



Policy proposed for adoption by the charter governing board to address and comply with SB 590 and amended Section 1002.33(9)(q), Florida Statutes.

INNOVATION CHARTER SCHOOL

POLICY REGARDING INVOLUNTARY EXAMINATIONS

I. Reasons for Involuntary Examination

Pursuant to Section 394.463(1), Florida Statutes, a person may be taken to a receiving facility for involuntary examination if there is reason to believe that the person has a mental illness and because of his or her mental illness:

(a) 1. The person has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or

2. The person is unable to determine for himself or herself whether examination is necessary; and

(b) 1. Without care or treatment, the person is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her 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

2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.

II. Required Communication from Charter School

In the event a charter school principal or the principal's designee attempts to remove a student from school, school transportation, or a school sponsored activity to be taken to a receiving facility for an involuntary examination, the charter school principal or the principal's designee shall make a reasonable attempt to notify the parent or legal guardian of the student **prior** to the student's removal.

For purposes of this policy, "a reasonable attempt to notify" means the exercise of reasonable diligence and care by the principal or the principal's designee to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination.

At a minimum, the principal or the principal's designee must take the following actions:

1. Use 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 following the decision to initiate an involuntary examination of the student.
2. 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 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 caregiver must be contacted. All such information must be in compliance with federal and state law.

III. Delayed Communication from Charter School

The principal or the principal's designee may delay notification for **no more than 24 hours** after the student is removed if:

1. The principal or the principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to s. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or
2. The principal or the principal's designee reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

Before a principal or his or her designee contacts a law enforcement officer, he or she must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the principal or the principal's designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others. This requirement does not supersede the authority of a law enforcement officer to act under s. 394.463.

IV. Parental Rights

Parents of charter school students have a right to timely notification of threats, unlawful acts, and significant emergencies pursuant to Sections 1006.07(4) and (7), Florida Statutes. Parents of charter school students also have a right to access school safety and discipline incidents as reported pursuant to Section 1006.07(9), Florida Statutes.

V. Conflict of Law

This policy is intended to supplement Section 394.463 & 1002.33(9)(q), Florida Statutes. If there is any provision of this policy which conflicts with and Florida Statute, the Florida Statute shall control.