

Policy 5.20- Student Mental Health Crisis Response Policy

1. Purpose

This Policy seeks to strengthen the School District of Palm Beach County (District) commitment to protecting the health and well-being of all students in District operated schools. The District understands that physical, behavioral, and emotional well-being are integral components of student achievement. The Policy requires the District implement behavioral and mental health procedures which include prevention, intervention, and postvention strategies and activities that protect and strengthen student wellness, including procedures related to data collection, documentation and analysis of data related to the District's compliance and implementation of the "Florida Mental Health Act", Fla. Stat. §394.451 et seq. (2021)

- 2. Statement of Policy.** The School Board recognizes it must take steps to ensure that all students are provided resources, proactive mental health, and behavioral health strategies to have access to a safe, supportive education. All students are to be treated with respect and dignity by District personnel including, but not limited to: Exceptional Student Education (ESE) department staff, classroom teachers, mental health staff, administration, police officers and campus visitors in an environment that provides for their physical safety and security.

3. General Applicability of Policy

- a. This Policy applies to all District schools, all District students, all District employees, all District School Police Officers, and all law enforcement officers providing services to the District under contract.
- b. This Policy describes the procedures to be followed to protect the health and safety of students including training, notice to parents, documentation, monitoring and analysis of data.
- c. This Policy does not limit or interfere with the duties and obligations of law enforcement and emergency medical personnel to respond to any situation in which they have a statutory duty to respond.

- 4. Definitions.** The following Policy terms are listed in alphabetical order and shall have the meaning expressly assigned to them for the purposes of this policy.

- a. **"The Baker Act"** means the "Florida Mental Health Act", Fla. Stat. §394.451 et seq. (2021).
- b. **"Involuntary Examination"** means an examination performed under Fla. Stat. § 394.463, to determine whether a person meets the criteria for involuntary services.
- c. **"Designated Receiving Facility"** means a facility approved by the Department of Children and Families which may be a public or private hospital, crisis stabilization unit, or addictions receiving facility, which provides at a minimum, emergency screening, evaluation, and short-term stabilization for mental health or substance abuse disorders; and which may have an agreement with a corresponding facility for transportation and services.

- d. **“Developmental Disabilities”** - §. 393.063(9) [This is the statutory definition of comprehensive assessment. The definition of DD is (12) of this statute.], §.393.0641(1) [This statute doesn’t exist.], F.S. – Developmental disability is means a disorder or syndrome that is attributable to intellectual disability, cerebral palsy, autism, spina bifida, Down syndrome, Phelan-McDermid syndrome, or Prader-Willi syndrome; that manifests before the age of 18; and that constitutes a substantial disability that can reasonably be expected to continue indefinitely.
- e. **“Imminent Risk of Harm to Self or Others”** means there is a significant, probable, imminent threat that, without care or treatment, a person will cause serious bodily harm to themselves or others in the near future and the person has the ability to affect such harm.
- f. **“Serious Bodily Harm”** means bodily injury which involves either a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss of impairment of the function of a bodily member, organ, or mental faculty.
- g. **“Parent” or “Parents”** means either or both biological or adoptive parent(s) of the student, the student’s legal guardian, a person in a parental relationship to the student, or a person exercising supervisory authority over the student in place of the parent, pursuant to Fla. Stat. §1000.21(5).
- h. **“Law Enforcement Officer”** means a School Safety Officer as defined in Fla. Stat. §1006.12(2) or Palm Beach County School District School Police Commissioned under House Bill No. 634, Chapters 81-464, Laws of Florida (1981) or any other officer as defined by Fla. Stat. § 943.10.
- i. **“Mental Health Professional”** means a physician, a clinical psychologist, a psychiatric nurse, and advanced practice registered nurse, a mental health counselor, a marriage and family therapist, or a clinical social worker if executing a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person meets criteria as defined by Fla. Stat. §394.463 for an involuntary examination and stating the observations upon which that conclusion is based.
- j. **“Mental Illness”** means an impairment of the mental or emotional processes that exercise conscious control of one’s actions or of the ability to perceive or understand reality, which impairment substantially interferes with the person’s ability to meet the ordinary demands of living. For the purposes of this policy, the term does not include a developmental disability as defined in chapter 393, intoxication, or conditions manifested only by dementia, traumatic brain injury, antisocial behavior, or substance abuse.
- k. **“Minor”** means an individual who is 17 years of age or younger and who has not had the disability of nonage removed pursuant to Fla. Stat. § 743.01 or § 743.015.
- l. **“Reasonable Attempt”** means the exercise of reasonable diligence and care by the principal or the principal’s designee to contact the student’s parent, guardian, or other known emergency contact whom the student’s parent or guardian has authorized to receive notification. At a minimum, the principal or the principal’s designee must take the following actions:
- i. Use available methods of communication to attempt to contact the student’s parent or guardian as updated by the parent or guardian in the student’s records

including SIS, or other known emergency contact, including but not limited to, telephone calls, text messages, emails, and voice mail messages following the decision to initiate an involuntary examination of the student.

- ii. Document the method and number of attempts made to contact the student's parent or guardian, or other known emergency contact, and the outcome of each attempt.
- iii. A principal or his or her designee who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or guardian must be contacted. All such information must be in compliance with federal and state law.

m. **"Mobile Crisis Response Service"** means a non-district operated nonresidential crisis service available 24 hours per day, 7 days per week which provides immediate intensive assessments and interventions, including screening for admission into a mental health designated receiving facility, for the purpose of identifying appropriate treatment services.

n. **Self-Injurious Behavior (SIB)** is any chronic behavior that results in injury to the person's own body, including, but not limited to, self-hitting, head banging, self-biting, scratching, and the ingestion of harmful or potentially harmful nutritive or nonnutritive substances. The chronic nature of this behavior should be taken into consideration.

o. **"Transport"** means transportation pursuant to the Palm Beach County Behavioral Health Transportation plan, developed and implemented by Palm Beach County pursuant to Fla. Stat. §394.462.

p. **"CAPE Team"** means the District's Crisis, Assessment, Prevention, Education and Support Team located within the Department of Behavioral and Mental Health. Each CAPE team is comprised of a mental health professional, a school psychologist, behavioral health professionals, and ESE department representatives knowledgeable about developmental disabilities. The CAPE Team also serves as the District's Crisis Mobile Response Team.

5. Prevention.

All school-based employees shall attend training annually on the continuum of behavioral and mental health services that are offered to students in schools and the community. Additionally, school-based employees shall attend annual in-service training required by the Florida Department of Education pursuant to § 1012.584 and annual training on Policy 5.20. Annual training on Policy 5.20 shall include information on the exclusions for eligibility for involuntary examination including but not limited to developmental disability as well as methods of discerning whether behaviors are a manifestation of one of the excluded conditions or are a manifestation of a mental illness.

School Police Officers shall be required to participate in training to address "The Florida Mental Health Act" also referred to as "Baker Act" in compliance with Florida law certifications and recertifications standards, Florida statutory training requirements, best practices training, disability training, and District training as identified. ~~In addition, student identification cards issued for students in grades 6-12, will include the telephone numbers for national suicide hotlines and text lines.~~ Each sworn law enforcement officer shall complete mental health crisis intervention training annually using a curriculum developed by a national organization with

expertise in mental health crisis intervention. The training must improve the officer's knowledge and skills as a first responder to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety. Each sworn law enforcement officer shall also complete annual training on Policy 5.20 as well as General Order 11.17 and any other District Police General Orders or Operational Orders that relate to the Florida Mental Health Act, restraint and/or seclusion of students, and transportation of students. Annual training on Policy 5.20 shall include information on the exclusions for eligibility for involuntary examination including but not limited to developmental disability as well as methods of discerning whether behaviors are a manifestation of one of the excluded conditions or are a manifestation of a mental illness.

In addition, student identification cards issued for students in grades 6-12, will include the telephone numbers for national suicide hotlines and text lines.

6. Intervention.

Any employee who has reason to believe that a student is at imminent risk of harm to self or others shall report such belief to the principal or designee. Belief that a student is at imminent risk of harm to self or others must be evidenced by recent behavior and shall include, but not be limited to, the student verbalizing a threat including verbal, written, or conveyed through social media; evidence of self-harm, or if a student self-refers.

Nothing within this policy is intended to supersede an employee's mandatory obligation to report suspicion of abuse or neglect to the Department of Children and Families (DCF).

Upon notification, the principal or designees shall ensure student safety by providing continuous adult supervision. Designated school staff should implement immediate and repeated reasonable attempts to contact parents or guardians. Upon making contact, the parents or guardians shall be invited to participate, in real time, in de-escalation efforts either remotely or in person. School administrators, utilizing the mental health professionals on campus (School Behavioral Health Professionals, School Counselor, ESE Coordinator, Crisis Intervention Teacher and/or School Psychologist), must make every attempt to implement proactive behavioral strategies and calming strategies to de-escalate a student in crisis. The aim of de-escalation is to return the student to the learning environment as quickly as possible. However, the parents or guardians shall not be required to but must be allowed to remove the child from school as a de-escalation technique. Mental and behavioral health supports, interventions, proactive IEP/504 behavioral crisis planning to include parent input, calming strategies, and referrals should also be considered for the student. All attempts at de-escalation must be documented in writing in the student's file.

If de-escalation interventions are unsuccessful and the student is believed to be experiencing a mental health crisis, school administrators must seek support/assistance from the Palm Beach County Mobile Crisis Response Team or the District's Mobile Response Team (CAPE). Mobile Response Team members working in conjunction with available school staff that are trained in behavioral health to include staff knowledgeable of developmental disabilities, including autism spectrum disorder, shall make every effort to de-escalate and stabilize the student in crisis, including inviting the parents or guardians to participate in de-escalation efforts in real time. If these efforts fail, a licensed Mental Health Professional as defined in Fla. Stat. § 394.463 in consultation with the District CAPE Team, or a school police officer in consultation with a supervisor, may then evaluate whether the student meets statutory criteria for transportation for an involuntary examination under the statute. The Suicide Risk Assessment, as part of the overall Behavioral Threat Assessment, must be documented by a member of the school-based Behavioral

Threat Assessment Team. Nothing in this policy prohibits School Police from intervening in any situation in which they have a statutory duty to respond.

7. Referrals for Involuntary Examination under the Florida Mental Health Act.

Only a licensed mental health professional pursuant to § 394.463 (serving in a mental health position within the school) in consultation with a licensed professional on the District CAPE Team, or a school police officer in consultation with a school police supervisor may make the determination that a student meets the criteria to be transported pursuant to this Policy. The school district and local mobile response teams shall use the same suicide screening instrument approved pursuant to § 1012.583.

When assessing a student in order to determine whether they meet criteria for transportation for an involuntary examination, the qualified staff member or School Police Officer shall ensure that the criteria below, as outlined in Fla. Stat. §394.463, are met:

- a. There is reason to believe that the person has a mental illness; and behaviors are not suspected to be a manifestation of a developmental disability; and...
- b. **Because of their mental illness,** ~~w~~Without care or treatment, the person is likely to suffer from neglect or refuse to care for self; such neglect or refusal poses a real and present threat of substantial harm to the person's well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
- c. **Because of their mental illness,** ~~t~~There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to ~~himself or herself~~ **their self** or others in the near future, as evidenced by recent behavior.

If the student's behaviors that evidence an imminent risk of harm to self or others are suspected to be a manifestation of a developmental disability, the student is not eligible for transportation for involuntary examination.

To ensure students whose behaviors are a manifestation of a developmental disability are not inappropriately referred for transportation, school staff, including the principal or their designee and a member of the ESE team, must consult the student's education records to determine whether the student has a mental illness or developmental disability and must inform the individual evaluating whether the student meets criteria to be transported pursuant to this Policy of any developmental disability or other disqualifying condition. A student diagnosed with both a mental illness and a developmental disability may only be transported for involuntary examination if the student otherwise meets statutory criteria and there is reason to believe their behavior is caused by their mental illness, not their developmental disability.

Prior to transporting a student for an involuntary examination, the school principal or designee must make a reasonable attempt to notify the student's parent, guardian, or caregiver before the student is removed from school, school transportation or a school-sponsored activity to be taken to a designated receiving facility. At the minimum, the principal or designee must take the following actions:

- i. School staff should make reasonable efforts to communicate with the parent or guardian upon determining the student is in crisis and is likely to cause harm to self or others. If

the parent or legal guardian does not respond to a phone call, the school shall attempt to use at least two other available methods of communication to contact the student's parent, guardian, or other known emergency contact, including but not limited to, telephone calls, text messages, e-mails, and voice mail messages prior to transporting a student for an involuntary examination;

- ii. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt. A principal or designee who successfully notified any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. They will also notify the Regional Superintendent of the transport.

Students shall be transported in accordance with the Palm Beach County Behavioral Health Transportation Plan. The School Board recognizes its responsibility to ensure that all students are treated with respect and dignity in an environment that provides for the physical safety and security for all students. In accordance with state law, the School Board seeks to ensure that a law enforcement officer transporting a student pursuant to the Florida Mental Health Act, shall restrain the student in the least restrictive manner available and appropriate under the circumstances. A law enforcement officer transporting a student pursuant to the Florida Mental Health Act shall not use handcuffs or other forms of mechanical restraint on students ages 12 and younger. For students ages 13 and over, a law enforcement officer shall not use handcuffs or other forms of mechanical restraint before or during transport unless the student is actively attempting to inflict serious bodily harm to themselves or others immediately prior to or during transportation that cannot be prevented by any other means. Even in these circumstances, law enforcement officers shall first consider alternatives to handcuffing, such as having a District employee ride along with the student, and shall seek supervisor authorization for any mechanical restraints as soon as practicable. When practicable, mechanical restraints shall not be applied in view of a student's peers. Schools shall have a process to prevent other students from witnessing the use of mechanical restraints on a student. Law enforcement officers shall remove any mechanical restraint as soon as they believe the student has ceased their attempts at immediate serious bodily harm to themselves or others. Students will be transported in unmarked vehicles by plain-clothes officers.

8. Prohibited Actions.

A referral for involuntary examination may never be used as a behavioral consequence or discipline and may not be used as a threat against a student and/or parent. Requiring a parent or guardian to transport the child for a voluntary or involuntary examination shall not be made a condition for return to school for any student suspected of experiencing a mental health crisis.

9. Documentation and Reporting.

All threats that may pose a danger to the safety of school staff or students made by students, whether to themselves or others, must be documented using the District's Behavioral Threat Assessment tool.

Furthermore, a school administrator or designee must submit the student information to the Florida Department of Education Involuntary Examination and Restraint and Seclusion system (IERS). Data must be entered into the IERS system within 48 hours of the initiated Involuntary examination.

10. Monitoring.

- a. The School District's Police Department will engage in ongoing comprehensive monitoring of the transportation from schools, school transportation, or school-sponsored events to receiving facilities under the "Florida Mental Health Act."
- b. **Additional data collected** will include the school name, grade of student, race and ethnicity of student, ESE eligibility, if applicable, and type of restraint used, if applicable.
- c. The District will track all instances of a student undergoing assessment to determine if they meet the criteria for transportation under Fla. Stat. §394.463 at school, on school transportation, and at school-sponsored events. For each instance, the data collected will include the school name, grade of student, race and ethnicity of student, ESE eligibility, if applicable, type of restraint used, if applicable, and outcome. Outcomes include but are not limited to:
 - i. The student was transported,
 - ii. The student was not transported because it was determined they did not to meet criteria under Fla. Stat. § 394.463,
 - iii. The student was not transported because their parent or guardian took physical custody,
 - iv. The student was not transported because they planned to seek voluntary admission under Fla. Stat. §394.4625.
- d. Each month that the District's schools are in session, all required documentation will be made accessible to the school principal, Regional/Instructional Superintendents, the Director of Mental and Behavioral Health, the Director of Safe Schools, the Director of Exceptional Student Education and the Chief of Equity and Wellness.
- e. If there are more than two (2) transportations occurring at one school during a quarter, the Regional/Instructional Superintendent will meet with the school principal and ESE Area Coordinator to discuss whether there is a need for additional training or support and/or if additional mental health services are available to students and families at that school.
- f. District Behavioral and Mental Health **staff**, ESE staff, School Safety staff, community representatives with knowledge of and expertise in mental health crisis intervention, CAPE team representatives, parent representatives, representatives from local receiving facilities, representatives of Disability Rights Florida, and representatives from the Legal Aid Society of Palm Beach County shall meet with School Police on a quarterly basis to conduct a comprehensive review of data collected pursuant to this policy. The members of this committee shall have access to anonymized, de-identified data and de-identified accounts of the circumstances of each referral for involuntary examination. The committee shall make recommendations for corrective action (such as additional training, technical assistance or support from the District's Department of **Mental Behavioral** and **Behavioral Mental** Health and ESE) for a particular school or region if the data shows any of the referrals for involuntary examination were inappropriate or if students of color or students with disabilities were disproportionately referred for an involuntary examination by a particular school or within a particular region. The parents or guardians of any student whose referral for involuntary examination will be studied at a meeting as well as members of the public shall be invited to provide input prior to each quarterly meeting.
- g. The School Board will be provided monthly reports that include, at a minimum, the information gathered under 10.a.-10.c. These reports shall be made publicly available on the School District website prior to each School Board meeting.

11. Postvention.

- a. All students transported for an involuntary examination shall be referred to the School Based Team, IEP Team and/or 504 Team, including parent or guardian for review and for support planning. Review and individualized support planning by the appropriate Team(s) shall commence within 5 days of the student's release from hospitalization or, if the student was not hospitalized, within 5 days of the transport. If the school requests a student's hospital records be released, the school shall notify the parent or guardian that release of these records is optional. Whether or not the student was admitted for medical treatment by the receiving facility, the Team shall consider additional support and services, such as a safety plan, functional behavior assessment, behavior intervention plan, counseling, or additional academic support, including adequate time to complete make-up work as needed to support the student's educational success. In addition, the Team shall provide the necessary parent education and support, including identifying appropriate school and community resources, facilitation of connection to resources, and follow up to determine if any additional support is needed.
- b. Within five (5) school days of any transportation for involuntary examination, all District employees involved in the incident, including school staff, law enforcement, CAPE team member(s), and members of the student's IEP / 504 team (if applicable) shall meet for an after-action review. The purpose of the meeting is a review of whether the involuntary examination complied with Policy 5.20; whether District Staff followed their evidence-based training; and whether the involuntary examination was necessary. The student's parent and/or representative shall be invited to attend. The meeting shall be facilitated by a member of the Department of Behavioral and Mental Health who shall provide findings to the student's parent.
- c. Each student evaluated for eligibility for referral for involuntary examination by District staff or others at the District's request, and their parent or guardian, shall be provided a written copy of this policy and written information on the District's process for complaints relating to referrals made pursuant to the Florida Mental Health Act in their native language.

12. Complaints

By October 1, 2023, the District will develop and publicize an easily accessible method for parents and students to file complaints regarding referrals for involuntary examination at school, on school transportation, or at school-sponsored events and for the District to investigate these complaints and take appropriate action. De-identified copies of these complaints shall be provided to the 5.20 committee and the complainant shall be informed of their options to disclose their identity to Disability Rights Florida to allow further inquiry about the circumstances of their complaint and/or address the next meeting of the committee described in section 10(e) of this policy.

~~12. Reporting Requirement.~~

~~The Superintendent shall report the number of involuntary examinations that were initiated at a school, at a school event or on a school bus, to the Florida Department of Education on an annual basis.~~

~~13~~ 13. Policy Interpretation.

- a. This Policy does not modify, interfere with, or substitute for the District's non-delegable responsibility under Federal and State law to identify, evaluate, and address the specific, individualized behavioral and mental health needs of children with disabilities.
- b. This Policy shall be interpreted to comply with all Federal and State laws, regulations,

rules and guidance, with particular attention to Fla. Stat. 381.0056.

- c. This Policy shall not be construed to restrict the ability of law enforcement officers, as defined by Fla. Stat. §943.10 to perform any of their lawful duties under State law.

RULEMAKING AUTHORITY:	Fla. Stat. §§120.81 (1) (a), 1001.32(2), 1001.41 (1), 1001.43(1), 1006.07
LAWS IMPLEMENTED:	Fla. Stat. §§394.463, 394.451 et seq. Fla. S.B. 1262 (2022)
HISTORY:	9/22/21; 07/20/2022; <u> </u> / <u> </u> /2023

Additional Policy Change Recommendations

- SDPBC will amend its Police Department General Order 11.17 and General Order 1.5 to be consistent with Board Policy 5.20 and will rescind or amend any other Board Policies or General Orders that are inconsistent with Board Policy 5.20. SDPBC will publicize those amendments and rescissions, and the fact that Board Policy 5.20 is binding on all SDPBC staff including SDPBC law enforcement officers.
- SDPBC will amend its Police Department General Order 11.17 to clarify that law enforcement officers shall not initiate an involuntary examination of an SDPBC student under the Florida Mental Health Act without probable cause to believe that the student meets all statutory criteria for involuntary examination.