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MARJORY STONEMAN DOUGLAS HIGH SCHOOL PUBLIC SAFETY
COMMISSION METING
BB&T CENTER CHAIRMAN'S CLUB
PANTHER PARKWAY
SUNRISE, FLORIDA 33323
August 15, 2019

COMMISSION MEMBERS/ATTENDEES:
SHERIFF BOB GUALTIERI - CHAIR
JASON JONES - PSC GENERAL COUNSEL
CHRIS NELSON - CHIEF OF POLICE, CITY OF AUBURNDALE
BRUCE BARTLETT - CHIEF ASSISTANT
STATE ATTORNEY, SIXTH JUDICIAL CIRCUIT
RICHARD SWEARINGEN - COMMISSIONER FLORIDA DEPARTMENT
OF LAW ENFORCEMENT
MAX SCHACHTER - VICTIM PARENT
LARRY ASHLEY - SHERIFF, OKALOOSA COUNTY
MELISSA LARKIN SKINNER - CEO, CENTERSTONE OF FLORIDA
MARY MAYHEW - SECRETARY AHCA
DAVID MICA - DCF CHIEF OF STAFF
SIMONE MARSTILLER - SECRETARY
DJJ PATRICIA BABCOCK - DEPUTY SECRETARY DCF
MIKE CARROLL - FORMER SECRETARY DCF
JAMES HARPRING - UNDERSHERIFF/GC, INDIAN RIVER
COUNTY
PAM STEWART - COMMISSIONER OF EDUCATION
GRADY JUDD - SHERIFF, POLK COUNTY
DOUGLAS DODD - SCHOOL BOARD MEMBER, CITRUS COUNTY
LAUREN BOOK - SENATOR, DISTRICT 32
RYAN PETTY - VICTIM PARENT
MARSHA POWERS - SCHOOL BOARD MEMBER, MARTIN COUNTY
KEVIN LYSTAD - PRESIDENT, FLORIDA POLICE CHIEF ASSOC
CHRISTINA LINTON - COMMISSION STAFF, FDLE

1 (Thereupon, the meeting is called to order:)

2 CHAIR: We'll call the meeting to order.
3 As we begin, and before Superintendent Runcie
4 testifies this morning, I just want to have
5 some discussion about where we are on the issue
6 of coverage of the schools here in Broward
7 County. I think the necessary approach to this
8 at this juncture is to hit the pause button on
9 this, and to get definitive information, which
10 we are not going to get today, about exactly
11 where things are.

12 As we have heard as of last week, and
13 again I'll stress it again, and I'm going to
14 keep saying this, because it's against this
15 backdrop that we have this uncertainty, and to
16 the degree this chaos going on, is that this
17 law took effect March 9, 2018, and we're
18 sitting here in the middle of this chaos on
19 August 15, 2019. This is stuff that should
20 have been handled a long, long time ago, and we
21 should not be in this position, we should not
22 be in this situation, and we shouldn't even be
23 having this discussion.

24 The very simple is, is that everybody
25 should have been in compliance a long time ago.

1 The charters should have been in compliance a
2 long time ago, and in my view every school
3 district should have ensured that their
4 charters, because they are their charters, were
5 in compliance. And that this is not the first
6 or the second survey that we've done, this is
7 at least the third. We know that when we
8 received the report back a couple months ago we
9 had well over two hundred that were not in
10 compliance, so this isn't new, and this is an
11 ongoing issue.

12 As we came into this meeting last week
13 trying to scramble, and trying to figure out
14 exactly where this is, with the hope and the
15 desire that what we were going to report was a
16 hundred percent compliance, because that's what
17 we want -- this isn't about calling people out,
18 this isn't about holding people's feet to the
19 fire. This is about wanting compliance with
20 the law, it's very simple, and what we wanted
21 to report is, no problems, we've got it, and
22 let's move on from it, but we didn't have that.

23 And what we got last week was that we had,
24 and they're varying numbers of non-compliance
25 by charter schools here in Broward County. And

1 that number was nineteen, it was fourteen, it
2 was nine, it was all over the board. And the
3 criteria, and the correct criteria is not
4 whether somebody put a band-aid on it so that
5 they could check the box on the first day of
6 school, and there was coverage. The criteria
7 was, and should be, whether there was sustained
8 coverage, not whether there was somebody there
9 for the first day, or the second day.

10 So as we went into Tuesday we were under
11 the impression that that number was somewhere
12 in that teen number someplace, somewhere around
13 fourteen, nineteen, somewhere in that range.
14 Tuesday evening we received information that
15 the number was twenty nine, that the Broward
16 County School District could not provide us
17 with one hundred percent assurances that there
18 was sustained adequate coverage on every single
19 charter school campus in Broward County.
20 That's the criteria we asked them to apply,
21 because that's the right criteria.

22 In discussions with Sheriff Tony, he was
23 covering those schools, as I told you he
24 testified to that, the discussions that we had
25 all last week, through the weekend, into this

1 week, and that he was going to cover those
2 schools until Friday, and if he didn't have
3 signed contracts by Friday he was going to pull
4 out. That's not sustained. That's not fixing
5 the problem. That's putting a band-aid on it
6 so the box is checked for the first forty eight
7 hours.

8 When he was here yesterday morning I had a
9 discussion with him, and asked him to
10 reconsider that, to give them more time, and to
11 perhaps give it into another week or so so that
12 this could get resolved, then all of the sudden
13 we see people scrambling, and coming out of the
14 woodwork, oh, my God, no, we're in compliance,
15 no, we're in compliance.

16 Then last night I get an email, and we're
17 working on this until 11:00 last night, and
18 we're getting copies of contracts, oh, my God,
19 we're in the compliance. Well, the contracts
20 that I saw were signed in the last forty eight
21 to seventy two hours. The contracts I saw, one
22 in Hallandale Beach that was signed on the
23 13th, it isn't even signed yet by the City.
24 And you know what, that contract is only for
25 thirteen days; that's not compliance.

1 So everybody running around -- and I
2 understand that the Broward Sheriff's Office
3 now has contracts with the charters in their
4 primary service area. They are also covering
5 the charters in Hollywood, because Hollywood
6 can't do it, but they have agreements, but
7 those agreements too have only been signed in
8 the last forty eight hours or so. So what we
9 need to do is at it relates to the twenty nine
10 that the district provided to us that they
11 cannot give us a hundred percent assurances,
12 and we need to hit the pause button, and the
13 reset button on that.

14 And I had a discussion with the
15 Superintendent about it this morning, I had a
16 discussion with the Sheriff about it this
17 morning, is, and with Director Kelly, is it
18 isn't going to happen today, because we can't
19 keep going back and forth about where it is,
20 where it's not, and then people scrambling and
21 reacting, oh, my God, here's a document, here's
22 a contract, and here's this. You can't do
23 business that way. This is -- this is not
24 right.

25 Again, this should have been done a long

1 time ago. We hit the pause button on this, and
2 we ask them to come up with a list laying out
3 all twenty nine of those, exactly what the
4 coverage model is, and there may be -- and
5 Superintendent Runcie can speak, is there may
6 even be some of these schools, yeah, they got
7 somebody there, but they haven't been through
8 the hundred forty four hours of training. So I
9 don't know, do not know, and cannot tell you
10 definitively where it is.

11 So we come up with a list of these
12 schools, what their proposed solution is, short
13 term, long term, and get verification from the
14 Sheriff, and every affected police chief, and
15 we come up with this definitively, signed off
16 on by the school district, signed off on by the
17 police departments and the sheriff's office,
18 and then we can put something out, where we
19 know what it is, and where it is, and what the
20 status is, because right now everything is
21 running around here flying by the seat of its
22 pants, and it is not the way to do business,
23 it's not good, and we need to definitively
24 know, and stop this rubber banding, and flying
25 emails, and contracts, and people showing up

1 here in the back of the room with folders and
2 contracts in them, and all this other stuff
3 that's been going on.

4 And then seeing contracts that I saw that
5 are not even signed, if it's not signed it's
6 not an agreement, and it's certainly not a
7 solution if it's only for thirteen days. So we
8 hit the pause button with this, and the
9 superintendent is going to testify this
10 morning, and as soon as we know definitively
11 then we'll get it out to everybody, as to what
12 the status is, because I don't know of any
13 other way to do this. But I know what has to
14 stop, is all this running around, information
15 flying back and forth, and people signing
16 contracts just to say that they're in
17 compliance, and we don't even know exactly
18 where it is with -- all -- all this has got to
19 just slow down.

20 So those are my thoughts and comments on
21 this. We can have some discussion, if anybody
22 wants to, before Superintendent Runcie comes
23 up. Chief Lystad has some comments that he
24 wants to make, and I'll recognize him for those
25 comments.

1 CHF LYSTAD: Thank you, Mr. Chair. I just
2 want to take a kind of similar path that our
3 Chair did about discussion of things that were
4 going out there. Yesterday we had a discussion
5 to some degree about the Palm Beach District's
6 School Chief, and their school situation up
7 there, and so I wanted to set that against the
8 backdrop to say that, or my comments against
9 the backdrop, to say that I know that
10 particular Chief, I know him very well, and
11 I've known him for eight years, including the
12 time that was president of the Florida Police
13 Chiefs, and he is an extremely knowledgeable
14 dedicated professional, and in my discussions
15 after, or after the meeting yesterday I had
16 some discussions with him, I got him on the
17 phone and talked to him about some of things
18 that I heard, and so I want to assure the
19 members of the, of the Commission here, number
20 one, that there is a sworn law enforcement
21 officer on every campus in Palm Beach County.

22 I also want to take a couple comments to
23 talk about the, the legal interpretation. I
24 was there in the beginning with the Governor
25 when he indicated he wanted one person

1 responsible. We all know that, that some, at
2 some point what the Governor wants and what the
3 legislature approves can be different, however
4 in my discussion with him, and pointing me to
5 the areas that his, the legal team of Palm
6 Beach District looked at, I can see, as the
7 Sheriff acknowledged yesterday, there is some
8 degree of ambiguity, and interpretation that
9 could be taken that way as it relates to the
10 guardian program, and who, who is responsible
11 for the training, and I look forward to
12 discussions when we get to that part to talk
13 about that.

14 He also presented to me that the guardian
15 option in his county was not a viable option
16 until one week before school starts, and while
17 that's mathematically possible to get the
18 training done, we all know that's not realistic
19 to get it done. The other thing that came up
20 yesterday was, is at least in my belief, there
21 was some discussion about how the guardian
22 program was, was purchased, and he assured me
23 that he didn't have any significant involvement
24 in the procurement of that, that they have a
25 procurement division that does purchasing, as

1 far as who was providing the training, and how
2 they did that, that it was done according to
3 Palm Beach County School District's purchasing
4 procedure.

5 And just jumping back to the legal team,
6 they had about twenty lawyers who looked at the
7 law, and provided that information, their
8 interpretation, and so in my experience, and
9 I'm sure the Sheriff can support that, I can
10 get lawyers to say what I want them to say
11 depending on who I pay. In the sheriff's
12 office the sheriff kind of can overrule, if I'm
13 not mistaken, your legal team. In a school
14 district, or in a local, that doesn't work that
15 way, they're as equal level.

16 The last thing that I would say is, is
17 that in speaking with him, and my knowledge of
18 him, he's an extremely professional dedicated
19 individual, one that I consider a good friend,
20 and in my discussions with him, he cares deeply
21 about the safety of the students, and some of
22 the programs that he expressed to me that he is
23 doing up there are ahead of many school
24 districts, including mine in Miami-Dade County,
25 and so I would just caution about rushing to

1 judgment.

2 We have -- we have allowed everyone an
3 opportunity here to come and present to us, and
4 if we still have concerns over Palm Beach, and
5 the school district, I'm sure he'd be happy to
6 come here and present to us directly. And that
7 concludes my remarks, Mr. Chair.

8 CHAIR: Okay. All right, thank you, Chief
9 Lystad. Anybody else? Sheriff Judd, go ahead.

10 SHRF JUDD: Thank you. I agree, Mr.
11 Chair, that we need facts, definitive facts,
12 but let's frame all of this as excuses. On
13 February 14, 2018 a massacre occurred at
14 Marjory Stoneman Douglas, and the entire
15 Florida legislature came together and crafted a
16 piece of legislation of over one hundred pages
17 that was signed on March 9, 2018, and it went
18 into effect that date.

19 And now we got all kinds of staff, and all
20 kinds of people here panicked, because
21 yesterday we started squeezing the balloon.
22 This was signed eighteen months ago. What
23 happened to a sense of urgency? I don't know
24 what happened in the leadership schools, and
25 practices that folks went to. In my world we

1 would have been repairing whatever went
2 horribly wrong. We would have started that
3 repair on February 15, 2018.

4 So we're here eighteen months later, after
5 the kids have already been denied a safe school
6 officer on their campus for an entire year, and
7 people are freaked out because we're going to
8 call them out. Where were you the last
9 eighteen months? When school started last
10 August 13th in Polk County, Florida, we had
11 trained a hundred guardians, and had a school
12 resource officer or a guardian on ever public
13 school campus, and every charter school campus
14 in the county, with the exception of one. And
15 they had excuses, but the next day after I got
16 involved in it they had a, a police officer on
17 their campus.

18 My point is, my frustration is, and I
19 think we all share that today, and I agree,
20 until we have the absolute data we don't need
21 to say a school isn't in compliance if they
22 are, but to me the headlines are it's a little
23 late. School started down here yesterday. We
24 still don't have people, signed contracts. We
25 have a sheriff that prepares to train forty

1 guardians down here in Broward County, and
2 eight show up? In a school vernacular that's
3 called an F, a failure, a total absolute
4 failure, and you know who's in the position to
5 be injured, our children. Shame on those --
6 shame on whoever did not act with a sense of
7 urgency.

8 But, that was then, and this is now, and
9 all this commission wants, and I'm speaking for
10 I think the hearts of all of us, we just want
11 them safe. We just want them to comply with
12 the law. And that's what I've seen, I have
13 seen school districts disobey the law since
14 March 9, 2018.

15 UND SHRF HAPRRING: Sheriff, briefly?

16 CHAIR: Go ahead.

17 UND SHRF HAPRRING: Chief, I appreciate
18 your comments, and thank you for those. I will
19 say, however, that legal recommendations should
20 not drive decision makers. I know they don't
21 drive the sheriffs. I know that they shouldn't
22 be driving school superintendents, and other
23 decision makers. And while in a vacuum, having
24 read the statute again last night, and before
25 our meetings, in a vacuum you might be able to

1 say that that language suggests something other
2 than the sheriff being the responsible party.
3 When read in its entirety under no
4 circumstances can any reasonable interpretation
5 be made of that provision other than it's the
6 sheriff's responsibility.

7 Lawyers can debate it all the time, that's
8 why we have appellate courts, but I think it is
9 a complete abdication of the responsibility of
10 the decision makers, and I look forward to
11 speaking to Superintendent Runcie about what
12 has happened down here. I think the most
13 important thing for us to do moving forward is
14 to gather the definitive information, and then
15 take those actions that will result in
16 accountability, because in our world when
17 somebody doesn't comply with the law we take
18 them to jail, that's, that's what we do. And I
19 think that an important definitive fact finding
20 statement needs to come from the commission, be
21 recognized by the state wide grand jury, and
22 people should govern themselves accordingly
23 once we do that. It's just unconscionable.

24 CHAIR: Commissioner Petty, go ahead.

25 COMM PETTY: Mr. Chair, I appreciate your

1 thoughtfulfulness on this, because I agree, I
2 think our hearts are, in trying to comply with
3 the law our hearts are trying to protect our,
4 our students, and our teachers at school, but I
5 think those, those families that put their kids
6 on a bus this morning, and yesterday, those
7 spouses that kissed their, their spouse
8 goodbye, expect them to come home. They expect
9 the leaders in this county to do their jobs,
10 and when they don't there's a heavy price to
11 pay.

12 As a commission if we don't stand up for
13 those that can't stand up for themselves I, I
14 don't know who will, because I haven't seen the
15 will, or the sense of urgency in Broward County
16 to protect, to learn the lessons of what
17 happened on February 14th, and protect our most
18 vulnerable, our students and our teachers. So
19 as we decide to give a reprieve for those that
20 aren't in compliance with the law, if that's
21 the quickest path to get them into compliance I
22 can support that. What I can't support are
23 anymore children, innocent children and
24 teachers murdered in our schools because
25 somebody didn't feel like, or didn't have the

1 sense of urgency to do their job.

2 CHAIR: So -- and I agree with you. And
3 it is, it is, in some respects it's two
4 separate issues, where are we, and what is the
5 compliance level, and those that are not in
6 compliance. But it's the lack of the, the
7 process, the lack of knowing, and why we are
8 sitting here even having this discussion,
9 that's even more problematic, because somebody
10 needs to own it, and this problem, it should be
11 very simple. Whatever the number is, and I
12 believe it's forty eight, I'm sorry, eighty,
13 eighty nine, I'm sorry, eighty seven or eighty
14 nine, put them on a list, here are the eighty
15 nine charter schools in Broward County.

16 And that should have been done last year,
17 here are the eighty nine, contact the chair of
18 the board of the charter, contact the principle
19 of the charter, what do you have, do you have a
20 cop, yes, do you have a contract with the city
21 or the sheriff, yes, give me a copy of it, how
22 long is it for, good, sustained, box checked,
23 we're done, and you've got a sustained
24 solution. Next one, I don't have anything, but
25 I'm looking at the guardian program, okay, have

1 you contacted the sheriff.

2 You know, and the sheriff said he talked
3 to the police chiefs here in Broward County as
4 of last Friday, and the police chiefs had not
5 been contacted by the charters, so the police
6 chiefs are, I can't solve problems I don't know
7 about, I didn't know that you even needed one
8 of my officers. I mean there's such a
9 disconnect going on, and that step process, and
10 that methodology of let's send it out, the
11 solutions, that should have been done. It
12 should have been done a long time ago.

13 So, seriously, as we're sitting here we
14 don't know. You know, as best I can tell there
15 is some good guy with a gun, good person with a
16 gun sitting on every campus. Whether they're
17 there for today, or tomorrow, or whether
18 they're there for the next week, or two weeks,
19 and whether they're a permanent solution, and
20 if they're not a cop, you know, whether they
21 have been through the hundred and forty four
22 hours of guardian training or not, I don't
23 know, I have no clue, can't tell you, no idea.

24 And that's what's sad. That -- that is
25 the saddest part of it, is we're just, sitting

1 here, is we just cannot make that
2 determination. Against the backdrop of what
3 everybody said is, is solely just making sure
4 these kids are as safe as they can be, and
5 against the backdrop, because I'm a firm, a
6 firm believer in the rule of law, you have a
7 hundred and sixty one people in this state that
8 make decisions, and set the policy for the
9 twenty one million of us, you got a hundred and
10 twenty people sitting in the Florida house, and
11 you got forty people sitting in the Florida
12 senate, you got a governor, we'll all get to
13 weigh in on the process. Some things they do
14 we weigh in on, and then we don't agree with
15 the outcome, but we don't get to substitute our
16 judgment for theirs, that's not the way our
17 system works, they make the law and we follow
18 it.

19 Just like yesterday, and I don't
20 understand it, although they, they seem to be
21 doing a lot of good things, and the right thing
22 up there, but I don't understand, as Director
23 Kelly said yesterday in Bay County, where they
24 said that they're just going to drills every
25 nine weeks. The legislature passed some laws

1 this year that said that we can't in our jails
2 have deputies doing cross gender searches. I
3 don't agree with that. I don't think it's a
4 good law, and I think it has an adverse
5 operational impact on us for a whole bunch of
6 reasons, but you know what, and I opposed it,
7 and strongly opposed it, but you know what, the
8 day that law took effect our general orders
9 were changed, and we forbid that practice
10 because that's what the law is in Florida.

11 And this whole practice that's been going
12 on since March 9, 2018, of people selectively
13 choosing the laws they're going to follow, and
14 what they're going to do or not do because they
15 like it or don't like it, and they're coming up
16 with excuses for it, is the most wholly
17 unacceptable response to all of this that I
18 see, and, and that we are, again, having this
19 discussion, we're wasting this oxygen on this,
20 because we shouldn't be.

21 It's really, really simple, everybody,
22 follow the law. Now, when you run into
23 situations where there is arguable ambiguity,
24 okay, that happens, nothing's perfect, we need
25 to work through that, and we will in this case,

1 and I think the consensus from this commission
2 is, and I know that my advocacy is going to be,
3 is to, is to eliminate that ambiguity, and get
4 it very clear as to what the intent was, and
5 is.

6 You know, just like that there was
7 ambiguity arguably, because the lawyers found
8 the ambiguity in 7026 about whether the
9 provisions of 7026 applied to the charters, so
10 earlier this year we went to the legislature
11 and said close the gap. And you can't be any
12 clearer than in 7030, that Governor DeSantis
13 signed a couple months ago, is it expressly
14 says all of these provisions apply to the
15 charters, okay, everybody happy now, okay, we
16 removed the ambiguity. You know, we dealt with
17 last year, what, on the issue of safe school
18 officers. When the legislature acted they
19 thought that it could just use plain language,
20 use simple words, assign a safe school officer
21 to every charter, elementary, middle and high
22 school, but, oh, no, the lawyers want to sit
23 and manipulate that, and assign doesn't mean
24 you actually have to be there. Assign is you
25 can have them assigned on paper, and they can

1 rotate among a half a dozen different schools,
2 because assigned doesn't mean they actually
3 have to be there. Okay, so now we're going to
4 go back in and fix that. No, you need to be
5 there bell to bell, that's what the intent is,
6 and stop playing games.

7 This is the same situation that we're in
8 there. We -- we will figure this out. We will
9 get the facts definitively, and when we have
10 the facts definitively we're going to lay out
11 on a piece of paper all twenty nine of these,
12 and go through in a column, and then it's going
13 to be presented to the police chiefs of all the
14 police departments that are affected, and to
15 the sheriff, and to the superintendent, and
16 have everybody concur that these are the facts,
17 and then we'll know whether we have coverage or
18 not.

19 And I just hope that in the meantime, that
20 not for twenty four hours, forty eight hours,
21 or seventy two hours, but until this is figured
22 out that there is somebody, and I don't know
23 today, there is somebody that's on those school
24 campuses protecting those kids in the event
25 that the unthinkable happens. So I think

1 that's where we are. Senator Book, go ahead.

2 SEN BOOK: Mr. Chair, number one, I want
3 to thank you for your leadership here in
4 Broward County, because without it it would
5 seem that we're a bunch of chickens with our
6 heads cut off, and not knowing which way is up
7 and which way is down, so want to thank you,
8 because I know this has consumed you for a
9 long, for, since Friday afternoon.

10 And you're right, we don't have the facts.
11 We don't know who we have, what we have, but
12 here's what we do know. As we were leaving
13 yesterday a Hollywood student was arrested for
14 a video, having a gun in a classroom. That's
15 what we do know, and so for those schools,
16 however many they may be, we'll get to the
17 bottom of that.

18 But the other thing that we do know is we
19 have a man who is coming before us shortly who
20 is the ultimate arbiter of the things that
21 happen here, and should have those answers.
22 And if he doesn't have those answers -- for me
23 a charter school is still a public school, the
24 way that I understand the law, and he has the
25 ability to pull those charters if they aren't

1 applying to, and following the law, and so I
2 hope that while we get to the bottom of the
3 facts, of how many we have, and what that looks
4 like, the deadly reality is there's a kid in a
5 classroom with a gun yesterday.

6 And we have schools that, by the grace of
7 your hard work, the director, the sheriff, we
8 have coverage, but that may not be the case,
9 and we need to stop playing games. Because
10 there are people here that understand that, and
11 you're right, they can't stand up, because as
12 we've talked about before they're six feet
13 under. It's not acceptable.

14 CHAIR: Okay, Sheriff Judd, and then we'll
15 get Superintendent Runcie up here.

16 SHRF JUDD: If I had a student in one of
17 these schools that signed a contract within the
18 last forty eight hours, eighteen months after
19 this became law, after my child didn't have a
20 safe school officer on campus to protect him or
21 her last year, I would want to know the
22 leadership at that school that just now signed
23 the contract when school like started
24 yesterday. I would want to know that.

25 I think it's worthy of the commissions

1 putting in the public record this is the data
2 we have provided by the school board, provided
3 by the charter, that we know at this point, and
4 put a disclaimer down there, the leadership
5 ignored this until the, at whatever point in
6 time this commission in our last meeting
7 started putting pressure on, and saying, hey,
8 we're going to name names August 1st, and then
9 they started scrambling.

10 I think it's important to understand what
11 real leadership is, and I'll tell you. When
12 the legislature signed this law on March 9th I
13 went to my superintendent, and I said we've got
14 to have a school resource officer, a school
15 resource deputy, or a guardian on every campus,
16 last August 13th when school started. And we
17 sat down together, and we crafted a plan, and
18 we selected, evaluated, trained, and had a
19 guardian or school resource officer, or a
20 school resource deputy on every campus.

21 When that ball came to my court from the
22 superintendent's court I looked at my staff,
23 and I said August 13th you'll have fully
24 vetted, well trained people ready to turn over
25 to the superintendent, and then assigned to a

1 campus on August 13th. On August 13th, if my
2 edict hadn't of been followed I would have
3 fired them on August 13th for failure to
4 perform. That's leadership.

5 What we've seen is the antithesis of
6 leadership, and I guess I got -- that's my
7 mental health statement for the day.

8 CHAIR: All right, let's get started.
9 Superintendent Runcie, if you'd come up,
10 please. And he's going to make some opening
11 remarks, and then we'll begin with questions
12 that commissioner members have. Good morning,
13 Superintendent, thank you for being here.

14 PRESENTATION SUPERINTENDENT RUNCIE

15 SUP RUNCIE: Good morning, Sheriff,
16 Sheriff Gualtieri. Good morning commission
17 members. I thank you for giving me the
18 opportunity to meet with you today. I'm going
19 to actually start off the conversation today
20 with some comments on issues that were raised
21 here at your, at your meeting yesterday.
22 First, as for the discussion of charter schools
23 being in compliance, I wholeheartedly agree
24 with the commission that the responsibility for
25 compliance with SB7030 is on the charters, not

1 on law enforcement to provide the coverage.

2 And I agree that the authority to hold the
3 charters accountable lies, and rests with the
4 school board. That's why I have communicated
5 repeatedly that we will move to shut down any
6 school that is non-compliant. In fact we sent
7 one letter informing a charter school that they
8 are not in compliance, and that they, and that
9 we will move to revoke their charter because of
10 not having a safe school officer on site
11 yesterday. But I do not have the authority to
12 revoke a charter because a school does not have
13 a long term sustainable plan. We must monitor,
14 and if there is not compliance then we will
15 sanction.

16 The discussion of the twenty nine charter
17 schools that occurred yesterday, about those
18 lacking a long-term sustainable plan, that,
19 that is a different question than who is
20 compliant presently. A review of the timeline
21 on this matter is important. SB7030 went into
22 effect on May 8th, and clarified that charter
23 schools must have a safe school officer. This
24 was the result of some charters questioning
25 whether SB7026 applied to them or not. It did.

1 On May 15th we made a presentation to
2 charter schools on these requirements. On May
3 31st the Department of Education sent a letter
4 to me, and other superintendents around this
5 state, on the charter school requirements. On
6 July 9th the charters received a letter from
7 the Department of Education on this matter. On
8 July 9th we also emailed a letter to charters
9 on the expectations, including sanctioning
10 them, and revoking their charter for
11 non-compliance. On July 29th we did a
12 preliminary poll of the yet to be complaint
13 schools from our charter tools database, and
14 provided a list of sixteen schools to the
15 Department of Education.

16 On August 1st Broward County Public
17 Schools again presented before the charter
18 principals, and reminded them that that day was
19 the deadline for proof of compliance into the
20 charter schools. On August 7th Broward County
21 Public Schools submitted a new list to the
22 Department of Education, and engaged in
23 subsequent conversations with DOE, and was
24 informed that other districts were reporting
25 having charters use their sheriff for an

1 interim coverage on an interim basis, even if
2 it was in overlapping jurisdiction.

3 On August 13th the Department of Education
4 asked us for a list of charters that do not
5 have a long-term sustainable plan for
6 compliance. Again, that was a different
7 question than any that was previously asked,
8 and the number of schools on that list was
9 twenty nine. As for -- as for whether Broward
10 County Public Schools has intentionally and
11 thoroughly recruited guardians, we have, and
12 continued to recruit them relentlessly. The
13 multiple classes of guardians that the
14 sheriff's office has trained have demonstrated
15 that. We've even changed the job requirements
16 to expand the pool. We have never been asked
17 by any charters to recruit guardians for them.

18 I also want to comment on the question of
19 law enforcement involvement in threat
20 assessments, and consequences for staff who
21 fail to follow our policy. There's
22 accountability for failure to accurately report
23 data. In February I brought a discipline of an
24 assistant principal for inaccurate reporting of
25 discipline data. That individual was given a

1 suspension. On March 5th our new policy on
2 behavior threat assessment went into effect.

3 In April I brought a demotion and two
4 suspensions for failure to properly follow the
5 policy. These actions weren't brought to us by
6 any outside agency, or law enforcement. I know
7 this because I have yet to receive any specific
8 cases from outside entities about
9 non-compliance. I'm not saying they haven't
10 occurred, but I cannot take action against
11 general anecdote. We hear these stories, but
12 nobody ever gives us details.

13 You know, we're constantly telling our
14 community, and everyone, if you see something
15 say something, well, we need somebody to send
16 us something. I need information. I need
17 facts, not allegations. I need the names of
18 parties, the schools, details, something to let
19 me tie the assertion of inappropriateness, or
20 violation of the school board policy to a
21 person. The first formal notification on this
22 topic around threat assessment concerns from
23 Sheriff Tony was the July 15th letter I
24 received. I met with him on July 24th, and
25 asked for specific cases to be presented to me.

1 I have yet to receive those details.

2 This community has my commitment to take
3 disciplinary action when the threat assessment
4 policy is not followed, and we have done so.
5 But I can only do that when I have the facts,
6 and not simply general references to times from
7 the past, or what someone may have heard may
8 have happened. And I'll have some more to say
9 on these items later on.

10 But let me move into talking about some of
11 the things that we've done since we, we last
12 met. There is significant amount of effort
13 that has continued, or has commenced since I
14 appeared before you nine months ago. Many of
15 our actions were a direct result of questions
16 and recommendations that came from this
17 commission. Let me walk you through the most
18 significant actions we're taken to ensure the
19 security and safety of our community. And we
20 are by no means done. This is a continuous
21 improvement process for us. As we learn more,
22 and identify opportunities to enhance our
23 commitment to a safe learning environment we
24 will do so.

25 We continue to take a multi-layered

1 approach to ensure that our schools are
2 protected. We are protecting students and
3 staff on school property by ensuring that
4 there's perimeter fencing around the entire
5 campus with limited points of entry, or a
6 single point of entry. And these points of
7 access are locked during school operation
8 unless there's a staff member present to
9 monitor anyone entering the school property.
10 Procedures have been established, and are being
11 reinforced, to monitor parking lots, drop-off,
12 pick-up points, and exteriors of our campuses
13 throughout the school day.

14 Human eyes and ears are a foundational
15 component of ensuring safety. Technology can
16 enhance, but can never replace having human
17 beings take care of each other, as we have
18 backed up this philosophy with significant
19 commitments and budgetary resources. We have
20 increased our spending to improve our ability
21 to both prevent and respond to school based
22 incidents. We have increased our funding for
23 safety and security. As I discussed with you
24 in November, we went to the voters of Broward
25 County, and they passed a referendum that

1 dedicates funding for safety and security which
2 we are utilizing to supplement that State
3 funding.

4 The district has allocated the additional
5 safe schools allocation funding for the
6 2019/2020 school year, and the new millage
7 gained through the August 2018 referendum, to
8 increase the district's reimbursement to school
9 resource officers, to also increase the number
10 of guardians, and to source over five hundred
11 new security related positions. When combined
12 with existing resources there will be over
13 twelve hundred SROs, guardians, and security
14 positions deployed throughout the district for
15 the 2019/2020 school year, the current school
16 year. This represents an investment of about
17 \$53 million in security personnel dedicated to
18 enhancing the security of our schools.

19 By accelerating the expenditure of capital
20 funding we have also moved to have single point
21 of entry functionality at every school.
22 Yesterday every school in Broward County opened
23 with a functional single point of entry.
24 Visitors, including contractors and vendors,
25 must access schools through a single point of

1 entry, and must be escorted if entering from a
2 loading dock or alternative door. However,
3 events held on campus after regular school
4 hours continue to be a concern as far as
5 providing safety coverage. The reality is that
6 there's inadequate funding, or available
7 personnel, to extend the full security program,
8 and matrix that we have, at schools beyond the
9 normal school hours.

10 The district has extended SRO agreements
11 with select municipalities, or assigned
12 guardians to cover all district run academic
13 programs during the summer. All before and
14 after care programs are now required to develop
15 a security plan, provide for an un-armed
16 security position, and adhere to similar safety
17 and security protocols during operation, for
18 example, maintaining live perimeter fencing
19 unless a gate is staffed. A plan for securing
20 and monitoring perimeter fences after hours
21 while students and staff are still on campus
22 must be developed by all principals, and
23 implemented, and communicated to all
24 stakeholders, and routinely inspected and
25 monitored.

1 Again, the physical security of our school
2 campuses is achieved through a multi-layered
3 approach. These layers include fences, single
4 point of entry, visitor badging and protocols,
5 having staff present in the hallways during
6 transition periods, and having classroom doors
7 locked. These are supported with signage to
8 guide community members and visitors, mobile
9 staff, and also staff that are static, who are
10 monitoring video feeds.

11 And when people see something they need to
12 know how to say something. Community members,
13 students, teachers, administrators and
14 visitors, must know and use tools that are
15 available to them. To report a tip Broward
16 County Public Schools provide multiple tools to
17 do so. Let me describe a couple of them, and
18 how they actually fit together.

19 We are in the process of complying with
20 the statutory requirement to have FortifyFl
21 available on all district issued electronic
22 devices. We have placed FortifyFl on district
23 and school website landing pages. We have
24 installed this app on existing devices, and are
25 moving to include it on the initial images

1 placed on the device at the point of
2 procurement.

3 We are also supporting SaferWatch, another
4 mobile application which is actually being used
5 by a number of law enforcement agencies and
6 municipalities in Broward County. Both of
7 these apps provide a way for community members
8 to report. Each has some strengths, and we are
9 ensuring that both are promoted on our
10 websites, on signage, and in communication.
11 Additional, Broward County Public Schools has
12 text messaging, anonymous tip lines, and email
13 reporting mechanisms, under our Silence Hurts
14 Campaign. All this information is available on
15 the district's website.

16 As I shared previously the school board
17 approved \$3.2 million in September of 2018 to
18 staff a new safety and security and emergency
19 preparedness division to implement what we call
20 an enterprise risk management framework across
21 the entire organization. The sourcing of that
22 new division began in February 2019 with the
23 appointment of a new Chief of Safety, Security,
24 and Emergency Preparedness. We have been
25 fortunate to hire Brian Katz for this position.

1 He's here with me today. He reports directly
2 to me. He comes to us with law enforcement
3 experience from the United States Department of
4 State, and he has conducted security reviews of
5 facilities, procedures, and personnel, for
6 diplomats and families in locations around the
7 globe.

8 Additionally, Brian was a security
9 director for Google, establishing global
10 programs to help protect physical locations,
11 staff, and their families. His experience in
12 serving the residents of Broward County is, is
13 serving the residents of Broward County well,
14 and is enhancing the district's culture of
15 safety and security. He's already made a
16 significant impact in how I, the school board
17 members, our cabinet and staff, think and act
18 about how we address safety and security
19 challenges that are before us.

20 The Office of Safety, Security, and
21 Emergency Preparedness is integrating the
22 policies, staffing, management, and monitoring
23 of all aspects of school safety operations,
24 district policies for safety and fire drills,
25 and preparations for hurricanes and other

1 perils. A significant change in our
2 operational approach has already occurred, and
3 that is eliminating the decentralization of
4 school safety personnel. These resources no
5 longer report to the school principal. In
6 order to ensure consistency in operational
7 execution campus monitors and security
8 specialists now report to an area manager, that
9 reports into the Office of School Safety,
10 Security, and Emergency Preparedness.

11 This is a significant change from the
12 Broward school's culture of decentralization.
13 There is extensive collaboration between staff
14 and schools, between principals, area
15 supervisors, and between our Office of School
16 Accountability headed by Dr. Wanza and Chief
17 Brian Katz. We must, and will, ensure that
18 safety and security procedures are implemented
19 in a consistent way at every school in this
20 district.

21 A significant improvement that this
22 division has established based on this
23 commission's interim report is in the training
24 and operational procedures for campus monitors.
25 In addition to changing the reporting structure

1 we have extended the contract year for these
2 employees to provide three days of training.
3 There are now standard training,
4 accountability, and expectations for these
5 employees, far beyond the position description
6 that we had in November. Coordinated through
7 Brian, the Broward County Public Schools has
8 worked to enhance its coordination with law
9 enforcement. He has met repeatedly with
10 representatives of the Broward Sheriff's
11 Office, municipal police departments, and the
12 Broward Chief's Association, where he regularly
13 attends meetings. These meetings are focused
14 on ensuring that there's a smooth operations
15 and communications, a collaborative approach,
16 if you will, between education and law
17 enforcement.

18 I want to highlight some of the areas of
19 this collaboration, and what we focused on over
20 in the past six months. One area is ensuring
21 that law enforcement has real time access to
22 school security cameras. All SROs have access
23 to cameras for their respective schools. The
24 Broward Sheriff's Office in its real-time crime
25 center has access to the district's entire

1 inventory of over 10,000 surveillance cameras.
2 All municipalities that provide SROs have been
3 provided the contract for access, with
4 appropriate data sharing agreements, for
5 approval by their respective governing bodies,
6 basically the same type of agreement that we
7 have with the Sheriff's Office.

8 In the interim municipal police forces can
9 go through the Sheriff's Office and, and work
10 through their integrated command center as
11 well, as another source for video access. This
12 was a significant accomplishment, as it
13 required policy agreements, technical
14 integration, and the establishment of a
15 standard naming convention for all of our
16 cameras. The naming convention must serve the
17 purpose of school operation for those who know
18 the facility well, as well as for law
19 enforcement and other first responders, who may
20 not know the facility as well, but need to
21 navigate it during a crisis.

22 Additionally, law enforcement and
23 municipal emergency responders, with the
24 inspection of facilities, and the development
25 of emergency response plans, is coordinated

1 through our new Office of Safety, Security, and
2 Emergency Preparedness. This includes a
3 completion of the review -- this -- this
4 includes a completion and review of the Florida
5 Safe Schools Assessment Tool. There has not
6 been a substantial, or a submittal of updated,
7 what we call FSSATs, the assessment tool, since
8 my testimony in November. That will occur in
9 the coming weeks. While we are waiting access
10 to the final version of the 2019 tool from the
11 Department of Education we have been active in
12 preparing staff, both district and principals,
13 to complete the assessment tool with fidelity.

14 There will be complete -- these will be
15 completed with high quality responses, and they
16 will be reviewed by leadership, and
17 specifically by me. I will be reviewing a
18 representative sample with Brian Katz, as his
19 staff will be working with our principals, and
20 our supervisors, to ensure that all of these
21 responses are accurate, complete, and the
22 actions are taken to address any issues that
23 arise.

24 State statute requires that every school
25 has the presence of a trained armed safe school

1 officer, either a school resource officer or a
2 Coach Aaron Feis guardian. You have been
3 examining the compliance of public schools,
4 district schools and charter schools with this
5 mandate, in your commission meetings. Broward
6 County Public Schools has maintained the
7 compliance that I testified to you about in
8 November. We have, and will ensure compliance
9 in each of our schools by utilizing SRO
10 contract and guardians, and having protocols to
11 provide substitutes with contracted overtime,
12 as well as utilizing our own school
13 investigative unit detectives as needed.
14 Yesterday on our first day of school we had
15 approximately two hundred and one SROs at a
16 hundred and seventy nine schools, and forty
17 seven guardians.

18 I want to spend a minute on the issue of
19 charter school compliance. While school boards
20 issue the operational agreement for charter
21 schools there's actually very little a school
22 board can do to impact the compliance of
23 charter schools with statutes or best
24 practices, they have their own governing body.
25 The only real lever that we have to pull is to

1 shut them down. We sent repeated notices to
2 charters that they need to be in compliance,
3 they must have a safe school officer on campus
4 during all normal school operating hours.
5 Again, we have informed the charters that
6 failure to comply will result in my calling for
7 the School Board of Broward County to convene,
8 and immediate revoke the charter school, the
9 charter school operating license.

10 This will be extremely disruptive, as we
11 know, to the lives of students, families, and
12 staff of the charter schools, but it's the only
13 thing that we, we have. It's the only action
14 that we can take. And we continue to work
15 closely with the Department of Education's
16 Office of School Safety.

17 The training on behavioral threat
18 assessment procedures provided to the district,
19 and district personnel, is the same training
20 provided to our law enforcement partners. This
21 is most important at the level of the SROs, for
22 being matched with principals, campus security
23 specialists, and campus monitors. And those
24 schools which have guardians need to partner
25 with appropriate law enforcement agencies to

1 provide law enforcement agents on demand.

2 The training is consistent for how to
3 conduct investigations on discipline measures,
4 and when those discipline measures may cross
5 the line into criminal conduct. All personnel
6 have been trained, they've been trained that
7 law enforcement always, always maintains the
8 discretion to decide whether to undertake law
9 enforcement actions.

10 Significant effort has been focused on
11 training for all administrative staff, the
12 creation of a behavioral threat assessment
13 policy, and the procurement of a centralized
14 digital documentation system. This system is
15 required for all district schools, and has been
16 provided for Broward County charter schools as
17 well. All of these improvements have been
18 completed.

19 Intensive and ongoing training for all
20 school administrators on behavioral threat
21 assessment procedures has been paramount.
22 Training commenced prior to the 2018/2019
23 school year, and additional three hour training
24 using behavioral threat assessment case studies
25 occurred during the school year, guided by the

1 new School Board policy 2130 on behavioral
2 threat assessments, and an additional round of
3 training on the new digital centralized
4 behavioral threat assessment tool occurred just
5 this August.

6 In the past three weeks we have trained
7 three hundred and twelve elementary schools, a
8 hundred and sixty four middle schools, two
9 hundred and ten high schools, and fifty five
10 charter school administrators, and we have
11 trained a hundred and sixty five law
12 enforcement officers. There will be additional
13 training in the coming weeks, and the training,
14 our policy, and practice, is that law
15 enforcement, again, must be involved in all
16 threat assessment teams.

17 A second component was the elevation of
18 the threat assessment accountability from the
19 level of operational procedure to School Board
20 policy. Policy 2130 was finalized through the
21 statutorily defined rule making process in the
22 district on March 5, 2019. This policy
23 establishes definitions of threat levels, roles
24 and responsibilities of people, teams, and
25 departments, and establishes an auditing

1 calendar for ensuring fidelity of
2 implementation and compliance. Expectations
3 for building a level, for building level threat
4 assessment teams, administrator, supervisors,
5 and the audit process, have been clarified.
6 The system of accountability is also outlined.
7 The policy was an elevation of behavioral
8 threat assessment expectations, again to the
9 highest level in the organization.

10 A third component was the selection,
11 procurement, and implementation of a digital
12 centralized threat assessment system to replace
13 the previous paper based processes and school
14 side documentation that was used. On February
15 20, 2019 the School Board approved the contract
16 with Public Consulting Group to develop and
17 implement the system. The design of the system
18 was informed by state law, School District
19 policy, and end-users. The system was
20 finalized in June. A training on the new
21 system commenced in July with school
22 principals, and commenced with law enforcement
23 personnel on May, on Monday August 12th.

24 Broward County Public Schools and law
25 enforcement continue to be active, be in active

1 communication to ensure that all parties
2 understand the procedures, how they work around
3 threat assessments. Another area where the
4 district has undertaken a significant effort
5 and impact is around safer spaces. On February
6 20, 2019 the School Board adopted policy 2150.
7 We are defining a safer space, also referred to
8 as a hard corner, as a designated general
9 location where students and staff can more
10 effectively position themselves where they are
11 not visible from a hallway or outside door or
12 window in an effort to reduce risks associated
13 with an active shooter.

14 The policy stipulates the manner in which
15 safer spaces will be identified when
16 appropriate in classrooms. These spaces are
17 marked with standardized visual designators,
18 which mandate the designated spaces will remain
19 free from clutter, furniture, and objects
20 interfering with their use in emergencies, and
21 requires periodic inspection of the spaces to
22 ensure compliance with policy.

23 We are implementing the safer spaces
24 policy in two phases. The first phase was to
25 have school based staff identify and mark the

1 safer space within all classrooms where there's
2 a single point, and the absence of windows on
3 the first floor. This phase yielded the
4 identification of nearly three thousand safer
5 spaces within classrooms throughout the
6 district. The second phase involves teams of
7 our special investigative unit detectives and
8 the district fire inspectors visiting each
9 school to assess the remaining classrooms, and
10 identify any additional safer spaces within
11 classrooms.

12 This two phase approach became necessary
13 because additional expertise was needed to
14 evaluate more complex classrooms, classrooms
15 where there may be multiple entry points, or
16 first floor windows, in order to determine if
17 there is even an opportunity to identify a
18 safer space. Security experts have advised us
19 that more important than just a line or graphic
20 image identifying a safer space is the need for
21 situational awareness of the occupants in the
22 room on how to respond to a potential threat.

23 The district issued guidance to all
24 principals to share with their staff on March
25 8, 2018. This guidance advised that while all

1 classrooms may not have a safer space every
2 classroom has a safest space to utilize in a
3 given situation, and all teachers are
4 encouraged to consider various entry points,
5 and develop personal options for response in
6 those situations. Teachers and staff were
7 advised to practice their planned response
8 during our emergency code drills, and adapt
9 those responses based on the results of the
10 drills.

11 Additionally, a training video was
12 developed providing guidance on safer spaces,
13 which actually featured footage from Sheriff
14 Gualtieri's discussion with the School Board on
15 February 26th, so I just want to thank you,
16 Sheriff, for your visit last Spring, and allow
17 us to utilize that footage as part of the
18 professional development process for staff.

19 Another area where policy and training
20 have been enhanced is around emergency codes,
21 and we've elevated the importance of our
22 practice to the level of policy there as well.
23 The School Board adopted policy 2120 on
24 February 20, 2019 to affirm its existing
25 protocols, protocols that were already in place

1 on emergency codes and, and procedures. The
2 policy specifically mandates any staff member
3 must take appropriate actions, including
4 initiating a code red lockdown on a school
5 campus, should they see, hear, or smell
6 anything that may immediately impact the safety
7 and security of any staff, students, or
8 visitors on campus. Should a staff member
9 initiate a code red which does not materialize
10 into an actual threat there will be no adverse
11 employment action on that individual.

12 Additionally, the policy requires all
13 Broward employees, volunteers, and contractors,
14 that they are required to report any expressed
15 threats or behaviors that may represent a
16 threat to the community, school, or any
17 individual. Staff has been trained that
18 anyone, anyone can call a code red, and how at
19 their specific location they can call a code
20 red. And we practice our code red drills every
21 month, per statute. During the past school
22 year we conducted two thousand three hundred
23 and fifty code red drills, and we'll begin
24 conducting code red drills again in our schools
25 this week.

1 All of these trainings are intended to
2 develop the capacity of individuals, and the
3 community, to respond in an emergency
4 situation, a situation that will never match
5 the exact conditions of the training. Every
6 emergency is unique. Our effort is to educate
7 people on how to think, how to think in an
8 emergency based on unique conditions they find
9 themselves in during that emergency. Even at
10 one school people in different locations may
11 need to act in different ways, depending on the
12 nature of the crisis, and the source or
13 direction of the threat. This is called
14 situational awareness, and that is what Broward
15 County is cultivating in our culture around
16 safety and security initiatives.

17 I want to update you on some changes in
18 leadership we've made at Stoneman Douglas High
19 School, but before that I just want to actually
20 update you on some of the progress that we've
21 made in some areas, some that have not been
22 totally completed. One of the commitments I
23 made to you in November was to initiate
24 investigations into the actions of Broward
25 County Public Schools personnel who were

1 present during the tragedy. Shortly after
2 receiving the commission's investigatory
3 materials, and just days after my November
4 testimony to you, I directed that four staff
5 members be reassigned, and investigations
6 commenced.

7 We contracted with an external firm to
8 conduct these investigations. Two of these
9 investigations are complete, and have been
10 provided to the effective individuals for their
11 thirty day review in accordance with district
12 policy. Two more are moving to this stage in
13 coming weeks. In March based on the
14 commission's interim report I directed the
15 principal at the time also be investigated.
16 That investigation will also be completed in
17 the coming weeks, and ultimately referred to
18 the professional standards committee.

19 Our intention is to get this investigation
20 process correct, for the best interests of the
21 community, and for the individuals under
22 investigation. Being thorough, respecting the
23 due process, and determining the final
24 outcomes, has taken more time than we would
25 like, but we choose to take the time to get it

1 right.

2 I want to update you on some changes in
3 leadership we've made at Stoneman Douglas High
4 School. The 2019 Florida principal of the
5 year, Ms. Michelle Kefford, has assumed the
6 leadership role of principal at Stoneman
7 Douglas this past July. In addition I've made
8 changes in the administrative and security
9 teams at the school. We have an exceptional
10 leader in Ms. Kefford. She came to us as a
11 principal from Flanagan, she lives in the
12 community, and has a vested interest, with her
13 children there as well. She's a Parkland
14 resident, a former biology teacher at MSD
15 earlier on in her career, and I can tell you
16 she's receiving all necessary support to
17 respond, recover, and heal, while ensuring the
18 academic excellence that characterizes Stoneman
19 Douglas continues moving forward.

20 The focus on having sufficient trained
21 personnel, strong policy, and procedural
22 guidelines, and monitoring and accountability
23 systems, are not the only domains which we've
24 taken action. There are a number of ways in
25 which we are also leveraging technology to meet

1 our needs. I've committed to you that Broward
2 County Public Schools staff would remove the
3 school bus radios off the public safety
4 channels by the start of this school year. I
5 want to remind you that in September, September
6 5, 2018 the School Board of Broward County
7 approved \$4.5 million in capital funding to
8 initiate a radio system migration and
9 enhancement project. This project included two
10 distinct work streams.

11 The first phase of the project included
12 the migration of the district's bus and
13 non-emergency radio traffic off of Broward
14 County's existing public radio system, and onto
15 the newly developed local government radio
16 system. We completed this migration prior to
17 the deadline. Additional key milestones in
18 this project included the purchase,
19 programming, and installation of radios for one
20 thousand three hundred and sixty seven school
21 buses, four dispatch control stations, fourteen
22 fleet maintenance vehicles, and three hundred
23 and fourteen two-way handheld portable radios
24 in our schools.

25 We are ensuring there are multiple

1 communication methods, including sufficient
2 radios, and radio coverage available to all
3 school personnel as well. We are moving to
4 install a new intercom and communications
5 systems. In September 2018 the School Board
6 approved allocating \$17 million to upgrade the
7 intercom systems at all high schools, technical
8 colleges, centers, and secondary combination
9 schools.

10 This project will improve the emergency
11 communications within schools, it will upgrade
12 the intercom system to a digital platform,
13 allowing school administration to pre-record
14 emergency messages, and initiate them remotely
15 anywhere on campus. It also incorporates
16 additional speakers throughout the campus,
17 particularly in areas outside of buildings.
18 The district identified a business partner to
19 accomplish this work in April of 2019, and
20 initial rollout of the upgrades has begun.

21 Additionally the district has funded
22 approximately twenty five hundred additional
23 analytic cameras to expand coverage and enhance
24 detection. The technology, the policies, the
25 staffing, the training, the entire enterprise

1 of safety and security must work as an
2 integrated whole within Broward County Schools,
3 and with our partners in law enforcement and
4 community agencies. All of us need to maintain
5 situational awareness, to know how to respond
6 in particular circumstances, through learning,
7 through training and repeated practice, we will
8 get better.

9 Additionally we are in the process of
10 examining language which we use to define our
11 security codes. We have heard from local and
12 national experts that using color codes is not
13 an effective, is not as effective as plain
14 language. This will be a significant change,
15 and we will not undertake it lightly. We are
16 ensuring that all of our community knows what
17 to do using our current protocols before moving
18 towards situation awareness option based
19 responses, and other language.

20 This has not been a comprehensive list of
21 all the actions by the district, or our
22 partners in law enforcement, community health
23 services, or other governmental agencies,
24 because there's, we would need more time, and
25 I'm going to try to conclude shortly. There

1 have been many actions beyond safety and
2 security that we've undertaken. These include
3 the operation of our wellness center in Marjory
4 Stoneman Douglas High School, the operation of
5 the Broward County Resiliency Center in the
6 City of Parkland, our partnership with the
7 National Center for School Crisis and
8 Bereavement to serve victims, their families,
9 and the Parkland/Coral Springs community, our
10 partnership with the Center For Mind, Body,
11 Medicine, to build resiliency through
12 comprehensive wellness strategies, and our
13 deepening partnership with local community
14 health providers.

15 These, and other initiatives, have been
16 important parts of a holistic response,
17 recovery, and resiliency effort. All of this
18 work is about changing the culture of school
19 operations. Safety and security must be
20 successfully addressed in order to enable great
21 instruction in our classrooms, and safety and
22 security are the responsibility of all school
23 community members. While much has been done,
24 we must continue to learn, and adapt, and
25 improve.

1 Yesterday was the first day of school for
2 the district. I spent a lot of time visiting
3 with our students, teachers, met a lot of
4 parents, got a lot of calls and messages about
5 the day, and, and one of them stuck out to me,
6 which I'll read to you because I think it's
7 pertinent to our focus, and our time here.

8 I just dropped off my kids at elementary,
9 and so very thankful to see all the
10 improvements from last year, such a noticeable
11 difference, and I feel at peace leaving them
12 today. It is the first time I have felt that
13 peace in a long time, so thank you for that.
14 There is no price tag for the peace in a
15 mother's heart.

16 Our goal is to make sure every parent
17 feels that way. Broward County Public Schools
18 is committed to providing a world class
19 education, and safe and secure learning
20 environments. Thank you for inviting me to
21 update you on our work. Mr. Chair, I welcome
22 dialog with you and other commission members.

23 CHAIR: All right, thank you,
24 Superintendent. Before I turn it over to
25 commission members just a quick follow up

1 question on -- you mentioned in there that the
2 ongoing investigation, and it is taking longer
3 than we had hoped regarding Morford Thompson
4 and others, that the district is conducting.
5 Do you -- do you have any time frame at all as
6 to when that is reasonably expected to be
7 concluded, or is it just a complete unknown?

8 SUP RUNCIE: Yes, the -- the last update I
9 received from the investigators was that they
10 would conclude sometime within ninety days, so
11 roughly around the end of September, early
12 October.

13 CHAIR: All right. Another quick, quick
14 question, follow up, make sure that we're, we
15 understand this, as far as the cameras are
16 concerned, you mentioned that the contracts
17 with the Broward Sheriff's Office, you have an
18 agreement with them for live real time
19 monitoring in their real time crime center, and
20 that the SROs on the campuses have access to
21 the cameras, and the contracts have been
22 provided to the police departments. Is there a
23 hold-up as to why those contracts, do you
24 understand, because those contracts have been
25 out for a while, as I understand it? What's

1 the hold-up in the police departments being
2 able to sign those contracts; is there still a
3 disagreement over the language in those
4 contracts, do you know?

5 SUP RUNCIE: Yeah, so this week we were
6 able to resolve one significant area of
7 concern. I think there's two, but first was to
8 allow law enforcement individuals to leave --

9 CHAIR: I'm sorry, Superintendent, I'm
10 talking about the cameras, not, not the SRO
11 contracts, the cameras themselves that you
12 mentioned in your remarks, the cameras.

13 SUP RUNCIE: Oh, no, the -- the cameras,
14 that's resolved. The law enforcement agencies
15 have them. They -- they have to send those to
16 their commission to, to --

17 CHAIR: Okay, so all those issues are
18 resolved right now, it's just in the process.

19 SUP RUNCIE: -- to approve -- so there's
20 -- there's --

21 CHAIR: Because there's been a delay, so I
22 wanted to find out why, but everything is
23 resolved.

24 SUP RUNCIE: Yeah, everything is resolved,
25 there, there are no issues at this point. We

1 need --

2 CHAIR: Okay. Okay.

3 SUP RUNCIE: -- their commissions to
4 approve it.

5 CHAIR: All right, last thing before I
6 turn it over to commission members, what I'm
7 going to ask you to do is, I'm just going to
8 put this on the record, and then I'll get with
9 whoever you want afterward, what I'm going to
10 ask you to do as it relates to these twenty
11 nine charters that are the big question mark
12 that we've had all this discussion about, is
13 it's better that we get this right, with
14 finality, that it be done fast, and I'm going
15 to ask you by no later, and if it can be done
16 sooner than this, by next Friday, August 23rd,
17 and if it can be done sooner, then great, but
18 that you provide a list to us with the name of
19 all twenty nine of those schools, and whether
20 that school, that charter school has a law
21 enforcement officer, a police officer or a
22 deputy sheriff on it, yes or no.

23 If they do, which agency, is there a
24 contract with that agency, yes or no, the date
25 that that contract was signed with that agency,

1 because I understand some of them have been
2 signed in the last couple of days, whether
3 that, the term of the contract, and if the
4 contract is not for the term covering at least
5 this entire school year what is the plan once
6 that contract expires, whether it's in a week,
7 a month, whatever that may be.

8 If they don't have a law enforcement
9 officer assigned to that school, as it relates
10 to the guardian, who is that person, with their
11 name, when was the person employed, the term of
12 engagement with that person, and is it for the
13 entire school year, and if it's not what is
14 their plan once that term of engagement with
15 that person ceases, and is there one hundred
16 percent compliance with the requirement that
17 that person had received the one hundred and
18 forty four hours of training required by the
19 statute, and that the person according to the
20 statute have a full background check, a drug
21 screen, and a psychological evaluation as it
22 relates to that person.

23 And what's what we're talking about as far
24 as compliance with the law, and sustained
25 commitment, so that we don't have any gaps in

1 coverage. So if you could provide those, I
2 think by a week from Friday is plenty of time
3 to put that together.

4 SUP RUNCIE: Absolutely. In fact the
5 items that you mentioned are part of the due
6 diligence process that we have been exercising
7 around this. We didn't just go ask charters
8 for a list, and they check a box off, and we
9 take their word for it. We asked for evidence.
10 We examined some of these things, and they
11 didn't meet what we boulevard to be
12 requirements. And I would suggest that this is
13 not some limited challenge for Broward County,
14 if we're concerned about how charters
15 throughout the state are doing that should be
16 asked for every single charter in every
17 district in Florida.

18 CHAIR: Right. And I'll work with whoever
19 you want, with Mr. Boll, or with Chief Katz, or
20 whoever, if you can get those to us, and also
21 to the Department of Education no later, no
22 later than a week from Friday. So I open it up
23 to commission members. Commissioner Harpring,
24 go ahead.

25 UND SHRF HAPRRING: Thank you, Sheriff.

1 Good morning, Superintendent. Are you familiar
2 with Sheriff Tony's testimony yesterday? Did
3 you have an opportunity to review that?

4 SUP RUNCIE: I haven't had an opportunity
5 to review all of it. I saw maybe a few
6 minutes, but I really was spending most of the
7 day yesterday with the opening of schools, and
8 haven't had a chance to see it.

9 UND SHRF HAPRRING: Okay. It's our
10 understanding from testimony yesterday that,
11 regarding threat assessment teams, that the
12 schools do not have specific assigned law
13 enforcement officer assigned to the threat
14 assessment teams, and that quite often there is
15 an officer, or a deputy being called out of the
16 zone, or off the street, to come in to either
17 sit on a threat assessment team meeting, or
18 after the meeting has already occurred to sign
19 off on the threat assessment form. That would
20 be contrary to the provisions of the statute of
21 Florida law.

22 Are you aware of -- first, are you aware
23 of that testimony, has anyone talked to you
24 about that? Are you aware, secondly, if that
25 is occurring?

1 SUP RUNCIE: So first, yes, I did hear
2 about that. And what I will say to you is,
3 one, our policy, and what we do is consistent
4 with what you said the statute is, and again,
5 if we find that there are any issues with
6 compliance to that we will take appropriate
7 disciplinary action to ensure accountability
8 around that. School resource officers that are
9 on our campus absolutely are involved in the
10 threat assessment process; no exceptions around
11 that.

12 We do have situations where there's a
13 guardian at a school. That guardian is not,
14 you know, a law enforcement officer, per the
15 statute, so we will have to reach out to local
16 law enforcement entities to be able to come to
17 the campus and respond to threat assessments.
18 I will tell you once a threat is identified at
19 a school that process needs to occur on a
20 timely basis, basically that day, and if we
21 reach out to a law enforcement entity, and they
22 are unable to send someone, we are not going to
23 sit by and not conduct the threat. If they
24 come a day later, or later in that day,
25 certainly they will be pulled into the process.

1 So there's some of that that's going on
2 that we need to continue to work through, but I
3 can tell you we've made it clear that there
4 should be absolutely no impediment or deviation
5 from that policy whatsoever, that law
6 enforcement are to be involved in the threat
7 assessment process whenever possible.

8 UND SHRF HAPRRING: Well, first in that
9 regard, I would be extremely surprised if any
10 of my brothers or sisters in law enforcement
11 got a call and said that there was threat
12 assessment meeting, and they couldn't come
13 until the next day. Take that for what it's
14 worth. I would be very surprised. If that's
15 the case, then certainly I'm sure that the
16 heads of the agencies would like, the heads of
17 the agencies would like to know that.

18 SUP RUNCIE: So what we are going to do
19 going forward, and we talked about this,
20 especially with the automated system, we are
21 going to document everything around the timing,
22 the calls, the communication, on every single
23 threat assessment that we have. So when is law
24 enforcement notified, you know, around the
25 process, we'll, we'll track all of that, and

1 we'll report that back to the commission, or
2 anybody that wants to see it. But, if there
3 are cases that individuals know of out there,
4 send them to us, and we will go and address it
5 immediately.

6 UND SHRF HAPRRING: So you're saying that
7 you're not presently aware of --

8 SUP RUNCIE: I have not been -- no.

9 UND SHRF HAPRRING: -- any scenarios where
10 a threat assessment document has been
11 formulated, occurred, and then after the fact
12 presented to a law enforcement officer to sign
13 off on.

14 SUP RUNCIE: No, there are -- there are
15 three or four situations where, that I
16 mentioned earlier in my opening remarks today,
17 where we enacted suspension and demotion
18 related to inappropriately conducting threat
19 assessment.

20 UND SHRF HAPRRING: When were you aware --
21 or let me ask it this way. Were you aware at
22 any time during the '18/19 school year that
23 charters did not have coverage in Broward
24 County? And when I say coverage I mean
25 coverage by a law enforcement officer.

1 SUP RUNCIE: In the '18/19 school year,
2 yes. In fact we had conversations around it,
3 and I think that's why you saw in SB7030 it
4 provided clarification to that. That's why you
5 saw the commissioner issue the correspondence
6 that came out in May, and in July, because they
7 had a difference of opinion on it. Now, look,
8 all our kids need to, and, and the teachers,
9 and staff, need to be in safe and secure
10 learning environments, so I'm not sure why
11 we're even having that debate of whether the
12 law applied to them or not, the public schools,
13 and every school needs to ensure the safety of
14 everyone that's there.

15 UND SHRF HAPRRING: Did you and your
16 personnel last year believe that it applied to
17 the charters?

18 SUP RUNCIE: Yes.

19 UND SHRF HAPRRING: Then why didn't you do
20 anything to ensure that?

21 SUP RUNCIE: Again, we don't run charters,
22 right? I have no jurisdiction over what a
23 charter does, the decisions that they make.
24 All we can do is use the tools that are given
25 to us by the State to close them if they don't

1 do what they're supposed to do, so --

2 UND SHRF HAPRRING: But you didn't -- but
3 you didn't do that last year. The -- the
4 School Board, or, or you, did not initiate that
5 process to do that last year when you believed
6 that the law applied to the charters.

7 SUP RUNCIE: Because we -- yeah, but --
8 but there wasn't clarity on that. We asked to
9 get clarity on that law, which happened in
10 7030. And as soon as that was -- as soon as
11 that was done we made it clear to the charters
12 what we would do.

13 UND SHRF HAPRRING: So you did not believe
14 that the statute spoke for itself that charters
15 had to be covered.

16 SUP RUNCIE: We did not get clarifying --
17 we did not get clarifying correspondence that
18 it did or it did not.

19 UND SHRF HAPRRING: But what did you
20 believe?

21 SUP RUNCIE: I believe that it did, and we
22 took action once we got the clarification that
23 allowed us to utilize the tools that we had to
24 be able to action, and hold them accountable
25 for that.

1 UND SHRF HAPRRING: Did you speak with
2 Sheriff Tony last school year in this regard,
3 after he was appointed Sheriff?

4 SUP RUNCIE: I don't recall having any
5 specific discussion around this topic.

6 UND SHRF HAPRRING: Regarding the camera
7 access, at this point in time individual
8 municipalities to not have access to the
9 cameras in the schools; is that correct?

10 SUP RUNCIE: That is correct, only the
11 Sheriff's Office. We have given, and worked
12 through the agreements with the other
13 municipalities. I believe we have another one
14 that has been delivered to us that's approved.
15 We're going to be bringing that to the Board in
16 short order. My understanding with the rest of
17 them, they have to bring that to their
18 governing bodies for approval, and they will
19 also have the same type of access. So there's
20 nothing on our end that is holding that up, or
21 preventing that from occurring, we're just
22 waiting for the, the agencies, and their
23 commissions, to move forward with the approval.
24 All the details and changes that were requested
25 in the contracts have been made, and we are

1 ready to go.

2 UND SHRF HAPRRING: Why did it take until
3 November to initiate the administrative
4 investigation regarding personnel at Stoneman
5 Douglas?

6 SUP RUNCIE: Well, I -- you know, we
7 waited until, you know, what we saw going
8 through the, the investigations that were
9 conducted by the commission. And -- and we --
10 and we used that information and evidence to be
11 able to support that.

12 UND SHRF HAPRRING: So our initial report
13 didn't come out until January of this year --

14 SUP RUNCIE: We had enough by the Fall,
15 though.

16 UND SHRF HAPRRING: Right. But you
17 didn't -- you didn't even start an internal
18 investigation into those actions independently
19 of anything that, that we were doing, until
20 November; is that correct?

21 SUP RUNCIE: A formal noticed
22 investigation to those employees, no, but
23 we've, we've done different types of internal
24 reviews that, that weren't formal
25 investigations where employees were noticed

1 through the, the process.

2 UND SHRF HAPRRING: And why was that?

3 SUP RUNCIE: Again, we were waiting, and
4 working with the commission.

5 UND SHRF HAPRRING: Well, our work here is
6 independent of anything that, that you're going
7 to do; is that correct? Your investigation
8 isn't contingent on what we do, right?

9 UNKOWN: The commission asked we suspend
10 the -- we didn't get the --

11 SUP RUNCIE: So let me -- so there --
12 there was a point that year, some point in the
13 Spring where we, you know, attempted to --
14 first of all, I didn't know how long this
15 commission was going to continue to do its work
16 before you produced any information, so we
17 waited a handful of months, and then we tried
18 to initiate our own investigation. I think
19 that was some point in maybe May or so of, of
20 2018. When we started that process I had a
21 commission, I mean a conversation with the
22 Chair that the commission and FDLE would
23 actually be out doing investigations and
24 interviews with the same folks that we were
25 actually going to meeting with, so that would

1 effectively be redundant, so we were going to
2 rely on the sworn testimony and the
3 documentation that would come from the
4 investigations and the interviews that are
5 being done by the FDLE's staff, which is far
6 more comprehensive than anything that we would
7 be able to do within the district.

8 UND SHRF HAPRRING: But the questions
9 themselves, you don't, you didn't know what the
10 scope or the course of the FDLE investigation
11 or this commission investigation would be, the
12 course, the scope, the questioning, the
13 reliance on policy, on practice, on actual
14 operational procedures at Stoneman Douglas --

15 SUP RUNCIE: But it was going to be the
16 same process.

17 UND SHRF HAPRRING: -- on a day to day
18 basis --

19 SUP RUNCIE: But it was going to interview
20 the same folks, the, the staff, the personnel,
21 at the, at the school site. Those are the same
22 things that we were going to do, and we
23 wouldn't even have the same type of authority
24 and subpoena power that the commission's
25 investigators would have. So since the

1 investigators were going to do that, my
2 conversation with the Sheriff is that that
3 material would be made available to us to be
4 able to conduct our --

5 CHAIR: So Commissioner Harpring, he's
6 correct, is, is that in the Spring of last year
7 they were going to retain Steve Wexler, who's a
8 retired secret service agent, to do an
9 investigation. I asked Superintendent Runcie
10 to hold off. I had that discussion with you
11 all. Some of you can disagree with that, and
12 it's my decision, I own it, and I stand by it,
13 because what we were faced with at the time was
14 just a tremendous, tremendous amount of
15 information, data, records, and witness
16 interviews, and what we were finding is, is
17 that some people were reluctant, and some
18 people were refusing to be interviewed because
19 of the multiple interviews that were being
20 conducted.

21 Remember you had the National Police
22 Foundation on behalf of Broward County, you had
23 the FDLE EI investigation, you had our
24 investigation, you had others that were
25 interviewing the same people, and as you know

1 from an investigative standpoint is you start
2 getting all those hands in the pot, and too
3 many spoons in the soup, so to speak, is that
4 it was a very convoluted situation, and the
5 last thing I wanted, because, is we were
6 meeting with our investigators and developing
7 our strategy, is that it wouldn't have been
8 good to have yet somebody else, and then
9 especially coming from the district, and with
10 the unions we were dealing with, and all the
11 administrative input and requirements. So he's
12 correct, Superintendent is correct, is, is that
13 I did ask him to stand down and wait until we
14 were completed.

15 UND SHRF HAPRRING: And I recall that, Mr.
16 Chair. Regarding the completion, you're
17 talking about ninety days from now; is that
18 correct?

19 SUP RUNCIE: That's -- well, it's --

20 UND SHRF HAPRRING: To conclude
21 everything, roughly?

22 SUP RUNCIE: Yes, that's the update I
23 received a couple weeks ago.

24 UND SHRF HAPRRING: What additional, in
25 light of the fact that you were essentially

1 relying on the substantive work and
2 investigation of this commission, and light of
3 the fact that this commission produced a
4 substantive report in January of this year,
5 what additional investigative work would have
6 had to have occurred given the fact that you
7 were relying on our investigation to draw
8 conclusions, or render conclusions about
9 practice, policy, or procedure violations for
10 personnel at Stoneman Douglas?

11 SUP RUNCIE: Well, it's not totally
12 everything that's here, so they, the
13 investigators are doing their own additional
14 review of all the documentation and materials,
15 the testimony. They are also interviewing
16 those individuals as well. So that's -- that's
17 the work that's going on. I know they've been
18 in regular communication with the investigators
19 from FDLE, and, and this commission as well, so
20 that's, that's been ongoing since they've been,
21 since they've come on board.

22 UND SHRF HAPRRING: And while
23 understanding that due process is important,
24 it's important to all of us here, do you
25 understand the perception, especially by the

1 parents, and the spouses, and the family
2 members of the victims, that there's been some
3 feet dragging regarding a resolution of the
4 internal administrative issues at Stoneman
5 Douglas? Can you understand that perception?

6 SUP RUNCIE: I absolutely understand it,
7 but I can't just deal with perception, I've got
8 to deal with facts, and the reality of how we
9 need to operate and conduct these
10 investigations so that they're not compromised,
11 so that the outcomes that we get out of them
12 are ones that we can stand by.

13 UND SHRF HAPRRING: And I --

14 CHAIR: Commissioner, could you just make
15 this the last one, because we'll come back to
16 you, because we have other commissioners that
17 want to ask him questions.

18 UND SHRF HAPRRING: Yeah, I'll close --
19 I'll close with this. And I -- I mentioned
20 this last time you were here, and again we
21 appreciate your, you standing up here, but in,
22 in my conversations with the family members,
23 the parents, the spouses of the victims, and
24 still today, I will articulate my feeling that
25 there is still a lack of sense of urgency,

1 especially in light of everything that has
2 occurred in this County, in terms of the
3 accountability for the people that were there
4 that day, as well as the overall issues related
5 to addressing school security with the School
6 District schools, as well as with the charters.
7 Thank you, Mr. Chair.

8 CHAIR: Commissioner Petty.

9 COMM PETTY: Thank you, Mr. Chair. Mr.
10 Runcie, thank you for being here today, and
11 your willingness to take our questions. Just
12 coming back to the charter school question for
13 just a moment, you mentioned you don't believe
14 you have authority to revoke a charter if they
15 don't have a long term sustainable plan. Was
16 that guidance given by the School District
17 legal counsel, or is that what you believe?

18 SUP RUNCIE: It's a combination of both.
19 So what I will tell you is that we can take
20 action on a charter school for non-compliance.
21 Non-compliance means that they don't have a
22 safe school officer on the campus. Whether
23 they have a long term sustainable plan for
24 that, I can't say you're out of compliance when
25 I can show up at your doorstep and there's a

1 safe school officer there. So I can only take
2 action when you're out of compliance with, with
3 the, with statute, and not having a long term
4 plan is not a, an item in statute, or cause to
5 be able to shut them down, because they're
6 technically in compliance if they have, if they
7 have a safe school officer on their site.

8 COMM PETTY: I think one of the lessons
9 coming out of February 14, 2018 should be that
10 as the leader of Broward County schools, and I,
11 and I include you in, as the leader of the
12 charter schools. I understand they operate
13 under separate charter, and they have a board
14 of directors, but ultimately they, they get
15 their charter through Broward County Public
16 Schools, and you as the superintendent, I would
17 ask you to rethink that position.

18 I think as, if we've learned anything from
19 February 14th it's that we should err on the
20 side of caution, and I think you sending a
21 strong message -- and I think it would just
22 take one, just revoking the charter from, from
23 one school --

24 SUP RUNCIE: We have one coming. We have
25 one coming.

1 COMM PETTY: I think that would send a
2 strong message. I appreciate the updates to
3 policy, and raising the level of threat
4 assessment to a district policy level, I think
5 those are good steps. I remain concerned --
6 you mentioned that law enforcement retains the
7 right to make the ultimate decisions as to
8 whether or not the criminal justice system will
9 be invoked, but I want to point out that's only
10 if law enforcement becomes aware of an
11 incident, and I still believe there are, there
12 are too many incidents in our schools, and
13 I'll, and I'll come to some questions in a
14 moment, too many incidents in our schools where
15 law enforcement is not made aware of, of those
16 threats, and, and therefore are not part of the
17 process.

18 I want to continue a question that
19 Commission Harpring was, was asking about.
20 This goes to the letter from Sheriff Tony. In
21 your testimony a few moments ago you stated
22 that you did not have specific information, and
23 you can only act on specific information, on
24 instances where law enforcement was asked to
25 participate in a threat assessment after the

1 fact. Did -- did I understand your testimony
2 correctly?

3 SUP RUNCIE: What I asked for was, you
4 know, detailed information on the situations
5 that were described to me, which is I think
6 where law enforcement was not engaged in a
7 threat assessment process and they found out
8 after the fact, and that, that's not
9 acceptable, so I just want those specific cases
10 so we can follow up on them, just as we did in
11 the four cases that I mentioned to you today.

12 COMM PETTY: I think that's a fair ask.
13 So I re-read the letter from Sheriff Tony to
14 you, and he indicated in there -- well, I guess
15 my first question was did you call Sheriff Tony
16 and ask him for specific instances?

17 SUP RUNCIE: Yeah, we actually had a
18 meeting on the 29th, which I mentioned.

19 COMM PETTY: Was he unable to produce
20 this --

21 SUP RUNCIE: I'm sorry it was the 24th.
22 I'm sorry.

23 COMM PETTY: Was he unable to provide
24 specific instances?

25 SUP RUNCIE: They didn't have the specific

1 instances there at that time, so I asked for
2 follow up, and I would, I would address it.
3 And specifically, you know, we even wanted to
4 know what specific schools so we could have
5 conversations with those school leaders to make
6 it very clear that that's not acceptable at
7 all.

8 COMM PETTY: Understood, and I agree. And
9 I appreciate your sentiments. In the letter,
10 though, it indicates that, and I remember
11 testimony from, Mr. Gohl, who is here today, he
12 raised the two specific instances that he was
13 aware of, so my question is, your staff was
14 aware of the instances, did you speak to Mr.
15 Gohl about these? Apparently you staff had
16 specific information.

17 SUP RUNCIE: Let -- let me -- let me have
18 Mr. Gohl speak to that, since you referenced.

19 MR. GOHL: Yeah, hello. I don't think the
20 mic is on.

21 COMM PETTY: I think they're turning it
22 on.

23 MR. GOHL: Thank you, Mr. Petty for the
24 question. Good morning, my name is Dan Gohl.
25 I am the Chief Academic Officer. I testified

1 here in June. The Sheriff's letter
2 specifically begins with reference to my
3 testimony to this commission.

4 COMM PETTY: Right.

5 MR. GOHL: I want to talk, and repeat what
6 you heard from BSO yesterday, which reinforced
7 exactly what I testified to this commission on.
8 In May of 2019 in communication, actually as a
9 result of a meeting that Mr. Katz had arranged
10 with law enforcement, a topic of discussion was
11 compliance with threat assessments. General
12 assertions were made at that time that again
13 not all of us are involved, it's not timely,
14 this, this general speculative ghost of
15 non-compliance.

16 I followed up with Captain DeMarco and
17 said please give us, he gave me his number, we
18 talked later. He provided me with two
19 instances at my request. I have subsequently
20 followed up as a result of yesterday's
21 testimony, and have been informed that BSO has
22 never developed a specific list. But that's
23 not to say that the instances that they're
24 referring to may not be happening. The
25 Superintendent made very clear today that we

1 can't chase a general anecdote, or a sense of
2 delayed involvement, or non-involvement.

3 We stand ready. Give us any specific
4 incident as soon as it happens, and we will
5 move on it.

6 COMM PETTY: Okay. I think that's fair.
7 I'm just trying to find out why that didn't
8 happen.

9 MR. GOHL: We -- I heard at the meeting
10 that there was a concern. I followed up. I
11 was given two specifics. That was in May. I
12 testified before you in June, which is why it
13 was so fresh on my mind. I believe that my
14 testimony at this commission caused concern
15 that resulted in the letter, but again, we need
16 the specifics. Those kinds of conversations
17 directly enforce the design of the new
18 digitalized centralized system which time
19 stamps when law enforcement is involved should
20 the SRO not be present.

21 Superintendent has already testified on
22 the guardian complication, because they are not
23 law enforcement, and cannot do threat
24 assessments, we must reach out to the local
25 jurisdiction. That's true throughout the

1 state. We're going to document exactly when
2 and how, and to whom that outreach occurred, so
3 that the clock starts ticking. To what
4 Commissioner Harpring raised earlier, we can't
5 have a long term gap, we've got to ask for law
6 enforcement involvement immediately, and
7 hopefully receive it, if they're not already on
8 campus.

9 COMM PETTY: Perfectly reasonable, and I
10 understand. I'm just trying to figure out, it
11 was May that this was raised, you testified in
12 June, I'm just trying to figure out, I'm trying
13 get to a sense of urgency. And -- and,
14 Superintendent, I know you don't have
15 specifics, but can you, can you speak to what
16 you're doing to get the specifics, and get to
17 the bottom of this, because two law enforcement
18 officers were asked to sign a document that
19 they did not participate in. I don't have to
20 remind any of you that I think that's not only,
21 not only does it not honor the spirit of the
22 law, it in fact is breaking the law. Are we
23 taking it seriously?

24 SUP RUNCIE: Of course we're taking it
25 seriously. We've -- before we start a school

1 year we sat down with every principal and
2 administrator, that is part of the training,
3 and the responsibilities that we have, and
4 we've made it clear how threat assessments are
5 to be conducted. Our administrators have had
6 to go through three hours' worth of training on
7 this in addition to that, but it's constantly
8 reinforced. We have also made it clear that we
9 are auditing the, this process around threat
10 assessments, and we're doing that on an annual
11 basis as well, so yes.

12 And if anyone identifies any deviation
13 from that let us know, we'll take action. We
14 have done that. I've cited four cases where
15 we've done disciplinary action on it. You find
16 me another one, we'll take disciplinary action
17 on that as well.

18 COMM PETTY: Well, speaking of -- speaking
19 of that, there was an audit conducted in
20 December 2018 of the threat assessments, and in
21 just the high risk category it was noted that
22 over ninety percent of those sampled as being
23 medium to high risk had errors or exceptions.
24 So ninety percent are exceptions.

25 SUP RUNCIE: That is correct, and I asked

1 for that audit to be done because we are taking
2 threat assessments seriously. So I hired an
3 outside firm -- I didn't ask our own staff to
4 do it, I hired an outside auditor, RSM, to come
5 in, review our entire threat assessments, look
6 at the data, and give us feedback on the
7 quality of that. That -- those findings helped
8 us to put the type of controls in that we have
9 in an automated system so we're able to
10 minimize and eliminate those type of, of
11 errors, and hold folks accountable around that.

12 COMM PETTY: So in December we were at
13 ninety percent. Where do you think we are
14 today?

15 SUP RUNCIE: Ninety percent --

16 COMM PETTY: Ninety percent exceptions.

17 SUP RUNCIE: We -- we just -- we just
18 started the school year today, but I will tell
19 you I expect a very different number than that.
20 We'll go and do a, an audit sometime later in
21 this year to see how those numbers, and how
22 that's changed. And I will tell you it's going
23 to be significantly different from that.

24 COMM PETTY: On the topic of disciplines
25 and threats that are present in our school,

1 again on the topic of specific information you
2 need to act upon, I read a recent BTU survey
3 which indicated dozens of specific instances.
4 I did a quick search a few minutes ago and
5 found dozens of specific instances on Pages 19,
6 20, 22, 24, 25, 26, 27 and 28. They include a
7 student at my school poisoned a teacher's water
8 with hand sanitizer, what the school indicated.
9 An altercation escalated between a teacher and
10 student, with two of them pulling hair, hitting
11 each other, and choking each other to the point
12 that there were bruises around each of their
13 necks. Again school was noted, very specific
14 instance.

15 Have you -- let me go on. The BTU survey
16 also indicates 76.2% of teachers believe
17 behavior is more of a problem than it used to
18 be. Over 50% of our teachers fear for their
19 personal safety. 71.1% do not believe
20 discipline is fairly enforced in our schools.
21 I'm assuming you're aware of the results of
22 this, of this survey.

23 CHAIR: So I think -- just a second --
24 just for clarification, Mr. Petty, just for
25 everybody out there, is, is that the BTU is the

1 Broward Teacher Union survey that was recently
2 conducted. I just want to make sure, because
3 not everybody is familiar with that acronym.
4 The Broward Teacher Union survey, and it was
5 recently done by the union, and we provided a
6 copy of that to all commission members as read
7 ahead material before the meeting. So that's
8 what you're referring to. I just want the
9 record to reflect the document. So go ahead,
10 I'm sorry, I just wanted to clarify that.

11 COMM PETTY: Thank you. Yeah, just would
12 love to get a reaction. Are you aware of these
13 specific instances cited in the survey, and has
14 there been any follow up done to understand the
15 veracity of, of these allegations, and what's
16 being done to address them?

17 SUP RUNCIE: Yes, so I'm aware of the
18 survey. I've talked to the, the BTU on this,
19 and, one, I've committed to following up on all
20 the specific cases, where we can certainly get
21 some more detailed information. Number two is,
22 I've agreed to put together a working task
23 force on student behavior, classroom
24 management, and teacher safety, in
25 collaboration with the teacher's union, and

1 other stakeholders, to review this issue. And,
2 you know, we'll find out what we need to do to,
3 to improve in this area. But we -- we take
4 those things very seriously.

5 I can't comment on, you know, the quality
6 of the survey. It doesn't necessarily match,
7 you know, my sense, and other surveys that
8 we've seen, but I think when we see something
9 like that we absolutely need to take that
10 seriously, where there's things that we can
11 learn to improve and change the culture in our
12 system, and maybe inform policies and
13 procedures that we need to take in the
14 district, then absolutely there's, there's a
15 lot to be gained from that.

16 COMM PETTY: I mean it's, it's a look at
17 the ground level, to really understand kind of
18 what's going on in our classrooms. I think
19 it's --

20 SUP RUNCIE: Yeah, I -- I talk to teachers
21 all the time. They got my cell phone number.
22 They send me emails. I mean, they call me when
23 the air condition is not working. So I --
24 I've -- and I actually call teachers around the
25 system, including union stewards, and others,

1 after I received that survey, and there may be,
2 you may have -- I'm not saying you may not have
3 an incident out there, you may not have some,
4 those situations. Is it some widespread
5 systemic thing; I have not had a sense that it
6 is, but that's besides the point.

7 We need to sit down -- I think there's
8 value in going over these valid concerns that
9 have been raised, and we'll go through it.
10 We'll identify some specific cases, and we'll
11 figure how to move forward and, and make
12 adjustments in what we're doing in the
13 district.

14 COMM PETTY: I think when, when an
15 overwhelming majority, this is 72.6% of
16 teachers believe behavior is becoming more of a
17 problem, I think, I think that's an indicator,
18 and over half of them fear for their personal
19 safety.

20 On -- on threat assessment, who on your
21 staff is overseeing threat assessments, and
22 that they're done accurately?

23 SUP RUNCIE: Go ahead, Mr. Gohl.

24 MR. GOHL: That role falls under the
25 Office of Academics, falls under the Division

1 of Exceptional Student Education, and then
2 psychological services, but it reports to me.

3 COMM PETTY: It's under you.

4 MR. GOHL: Yes.

5 COMM PETTY: Okay. And, Mr. Runcie, have
6 you attended any threat assessment trainings?
7 Since the audit report have you personally
8 attended?

9 MR. GOHL: I've scheduled the
10 Superintendent to attend in the coming weeks.
11 I was working with his calendar. He put it on
12 me as soon as it was approved --

13 SUP RUNCIE: So -- so the new training
14 that we've, we've started, you know, this
15 summer, yes, I'm scheduled for that.

16 COMM PETTY: Okay. I think, you know,
17 organizations, this has been my experience,
18 organizations respond to what their leaders are
19 spending time on, what they think is important,
20 and I think your participation --

21 SUP RUNCIE: Right, which is why --

22 COMM PETTY: -- in these activities is
23 important to send the right message.

24 SUP RUNCIE: Absolutely. Absolutely,
25 which is why I'm participating in the training.

1 COMM PETTY: I want to -- I want to finish
2 my questions, Mr. Chair, with a, with a note.
3 Some of the improvements that the School
4 District had indicated were in process, or had
5 been made, it was a letter that, that you
6 wrote, Superintendent Runcie, it says; the
7 School Board has requested our municipal and
8 county law enforcement to increase their
9 presence at our schools, required each school
10 to review its school safety plan, this review
11 is in addition to the annual review that
12 schools are already required to perform,
13 initiated a survey of each school site to
14 determine the needs and costs to provide
15 further hardening, retrofitting windows, doors,
16 installing different locks, assigned our
17 limited core of school district police officers
18 to maintain an increased presence at schools
19 that do not have full time dedicated SROs,
20 instructed all of our schools to engage in mock
21 emergency drills and practice lockdowns,
22 institute additional training for our school
23 security specialists and campus, campus
24 security monitors.

25 Do you remember writing this,

1 Superintendent?

2 SUP RUNCIE: I don't remember, remember
3 any, the exact date of the memo, but I think I
4 would stand by what you just stated.

5 COMM PETTY: This is a letter that you
6 wrote to Senator Sobel in 2013 indicating that,
7 indicating that the School Board, and you
8 specifically would, were taking steps and
9 measures to improve the school safety and
10 security of Broward County schools back in
11 2013. Many of these items read like the list
12 of improvements that have been discussed post
13 February 14, 2018. I'm wondering if you care
14 to comment as to why these weren't addressed in
15 2013, shortly after the Sandy Hook tragedy.

16 SUP RUNCIE: Well, let -- let me put the
17 total Sandy Hook piece in perspective for you.
18 So since Sandy Hook this district has invested
19 well in excess of \$100 million, more than \$100
20 million above and beyond the safe school
21 allocation that we received from the state. So
22 this Board has made significant investments
23 above anything else, and we, and we spent that
24 out of, you know, our general fund.

25 Since Sandy Hook there was no increase at

1 all in the state allocation for school safety.
2 We made an increase, and we've been spending as
3 we can to add different components to ensure
4 that we increase school resource officers
5 wherever possible, invest in projects like
6 single point of entry. Prior to the tragedy we
7 had allocated about \$5 million to upgrade our
8 entire campus security system in the district,
9 so we've been making progress, and we've been
10 making investments.

11 I think since, since the tragedy we've,
12 we've stepped that up, and we've allocated even
13 more. The state's now started allocating more
14 money for school hardening, for school resource
15 officers, guardians, and mental health, funds
16 that were not available to us and other
17 districts previously, so we're, we're making
18 investments, and getting better at putting
19 those things in place.

20 COMM PETTY: Many of the items on this
21 list, including retrofitting windows, doors,
22 and installing different locks, practicing mock
23 emergency drills, and instituting additional
24 training, would have made a difference on
25 February 14th at Marjory Stoneman Douglas.

1 SUP RUNCIE: We -- well, we --

2 COMM PETTY: There was five years from the
3 time you wrote this letter to Senator Sobel to
4 implement those things, and they weren't done.
5 Retrofitting windows, doors, and installing
6 different locks would have made a, would have
7 made a huge difference at Marjory Stoneman
8 Douglas. Can you -- I'm trying to understand
9 why, Mr. Runcie, you would write a letter
10 indicating you were doing all of these things,
11 or had done all of these things, when they
12 clearly hadn't been done, and, and you didn't
13 have a plan to actually implement them.

14 SUP RUNCIE: I don't think that's a fair
15 characterization of what we've -- we have been
16 doing drills, emergency code drills in the
17 district since I've been here. We may not have
18 codified that in a policy, but we have been
19 doing that. We have worked with law
20 enforcement agencies to conduct and develop a
21 training program around active shooter, and
22 we've been doing that throughout our schools.
23 So we have been doing the work in this
24 district, so I don't think it's a fair
25 assessment to say that we've doing, we've just

1 been sitting on our, on our hands in, in this
2 district.

3 COMM PETTY: Well, I understand you don't,
4 you don't believe it's a fair characterization,
5 but we had five years to get these things done,
6 and we either took our eye off the ball or we
7 never intended to do them, and I can't figure
8 out which it was. Thank you.

9 CHAIR: Commissioner Bartlett, and then
10 Senator Book. But -- but before Commissioner
11 Bartlett asks his question I got to ask this
12 question. You said that drills are being done,
13 but, you know, the facts are -- and -- and
14 who's responsible for the fact that in the one
15 year preceding February 14th that there was no
16 drill, not a single drill done at Stoneman
17 Douglas, not a single training of the students,
18 and the only staff training that was done by Al
19 Butler was on January 17th during a one hour
20 and fifteen minute code training, of which only
21 a segment was on code red?

22 So who is going to be -- who is -- if your
23 position is that you guys were doing it right,
24 and you were doing drills, the facts don't bear
25 that out. That question has got to be asked,

1 Superintendent. Who is responsible for the
2 fact that no drills had been on NTN's?

3 SUP RUNCIE: The administration at our
4 schools are responsible for conducting drills,
5 and participating in training.

6 CHAIR: Well, I hope that the internal
7 review that you have underway now --

8 SUP RUNCIE: Yes, that is part of the
9 review.

10 CHAIR: -- is going to address that issue,
11 and somebody, somebody is going to be, if
12 that's the case, and it's the district policy,
13 and it's your edict that these have been done,
14 they simply weren't being done, and if that's
15 the case somebody needs to be held responsible
16 for that. Commissioner Bartlett, go ahead.

17 COMM PETTY: Before -- before you go
18 there, and it's important to note that with,
19 with a five year warning, after Sandy Hook
20 these issues not only weren't being done, they
21 weren't in policy.

22 CHAIR: Well, we know that, there was no
23 policy, written policy.

24 COMM PETTY: And -- and while I believe
25 there are those that bear responsibility to

1 MSD, Superintendent, it was in fact your
2 responsibility to implement and institute the
3 policies at the district level, and that didn't
4 happen.

5 CHAIR: Commissioner Bartlett, go ahead.

6 ASA BARTLETT: Superintendent Runcie, I'd
7 kind of like to change speeds here a little
8 bit, and move on back to the issue that's
9 facing us here today that we discussed prior to
10 your testifying concerning the charter schools
11 not being in compliance. Our Chairman
12 indicated as of last night one of the schools
13 had a contract that wasn't even signed, that
14 wasn't binding.

15 Now, Sheriff Tony told us yesterday that
16 he was not going to let these kids be
17 endangered, regardless of their compliance or
18 not they were going to provide guards there for
19 them during the school day. If you're saying
20 just because there's an SRO on there now that
21 they're in compliance that is not accurate
22 based on the facts that are presented here to
23 us today.

24 The idea that a contract is signed for two
25 weeks is absurd, it's just a matter of

1 semantics, and they're playing games with you.
2 I think we should encourage our law enforcement
3 not to sign any contracts with the schools for
4 any period that's shorter than the school year,
5 or at a least a significant amount of more time
6 than we have before us here today on some of
7 these schools.

8 You said twice today in your presentation
9 that if they weren't in compliance the only
10 authority you had was to convene the School
11 Board and revoke their charters, and it's time
12 to take action. I guarantee you if you
13 convened your School Board and revoked
14 somebody's charter everybody else is going to
15 come to attention real fast, and they're going
16 to be compliant. Unfortunately this body does
17 not have the authority to act in that manner.
18 We can't do anything. We can criticize, we can
19 do reports, make recommendations, but we have
20 no authority to act against these people.

21 We're telling you they're not in
22 compliance. It's fairly easy to see that.
23 They're playing games with you. You talk about
24 having sent emails, correspondence to them over
25 all this period of time since 7030 came into

1 law, and they still have not complied, here we
2 are into the school year. If you had an
3 employee that you told to do something, and
4 every day that person came to work and didn't
5 do it, how many emails would you do? How many
6 -- how many correspondence would you send with
7 that person before you finally took action?

8 We're just asking that you, you do
9 something about it. And this -- we keep
10 shuffling back and forth. We're going to leave
11 here today --

12 SUP RUNCIE: We're -- we're -- we're not
13 shuffling. We --

14 ASA BARTLETT: The pressure is going to be
15 off today after we leave, we're done for the
16 day, and we're going to have a report coming
17 now in the future that we're going to have to
18 go to, and those people are going to just sit
19 back and go, whew, we made it so far now. And
20 we -- we all look stupid because we're not
21 taking action, and those kids are danger.

22 Sheriff Tony said he's there because he's
23 concerned for their safety, and I understand
24 that, and I commend him for that, but it's your
25 job as the Superintendent of Schools, with the

1 School Board, to take action and do something.
2 You have made significant improvements since we
3 first talked last year, and I think that's to
4 be, to your credit, however this still stands
5 out there. And sixty five other counties seems
6 to have gotten it straight, and I don't
7 understand why in the home base of what
8 happened, and why we're here, they're not in
9 compliance, and, and we're still dealing with
10 this.

11 SUP RUNCIE: A couple things. One, as I
12 indicated before we, we are taking action.
13 There was a charter, we know yesterday that
14 didn't have an officer there. We're -- we're
15 moving to close, and recommend that that
16 charter be shut down.

17 ASA BARTLETT: Why can't we -- why can't
18 you do that now, take action now. I mean to
19 say you're moving forward is great, you're
20 playing semantics, but you're not really doing
21 anything. Do it now, as quick as possible. Do
22 an emergency of them, get the School Board in
23 as soon as possible, and do something, and
24 you'll get results.

25 SUP RUNCIE: I got to operate based on

1 policy, direction I get from the School Board.
2 The School Board meets in three, four days.
3 That will be an item on their agenda. Again,
4 and we've notified the charters. If it's -- if
5 it's the sense of this body that, and the
6 Florida Department of Education's
7 interpretation that if a charter has a safe
8 school officer on site, but they don't have any
9 type of sustainable long term plan, that we
10 should recommend that they be shut down, well,
11 we'll add a bunch of others to the list.

12 ASA BARTLETT: Well, but you -- Sheriff
13 Tony said regardless of their contract he's
14 going to be there until they get it
15 straightened out, so that's probably --

16 SUP RUNCIE: Right, so -- so if they're
17 going to put a plan together to straighten it
18 out we ought to give them the opportunity to go
19 and do that, but --

20 ASA BARTLETT: What -- what happened in
21 the last six, eight months since this thing --
22 I mean, that's what I'm saying. Push it
23 forward. Disciplinary action against the
24 teachers and the administrators of the school
25 at Parkland, still pending, still pending all

1 this time. And I understand you've got
2 procedures in place that you have to do, and
3 all this kind of stuff, but it does seem a
4 little odd that in eighteen months we can't
5 resolve these things.

6 SUP RUNCIE: But -- but you're not out of
7 compliance until school starts. School started
8 yesterday. I can't shut you down when schools
9 all right not even in session over the summer.
10 It started yesterday. We're holding them to --
11 they're -- we're holding them to the, the law
12 of what I need to do.

13 ASA BARTLETT: Of last what, Friday, was
14 all, the twenty nine schools weren't compliant,
15 the contracts, everybody is running around, and
16 it's very obvious, at least to me, to see what
17 they're doing, is they're just temporarily
18 putting a band-aid on it, and as soon as the,
19 all the smoke clears, they're going to go back
20 to business as usual, and we've accomplished
21 nothing.

22 SUP RUNCIE: They're not going to --
23 they're not going to be allowed to go back to
24 business as usual. They need to have a
25 sustainable safe school officer on their site

1 or they will be closed.

2 ASA BARTLETT: One other question. Is Mr.
3 Morford still a principal in the school system?

4 SUP RUNCIE: No, he's not.

5 ASA BARLETT: Is he still employed by --

6 SUP RUNCIE: Yes, he is.

7 CHAIR: Before you go ahead, Senator Book.
8 What's his role, Superintendent, what's
9 Morford's role? I understand that he wasn't --
10 he's an AP, not a principal, so let's make sure
11 -- and he's back being an AP this year, I
12 believe; is that correct?

13 SUP RUNCIE: Yeah, I believe, yeah,
14 pending the outcome of the investigation.

15 CHAIR: Right, so he was -- so let's be
16 clear with this. So he was the assistant
17 principal, not the principal, so but he -- your
18 question was the principal, and he was the
19 assistant principal at Stoneman Douglas, you
20 removed his temporarily --

21 SUP RUNCIE: Yes.

22 CHAIR: -- and now this school year, while
23 this investigation is pending he is back in a
24 school as an assistant principal; is that
25 correct?

1 SUP RUNCIE: I believe that's the case,
2 yes.

3 CHAIR: Yeah, so that -- I think that's
4 the core of your question. So Senator Book,
5 and then Chief Lystad.

6 SEN BOOK: Thank you so much, Mr. Chair.
7 Thank you, Superintendent for being here today.
8 And I think that -- I'm glad that we're talking
9 about specifics, and so I'm asking, you've,
10 you've said at the beginning of your testimony
11 that a letter has already gone out, that a
12 charter is going to be revoked. What is the
13 name of that charter school?

14 SUP RUNCIE: You know, given -- I'm just
15 saying given the concerns around security of
16 our schools I'll give it to you afterwards.
17 I'd rather not do that in a public forum.

18 SEN BOOK: Okay, thank you very much. And
19 I think you had, you had said that you don't
20 think it's a fair characterization about some
21 of the comments that my fellow commissioner
22 made, that you don't think that the problem of
23 safety in classrooms is widespread, and so I'm
24 going to refer back to the BTUs.

25 SUP RUNCIE: You're -- you're talking

1 about the BTU survey.

2 SEN BOOK: Yes, the BTU survey.

3 SUP RUNCIE: Yes.

4 SEN BOOK: Because I think that, you know,
5 this, they have incredible data here, but most
6 importantly words from teachers that they spent
7 the time to write out, and so I want to talk
8 through first of all the widespread issue.
9 Flanagan, Margate, Pompano, Nova Middle,
10 Oriole, Piper, Coconut Creek High, Plantation,
11 Parkway Middle, I think it's a fair kind of
12 look at, at the district, so to, to go to the
13 widespread issue, but Commissioner Petty
14 brought up pages, I want to bring up specific
15 quotes. He did some of that, but if we turn to
16 Page 26 A-36 -- you said several times today,
17 and I appreciate that, we need names and
18 specific information.

19 If you turn to A-36, we have a student,
20 and this was Oriole Elementary, we have a
21 student that was covered somehow, some way on
22 the news several years ago, he constantly
23 threatens students and staff several times a
24 week, and he gets to stay in school and class.
25 To my knowledge the threat assessment team has

1 never been called, per district protocol.

2 Now, you've had this, I'm sure that your
3 folks have had it. What happened at Oriole
4 Elementary to administration to address this
5 issue?

6 SUP RUNCIE: I don't know the specifics of
7 what's come out of that, but we are following
8 up on those issues that we've identified in
9 there. And we're working with -- we're going
10 to be working with the teacher's union on it as
11 well, as I indicated.

12 SEN BOOK: Thank you for that. I have
13 another question, and it relates to something
14 larger that we discussed yesterday. On Page 20
15 S-133.

16 A student stalked and threatened my life
17 several times this year. The student was put
18 through a threat assessment, suspended for
19 three days without the Promise Program, and
20 placed in the classroom next to me. I have to
21 attend work every single day in fear that this
22 child will fulfill his promise of killing me by
23 shooting me in the back of my head. I have
24 personally spent my own money in order to
25 pursue a restraining order when the union

1 refused to file a grievance.

2 Now, I want to talk through (A) the fact
3 that there are teachers that are fearful of
4 their life in the district. Okay, that's
5 number one. But number two, as it relates to
6 the Promise, much has been talked about the
7 Promise Program, we have talked a lot about it,
8 and talked about it yesterday.

9 Knowing the things that we know today what
10 would, what if anything would you do
11 differently, because we've got chance after
12 chance, after chance, I mean there are --

13 SUP RUNCIE: So -- so let me just -- this
14 whole matter of chance after chance, no, so
15 that's not the case. We've had those
16 conversations here. We've heard those, and
17 we've made significant changes in the policy.
18 At this point in time it's only eligible for
19 students 6- 12, and they're only eligible for
20 three incidents in their entire academic
21 career, that they could be eligible for that
22 type of intervention, depending on the
23 infraction.

24 Number two, just to be clear, felony
25 criminal offenses are not items that are

1 eligible for participation in that program. We
2 continue to go around this. That's not what,
3 what that program provides.

4 SEN BOOK: What would you say to some of
5 the conversations yesterday, as it relates to
6 ensuring that those kids are being tracked and
7 monitored, that there is no real way to find
8 out kind of where kids are within a system,
9 that law enforcement doesn't have access, that
10 we can't, we can't keep track, where are we?

11 SUP RUNCIE: Where we are is that we spent
12 significant treasure and time working on an
13 expedited schedule to put an automated system
14 in so we could get away from this paper piece,
15 so that information can flow to law
16 enforcement, other agencies, so that we can
17 have visibility and insight into it, and that
18 that information is electronically pushed down
19 to every teacher that interacts with a student.
20 That's the process that we have in place this
21 year.

22 SEN BOOK: Okay, I'm glad that there's a
23 process in place. I also want to talk through
24 again some of the things that you talked about
25 as it related to meeting with principals and

1 staff, to ensuring that we're creating a safe
2 environment, and people know where to go, what
3 to do. I think this goes to some of the
4 things, that the laws have changed, but I think
5 this is really important. It's Page 16 S-91.

6 A student wrote on the mirror in our
7 bathroom, quote, I will kill you all. And I
8 was told by administration that I was in the
9 wrong in accusing a student. I was asked if I
10 was a handwriting expert, and ridiculed in
11 front of my class. The student confessed to me
12 that he had done it, it was him. No referral,
13 or discipline action was ever taken.

14 That was at Tamarac Elementary School.
15 What do you say about situations like this that
16 occurred in -- how do we know that this isn't
17 going to still happen?

18 SUP RUNCIE: That specific case we --
19 again, we have to -- we're looking into the,
20 the details of that, and I will tell you that,
21 that my understanding is those type of threats
22 are now a felony offense, right, so that's how
23 it should be handled. So we will follow up and
24 see exactly what occurred there, and we'll take
25 action as necessary to ensure that it's

1 followed up on correctly. But we've got to
2 identify the teacher and the students. We
3 don't have those details there. It's -- it's
4 going to take some time. We have to wait until
5 people come back to school.

6 SEN BOOK: And I appreciate that. And I
7 think that one of the things I want to just
8 make clear is that you've had conversations
9 with principals, administration, schools, and
10 faculty --

11 SUP RUNCIE: Yes, correct.

12 SEN BOOK: -- that that is not something
13 that's going to happen. And I only have two
14 more. Thank you, Mr. Chair for your
15 indulgence. On Page 18 S-112, again, and I'm
16 going through these because I think that these
17 teachers spent the time to write these
18 responses, and I think it's important when we
19 get emails into our office teachers talk about
20 not being able to attend, and so I think this
21 is coming from them, and it's important. This
22 is from Plantation Elementary School, and it's
23 a long, a long piece, but I want to go to a
24 specific part of it.

25 The matrix needs to be taken into

1 considering, in consideration when considering
2 discipline. Students are not, not fazed by the
3 matrix, and it gets in the way of keeping
4 people safe.

5 What do you say in an upcoming school year
6 about the matrix, and real concerns about
7 safety still in classrooms?

8 SUP RUNCIE: I think that's fair. The
9 matrix is something that's developed by a team
10 of teachers, parents, some other
11 administrators, the teacher's union is involved
12 in it. That's who develops the matrix in the
13 district. The recommendation for changes to
14 the matrix by those stakeholders, including
15 teachers like that, are submitted to me and the
16 School Board for consideration and adoption.

17 So the -- this process of, and this
18 committee that we're putting there to go
19 through those, should advise, and help inform
20 any additional changes that may need to be made
21 to the matrix.

22 SEN BOOK: And thank you for --

23 SUP RUNCIE: And -- and again, the input
24 for that comes from teachers and, and parents,
25 and the union. They -- they help drive the

1 design of that matrix, and the consequences for
2 the, the infractions.

3 SEN BOOK: And -- and thank you for that,
4 and I hope that we continue to look at that, in
5 light of some of the things that teachers are
6 talking about. And you shared that quote
7 about, you know, mom being excited, and feeling
8 peace in her heart that, that she can bring her
9 kids to school, and I am so glad that that mom
10 feels that way, but I've got to tell you I get
11 calls and emails into my office that that is
12 not the sentiment.

13 I shared yesterday, I have a, a little one
14 in my life who said I'm afraid I'm going to get
15 shot going to school. And that is a very real
16 reality, and so I hope that as we continue on,
17 and you talk about some of the things that
18 we're talking about, in terms of ensuring that,
19 that there's somebody there to keep our kids
20 safe, that we're keeping kids safe in their
21 classrooms, when we're considering these types
22 of things that it, that there is a greater
23 sense of urgency, because I agree that the lack
24 of sense of urgency, and a, and an
25 unwillingness, perhaps, to move within the

1 bureaucracy of the system, is a little bit
2 frustrating to I know not just myself.

3 SUP RUNCIE: Yeah. There's -- there's
4 another side to that as well that I hear from
5 parents and students all the time, is that the,
6 they're overwhelmed by the amount of security
7 measures and practices that are in place. For
8 example we'll take doing these drills every
9 month. It's causing significant issues. I've
10 heard from at least more than one parent about
11 how it's affecting their young child, and how
12 they're having nightmares, yes, about getting
13 shot, et cetera. It's because of some of these
14 things that we're putting in, and how we
15 continue to have these type of conversations.

16 So there's multiple facets of this, it's
17 not -- and I'll leave it at that.

18 SEN BOOK: Well, no, I think, Mr. Chair,
19 and thank you so much, you bring it up, we
20 talked about it yesterday, and I think that
21 there is some very real valid issues that we
22 talked through, and people that are doing some
23 incredible work to ensure that children aren't
24 feeling that, that fear, that we're looking at
25 the number of drills, and that they're done

1 with purpose, so I, we agree with that, and we
2 understand that, and so thank you for that
3 comment.

4 CHAIR: Just a couple things. One is, is
5 that for everybody's benefit, and I just
6 received it, and we'll get it out to everybody,
7 is the Superintendent in response to the
8 Broward Teacher's Union survey, is the
9 Superintendent did prepare a response to that,
10 I've got it now, and I'll send it out to
11 everybody. So there is a written response from
12 the Superintendent, so you can have that. The
13 second is, is that we're pushing up now on the
14 two hour mark the Superintendent has been here.

15 I have four commission members left that
16 have asked to make statements, so please just
17 keep that in mind, now five, that have that,
18 keep that in mind, because we have a heavy
19 agenda, and we need to get through this
20 morning, and we've got to go into closed
21 session here at just after lunch. So please
22 keep that in mind as we go forward. Chief
23 Lystad, go ahead.

24 CHF LYSTAD: Thank you, Mr. Chair. Mr.
25 Superintendent, I'm going to keep my remarks

1 brief, in consideration of the other members.
2 And I'm just going to stress threat assessment,
3 so I do have a couple questions, and a couple
4 remarks. As I understood it, Mr. Gohl, you're
5 the one that has a report, that the threat
6 assessments come through you through a
7 subordinate?

8 MR. GOHL: Correct.

9 CHF LYSTAD: Is that a direct report
10 subordinate, or is it a subordinate and one
11 more time?

12 MR. GOHL: So the -- there is a direct, or
13 psychological services who does training, the
14 actual implementation of threat assessment that
15 occurs at the schools, so that reports up to
16 through principal structure. But the training,
17 the module, the policies, all report up through
18 me to an executive director for exceptional
19 student education, so there is one layer
20 between me, the direct oversight of the
21 expectations, and myself.

22 CHF LYSTAD: But I think there's another
23 piece that, Mr. Gohl, we need to stress, and
24 that's the protocols around oversight and
25 accountability of threat assessments, and how

1 they're not elevated to the principal, and then
2 further reviewed by the school supervisor, so
3 --

4 MR. GOHL: That is correct. The principal
5 supervisor oversees the principal
6 implementation, and the principal as the site
7 commander, to use that kind of language,
8 oversees the teams. And the principal must,
9 and this was true, in post assessment, must
10 sign on off on every threat assessment whether
11 or not they were the administrative designee on
12 it.

13 CHF LYSTAD: Okay. And after it came to
14 light that there were potential cases out
15 there, you waited for a Broward Sheriff's
16 Office to report those issues where threat
17 assessments didn't have a law enforcement
18 partner. Was there anything else done? Did
19 you go and ask the schools, hey, are you aware
20 of any of these issues out there?

21 MR. GOHL: So we at the Superintendent's
22 request began this auditing process with an
23 external firm prior to the last, beginning of
24 last school year. And Commissioner Petty has
25 already referenced the number of incidents.

1 The vast majority of those were determined not
2 to change the outcome. Somebody did not check
3 a box, right? Somebody did not do this. But
4 we counted every violation as something which
5 was unacceptable, so --

6 CHF LYSTAD: Okay, that's -- that's not my
7 question. My question is this. During your
8 testimony the last time you said were aware,
9 that you had been made aware by Broward
10 Sheriffs that there were two incidents out
11 there where a law enforcement officer was asked
12 to sign after. My question is, is after that,
13 waiting for Broward Sheriffs to report those
14 incidents, did you do anything proactive, to
15 reach out to your schools and ask, hey, I'm
16 hearing there is an issue where a law
17 enforcement wasn't there; did you go and ask
18 that information or not?

19 MR. GOHL: Yes. So what we do is we --
20 from my department coordinated with what our
21 principal supervisors on, because every
22 principal needs to report up to their
23 supervisor, we called them cadre directors, on
24 every threat assessment. Those cadre directors
25 review them for completion, including the

1 presence of law enforcement signature. So we
2 -- we -- we are manually auditing. This was
3 why it was so important to move away from
4 paper, move away from decentralization. Now we
5 can do the supervision, the monitoring, the
6 auditing, from any point in the district on all
7 threat assessments throughout it.

8 CHF LYSTAD: Okay, so then based on that
9 there would seem to be a disconnect. If
10 Broward says there were two incidents that
11 occurred, and you polled principals, and said
12 there's no such incidents that occurred, I'm
13 not sure. And I don't ask -- I'm not going to
14 ask you to answer that because I want to, I
15 want to save time for the other commissioners,
16 but I do see there's a disconnect. And if the
17 disconnect was that we, and once we learn, or
18 suspect a problem, we didn't go and ask our
19 principals or, or our staff, and say, hey,
20 there's a problem out there, I kind of equate
21 in the law enforcement field to when someone
22 says, hey, look, we don't have a specific
23 location but we think there's cars being broken
24 over here, I would be negligent if I didn't
25 send someone over there to go check and see.

1 And so when you hear about an incident I would
2 hope that you would check with your principals,
3 when you hear from an outside party, and try
4 and determine whether or not there's a true
5 incident or not.

6 With that said I want to focus on the
7 threat assessments again, and I want to stress
8 that, that in my opinion, hopefully some of the
9 other commissioners share that, this is
10 probably the most important area that I think
11 you should concentrate efforts on where you can
12 make a difference. In the incident that
13 happened at Marjory Stoneman Douglas there was
14 leakage, there was information that got there,
15 it wasn't properly assessed in my opinion.

16 I'm pleased that you're going to go to the
17 threat assessment training. I think that
18 you'll, you'll find that valuable, and I would
19 ask that you elevate the priority as to how you
20 deal with threat assessments. I think this is
21 extremely important with the right people. I
22 heard mention about not having them in guardian
23 schools. I don't know how big your
24 investigative unit is with BSO. I would strive
25 to ask you to make sure you have consistency,

1 to a degree.

2 SUP RUNCIE: Yes, and so --

3 CHF LYSTAD: But not the point where it
4 creates complacency. So you want to have the
5 right people, the same team members for a
6 certain period of time so they have familiarity
7 with the schools, with the issues with the
8 students, but not such to the existence that it
9 becomes, oh, that's just Johnny, where we're
10 just passing the buck, passing the kid.

11 And that's the end of my comments, Mr.
12 Chair.

13 CHAIR: Commissioner Swearingen, go ahead.

14 COMM SWEARINGEN: Thank you, Mr. Chair.
15 Superintendent Runcie, I want to talk about a
16 couple of themes that, that the Chair
17 specifically, and this, this body as whole has
18 been addressing for the last eighteen months,
19 and those are accountability and a sense of
20 urgency. A sitting Sheriff was removed from
21 office based on what were recognized as
22 systemic issues. As Commissioner Petty brought
23 up earlier we're aware now there's a 2013
24 letter that was sent by you to a senator
25 addressing some of the things that, that led up

1 to the tragedy at Marjory Stoneman Douglas.

2 The Chair very early on, at one of our
3 first meetings, started addressing issues that
4 cost no money, that were very simple fixes,
5 such as the code red policy and hard corners.
6 He brought this up to you at, at your first
7 appearance here, and I have don't have the
8 dates, but at your next appearance many months
9 later there was still no code red policy, there
10 was still no hard corner in, in all the
11 classrooms, and your testimony today says those
12 policies were just put in place February of
13 '19.

14 There were also issues with submission of
15 FSSATs as required by law, by meeting of the
16 schools in Broward School District. We now
17 know there were issues with, this year with
18 charter school compliance with officers on
19 campus, lack of compliance with BTM protocols,
20 to include law enforcement, and the BTU survey
21 results, which appear pretty damning. So in
22 light of all of that, a Broward Sheriff was
23 removed from office, he was not afforded
24 eighteen months to fix those issues, many of
25 those issues were by folks well below him in

1 the food chain, or the chain of command, but it
2 impacted his, his agency's response to MSD.

3 I would argue there were just as many
4 failures in the school system that led to that.
5 Why should you be held to a different standard
6 than the Sheriff?

7 SUP RUNCIE: All I can do is respond to
8 your points. First about the code red policy,
9 regardless of whether there's a policy or not
10 it was state law, and in August of 2018 we were
11 conducting code red drills. We did over two
12 thousand of them last year. The policy just
13 codified with what we were already doing, so --

14 COMM SWEARINGEN: We now -- we now know,
15 sir, that in the prior year there were no
16 drills held at Marjory Stoneman Douglas, so I
17 don't -- that's -- that's -- that's -- that's
18 disingenuous to say that.

19 SUP RUNCIE: That's -- no -- no -- no,
20 it's not. You asked what we were doing since
21 the, the tragedy, and how did we respond to
22 that. Well, we responded by requiring
23 everybody to do code red drills, as was done
24 throughout the entire district and the state,
25 and in compliance with state law. So we were

1 doing that, notwithstanding whether there was
2 an actual policy that's, that's developed.

3 You can have all the policies in the world
4 that you want, but actually need to execute
5 those, and practice those, and I advised the
6 School Board that we were going to move forward
7 and execute, and do our code red drills and
8 training as we needed to do them,
9 notwithstanding that we didn't have an active
10 formal policy adopted in the district.

11 As far as where hard corners are
12 concerned, you know, we can't just simplify,
13 just run and do hard corners, because there are
14 places that don't necessarily have an easy hard
15 corner, right, they've got multiple doors to a
16 classrooms, there's windows that are there, so
17 we actually had to go through this in a fairly
18 thoughtful way. So again, the assertion that,
19 you know, we're just sitting there and doing
20 nothing, I, and, and we don't have a policy so
21 we're, we're not taking action, I don't think
22 that's fair.

23 COMM SWEARINGEN: Chair, I think the facts
24 speak for themselves. I'm not going to debate
25 it, so I'm going to yield.

1 CHAIR: All right. Sheriff Judd, go
2 ahead.

3 SHRF JUDD: Mr. Runcie, thank you for
4 being here with us today. I want to start with
5 the interim report from the grand jury, and I'm
6 going to paraphrase through, through the
7 report, which is two page. We have heard and
8 seen evidence of non-compliance with the
9 Marjory Stoneman Douglas School Safety Act.
10 I'll step down. Whatever it takes to bring
11 these school districts into full compliance
12 should occur.

13 They go on to say that law enforcement and
14 school district officials have sufficient time
15 to bring their districts into compliance, and
16 they haven't. They go on to talk about
17 troubling evidence. They end up by saying the
18 responsibility of securing our schools is not a
19 matter to be passed from agency to agency, it's
20 not a budget item to haggled over, and it's not
21 an agenda issue to be whittled down by
22 negotiation, and to minimum legal, legally
23 sufficient actions.

24 What the charter schools did after the
25 implementation of 7026 is they got their

1 lawyers on board, and they said, hey, we don't
2 want to do this, so let's admit nothing, deny
3 everything, and raise counter-claims. So they
4 obfuscated for an entire school year, while the
5 children were at risk, while their teachers
6 were at risk, and then the legislature came
7 back and said, well, let us clarify this, that
8 you are included.

9 They had from -- if you give them the
10 year, which I'm not because they lawyered the
11 process while their children were at risk, but
12 they still had from then until yesterday to
13 have a program in place, contracts in place,
14 and school safety officers or guardians on
15 campus with sustainable contracts. What I'm
16 asking you today is, based on the fact that
17 some charters in your county haven't, and if
18 there are others are in the same circumstance
19 across the state this statement will go to
20 them, will you commit to bring them to your
21 School Board with a recommendation of canceling
22 their charter because they have failed to
23 comply with 7026, and subsequently 7030, and do
24 not have a sustaining contract for some
25 security on campus for this next year?

1 SUP RUNCIE: So let me make sure I
2 understand your question. You -- you're not
3 referring to the fact that they have a interim
4 solution now. You're saying if they don't
5 actually have a long term plan for the year
6 that we would bring them forward for closure;
7 is that correct?

8 SHRF JUDD: Yes. And I'll underscore the
9 fact, specifically the charters that have a
10 contract that's not signed, contracts that have
11 been executed within the last forty eight
12 hours. That is absolutely totally ridiculous
13 when they've had eighteen months. And even if
14 they hid under the, the shirrtail, or the skirt
15 tail of their lawyers, it was made abundantly
16 clear to them by the last legislative session,
17 and the Governor's signature, and they had from
18 then to now to get it done, and you still have
19 those leaders of those charters that have not
20 complied with the law, and they've got window
21 dressing there.

22 Will you bring each of those charters
23 before your School Board and say, look, here's
24 the law, here's the modified law, we think that
25 the leadership of these charters has failed the

1 students, failed the parents, and the School
2 Board needs to have this brought before them,
3 put on their doorstep, and let them vote the
4 charter up or down?

5 SUP RUNCIE: Yeah, I -- so let -- let me
6 -- let me just say this. I -- I absolutely
7 agree with that position. The Commissioner
8 needs to agree that that's the case, because
9 that's not exactly what the law says compliance
10 is. As I said earlier today if the Department
11 of Education and the Commissioner agrees, we
12 will ask them today if they will support that
13 position, and if they will we will bring that
14 forward to the School Board.

15 SHRF JUDD: Mr. Runcie, you're -- you're
16 pushing off your responsibility.

17 SUP RUNCIE: No, I'm not, because if we do
18 that it's going to be -- the charters have the
19 opportunity to appeal any recommendation we
20 have to close them, and they would appeal to
21 the State Department of Education, and the
22 majority of time it's overruled, so I'm not
23 going to go through an exercise just for show.
24 I want to make sure that we can fully execute
25 it, so I am going to ask the Commissioner if

1 they will support that action, and I agree with
2 you, that we should take.

3 SHRF JUDD: I believe that as the
4 Superintendent, and the School Board of Broward
5 County, if you take the facts and circumstances
6 that we're aware of, and that you are aware of,
7 and you articulate those, and take them before
8 the School Board, even if they appeal, which is
9 great, it puts everyone on notice about how
10 serious we are. And that's not just an --
11 that's not an exercise of show, that's an
12 exercise of seriousness, and that's what I'm
13 asking.

14 And certainly if the Commissioner or DOE
15 wants to weigh in at this point, I'm not
16 speaking for him, that's his business, but my
17 point is let them appeal to the DOE, which I
18 would encourage them to do, but the point is
19 that it's clear to all of us on this commission
20 that the best they've done is played games here
21 in the last day or two before school started,
22 even though the first law passed eighteen
23 months ago, and 7030 passed with the last
24 session. So our point is, I question their
25 ability to run a charter system, and educate

1 children, and keep them safe, when this is the
2 evidence we have before us, that they're
3 scurrying around on the Friday before school
4 starts next Wednesday going what do we do, what
5 do we do.

6 And that needs to come to a head, and the
7 School Board needs to have a complete report,
8 and you all didn't get the information, you as
9 a Superintendent didn't get the appropriate
10 information, you were providing direction to
11 them, so I want a commitment that you'll take a
12 leadership role and bring them to be held
13 accountable before the School Board, and if
14 they want to appeal to DOE that's what DOE is
15 for.

16 SUP RUNCIE: I'll take your comments and
17 suggestions under advisement, and then we'll
18 make a decision on that today.

19 SHRF JUDD: Right now that's a, no, I
20 won't do it.

21 SUP RUNCIE: No, it's not. It's I'm going
22 to figure out what the best approach is for us
23 to take on it.

24 SHRF JUDD: So you have no problem with
25 them being held accountable.

1 SUP RUNCIE: I'd like to hold them
2 accountable, but we also have laws around how
3 charter schools are managed and governed, and
4 it's, it's done very differently here in
5 Florida than some other places. So I'll leave
6 it at that.

7 SHRF JUDD: And had we been as concerned
8 with the laws concerning 7026 and 7030 as those
9 charter school laws we wouldn't be having this
10 conversation today.

11 The -- the next question I have for you,
12 the charter school that you're, that you are
13 recommending that it, that their charter be
14 revoked, is there a officer on that campus
15 today?

16 SUP RUNCIE: I don't know about today. I
17 know what the status was yesterday, which is
18 why I'm moving them to be revoked.

19 SHRF JUDD: So yesterday there was not.

20 SUP RUNCIE: That's why we're moving to
21 revoke their charter.

22 SHRF JUDD: Coaching point; I had one
23 charter that took that same position. I listed
24 their name publicly after sending two command
25 staff, one from the city police and one from

1 agency, there to ask them to put a officer on
2 the campus, and Damien Kelly from DOE
3 graciously came all the way down, knocked on
4 their door, and asked them to put a officer on
5 their campus, and they played that lawyer game.
6 I played the Sheriff game, the leadership game.
7 I called out that school. I not only called
8 out that school, I called the news media
9 together, and you know what, magical things
10 happened.

11 The very next morning after the standup
12 that afternoon that charter school found a way
13 to hire that police officer to be on that
14 campus, and the children were safe. But until
15 I took definitive action, despite them saying
16 you're putting the children at risk -- no, I'm
17 not, I'm making sure the children are safe.

18 So let me ask you again today, and maybe
19 that charter school will by tomorrow, or maybe
20 by an hour from now, and if they have no one
21 there I bet I can make a phone call to Sheriff
22 Tony and he will have someone there this
23 afternoon, what's the name of the charter
24 school?

25 SUP RUNCIE: Yeah, so my -- my

1 understanding is that charter has some contract
2 with their local police department, however
3 they did not have an officer there because it's
4 a, it's a contract for detail, and you can't
5 guarantee a hundred percent coverage with that.
6 And I'll provide the committee with, with that
7 list. My -- my opinion on that is, is
8 different. I'm not assuming that every charter
9 is going to respond the way the one that you
10 dealt with. If they decide that they're still
11 not going to do anything than, yeah, we have
12 put the school, and children in that school at
13 risk, so I can't predict what action they'll
14 take, so I will, as I said before I'll provide
15 the name to this body, and you can discuss it
16 in your closed door.

17 SHRF JUDD: I don't want to discuss it in
18 closed door. I want to discuss it in open
19 door. I want the name of the charter, and I
20 believe the Colonel is here from the Sheriff's
21 Office, and I just bet that he'll make sure
22 that there's a deputy on that campus.

23 SUP RUNCIE: All right, let's --

24 CHAIR: So I think the Superintendent said
25 he's not going to give us that information,

1 Sheriff.

2 SHRF JUDD: Is it public record? I want
3 to go on record asking for a copy of your
4 public records concerning that.

5 SUP RUNCIE: I'm going to give you the
6 name as soon as I complete this session here
7 with you.

8 SHRF JUDD: When do you plan to bring this
9 before the School Board, this week?

10 SUP RUNCIE: The School Board meets on
11 Tuesday.

12 SHRF JUDD: This next Tuesday.

13 SUP RUNCIE: The charter school is going
14 to be notified, it's today or tomorrow, that an
15 item will be posted on the agenda for the
16 School Board to consider at its next meeting.

17 SHRF JUDD: Be sure, Mr. Runcie, when you
18 present that to me, since you've not presented
19 it publicly, I will have a conversation with
20 Sheriff Tony, and ensure the safety and
21 security of those children, and I will call out
22 that you're saying that that charter school
23 will be brought before the School Board next
24 week for a charter revocation, and you can
25 watch what real leadership is.

1 CHAIR: So -- Commissioner Dodd, and then
2 Mr. Schachter, then we need to wrap this up and
3 move on. And I say, this is part of where we
4 are, and my understanding, okay, the school
5 you're talking about is the one in Hallandale
6 Beach, and -- no, is that not it, okay? So
7 there's -- see, this is where the confusion is.
8 And these things are literally all over the
9 board. So if it's not that one then it's
10 another one. Okay, Commissioner Dodd, go
11 ahead.

12 COMM DODD: Yes, and I'll try to keep this
13 short, as some of these comments have been
14 shared about the School Board. But I'm really
15 curious, how well informed is the Broward
16 County School Board? I mean you work at the
17 pleasure of the School Board, you're hired by
18 the School Board, how well informed is the
19 School Board about this issue with the charter
20 schools, about behavioral threat assessments, I
21 mean has, has the charter school issue that
22 we're dealing with now been discussed at all
23 before the School Board in a public meeting, or
24 a workshop meeting?

25 SUP RUNCIE: Yes, the -- the issue with

1 charters, the School Board members are aware of
2 it. This particular situation here, no, they
3 have not. They will be discussing that on
4 Tuesday. But the issue around charter schools,
5 and the need for them to be compliant, and the
6 challenges they're having, yes, the School
7 Board members are aware of that.

8 COMM DODD: But it is the elected School
9 Board members that have the authority to grant,
10 deny, or revoke a charter.

11 SUP RUNCIE: Correct.

12 COMM DODD: And it is your job as the
13 Superintendent to bring recommendations to the
14 Board, as far as those charters; is that
15 correct?

16 SUP RUNCIE: Right. And that's what I'll
17 -- that's what I will do.

18 COMM DODD: Okay. Has there been
19 discussions on, before the Board on behavioral
20 threat assessments, has that been a topic of
21 discussion?

22 SUP RUNCIE: Yes, many discussions,
23 including the Board drafting a policy governing
24 how these threat assessments are conducted, and
25 what the accountability is around it.

1 COMM DODD: Okay. You've mentioned that
2 you have twelve hundred SROs, guardians, and
3 school security personnel, that was in your
4 opening statement, and then you said you had
5 two hundred and forty, two hundred and one
6 SROs, and I think forty seven guardians, so
7 that's about two hundred and forty eight total,
8 but you have twelve hundred, so these school
9 security personnel, which is in the
10 neighborhood of nine hundred, nine hundred and
11 fifty two, they're unarmed security personnel;
12 is that correct?

13 SUP RUNCIE: Yes. Yes, that's correct.
14 There -- there are a significant number of
15 folks that we're hiring, campus monitors and
16 security specialists, which perform a different
17 layer of security on, on campuses, that we are
18 hiring, yes.

19 COMM DODD: And so are those monitors, how
20 are they being trained and equipped differently
21 today than they were prior to the tragedy at
22 Stoneman Douglas?

23 SUP RUNCIE: I'll ask Mr. Katz, who is
24 overseeing that training, to provide some
25 specific details on the elements of that.

1 MR. KATZ: Good morning.

2 COMM DODD: Good morning.

3 MR. KATZ: Good morning. My name is Brian
4 Katz. I'm the District's Chief Safety,
5 Security, and Emergency Preparedness Officer.
6 So historically the campus monitors had
7 received what was the equivalent of eight hours
8 of training per school year built into their
9 contracts, four in the early part of the year,
10 four in the later part of the year. Our
11 security specialists received about eight hours
12 of training at the beginning of the year, and
13 about eight hours of training, you know, about
14 halfway through the year.

15 The School Board approved us adding three
16 full days onto their calendar going into this
17 new school year, so for this year before any of
18 our campus monitors and security specialists
19 showed up to school they received two full days
20 of training. The training focused on
21 intervention techniques, so that now our campus
22 monitors can help to break up fights within
23 schools, which is something that the
24 administrators have been asking for some time,
25 that the campus monitors have been asking for

1 for some time, so we changed, we updated their
2 job description to be able to allow them to do
3 that, so that they could be more effective
4 within the schools.

5 So that training is pretty much a full day
6 of one of those two days, which focuses on
7 verbal de-escalation, and also physical
8 de-escalation of those types of incidents. And
9 then the other points of training that we
10 focused on for this year were pre-attack
11 indicators, the threat process, so that they
12 are able to spot things, and know what they
13 need to do with it. We talked to them about
14 the coming standard operating procedures that
15 we're rolling out for this year, that we've
16 been working on with various internal and
17 external stakeholders, including Safe Havens
18 International, who has been advising us on
19 those issues.

20 And then really we -- and we focused on
21 professionalism, and the interaction with, with
22 school personnel, and students as well. And --
23 and lastly we focused on -- there's on more
24 topic. Those are -- those are the main topics
25 that we covered this time around. Oh, I'm

1 sorry, we covered diversity training, and we
2 also covered working with our ESE students, and
3 particularly with autistic children,
4 recognizing the, the signs of, of having to
5 interact with students differently.

6 So those were significant trainings that
7 were given going into the school year to try to
8 have a, a major impact on --

9 COMM DODD: Now, I know you said you've
10 taken a centralized approach, where they answer
11 to you, I take it; is that correct?

12 MR. KATZ: Going into the school year --

13 COMM DODD: So I would -- I would pose
14 this question to the School Board. If you were
15 to take five percent of those people that you
16 already have in positions of monitors, and make
17 those, make those positions guardians, you
18 would double your number of guardians. You
19 could put another person on a school campus as
20 an immediate backup to a school resource
21 officer in a guardian position.

22 And in my district what we've done this
23 year to, at our schools to add another position
24 as a guardian to our school resource officer,
25 the response has been overwhelmingly positive,

1 and I will tell you I think that is what you
2 would find if you had that opportunity, and I
3 wish the School Board would look at that
4 closely. And that's five percent. If you did
5 ten percent of nine hundred ninety you'd more
6 than double.

7 MR. KATZ: So one of the challenges that
8 we experienced as it relates to having that be
9 a collateral duty, the guardian program, I've
10 had a lot of conversations with teachers, I've
11 had a lot of conversations with students, about
12 their feelings on campus as it relates to
13 safety and security, once we have some portion
14 of the population who the students are
15 concerned may be armed, these are individuals
16 who they're going to, who they trust, who
17 they're willing to go to with their problems,
18 or they're willing to raise concerns to, even
19 when they're not willing to raise them with law
20 enforcement, and one of our concerns is not
21 wanting to change that dynamic between the,
22 between the students and that personnel who
23 are, who are unarmed.

24 The other element to it is, again, we want
25 to make sure that at the end of the day, that

1 we're not introducing more guns into dangerous
2 situations, into fights, into situations that
3 they're dealing with that are just normal
4 discipline situations. And again, we're
5 carefully weighing that within the district,
6 but our expectation, our qualifications for our
7 guardians as it exists right now is that they
8 have prior law enforcement experience, they
9 have prior military experience, or they have
10 prior licensing through the state, through D&G
11 licensing as a, as a guard, where they have
12 actually carried a weapon before. We are not
13 taking individuals who don't meet that criteria
14 at this time.

15 COMM DODD: But it could be an option to
16 take to the School Board to see if the School
17 Board would be willing to that. We're talking
18 about five percent. But I'm -- that's just the
19 numbers. Thank you.

20 CHAIR: As I said, they just don't like
21 it. That's the problem. You don't understand,
22 they don't like that option, and that's the
23 problem, they don't like it, so that's why
24 they're not doing it, so -- and -- but -- and
25 that requirement here in Broward County is a

1 self- imposed requirement, that they have prior
2 law enforcement, prior military, or prior DG
3 license.

4 MR. KATZ: That's -- that's correct.

5 CHAIR: There is no other district in the
6 state that has the guardian program that has
7 imposed that requirement that I'm aware of, and
8 that's where the problems, and the challenges
9 in recruiting guardians is, is that you have
10 significantly limited the pool by doing that.
11 That's the School Board decision, it's not your
12 decision, or the Superintendent's decision,
13 that's the School Board's decision, but that --
14 that's what -- and I had that discussion with
15 them when I appeared before them in February,
16 and so when they say they have trouble
17 recruiting, well, if you limit the pool, and
18 you narrow the pool, and you only have a pool
19 that big, well, yeah, you're going to have more
20 problems than anybody else.

21 There is no problem in other districts,
22 mine, Polk, Pascoe, there's no problem in
23 recruiting guardians. And we don't have a
24 problem with it, and so that's just, you know,
25 let's call it what it is, and you know, but it

1 is -- but that issue about not liking it isn't
2 unique to Broward. There's a whole bunch of
3 districts around the state that just don't like
4 it, so they're just not going to do it, and,
5 you know, that's what, that's their
6 prerogative, so that's the way it is.

7 All right. Mr. Schachter, are you going
8 to wrap this up for us, because we got to move
9 on. You're the last one.

10 COMM SCHACHTER: Yes, sir.

11 Superintendent, you said, I just want to
12 clarify, you knew about this problem with the
13 charters. When would you say that, that was,
14 because we heard testimony from the Sheriff
15 that it was, you called him on Friday. Is that
16 when you became aware of, of this problem?

17 SUP RUNCIE: So we -- we have been working
18 with the charters since the bill was passed,
19 7030. We've had conversations starting back in
20 May, presentations to them about the need for
21 them to be compliant. The Commissioner also
22 issued clarification on this a couple of times,
23 so we've been working with them up to the
24 August 1st deadline. And then -- yeah -- yeah.
25 And so shortly after we got the list of where

1 these folks were I reached out to that Sheriff
2 to see what his position is.

3 So what we've been doing is directing the
4 charters to go out, to contact their local law
5 enforcement entities, and to get some type of
6 agreement, get some type of coverage to be in
7 compliance. And if that doesn't work, I asked
8 the Sheriff would you also cover those schools,
9 to the extent that the municipality didn't have
10 the capacity, given what we heard from DOE
11 about other sheriffs working in different
12 jurisdictions, because the, the larger issue
13 here is the fact that there's vacancies of
14 about three hundred law enforcement positions
15 in Broward County alone, and I hear that number
16 could be in the thousands statewide, so that's
17 a larger issue we're all dealing with.

18 So, yes, I contacted the Sheriff probably,
19 I think maybe a little over a week ago. I
20 forget the exact date.

21 COMM SCHACHTER: No, I'm -- the only point
22 I'm trying to get at is you knew on Friday that
23 they weren't going to be in compliance. I'm a
24 little unclear if you're saying you also knew
25 --

1 SUP RUNCIE: Wait -- wait, this past
2 Friday?

3 COMM SCHACHTER: Yeah.

4 SUP RUNCIE: I think -- no, I think -- I
5 think this Friday we confirmed that they would
6 actually coverage, and that there would be
7 somebody on campuses, and they would have a
8 safe school officer. Based on what we saw on
9 the first day of school there was one school
10 that did not meet that requirement.

11 COMM SCHACHTER: Oh, because it was -- it
12 was the testimony yesterday from the Sheriff
13 that you, you, you telephoned him that they
14 would not be in compliance, and he said, well,
15 I'm not going to let that happen, I will put a
16 safe school officer on their campus.

17 SUP RUNCIE: He -- he'll put an officer on
18 their campus, to the extent that they were not
19 able to secure --

20 COMM SCHACHTER: No, I understand that.

21 SUP RUNCIE: Right. And in fact his
22 office reached out as well to some of the local
23 entities that those charters resided in to see
24 what their position is.

25 COMM SCHACHTER: Right, but then --

1 SUP RUNCIE: So that -- that, yeah.

2 COMM SCHACHTER: They weren't going to be
3 in compliance, and he saved the day, right?

4 SUP RUNCIE: I -- go ahead, Brian. I
5 don't know if I'd characterize it that.

6 MR. KATZ: So what I would say is, you
7 know, the position of the School District going
8 into the school year was we understood the
9 situation as it related to them potentially not
10 being in compliance. I agree with what the
11 Superintendent stated, which is we could not
12 judge them as being out of compliance during
13 the summer when they were not in session.

14 What we could judge is that they didn't
15 have a plan in place for first day of school,
16 and that the expectation was that any school
17 that did not have coverage for first day of
18 school, we were going to go, and move forward,
19 and close those schools. When they -- when the
20 state reached out to us on top of that, and
21 said some districts have had the sheriffs step
22 in in those cases and help with the support,
23 and it was specifically until they had time to
24 get someone through the guardian training, was
25 what the expectation was.

1 COMM SCHACHTER: My question is, obviously
2 there's a lot of, you know, conversation about
3 this issue, and we knew that there was, there
4 was a problem, why didn't you tell the School
5 Board about this problem on Tuesday when you
6 had workshop and then a, and a School Board
7 meeting, because the School Board had no idea
8 that this was a problem? When I reached out to
9 them they didn't even know you were coming to
10 testify today, they didn't know that there was
11 MSD Commission meetings.

12 SUP RUNCIE: That I -- that's hard to
13 believe, because I've seen --

14 COMM SCHACHTER: I'm telling you.

15 SUP RUNCIE: -- communication going
16 directly to School Board members, emails even
17 from our office about this meeting, and
18 advising School Board members, so I, that's not
19 accurate.

20 COMM SCHACHTER: I've spoken to many
21 School Board members, and they did not know
22 there was a problem with the charter schools.

23 Moving on, it was noted in recent
24 deposition by a former Marjory Stoneman Douglas
25 security specialist, Mr. Greenleaf, that he was

1 asked by MSD administrators to conduct daily
2 pat-downs, or frisk him, frisk the Parkland
3 shooter while he was still a student on campus.
4 Why was that the case? Why was he being
5 frisked?

6 MR. KATZ: So, first of all, thank you,
7 Commissioner, for the question. Secondly, we
8 are aware through the media reports of the
9 testimony that was taken as part of a
10 deposition in that civil lawsuit. When we
11 cross referenced it, and I'm skating right up
12 against the edge that I established in my last
13 testimony, that I do not want to talk about
14 anything having to do with the shooter because
15 of the ongoing prosecution, but since this was
16 referenced in the media I will discuss up to
17 that point, so excuse me if, I'm not trying to
18 be coy.

19 In looking at the documentation on the
20 monitoring plan it called for him to check in
21 with school security on a daily basis. Part of
22 that check in, by the testimony reported in the
23 media from the deposition, apparently was a bag
24 check. But the -- the monitoring plan that was
25 called for called for the daily check in.

1 COMM SCHACHTER: Are you -- are you
2 testifying today that you did not know about
3 this prior to this testimony, to the
4 deposition?

5 MR. KATZ: I am talking about what a
6 review of records reveals, that the
7 recommendation for the monitoring plan for the
8 student had a daily check in with school
9 security.

10 COMM SCHACHTER: Why was that?

11 MR. KATZ: We -- this commission looked at
12 the September 2016 threat assessment that was
13 conducted on the individual. This daily check
14 in was part of the follow-up of that process.

15 COMM SCHACHTER: How many other kids in
16 Broward County are being frisked every day?

17 MR. KATZ: I do not have those numbers at
18 this time.

19 COMM SCHACHTER: Okay. In light of the
20 recent arrest of the Hollywood student who had
21 a gun on campus yesterday at MacArthur High
22 School, he said should I bring my pistol to
23 school again, he was caught with ammo last
24 year, this picture shows that he had a gun on
25 campus at the time; why is it that you have

1 metal detectors at the entrances to the
2 district offices in which you work but the
3 children and teachers, and administrators, do
4 not have metal detectors at the entrances to
5 their schools in which they work?

6 SUP RUNCIE: We don't have metal
7 detectors. We have a process on, I think
8 School Board meeting days, that there are, on
9 some days they actually do some wandering for
10 individuals that come in, but as a general rule
11 we don't actually have metal detectors at the
12 district.

13 COMM SCHACHTER: What's your plan to
14 prevent guns from entering into, onto campus,
15 because it sounds like, you know, this, this
16 individual was able to bring a gun with
17 complete ease, and obviously --

18 SUP RUNCIE: Again, there's a
19 multi-layered approach. There's not one piece
20 of that. I think it's all of the various
21 pieces that we continue to work on, everything
22 from adhering to the protocols, improving
23 communications, putting in, you know, single
24 point of entry, improving our surveillance,
25 ensuring that we have adequate security staff

1 on campuses, investing in mental health,
2 upgrading our threat assessment systems so that
3 there's greater accountability and oversight
4 around that. I think it's a plethora of things
5 that we put in place, it's not one specific
6 thing that's going to help us.

7 And -- oh, and then finally, it is about
8 the community getting engaged as well, and when
9 they see actions, they see things that are of
10 concern, they report them, as was done in this
11 case.

12 COMM SCHACHTER: This -- this kid posted a
13 picture online, so --

14 MR. GOHL: I'm sorry, may I -- so this --
15 the case that your referring to is a former
16 student, not current student, and that the
17 incident in the video took place last year,
18 it's not from this school year. I have
19 received that confirmation from Hollywood
20 Police Department.

21 COMM SCHACHTER: Okay. Okay. So he was
22 able to get a gun on campus last year.

23 SUP RUNCIE: They were expelled.

24 MR. GOHL: Potentially, that's when the
25 video was filmed. They are still looking into

1 it. Hollywood PD is looking into it. It was
2 looked into as a social media threat, and
3 that's why the arrest was made.

4 COMM SCHACHTER: You know, you talked
5 about situational awareness when you're doing
6 your trainings, but I, I have a lot of close
7 connections at, at a lot of schools, and, you
8 know, when I'm talking to teachers they're
9 saying that you're just training for the
10 February 14th training, just to go into the,
11 the safest corner. How do you respond to that?

12 SUP RUNCIE: I -- I respond to say that
13 they're absolutely correct. I think what
14 happened, and the response that we took, as I
15 believe every district in this state, was to do
16 these code drills on a regular frequency, as
17 frequent as we do fire alarm drills. We
18 absolutely agree that you, you can't just
19 continue to do the same type of drill, you need
20 to actually do drills in anticipation of
21 different scenarios, different circumstances,
22 and that's the training that we're actually
23 working to put together and introduce into the
24 district.

25 So that's part of the work that Mr. Katz

1 is doing. We've hired, and retained our
2 security risk consultant Safe Havens to
3 actually help us develop those modules and the
4 training program.

5 COMM SCHACHTER: At Marjory Stoneman
6 Douglas they're showing the same video they've
7 been showing for five years in the training.
8 Do you feel -- you know, when I, when I talk to
9 the teachers the common complaint I get is that
10 they're involved, they're not involved in the
11 -- we've talked about law enforcement being at
12 the threat assessment meetings, but I haven't
13 been able to find one teacher that's actually
14 been at a threat assessment meeting, and that
15 is involved in the threat assessment process.

16 We know that in 2016 when, when your, the
17 new assistant principal at some other school,
18 not Marjory Stoneman Douglas Morford that
19 conducted that threat assessment that was
20 completely botched, he got information from
21 teachers, and let it sit on his desk for, for
22 months, but it, it concerns me that teachers
23 are not being involved in these threat
24 assessments. They know more than anyone. They
25 report that they don't have any information of

1 what, of the discipline of what's happening to
2 these children. If these children get into
3 fights, and are suspended, you don't give that
4 information to the teachers, you know, and the
5 teacher doesn't -- when the kid doesn't show up
6 at the next day of class they have to ask the
7 students what, where's Johnny. Where --
8 where's the breakdown there?

9 MR. GOLH: So a couple of pieces of
10 context, one is the teachers who are involved
11 in the threat assessment are the ones who had
12 the student. In terms of providing information
13 to threat assessment team, teacher, or teachers
14 who know the student best are the ones who
15 actually sit reviewing the triangulated
16 information from law enforcement, mental
17 health, and administration, so it's that core,
18 plus relevant teachers, fed by paper
19 documentation, and electronic documentation
20 from everyone.

21 I -- I don't know your sample size. We
22 have documentation -- even on the case that
23 this commission reviewed there was paperwork
24 from the teachers relevant to it. So I -- I
25 assure you, and I assure the community,

1 teachers are participating. We will continue
2 to make sure that administration understands
3 the value of teachers in that process, because
4 they are absolutely key.

5 On the back side it becomes highly
6 problematic, because people want to know more
7 information than may be relevant to them.
8 Every teacher at a school wants to know when a
9 threat assessment is conducted what is the
10 outcome of it. It may not be relevant for
11 every teacher at the school to know. The
12 teachers who have that student may need to know
13 certain protocols, in terms of monitoring,
14 treatment, and follow up, if the student
15 remains on the campus at all, but we need to
16 strike this very difficult balance between
17 general safety and security information
18 sharing, transparency values, and the
19 respecting of an individual who was in crises,
20 had a threat assessment done on them, was that
21 a threat to self, was that a threat to other,
22 what's the connection between suicidation and
23 homicidation, I mean these are very difficult
24 --

25 COMM SCHACHTER: I understand. And

1 there's a complete lack of information, you
2 know, between, between administration and
3 teachers. The want to help these children, and
4 they can't help them if you don't give them any
5 information. So do you share information with
6 the teachers about children that are in crisis?
7 How, you know --

8 MR. GOHL: So our Collaborative problem
9 solving team --

10 SUP RUNCIE: Yes, we do, and that is done
11 through the new system that we have, so
12 teachers that, and the administrators who would
13 interact with that student, they have access to
14 that inform. And it's actually done now
15 electronically, versus relying on paper, which
16 is not a good reliable way to do that.

17 CHAIR: Mr. Schachter, can you make the
18 next question the last one? We got to get
19 going.

20 COMM SCHACHTER: That's going to be
21 difficult. I got just a couple of more.
22 Everybody else had, had a lot of time. I just
23 have a couple more Sheriff.

24 CHAIR: Two. We got to get going.

25 COMM SCHACHTER: Can you tell me what

1 these cards are used for? What's the -- what's
2 the green card used for?

3 SUP RUNCIE: I'm not sure. Do you know
4 what that is?

5 COMM SCHACHTER: You -- you don't know?
6 So, in Marjory Stoneman Douglas -- is this part
7 of your training? This is what the teachers
8 are being trained to use, this, this card, the
9 yellow card, and the red card; are you not
10 familiar with this?

11 MR. GOHL: No.

12 COMM SCHACHTER: No?

13 MR. GOHL: It's not part of any training
14 that we've -- no, I'm not familiar with that.

15 COMM SCHACHTER: That's -- that's strange.
16 In Marjory Stoneman Douglas all the teachers
17 are being trained to use this, this card, so
18 that if there is a, a code yellow, a code
19 yellow -- can you explain to the, you know, the
20 audience, what a code yellow is? Or whoever?

21 MR. KATZ: Code -- code red -- code yellow
22 would be an incident that is typically adjacent
23 to the school, and not something that has an
24 immediate impact on the classroom area. And it
25 limits movement on the campus, and, and

1 encourages bringing kids into the classroom
2 and, and continuing to teach as normal --

3 COMM SCHACHTER: So if there was an active
4 shooter in the area it would be a code yellow?

5 MR. KATZ: If there was an -- no. If
6 there was an active shooter adjacent to the
7 campus it'd be code red. If it was police
8 activity, police are chasing somebody who is
9 off campus, and you know, just short of, we
10 don't get a notice of what the direction, or
11 any of that is, it's yellow, again, to try to
12 encourage bringing kids in, versus locking them
13 out.

14 COMM SCHACHTER: In Marjory Stoneman
15 Douglas if that's the case, if there's an, you
16 know, they are being instructed to put this
17 green piece of paper in their window to let
18 everybody know that it's a code yellow, and the
19 teachers, many teachers are refusing to use
20 these codes because it just doesn't make any
21 sense. Why would you want to tell everybody
22 that there are people, and kids on the
23 classroom? We know that on the second floor
24 nobody died because they, they covered the
25 window with construction paper, they shut out

1 the lights then went in the corner.

2 So this is what is being taught. I'm
3 shocked that you're not aware of it. This is
4 in the training, and it just doesn't make any
5 sense. We haven't used codes, you know, in, in
6 year and years and years.

7 MR. KATZ: What I would say on that topic
8 is it's not a district training. You're
9 highlighting why we need consistency, why we
10 need consistency across the schools as it
11 relates to this process, and that's our big
12 push for this year, is to get that.

13 COMM SCHACHTER: Okay, so just one quick
14 question about Knox boxes. So you have fire
15 Knox boxes for the fire department that
16 responds to be able to get into the buildings.
17 When a police officer responds, and it's a, you
18 know, a code red, a lock down, and they can't
19 get in the building, how are the police
20 officers supposed to get into building?

21 MR. KATZ: So that -- that is an
22 identified issue in some jurisdictions. So
23 that relationship of whether police have access
24 to the Knox box are between the fire department
25 and the police department. There are some

1 police departments who have access to their
2 fire Knox boxes. That -- that is a -- that is
3 a practice. For the ones --

4 COMM SCHACHTER: What about the other
5 police that don't have --

6 MR. KATZ: -- where that is not the case
7 we have been working closely with BSO to do the
8 equivalent of a law enforcement Knox box.
9 We're talking through that. There have been
10 several iterations of whether that should be a
11 mechanical, something that requires a key, or
12 whether that should be something that's either
13 code based, electronic, that allows them to get
14 to it, and not feel like they have to have a
15 physical key. And that's something we've been
16 talking through this summer.

17 COMM SCHACHTER: It's been six months.
18 What happens if there's an active shooter
19 tomorrow and law enforcement can't in the
20 building?

21 So we talked about the, the discipline
22 data. When -- when you did that survey of your
23 discipline data, and you looked at all of these
24 students, over ten thousand children had eleven
25 disciplinary incidents, over four thousand

1 students had over twenty disciplinary
2 incidents, thirteen hundred of them had over
3 forty one, and seventy five kids had over a
4 hundred disciplinary incidents.

5 Superintendent, the murderer had over fifty
6 five. What number of disciplinary incidents
7 would you be concerned about if a student had?

8 SUP RUNCIE: It's not the number. I think
9 it's, you have took at the particular cases in
10 a, in a context, and the type of interventions,
11 and how those are responded to. I mean there
12 are lots of different circumstances around
13 that. I think we -- I wouldn't want to
14 generalize what we actually do with those
15 cases.

16 COMM SCHACHTER: It's very, very
17 disturbing, especially, you know, that shows a
18 tremendous amount of violence on campus. And
19 then when you combine that with the VTU survey
20 that, that validates all this violence that
21 we're seeing that the teachers are reporting.
22 This is extremely scary, especially when we
23 combine this with the fact that the murderer
24 had over fifty five incidents. You've got
25 seventy five kids that have massive amounts of

1 disciplinary issues in your campuses; are those
2 children being mainstreamed with the other
3 kids?

4 SUP RUNCIE: They're -- they're in a --
5 they're in a variety of environments. As I
6 said we'd have to go look at the specific
7 cases, and what interventions were done, where
8 they're currently placed. We're required by
9 law to provide an education to very single kid,
10 whether they're in a traditional classroom
11 setting, and alternative setting, a
12 correctional setting. I don't know exactly
13 where each of those particular cases are.

14 COMM SCHACHTER: Then you need to have
15 some more investigation, because obviously what
16 you're doing is not working.

17 CHAIR: All right, we got and -- so -- a
18 couple of housekeeping things we need to deal
19 with, because the presenters that we're well
20 over an hour on, they have to be out of here
21 because of a flight by 1:00. So quick
22 question, Commissioner Harpring raised it, I'm
23 going to ask it, quick question, he -- you
24 mentioned that the agenda item for Tuesday will
25 address this charter that's not in compliance.

1 SUP RUNCIE: And there may be others that
2 come out --

3 CHAIR: He says it's -- he says it's not
4 on the agenda now, he checked. Will it be on
5 the agenda for Tuesday?

6 SUP RUNCIE: The agenda is posted on
7 Fridays.

8 CHAIR: Okay. All right. And just for
9 clarification, so we understands the response
10 to Sheriff Judd's question, Senator Book's
11 question, is, is that offline, we're going to
12 stop now, is that you will provide us the name
13 of the charter offline; is that correct?

14 SUP RUNCIE: Yes.

15 CHAIR: Okay. All right, Superintendent,
16 thank you for being here. So here's what we
17 need to do, because we've got now 11:51. The
18 next presenter, which his on FERPA, which we're
19 overdue, they have a flight, so what we're
20 going to do is, and I know this is hard, we've
21 been sitting for, you know, three and a half
22 hours now, but we've got to be respectful of
23 them. The presenter is coming out of
24 Pittsburgh. She's traveled here to do this.

25 Let's just take a quick, quick, okay,

1 let's say five minutes, which will really be
2 ten, okay, five minute break. We're going to
3 come back, and then we're going to hear that
4 presentation. After that presentation, then
5 we'll break for lunch. So five minutes,
6 please, then we'll be back for the FERPA
7 presentation.

8 (Thereupon, the meeting is in
9 recess.)

10 CHAIR: Let's go ahead and get started.

11 The next presentation we have is on FERPA, and
12 we have with us Ms. Pamela Hepp, who is outside
13 counsel for the Florida Department of Education
14 from Buchanan, Ingersoll, and Rooney. Welcome,
15 and we appreciate you being here. Thank you.

16 OVERVIEW OF FERPA APPLICATION AND EXCEPTIONS

17 MS. HEPP: Thank you, Mr. Chair. Thank
18 you, members of the commission. And thank you
19 for inviting me to speak to you today. I am
20 with the law firm of Buchanan, Ingersoll, and
21 Rooney. We are essentially an Eastern based
22 firm with offices from New York down to
23 Florida. I am from our Pittsburgh office. I
24 am co-chair of our data security and privacy
25 group, and I'm happy to speak to you today with

1 respect to FERPA. I have some slides dealing
2 with HIPAA. I probably will not get into those
3 slides. I think the FERPA and law enforcement
4 focus is really the purpose of today's
5 discussion, but do have slides and information
6 on HIPAA and FERPA interaction if folks are
7 interested.

8 So today we're going to talk about just in
9 very broad strokes an overview of the security,
10 privacy and security landscape, predominantly
11 FERPA, as well as SB7026 and SB7030.

12 Essentially SB7026 and SB30 allow for a broad
13 disclosure of information in accordance with
14 Florida law, but state, or federal law still
15 applies, so we are going to talk about FERPA.

16 We are also then going to talk about law
17 enforcement's role in the threat assessment
18 team process, as well as a law enforcement unit
19 at the schools, and how those two different
20 roles may allow them to access education
21 records. And we'll talk through definitions
22 under FERPA, in terms of what that means.

23 We will also spend a little bit of time
24 talking about video surveillance, because I
25 know there's been questions about what can and

1 cannot be done with respect to video
2 surveillance, or at least perceptions about
3 what can and cannot be done with respect to
4 video surveillance. And then finally, as I
5 mentioned, there's slides on FERPA, and
6 treatment records, and HIPAA, and how those
7 intersect, but we won't really discuss that
8 today.

9 So as I mentioned SB --

10 CHAIR: Hang -- hang on. Commissioner
11 Petty, go ahead.

12 COMM PETTY: I apologize for interrupting
13 you. Thank you for being here. I just wanted
14 to note, you know, we're about to talk about,
15 about FERPA. We had a large contingent from the
16 Broward County School District here. This --
17 this could have been free training for them,
18 and an opportunity to learn a little bit more
19 about the law, and how to implement the law,
20 and how to, how to use it effectively, and
21 they've all walked out of the building. So I
22 just wanted to note that.

23 CHAIR: Okay. Go ahead. Go ahead.

24 MS. HEPP: Thank you. First, again in
25 very broad stroke, Florida law now, with

1 respect to SB7026 and SB7030 allows for broad
2 spread sharing of information in connection
3 with assessing threats, facilitating
4 coordination of services for students, but
5 having said that, it does not preempt federal
6 law, so we still have to look at federal law,
7 and see what the constraints are with respect
8 to federal law. And possibly is there areas
9 where we may need guidance from the US
10 Department of Education, or there are areas
11 where maybe FERPA needs to be changed. I'm not
12 sure that's the case, but as we walk through
13 this there may be areas where at least
14 additional guidance may be warranted.

15 Sources of duties of protection include
16 FERPA, as I mentioned, also the Individuals
17 with Disabilities Education Act, which
18 essentially mirrors FERPA, so we're really
19 going to focus on FERPA for this presentation,
20 and again, HIPAA is another federal law.

21 FERPA is the Family Educational Rights and
22 Privacy Act. It's been on the books since 1974
23 with every little amendment, so it is an old
24 law. It does provide parents, or eligible
25 students, and that's a defined term under FERPA

1 that we'll talk about, with certain rights
2 under FERPA, including the ability to control
3 disclosure of the student's records, in other
4 words, to limit or restrict how records can be
5 disclosed. They have the right to access those
6 records, and they also have the right to seek
7 an amendment of their records that they've
8 reviewed in certain circumstances, if they
9 believe the records are inaccurate. There's a
10 process for that. There's a process to
11 challenge, and to deny on the part of the
12 schools, but that is one of the rights.

13 It's enforced by the Department of
14 Education. There is no private cause of action
15 under FERPA. This also is not unlike HIPAA.
16 There's no a private cause of action under
17 HIPAA ether. Florida does provide a private
18 cause of action for inappropriate disclosures
19 under FERPA. Having said that, there also is
20 generally a common-law right to privacy, that
21 folks can bring a case if they feel that
22 information was inappropriately disclosed.

23 Generally speaking, there has to be some
24 harm to the individual as a result of that
25 disclosure, so it might be, for example,

1 identity theft if there's a social security
2 number. It could be some discriminatory action
3 that was taken against them because of
4 something that was in a sensitive record. But
5 by and large there is not private cause of
6 action under FERPA, and the only enforcement
7 right is for DOE to withhold funding. To date
8 that has not occurred, though, I want to make
9 that clear.

10 So what does FERPA apply to? It applies
11 generally to, I'm going to say very broadly to
12 all educational organizations. It's post-
13 secondary, as well as elementary, and secondary
14 education, to the extent they're funded by
15 federal funds. There are very, very, very few
16 exceptions where federal funding does not
17 exist. There's a university in Pennsylvania
18 that is a Catholic University that will not
19 accept any federal funding, it's all private
20 funding, and that is, at least to my knowledge
21 the only example I personally know of that is
22 an institution not subject to FERPA.

23 It's important to revisit some of the
24 definitions for purposes of this discussion.
25 First, what is a student. A student is pretty

1 common sense. It's somebody who's attended an
2 educational institution, and that institution
3 maintains records about that student. An
4 eligible student is someone who has either
5 obtained the age of eighteen, or who has
6 attended a post-secondary school. Education
7 records, and this is really going to be a focus
8 for this presentation, and we're going to
9 repeat this definition so you don't have to
10 memorize it, but education records are records
11 maintained by an educational institution that
12 are directly related to a student.

13 So it requires both components, that it's
14 directly related to a student, and it's
15 maintained by an educational institution. Now,
16 it doesn't say and it's related to academic
17 performance, or something like that, but it is
18 a record maintained by the school directly
19 related to a student. The records can be in
20 any medium, they can be paper, they can be
21 electronic, they can be digital. It can
22 include photographs, it can include video
23 surveillance, but again, provided that they are
24 directly related to a student and maintained by
25 the educational institution.

1 Educational records contain personally
2 identifiable information, another key
3 definition under FERPA, or PII, as it may be
4 referred to. And PII is something that's going
5 to identify a specific, a specific kid. It's
6 that student's name, it's their parent or
7 family member's name, an address, an email
8 address, some personal identifier, like a
9 social security number or a student ID number.
10 It can include biometric information, date of
11 birth, mother's maiden name.

12 It can be other things that linked
13 together may help you identify who that student
14 is; so if looking at a record it's redacted of
15 all those things I just mentioned, but there's
16 enough information that you can figure out who
17 that student is, that's personally
18 identifiable. And an example in the guidance
19 of where this has occurred, and in particular
20 with subsection (g), is if for example there's
21 a kid who was suspended on a certain date, and
22 law enforcement knows that that kid was
23 suspended on that certain date, and requests
24 redacted of all identifiers records of all
25 students of that school that were suspended on

1 that certain date, and then law enforcement
2 knows what the trigger was for that suspension,
3 those records that have been de-identified are
4 identifiable for that kid, so that would
5 constitute PII even when redacted, because
6 enough information is known to be able to
7 connect the dots, if you will, to know who that
8 student was.

9 So the vast majority of records that are
10 held by an educational institution will
11 constitute educational records. And it's not
12 limited, as I said, to academic performance
13 types of things, although it includes that. It
14 can include immunization records, because that
15 information is necessary to determine that a
16 child is eligible to attend school. It's
17 grades. It's can be core schedules, for
18 example, my kids, who when they were in college
19 I could not even access their core schedules,
20 couldn't get information about tuition, because
21 they are an eligible student, they control that
22 release, and so unless they consented I didn't
23 have access to that information because it is
24 an educational record.

25 Disciplinary records, obviously are

1 considered an educational record. A
2 combination request, if the, if the child has
3 an IEP, for example, records may include mental
4 health or treatment records. There could be
5 services being provided through the school,
6 that those would constitute an educational
7 record.

8 Surveillance cameras recordings and
9 photographs may constitute an educational
10 record. And I say may because it has to be
11 directly related to the student and maintained
12 by the, by the school. But law enforcement
13 unit records, and we're going to talk about
14 this in a little bit, law enforcement records
15 have a different definition, and if they are
16 records of a law enforcement unit those are
17 excluded from the definition of, of an
18 educational record, and are not subject to
19 FERPA redisclosure restrictions. So that's an
20 important distinction, and we'll talk a lot
21 about that.

22 So what do the regulations say? There's
23 nothing new in the regulations, but we do have
24 some new guidance that came out from the
25 Department of Education in February dealing

1 essentially with threat assessment teams,
2 school resource officers, as well as law
3 enforcement units, and this distinguishing
4 factor between educational records and law
5 enforcement records.

6 The guidance is interesting, in that it
7 talks about FERPA being flexible. And I would
8 agree with that, FERPA is flexible. There are
9 a variety of ways that information may be able
10 to be shared, whether it's an education record
11 or it's a law enforcement unit record, so it is
12 flexible depending on how you structure your
13 arrangements. It acknowledges that FERPA
14 provides flexibility for the sharing of
15 information in the event that there is a
16 threat. It also addressed the difference
17 between educational records and law enforcement
18 unit records.

19 So, what do the regulations say? Well, as
20 a general rule PII, or personally identifiable
21 information, from an education record can be
22 disclosed if you have the parents or the
23 child's consent. So you always can disclose if
24 there's consent, and that I think is a base
25 line that we need to remember, that you, if you

1 get consent you can disclose. There are also
2 sixteen other exceptions under FERPA that do
3 permit the disclosure of education records.

4 For purposes of this discussion I think
5 the three primary ones are disclosures to
6 school officials, school officials is a
7 specific defined term under FERPA, and we'll
8 talk about that, so long as the disclosure to
9 the school official was for a legitimate
10 educational purpose, or they have a legitimate
11 educational interest in that particular record.
12 And we'll talk about what that means. For
13 purposes of health and safety reasons, and
14 we'll talk about that exception. And then
15 also, in response to a valid subpoena or court
16 order.

17 School -- the school official exception,
18 as I mentioned the school official has to have
19 a legitimate interest in the information that's
20 being disclosed. So what that means, I can
21 give you an example where we see sometimes
22 issues of, not necessarily in the threat
23 assessment team arena, but just so you can kind
24 of conceptualize what this means, if somebody
25 does not, if somebody has a neighbor who they

1 don't like, and their child is attending the
2 school, and I'm a member of the threat
3 assessment team, or I'm some other school
4 official, I can't look up that student's record
5 just because I'm curious, or if it's my ex, and
6 that ex has a stepson, I can't look up that
7 stepson's record just because I want to get
8 dirt on my ex. There has to be a legitimate
9 educational reason to look at that record. And
10 that applies to any school official. So there
11 is the exception for school officials to have
12 information provided they're looking at it for
13 a specific interest.

14 In the context of this discussion what
15 we're really talking about is the school
16 resource officers, the threat assessment team
17 members, who can include law enforcement, it
18 can include mental health counselors, they have
19 access to the educational records related to
20 their threat assessment purpose, but they can't
21 look at the records beyond that.

22 The other scenario, or the other qualifier
23 I would say, is they have the ability to access
24 that record, those records under FERPA
25 exception, but they can't redisclose what they

1 see in those records unless there is another
2 FERPA exception, because when they look at
3 those records, and when they document what
4 they're doing, that is an educational record.
5 The -- the function that they're fulfilling is
6 an educational record.

7 And to constitute a school official there
8 are a number of criteria that have to be met.
9 That includes that they're performing a
10 function for the school that otherwise the
11 school would engage employees, they're under
12 the direct control of the school with respect
13 to how they access those records, how they
14 maintain those records, and also cannot, as I
15 said, redisclose those records, absent another
16 FERPA exception.

17 And finally, the school has to define who
18 is, who is a school official for their
19 purposes, and include that in the school's
20 policy, and include it in their FERPA notice.
21 And as -- as we talk through this we'll see
22 that FERPA permits certain things, but it may
23 not require certain things. So here's an
24 example where FERPA would permit this structure
25 as long as the school policy reflects this

1 structure, but if the policy doesn't the school
2 may say, well, we can't do that. So it really
3 is how the school structures these
4 arrangements.

5 Again, if it's a disclosure to a school
6 official they're subject to the restrictions on
7 redisclosure. Redisclosure, again, as I said
8 at the beginning, can still occur, though, from
9 a threat assessment team, if they have consent,
10 if there is an emergency that necessitates the
11 disclosure of the information, or in connection
12 with a subpoena or a court order. So there can
13 be certain situations where a subpoena or a
14 court order may be a way to get information out
15 of that threat assessment team.

16 Redisclosure in connection with an
17 emergency: There's -- this is one area, and
18 we'll get into some of the guidance on this,
19 where there's been some confusion, and where
20 some concern about how do you know when there's
21 an emergency. Under FERPA you know the
22 information can be disclosed in connection with
23 an emergency if it's necessary to protect
24 health and safety. There has to have been a
25 reasonable determination that there is an

1 articulable threat, these are all important
2 parts of the scenario, or parts of the
3 analysis, to the health or safety of students
4 or others based on a totality of the
5 circumstances.

6 They -- the determination typically has to
7 have some time, place, and manner component to
8 it, meaning that it has to be, there has to be
9 some defined period of time over which that
10 threat is going to take place, an articulated
11 place where that threat is going to be carried
12 out, a manner in which that threat is going to
13 be carried out, so it can't just be predictive
14 based upon looking at this record, these
15 records, and we think that this kid is going to
16 pose a threat. There has to be some specific
17 threat that's been mentioned that can be
18 documented, and that the team can reasonably
19 determine does pose a threat.

20 So a blanket release also is not
21 permissible. If we've identified a threat
22 about this kid we can disclose information to
23 law enforcement related to this specific
24 threat. We can't continue to provide
25 information on an ongoing basis, it's limited

1 to the timeframe that the threat exists. So
2 once that threat expires you need a new
3 exception again to get information.

4 CHAIR: I know because you're short on
5 time you're going to move into the director
6 information next. This is a, an area -- and
7 see if anybody's got any questions on this,
8 because this is the area that as it relates to
9 SROs, and schools, and the threat assessment
10 teams, that causes the greatest confusion. And
11 -- and I agree with you, Commissioner Petty, it
12 would be fortunate if others were here to hear
13 this, because this is probably the clearest
14 most concise presentation on FERPA that I've
15 seen ever, the most comprehensive, and, and it
16 spells it out.

17 And so just if you've got questions ask,
18 because let's try and flush it out to the
19 extent so at least we all understand it, and
20 anybody listening hopefully will have a grasp
21 of it, because this is where it bogs down, is
22 that if you have a law enforcement officer, a
23 police officer that's sitting on a threat
24 assessment team, and let's say that they're
25 reviewing the kid's student record, and there's

1 information in that student record, and one of
2 their buddies who's a burglary detective says I
3 want you to give me all the information you can
4 give me, because I'm investigating a burglary,
5 a burglary that happened three weeks ago, the
6 officer that's sitting on the threat assessment
7 team is prohibited from redisclosing that
8 information because the burglary detective is
9 not a school official, the SRO is a school
10 official who has access to the direct
11 information, but can't redisclose it unless it
12 falls under one of the exceptions.

13 And this is the hardest part, the hardest
14 part that everybody has a problem with, because
15 one cop can't tell another cop. So if the cop
16 on the threat assessment team is asked by his
17 captain, tell me everything that's in that file
18 because I just want to know, that would be a
19 prohibited redisclosure. If the burglary
20 detective says to the cop on the threat
21 assessment team, or to the SRO generally, not
22 even on a threat assessment team, you've looked
23 at Joey's school records, and I want to know
24 his social security number out of the school
25 records, that would be a prohibited

1 redisdisclosure even though the cop because he's a
2 school official has access to it.

3 But, if the cop has information that Joey
4 is a threat to school safety, he said he's
5 going to shoot up the school, says that he may
6 shoot up his house tonight, says those types of
7 things, and then a detective within the police
8 department, a supervisor within the police
9 department, a super, whatever, says tell me
10 what you know because we need to get a tactical
11 plan, and because there's an imminent threat of
12 Joey going out and doing something, then it's
13 not a permitted redisclosure because he is a
14 school official, it falls within the, the
15 emergency exception, correct? So that's the
16 landscape.

17 MS. HEPP: Yeah, absolutely. Absolutely.

18 CHAIR: Okay. So that's the important
19 distinction. And this is where -- this -- I
20 think this area -- and I know this area causes
21 the greatest angst, and the greatest
22 misunderstanding. And this gets into the video
23 problem as well, because there's a whole bunch
24 of different paths to the video. One is
25 whether it is even under FERPA to being with

1 because it's housed as a law enforcement
2 record. But if it's not housed, and she'll get
3 to that, housed as a law enforcement record,
4 than a cop seeing it, and they think, well, the
5 cop seeing it can just automatically disclose
6 it, and it's not true.

7 And this is why when we've had discussions
8 with the Broward County General Counsel's
9 Office, and these General Counsel's Office for
10 these other districts, and people have said,
11 well, just have a blanket disclosure, it can't,
12 it has to be assessed on a case by case basis.
13 So will you kind of just, you know, flush that
14 out, because this is core of the, the main
15 issue everybody has.

16 MS. HEPP: Absolutely it does have to be
17 one on a case by case basis. I think everyone
18 wants a black and white answer, and there
19 really isn't one. On the other hand, I will
20 say that a lot of times you will have answers
21 of we just can't do that because of HERPA, or
22 FERPA I should say, and you get similar
23 reactions with HIPAA by providers as well. And
24 sometimes it's because it's extremely
25 complicated, the analysis is complicated, and

1 they don't want to take the time to go through
2 the analysis.

3 Sometimes it is they don't know the
4 answer, they believe that they're right because
5 it is complicated. And sometimes it's because,
6 as I've said previously, FERPA may permit some
7 of these things, but not necessarily require
8 those disclosures, and a school could decide
9 out of an abundance of caution, or because of
10 the ability to implement something, that it's
11 too unwieldy to put in enough safeguards to
12 protect against redisclosure, for example, that
13 they're going to prohibit it.

14 And directory information is an example of
15 that. I won't go into detail with, with that,
16 other than to say directory information can be
17 disclosed if there's a policy that defines what
18 it is, and sometimes schools will not have a
19 policy, and will just then not allow the
20 provision of directory information.

21 The only other thing I will say about
22 directory information is it does include
23 photos, depending on the context of the photo.
24 And this goes back then to it really is a facts
25 and circumstances type of analysis, and, and

1 we'll talk about that as we go through. One
2 thing I do want to mention, and this will come
3 up in connection with our video discussion, is
4 personal knowledge, or personal observation,
5 anything that you see is not an educational
6 record. Educational records are tangible
7 records, they're tangible documents, so it's
8 the document based on that observation that
9 becomes the educational record.

10 But if I see something, and I'm a teacher,
11 and I see somebody make a threat, or I hear
12 somebody make a threat, I can disclose that to
13 law enforcement because that's not an
14 educational record. By the same token, if a
15 member of law enforcement who happens to be a
16 school resource officer, a member of the, the
17 threat assessment team, observes something
18 personally, that doesn't make it an educational
19 record as part of his school official duty, and
20 that can be redisclosed. So that's something
21 else to keep in mind.

22 And I think going back to one thing,
23 Sheriff, that you mentioned, in terms of prior
24 crimes, and the inability to disclose that
25 under FERPA generally is true, but there are,

1 again, exceptions, so that if law enforcement
2 knows about a crime on the premises, and is
3 able to get a search warrant, is able to get a
4 court order to get the record, they can do so.
5 But that has to be when, they have to follow
6 one of the exceptions to FERPA to do that.

7 So we have do have guidance, so mentioned,
8 that came out in February of this year. I'm
9 not going to go through these slides in extreme
10 detail, because I think what the real message
11 is the takeaway. This first slide, it was
12 talking about threat assessment team members,
13 this just makes the point that was just
14 discussed, which is if member of the threat
15 assessment team gets information in their role
16 as a school official they cannot redisclose
17 that information if it relates to something
18 unrelated to a threat. So this just drives
19 that comment home.

20 The next piece of guidance talks about how
21 you determine if there's an emergency, and in
22 this situation it is a case by case
23 determination, you have to look at all of the
24 facts. I will say as we look through these
25 next couple slides, and this next one in

1 particular, DOE has indicated that they are not
2 going to substitute their judgment for that of
3 the school. As long as the school makes a
4 reasonable, or rational determination that a
5 threat was present DOE is not going to second
6 guess that school's decision.

7 They -- the school official has to be able
8 to explain how they got to that decision, they
9 have to be able to document how they got to
10 that decision, and why that student posed an
11 articulable and significant threat, but as long
12 as they can do that DOE is not going to second
13 guess them.

14 CHAIR: We're talking about the US
15 Department of Education here.

16 MS. HEPP: Yes. Yes.

17 CHAIR: And -- and again remind everybody,
18 is that FERPA has been around for forty years,
19 so, and how many times in the last forty years
20 has the US Department of Education ever
21 sanctioned a district?

22 MS. HEPP: It has not. They -- the way
23 for DOE to sanction is to withhold money, and
24 so far that has not happened.

25 CHAIR: In forty years.

1 MS. HEPP: Yeah. Forty five, yeah.

2 CHAIR: All right. Okay.

3 MS. HEPP: The next two slides talk about
4 who decides, and I think the primary takeaway
5 from that is that it really is a multi-
6 disciplinary approach, and the guidance that
7 DOE put out really is looking to threat
8 assessment teams to make that determination,
9 and is indicating that these are
10 multi-disciplinary teams made up of law
11 enforcement, mental health officials, et
12 cetera, that the school doesn't have to rely
13 upon their own employees, or their own staff,
14 it's ultimately the school's decision, but they
15 can allow those threat assessment teams to come
16 to that conclusion of what constitutes a
17 significant and articulable threat.

18 So here's where we're going to get into
19 really the distinction between education
20 records and law enforcement records. And first
21 we're going to look at the regulations. The
22 regulations are clear that education records do
23 not include records that are maintained by,
24 created by, and used for, created and
25 maintained by a law enforcement unit, and used

1 for law enforcement purposes. It has to meet
2 all three criteria. It has to be created by a
3 law enforcement, maintained by a law
4 enforcement, and used for law enforcement
5 purposes.

6 It doesn't not preclude, however, records
7 from being used for law enforcement purposes as
8 well as educational purposes, and we'll get
9 into that. What it does say, however, is if
10 those records are maintained by a different
11 unit of the school that that precludes from
12 being considered a law enforcement unit, or if
13 that information in those records is maintained
14 exclusively for non- law enforcement purposes.
15 In other words, exclusively for looking at
16 performance, perhaps looking at presentations,
17 and how students are doing in presentations for
18 disciplinary purposes, totally for non-law
19 enforcement purposes, it's not a law
20 enforcement record, but that means it's
21 exclusively for those other non-law enforcement
22 purposes. If it's a law enforcement unit
23 record that information is not subject to
24 FERPA, and it can be redisclosed.

25 So what is a law enforcement unit? And

1 this is a critical part of the definition.

2 It's an individual, an office --

3 CHAIR: Hey, Pam, wait, Commissioner Dodd
4 has a question.

5 MS. HEPP: Sure.

6 COMM DODD: You said -- you asked
7 questions, so right here you're talking about
8 so if an officer knows a student to be an ESE
9 student from observation, that officer can tell
10 other officers outside of the school that this
11 is an ESE student; is that correct?

12 MS. HEPP: If it's from personal
13 observation; is that what you're saying?

14 COMM DODD: Yes.

15 MS. HEPP: Yes, if it's from a personal
16 observation, they observed something happen,
17 that can be disclosed. If the way that officer
18 knows it is as a school official on a TAT team,
19 he can if it's an emergency, or there's a
20 search warrant or a subpoena. If he knows it
21 because he's part of a law enforcement unit
22 that is doing, in, in charge of security and
23 safety for the school, he can redisclose it.
24 So it's -- it's very complicated, and it's very
25 confusing.

1 COMM DODD: So if the officer knew that he
2 was an ESE student, but didn't know what the
3 classification was of an ESE, and then he went
4 and find out what the classification was,
5 that's not sure, that's not --

6 MS. HEPP: Correct, he's not --

7 CHAIR: If you knew it from reading the
8 record -- whatever you know from reading a
9 record, that is covered. If -- if -- if
10 somebody talks to the student and says, hey,
11 are you an ESE student, yes, what
12 classification of ESE student are you, are you
13 this, are you that, what's your social security
14 number, what's all this, and they go and
15 broadcast it to the world, that's not FERPA.
16 It's got to be in a record, or a document, and
17 you have to learn it from a record or document.
18 And this is what causes this big stereotypical
19 misapplication, and -- and we've said the same
20 thing with HIPAA.

21 I can't tell you that, it's HIPAA, and
22 ninety percent of it's not HIPAA. I can't tell
23 you that because I'm precluded by FERPA, yeah,
24 you can, because it didn't come from a record,
25 so you aren't even in this world to begin with.

1 MS. HEPP: And that -- and that I think at
2 the end of the day, and we'll see this as we
3 get into video surveillance, the personal
4 observation is a critical factor in these
5 discussions, what did somebody personally
6 observe, and that's free game. Law enforcement
7 unit is a defined as a department, office, it
8 can be a person, but it can be a unit, it can
9 be a group of officers that are a component of
10 the school. So they have to be designated as a
11 component of the school, and they're
12 identified, or designated by the school as
13 authorized to enforce laws, and protect student
14 safety.

15 And how they do that is through their
16 annual FERPA notice, and/or through their FERPA
17 policy. And so it has to be a school
18 designation that I designate this unit, or this
19 person as a law enforcement unit to protect the
20 safety of our campus, and/or to otherwise
21 enforce the law on campus.

22 They can access educational records if
23 they also are a school official. So here's to
24 add an additional wrinkle. If that -- if that
25 law enforcement unit is comprised of law

1 enforcement officers who are members of a
2 threat assessment team carrying out a school
3 officer's function they can access those
4 student records, but again, they can't
5 redisclose them then to the greater law, law
6 enforcement department, unless they meet that
7 exception. So they can wear two hats, and one
8 benefit to wearing two hats is there may be
9 situations where that in order to carry out
10 their duties they need educational records.

11 And here's an example that comes from some
12 of the guidance. I'm a law enforcement
13 officer, I'm tasked with enforcing campus
14 security. A kid was suspended, he's not
15 allowed on campus. I need to know that that
16 kid was suspended and not allowed on campus,
17 and some details around that, to be able to
18 protect the campus. That is information from
19 the threat assessment team, and/or from an
20 educational record. In order for me to get
21 that I either have to be a school official, or
22 it had to have been a threat, or we had to have
23 consent. So you really have to meet one of
24 those exceptions to get that detail to fulfill
25 your job in certain circumstances, so there is

1 some beauty, if you will, or some, some reason,
2 or benefit to having your law, members of your
3 law enforcement unit also be school officials.

4 The downside to that is there can be
5 confusion, they're wearing two hats, is it
6 difficult for them to figure out, you know,
7 when can I disclose information, when can't I
8 disclose information. It's -- it's not that
9 complicated if you think about the fact of the
10 source of that inform, and the source being
11 that threat assessment team, that educational
12 record, that's where that line is drawn, versus
13 what they have personally observed, or what
14 they see through their other security measures,
15 but it can get complicated, and it's how you
16 implement those dual roles.

17 CHAIR: Go back to that previous slide in
18 31 for a minute. Is, is that, because in
19 Florida, and it says here, and this is
20 important with what we're dealing with with
21 guardians, it says that a law enforcement
22 means, means an individual, et cetera, such as
23 the unit of a commissioned police officer, we
24 get that. It also says non- commissioned
25 security guard, so you can have, as an example

1 -- and is there any place -- in the regulation
2 is there any place that defines what a security
3 guard is?

4 MS. HEPP: No.

5 CHAIR: Okay. So -- and it's important,
6 because we have as an example, in a good chunk
7 of our elementary schools, and in the charters,
8 as we had this great discussions about, about
9 guardians, so if you have a guardian who is not
10 a police officer, not a commissioned law
11 enforcement officer, and you wanted to have
12 that guardian who is there in prong, in, in
13 number two, so a non-commissioned security
14 guard, they can't enforce the laws, but they
15 are there to maintain the physical security and
16 safety of the agency, or the institution.

17 So if you have these guardians, and you
18 task the video to come under the auspices of
19 the guardian who is there for the purposes of
20 maintaining physical security and safety, then
21 you can still have it being maintained by a law
22 enforcement unit, even though it isn't the
23 typical law enforcement officer, correct?

24 MS. HEPP: Absolutely. And in fact in the
25 guidance it talks about some smaller schools

1 may designate a vice principal to be the law
2 enforcement unit, and what that means is they
3 may not be authorized to enforce the law, but
4 they are authorized to refer to the matter to
5 law enforcement. So they don't have to be
6 deputized to be able to enforce it, it's merely
7 being able to serve the function of a liaison,
8 if you will, to refer the matter out to law
9 enforcement as a law enforcement matter.

10 CHAIR: And let's say there's a whole
11 bunch of stuff happening on campus, and the
12 policy was, is that this person who's
13 designated for school safety and security is
14 going to take things, and they're going to
15 document things for safety and security
16 purpose, and maintain it as that record, then
17 that's not a school record, that doesn't come
18 within FERPA, and if they wanted to take that
19 information, and kept files on it, and then
20 disclose it to law enforcement without having
21 worry about the redisclosure, that would be
22 permissible.

23 MS. HEPP: Absolutely.

24 CHAIR: So the point, there's -- there's
25 so many different ways -- once you understand

1 the dynamics of this there's so many different
2 ways to get to yes, but we've got so many
3 people out there that are back in no world, and
4 they just say no to it without understanding
5 the application, and the exception, so, you
6 know, I really appreciate you, you spelling
7 this out.

8 MS. HEPP: Sure. And to your point of so
9 many different ways to get to yes, what works
10 for one school may not work for another school,
11 depending on the size, the resources that they
12 have, so there are -- again, it's flexible.
13 There's flexibility to figure out how to get to
14 yes, to be able to get information.

15 So looking at the guidance, and again this
16 is -- the guidance is here in the slides.
17 You'll have it. But I just want to fly through
18 some of these. The first being the law
19 enforcement unit can be contracted out, it
20 doesn't have to be an employee of the school,
21 that's clear, and that's consistent with the
22 discussion we just had.

23 The law enforcement unit does have to be
24 set forth though, defined if you will, in the
25 FERPA notice, and the school's FERPA policy, so

1 that it's understood by parents, and/or
2 students, what the law enforcement unit is, so
3 that they know what they're talking about. But
4 again, some small schools can designate just an
5 administrative person to serve in that role.

6 Questions around what school officials
7 mean, vis-a-vie law enforcement officers, it's
8 clear that just because you're a law
9 enforcement officer, of a law enforcement unit
10 I should say, doesn't necessarily mean you're a
11 school official acting as a school official who
12 has access to educational records. The school
13 has to make you a school official, number one,
14 and designate you that way in their school
15 notice, and you have to be fulfilling some
16 other legitimate educational interest. So if
17 your sole, sole goal is campus security, and
18 you're not going to be involved in threat
19 assessment, then you may not be a school
20 official.

21 But if you want that person to be part of
22 your threat assessment team you can do that,
23 but also, again, they have to be subject to
24 your control in terms of how they maintain
25 their records. So they could maintain a threat

1 assessment team record, and that's subject to
2 your control, and then they have their separate
3 educational records, I mean their separate law
4 enforcement records that relate to their
5 enforcement of security on campus, but that
6 gets complicated.

7 The guidance does make clear though, and
8 this is where, that they can wear two hats. So
9 members of a law enforcement unit are, if
10 they're school officials they can't disclose
11 records of, of PII they receive as school
12 officials, but it's advisable for law
13 enforcement units to maintain law enforcement
14 unit records separately from education records.
15 So it contemplates the ability for somebody to
16 wear two hats, and have two, two separate sets
17 of records, if you will.

18 I'm going to flip through to Slide 30.
19 This also is another slide that contemplates
20 school records. And I don't think we need to
21 go into detail, but the idea being you can have
22 a record that is a law enforcement record, as
23 per this one. So I am a guardian, or I am a
24 security officer, I'm enforcing security, I see
25 a video, or I see something happen, I can refer

1 that matter to the school to take disciplinary
2 action.

3 My record is an education record. When
4 the school gets a copy of my record they put
5 that into the education record, now there's an
6 education record. So it's not the same person
7 maintaining the two different records, but
8 again, it contemplates the same information can
9 reside in an education record and in a law
10 enforcement record. Now, if the reverse were
11 true -- and -- and I guess what I should say is
12 a law enforcement record is still a law
13 enforcement record, and an education record is
14 still an education record, and the disclosure
15 doesn't change how those two sets of records
16 are treated.

17 Security videos: This is where I think
18 there's a lot of confusion, in what is a
19 security video, what does it mean under FERPA,
20 is it an education record, is it a law
21 enforcement record. So as a beginning baseline
22 FERPA with respect, takes the view that with
23 respect to photos or video surveillance they
24 can be an educational record as long as they
25 meet the definition, which means it has to be

1 directly related to a student, and maintained
2 by an educational institution.

3 So a good example of a photo would be a
4 yearbook photo, school activities, photos of
5 school activities, things like that, that would
6 be an educational record. If it's a fight
7 among students that's captured by a parent
8 that's not an educational record. If the
9 parent turns that record over to the school to
10 take disciplinary action that can be, that then
11 would become an educational record, as
12 possessed by the school, but not in the hand of
13 the parent.

14 Similar thinking, if it's a law
15 enforcement person who took that video, hands a
16 copy over to the school for the school to take
17 disciplinary action, the law enforcement
18 officer's video is still a law enforcement, law
19 enforcement unit video, and this school now has
20 a separate copy as an educational record.

21 CHAIR: Is there -- is there a case to be
22 made here, as you get into this, about the
23 directly, directly related to a student, so if
24 you're looking at surveillance video, and let's
25 just use what we're familiar with, Building 12

1 at Stoneman Douglas where it had three cameras
2 on each floor, one at the end, one in the
3 middle, and then the stairwells, is, is that,
4 is -- and I'm seriously asking this. Is that
5 is there a good faith argument to be made here
6 that all of that is not directly related to a
7 student, it's directly related to physical site
8 security because it's in the, incidental,
9 whether any student ever comes into the video
10 or not?

11 So certainly if a student is coming in,
12 and they're coming into an ingress point, and
13 you've got a camera there at face level, and
14 you're capturing every student, okay, I get
15 that, that's clear, that's directly related to
16 students because the intent is to capture
17 student images. But with a good portion of the
18 surveillance video it's there for physical site
19 security, and it is not directly related. Is
20 that -- is that a good faith argument, is that
21 a valid argument, where is that?

22 MS. HEPP: So that's taking a very broad
23 look at the surveillance video as a whole.
24 Where the guidance appears to come down is you
25 look at each incident. So you may set it up

1 taken as a whole, as a law enforcement, law
2 enforcement unit record, because that's the
3 purpose in the first place. And I think that's
4 a valid assumption, and based on what you're
5 describing I think at the very, at the very
6 beginning you need to determine why am I doing
7 this video surveillance in the first place, and
8 that determines where you house it, because
9 again, part of it is who maintains it. So you
10 maintain it as a law enforcement unit, it is a
11 law enforcement unit record, and then if you
12 need to give information to the school for
13 disciplinary action you do so.

14 If the primary purpose on the front end is
15 really more towards looking at, you know,
16 performance of students, for example, looking
17 at presentations, or if they're -- and I'm --
18 I'm struggling, quite frankly, to come up with
19 the real original purpose being educational in
20 a surveillance scenario, but if you look, if
21 you think the reason you're setting it up on
22 the front end is for educational purposes, and
23 the school is maintaining it, and the school is
24 using it for disciplinary matters, and again
25 it's the school maintaining it, then it's an

1 educational record.

2 Where it comes into play, though, is what
3 happened on that video, and there can be
4 scenarios where what is captured on that video
5 is a fight that broke out, or it includes
6 vandalism that's done by a student, and that
7 student, then the school wants to take
8 disciplinary action. If you set it up in the
9 first place as a law enforcement unit record
10 the school can still do that, you give the
11 information to the school, and they can take
12 disciplinary action.

13 If you set it up in the first place as
14 we're setting this up as a surveillance camera,
15 security system maintained by the school, then
16 now that portion of the video is an education
17 record because it was directly related to kids
18 that you're going to discipline, and you have
19 to meet the exception to disclose it. So it
20 really comes down to how you set it up in the
21 first place, and you need to think ahead why am
22 I doing this, to help you figure out how to set
23 it up in the first place.

24 And part of -- part of the thinking needs
25 to be does the school need the information to

1 discipline students, and how do they get it,
2 okay, law enforcement can provide it, are there
3 other reasons the school needs the information.
4 If it's videos in a classroom a bigger argument
5 can be made that that's really more for an
6 education purpose, and that particular
7 surveillance camera is for an educational
8 purpose.

9 CHAIR: Sheriff Judd, go ahead.

10 MS. HEPP: Go ahead.

11 SHRF JUDD: Under the circumstance we, we
12 have, or the policy we currently have, as our
13 schools come online with cameras our real time
14 crime center is going to be able to flip the
15 button and see the cameras. The policy we
16 currently have says we've got to know there's
17 an emergency afoot before we turn the cameras
18 on, but understanding that time is a sense of
19 urgency, I mean time, there has to be a sense
20 of urgency with time, I clearly understand
21 that's a police emergency.

22 What if the policy said that you're
23 allowed to periodically turn the cameras on to
24 scan the schools for an emergency, but you
25 couldn't use the footage to discern smokers in

1 the hallway, scuffles in the hallway,
2 discipline, what, what if we said, yes,
3 randomly so that we don't lose the time waiting
4 on somebody to say, oh, turn the cameras on,
5 there's an emergency there, that we are
6 proactively looking, and scanning for an
7 emergency.

8 MS. HEPP: So one thing we, we haven't
9 focused specifically on is the law enforcement
10 unit definition, and again it has -- if you're
11 defined as a law enforcement unit in the
12 school's FERPA notice, and you maintain that
13 record, and it's your record, then you could do
14 the random checks, it doesn't have to be an
15 emergency. The emergency exception applies if
16 it's maintained by the school, and it's a
17 school record.

18 The other point I would make to that, and
19 this is where we don't have guidance on this,
20 but as I alluded to before a record is
21 something tangible, which is the recording of
22 that video. If it's a live feed, remember
23 personal observation is not a record, so if
24 it's a live feed are you really observing
25 something first hand through personal

1 observation, that it's not a FERPA record, it's
2 not a law enforcement record, it's not a record
3 until it's stored.

4 SHRF JUDD: Okay, so the -- the schools
5 are going to buy the cameras, install the
6 cameras, maintain the cameras, but we're going
7 to be able to have the ability, not counting
8 looking at the recording, the recorded data,
9 we're going to have the ability to see a live
10 feed. So -- so -- and like I said we, we don't
11 want to turn a camera on and watch the school
12 for, you know, eight hours a school day, but
13 what we, what I want to know is if, if the
14 policy said rather than wait on the emergency
15 that you are permitted to scan the schools, and
16 based on the fact we don't have a recording in
17 our shop, we are the police unit for the
18 school, the school maintains that, and, and
19 actually in our real time crime center we've
20 got a clear line of distinction between normal
21 data and school data, can the school side of
22 the real time crime center periodically scan if
23 we don't maintain the record?

24 MS. HEPP: If you're not -- that's where
25 it's complicated based on the personal

1 observation, where I think guidance might be
2 helpful. If we put aside personal observation,
3 and that potential argument, and consider it a
4 record, then I don't think you can, because
5 it's a record maintained by the school. The
6 system is being maintained by the school, so
7 for you to have access to the information you
8 have to meet one of those exceptions, which is
9 going to be the emergency.

10 SHRF JUDD: Okay, even though we're the
11 police faction for the school.

12 MS. HEPP: If you're defined as -- if
13 you're defined as the law enforcement unit you
14 have -- in order for it to be a law enforcement
15 unit record you have to maintain the record,
16 you have to create the record, and you have to
17 use it, not exclusively for law enforcement, it
18 can't be exclusively for the school. But the
19 fact that you don't maintain it I think blows
20 that argument out of the water.

21 SHRF JUDD: So based on that, as long as
22 that record, we didn't download, or make that
23 record a document in our public records files,
24 or in our, in our police files, that we could
25 watch the real time view for, for scanning for

1 active assailants.

2 MS. HEPP: I think an argument can be
3 made, and the guidance supports this, to have
4 dual feeds. It's a cost issue, you know, and
5 so I think it's up to the schools --

6 CHAIR: Yeah, because what's the
7 difference whether you --

8 MS. HEPP: -- but I think an argument can
9 be made for dual feeds for dual reporting.

10 CHAIR: Yeah, because what's the
11 difference -- if you're live -- if you're
12 watching it live real time, and you're watching
13 it from a real time crime center at the other
14 end of the county twenty five miles away, or
15 you're standing in the hallway watching it,
16 you're still watching it, and it's an
17 observation. Nobody's going into a record, and
18 watching a recording. And if you're not going
19 to the, if you're not watching the recording,
20 you're watching it real time, that's not a
21 record, so you're not even in FERPA. There's
22 no difference.

23 MS. HEPP: Now, if you need -- if you need
24 recording of that --

25 CHAIR: Right.

1 SHRF JUDD: Then you've got to have --

2 MS. HEPP: -- then it -- then you have to

3 --

4 CHAIR: Okay, so -- so let's say you're
5 watching, and you see something happening, and
6 you see somebody engaged in problematic
7 activity, and let's say that they're shooting,
8 let's say as an example, or whatever may, or
9 something, whatever it is, and it's important
10 enough that you're watching it, then arguably
11 it's going to fall within one of the exceptions
12 if you want to go back and record and then
13 re-watch. So you -- you would most likely be
14 covered because it's going to fall within an
15 exception, and once you want to go back in and
16 access again -- but -- but also, importantly,
17 if the person doing the watching the second
18 time of the recording, if that's your SRO then
19 it doesn't matter because they're a school
20 official anyway, correct?

21 MS. HEPP: Yeah. Yeah.

22 CHAIR: All right, so -- so -- so if
23 you're -- if it's your major who oversees,
24 what's his name again -- well, it doesn't
25 matter. But your major overseeing all your

1 school safety stuff, and he's sitting there,
2 and he's a school official, and he oversees all
3 your school safety stuff, and you got an SRO
4 that's sitting there, or you got somebody in
5 your real time crime center watching it, they
6 see live real time, and they see a problem, or
7 whatever, and they call the major, and they
8 say, hey, you know, we saw X, let's say it
9 doesn't even meet one of the exceptions, and
10 it's being recorded, and it's being recorded by
11 the school, and the major goes in and watches
12 it, he's a school official, so it doesn't
13 matter.

14 SHRF JUDD: Thank you.

15 MS. HEPP: Go ahead.

16 SHRF JUDD: I'm going -- I'm going to
17 modify it, and not wait on an emergency. I'm
18 going to say we can scan for emergencies, we
19 just can't scan records --

20 CHAIR: Correct, and -- and -- and --

21 SHRF JUDD: -- it has to be real time.

22 CHAIR: -- and then any of your -- any of
23 your SROs who are school officials, they can
24 watch it anyway. And then -- and then if they
25 were to redisclose then they would have to fall

1 within one of the exceptions.

2 SHRF JUDD: Okay.

3 CHAIR: Go ahead.

4 SEN BOOK: Thank you so much. So one of
5 the things that we had in our district was an
6 issue relating to children with
7 exceptionalities, and some parents have, it's
8 an app called Angelsense I think, let me see,
9 cause I have it, it's Angelsense, and this is
10 particularly for children who are non-verbal in
11 a classroom, and it's a device that you can put
12 on your child, and you can automatically from
13 my device log in, listen to what's happening.
14 I don't think there's a video component, but
15 you can track, you can turn it on and hear
16 what's happening in the classroom, because
17 there were some instances where kids were being
18 physically injured, and non-verbal, didn't know
19 what was going on throughout the school day.

20 Where does that play into any of this?
21 Does it not, does it, dah, dah, dah, dah, dah,
22 dah, dah.

23 MS. HEPP: That's being maintained by the
24 parent so that's not an educational record at
25 all. It's --

1 SEN BOOK: If they brought it in because
2 there was an issue, they heard a teacher saying
3 something ugly to a student, or whatever, that
4 then would become an educational record, or a
5 law enforcement record.

6 MS. HEPP: There could be other issues,
7 and I don't want to get into --

8 SEN BOOK: I know that. Right. Right.

9 MS. HEPP: -- the wiretap, and that sort
10 of thing, and, you know, do -- is the
11 classroom, is others in the classroom really
12 aware, et cetera. But beyond that, for
13 purposes of this discussion that's not a FERPA
14 record.

15 SEN BOOK: Okay. If, though, I brought it
16 to, because you see, or you hear a teacher
17 hitting a child, you brought it to law
18 enforcement, that would be a law enforcement
19 record, maybe.

20 MS. HEPP: The copy. The copy.

21 SEN BOOK: The copy of that.

22 MS. HEPP: Yes. Your record -- your, you
23 know, the copy that you have on your device is
24 still yours personally. You can give it to law
25 enforcement, and the law enforcement copy

1 becomes a law enforcement record. You can give
2 it to the school --

3 SEN BOOK: And that would then become --

4 MS. HEPP: -- to take disciplinary action,
5 or action against a teacher, then that becomes
6 --

7 SEN BOOK: Becomes -- okay.

8 MS. HEPP: It's not an educational record
9 if it's the teacher, but if it's another
10 student, if it's student on student that would
11 become an educational record. So in that
12 scenario you've got three separate records of
13 the same event housed in three different
14 locations.

15 CHAIR: And if somebody came and asked you
16 for it you could give it up, but the school
17 couldn't give it up of the same thing.

18 MS. HEPP: Yeah. And -- and for some of
19 these discussions I think, including, you know,
20 the popping in, there could be other issues
21 raised by that, and, you know, other people,
22 but from a FERPA perspective, that's where I'm
23 focused.

24 CHAIR: Commissioner Swearingen, go ahead.

25 COMM SWEARINGEN: Thank you for being here

1 today. So as far as the threat assessment
2 teams, they're doing the threat assessment for
3 public safety purposes, not for educational
4 purposes, so if the school defines the threat
5 assessment team as a law enforcement unit those
6 would then be law enforcement records?

7 MS. HEPP: First they're -- they're
8 functioning beyond threat assessment. They're
9 functioning to also coordinate resources that
10 may be needed for a child. In certain
11 circumstances it may not be something that
12 rises to the level of a threat that requires
13 law enforcement engagement. It very well may
14 be a need for that child to have other
15 supports.

16 It could be an emotional disturbance, that
17 you need more supports in the school, and by
18 definition those teams, those threat assessment
19 teams constitute school officials when they're
20 structured, so it's going to be an educational
21 record. I'm not sure how you can structure
22 that any other way.

23 COMM SWEARINGEN: So let's narrow that
24 down into the specific instances where it is
25 related to a threat, take out all that other

1 stuff you just said. We know it's related to a
2 kid who they're assessing whether he is a
3 threat or not, that's a public safety issue,
4 that's not an educational issue, so --

5 MS. HEPP: They're a school official, so
6 their records by definition are educational
7 records. You can disclose it if there's a
8 threat, though, under an emergency exception.
9 So just because it's an educational record, and
10 you're subject to FERPA, doesn't mean you can't
11 redisclose if you meet the other exceptions,
12 which can include an emergency.

13 It could include something where you'd
14 need a court order or a subpoena, and you could
15 get consent. It may be a situation where
16 you're able to get consent, but, or, again,
17 personal observation, you can always disclose
18 something that's a personal observation of a
19 threat. But by definition that threat
20 assessment team's record is going to be an
21 educational record.

22 CHAIR: So I -- and -- and this is great
23 information, and I know we have to be
24 respectful of your time because you have a 1:00
25 hard stop, which is like in about two minutes,

1 so is there anything else you want to cover,
2 for sure, but take advantage of the time while
3 we have here, does anybody else have any
4 questions that you want to make sure you get
5 in, because I know that we have to stop, she
6 has a plane to catch? So does anybody have any
7 questions?

8 MS. HEPP: I think if you look at the last
9 - and I will take some questions. There's some
10 practical considerations as you look at the
11 slides, and part of what you need to be
12 thinking about, again, is why are you setting
13 up this surveillance, and once you figure out
14 why, and what information you need, and for
15 what purpose, that can help you structure it in
16 a way that it's either a law enforcement
17 record, and you can readily share, or it's an
18 educational record and you're going to have to
19 meet some exception, but understanding why
20 you're doing it in the first place can be very,
21 very helpful.

22 CHAIR: I tell you, one of things that we
23 can consider, one of things I would, you know,
24 or Chancellor Oliva really recommend that DOE
25 do is, I know that she's outside counsel, and

1 retained by your office, is, is that this would
2 be extremely helpful if, with the Florida
3 Association of School Superintendents, the
4 School Boards, the general counsels for all the
5 districts, is, is that -- I'm serious, this is
6 the best presentation I've ever seen that
7 explains it, and gets it right. And it would
8 be extremely helpful if this information -- it
9 would be extremely helpful for all of us as
10 we're trying to work through this and, and just
11 get the information we need, because the
12 obstacle that we constantly have is, no, can't
13 do it, no, can't do it, why, FERPA, but there's
14 no explanation because they just rely on no
15 because they don't understand it. That really,
16 think that it would be helpful if DOE engaged
17 Pam to do some training for these groups.

18 MS. HEPP: If there's no other questions

19 --

20 CHAIR: Anybody have -- yeah, Sheriff
21 Judd, go ahead.

22 SHRF JUDD: I just have a comment. This
23 is -- as the Chair said this is incredibly
24 impressive, and it's refreshing to have
25 somebody stand up there and say you can do

1 this, you can't do that, so thank you very much
2 for your professionalism, and your research of
3 this body of law that it, it will help us
4 immensely.

5 MS. HEPP: Thank you. Happy to help.

6 CHAIR: All right, thank you for being
7 here, we appreciate it. All right, so I've
8 got, I've got some decisions to make here.
9 I've got -- it's 1:00. The next thing that
10 we're going to -- we need to break for lunch.
11 The question is how long you all want to break.
12 According the agenda, and what I've got, I
13 think we have roughly, and it depends upon if
14 it all takes it's time, about three hours'
15 worth of material left. I know we have an
16 absolute hard 5:00 stop, if not a few minutes
17 before, because some people have flights, I
18 know, so we have a hard 5:00 stop.

19 We need to do the threat assessment piece
20 in a closed session. It's going to take a
21 couple minutes just to make sure we clear
22 everybody out, and the cameras, et cetera, so I
23 would suggest, unless, is that we -- and make
24 it, because it'll take a few minutes anyway,
25 is, is that we start right again at 1:30 in

1 closed session, and then after closed session,
2 then we'll begin with Director Register, who we
3 had to skip over for this morning on the
4 training from FDLE, and then we'll just move
5 into the rest of this, and that should keep us
6 on track.

7 So if we could just limit lunch to thirty
8 minutes, bring it back, and then we'll do the
9 threat assessment piece. And then we'll -- as
10 soon as that's done we'll reopen it to open
11 session, and then we'll continue on this
12 afternoon, and I think we can work our way
13 through. So is everybody good with that as the
14 plan? If not, propose something else. Okay.

15 All right, so just before we break I've
16 got to read this because, again because of the
17 Sunshine Law requirements, is when we come back
18 we'll be in closed session until we're finished
19 with the threat assessment piece, and then
20 we'll open it back up again to everybody, which
21 I anticipate will be somewhere around 2:30, or
22 perhaps earlier.

23 So this meeting requires us to hear or
24 discuss active criminal investigative
25 information, active criminal intelligence

1 information, and/or other information that is
2 confidential and exempt under Florida law.
3 Because of this under the authority of Florida
4 Statute 943.687(8) the meeting is closed to the
5 public, and is exempt from Florida Sunshine Law
6 found at Florida Statute 286.011 and Section
7 24B Article I of the State Constitution. The
8 required written declaration of the Commission
9 Chair will be entered into the commission
10 minutes. Only authorized commission members,
11 commission support staff, and persons otherwise
12 specifically authorized by the Chair may attend
13 this meeting. We will reconvene today in a
14 public meeting at 2:30 p.m., or earlier. We
15 will break for lunch now, and begin the closed
16 portion of the meeting at 1:30 p.m. Thank you
17 for your consideration. So we'll be in
18 adjournment until twenty five minutes from now,
19 at 1:30.

20 (Thereupon, the meeting is in recess.)

21 CHAIR: All right, so I think we are ready
22 to go. The Court Reporter is ready, back on
23 the record, and we have Shawna Reid, Andre
24 Smith, am I saying that correctly, no?

25 MS. REID: Well, Andre is not here today.

1 CHAIR: I didn't think so, no. Okay. So
2 just when you speak, just introduce yourself,
3 okay.

4 MS. REID: Okay, will do.

5 CHAIR: And Shawna, you're going to talk
6 about the Florida Safe Schools, and Safety
7 Portal. And just, because they're calling it
8 something different, maybe they'll explain
9 this, but this is the, what's been referred to
10 as the Integrated Data Repository, and they've
11 renamed it as the Florida Safe Schools Portal,
12 and it was due by August 1st, and the social
13 media monitoring. So go ahead, and we
14 appreciate you all being here.

15 MS. REID: Thank you.

16 PRESENTATION FLORIDA SCHOOLS SAFETY PORTAL

17 MS. REID: Well, good afternoon, everyone.
18 Thank you for having us. We appreciate the
19 opportunity to be here today. My name is
20 Shawna Reid. I'm the Bureau Chief within the
21 Division of Technology and Innovation at the
22 Florida Department of Education, and I'm joined
23 today by Jaime Braun, who is General Counsel,
24 as well within the Department, and today we'll
25 be talking to you all about two tools that are

1 available to district threat assessment teams.

2 First is the social media monitoring tool,
3 as well as the Florida School Safety Portal.
4 So we'll capture today some of how those
5 components work. Jamie will provide
6 information around the background, the laws,
7 and the policies, while I'll also, I'll also
8 provide technical point of reference. So we'll
9 go ahead and get started.

10 MS. BRAUN: Good afternoon, everyone. As
11 Ms. Reid mentioned my name is Jamie Braun. I'm
12 the Assistant General Counsel with the
13 Department of Education. I'm here in place of
14 Andre Smith today. But as we heard in the, the
15 last session, the Department has met its August
16 1st deadline to provide a centralized
17 integrated data repository, and data analytics
18 resources to improve access to timely,
19 complete, and accurate information from --

20 CHAIR: Can you -- can you talk into
21 microphone a little bit more, it's hard to
22 hear.

23 MS. BRAUN: I'm sorry.

24 CHAIR: Harold, can you turn that up a
25 little bit more?

1 MS. BRAUN: Will do. So I'll start over.

2 CHAIR: It's all right, you're good.

3 MS. BRAUN: Essentially, to recap what I
4 said a minute ago, is that in SB7030 and EO1945
5 the Department of Education in coordination
6 with FDLE was directed to provide a centralized
7 integrated data repository, and data analytics
8 resources, to improve access to information
9 integrating data from a variety of sources
10 listed in both the executive order and the
11 statute, which includes social media posts,
12 data from the Department of Children and
13 Families, Department of Juvenile Justice, FDLE,
14 local law enforcement, the mobile suspicious
15 activity reporting tool known as FortifyFl, the
16 suspicious, or the School Safety Incident
17 Reporting data, known as SESIR, all of those
18 things were required to be integrated into this
19 repository.

20 So as Ms. Reid mentioned it has been
21 renamed to the Florida Schools Safety Portal.
22 And that, along with a secondary too, the
23 social media monitoring tool, are both now
24 available as of August 1st for use by threat
25 assessment teams statewide. And the purpose of

1 those tools is to assist with the
2 identification and evaluation of threats, and
3 to get individuals help when they need it.

4 So we do want to recognize that we did not
5 meet this deadline alone. We had the help from
6 a lot of other agencies, many of whom are
7 represented here today. We had the Department
8 of Juvenile Justice, Department of Children and
9 Families, a lot of help from FDLE, in addition
10 to our vendors, Five Point Solutions, which
11 handles the Florida School Safety Portal, and
12 NTD Data Services, which is the vendor for the
13 social media monitoring tool.

14 So first -- first we're going to talk
15 about the social media monitoring tool, which
16 tends to generate the most questions, and Ms.
17 Reid will talk about the technical aspects of
18 it, and how it works, but in a nutshell, it
19 provides real time monitoring of social media,
20 and other platforms, and pushes alerts to
21 threat assessment teams, or others designated
22 by the district to receive that information if
23 the district chooses to make use of the tool.
24 They do not have to, but it is available, much
25 like FortifyFl, if they want to use it.

1 Posts that are flagged as potentially, you
2 know, threatening behavior, or signifying a
3 mental health issue, are also available to be
4 sourced within the Florida School Safety
5 Portal.

6 MS. REID: Okay, so I'll elaborate on the
7 social media monitoring tool. So there are a
8 number of different features within the social
9 media monitoring tool, but let's first talk
10 about what the social media monitoring tool is
11 actually doing. It's not monitoring
12 individuals, it's monitoring content, so that's
13 essentially what we're doing within the system,
14 and that's how that system is configured. It's
15 based off the content that is found on the web.

16 So I'll go into a little bit more around
17 the details of how that's done in just a little
18 bit, but let's talk about some of these key
19 features. Ms. Braun mentioned that we have
20 real time monitoring. They have monitoring
21 three hundred sixty five days of the year,
22 twenty four hours a day, seven days a week, so
23 we are actively real time monitoring. There's
24 also customized --

25 CHAIR: Okay, so -- I know we're short on

1 time, but let's be clear on that, because we
2 had this, I want to make sure everybody knows
3 this is not -- there's nobody sitting in
4 Tallahassee sitting at a screen monitoring this
5 live, real time, 365.

6 MS. REID: Absolutely not.

7 CHAIR: So what it's doing is it's
8 collecting information --

9 MS. REID: Sending --

10 CHAIR: It's collecting information
11 through certain key words --

12 MS. REID: Key words.

13 CHAIR: -- that it's looking for, and then
14 storing it. If a district chooses, okay,
15 chooses to log on and look at the information,
16 then it would see what was captured under the
17 certain key words. So, again, because I -- it
18 --

19 MS. REID: You're -- you're absolutely
20 correct.

21 CHAIR: -- it's so important that
22 everybody have an understanding, because when
23 you sit there and say this is live real time
24 monitoring 24/7/365 that connotes there is
25 somebody sitting there doing that, and that's

1 not the case.

2 MS. REID: Absolutely not, so you're --
3 you're completely correct. And so individuals
4 within the threat assessment team will have the
5 opportunity to be able to go into this, this
6 dashboard, to review the alerts that are
7 available. So it's two, two different items
8 that are available through the monitoring tool.
9 There is a dashboard where they can review the
10 alerts, or they will receive actual
11 notifications via email. So you are absolutely
12 correct, they will have the opportunity to
13 receive alerts. They are not actively
14 reviewing it every single day. They will
15 receive that information via the alert process.

16 CHAIR: And you could have a district
17 that, that you guys are storing all kinds of
18 information about Joe Smith in X County, and if
19 they never log on and look at it they're never
20 going to get it.

21 MS. REID: Correct. But they will receive
22 a notification if they're a part of this
23 particular social media monitoring tool.

24 CHAIR: Right. And that assumes again,
25 and just again I'm just going to cut to it,

1 that assumes, because it's not identifying
2 people, it's all key word searches, so --

3 MS. REID: Exactly.

4 CHAIR: So if somebody in X school
5 district identifies as being, you know,
6 BillyBob123, and, and a district has Bill
7 Smith, is that there's no connection between
8 BillyBob123 and Bill Smith because it's a
9 moniker that's being used, and unless somebody
10 connects that with the person --

11 MS. REID: Correct.

12 CHAIR: -- then it's not going to
13 necessarily go to that district. And if they
14 were -- let's say that they go to school in
15 Broward County but they live in Palm Beach
16 County, they log onto a social media platform
17 as BillyBob123 --

18 MS. REID: Right.

19 CHAIR: -- that's never going to make it
20 down here to Broward because they used it up in
21 Palm Beach County.

22 MS. REID: Right. That's an -- that's a
23 great point. And I think understanding the
24 capabilities of these tools is hugely
25 important, hugely important. So as you stated

1 the alerts are, are sent to you based on key
2 words and geo location. So that is the crux,
3 and that is the center of how this system
4 works. And we'll talk about that in the next
5 slide in more detail, but key words and geo
6 fencing is huge for this tool.

7 There are notifications that are
8 configured for the district, as well as at the
9 school level, and we also receive notifications
10 at the state level, and we'll talk about that
11 as well. But this system is constantly
12 expanding to sites, so we've provided in that
13 middle, middle panel, the actual sites, or
14 examples of some of those sites so you have an
15 idea of the ones, the social media sites that
16 are actively being captured. That's only a
17 handful. We didn't provide all, but those are
18 examples.

19 Outside of social media monitoring sites,
20 or social media, it's also monitoring things
21 like news sites, blogs, forums, discussion
22 boards, so it's not limited to just social
23 media content, it's all of the content on the
24 web based on the key words and the geo
25 location.

1 COMM SCHACHTER: Are we also using 8Chan,
2 or 4Chan, that is multiple schools -- multiple
3 mass murderers have used that platform. Is
4 that also, get information from there?

5 MS. REID: No, we are not currently
6 getting information from there.

7 COMM SCHACHTER: That's not good.

8 MS. REID: So next we'll speak to the
9 keywords in the geo location, and talk to
10 exactly how that works. So if you take a look
11 there are keywords, there are subject areas,
12 and the keywords within those subject areas.
13 So there are five subject areas of keywords
14 that are now looked at within this tool; gun;
15 bomb; bullying; mental health, as well as
16 general. So if they're not captured within the
17 other four subject areas they will fall into
18 the general column.

19 And so you have an opportunity to --
20 there's up to eighteen hundred keywords that
21 are available within each of these categories,
22 so that is utilized as part of the tool's
23 monitoring. But it's also utilizing the
24 association with school related terms, so the
25 name of the school, perhaps the principal of

1 the school.

2 There's terms that should be associated
3 with the school as well in order to do keyword
4 searching, and the reason for that is if you
5 look at these keywords, you can find millions
6 of pieces of information if you just type in
7 kill, or gun, or shoot, so they also associate
8 it with actual school specific terms, in order
9 to limit what type of content is coming back,
10 because if you get a flood of information
11 that's not as helpful as well as to not getting
12 anything. So, we wanted to be able to provide
13 a filtered amount of information so that you
14 have content, or the threat assessment teams,
15 that is actually useful and related to the
16 school information that's available.

17 The second set of, of monitoring, is
18 related to geo location, so it's taking those
19 keywords, and it's also trying to find out are,
20 is anyone saying those things within a specific
21 location, and if they are it captures it within
22 that tool. And so those are the two core
23 functionalities of the tool.

24 CHAIR: And that geo location is based
25 upon schools, right?

1 MS. REID: Correct, the school's latitude
2 and longitude.

3 CHAIR: Right, so if -- again, if a kid is
4 somewhere in the area, within whatever the
5 fence is of Stoneman Douglas, but if they're
6 doing it from a place that is not close to a
7 school, because they're home, or wherever it is
8 --

9 MS. REID: You're right, absolutely.

10 CHAIR: -- then it's just not going to be
11 captured because --

12 MS. REID: It won't be captured un --

13 CHAIR: -- because it's not close enough.

14 MS. REID: They won't capture it unless
15 they specifically say something about the
16 school.

17 CHAIR: Correct. So again, just
18 understanding the parameters, and, you know, I
19 know there's argument to be made we're
20 educating people about how to avoid this, but
21 it's also important that people not have false
22 expectations --

23 MS. REID: Absolutely.

24 CHAIR: -- we have to manage the
25 expectations in what this is capable of doing

1 so they don't have those assumptions that this
2 is some magic wand. It's not --

3 MS. REID: It's not.

4 CHAIR: It's just another tool in the
5 toolbox. Again, it doesn't require use.
6 You're going to have some districts that might
7 use it, they may not use it.

8 MS. REID: Correct.

9 CHAIR: And it is acquiring information.
10 It's storing the information, that they then
11 have to go in and do some analysis of.

12 MS. REID: Exactly. That's exactly it.
13 So here is some examples of what would actually
14 be captured, versus what won't be captured. So
15 it's exactly speaking to what you just
16 mentioned. So if someone said I, I'm going to
17 hurt someone, in this particular example it's
18 at Westfield High, that would be captured,
19 because they're saying some of the keywords,
20 and they're associating it with school specific
21 information. That would be captured.

22 If they also made a comment using one of
23 the keywords within the geo-location, or the
24 geo- fence of that school, that would be
25 captured. However, if someone made a comment,

1 and said I would like to hurt someone, but
2 there's no association with the school, and
3 there's no location, that will not be captured.
4 Okay.

5 CHAIR: Commissioner Dodd, go ahead.

6 COMM DODD: So, you know, some of these
7 threats will come up with, you know, WHS, or,
8 you know --

9 MS. REID: That's a great point.

10 COMM DODD: So are we capture, does it
11 capture an abbreviation?

12 MS. REID: Absolutely. So the vendor that
13 we utilize to configure this tool, they work
14 with the district, or the school, to provide
15 nicknames, mascot names, logos. So they try to
16 get any item of information that they can to
17 make these, the keywords limited to school
18 specific information. So they absolutely do
19 capture that.

20 CHAIR: Again -- again though, depending
21 upon the district, so if you're in Broward
22 you've got two hundred and thirty schools, and
23 then that would be incumbent upon the district
24 being proactive with this, and aggressive with
25 it --

1 MS. REID: Absolutely.

2 CHAIR: -- and getting with the vendor,
3 and providing for all these schools, and all
4 these different slangs, and monikers, and all
5 this information so it can be loaded, because
6 if it's not in there it's useless.

7 MS. REID: Correct.

8 CHAIR: So, again, it's just simply
9 another tool. This is -- this isn't magic.

10 MS. REID: Right. And I'm happy that you
11 did mention the slang, I'm sorry, because they
12 can also refine the tool if there's things that
13 are listed as keywords that aren't captured in
14 their particular local, they can also include
15 --

16 CHAIR: Right. And if the district
17 doesn't --

18 MS. REID: -- if they're participating.

19 CHAIR: And if the district doesn't do it
20 --

21 MS. REID: Correct.

22 CHAIR: -- it's never going to get there.
23 Go ahead, Mr. Schachter.

24 COMM SCHACHTER: Right, so if -- if we're
25 -- if we're convinced that this is a tool that

1 they should use, and you have invested a lot of
2 time and energy in producing this, why don't we
3 included this in part of the threat assessment
4 process that they need to analyze this, or, you
5 know, because we know districts are not going
6 to do it unless they're forced to.

7 CHAIR: Something to look at down the
8 road. Okay, go ahead.

9 MS. REID: And there are also associated
10 notifications, so as you stated the districts
11 aren't actively looking at these notifications
12 every single day, they are receiving alerts.
13 So if the vendor works with the, the district
14 or the school, to configure the contacts that
15 should be communicated with if there is an
16 actual notification in the system, and so that
17 information is sent. We have it currently
18 configured at every minute, so if anything
19 comes up with an alert they are then notified
20 via email to whoever was specified on the
21 threat assessment team.

22 Separately we also receive state
23 notifications, so at the state level we receive
24 all the notifications across the state. And
25 that's important because it ties into the

1 Florida School Safety Portal, which we'll talk
2 about in just a second. So at the state level
3 we receive the notifications, and we
4 essentially match against it, or query against
5 it in order to utilize that information within
6 the Florida School Safety Portal.

7 MS. BRAUN: So now we're going to move on
8 to talking about the Florida School Safety
9 Portal, which to remind everyone is the
10 previously known as the Centralized Integrated
11 Data Repository that was required by SB7030.
12 And what it does, as Sheriff Gualtieri stated,
13 it is just, it's one more tool in the tool box
14 available to threat assessment teams, that
15 gives them access to data from a variety of
16 sources when they're doing their threat
17 assessment.

18 It is not a crystal ball. It is not meant
19 to just spit out information about, you know,
20 who, who is going to be the next school
21 shooter. It's not magic, it doesn't do that.
22 What it -- what it does is it provides them
23 access to these, a variety of data sources seen
24 here on this slide.

25 So before we go into exactly what data is

1 in there I want to make sure that it's clear
2 what the portal does, and what it does not do.
3 So it does not store information. It does not
4 allow users to download and save information.
5 It does not track students. It is a tool that
6 allows a brief look into certain data sets that
7 are on the portal when certain conditions are
8 met. So if there is a triggering event, such
9 as a threat is made that generates the need to
10 look at this information, then they can look at
11 it.

12 So, in terms of what is in the portal we
13 have information from the Department of
14 Education, the Department of Children and
15 Families, law enforcement agencies, including
16 FDLE, Juvenile Justice, and local law
17 enforcement, as well as the social media
18 monitoring tool as we just heard, is all of the
19 alerts from that system are fed into the
20 portal.

21 And just to be clear, the SESIR
22 information that is in the portal is the SESIR
23 information that's collected by the Department
24 of Education statewide, and it's searchable
25 statewide. So if you have a student who has

1 arrived new in a district, and maybe you don't
2 have all of their records, and you have to do a
3 threat assessment on that student, you can
4 search SESIR records statewide. The same goes
5 for the FortifyFl information, that is
6 searchable statewide through the Florida School
7 Safety Portal.

8 We also have information from the Baker
9 Act Reporting Center, which is under the
10 umbrella of the Department of Children and
11 Families, and that shows whether or not a Baker
12 Act proceeding was initiated under the Baker
13 Act, or the Florida Mental Health Act. And
14 then we have a special law enforcement section
15 of the portal that has links to a variety of
16 law enforcement databases, which someone from
17 FDLE will explain in detail.

18 CHAIR: And I'm just going to stop you
19 there, in the interest of time, because I just
20 want -- let's just cut through this, okay? Is
21 that I want to stress to you, and I've had
22 discussions with them so they know what my
23 feelings are about this, I want to stress to
24 you that the Department of Education, and all
25 the other stakeholders that were tasked with

1 doing this, have done the absolute best
2 possible job they could with what they were
3 asked to do, with what they were asked to
4 accomplish.

5 What they were asked to accomplish is in
6 essence the impossible. And what they were
7 asked to do is, is to, and this thing,
8 somebody, and I don't know who, somebody named
9 this an Integrated Data Repository. This not
10 an integrated data repository, and it is
11 probably impossible to accomplish what the
12 intention was, is to bring all this together in
13 what would be called a unified query, so that
14 you can in one place plug in a name, and it's
15 going to give you this dashboard without having
16 to go to all these other places.

17 So they have done everything that they
18 were asked to do with what they had to work
19 with, which is frankly not much, because think
20 about this, this is what has been produced, is
21 that you can query, and it's going to give you
22 SESIR data. Do we really need to have a
23 discussion about SESIR data, and what's in
24 there, and what's not there? One, it only gets
25 reported every three months, and so if you want

1 to find out if Joe Smith in the Miami-Dade
2 School District is, that remember for the last
3 year they reported zero batteries in Miami-Dade
4 County. So what good is that SESIR data? So
5 you can -- you can query SESIR data that's up
6 to three months old, four months old.

7 You can query FortifyFl. FortifyFl since
8 its inception has only had a thousand tips, and
9 you got all these other platforms out there
10 that aren't being reported in this. And you
11 can query, you can query the social media
12 monitoring tool, which we just went through
13 that can also be queried, that they're getting
14 alerts on that has all this limited information
15 in it. And, yes, you can get Baker Act
16 information to determine if somebody, quote,
17 has been Baker Acted, and that's it.

18 And so as ASAC Annie White is going to get
19 up there when they're done and tell you about,
20 is they have it up here about law enforcement
21 information, there is no integration. You
22 have -- all it is a checklist. Every single
23 piece of law enforcement information that's in
24 there is only state level information. It has
25 nothing to do with the eight records management

1 systems here in Broward County, the four in
2 Pinellas County, the plethora in Orange County.
3 There's no local law enforcement information.

4 And when you're talking about the state
5 information, is you have to log onto each and
6 every database separately in order to get that
7 information out of it, so it's not different
8 than what we're going today. And I say that
9 against the backdrop -- these people have done
10 their job. They've done what they were asked
11 to do, but what they've been asked to do can't
12 be accomplished. And I don't want anybody
13 walking away from here, because this is the
14 problem we have, people walk away with false
15 expectations, and assumptions about what is
16 available when it is not.

17 So again, we're short on time. I don't
18 have the patience this afternoon to, to do
19 anything other than just get to it and say it,
20 because you need, you all need to know what it
21 is, and don't be walking away thinking that,
22 oh, my God, we have this magic wand, because
23 really it's not. So that's the way it is.

24 MS. BRAUN: Right. Sheriff, you're --
25 you're completely correct that it is not a one-

1 stop shop where you can just query everything
2 that could exist about the individual, whether
3 it's a student or an adult, whoever it may be
4 that you're doing a threat assessment on. You
5 cannot get on this system and have a one-stop
6 query, and get all the pieces of information in
7 one step at your fingertips. That does not
8 exist right now.

9 And it is important that the Sheriff
10 brought up that locally available information,
11 both in terms of local law enforcement records,
12 locally available education data, mental health
13 records that may be held by the school, those
14 are often the first place that someone should
15 go when doing a threat assessment, and they
16 provide a wealth of information.

17 That being said, there is a lot of
18 information in the portal that may be useful to
19 threat assessment teams, and to address some of
20 the privacy concerns that a lot of people have
21 raised with respect to this system we want to
22 make it clear that only users who are
23 authorized to see various datasets can see that
24 data. So if you do not have the proper
25 permissions to see law enforcement data you

1 can't get there. If you don't have the proper
2 permissions to see the Baker Act data you can't
3 get there.

4 So the different roles that are on the
5 threat assessment team, each of those people
6 has to be --

7 CHAIR: So -- so as an example with this,
8 law enforcement logging on wouldn't be able to
9 see the Baker Act data.

10 MS. BRAUN: Correct. Correct. The Baker
11 Act data is limited to the person on the threat
12 assessment team who is serving in a mental
13 health capacity.

14 CHAIR: Right. And so just like when,
15 when Annie gets up there and talks about all
16 the law enforcement data, nobody within DOE,
17 nobody within the schools, nobody on, nobody
18 other than law enforcement, that's got the
19 right logons, can see the law enforcement data.
20 So this is not an integration of anything, it's
21 -- the -- the name is extremely misleading.
22 Senator Book, go ahead.

23 SEN BOOK: I don't -- I don't want to
24 belabor a point. I certainly don't want to
25 make the Chair any more frustrated, but why --

1 why -- why are we doing it this way? Can we
2 like --

3 CHAIR: Well, because somebody -- because
4 somebody decided, and I don't know where it
5 came from, I don't know the history. Somebody
6 decided in SB7026 that -- and I do know it was
7 very well intended --

8 SEN BOOK: I agree.

9 CHAIR: Okay, and they -- they do -- is
10 that -- decided that we needed -- and
11 integrated data repository I don't think is the
12 right terminology. I think the right
13 terminology is, is a unified query, and there
14 are ways that you can do that with a variety of
15 different databases, because an integrated data
16 repository assumes that you have the, one,
17 legal authority, and the technological
18 capability of taking the plethora of data
19 sources out there, putting them in one place,
20 and then doing a one-stop shopping.

21 It can't work that way because of legal
22 issues, and because of technological issues, so
23 what they said in SB7026 was by December 1st of
24 last year, is that all of these state entities
25 were required to stand this up. They couldn't

1 do it. I mean I said that last year. I said
2 it last Spring. I said it last Summer, that it
3 was impossible, and of course they didn't meet
4 it.

5 And then the Governor earlier this year in
6 this executive order, realizing it hadn't been
7 done, directed them under the EO by August 1st
8 to stand this up. So they did what they were
9 told to do with what they had to work with, but
10 it's in many respects an impossible task that
11 cannot be accomplished, because there is no way
12 to take all of these different sources -- and
13 we're -- and I'll show you here in a minute --
14 and I'm not going to belabor it, but I'll show
15 you here by example with what we're doing in
16 Pinellas, is where this data is most available,
17 and the richest data is available, is at the
18 local level.

19 The richest data, the most voluminous
20 data, the most current data, is not at the
21 state level, it's at the local level, and there
22 is no way they can create something, because
23 you have four hundred law enforcement agencies
24 across the state of Florida, and you have, not
25 four hundred, but you have a considerable

1 number of different diverse records management
2 systems.

3 So look here in Broward, because you have
4 to, in order to see whether somebody has law
5 enforcement contact in Broward you have to
6 query eight different databases. I think what
7 was being envisioned is to eliminate those
8 silos, and to try and create something where
9 there could be this one-stop shopping. And
10 what they quickly found out is that what they
11 were tasked to do is impossible.

12 SEN BOOK: Is it -- I know it's
13 impossible, but is it impossible? And I know
14 that sound ridiculous but --

15 CHAIR: I think it can be -- I think it
16 can done -- no, well, I think -- I think to
17 some degree it can be done better, but they've
18 been under the gun to just, to get this out,
19 and so they got it out, but again, SESIR data,
20 useless, okay? Baker Act information, well,
21 the same person that's on the threat assessment
22 team now, they can go into the Baker Act system
23 and get it.

24 This isn't doing anything, because
25 they're -- so they're -- with all these

1 different components, even with the stuff
2 that's here, the people who are using the,
3 quote, I'll call it unified query, using this
4 query within this integrated repository, is, is
5 that if, if I were to go in and log onto it I
6 could get the, I guess the FortifyFl stuff, I
7 could get the SESIR stuff maybe, and I might
8 not even be able to get the SESIR stuff,
9 because that's DOE stuff, and it's probably
10 FERPA stuff.

11 MS. BRAUN: Well, anyone on the threat
12 assessment team who meets the school officials
13 exception that we talked about earlier --

14 CHAIR: Right, because you could, yes.

15 MS. BRAUN: -- can get the education --

16 CHAIR: Right. So -- so if I was not on
17 -- if I wasn't the SRO, and I was not a school
18 official, and on the threat assessment team,
19 but I'm law enforcement, I can't go into this,
20 I can't get the Baker Act stuff, I can't get
21 the SESIR stuff. I don't even know if I can
22 get the Fortify -- I guess I could get the
23 FortifyFl stuff, and I could get the social
24 media monitoring stuff, so I could get two of
25 the four things that are there.

1 SEN BOOK: Really to make this an
2 effective piece would be to require the
3 districts to put the stuff in it, right, like
4 the information -- no, not even?

5 CHAIR: No, because the districts -- so
6 just here in Broward alone is, is that they
7 have two different systems. They have the DMS
8 system, and then they have an incident system.
9 They have a disciplinary system and an
10 incident. And I'll show you here in a few
11 minutes, in Pinellas, the school system, the
12 school district in Pinellas I believe has about
13 three or four different databases, so if you're
14 trying to do this with all the different
15 districts, they all have their own variety of
16 databases, like all the law enforcement
17 agencies have databases, and, and trying to do
18 this, to truly integrate it and so you'd have a
19 one-stop shopping, I don't -- I don't -- I
20 don't see -- I don't see how it can be done.

21 SEN BOOK: Impossible.

22 CHAIR: Probably -- probably, you know, is
23 there an opportunity to build on this, and to
24 make it better than what it is, I think so.
25 And I think that, that this is a starting place

1 for them, and I think they view it as a
2 starting place, but, boy, there's a lot --
3 again, manage the expectations.

4 And this is where we run into problems,
5 and we get into trouble, is people, their
6 takeaway from this stuff is, oh, this is the
7 greatest thing, and it's going to do all these
8 things. And then they find out later on, well,
9 it doesn't, and then people get frustrated and
10 upset because they thought it did something
11 they couldn't do. And that's what we want to
12 try and avoid from the get go with this, is
13 creating a false expectation. At least that's
14 what I want to prevent, because I don't want to
15 be sitting here six months from now having a
16 huge three hour discussion about why it doesn't
17 do what people thought it did.

18 MS. BRAUN: Right. So we do have a slide
19 coming up that addresses kind of what's next
20 for the portal. We do definitely view this as
21 being, this is version 1.0, and we have, we're
22 looking with our partner agencies to see what
23 other data sources we could integrate into the
24 system to make it better. We are looking at
25 ways to improve the SESIR data, and we're

1 looking at ways to increase the frequency of
2 the collection of SESIR data, which we'll talk
3 about in a minute. And also we're looking at
4 the threat assessment database workgroup, and
5 what recommendations may come out of that that
6 we heard about a little earlier.

7 But in the interest of time I think we're
8 going to go let Ms. Reid explain how the system
9 actually works.

10 MS. REID: So as the Sheriff stated this
11 is essentially how the system works. There is
12 one interface where users are able to access
13 multiple data points, but it is hugely
14 dependent on the role that they have within the
15 system. So as explained, the threat assessment
16 teams have expertise in every area, law
17 enforcement, mental health, education, and so
18 depending on their role that's what they'll be
19 able to access.

20 So the education users will have access to
21 SESIR data, they will have access to social
22 media monitoring data, as well as the FortifyFl
23 information. Law enforcement expertise on the
24 threat assessment teams will have access to the
25 FDLE law links, or enforcement links, and then

1 the mental health user will have access to the
2 Baker Act data. Now, we are exploring the
3 ability to have multiple roles, but it is all
4 based on the expertise, and the credentials
5 around the individuals on the threat assessment
6 team.

7 So this is a glimpse at what it looks like
8 if you log into the actual Florida School
9 Safety Portal. This is a disclaimer, that's
10 the very first thing that users will see when
11 they go to enter the actual site. Every single
12 person that logs in must complete this
13 disclaimer in order to move forward. Without
14 approval, or continuing, or enabling this
15 particular link you cannot move forward. And
16 it essentially outlines the parameters around
17 the usage of the portal.

18 This is the landing page. It essentially
19 is pretty straightforward. The tool works very
20 easily. It has ease of access. We want for
21 users to be able to maneuver pretty easily. So
22 this is an example of the actual navigational
23 menu. I've enlarged it so you have an idea of
24 exactly what's being shown. So we have a
25 search area that's available depending on your

1 role. We have law enforcement links, and then
2 we have information on how to use the actual
3 system. So there's FAQs, there's tutorials
4 that are available within the actual portal.
5 And that is an example of the navigational
6 area.

7 This is an example of the search screen.
8 This is the primary area for searching for an
9 individual within the system. You have the
10 opportunity to enter multiple search
11 parameters, whether it's the first name, the
12 last name, the date of birth, and identifier or
13 the location, and you will be able to enter the
14 information and search for a particular
15 individual.

16 Now, you need at least two of the search
17 parameters to be able to complete a search in
18 this system. For Baker Act you must also have
19 the social security number. So there are
20 parameters that can be left out, but the more
21 information you provide the better quality
22 search you will receive back on the students,
23 or the individual that you were searching for.

24 On the right hand side of this particular
25 screen you'll see that there are four data

1 sources, and there is an indicator of their
2 connections, and it's in green currently, so
3 it's just indicating the health of the actual
4 connection. On the left -- on the right hand
5 side there's the ability to search based on
6 certain alerts, so if you query the data, or
7 search the data, it will highlight -- for
8 example, here it has two items that are
9 highlighted, it's gun and knife, so if there's
10 results that come back, anyone that uses the
11 system can click on those alerts and it will
12 filter the results based on those keywords.

13 On the bottom right there is orange tiles,
14 and they essentially indicate how many records
15 were found from each data source. So it's
16 showing from SESIR how many records were
17 located for a social media monitoring, as well
18 as FortifyFl, and in this particular search
19 there were no results back for Baker Act. And
20 for the sake of this presentation we combined
21 all the roles so you'd have the ability to see
22 every aspect of the system.

23 You may not in a typical user setting be
24 able to access every single data source that's
25 shown.

1 CHAIR: Because you're not authorized to
2 access it.

3 MS. BRAUN: Absolutely.

4 CHAIR: Right.

5 MS. BRAUN: At the bottom of the screen we
6 have degrees of certainty. This is basically
7 giving you an indicator of how confident are
8 the degrees of certainty around the search
9 based on the parameters you've entered. Those
10 degrees of certainty are higher if you provide
11 more information. The more pieces of
12 information we have the higher the degrees of
13 certainty around the student. And they have a
14 score in front of each record to indicate the
15 degree of certainty.

16 So as you can see there are four tiles
17 here. Those are essentially the result sets,
18 and you will have one for SESIR, FortifyFl,
19 social media monitoring, as well as Baker Act.
20 The data is across the state. It is not
21 limited. If you log in as a particular county
22 you are not only seeing that county's
23 information, you are seeing that information
24 across the state. And so this is an example of
25 what the actual interface looks like if you

1 perform a search.

2 CHAIR: Okay, go ahead.

3 COMM POWERS: So on the -- when it tells
4 you that you get hits, or how many records were
5 found on the, that page, will it -- for
6 example, if I'm a school official, and I have
7 access to SESIR and social media, will it tell
8 me if I were to search that there were also
9 hits on FortifyFl and Baker Act data so that
10 the appropriate --

11 MS. BRAUN: If you don't have access to
12 them --

13 COMM POWERS: -- so then the other, the
14 appropriate user could go in and search that
15 data, on the threat assessment team?

16 MS. BRAUN: At this current time, no.

17 COMM POWERS: Okay.

18 CHAIR: And you had access to SESIR
19 anyway, I mean the only -- so, you know, in
20 fact you can get -- is that you had access to
21 it anyway, so you wouldn't, you wouldn't even
22 know, it's not even a pointer system, because
23 you wouldn't even be able to know, well, okay,
24 I did the search, but you're on the threat
25 assessment team, and you have access to mental

1 health information, and we know there's Baker
2 Acts, so go do it -- is everybody on the team
3 has to do this because not everybody on the
4 team has -- so everybody would need to do the
5 query --

6 MS. BRAUN: To be able to determine if
7 there's data.

8 CHAIR: And they're only getting back what
9 they have access to.

10 MS. BRAUN: Correct.

11 CHAIR: So you still -- everybody -- so --
12 so why even do this, why not just go query your
13 own systems that you're responsible for
14 querying to begin with? Go ahead.

15 SEN BOOK: So one of the things, and I
16 don't know enough about it, and I wish that
17 Secretary Poppel was here, Watson, and IBM, and
18 some of this like data analytic, predictive
19 analytics, where you can just put in
20 information and it pumps out kind of -- but
21 that's not where we are. But -- right. Okay.

22 CHAIR: So I know you guys -- any other
23 question -- I know -- and Annie -- Annie is
24 going to take care of law enforcement side. I
25 don't want you guys to miss your flight, so

1 does anybody have any other questions? Because
2 you're, you're, I take at the end. You're
3 going to go into the law enforcement stuff now,
4 so --

5 MS. BRAUN: Yes, this is the page that
6 shows the law enforcement.

7 CHAIR: So it's up to you guys, I mean I
8 just -- I don't want to -- I want to be
9 respectful, I don't want you to miss your
10 flight, so.

11 MS. BRAUN: Before we get to the law
12 enforcement links the only other thing we'd
13 like to share with the commission is what's
14 next. I alluded to it a little bit earlier,
15 but we are looking at improving the quality and
16 availability of SESIR data through more
17 frequent collections. As has been mentioned
18 today it's currently collected three times a
19 year, but we are considering moving that to a
20 weekly collection, and we would appreciate any
21 feedback on that.

22 We are also looking to work with our other
23 state agencies as to what other data sources we
24 could connect next to the system. We are
25 looking to digitize the behavioral threat

1 assessment instrument, the CSTAG protocol that
2 we talked about earlier today, and, and get
3 summary data from that entered into the portal.
4 And there may additional recommendations from
5 the threat assessment workgroup that is
6 forthcoming.

7 And I think -- I think that's it really,
8 on what's next, but --

9 CHAIR: Mr. Schachter, go ahead.

10 COMM SCHACHTER: The -- the social media
11 monitoring tool, are there any other states
12 that use that?

13 MS. BRAUN: I am not aware of other school
14 systems that are using them statewide. I'm not
15 aware.

16 COMM SCHACHTER: I was just curious if
17 they've had success, if they've been able to
18 detect threats, or if other, you know,
19 municipalities or school districts use this,
20 and what their success rate has been, you know,
21 understanding the parameters that the Sheriff
22 went over, and the limitations.

23 MS. REID: They do -- they are being
24 utilized by other entities, and they've had
25 success, but I can't speak to exactly which

1 ones. But I have seen the information around
2 other entities that are utilizing the tool.

3 COMM SCHACHTER: Was -- was the
4 instruction on how to use this, was that gone,
5 did they go over that in the tutorial, the
6 trainings that we had all over the state?

7 MS. REID: No, it's a separate set of
8 training that's provided to the districts, and
9 the schools that have asked to participate as
10 part of the social media monitoring tool.

11 COMM SCHACHTER: But when the threat
12 assessment team is doing the threat assessment
13 I guess they could search a student's name, or
14 if they had an Instagram, you know, user ID,
15 they could search that, right?

16 MS. REID: Well, within the portal it
17 would primarily be the name information.

18 COMM SCHACHTER: Oh, just names.

19 MS. REID: And with -- absolutely, yes,
20 the name.

21 COMM SCHACHTER: You know, a Twitter
22 handle, or anything like that?

23 MS. REID: Not currently.

24 COMM SCHACHTER: That's too bad. Thank
25 you very much.

1 CHAIR: Commissioner Swearingen, go ahead.

2 COMM SWEARINGEN: One quick question. So
3 Chairman Gualtieri's point, you're not actually
4 monitoring anything, you're, you're basically
5 scraping data, storing that data, and then
6 allowing people to search against that data,
7 correct?

8 MS. REID: Correct.

9 COMM SWEARINGEN: Okay.

10 CHAIR: You know, it will really -- do --
11 do you have the ability to, I'm sure you do, to
12 determine what districts actually log on to the
13 social media monitoring tool and make queries,
14 and how often they do that?

15 MS. REID: Yes.

16 CHAIR: So that's probably something down
17 the road we may ask you to come back and tell
18 us, about the utilization rate of this.

19 MS. REID: Okay. Okay.

20 CHAIR: So I appreciate it. Annie, are
21 you ready? Annie, are you ready? Go ahead.

22 MS. BRAUN: Thank you.

23 CHAIR: Okay, thank you for being here.
24 Appreciate it. Thank you. So Annie -- as they
25 said this has a law enforcement component to

1 it, and Annie is going to explain to us what
2 that is. I think it ought to take of about
3 thirty seconds, but --

4 MS. WHITE: Yeah, I think you've covered
5 it. As soon as he gets the page up. So,
6 again, as required by SB7030 and the statute we
7 too were required to work with DOE on a
8 repository of information. Obviously based on
9 the credentialing of the individuals using that
10 they're going to have different levels. I
11 think most of our law enforcement here is
12 familiar with CJNET, and it's basically a level
13 of links that are available to CJNET users,
14 which are law enforcement, criminal justice
15 agencies, that have access to that. So we've
16 worked that side of the portal, and just
17 provided those links.

18 And again, like the Sheriff said, the
19 richest source of data is at your local level.
20 There's no way based on the different
21 communities to get all of that data into one
22 spot. One community may have faith based
23 providers. I think Commissioner Carroll could
24 probably talk on a lot of the resources that
25 are out there in these smaller communities,

1 where we don't have large entities to provide
2 resources. So there's, there's no way to put
3 all of that in one spot.

4 So basically this is on the CJNET page.
5 It basically gives them a list of systems to
6 start with. Again, we want to stress that this
7 is not the only resources that a threat
8 assessment team would use. They're going to
9 need to know what's available at the, at their
10 local level.

11 So just kind of going through the
12 databases, we have southeast links, Florida
13 regional links, and Finder. We have a lot of
14 law enforcement agencies that participate in
15 this. We can get to their RMS, CAD data, field
16 interviews, trespass warnings, different things
17 like that through, through these. Not
18 everybody participates in this, but a large
19 portion of our state does, so you can access
20 this.

21 CHAIR: What would happen is, is that when
22 they're on that portal, and they're in this
23 integrated data repository, as it's called, and
24 they would click on the law enforcement link
25 there, it would take them to this page, and

1 then in this page is that if they want to look
2 at any of that information they click on it,
3 and as it takes you to that page, you enter our
4 password, and your logon for that application,
5 and then when you're done with that one you go
6 to the next one, and if you have a logon and a
7 password you log into that one, then you
8 logout, then you go onto the next one, then you
9 log in and you go to next one.

10 So this is -- and each one of those
11 requires a totally separate query every time
12 you do it.

13 MS. WHITE: That's correct.

14 CHAIR: So all this really is, is a list
15 so that you don't forget to check certain
16 things. You can do this a la carte, you can do
17 it independently, but again, it's not
18 integrating anything, it's just compiling a
19 list of the things that are available for you
20 to check if you have, if you have a logon and
21 password for that application.

22 MS. WHITE: And proper credentialing, yes.

23 CHAIR: Right.

24 MS. WHITE: And -- and, you know,
25 basically based on the restrictions from

1 federal and state law that's what we could do
2 with what we had at this point. So those are
3 the resources, and again, you click on the one,
4 log in, and run your query of the person that
5 you're looking at. So any questions? No.

6 CHAIR: Just -- will you bring me the
7 clicker, the PowerPoint clicker? And just to
8 -- and, Harold, just bring up that next one.
9 I'm just going to, to illustrate this for you,
10 bring up the one that, on the -- the next one.

11 So this is -- and I'm not going to go
12 through this, it's in your tabs here under data
13 sharing, it's the one from the Pinellas County
14 Sheriff's Office, and I'm just going to go it.
15 Go to slide -- I'm just going to illustrate
16 this. If you go to -- I'll click through it
17 right now. So what we have one is, is that we
18 have identified for threat assessment teams, in
19 this pilot we're doing trying to
20 comprehensively identify research, and not miss
21 anything, there's three components, law
22 enforcement, school administration, and mental
23 health.

24 So on the law enforcement side in order to
25 say that we're able to know everything there is

1 to know about a particular person, we've
2 identified just in Pinellas County eighteen
3 different databases that you have to query.
4 The average SRO, the average cop on the street,
5 in no way, shape, or form, is that deputy, or
6 that officer going to have the knowledge, the
7 logons, the passwords, the ability to do that
8 type of analytical work, so what's going to
9 happen in Pinellas is when a threat assessment
10 team is convened the officer or deputy that's
11 been notified to participate is going to send
12 the name, date of birth, and other necessary
13 information to an analyst in our intelligence
14 led policing section, and that analyst is going
15 to be responsible for doing the complete
16 workup, to make sure that all of these minimal,
17 minimum of eighteen different databases are
18 checked, and then they're going to send a
19 comprehensive report back to the officer, so
20 when he or she sits down with the threat
21 assessment team they've got a whole
22 comprehensive package in front of them, because
23 as I say, it's obvious, if they're making
24 decisions, and they're making decisions not
25 based upon the totality of the information that

1 should be available, then they're going to,
2 there's an opportunity to miss something, and
3 they're going make a bad decision.

4 The last thing we want to see is a threat
5 assessment team making a decision, and they say
6 they made a decision because of the information
7 that was available to them, something bad
8 happens forty eight hours later, and we find
9 out, oh, well, there's this stack of
10 information over here, but they never accessed
11 it, and if they had known that they would have
12 made a different decision.

13 This ensures that that's not going to
14 happen, because we put a group of numerous
15 people together to go through all possible
16 flows of information so we know about every
17 datapoint that is possible to check. So
18 comprehensive background for law enforcement,
19 they'll check these eighteen, minimal,
20 minimally eighteen different systems from our
21 records management system, all the other ones
22 of law enforcement agencies in the county,
23 whoops, links, criminal history, DJJ through
24 JJIS, Insight through CJNET, social media, all
25 of these -- there's eighteen different ones.

1 Then after they do that the, I had
2 mentioned to you before about the schools so --
3 again, we're still in law enforcement. Now
4 we're in the schools. So in order to check it
5 in the schools, Pinellas County schools, you
6 have to check these four, FOCUS, the cumulative
7 folders, the SWIMS database, and their mental
8 health liaison, so the school person will check
9 all four of those.

10 And then for mental health -- these are
11 all the places you have to check just in
12 Pinellas County to be able to say that you have
13 basic knowledge of any prior record regarding
14 this person. And so the mental health people
15 will be responsible for doing this
16 comprehensive background, and checking all of
17 those different databases for all those
18 different facilities. And when it's all done,
19 and I'm going to skip to the back here, we've
20 created this form, and the threat assessment
21 team will be responsible for, on the law
22 enforcement side, the school administration
23 side, on the student services, which is mental
24 health, checking each one of those boxes for
25 the databases that they queried, and then that

1 will become part of the threat assessment team
2 record.

3 So when it comes full circle on the back
4 end, and a decision is made, and somebody comes
5 forward and says what did you base your
6 decision on, we'll know what is checked and
7 what wasn't checked. So we're creating a
8 record in accountability of knowledge that was
9 available to the threat assessment team, and
10 making sure that everything was queried.

11 So that's a very, very short, down and
12 dirty, but hand in hand with what they're
13 trying to do with this integrated repository --
14 again, that's not where the rich information
15 is. And this is just in Pinellas, and it
16 involves law enforcement, the schools, and
17 mental health, and you can see how much it is
18 necessary to check. And so, Senator Book, to
19 try and do this in all sixty seven counties,
20 and to have the State create something where
21 all of this can be done in one integrated way,
22 is not possible.

23 And -- and, you know, if you take a
24 county -- if you take a place like Parkland,
25 that sits on the Palm Beach border, is that

1 really to check, you've really got to check
2 because you've got kids that are bouncing back
3 across the border. You know, you have that,
4 Sheriff, Sheriff Judd, in Polk County, between
5 Orange and Osceola, and all the other ones that
6 touch your county.

7 So this is what we're doing, and we're
8 doing this as a pilot in Pinellas, and
9 hopefully it could be a model for other places,
10 but we're, we got this up and running, so.

11 SEN BOOK: Sixty seven different ones is
12 better than nebulous.

13 CHAIR: Sure.

14 SEN BOOK: I mean -- because this is the
15 right way.

16 CHAIR: Sure, and this is -- and this is
17 where -- you know, everybody should be
18 concerned on these threat assessment teams that
19 unless you're doing something like this, and
20 you have, everybody in your county has sat down
21 and brainstormed this, and work flowed it, and
22 identified all the potential sources, and
23 you've come up with some way to checklist it so
24 that the sources are not missed, then the
25 threat assessment teams are going to be making

1 these assessments, and this analysis,
2 potentially missing information.

3 And -- and unquestionably if you just ask
4 an SRO who's part of a threat assessment team,
5 or a law enforcement officer who is part of the
6 threat assessment team, to bring what they have
7 accessible to them to the table for that team,
8 they're going to check probably just the
9 records management system, maybe FCIC, NCIC,
10 you're going to get a couple queries. You're
11 not going to get a comprehensive search like
12 this, it just isn't going to happen.

13 UND SHRF HAPRRING: Sheriff, where's the
14 district on the releases and the mental health
15 information?

16 CHAIR: What's that?

17 UND SHRF HAPRRING: What's the -- what's
18 the district's position been, or their response
19 to you about those releases? I note in your
20 presentation it's, it's an as needed --

21 CHAIR: Yeah, we're working through it.
22 Yeah, we're working through all that, and, you
23 know, we're working through it, but again,
24 everybody realizes, you know, how important it
25 is, and we're working through that so that

1 everybody can get access to that information.

2 Yeah, go ahead, Senator.

3 SEN BOOK: Does your district -- does your
4 district do what you've done for the law
5 enforcement side? Like --

6 CHAIR: So -- so the district -- and I met
7 with the superintendent on it, and his staff,
8 and he is fully supportive of this, and the,
9 and the superintendent has endorsed this
10 because he shares the same concern that I have,
11 that we don't want any voids, and potential
12 holes, and voids of information, so he is,
13 they're, they're completely on board for this.
14 And they are going to assign their people to
15 check their data --

16 SEN BOOK: Their universe --

17 CHAIR: Correct.

18 SEN BOOK: -- to do the same exact thing
19 that you've done for this side.

20 CHAIR: So law -- law enforcement will be
21 responsible for the law enforcement universe.
22 The school will be responsible for the school
23 universe. And the mental health person will be
24 responsible for that big mental health
25 universe. And then the idea is they all sit at

1 the table, they've all got all their material,
2 material in front of them, with, you know
3 exactly what it is, nothing is missed, they can
4 analyze it, and make an informed decision.

5 SEN BOOK: Got it.

6 CHAIR: Okay. Yeah.

7 CHF NELSON: And I think that's just
8 really, how you're doing it shows what a
9 disaster it can be. Especially the way they're
10 doing it in Broward, where when they do not
11 have a designated SRO at that school they're
12 just calling an agency, hey, can you send us an
13 officer to come participate on this threat
14 assessment team, that really has no idea what
15 they're doing.

16 CHAIR: And -- and they have absolute
17 void, and it is devoid of the information
18 necessary to make the right decisions. Go
19 ahead.

20 COMM SCHACHTER: This is the threat
21 assessment team in Pinellas Sheriff's Office,
22 not in the school, right?

23 CHAIR: Correct. We started this within
24 the Pinellas Sheriff's Office.

25 COMM SCHACHTER: Right. Right. Right.

1 CHAIR: But -- but the school
2 superintendent, and I brought it to him, and
3 he's fully supportive of it.

4 COMM SCHACHTER: So if there's a threat
5 coming from a student it would go to that
6 threat assessment team, or --

7 CHAIR: Absolutely, yeah. And the way the
8 process is set up is, is that any, any threat
9 that comes in and involves a student, is it's
10 going to involve this process and the team.

11 COMM SCHACHTER: I guess what I'm asking
12 is does there need to be a separate threat
13 assessment team at the school, and then a
14 separate threat assessment team at, at, you
15 know, it seems, it seems duplicative.

16 CHAIR: No, no, no, no, no, no, no, no,
17 no, no, no, no, it's all the school based
18 threat assessment.

19 COMM SCHACHTER: Okay. Okay.

20 CHAIR: And but -- but when it -- when the
21 information is needed it's one of our analysts
22 that is going to put this together, and they
23 just send the packet back to them.

24 COMM SCHACHTER: You're also pulling in
25 all the, all the federal databases as well.

1 CHAIR: Oh, yeah, everything. Everything.

2 COMM SCHACHTER: Can a Fusion Center help
3 with this information?

4 CHAIR: No, it's not necessary for this,
5 no. No, anyway. All right, we just wanted to
6 touch on that, and I think that brings it kind
7 of full circle as to where we were, and you've
8 got all the, the material on that in your book.
9 I'm not going to talk about it anymore than
10 that.

11 So I think at this point if we want to,
12 Sheriff Judd, I think you have some, and if
13 Director Kelly wants to come back up you can,
14 if necessary. I'm not sure, Sheriff Judd, do
15 you want to go ahead with what you wanted to
16 talk about?

17 SHRF JUDD: As I requested at our last
18 meeting there were many of the charter schools
19 in some of the districts that were out of
20 compliance with a state law that passed, 7026,
21 and then subsequently that was cleaned up, and
22 the 7030. The clean up was for the benefit of
23 the charters, whose lawyers were obfuscating,
24 and doing what lawyers do.

25 So they've had from the time that the law

1 passed until the start of school yesterday in
2 Broward County to have an armed guardian, a
3 police officer, or a deputy on the campus.
4 Make no mistake, with the information I
5 released to you today, this is one school that
6 yesterday and today did not have some sort of
7 armed protection for the students on the
8 campus. It is a school of five hundred and
9 eighty students, so that five hundred and
10 eighty students because they ignored 7026 had
11 no one on campus to protect them last year, and
12 they started the school this year with no one
13 on campus.

14 And let me give you the rendition of what
15 occurred. First and foremost, as I told Mr.
16 Runcie this morning, if you show a leadership,
17 if you talk to people, if you say, look, you
18 got to do this, things change. He wouldn't
19 name the school. He knew what it was. He's
20 been apparently communicating between himself,
21 and/or his office, and the charter school. But
22 had he done what I did there would have been a
23 school resource officer on the campus to
24 protect the kids, and at this time today there
25 is.

1 There wasn't until we had this discussion
2 this morning, and I worked with the Colonel
3 from the Sheriff's Office, who called the
4 police chief, Chief Ingle, who was game on, as
5 you would expect, with Broward Sheriff's
6 Office, and there is now someone on the campus,
7 they're going to be there today and tomorrow.
8 But let me tell you what happened.

9 The Championship Academy of Distinction in
10 Davie, Florida signed a sometimes contract last
11 Friday before school started yesterday with the
12 City police department. Now, the sometimes
13 contract is my terminology. What they did is
14 said, hey, we'd like to have off-duty deputies,
15 or off-duty police officers, if they will, to
16 come down here and work a special detail, and
17 we have a guardian that we're now putting in
18 training. Eighteen months later, two different
19 sets of laws, ignored it all summer, but
20 they're going to put a guardian in training
21 now.

22 The problem is that's posted at the police
23 department, and police officers have got to
24 sign up. So no one has signed up to be on the
25 campus today. No one signed up to be on the

1 campus tomorrow. The Chief checked the
2 off-duty detail and found out that some of the
3 days were covered next week, but not all of the
4 days.

5 When this conversation happened this
6 morning, and I said, Superintendent, tell us
7 who it is, show leadership, he wouldn't do it.
8 He sat silent. And I think that's indicative,
9 that lack of action is indicative of what we've
10 seen of the Broward school system. But it goes
11 further than just the Superintendent, it goes
12 to the school board as well, the elected
13 officials.

14 Now, there are the parents of five hundred
15 and eighty students of the Championship Academy
16 that can now go to the principal, go to their
17 supervisors, go to their elected school board
18 members, and say why weren't my kids protected
19 last year, because you were playing games with
20 the lawyers, why did you start this year
21 without anyone on campus, and was it an
22 afterthought that you tried to get a guardian
23 in training, and, oh, we'll start the guardian
24 after the school year starts, and, heck, we'll
25 go down to the local police department and say

1 if anybody wants to work a special detail you
2 can come to the campus, otherwise we won't have
3 an officer.

4 Right now, because of Chief Ingle, and
5 because of the Colonel Zukowski, and because of
6 this Commission there is a police officer on
7 the campus. And the City made arrangements to
8 do that. Let me take this a step further. The
9 Colonel has now provided to the Chief a
10 contract for services that they've used with
11 some of the schools. The Chief said he's going
12 to take that contract to the principal
13 tomorrow. He's going to complete it, and say,
14 hey, here's a contract for services so that
15 there will a officer on the campus until such
16 time as your guardian is eventually trained.
17 And then they'll have a guardian on their
18 campus, we're told.

19 Interestingly enough Damien Kelly, as you
20 know, and we're very proud of his work, he left
21 here after this morning meeting when the
22 Superintendent wouldn't act. The
23 Superintendent didn't even direct his deputies,
24 maybe we ought to send somebody over there and
25 see if we can get this ball rolling. The

1 Superintendent didn't say, you know, I think
2 they're serious, and that Judd guy, wherever
3 he's from, is going to do something. He did
4 nothing, nothing.

5 Damien went there, talked to the
6 principal, and said you're about to be named
7 this afternoon. The principal looked at Damien
8 and said I'll sign any contract. All it took
9 was leadership. All it took was someone going
10 there and saying, hey, you've got to do this.
11 But to my surprise why didn't Superintendent
12 send a deputy superintendent, or why didn't he
13 get in his car and drive over to the school, or
14 why didn't he work with some of the school
15 resource administrators and get the job done.

16 What you saw this morning, his inaction,
17 his failure to act, is only symbolic of what
18 he's done throughout this entire event from the
19 day the shooting happened, or maybe the five
20 years before. So there's your sign. There's
21 our sign, people of Broward County. Your
22 school board has a superintendent that failed
23 to act, but a Sheriff came down here as a part
24 of this commission, and this commission agreed,
25 obviously, to let me say this, or the Chair

1 would have said calm down, Grady, and when we
2 acted today in about two hours there was a
3 police officer on the campus protecting kids
4 that didn't have any protection.

5 I think that's a snapshot of the
6 incompetence, the rank incompetence that
7 pervades the leadership of the Broward school
8 system. Sense of urgency; it's not in their
9 dictionary. Care, concern, real care, concern
10 for the students in the Broward County school
11 system, the kids at the Championship Academy of
12 Distinction; I question that.

13 But let me underscore. Make no mistake
14 about it, there are other charters in this
15 county that only signed contracts within the
16 last forty eight hours. We are working, and
17 the Chair has asked for a copy of all of them.
18 I intend for that to be there. The good news
19 is if they've got someone on the campus they've
20 got someone on the campus. But I think the
21 parents of the students in those charters need
22 to know that school started yesterday, and they
23 were scrambling around in less than the last
24 week, or less than the last month, trying to
25 get someone on the campus, that they should

1 have been working on this for the past eighteen
2 months.

3 Leadership works. I commend this
4 commission. We've had to come down here and
5 drive everything to get anything done here, and
6 this is where the massacre occurred. The last
7 groups of schools and people to try to come on
8 board is where the horrible event occurred. I
9 am shocked, I should say beyond words, but I've
10 got words for everything.

11 But maybe what I'm really shocked about it
12 how apparently the taxpayer, the parents of the
13 students are sitting placidly by why they're
14 not taking care of the kids in this county.
15 And for those of you, there are probably
16 without a doubt some of the charters around the
17 states that are skipping to the same tune, pay
18 attention. The Chair, in his wisdom, said
19 let's hold off, let's done put the twenty nine
20 names out there, or the thirteen names out
21 there, or the sixteen names out there, because,
22 to quote him and this commission, we don't know
23 if it's accurate or not, we can't get the
24 information.

25 This information was supposed to be

1 provided to DOE. Damien Kelly had to come down
2 here and physically go school to school to
3 school, or call school to school to school, or
4 his staff, to get what he got to do the report
5 that he did. I highly suggest that the people
6 of Broward County consider whether or not these
7 people deserve their paycheck, because they're
8 certainly not doing the job.

9 I'll quote my friend, the Commissioner
10 from FDLE. The Sheriff was removed by the
11 Governor, and certainly there are as many
12 mistakes at the school system as there were at
13 the Sheriff's Office surrounding that event,
14 why is there a difference in treatment in the
15 CEOs. Thank you, Mr. Chairman.

16 CHAIR: All right, thank you, Sheriff
17 Judd. So we've got two more sections to cover.
18 It's about 3:44. I'd suggest we take about a
19 five minute, maybe ten minute break. We'll
20 come back, wrap up those two sessions. Is
21 there anybody, anything else anybody has before
22 we take a break, anything? Yeah, Commissioner
23 Carroll, go ahead.

24 COMM CARROLL: And I don't -- I don't want
25 to take away from anything Sheriff Judd said,

1 because I share his anger, frustration, and
2 stuff, but I will say putting aside the fiasco
3 with the charter schools, when I saw Director
4 Kelly's report the other day, and I listened to
5 your brief when we started this meeting.

6 I was actually pleased with the progress
7 that the State has made in all the things that
8 they put in place. And the shame of Broward
9 not being able to put their act together, was
10 this actually should have been a time when the
11 headlines should have read look how much safer
12 the schools are, and look how much has been
13 done in the past eighteen months, and that was
14 a missed opportunity because so much time has
15 been focused on the information that we didn't
16 even have, and when we're getting the
17 information it's so disturbing still.

18 So -- because I don't want this all to be
19 negative. There is much improvement statewide,
20 the data shows that. The milestones that
21 Sheriff Gualtieri went over before the meeting
22 shows that, and so what's happening in this
23 county should not be an indictment to the rest
24 of the state, and shouldn't diminish the
25 progress that many school districts have made

1 in making their schools safer. And so I -- I
2 just don't want it to be all focused on the
3 negative, because there's much positive here
4 too.

5 CHAIR: I think you have a good point
6 Commissioner Carroll, and we shouldn't lose
7 sight of that. And there has been a lot done,
8 and there are a lot of districts, you know,
9 unfortunately I got some emails, and phone
10 calls and some text messages last night, that
11 for whatever reason -- and it just happens,
12 that some of the media around the state were
13 reporting my comments yesterday as being broad
14 based, and directed at more than just Broward
15 County, and my comments yesterday were directed
16 only at Broward County and those twenty nine,
17 and cause there has been a lot done.

18 And, you know, is it perfect, no, but
19 nothing ever is, and there are a bunch of
20 districts, as we have seen, especially I would
21 say since the end of the school year, and
22 towards the end of the school year, that have
23 made significant progress, and have stepped up.
24 And the few superintendents in particular that
25 have really stepped up, so, you know, we can't

1 lose sight of that.

2 And I -- as you -- you all know I've been
3 doing a lot of presentations around the state,
4 and other places, on as I call it the Parkland
5 Presentation, and it's about a four hour
6 overview of training for law enforcement, and
7 schools, and public safety personnel, and
8 across the board, but one of the things I
9 always stress in that presentation is, is that
10 while we're here to learn, and how you learn is
11 by, unfortunately, what went wrong in this
12 case, is don't lose sight of the fact that on
13 February 14, 2018 there were a lot of heroes
14 too, and there's a lot of teachers, school
15 administrators, firefighters, EMS personnel,
16 and law enforcement officers, that did the
17 right thing, and saved kids' lives, so, you
18 know, you can't forget that.

19 And we can't forget today that as much as
20 Broward is challenged, and there's challenges
21 in other places, is that significant strides
22 have been made, and there are people who truly
23 care and are trying to make a difference, and,
24 you know, through this commission's work, and
25 others, as I said when we opened yesterday,

1 that there's a lot of people that have
2 contributed to that.

3 So I think your point is well taken. Mr.
4 Schachter, go ahead.

5 COMM SCHACHTER: Yeah. You know, I can't
6 bring Alex back. I can't bring the seventeen,
7 you know, beautiful angels back, but I, I agree
8 with you. I think that we have done a lot of
9 good work, but, you know, irrespective of the
10 mess that's down here, and the lack of
11 leadership, as I do travel the state I am blown
12 away.

13 When I met with, you know, the
14 superintendent of Marion County, and a school
15 board member told me that, that she read all
16 four hundred and fifty six pages, and I just
17 couldn't believe it. I can't get the Broward
18 County School Board members to, to read the
19 commission report, or to watch our commission
20 hearings, or to show up to our commission
21 hearings. They didn't even know that the
22 commission was meeting today. They didn't know
23 the superintendent was going to be testifying
24 for two hours.

25 And just to give you an example of what

1 real leadership is, the superintendent in, in
2 Marion County, she closed the entire school
3 district, and had all two thousand of her
4 school employees show up at a presentation, a
5 Parkland presentation, to talk about, you know,
6 the lessons learned, and best practices
7 developed, so it does give me hope.

8 CHAIR: All right. So why don't we just
9 take -- I've got 3:49. Why don't we start
10 again at 4:00. I think we can probably get
11 through these next three -- actually we've got
12 Director Register, his is pretty short, about
13 ten minutes. Commissioner Swearingen. And
14 then we'll finish up with the school hardening
15 presentation by Sylvia Ifft. And I think we're
16 probably on track to be done somewhere between
17 4:30 and 4:45, somewhere in there. So let's
18 just take a quick ten minutes, we'll come back
19 and wrap up.

20 (Thereupon, the meeting is in recess.)

21 CHAIR: We're going to have Director
22 Register, and then Commissioner Swearingen, and
23 then Sylvia will give us a brief overview on
24 the harm mitigation workgroup, a lot of that is
25 information we've seen before. And then we do

1 have, as I understand it we have nine citizen
2 comment cards, so we'll hear from the citizens
3 at the end of Sylvia's presentation.

4 So, Director Register, thanks for being
5 here. You're up.

6 PRESENTATION FDLE UPDATE REGARDING SRO AND OTHER
7 RELATED TRAINING

8 DIR REGISTER: Thank you, Sheriff. I was
9 here last in September, and provided
10 information regarding actions, either planned
11 or proposed, by FDLE and/or the Criminal
12 Justice Standards and Training Commission, and
13 this afternoon I'll give you a very brief
14 update on where we are, and what we presented
15 last time we were here.

16 We advised that we had conducted a job
17 task analysis of the SRO position. We
18 announced that the duties of an SRO, as was
19 found out in the JTA, were vastly different
20 than what they were before the events of
21 February 14th. We also talked about the, we
22 needed to review the existing SRO course that
23 had been a longstanding course that we'd been
24 using for years, between the Attorney General
25 and the Criminal Justice Standards and Training

1 Commission.

2 We discussed issue from 7026 dealing with
3 crisis intervention training, which is required
4 from SROs, trying to figure out how we're going
5 to deal, and to assist our sheriff's offices,
6 and others needing to meet that requirement.
7 And lastly, we discussed a proposal to create a
8 single officer response to active shooter
9 program.

10 What we've done since that time, the
11 revised forty hour SRO course was taken to the
12 Criminal Justice Standards and Training
13 Commission in May of this year. The Commission
14 approved that new forty hour course. What you
15 see on the slide are the nine lessons that are
16 contained within that. Based on the job task
17 analysis we were able to remove some things
18 from the old course, and place much more
19 emphasis on security and emergency manage
20 within that forty hour course some things,
21 topics that were taught previously, we were
22 able to combine them, things like, well, one,
23 teaching techniques, you know, teaching a SRO
24 proper instructional techniques, and so forth.
25 That pretty much come out, there's other venues

1 for that. Also, when it comes to drug, game,
2 cybercrimes, we were able to combine that into
3 a current trends within the course. So I say
4 that to say we were able to, to keep it at
5 forty hours. Records indicate that over two
6 hundred and fifty SROs have been trained under
7 this new course since it was adopted in May.

8 Next the CIT course, 7026 required that
9 SROs attend CIT. Two things. One, it was
10 supposed to be based on a national model, but
11 the second part of that was it would deal
12 specifically with juveniles. That did cause
13 some concerns between, for our departments
14 trying to deal with that. If you look at the
15 national model, and everybody talks about, we
16 all talk about, and respect the Memphis model
17 of crisis intervention team training, and so
18 forth, but there was not anything pre-packaged
19 dealing, and specifically CIT, dealing with,
20 with juveniles, that we felt we could use, so
21 what we did, we put together workgroups.

22 We dealt with the Department of Education,
23 the Attorney General's Office. We dealt with
24 the South Florida School, University of South
25 Florida School of Psychology, and pulled

1 together workgroup to try and determine what we
2 could put together for our Florida agencies to
3 meet this need. Additionally, we went out and
4 we researched numerous CIT programs specific to
5 juveniles. Examples of the programs that we
6 looked at come out of Connecticut, Texas,
7 Colorado, Utah, Kansas, and other states. The
8 result of that is a twenty four hour course
9 specific to SROs.

10 This is not intended to replace the forty
11 hour crisis intervention team training that
12 many of our sheriff's offices and police
13 departments rely on. This is -- the reason why
14 it can be twenty four is that it is twenty four
15 hours, and it is specific to SROs, and some of
16 the things that you would get in the forty hour
17 course were able to be removed from that. So
18 far the feedback, that also went to the
19 commission very recently, and so far the
20 feedback is positive.

21 Next we have the sixteen hour single
22 officer response to active shooter program. We
23 reported in September that what we found were
24 several departments, a lot of the departments
25 were doing active shooter training. There was

1 a wide variation between the amount of active
2 shooter training that departments were doing,
3 and to the extent that they were doing it, but
4 -- and we started getting models from, from
5 different departments, and the varied vastly,
6 so what we did was put together a group of high
7 liability instructors, along with our
8 curriculum development staff, and we come up
9 with a sixteen hour baseline course.

10 This course so far has been very well
11 received, and actually I would like to show a
12 very brief clip of that training.

13 CHAIR: Sure. Sure.

14 (Thereupon, a video clip is played in the open
15 meeting.)

16 DIR REGISTER: Thank you, Harold. But
17 that gives you an idea of the, the different
18 components of the training. I will tell you
19 this is the most aggressive high liability
20 training that the Criminal Justice Standards
21 and Training Commission has adopted so far. I
22 think, and the commission agrees, that we're on
23 the right track with this type of training.
24 And the commission also agrees that this should
25 not be a one, a one time thing.

1 We're -- we're committed, as far as FDLE,
2 and our high liability instructors, along with
3 our curriculum development, to see what the
4 next step is that we need to continue very
5 similar training supported by the commission,
6 so I think you will see additional training
7 similar to this coming in the future.

8 FDLE high liability trainers have been
9 traveling the state since June. As a matter of
10 fact today I believe we're in Tampa running
11 this two day course. We're conducting train
12 the trainer courses, is what we're doing right
13 now. Approximately fourteen train the trainers
14 have been held since June, and over a hundred
15 and fifty instructors have been certified to
16 now carry this back and teach it.

17 Also with that, I know a lot of sheriff's
18 departments, or several sheriff's departments,
19 they're, they are certainly requiring it for
20 all of their deputies. They've got the ability
21 to change the scenarios. While the, the
22 setting, and the scenarios that we're running
23 are somewhat school based, school related,
24 because we're running it in the summer. There
25 is a leeway for sheriff's departments and

1 police departments to amend that, change the
2 scenarios, and make them relevant to any type
3 of active shooter situation. So far we've
4 gotten good feedback on, on that course.

5 The next one, that, that is simply just
6 with the Criminal Justice Standards and
7 Training Commission. We have packaged all
8 three courses. An academy can run those
9 courses separate, the forty hour SRO course,
10 they can then run the CIT, and then run the
11 active shooter, or they can package them in an
12 eighty hour course and run them all together.
13 And of course that is a salary incentive
14 course.

15 Then moving onto a few other things that,
16 that we've been doing in reference to 7026 and
17 7030, RPOs, we have already updated the basic
18 recruit training program, it's in their
19 textbook currently that come out in July, at a
20 very basic level of dealing, recognizing
21 situations pertaining to RPOs, and awareness
22 level, to know that you need to go, that
23 officer on the street needs to take it a step
24 further.

25 We are in the process of putting together

1 workgroups to develop a specialized, or
2 advanced course dealing with RPS, and we intend
3 to have that course ready by the end of the
4 year.

5 Lastly, our Florida Accreditation
6 Commission has taken a couple of steps as it
7 relates to 7026, or 7030. We have long time
8 had a standard dealing with two-way radio
9 communication. We took that standard, and
10 however, it was an optional standard, that
11 standard was changed to be mandatory for
12 two-way communication.

13 The commission also adopted a standard
14 dealing with risk protection orders, requiring
15 agencies to have policies, procedures, and so
16 forth, dealing with RPOs. Then also in October
17 they adopted a standard dealing with the
18 guardian program. If such program is
19 established the agency is required to have
20 policies and procedures relating to how they
21 manage that program. A couple I think are of
22 interest for, that I've heard talked about with
23 those commissions, one is mandatory vest wear.
24 That is not -- mandatory wear is still, is not
25 required under accreditation standards

1 currently.

2 Also active shooter training and/or policy
3 are two more that their, their standard review
4 and interpretation committee have been
5 discussing these, and I would anticipate
6 possibly some movement in those two areas with
7 accreditation also.

8 That was quick, but that was just an
9 update of what told you were doing back in
10 September, and sort of where we are today. And
11 I'd welcome any questions.

12 CHAIR: Anybody -- Commissioner Dodd, go
13 ahead.

14 COMM DODD: Thank you very much. The
15 behavioral threat assessment training, that's
16 covered somewhere in that forty hour class, do
17 you know, in the, for school resource officers,
18 do they hit that on current trends, or --

19 DIR REGISTER: The -- no, that's going to
20 be a separate training. That is not in the
21 forty hours.

22 COMM DODD: Okay. Okay.

23 DIR REGISTER: And I think we're going to
24 talk about the threat assessment overall in the
25 statewide strategy a little bit more, but no,

1 sir, that is not in the forty hours.

2 COMM DODD: Because these -- these -- this
3 is the basic forty hour class that new SROs are
4 going to, so they're obviously aware that
5 they're going to be involved with the threat
6 assessment process I would, I would assume
7 that, but that's not covered at all in the
8 forty hours?

9 DIR REGISTER: No, it's not. Let me --
10 let me get back with you on that. I will
11 confirm. I've got the curriculum behind me,
12 but let me -- there's --

13 CHAIR: One of the things that would be
14 very difficult on that is, is because the
15 processes are not consistent across the state,
16 so the different districts have different
17 processes. Now, with the new instrument the
18 DOE just rolled out on August 1st, is that
19 there's a process that goes with the
20 instrument, but the districts are free to
21 modify that. They have to use the instrument,
22 which means they should use the process, but I
23 can tell you that in the different districts
24 the process -- so I don't know how they would,
25 you know, really engage -- I mean you could

1 maybe on some basic core concepts, but I mean
2 there's some very stark differences in the
3 behavioral threat assessment processes. And
4 maybe down the road we'll have consistency, but
5 like, they're very different.

6 Anybody else have any questions for
7 Director Register? That training looks great,
8 that single officer response training, you all
9 did a good job with that.

10 DIR REGISTER: Thank you.

11 CHAIR: Mr. Schachter, go ahead.

12 COMM SCHACHTER: The only question I have
13 is do you, you know, when you start the
14 training do you have any victim impact
15 statements? I'm using the wrong terminology,
16 but it's someone that, you know, has been
17 affected by this horrible, these horrible
18 tragedies, and why, the question of, you know,
19 why they're there, I think would be powerful.

20 DIR REGISTER: And -- and you're talking
21 about the single officer response training?

22 COMM SCHACHTER: Yeah, for SROs.

23 DIR REGISTER: And I'll -- I'll tell you
24 one thing that we do have. We don't have
25 actual victim impacts coming in, and not to say

1 that that cannot be integrated into it, but
2 I'll tell you we have some of the instructors
3 who are, who are leading that charge, who have
4 actually been in situations, I mean that's real
5 live experience. They -- they were able to
6 relay what they have been involved in with
7 different shootings, and so forth. So that's
8 as close as we've come on that, nobody from the
9 outside, but I can tell you the instructors we
10 have leading it have actually been involved in,
11 in situations of, of shootings and so forth.

12 COMM SCHACHTER: I would recommend it. I
13 think it's extremely -- I think it would, it
14 would be impactful, and, you know, it would
15 make a huge impression, and, you know, leave
16 everybody knowing why they're there, it's not
17 just a job, they're there to make sure to save
18 the children. And to have family members that
19 are, have, you know, made the ultimate
20 sacrifice --

21 DIR REGISTER: Yes, sir. Thank you.

22 CHAIR: All right, thanks for being here.
23 We appreciate it. Next -- Sheriff Judd, go
24 ahead.

25 SHRF JUDD: While -- while we're changing

1 I just want to take this moment to tell you
2 that Ryan Petty is, as far as I know the first,
3 and the only honorary guardian in the State of
4 Florida. He went through our guardian
5 training. He come out number one in academics,
6 and number one in firearms. So he didn't just
7 squeak by. He did a -- he did remarkable work,
8 and I wanted to publicly congratulate him for
9 not only talking the talk but walking the talk,
10 because he told me, he said I want to go
11 through the guardian training, I want to make
12 sure it's intense enough, and it's serious
13 enough, so that I know that these guardians can
14 protect students.

15 And his -- his statement to me after it
16 was over is it was tougher than I thought, and
17 I feel very comfortable with the guardian
18 training that we do in the state of Florida.
19 And with that, thank you.

20 COMM PETTY: Thank you, Sheriff. And
21 thank you for the opportunity. I -- I did want
22 to make sure that the guardian training was
23 robust, and they, my battered and bruised body
24 after several days was a testament to the fact
25 that it is very thorough. The -- the video we

1 saw, some of those scenarios I recognized. And
2 it was a great opportunity to do that. I went
3 through with -- we started the course with six,
4 six teachers actually, and one, one of them
5 failed, failed to qualify on firearms, and had
6 to leave the course, so there were, there were
7 no exceptions made for, you either passed or
8 you didn't.

9 And those teachers in fact became my
10 heroes, because I got to go home, they're going
11 to go to school and, and heaven forbid
12 something happens, those teachers are going to
13 run towards that danger and, and be there to
14 stop it. And so those teachers that I went
15 through that class with, that course with, are
16 my heroes.

17 COMM SCHACHTER: Sheriff, can I --

18 CHAIR: Mr. Schachter, go ahead, yeah.

19 COMM SCHACHTER: You know, with all the
20 misinformation that there is out there about
21 the guardian program I would love to, you know,
22 hear from Commissioner Petty about, you know,
23 what you did in that program, and just, just so
24 people understand, especially from your point
25 of view, you know, the public is worried, they

1 want to make sure that that, that guardian is
2 going to be able to protect their child even
3 though they're not an SRO.

4 COMM PETTY: I'd be happy to talk about it
5 at some point. I'll have to be careful about
6 what, what I disclose, because there's some
7 training in there that we don't want everybody
8 to understand, for obvious reasons, but I'd be
9 happy to -- what I can tell you is all those
10 teachers that I went through with can, can
11 effectively shoot a firearm, and protect it
12 while they're in school. And I was -- I was
13 impressed.

14 CHAIR: Okay, Commissioner Swearingen,
15 you're up.

16 COMM SWEARINGEN: Thank you.
17 Congratulations, Commissioner Petty. I think
18 speak for most of my law enforcement partners
19 here, we're all hiring. It would probably be a
20 pay cut for you, but I'll be glad to get you an
21 application.

22 COMM PETTY: If it come with Advil then I
23 might be able to.

24 PRESENTATION UNIFIED STATEWIDE THREAT ASSESSMENT
25 STRATEGY

1 COMM SWEARINGEN: So, thank you, Chair. I
2 want to -- I want to talk briefly. I'm going
3 to try and do this in ten minutes or less. I
4 want to talk to you a little about Florida's
5 threat assessment strategy. As you know in
6 February of this year Governor DeSantis
7 directed the Florida Department of Law
8 Enforcement to develop a statewide strategy for
9 identifying and managing threats of targeted
10 violence. He further directed FDLE to begin
11 the process of developing appropriate training
12 through the Criminal Justice Standards and
13 Training Commission for front line officers,
14 and higher level training for more senior
15 officers, to fully execute threat assessment
16 strategies throughout Florida.

17 As far as the strategy, Florida will be
18 the first state in the nation to take such a
19 comprehensive approach to this problem. And
20 this is said to us by the experts, we are the
21 first state in the nation to be trying to do
22 this, so it shows how forward leaning as a
23 state, and I think a lot of that is based on
24 the work of this commission, how forward
25 leaning we are.

1 While a few states have behavioral threat
2 assessment and management programs in schools,
3 none have attempted to implement a statewide
4 strategy to address all forms of targeted
5 violence. The FBI did a study that looked at
6 all of the incidents of targeted violence from
7 the early 80's up to, I think the report was
8 published in 2013, and about fifty to fifty
9 five percent of those incidents occurred in
10 places of business. Only about twenty five
11 percent of those occurred in schools.

12 I realize that's why we're here now, is
13 because one of those happened in schools, but
14 if you think just about what happened here in
15 Florida, you think about Pulse, the Fort
16 Lauderdale Airport shooting, the deputies that
17 were shot in Gilchrist County, the yoga studio
18 in Tallahassee, the Jacksonville Landing, and
19 here at MSD, that we've had our share of these
20 types of incidents, and again, look at how many
21 of those were in a place of business and
22 somewhere other than a school, so that's why I
23 think the focus on a statewide strategy to
24 address all incidents of targeted violence
25 regardless of the location that the murder

1 happens to choose is, is important.

2 I want to say this is not going to be a
3 quick and easy task. If people thought that we
4 were going to be able to do this in six months,
5 that's not going to be possible. Much of what
6 we're being asked to be -- must of what we're
7 being asked to do has not been done, and a lot
8 of the things that we're asking to create don't
9 exist anywhere else.

10 Some of the issues that we dealt with, or
11 we're going to deal with initially, we had to
12 obtain buy in and consensus among the various
13 law enforcement entities across the state as to
14 the value of behavioral threat assessment
15 management. I may use the term BTM, that's
16 interchangeably. These will be local
17 instances, or local events, so it's important
18 that local law enforcement, and our partners,
19 have buy in and consensus in, in the way we
20 adopt this statewide model.

21 Develop -- developing BTM best practices,
22 again, which currently do not exist, to ensure
23 consistency in the way that programs that are
24 implemented, and the way cases are worked. And
25 I think that's going to be important, with the

1 conversations we just had about schools, if
2 they don't operate in a consistent manner, and
3 do things the same way, I don't see that being
4 successful.

5 Developing standardized training related
6 to BTM to again ensure consistency in the way
7 these cases are worked, and to avoid
8 unnecessary legal challenges. Developing and
9 implementing information sharing protocols to
10 ensure timely notification regarding threat
11 subjects who may move from one jurisdiction to
12 another, and identifying and addressing any
13 legislative issues related to needed statutory
14 or administrative rule changes.

15 Based on the Governor's directive FDLE
16 reached out to our local law enforcement
17 partners through the Florida Police Chiefs
18 Association, and the Florida Sheriff's
19 Association, to enlist their input. Again,
20 these are going to be local events. A threat
21 assessment strategy steering group was
22 established consisting with representatives
23 from FDLE, three from the FPCA, three from the
24 FSA, and the Florida Attorney General's Office.
25 The group met initially on August 4th at FDLE

1 headquarters in Tallahassee, and the agenda for
2 that meeting included an overview of behavior
3 threat assessment management, presentations by
4 the sheriffs and chiefs present on their
5 current threat assessment initiatives, a round
6 table discussion by the sheriffs and chiefs of
7 targeted violence events.

8 Chief Perry was there, and talked about
9 the incident at Strozier Library. Sheriff
10 Schultz was there, and talked about the
11 incident in Gilchrist County. And Sheriff
12 Blackman was there to talk about the shooting
13 at the Sebring SunTrust Bank.

14 Also included a discussion of potential
15 state and federal legislation needed to assist
16 in preventing incidents of targeted violence,
17 including risk protection orders, which I would
18 argue have been very successful in this state.
19 We also talked about some federal legislation
20 that will assist state and local agencies in
21 implementing some of these programs. You heard
22 earlier, we talked earlier about the Eagles
23 Act. Another one is the Taps Act, which will
24 actually provide federal funding to state and
25 local law enforcement agencies that want to

1 start a threat assessment program.

2 We also had a discussion on a framework
3 for Florida's strategy, including topics such
4 as using the regional domestic security task
5 forces to assist local agencies in conducting
6 threat assessments, using existing Fusion
7 Center network to disseminate information and
8 intelligence related to potential threats, and
9 the many disparate law enforcement records
10 management systems we discussed earlier, and
11 its impact on information sharing, establishing
12 consistent training courses through the
13 Criminal Justice Standards and Training
14 Commission for those that decide to take up a
15 BTM program, and establishing best practices
16 and policies and procedures for BTM units.

17 On June 11th and 12th we had our second
18 meeting in Orlando. We had over sixty
19 representatives from state and local law
20 enforcement agencies, as well as members of the
21 strategy steering group. The presenters
22 included four members of the Association of
23 Threat Assessment Professionals, each of whom
24 was an internationally recognized expert in the
25 field of threat assessment.

1 The agenda for this meeting included the
2 history of threat assessment, concept in threat
3 assessment and how to manage someone away from
4 violence, threat assessment in schools and
5 other domains, and we discussed some case
6 studies, community engagement, key partners in
7 threat assessment, training requirements,
8 conducting threat assessment investigations,
9 how to build a threat assessment program,
10 presentation by the supervisor of the Los
11 Angeles Police Department's Behavioral Threat
12 Assessment Unit, which has been conducting
13 these types of investigations since the early
14 80's, and then a panel of Florida agencies
15 currently conducting threat assessments
16 regarding their current operational structure.

17 Sheriff Gualtieri had a representative
18 there. There was a representative from Palm
19 Beach County who currently does, so we had
20 several local agencies, Miami-Dade was there,
21 that have some form of threat assessment unit
22 operationally now.

23 The next steering group meeting is
24 scheduled for September 26th in Ocala, and
25 current topics on the agenda include the roles

1 of the Fusion Centers, the RDSTFs and the
2 domestic security oversight counsel, and
3 information and intelligence sharing, potential
4 use of the FCIC violent persons file to
5 document threat subjects, documentation of
6 incident reports and threat assessments so that
7 they are searchable, and potential BTM task
8 force models.

9 The goal of this meeting is to craft the
10 portion of the strategy that will guide how BTM
11 units operate in Florida, how they share
12 information within the criminal justice
13 community, how threat assessment and incident
14 reports are maintained with agencies so that
15 they are accessible and searchable by law
16 enforcement, and ensure officers encountering
17 subjects of threat assessments can be
18 immediately aware of these facts.

19 You talk about training, no other state
20 has developed a comprehensive training approach
21 to behavioral threat assessment management. A
22 second threat assessment strategy training
23 group consisting of five subject matter
24 experts, from sheriff's offices and police
25 departments, as well as representatives from

1 FDLE's professionalism division, in conjunction
2 with the CJSTC, was established to develop
3 three training courses for law enforcement
4 officers.

5 Basic recruits course to teach officers to
6 understand behavioral threat assessment
7 management, and most importantly to recognize
8 the indicators of someone on the pathway to
9 violence. A forty hour course designed for
10 investigators and detectives who may be
11 assigned to a behavior threat assessment
12 management unit, and a course to educate law
13 enforcement executives on the value of
14 behavioral threat assessment manage, and
15 provide them guidance on how to establish a
16 program in their department.

17 I want to say, and Sheriff Gualtieri
18 pointed this out earlier, there are three
19 pillars of behavioral threat assessment
20 management. They are identify, assess, and
21 manage. We have to identify these people. We
22 have to identify. By the time they've made a
23 threat we're already behind the curve, so
24 that's why the first pillar, identification.

25 Some of the issues that we're going to

1 have consider, information sharing. The
2 existence of many disparate RMS systems may
3 hinder information, intelligence sharing,
4 related to threat subjects. Currently these
5 systems can be searched utilizing linked
6 software, but without common and consistent
7 vocabulary terms valuable information and
8 intelligence could be missed.

9 The FCIC violent persons file that I
10 mentioned earlier, we want to establish
11 requirements to allow threat subjects to be
12 entered into an FCIC violent persons file.
13 This would provide law enforcement officers
14 visibility on potential violent persons, or
15 threat subjects, that they will come in contact
16 with in their daily duties.

17 There are social media issues. We talked
18 earlier about some of the social media
19 monitoring tools. Social media companies, and
20 this will come as no surprise to my law
21 enforcement partners, are often non-cooperative
22 with law enforcement, and many companies are
23 attempting to adopt encryption, and what they
24 call self- blinding features on their
25 platforms. Self- blinding features, even if

1 law enforcement serves them with legal process
2 asking for data it would allow them to tell us,
3 sorry, we can't do that, we don't even have
4 access to get into that.

5 As a result law enforcement agencies
6 across the country are spending millions of
7 dollars on technology to gain access to what
8 should be legally obtained evidence. The
9 content of communications on these sites allows
10 law enforcement to evaluate threats, prove
11 intent, and exonerate the innocent. Due to the
12 current attitude among these companies much of
13 this valuable evidence is beyond the reach of
14 law enforcement. This will likely require
15 federal legislation similar to the
16 Communications Assistance for Law Enforcement
17 Act that passed in the early 90's which
18 required telecommunications carriers to modify
19 and design their equipment, their facilities,
20 and their services, to ensure they had built-in
21 capabilities to assist law enforcement agencies
22 in criminal investigations.

23 The FBI has recently asked for a social
24 media alerting tool, and the state needs to
25 pursue similar capabilities. We should not

1 leave that solely in the hands of our federal
2 partners. BTM task forces, we know that many
3 jurisdictions will not have the resources to
4 create their own threat assessment management
5 units, so regional task forces may be an
6 option. It's important that the entire state
7 have coverage with threat assessment teams, so
8 a resource sharing task force model is likely
9 the best solution.

10 The footprint, and multi-disciplinary
11 composition of our current RDSTFs may provide
12 the operational structure necessary for
13 establishing these task forces, as this is a
14 long term commitment, and requires the units to
15 staffed full time with investigators, analysts,
16 psychologists, attorneys, this will be
17 expensive to implement and maintain, and
18 funding from the legislature for these task
19 forces and training is critical.

20 Lastly, public messaging. A wide reaching
21 public messaging campaign on how to recognize,
22 and when to report behaviors that indicate
23 someone could be on the pathway to violence is
24 crucial to success of the prevention based
25 approach. I think I've made it very clear, and

1 I think most of us here on this commission
2 agree that the way we get ahead of this problem
3 is threat assessment, and I'm one hundred
4 percent behind this.

5 I look forward to the, the next six or
6 eight months as we continue down this process,
7 and I welcome any advice, any help that anyone
8 has on this, how we can accomplish this goal.
9 Thank you.

10 CHAIR: All right. Thank you,
11 Commissioner Swearingen. Mr. Schachter, go
12 ahead.

13 COMM SCHACHTER: Sheriff, you spoke about
14 this earlier. It's about identifying these
15 concerning behaviors, and it's not just the
16 teachers, it's educating the public, educating
17 parents, educating citizens, you know,
18 statewide there is, you know, eighty percent of
19 the time leakage, so I would love to see a plan
20 on how we go about tackling that, because we
21 need to educate the parents on red flags.

22 You know if we, if we look at the, the
23 murderer of, of Alex, you know, he mutilated
24 animals, you know, he was suicidal, homicidal,
25 and as I, as I travel across this state, when I

1 was in Marion County their threat assessment
2 team partners with the, the fire service,
3 because, you know, these murderers, another red
4 flag is if they're starting fires, so I think
5 obviously the collaborative approach, you know,
6 works.

7 CHAIR: All right. Finally to wrap it up
8 for the afternoon we have, Sylvia Ifft is back
9 and Sylvia is going to briefly go over the
10 school hardening and harm mitigation report
11 that they were required to submit. And this is
12 that preliminary report, because the workgroup
13 -- and she'll touch on that, comes together,
14 and they have to have a report in by August
15 2020.

16 A lot of this I believe we've seen, so I
17 just ask Sylvia to kind of give you the
18 highlights of it, because we do have fourteen
19 citizen comment cards, so I want to get to the
20 citizen comments, but we definitely want to
21 just hear the overview. I don't think you need
22 to get into the weeds of it because a lot of
23 this they've seen before, but we need to know
24 just generally what the report contains. So if
25 you'd enlighten us that would be great. Thank

1 you.

2 PRESENTATION SCHOOL HARDENING AND HARM MITIGATION

3 WORKGROUP RECOMMENDATIONS

4 MS. IFFT: Okay. Yes, thank you. And I
5 will keep it very brief. So we all know about
6 the executive order, which is why we were
7 tasked to come up with this report. And this
8 is the report, and you all have received a copy
9 of it, and hopefully you've had an opportunity
10 to look through it. As the Chair has said
11 here's really no new information to you all.
12 At this point you are all subject matter
13 experts in most of the areas outlined in this
14 document.

15 A couple things I did want to point out
16 you'll notice in the document that we lead with
17 this quote from the commission. The report was
18 built off of the information that was provided,
19 and this commission's initial report.

20 I do want to say that when we put the
21 report together it was a, the outline that we
22 used was from of course the initial report, but
23 also this quote right here that emphasizes the
24 core of effective school safety is prevention,
25 not just school hardening but early

1 intervention as well. And also that harm
2 mitigation in school safety means identifying
3 the threat and immediately notifying others,
4 ensuring there's an effective response systems
5 in place to stop the threat as soon as
6 possible, and ensuring the recovery measures
7 are in place. And that's the basic outline
8 that this report follows.

9 I'll talk a little bit about the workgroup
10 in just a few minutes, but I do want to
11 highlight that when we were initially assembling
12 the workgroup members back in the Spring there
13 was a lot of discussion on some specific focus
14 areas that they wanted to look at, and of
15 course there was a lot of interests around
16 intervention and incident management, so that's
17 a few of charges that the workgroup will be
18 taking a look at.

19 You'll notice as you go through the
20 document that there is, we did implement that
21 tiering approach, so regarding the methodology
22 of the tiering system, basically what we did is
23 we came up with a common sense approach for
24 districts to basically use a blueprint to gauge
25 and further develop the maturity level of the

1 safety and security program. Upon reviewing
2 several models we found a few common threads,
3 and that's what you see here. And we do want
4 to emphasize, and we've emphasized in the
5 document, that no security program is ever
6 complete. Threats and technologies constantly
7 evolve, so should the security program. So
8 once it's institutionalized it should be
9 continuously measured, evaluated, and updated.

10 So you all have the slides, and again this
11 is all information that you all have hashed
12 over the past few days, as well as, you know,
13 over the past year, so I won't really go into
14 that. I do want to point out one thing about
15 we, we emphasize exclusive zones and
16 non-exclusive zones, so this graphic that you
17 see here, it's an older graphic from an older
18 FEMA school design guideline, but I feel like
19 that it is the, the best representation of what
20 perimeter exclusive zones and non-exclusive
21 zones are.

22 So there's a lot of talk about the
23 perimeter controls, where we start, looking at
24 those non- exclusive zones, which is going to
25 include your semi-public spaces, your parking

1 areas, possibly your ballfields, recreation
2 areas. So when we're talking about exclusive
3 zone and non-exclusive zones in the document
4 this is the area that we're referring to.

5 So unless you have specific questions on
6 anything I'm going to skip ahead, because I
7 know that we've got a lot of things to do, you
8 know, to get closed up here. So you all know
9 about the charge of the workgroup. The
10 workgroup is going to basically pick up where
11 our office has left off with producing this
12 document. We have to have this document, as
13 the Sheriff said, by August 1, 2020. And then
14 the Executive Director, Director Kelly will
15 submit this to the Commissioner of Education,
16 who is going to review it, and then provide a
17 summary report to the Governor and the
18 Legislature.

19 So who's on the workgroup, this is not an
20 all inclusive list, but we do have buy in from
21 of course this commission. Mr. Schachter is on
22 this group as well, and we look forward to his
23 participation as we start having meetings later
24 on this Fall, and I'll talk about that in just
25 a moment. DEM is very interested, Division of

1 Emergency Management, and I've had several
2 meetings with them, and they're very keen on
3 providing some input to this group. Our
4 educational facilities, our transportation
5 folks, as well as Department of Homeland
6 Security, all have buy in this, so we're real
7 excited to kick off our meetings here in the
8 coming months.

9 I mentioned earlier the focus areas that
10 that preliminary group was looking at putting
11 together. Initially when we were assembling
12 our workgroup it was a lot of school safety
13 specialists. You had talked yesterday about
14 having buy-in on the drills, so we have a lot
15 of school safety specialists that are, are
16 chiming on this. If they're not on the
17 workgroup they're at least providing
18 information to us as well, and we have some
19 local law enforcement on the group in addition.

20 So our engagement plan over the next few
21 months, between now and the time the reports
22 are due, so between Fall of 2019 and Spring of
23 2020 we're looking at having meetings around
24 the state. We're going to vary our locations.
25 We want to go urban areas. We want to go to

1 rural areas. We want to do some school tours.
2 We want to look at schools that have really
3 robust security programs in place, and see what
4 they have going on.

5 We also want to look at some of those
6 schools that are maybe older schools that have,
7 are very challenging in implementing some of
8 these measures, so we went to interview the
9 school administrators, interview the schools,
10 take a look at those schools with the
11 challenges, and see what this workgroup needs
12 to come up with, both in terms of best
13 practices for school safety, but also the cost
14 considerations, and if there's any building
15 code items that need to be addressed as well.

16 And I did that pretty quickly, so --

17 CHAIR: That's great. It's excellent,
18 yeah --

19 MS. IFFT: So if you have questions I'm
20 happy to entertain those.

21 CHAIR: Anybody have any questions for
22 Sylvia on the path forward, on the workgroup?
23 Okay. And I know that if anybody here has
24 recommendations they can bring them forward,
25 and we'll get them to you, as far as things

1 look, Mr. Schachter representing the
2 commission on that workgroup, so --

3 MS. IFFT: Yeah, we look forward to your
4 participation, Mr. Schachter. I'm going to
5 hang around for a little while afterwards, so
6 if any of the commission members want to speak
7 with me one on one afterwards I'm happy to, to
8 talk to you today.

9 CHAIR: Thank you very much, Sylvia. We
10 appreciate it.

11 MS. IFFT: All right, thank you.

12 CHAIR: So we're going to begin with
13 public comment. We've got -- go ahead.

14 COMM SCHACHTER: Before we do that, Chair,
15 you had mentioned you wanted recommendations
16 on, you know, next steps, areas that you --

17 CHAIR: But we don't have time. What I'm
18 -- what I'm going to do, I was going to cover
19 it after the public comment, but I'll cover it
20 now, is, is that what I'm going to ask you to
21 do is, is to look at the PowerPoint that I used
22 on yesterday, it feels like several days ago,
23 but that I used yesterday, and look at the back
24 of that PowerPoint, and what we're looking for
25 from you are recommendations that you'd like to

1 see this commission make in the next report,
2 primarily focused on any legislative action
3 that we don't already have listed in that
4 PowerPoint.

5 And if you would write those up, give them
6 some thought, and then send them to Jennifer
7 Miller at FDLE by close of business next Friday
8 August 23rd. We're going to start working on
9 the report immediately, and we'll use what we
10 have in the PowerPoint I presented to you as
11 the starting place, but if there are any
12 specific topics that you see that we need to
13 cover in the report that we don't already have
14 listed please tell us what you think should be
15 in there.

16 And again, on any of these topics, that if
17 you have any specific recommendations that we
18 haven't already laid out in there, please tell
19 us what your thoughts are, and then we will
20 include those in. Then the plan would be, is
21 to get a draft report out to you.

22 SHRF ASHLEY: Mr. Chair -- Mr. Chair --

23 CHAIR: Yeah, go ahead, Sheriff.

24 SHRF ASHLEY: Can you identify which
25 PowerPoint you're referring to, I'm not clear?

1 CHAIR: So it's the PowerPoint that I did
2 yesterday morning to open it up, the where
3 we've been, where we are, where we're going, in
4 that PowerPoint that laid out all the
5 accomplishments. And then on the very last
6 pages of that have, it's titled, the slide,
7 next report, and then it has recommendations in
8 there, and the topics that were going to for
9 sure cover in the report.

10 So if anybody, again, has any ideas as to
11 topics that are not listed that you think we
12 should cover in the next report please tell us,
13 and if you have any recommendations that you
14 think should be made in the report please tell
15 us. And again, I'd like you to really focus on
16 anything that you think should be addressed by
17 the legislature.

18 And then the plan will be, is we'll get
19 those all incorporated into a draft report,
20 depending upon how long it takes us to do that,
21 then we'll get a draft report out, out to you,
22 with the eye toward using one of the days
23 probably. I think we can do it in one day, but
24 we'll have to be fluent about that, depending
25 upon what the report looks like, to use one of

1 those days that we have identified for the
2 October meeting since most everybody already
3 has those dates blocked on their calendar, so
4 it would be ideal to use one of those already
5 established October dates.

6 If for some reason we can't do it with one
7 of those October dates, because we don't get it
8 done, then we'll have to look for an
9 alternative date, but I don't think we should
10 wait until December, which is the next dates we
11 have blocked, which we're not going to meet in
12 December, but because we really need to get
13 this done, and submitted to the legislature,
14 because committee week is already starting in
15 September, and again, they start in January.
16 So that's kind of the patch.

17 So I think that's probably the better
18 approach, Mr. Schachter, since we got about
19 probably forty minutes here of citizen comment.
20 Okay. And I'll just cover that now. I was
21 going to cover it at the end. Anybody have any
22 concerns about that as the course of action?
23 Okay.

24 All right, Tony Montalto, first citizen
25 comment. And I'm just going to ask everybody

1 today if you would please keep it to three
2 minutes, or we're going to limit it to three
3 minutes. Since we have so many comment cards
4 we'll hold it to a firm three minutes. Mr.
5 Montalto, you are recognized.

6 PUBLIC COMMENTS

7 MR. MONTALTO: Thank you. Thanks for all
8 your, all the work you guys have put in to
9 continue to make Florida schools safe. There's
10 been a lot of ground covered in the last two
11 days, and I would like to make a comment on a
12 few items. First, regarding future meetings,
13 because of the quick turn year for the state
14 legislature this year, and a little bit longer
15 break next time, I suggest the commission hold
16 the meeting during the upcoming legislative
17 session so this body can help guide recommended
18 legislation through the process as it evolves.

19 Next I would like to point out that
20 yesterday we all heard from the current Broward
21 County Sheriff Gregory Tony. We saw the
22 distinct change in that organization with its
23 new leader, a man dedicated to making all
24 citizens in Broward safer. The change in
25 leadership has been a step forward for the

1 entire county, thank you, Governor DeSantis.

2 I would also like to thank this body for
3 pressing Superintendent Runcie for answers.
4 While some meaningful changes have been made to
5 protect Broward students and teachers today we
6 saw Mr. Runchie, Runcie continue his
7 ineffective leadership of the Broward County
8 School District. He was continually evasive
9 when asked direct questions. Not the first
10 time that's happened before this commission.

11 He made quite a few disingenuous remarks
12 regarding what has been done in the past
13 eighteen months. As some of you expressed, the
14 time it has taken for the district to
15 investigate its personnel for their actions on
16 the day of and leading up to the tragedy that
17 took the life of my beautiful daughter Gina,
18 and sixteen other wonderful souls, has been
19 quite frankly unbelievable. I can tell you the
20 support for the victim's families has been
21 minimal at best. And I can assure you this
22 kind of performance would not cut it in the
23 private sector.

24 As for the Broward County School Board, I
25 say they should look carefully as how their

1 leadership is reflected in the superintendent
2 they continue to support. Next August we will
3 have an election for the Broward County School
4 Board. I encourage all citizens to look at the
5 status quo and decide if they are happy with
6 that leadership, or lack thereof.

7 The depth of testimony before this
8 commission has been impressive. It was said
9 earlier, and I would like to reiterate the
10 point, that you are, what you are recommending
11 here is shaping school security for the nation.
12 As demonstrated by Sheriff Gualtieri,
13 Commissioner Schachter, and members of Stand
14 With Parkland testifying before the Senate
15 Committee on Homeland Security and Government
16 Affairs.

17 I look forward to your next report, and
18 ask that you please continue your good work.

19 CHAIR: Thank you, Mr. Montalto. Next up,
20 Diane Weber.

21 MS. WEBER: Good afternoon. My name is
22 Diane Weber. I live in Parkland, Florida, been
23 here about twenty seven years. My daughter
24 just started her senior year at MSD. She was
25 also in the 1200 building, in the second floor

1 on that very sad day.

2 But first I just wanted to thank you guys,
3 and girls, and women, for all that you've done
4 for us. For the last year and a half I've come
5 to as many meetings as I can, and I do feel at
6 peace when I'm here, because I think we all
7 kind of feel like you do.

8 Second, I've kind of lost track, but does
9 anyone here know how many SROs are at MSD
10 today? Does anybody know that? Max, do you
11 know? Is it more than it was when just Scott
12 Peterson was there? It's three?

13 COMM SCHACHTER: Two or three. I'm not
14 sure if it's three.

15 MS. WEBER: Okay. And I also just wanted
16 to know do you all of you feel that my daughter
17 is safer than she was on 2/14/18? I hope so.
18 She's going to graduate early, because she's
19 still very hallow when she goes to school and
20 has to see that building. She went from a
21 straight A student to C or B, because she's
22 just kind of sad, but overall she's, she's
23 doing well.

24 Third, I just wanted to say I'm appalled,
25 and had tears in my eyes when I heard how much,

1 how many charter schools chose politics,
2 lawyers, budget bullshit over their innocent
3 kids and hardworking teacher's safety as their
4 priority. I just kind of wonder are those
5 principals, or the head of those schools, do
6 the live in tents or something? How do -- how
7 do they not go to work every day and make that
8 their priority? I just -- I just don't
9 understand that.

10 And fourth, I'm not a fan of Mr. Runcie,
11 and his lack of urgency, but I just wanted to
12 say as Broward County keeps growing, and become
13 very multi-cultured, has anyone ever thought
14 maybe dividing up the county and having two
15 superintendents, because he clearly just can't
16 get it done, but he does have a fan club.
17 That's just a thought.

18 Thank you again for all you do.

19 CHAIR: Okay, thank you. Next is Donna
20 Lane.

21 MS. LANE: Good afternoon. I'm here on
22 behalf of NAMI of Broward County. NAMI is the
23 National Alliance on Mental Illness, for those
24 few that are not familiar. I just want to let
25 every one know, especially those that are

1 unaware, that we offer a plethora of programs
2 and support groups for families and their loved
3 ones living and affected by mental illness in
4 Broward County. And we're also a national
5 organization.

6 No charge to participants. Two of my
7 favorite programs, Family to Family, which
8 empowers families to meet the many challenges
9 of mental illness. I am such a, a family
10 member, and I also have facilitated that group.
11 And a new emerging program that I'm extremely
12 proud of is called Ending the Silence, and that
13 is a one hour, approximately one hour program
14 that was written by high school students for
15 high school students, and it teaches students
16 to recognize the red flags of mental illness
17 and suicide, and what to do should, should they
18 see those signs in themselves or others.

19 Also I just want to step back a little bit
20 and remind all of us here that lack of access
21 to treatment is a real impediment to moving
22 forward, and remind us that Florida ranks forty
23 ninth in the nation for mental health funding,
24 and particularly very mediocre scores for
25 children's access to mental health care.

1 We have many, many counties in the state
2 of Florida that lack even one psychiatrist.
3 Our psychiatrists are aging out. Now they're,
4 I think it was like forty eight percent of our
5 psychiatrists are sixty years or older. The
6 one that my child went to, a great
7 psychiatrist, he's now retiring. So I hope
8 that this is -- I'm hopeful, and I hope that
9 this, these meetings can kind of flip the
10 switch to what we have, which is a reactive
11 crisis driven extremely costly system of care,
12 to a proactive system of care, which requires
13 funding. Thank you for your consideration.

14 CHAIR: Okay, thank you. Next, Jack
15 Brewer.

16 MR. BREWER: Hello, I want to first off
17 thank all the law enforcement officers, and
18 everyone who has taken their time to be on this
19 committee. I'm a Parkland resident for the
20 last five years. I'm a member of the Broward
21 County Sheriff's Association. I'm a National
22 Spokesman for the Police Athletic Leagues,
23 former NFL player, and I really give a damn
24 about my community.

25 I moved my family here because of the

1 safety of the community. I work tirelessly in
2 the community. I just got back from a central
3 Florida prison today, where I try to work on
4 the inmates to stop the recidivism crisis that
5 we have in the state of Florida. But my
6 neighbors are hurting, my town is hurting. My
7 babysitter of my child was in that building
8 when it was shot up.

9 And so at some point, you know, as a
10 community we got to come together and stop
11 pointing fingers. I can't -- I'm not -- I
12 don't support everything that, that Mr. Runcie
13 does. I don't support everything that the
14 police department does. But I am a man of
15 truth, I'm a man of realism, and the fact that
16 we don't talk about equality in this
17 conversation -- we talk about trying to figure
18 out why this tragedy happened. The tragedy
19 happened because we don't treat everyone the
20 same.

21 I got a black nineteen year old son, and I
22 can tell you right now that if my son had the
23 police called him forty five times, if I had
24 forty five police, times police officers coming
25 to my house, my black son would have been put

1 in jail. We don't talk about that though.
2 This tragedy should have never happened. If
3 that boy would have been a black kid he would
4 have been arrested.

5 And so we got to do some soul searching as
6 people, as a community, and let's get to the
7 roof of the problem. Let's stop pointing at
8 guns, and gun laws, and this law, and that law,
9 and let's get back to treating people equal. I
10 thank you for your time, and God bless you.

11 CHAIR: The next is Gregg Havass.

12 MR. HAVASS: Good afternoon, everyone.
13 Thank you for all you do, it's more appreciated
14 than you know. My name is Gregg Havass. I
15 conduct something called the Top of the Middle
16 Program. It's a social, emotional, and
17 academic program that I originally created for
18 my own son about eleven years ago, and I've
19 conducted for approximately three thousand
20 Broward County students, mostly in Title I
21 schools.

22 I'm very worried that everyone is
23 underestimating the problem with PTSD in our
24 schools. I would bet every penny I have that
25 thousands of students attending Title I schools

1 in this County alone have PTSD. A lot of them
2 were born into it. You know what goes on in
3 Title I schools, like I guess I don't need to
4 tell you that. I really don't differentiate
5 their PTSD from the MSD students' PTSD. One
6 kid was born into it, the other one had it
7 descend upon them in one day. It's all the
8 same to me, they are mostly down and out.

9 Someone from the -- one of the board
10 members I saw recently in the paper said that
11 many, or most of the kids were on their way to
12 getting help. I find that to be just the
13 opposite. I'm in touch with a lot of teachers,
14 MSD and otherwise, as well as a number of
15 parents who are MSD parents, and they're
16 wringing their hands about what to do. The
17 help is just not there, and specifically the
18 help that's coming from these psychologists
19 really isn't hitting the mark.

20 I was subject to incredible abuse as a
21 child. I almost took my own life in the
22 kitchen of my home at the age of twelve. I
23 know what they're going through. I actually am
24 one of them, I'm just a much older version of
25 it. It took me twenty eight years to unwind my

1 PTSD. About that time I started as a Broward
2 County School volunteer. I'm going into my
3 seventeenth year now, and the ninth year of
4 conducting this program in Broward County
5 schools.

6 Since February 14, 2018 I've been lied to,
7 I've been avoided, I've been put on the outside
8 of the people helping them, which is ironic
9 considering I know Runcie personally, and half
10 of that board, and they know exactly what I do.
11 I'm no stranger to them, and I didn't just walk
12 into this movie halfway through.

13 One of the school board members a few
14 weeks ago told me when I, when I brought this
15 up at a meeting, they said, well, you're not a
16 psychologist, and I, I found a, a great paradox
17 in that, in that I've worked successfully with
18 three thousand students. I have -- my program
19 has been -- I have testimonies from numerous
20 principals, teachers, guidance counselors, and
21 over a thousand students, yet over ninety
22 percent of all of the psychologists they sent
23 to help these kids did absolutely nothing, and
24 the kids sank further into despair.

25 I'm not saying that there's not good

1 psychologists out there, but the overwhelming
2 majority of them did not have experience
3 treating kids with PTSD, they had, they never
4 had it themselves to get over it, and really
5 know what it feels like, and that's the part
6 that's the most important thing that everyone
7 is missing apparently.

8 A kid with PTSD, I was one of them, cannot
9 relate to most psychologists.

10 CHAIR: Sir, you have ten seconds left.

11 MR. HAVASS: Okay. From a clinical
12 standpoint, they really need someone who has
13 been there and done that. I think that's why
14 the program has been so successful. I'll
15 remain here afterward for anyone, anyone who
16 needs my services. I don't care if it's
17 individuals, family, teachers, whatever, anyone
18 that I can partner with, I'm here to help you.
19 I don't charge a dime for it. Thank you, and
20 God bless our students.

21 CHAIR: Next up is Guymael Cesaire.

22 MR. CESAIRE: Good afternoon. My name is
23 Cesar. I am a member of Power Youth Center for
24 Social Change, and I believe there should be
25 more mental health professionals than police

1 officers in our schools, for the simple fact
2 that students are committing suicide, and the
3 dropout rates are beginning to, are actually
4 continuing to escalate.

5 Increasing the number of police officers
6 and arming teachers is not the answer. The
7 decision to arm teachers sends the message that
8 schools are no longer safe for education. With
9 that -- with that I am asking for one each
10 mental health professional, such as therapists,
11 psychologists, social workers, and guidance
12 counselors.

13 As a result of adding more mental health
14 professionals students will feel more
15 comfortable in your school environments, and
16 can lead to breaking the distrust between
17 student and faculty, which then could lead
18 students to feel more comfortable seeking help
19 for themselves and others. I am worried that
20 this commission doesn't actually represent
21 minorities. As we can see there are no folks
22 of color, nor young folks, as in the decisions
23 that you're making impacts me and the folks in
24 my community the most. Thank you.

25 CHAIR: Next is Rafael Cheverea.

1 MR. CHEVEREA: Good afternoon. My name is
2 Rafael. I'm here as a youth member of Power
3 Youth Center for Social Change. I believe
4 schools operating under surveillance state are
5 not safe, such as an increase of student stress
6 and anxiety, which they just lead to increase
7 misbehavior, interpersonal conflict, and
8 disengagement.

9 Another reason I believe schools operating
10 under a surveillance state is no safe is
11 because racial injustice, with more students of
12 color treated as threats. Adding more armed
13 officers, and arming teachers, doesn't actually
14 get to the root cause of the problems that
15 students are facing.

16 It is also clear to Power Youth that this
17 committee doesn't represent the minority. As
18 we can see this committee doesn't have no folks
19 of color. The decision that you all make
20 impacts the committee, and the folks. Thank
21 you.

22 CHAIR: The next is Dina Walker.

23 MS. WALKER: Good afternoon, everyone.
24 It's Keno Walker, and I am a youth organizer in
25 District 2, or School Board District 2, and I

1 am here to talk about the fact that it is, it
2 is crazy that there is more armed police
3 officers than mental health workers within that
4 district, right? It is sad. The community is
5 already having a hard time dealing with police
6 officers. To flood schools with police
7 officers is a tragedy.

8 With the -- with the fact that you guys
9 are also targeting the diversion program that is
10 reducing the school to prison pipeline is also
11 unproductive. This -- this commission doesn't
12 have any folks of color, don't have any young
13 folks, and with that it creates the racial
14 disparity, or diversity, it has a lack of
15 racial disparity, right?

16 With -- with that being said, black and
17 brown students are highly targeted with some of
18 the decisions that you guys are making.
19 Students are actually ending up in prison.
20 Students are actually killing themselves
21 because you guys are choosing to arm police
22 officers, arm teachers, instead of actually
23 having mental health, and thinking about what
24 is the root causes of what's really going on,
25 right?

1 I think one other person mentioned before
2 is the folks of color are actually being
3 targeted on an every day basis within that
4 community, so when young folks come to their
5 schools and get the same treatment it's
6 actually unproductive, and it actually starts
7 to help, hurt. I'm here to ask about, to just
8 get more mental health services within our
9 schools, thinking about some of the, some of
10 the things that the young folks mentioned in
11 priors, that like we need therapists, we need
12 psychologists, we need social workers.

13 We need those folks because to, to fix
14 harm you need to know what happened. It is not
15 -- it is not about who you prevent crime. It's
16 not about how you, you throw people in jail.
17 It's not about none of those things, it's
18 actually how do you figure out how to change
19 the climate in general, and transform healthy,
20 healthy relationships with teachers, students,
21 parents, and officers. Thank you guys.

22 CHAIR: Next is Mira Pope.

23 MS. POPE: Hello, my name is Mira. I'm a
24 youth leader at Power Youth Center for Social
25 Change, and I am also a rising senior at Miami

1 Northwestern Senior High School located in
2 District 2. I'm here to talk about the lack of
3 mental health professionals and rise of police
4 officers in our schools. I am representation
5 of where I come from. I myself have had to
6 battle with depression and anxiety, and there
7 was no one to turn to.

8 I've had family and friends victim of
9 police brutality, so I cringe at the sight of
10 police officers out on the streets, and in
11 other public areas. They don't make me feel
12 safe. How do you think I feel having to go to
13 school and see their faces; it's intimidating,
14 and not comforting. That's not what safety
15 looks like for me, or feels like. And a lot of
16 other students in my communities can agree with
17 me.

18 This commission lacks racial disparities,
19 and yet as you may know your decisions affect
20 the schools in my communities. When making big
21 decisions like this do you take in
22 consideration of how minority students are
23 affected, or feel? There are more than two
24 hundred and fifty thousand students without
25 mental health professionals. What about those

1 students, the students like me? We need more
2 certified mental health professionals inside of
3 our schools, and not more armed police. Thank
4 you.

5 CHAIR: Kevin Bolling.

6 MR. BOLLING: Good afternoon. Thank you
7 for letting me speak. I came here, and I spoke
8 to Sheriff Grady Judd the last time during the
9 law enforcement response, and I was kind of a
10 little upset when I left. I'm going to read
11 something, but before I do I want you guys to
12 know I really do appreciate what you're doing.
13 I could care less what color you are, as long
14 as you're looking after the kids that we're
15 going after.

16 Let me start off with a quote from Martin
17 Luther King. Our lives begin at the end of the
18 day, when we become silent, when things that
19 matter. It -- it -- I have to do this. For
20 the last sixteen months I have listened to the
21 commission justify and crucify a single deputy
22 in Broward County. The commission has ignored
23 and disregarded the actual truth that I have
24 found on Peterson's action.

25 I have watched BSO personnel speak to this

1 comm, and slant and distort what I believe to
2 be the truth is. I don't think they did it
3 intentionally, but I don't think anybody
4 working for Sheriff Scott Israel was going to
5 come here and give you the truth as far as they
6 know it. I think Joe Biden said it the best,
7 do you want the truth or facts, and that's kind
8 of what happened here.

9 I apologize, I'm not a very good public
10 speaker. Does the commission believe that the
11 -- the final report, I read every page of it
12 that you wrote to the, to the Governor. Some
13 of the evidence that was in your report was not
14 put into your conclusion. One of the -- one of
15 the things was, that the commission and the
16 Sheriff's Office said, is that Scott Peterson
17 never got on the radio and called a code red.
18 There are two people in your report, plus Scott
19 Peterson told the homicide investigators that
20 he called a code red immediately. There are
21 two people in your report that came in here and
22 testified before you, and said they heard Scott
23 Peterson call the code red.

24 The security monitor, and if you want to
25 go back and look at your notes, Anna Ramos and

1 Assistant Vice Principal Jeff Morford, and
2 Peterson's homicide testimony when he talked to
3 homicide. There are people that I've spoken to
4 at Marjory Douglas High School that state that
5 they have not been interviewed by anybody. I
6 have a hard time believing that, but you may
7 not have been able to talk to them.

8 The commission I believe concealed the
9 fact that Peterson called a code red.

10 CHAIR: You've got ten seconds.

11 MR. BOILING: Okay. Again, all I can say
12 is that mine, what I've looked at, I'm a deputy
13 sheriff, I was a deputy sheriff for thirty six
14 years in Broward County. I retired three years
15 ago because of medical issues. My --

16 CHAIR: Okay, sir. Thank you. Appreciate
17 your time. Next is Bacardi Jackson.

18 MS. JACKSON: Thank you. I'm Bacardi
19 Jackson, Managing Attorney, and Senior
20 Supervising Attorney for Children's Rights for
21 the State of Florida for the Southern Poverty
22 Law Center, and I'm a mother of three school
23 aged children who attend Broward County public
24 schools.

25 Last school year there was threat made

1 against my son's middle school. Parents were
2 notified, security was heightened, and law
3 enforcement was called. The scene, which
4 included a large number of officers, marked
5 police cars, and even helicopters, resembled an
6 occupied war zone. I had to make a decision
7 about whether or not to send my son to school.
8 I listened to, and consulted with him, and
9 ultimately we decided we he would stay home.

10 Our decision was not based on a fear that
11 the threat would be actualized, rather other
12 deep seated fears and concerns drove our
13 decision. While we recognize how horrific
14 school shootings are, and that statistics of
15 their rarity are of no comfort for a parent who
16 has lost a child, on the whole we know that our
17 public schools are, and have been the safest
18 places our children can be.

19 According to a study cited in a 2018
20 Washington Post Article since 1999 a child in
21 our nation has a 1 in 614 million chance of
22 being killed by a gun in a public school. Less
23 than one percent of child homicides in our
24 nation occurs on school campuses. In sharp
25 contrast, each of my black sons has a 1 in

1 1,000 chance of being shot in their lifetimes
2 by a well-trained, and likely well meaning,
3 sworn law enforcement officer.

4 I, like many black parents know, I know,
5 find no comfort in seeing armed personnel on
6 our school campuses. Our boys, who live a
7 totally different daily reality than I would
8 venture to guess most of yours, and are
9 necessarily well versed in the risk they face,
10 don't feel more safe when they have interact
11 with police, because in fact they are not.

12 Even more than being at risk of being shot
13 and killed as guns are being proliferated on
14 our, in our schools by overzealous
15 implementation of evidence free laws, they are
16 also now as a result of your recommendations at
17 even greater risk of having their privacy,
18 liberty, and civil rights violated. Black
19 students represent approximately fifteen
20 percent of the nationwide public school
21 enrollment, but were a third of law enforcement
22 referrals in 2015 and '16.

23 In Miami-Dade alone in 2015/16 black youth
24 were just over twenty percent of the student
25 population, but over half of the school

1 arrests. And students with disabilities
2 represent only twelve percent of the national
3 public school enrollment, but twenty eight
4 percent of law enforcement referrals, and
5 seventy one percent of students subject to
6 physical restraints.

7 So as you deliberate, and contemplate
8 school safety I ask that you do so for all of
9 Florida's children. I ask that you constantly
10 ask and answer the question with each one of
11 your proposal who's safety, and who will be
12 less safe. I ask that you consider the likely
13 unintended consequences of creating
14 environments that foster deep distrust between
15 students and staff.

16 Ironically students can now be targeted as
17 threats if they have been bullied based on
18 protective characteristics, or even if they
19 have sought mental health services, and there
20 has been no inquiry about the accessible of
21 guns, an issue survivors of Parkland have
22 raised but that has been ignored. I also ask
23 that you recognize --

24 CHAIR: You got ten seconds.

25 MS. JACKSON: -- and seek to, to resolve,

1 and seek to remedy the serious limitations of a
2 commission that is sorely under represented in
3 terms of people of color, mental health
4 professionals, current educators, and most
5 importantly students --

6 CHAIR: All right, thank you, ma'am.

7 MS. JACKSON: -- and that you seek to
8 correct the bias --

9 CHAIR: Next. Next.

10 MS. JACKSON: -- when you have
11 presentations where more than one third of your
12 presenters are law enforcement. Thank you.

13 CHAIR: The next speaker is Ora Tanner.

14 MS. TANNER: Hello. Thank you for
15 allowing me this opportunity to speak. My name
16 is Ora Tanner. I come to you today as a parent
17 of three students who went through the public
18 schools in Hillsborough County. I myself am
19 now a graduate student getting a PhD at
20 University of South Florida, but I'm also a
21 former educator in the public schools, so I
22 want to -- I had some concerns about the
23 Florida School Safety Portal.

24 It is a high profile and technically
25 complex project that touches many sources of

1 student data. It has the potential to be an
2 innovation in the area of technological school
3 safety initiatives, however, there are
4 technical, ethical, and safety, privacy, data
5 governance and bias issues that must first be
6 addressed if it is to succeed, and I was glad
7 for the clarification that you made, that it
8 actually is not a centralized database.

9 I ask of the commission, and the database
10 workgroup today, is that as you move forward
11 with the development of the safety portal that
12 you adopt in whole, or in part, recommendations
13 from a proposed operational plan that was
14 drafted as part of a technology policy project
15 that I worked on this summer during a
16 fellowship in Silicon Valley.

17 This operational plan was created through
18 my research on technological school safety
19 initiatives, specifically data driven ones like
20 the Florida School Safety Portal. I created
21 this plan in collaboration with experts in the
22 field of integrated data systems, machine
23 learning, data science, systems bias, security,
24 privacy, and my own background in technology,
25 design, bias and technological systems, data

1 analytics, and educational measurement.

2 I created it as an effort to support
3 evidence based policy making around technology
4 and school safety, and where all stakeholders
5 work together. Even in its current state, as
6 it was described today, I still have concerns
7 about the transparency, accountability, and
8 fairness of the safety portal. Research does
9 not support a data driven school safety
10 intervention using integrated data for
11 monitoring and policing purposes.

12 Also there are bias issues that many
13 aspects throughout, such as in the datasets
14 themselves. Public datasets are already highly
15 correlated with race and socioeconomic status.
16 Algorithms and decision making models have
17 often been found to be biased in these systems,
18 and even when people are only observing the
19 data there is observation bias if the threat
20 assessment teams or not trained, or
21 pre-assessed for bias, it can enter that way as
22 well.

23 So in closing I would like to reiterate
24 that just ensure the success of using
25 technology for school safety purposes, like the

1 Florida Schools Safety Portal, there must be
2 input not only for policymakers and law
3 enforcement, but also technical experts,
4 students, parents, families, those communities
5 that will disproportionately impacted,
6 educators, and other stakeholders working
7 together as a community.

8 If you are interested I can make the
9 operational plan available to you. I hope
10 there is a way I can work with, or be of
11 assistance to this commission in the future as
12 you move forward with using technology for
13 school safety purposes. Thank you.

14 CHAIR: The last public comment is Michael
15 Sirbola.

16 COMM SCHACHTER: Mr. Chair, to the last
17 speaker, since I'm on that workgroup I'd be
18 happy, if you'll stay until the end I'd be
19 happy to, to talk with you.

20 CHAIR: Okay.

21 MR. SIRBOLA: Yes, hello. And thank you
22 for this opportunity. In regard to local and
23 county- wide data sharing we must educate each
24 other, and not seek to punish. Mrs. Lauren
25 Book well knows it is not about asking what

1 happened but why, not what data or records is,
2 or isn't, or wasn't being shared, not what
3 happened with SROs, police, school authorities,
4 monitors, safety portals, hardening, arming
5 guardians, alarms, safety training, but why did
6 these things happen or not happen.

7 Here is why. Still unreported by our
8 local Pulitzer prize winning newspaper
9 reporters at the Sun-Sentinel, three key
10 powerful groups are why. Two of these groups
11 see public schools as monopolies to be broken,
12 along with unions, and believe they had a
13 solution, to charterize (phonetic) public
14 schools and bust unions. To charterize the
15 public schools both externally and internally,
16 externally by creating trimeric (phonetic)
17 combination school systems comprised of both
18 independent charter schools plus public
19 schools, all in one system, and internally by
20 creating wholly independent schools run by
21 autonomous principals within public schools.

22 This phrase caused a small riot when I
23 first used it, and now all three groups brag of
24 it. The billionaire Eli Broad Foundation,
25 Broad Foundation, and Republican party created

1 and backed the Broad Academy for
2 Superintendents where Mr. Runcie and most of
3 the biggest district superintendents have been
4 trained, supposedly to save public education,
5 supported by all sides, republicans and
6 democrats, by charterizing them, complicit with
7 democrats and the left to create a superior
8 alternative trimetric blend to satisfy all
9 sides, and optimize laissez-faire free market
10 competition as a solution to public ed's, in
11 their eyes, core weakness.

12 A majority of the two hundred and fifty
13 schools reported zero bullying, and kept sparse
14 records at best. They were all autonomously
15 run, and independent. Evolution leads to
16 minimums, not maximums, okay? It's an
17 incorrect view of how evaluation works, and
18 science, okay? Laissez-faire doesn't work
19 without oversight and rules. What happened was
20 there was no recordkeeping at the local areas.
21 Stuff was kept in principals' desks, or SROs
22 are nowhere. Often when the district seems
23 obstructionist it's not that they're being
24 obstructionist, it's not that they aren't, they
25 are, but because they simply didn't have the

1 records when they went to look for them.

2 They're now trying to centralize it, but
3 here's the key thing, it's happening
4 nationwide. This is going to happen again --

5 CHAIR: Ten seconds.

6 MR. TANNER: -- nationwide if we don't do
7 something to make the country aware of it.
8 That's what this committee exists to do. You
9 need to dig deeper. You need to not go to the
10 people that caused this to happen and say is
11 everything good, all records --

12 CHAIR: Okay, you're done. Thank you.

13 MR. TANNER: -- go to people, look at the
14 records of the public speakers at --

15 CHAIR: Turn the microphone off. Any
16 commission members have anything before we
17 adjourn? I think we've got our plan for moving
18 forward. All right, thanks everybody, we'll be
19 in touch. Thank you.

20 (Thereupon, the meeting adjourned.)

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CERTIFICATE OF NOTARY PUBLIC

I, NATHANIEL TORO, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

Nathaniel Toro

NATHANIEL TORO

Notary Public in and for the Florida

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