

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1429 Student Elopement

SPONSOR(S): Eskamani and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SB 1568

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Education Quality Subcommittee		Dixon	Sanchez
2) PreK-12 Appropriations Subcommittee			
3) Education & Employment Committee			

SUMMARY ANALYSIS

To ensure the safety of students with disabilities at risk of elopement, the bill requires each public school to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan. The school principal and assistant principal must serve on the SAFE Team and the school principal must appoint at least five other members to serve on the team. The SAFE Team must create and annually update the school elopement plan, annually provide the elopement plan to the district school board, respond to all elopements, and must provide training of the elopement plan to all personnel.

The bill requires the school elopement plan to include:

- A search grid of the school campus and surrounding areas and specific information of the surrounding area, such as landmarks or features that may present a greater risk for students with disabilities at risk for elopement.
- Procedures for school personnel once a student has eloped.
- Procedures for a coordinated response to an elopement.
- The names, positions, and contact information for all members of the SAFE Team.
- Other information or procedures that the SAFE Team, district school board, or State Board of Education deems necessary.

The bill requires a student-specific elopement quick reference guide for a student with disabilities who is prone to elopement. The guide must be created by the SAFE Team, in coordination with the student's parent, and must include the student's identifying information; a current photograph; student's level of communication; a list of the student's interests, behaviors, preferences, and aversions; any health considerations for the student; a list of any GPS technology that could be used to help locate the student; and a list of possible locations where the student may go within the search grid. The bill requires the SAFE Team to distribute the student's elopement quick reference guide to the student's parent and all relevant school personnel.

The bill provides rule making authority to the State Board of Education to administer requirements of the school elopement plans.

The bill has an indeterminate fiscal impact on local government expenditures. See Fiscal Comments.

The bill has an effective date of July 1, 2023.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Elopement

Wandering, also called elopement, is an important safety issue that affects some people with disabilities, their families, and the community.¹ Elopement is the tendency for an individual to leave the safety of a responsible person's care or safe area, which may result in potential harm or injury. This might include running off from adults at school or in the community, leaving the classroom without permission, or exiting the house when the family is not aware. This behavior is considered common and short-lived in toddlers but may persist or re-emerge in those with autism.² Studies have shown that 25 to 50 percent of children with autism have attempted to elope.³

Currently, there are no state or federal requirements for student elopement plans, although some schools may have established plans.

Elopement Action Plan for Schools

Safety is a concern with wandering and elopement behaviors. Safety of the student who is trying to flee an area, a classroom, a crowded lunchroom or even a school building, as well as the safety of the staff working with that student. Often these behaviors aren't addressed early enough, and they become a pattern for a student. Even worse, the natural response to run after the student to stop them from eloping might be an unintentional reinforcement for this unsafe behavior.⁴ To address the safety issue, the Pathfinders for Autism recommends each school establish an elopement plan.⁵

In September of 2018, the Rochester City School Board adopted a Wander and Elopement Policy (policy) requiring annual training for staff prior to students' arrival on the first day of each school year. The school board policy provides:⁶

- An explanation of any physical modifications to the building that may discourage wandering and/or elopement.
- A protocol for notifying staff.
- Procedures and staff assignments for immediately notifying 911, parents/family, and the central office.
- Protocols for communicating with law enforcement, including practices and procedures for accessing and disseminating any available video footage, floor plans, and maps of the school grounds and immediate surrounding areas.
- The school-wide communication and alert system.
- Explicit staff assignments for building and grounds searches.
- A protocol for assuring the availability of recent photographs of the student.

¹ Centers for Disease Control and Prevention, Disability and Safety: Information on Wandering (Elopement), <https://www.cdc.gov/ncbddd/disabilityandsafety/wandering.html> (last visited Mar. 23, 2023).

² National Autism Association, *About Autism & Wandering*, <https://nationalautismassociation.org/resources/wandering/> (last visited Mar. 22, 2023).

³ American Association of Pediatrics, *Wandering a major problem among child with autism, What you can do*, (2020) available at <14737.pdf> (silverchair-cdn.com).

⁴ Pathfinders for Autism, PFA Tips: Wandering and Elopement at School, <https://pathfindersforautism.org/articles/safety/elope-at-school/#:~:text=An%20elopement%20plan%20might%20state%20steps%20to%20include%3A,go%20to%20the%20front%20doors%20of%20the%20building> (last visited Mar. 22, 2023).

⁵ *Id.*

⁶ Rochester City School Board Policy Manual, *Wandering and Elopement Policy*, (Sept. 2018), available at <https://www.rcsdk12.org/cms/lib/NY01001156/Centricity/Domain/22/Proposed%20Wandering%20and%20Elopement%20Policy%20-%20April%202018.pdf>.

- A protocol for ensuring that students with a history of wandering or elopement incidents carry basic identification at all times.

Students with Disabilities

All students who are between the ages of three and 21, and have a disability⁷ have the right to a free, appropriate public education (FAPE).⁸ Federal and state law requires students identified as having a disability and needing exceptional student education services or accommodations, to be provided a FAPE as outlined in an individualized educational plan (IEP) or a 504 Plan.⁹

Accommodations are important for students with disabilities. Students use accommodations to increase, maintain, or improve academic performance.¹⁰ There are several types of accommodations that are available and specific to a student's need, such as increasing or decreasing opportunity for movement, as some students may need to move in the classroom without disrupting others, while other students may need to be kept from wandering.¹¹

Emergency Drills

District school boards are required to provide for proper attention to health, safety, and other matters relating to the welfare of students.¹² To fulfil these requirements, each district school board must formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, such as fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all public schools of the district. Drills for active assailant and hostage situations must be conducted in accordance with developmentally appropriate and age-appropriate procedures.¹³

Additionally, district school board policies must include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by current law, State Board of Education rules, and fire protection codes and may provide accommodations for drills conducted by exceptional student education centers.¹⁴

District school boards are required to establish emergency response and emergency preparedness policies and procedures that include, but are not limited to, identifying the individuals responsible for contacting the primary emergency response agency and the emergency response agency responsible for notifying the school district for each type of emergency.¹⁵

Since the 2021-2022 school year, each public school, including charter schools, is required to implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. This system, known as "Alyssa's Alert," must integrate with local public safety answering point infrastructure to transmit 911 calls and mobile activations. Additionally, school districts may implement additional strategies or systems to ensure real-time coordination between multiple first responder agencies in a school security emergency.¹⁶

⁷ Disabilities that qualify a student as an exceptional student include an intellectual disability; an autism spectrum disorder; a speech impairment; a language impairment; an orthopedic impairment; another health impairment; traumatic brain injury; a visual impairment; an emotional or behavioral disability; a specific learning disability, including, but not limited to, dyslexia, dyscalculia, or developmental aphasia; deafness, hard of hearing, or dual sensory impairment; or developmental delays from birth through five years old or if the student is hospitalized or homebound. Section 1003.01(3)(a), F.S.

⁸ 20 U.S.C. s. 1412(a)(1); s. 1003.5716, F.S.

⁹ 34 C.F.R. s. 104.33; 34 C.F.R.; 300.101; 34 C.F.R. 300.112; section 1003.57, F.S.; rules 6A-6.0331 and 6A-6.030152, F.A.C.

¹⁰ Florida Department of Education, *Accommodations, Assisting Students with Disabilities*, at 2, available at <https://www.fldoe.org/core/fileparse.php/7690/urlt/0070069-accomm-educator.pdf>.

¹¹ *Id.* at 40.

¹² Section 1006.07, F.S.

¹³ Section 1006.07(4)(a), F.S.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Section 1006.07(4)(c)-(d), F.S.

Districts also must establish a schedule to test the functionality and coverage capacity of all emergency communication systems and determine if adequate signal strength is available in all areas of the school's campus.¹⁷

Effect of Proposed Changes

To ensure the safety of students with disabilities at risk of elopement, the bill requires each public school to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan. The school principal and assistant principal must serve on the SAFE Team and the school principal must appoint at least five other members to serve on the team. The SAFE Team must:

- Create and annually update the school elopement plan and respond to all elopements.
- Provide training to all school personnel to familiarize such personnel with the school elopement plan and all necessary procedures, including, but not limited to, the search grid and any responsibilities of such personnel if an elopement occurs.

In developing the school elopement plan, the bill requires the SAFE Team to include all of the following:

- A search grid of the school campus and surrounding areas. The search grid must include all bodies of water, intersections, train tracks and stations, parks, playgrounds, and other features that may present a greater risk for students with disabilities at risk of elopement.
- Procedures for school personnel to notify school administrators if a student with disabilities elopes and procedures for school personnel to immediately begin searching for the student. The procedures must specify that upon notification of an elopement, the SAFE Team must notify the school resource officer or school safety officer and local law enforcement.
- Procedures for a coordinated response to an elopement, including, such as, announcing a Code Gray, which must alert all school personnel to the elopement, and immediately contacting the student's parent.
- The names, positions, and contact information for all members of the SAFE Team.
- Other information or procedures that the SAFE Team, district school board, or State Board of Education deems necessary.

The bill requires a student-specific elopement quick reference guide for a student with disabilities who is prone to elopement. The guide must be created by the SAFE Team, in coordination with the student's parent, and must include:

- The student's identifying information.
- A current photograph of the student.
- The student's level of communication.
- A list of the student's interests, behaviors, preferences, and aversions.
- Any health considerations for the student.
- A list of any GPS technology that could be used to help locate the student.
- A list of possible locations where the student may go within the search grid.

The bill requires the SAFE Team to distribute the student's elopement quick reference guide to the student's parent and all relevant school personnel.

The bill requires each public school to annually provide its elopement plan to the district school board.

The bill defines "disability", for a student in kindergarten through grade 12, to mean autism spectrum disorder, as defined in the Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition, published by the American Psychiatric Association, or an intellectual disability, as defined in s. 393.063.

The bill defines "elopement" to mean when a student with disabilities wanders away, walks away, runs away, escapes, or otherwise leaves the supervision of school staff or leaves school grounds unsupervised or unnoticed before the end of his or her scheduled school day.

¹⁷ Section 1006.07(f), F.S.
STORAGE NAME: h1429.EQS
DATE: 3/27/2023

The bill provides rule making authority to the State Board of Education to administer requirements of the school elopement plans.

B. SECTION DIRECTORY:

Section 1: Creates s. 1003.211, F.S.; providing definitions; requiring public schools to create a School Staff Assistance for Emergencies (SAFE) Team and a school elopement plan; providing for membership and responsibilities of the team; providing requirements for the plan; requiring the team to create student-specific elopement quick reference guides for certain students; providing requirements for such guides; requiring public schools to annually submit their plans to the district school board; authorizing the State Board of Education to adopt rules.

Section 2: Provides an effective date.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

See Fiscal Comments.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

School districts may incur costs to establish and maintain SAFE Teams and school elopement plans and to provide ongoing training to staff. These costs are indeterminate and may vary by district.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None

B. RULE-MAKING AUTHORITY:

This bill authorizes the State Board of Education to adopt rules to implement a School Staff Assistance for Emergencies Team and a school elopement plan.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.