Guardian Notifications

There are specific requirements for parent/guardian notification for each level of concern (unfounded, low, medium, high) and the creation and implementation of a Student Support Management Plan (SSMP).

**Response: Behavioral Threat Assessment Department is conducting mandatory training (a full day, 8-hour face-to-face training) with all school-based team members and district staff who support schools with new threat management processes. Training will be completed prior to January 1, 2024.**



# District Threat Management Coordinator (DTMC)

Each school district superintendent must designate a District Threat Management Coordinator (DTMC) to oversee threat management at all public K-12 schools, including charter schools sponsored by or under contract with the district.

**Response: Ernie Lozano is assigned to this role and Kim Punzi-Elabiary is the back-up. Both completed state-required DTMC training July 22 – July 24, 2023.**



# District Threat Management Team (DTMT)

Each school district superintendent must designate a District Threat Management Team (DTMT) that will receive referrals from the School Based Threat Management Teams, assess serious situations, and provide support to school-based teams, including charter schools in their district. The DTMT must include the District Threat Management Coordinator as Chair, persons from school district administration and persons with expertise in counseling, instruction, and law enforcement.

**Response: Prior to August 21, 2023, District staff have been assigned to the DTMT representing all mandatory members of the team.**



# Member with Personal Knowledge of Student

School Based Threat Management Team (SBTMT). Each school must have an SBTMT comprised of four (4) members, at a minimum, including persons with expertise in counseling, instruction, school administration, and law enforcement.

**NEW** - The SBTMT must also include a member with personal knowledge of the student of concern who is the subject of threat management.

**Response: Behavioral Threat Assessment Department is conducting mandatory training (a full day, 8-hour face-to-face training) with all school-based team members and district staff who support schools with new threat management processes. Training will be completed prior to January 1, 2024.**



# Threat Management Chair and Vice Chair

The principal of each school must appoint a **Chair and Vice Chair** of the School-Based Threat Management Team (SBTMT). The Chair serves as the point person for threat management at the school-level and is responsible for triaging reported threats or concerning behavior and communications to determine whether the matter should be summarily closed or whether it should be reviewed by the full SBTMT.

**Response: All charter and traditional/nontraditional principals have identified a chair and vice chair prior to August 21, 2023. Behavioral Threat Assessment Department is conducting mandatory role-specific training (a half day, 4-hour face-to-face training) with all Chairs and Vice Chairs. Training will be completed prior to January 1, 2024.**





# Instrument

Each SBTMT and DTMT must use the Florida Model to assess the behavior of students who may pose a threat of harm to themselves or others and to coordinate intervention and services for such students. All reported threats or concerning behaviors and communications, even those determined to be unfounded, must be documented by the SBTMT along with any resultant action, using the Florida Model Instrument.

**Response: Behavioral Threat Assessment Department will be conducting mandatory training with all school-based team members and district staff who support schools. An additional 4-hour training will be conducted with principals, chairs, and vice chairs prior to January 1, 2024.**



# Transition from EdPlan (PCG) to FOCUS

- Broward schools has contracted with PCG through 2023 – 2024 school year. PCG is currently updating platform with New Florida Model Template to be ready effective January 1, 2023. BTA staff is meeting with PCG to assist with the transition.
- Documentation of threat management will transition to FOCUS for the 2024 – 2025 school year. The BTA Department is currently in meetings with District Information Technology Staff and the FOCUS vendor to ensure smooth transition for 2024 – 2025 school year.
- BTA Department is working with PCG to provide a 2-hour webinar training on completing new templates.





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## Notice of Proposed Rule

### DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: RULE TITLE:

6A-1.0019 Threat Management

**PURPOSE AND EFFECT:** To set forth requirements relating to threat management by extracting current threat assessment requirements from Rule 6A-1.0018 and creating a new rule on threat management. This new rule implements 2023 amendments to s. 1001.212(12), which requires the Department of Education's Office of Safe Schools to develop a statewide, Florida-specific threat management operational process and threat assessment instrument, to provide training, and to coordinate the implementation of the new process.

**SUMMARY:** This new rule implements 2023 amendments to s. 1001.212(12), which require the Department of Education's Office of Safe Schools to develop a statewide, Florida-specific threat management operational process and threat assessment instrument, to provide training on the operational process, and coordinate the ongoing implementation of the process.

### SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COSTS AND LEGISLATIVE RATIFICATION:

The Agency has determined that this will have an adverse impact on small business or likely increase directly or indirectly regulatory costs in excess of \$200,000 in the aggregate within one year after the implementation of the rule. A SERC has been prepared by the Agency.

In summary, school districts will incur costs to train staff on the new Threat Management model, some districts will be required to update applications that track threat management to accommodate the new process and forms, and every district will be required to appoint a Threat Management Coordinator – for many districts this will require the creation of a new staff position. The changes are based on requirements for a new, Florida-specific Threat Management process in House Bill 543 (2023). This proposed rule is not expected to have any adverse impact on economic growth, business competitiveness or any other factors listed in s. 120.541(2)(a), F.S., and will not require legislative ratification. Increase in regulatory costs are anticipated as a result of the rule changes.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

**RULEMAKING AUTHORITY:** 1001.02(1), (2)(n), 1001.11(9), 1001.212(12), F.S.

**LAW IMPLEMENTED:** 1001.11(9), 1001.212(12), 1006.07(7), F.S.

**A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:**

**DATE AND TIME:** August 23, 2023, 9:00 a.m.

**PLACE:** Collier County School Board Office, 5775 Osceola Trail, Naples, FL 34109.

**THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS:** Julie Collins, Office of Safe Schools, SafeSchools@fldoe.org.

THE FULL TEXT OF THE PROPOSED RULE IS:

### **6A-1.0019 Threat Management**

**(1) Purpose.** The purpose of this rule is to set forth requirements relating to threat management, a process by which school districts, K-12 schools, charter school governing boards, and charter schools identify, assess, manage, and monitor potential and real threats to student safety.

### **(2) Definitions.**

**(a) "CSTAG"** means the Comprehensive School Threat Assessment Guidelines behavioral threat assessment instrument, Form CSTAG-2022, which must be used for threat assessments in all public schools, including charter schools through December 31, 2023. The CSTAG categorizes threats as (1) transient, meaning a threat without a sustained intent to harm that can be easily resolved by apology, retraction, or explanation; or (2) substantive, meaning a threat where the intent to harm is either present or unclear, and requires protective action.

**(b) "Florida Harm Prevention and Threat Management Model" or "Florida Model"** means the Florida-specific behavioral threat management process required by Section 1001.212(12), F.S. The Florida Model consists of the

Florida Threat Management Manual and the Florida Harm Prevention and Threat Management Instrument (“Instrument”). Under the Florida Model, threats and reports of concerning behavior or concerning communications are categorized as having a low, medium, or high level of concern.

(c) “School” means a public K-12 school, including a charter school, with a Master School Identification Number (MSID) number as provided under Rule 6A-1.0016, F.A.C., but does not include:

1. Settings where instruction is provided in a county jail or state prison, in a Department of Juvenile Justice facility or program, in a hospital, or while a student is homebound;
2. Schools that provide only prekindergarten or adult education;
3. Technical centers under Section 1004.91, F.S.

A list of schools meeting this definition will be provided to the School Safety Specialists by December 1, 2023, and annually thereafter by July 1.

(d) “School-based mental health services provider” means a school psychologist certified under Rule 6A-4.0311, F.A.C., a school social worker certified under Rule 6A-4.035, F.A.C., a school counselor certified under Rule 6A-4.0181, F.A.C., or a mental health professional licensed under Chapter 490 or 491, F.S., who is employed or contracted by a district or school to provide mental health services in schools.

(e) “School district” or “district” means a Florida school district, the Florida Virtual School (Section 1002.37, F.S.), the Florida School for the Deaf and the Blind (Section 1002.36, F.S.), Developmental Research (Laboratory) Schools (Section 1002.32, F.S.), and charter schools sponsored by a university or Florida College System institution (Section 1002.33(5), F.S.).

(f) “Student Support Management Plan” or “SSMP” means an ongoing intervention and monitoring plan implemented by the school-based threat management team. The SSMP may impose requirements on a student of concern for a defined period of time based on the level of concern. The SSMP is reviewed each month by the School Based Threat Management Team (SBTMT).

(g) “Threat Assessment” means the identification of individuals exhibiting threatening or other concerning behavior.

(h) “Threat Management” means the multipart process by which schools identify individuals exhibiting threatening or other concerning behavior, assess the risk of harm, and coordinate appropriate interventions and services for such individuals, as provided in Section 1006.07(7), F.S.

### (3) Required policies.

(a) Each school district and charter school governing board must adopt policies, consistent with this rule, for the establishment of threat management teams and for the completion of threat assessments. These policies must include procedures for referrals to mental health services, pursuant to Section 1012.584(4), F.S., and referrals for threats of self-harm, consistent with Section 394.463, F.S.

#### (b) Parental notification.

1. School districts and charter school governing boards must, at a minimum, require parental notification in the following circumstances:

a. If the SBTMT Chair determines the report of a concerning behavior or threat is a Low level of concern and summarily closes the case, the Chair or designee must use reasonable efforts to notify the parent or guardian of the student of concern.

b. If the Chair does not summarily close the case and refers it to the SBTMT, reasonable efforts must be made to notify the student of concern’s parent or guardian on the same day the SBTMT assigns the preliminary level of concern.

c. If the preliminary level of concern is High, the SBTMT Chair or designee must notify the superintendent or designee to ensure that the notice requirements of Section 1006.07(7)(e), F.S., are met.

d. Parents or guardians must also be notified if the threat management process reveals information about their student’s mental, emotional, or physical health or well-being, or results in a change in related services or monitoring, including but not limited to implementation of an SSMP.

e. Once an SSMP is finalized and anytime it is substantively revised, the SBTMT Chair or designee must provide a copy of the SSMP to the student of concern’s parent or guardian. The targeted student's parent or guardian should also be informed that an SSMP has been implemented.

f. Where a report of concern includes an identified student target, the Chair must make a reasonable effort to

notify the parent or guardian of the targeted student before the end of the school day that the report was received unless the Chair has determined the concern is unfounded. As provided for in the Florida Harm Prevention and Threat Management Manual (Form OSS-001), the unfounded summary disposition should only be used when it is clear and articulable that there is no basis for concern. If there is any doubt, the case should be forwarded to the full School Based Threat Management Team for further evaluation and parent notification should occur. Nothing herein prevents the school from notifying parents or guardians if they believe it is in the best interest of the student.

2. “Reasonable effort to notify” means the exercise of reasonable diligence and care to make contact with the student’s parent or guardian, typically through the contact information shared by the parent or guardian with the school or school district. The SBTMT Chair or designee must document all attempts to make contact with the parent or guardian.

3. Timelines for required notice may be modified where the SBTMT reasonably believes and documents that such disclosure would result in abuse, abandonment, or neglect, as defined in Section 39.01, F.S.

(c) Education records. Threat assessments and records related to threat management are considered education records as defined by the Family Educational Rights and Privacy Act (FERPA) and Sections 1002.22 and 1002.221, Florida Statutes. Policies relating to access, maintenance, and retention of these records must be consistent with Rule 6A-1.0955, F.A.C., Education Records.

(4) CSTAG. Threats assessments initiated on or before December 31, 2023, must be done in accordance with CSTAG and the Model Behavioral Threat Assessment Policies and Best Practices for K-12 Schools, as follows:

(a) Threat management teams. Each school must have a threat management team (previously known as a threat assessment team) that includes persons with expertise in counseling, instruction, school administration, and law enforcement. The counseling and law enforcement team members must meet the requirements in subparagraphs (5)(c)1. and 4.

(b) Training. Threat management teams at each school must be fully staffed before the start of the school year. Due to the pending switch to the Florida Model, additional training is not required for the Fall 2023 semester, as long as at least one (1) member of the team has been CSTAG trained.

(c) Instrument. Through December 31, 2023, threats will be assessed using the CSTAG instrument to assess the behavior of persons who may pose a threat to school staff or students and to coordinate intervention and services for such persons. All reported threats, even those determined not to be a threat, must be documented, including the evaluation process and any resultant action.

(d) Meetings. Each school-based threat management team must meet as often as needed to fulfill its duties of assessing and intervening with persons whose behavior may pose a threat to school staff or students, but no less than monthly. Districts must adopt policies requiring threat management teams to maintain documentation of their meetings, including meeting dates and times, team members in attendance, cases discussed, and actions taken.

(e) Reporting. Each district must ensure that all threat management teams in the district report to the Office on the team’s activities during the previous school year. The district school safety specialist must ensure all schools in the district timely report information required by this paragraph: the total number of threat assessments conducted, disaggregated by the total number of non-threats, the total number of transient threats, the total number of substantive threats, and the sex, race, and grade level of all students assessed by the threat management team.

1. Information for the 2022-23 school year is due by October 1, 2023 in the Florida Safe Schools Assessment Tool (FSSAT).

2. Information for August 1-December 31, 2023 is due by June 15, 2024 in FSSAT.

(5) Florida Harm Prevention and Threat Management Model (“Florida Model”). Beginning January 1, 2024, threat management and assessment of concerning behaviors or communications must be conducted in accordance with the Florida Model, as follows:

(a) District Threat Management Coordinator (DTMC). Each school district superintendent must designate a Threat Management Coordinator to oversee threat management at all public K-12 schools, including charter schools sponsored by or under contract with the district. Where there is no superintendent, the lead administrator for the school district must assign the Threat Management Coordinator.

1. The DTMC must:

a. Ensure that all district-level and school-level threat management team personnel are trained in threat management and on the Florida Model;

b. Serve as Chair of the District Threat Management Team and as the liaison to the Department of Education's Office of Safe Schools ("Office"); and

c. Assist School Based Threat Management Teams in the district.

2. Each school district school superintendent, or lead administrator if there is no superintendent, must report the name, phone number, and email address of the District Threat Management Coordinator to the Office at FloridaModel@fldoe.org. This information must be reported annually by July 1, and must be updated within one (1) school day if there is a change in the information provided.

(b) District Threat Management Team (DTMT). Each school district superintendent must designate a District Threat Management Team that will receive referrals from the School Based Threat Management Teams, assess serious situations, and provide support to school-based teams, including charter schools in their district. The DTMT must include the District Threat Management Coordinator as Chair, persons from school district administration and persons with expertise in counseling, instruction, and law enforcement. Where there is no superintendent, the lead administrator for the district must assign the DTMT. Districts with three (3) or fewer schools may request approval to alter the DTMT membership by emailing the Office at FloridaModel@fldoe.org. The Office will grant requests that demonstrate that the duties of the DTMT can be executed with fidelity.

(c) School Based Threat Management Team (SBTMT). Each school must have an SBTMT comprised of four (4) members, at a minimum, including persons with expertise in counseling, instruction, school administration, and law enforcement. The principal or equivalent administrative head of the school is responsible for appointing team members. The SBTMT must also include a member with personal knowledge of the student of concern who is the subject of threat management. Team members must meet the following requirements:

1. The counseling team member must be a school-based mental health services provider that is able to access student mental health records.

2. The instructional team member must meet the definition of instructional personnel under Section 1012.01(2)(a)-(d), F.S., or must hold a current Florida Educator Certificate under Section 1012.56, F.S.

3. The school administrator team member must meet the definition of administrative personnel found in Section 1012.01(3), F.S. This should not be the school principal, or equivalent, unless they are the only administrator at the school, because the principal has administrative oversight of the SBTMT.

4. The law enforcement team member must be a sworn law enforcement officer, as defined by Section 943.10(1), F.S., including a School Resource Officer, school-safety officer, or other active law enforcement officer. At a minimum, a law enforcement officer serving on a threat management team must have access to local Records Management System information, the Criminal Justice Information System, and the Florida Crime Information Center and National Crime Information Center databases. Officers serving on school-based threat management teams must also have clearance to review Criminal Justice Information and Criminal History Record Information. A school guardian, as defined under Section 1006.12(3), F.S., or a school security guard, as defined under Section 1006.12(4), F.S., may not serve as the law enforcement member of a threat management team.

5. If none of the team members are familiar with the student of concern, the SBTMT Chair must assign a member of the school's staff who is familiar with the student to consult with and provide background information to the threat management team. The person must be instructional or administrative personnel, as defined in Section 1012.01(2) and (3), F.S. Consulting personnel do not have to complete Florida Model training and may not participate in the decision-making process.

(d) Threat Management Chair and Vice Chair. The principal of each school must appoint a Chair and Vice Chair of the SBTMT. The Chair serves as the point person for threat management at the school-level and is responsible for triaging reported threats or concerning behavior and communications to determine whether the matter should be summarily closed or whether it should be reviewed by the full SBTMT.

(e) Instrument. Each SBTMT and DTMT must use the Florida Model to assess the behavior of students who may pose a threat of harm to themselves or others and to coordinate intervention and services for such students. All reported threats or concerning behaviors and communications, even those determined to be unfounded, must be documented by the SBTMT along with any resultant action, using the Florida Model Instrument.

(f) Meetings. Each SBTMT must meet as often as needed to fulfill its duties of assessing and intervening with students whose behavior may pose a threat of harm to themselves or others, but no less than monthly. Districts must adopt policies requiring threat management teams to maintain documentation of their meetings, including meeting

dates and times, team members in attendance, cases discussed, and actions taken. DTMTs must meet as needed to review and consult with SBTMTs and must meet timeframes set forth in the Florida Threat Management Manual.

(g) Training.

1. All members of SBTMTs and DTMTs must be trained on the Florida Model through training provided by or approved by the Office of Safe Schools, as follows:

a. All SBTMT and DTMT members must complete basic Florida Model training.

b. The District Threat Management Coordinator must complete additional training specific to the Coordinator role.

c. School principals, the Threat Management Chair, and the Vice Chair must complete additional training specific to their respective roles.

2. In order to switch to the Florida Model on January 1, 2024, District Threat Management Coordinators, SBTMT members, school principals, and DTMT members must complete Office-approved training no later than December 31, 2023.

3. Beginning with the 2024-25 school year, district and school-level teams must be designated before the start of the school year. Team members who have not previously completed training must complete Florida Model training before the start of the school year. Those appointed to threat management teams after the start of the school year must complete Florida Model training within sixty (60) days of appointment. For assistance in accessing this training, districts must contact the Office in writing at [FloridaModel@fldoe.org](mailto:FloridaModel@fldoe.org).

4. Beginning with the 2024-25 school year, district and school-level team members who have been fully trained in a previous school year must complete an annual refresher training provided by the Office within the first sixty (60) days of school.

(h) Reporting. Each district school safety specialist must ensure that all threat management teams in the district report to the Office on the team's activities during the previous school year. The initial reporting period for the Florida Model will be from January 1-May 31, 2024, and information will be due by June 15, and annually thereafter for the preceding school year. The Office will provide reporting instructions by November 2023, and annually thereafter prior to the start of the school year, that will include at a minimum the following metrics:

1. Number of cases reported to the SBTMT;

2. Number of students evaluated by the SBTMT, broken down by sex, race, grade level, and existence of an IEP, 504, or behavior intervention plan at the time of evaluation;

3. Number of cases closed by the SBTMT Chair as unfounded; after referral for self-harm assessment; or as a low level concern without review by the full SBTMT;

4. Number of cases the SBTMT Chair referred to the full SBTMT for review;

5. Number of cases categorized by the SBTMT as unfounded, low, medium and high levels of concern;

6. Number of SSMPs implemented after cases categorized as low, medium, and high levels of concern;

7. Number of cases referred to the DTMT categorized as medium and high levels of concern;

8. Number of high level of concern cases the DTMT referred back to SBTMT; and

9. Numbers of students who received disciplinary action or where law enforcement took action in response to the behavior initially reported to the SBTMT.

(6) Transition to Florida Model. All threat assessments initiated under CSTAG that are not completed by January 1, 2024, or where a student is still being actively monitored by the threat management team on January 1, 2024, must be reassessed under the Florida Model. While new information may be gathered by the SBTMT Chair, the Chair may rely on the information gathered while using CSTAG to determine what level of concern to classify the student's behavior, and if a SSMP should be implemented as a result. If an SSMP is implemented, the student must be monitored for the minimum period that aligns with the new Florida Model.

(7) Charter Schools. Charter schools are responsible for establishing SBTMTs and conducting threat assessments as required by this rule. DTMCs and DTMTs must oversee and support charter schools sponsored by or under contract with the district to the same extent they do for traditional public schools.

(8) Virtual Schools. Virtual schools are responsible for establishing SBTMTs and conducting threat assessments as required by this rule. Florida Virtual School must also establish a District Threat Management Team and assign a District Threat Management Coordinator.

(9) The following forms are hereby incorporated by reference and made a part of this rule. Copies may be



obtained from the Florida Department of Education, 325 West Gaines Street, Tallahassee, FL 32399-0400.

(a) Florida Harm Prevention and Threat Management Manual, Form OSS-001 (insert link), effective September 2023.

(b) Florida Harm Prevention and Threat Management Instrument, Form OSS-002 (insert link), effective September 2023.

(c) Comprehensive School Threat Assessment Guidelines, Form CSTAG-2022 (insert link), effective September 2023.

(d) Model Behavioral Threat Assessment Policies and Best Practices for K-12 Schools, Form BTAP-2022 (insert link), effective September 2023.

Rulemaking Authority 1001.02(1), (2)(n), 1001.11(9), 1001.212(12) FS. Law Implemented 1001.11(9), 1001.212(12), 1006.07(7) FS. History—New

NAME OF PERSON ORIGINATING PROPOSED RULE: Julie Collins, Office of Safe Schools.

NAME OF AGENCY HEAD WHO APPROVED THE PROPOSED RULE: Manny Diaz Jr., Commissioner, Department of Education.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: July 31, 2023

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAR: June 26, 2023