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LEGISLATIVE ACTION

Senate

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House

The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 1003.573, Florida Statutes, is amended
to read:

1003.573 Seclusion and Use of restraint of and seclusion on
students with disabilities in public schools.-

(1) DEFINITIONS.-As used in this section, the term:

(a) "Department" means the Department of Education.

(b) "Exclusionary time" means the period during which a



659794

12 student is removed from an event, activity, or instructional
13 environment to encourage reflection on behavior and allow space
14 and time for understanding of choices and consequences.

15 (c) "Imminent risk of serious injury or death" means the
16 impending risk of a significant injury, such as a laceration,
17 bone fracture, substantial hematoma, or injury to an internal
18 organ, or death.

19 (d) "Medical protective equipment" means health-related
20 protective devices prescribed by a physician or dentist for use
21 as student protection in response to an existing medical
22 condition.

23 (e) "Nonexclusionary time" means a period during which a
24 student remains in the event or instructional environment but is
25 redirected from the activities so that he or she has an
26 opportunity to reflect on the behavior and is given space and
27 time for understanding of choices and consequences.

28 (f) "Restraint" means the use of a mechanical or physical
29 restraint which may be used only when all other behavioral
30 strategies and intervention techniques have been exhausted.

31 1. "Mechanical restraint" means the use of a device that
32 restricts a student's freedom of movement. The term includes,
33 but is not limited to, the use of straps, belts, tie-downs, and
34 chairs with straps; however, the term does not include the use
35 of any of the following:

36 a. Medical protective equipment.

37 b. Behavioral protective equipment, including helmets,
38 gloves, wraps, calming blankets, and other devices that are used
39 temporarily to prevent severe tissue damage caused by behavioral
40 excesses.



659794

41 c. Physical equipment or orthopedic appliances, surgical
42 dressings or bandages, or supportive body bands or other
43 restraints necessary for ongoing medical treatment in the
44 educational setting.

45 d. Devices used to support functional body position or
46 proper balance, or to prevent a person from falling out of a bed
47 or a wheelchair, except when such a device is used for a purpose
48 other than supporting a body position or proper balance, such as
49 coercion, discipline, convenience, or retaliation, to prevent
50 imminent risk of serious injury or death of the student or
51 others, or for any other behavior management reason.

52 e. Equipment used for safety during transportation, such as
53 seatbelts or wheelchair tie-downs.

54 2. "Physical restraint" means the use of manual restraint
55 techniques that involve significant physical force applied by a
56 teacher or other staff member to restrict the movement of all or
57 part of a student's body.

58 (g) "Seclusion" means the removal of a student from an
59 educational environment, involuntarily confining the student in
60 a room or area, and preventing the student from leaving the area
61 by locking or artificially blocking the door. The term does not
62 include exclusionary time.

63 (h) "Student" means a student with a disability.

64 (2) PHYSICAL RESTRAINT.—

65 (a) Physical restraint may be used only when there is an
66 imminent risk of serious injury or death to the student or
67 others and only for the period of time necessary to eliminate
68 such risk.

69 (b) Notwithstanding the authority provided in s. 1003.32,



659794

70 physical restraint shall be used only to protect the safety of
71 students, school personnel, or others and may not be used for
72 student discipline, to correct student noncompliance, or for the
73 convenience of school district staff. Physical restraint shall
74 be used only for the period needed to provide such protection.

75 (c) The degree of force applied during physical restraint
76 must be only that degree of force necessary to protect the
77 student or others from serious injury or death.

78 (d) School personnel who have received training that is not
79 associated with their employment with the school district, such
80 as a former law enforcement officer who is now a teacher, shall
81 receive training in the specific district-approved techniques
82 and may not apply techniques or procedures acquired elsewhere.

83 (e) School personnel may not use any of the following
84 physical restraint techniques on a student:

85 1. Pain inducement to obtain compliance.

86 2. Bone locks.

87 3. Hyperextension of joints.

88 4. Peer restraint.

89 5. Pressure or weight on the chest, lungs, sternum,
90 diaphragm, back, or abdomen causing chest compression.

91 6. Straddling or sitting on any part of the body or any
92 maneuver that places pressure, weight, or leverage on the neck
93 or throat, on an artery, or on the back of the head or neck or
94 that otherwise obstructs or restricts the circulation of blood
95 or obstructs an airway.

96 7. Any type of choking, including hand chokes, and any type
97 of neck or head hold.

98 8. A technique that involves spraying or pushing anything



659794

99 on or into the mouth, nose, eyes, or any part of the face or
100 that involves covering the face or body with anything, including
101 soft objects such as pillows or washcloths.

102 9. Any maneuver that involves punching, hitting, poking,
103 pinching, or shoving.

104 10. Prone or supine restraint.

105 (3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.-

106 (a) School personnel may place a student in exclusionary or
107 nonexclusionary time if all of the following conditions are met:

108 1. The exclusionary or nonexclusionary time is part of a
109 positive behavioral intervention plan developed for the student.

110 2. There is documentation that the exclusionary or
111 nonexclusionary time was preceded by the use of other positive
112 behavioral supports that were not effective.

113 3. The exclusionary or nonexclusionary time takes place in
114 a classroom or in another environment where class educational
115 activities are taking place.

116 4. The student is not physically prevented from leaving the
117 exclusionary or nonexclusionary time area.

118 5. The student is observed on a constant basis by an adult
119 for the duration of the exclusionary or nonexclusionary time.

120 6. The exclusionary or nonexclusionary time area and
121 process are free of any action that is likely to embarrass or
122 humiliate the student.

123 (b) Exclusionary or nonexclusionary time may not be used
124 for a period that exceeds 1 minute for each year of a student's
125 age or until the student is calm enough to return to his or her
126 seat.

127 (c) Exclusionary or nonexclusionary time may not be used as



659794

128 a punishment or negative consequence of a student's behavior.

129 (4) TRAINING.—

130 (a) Each school district shall report its procedures for
131 training in the use of restraint to the department by publishing
132 the procedures in the district's special policies and procedures
133 manual.

134 (b) Training in the use of restraint must include all of
135 the following:

136 1. Procedures for deescalating a problem behavior before
137 the problem behavior increases to a level or intensity
138 necessitating physical intervention.

139 2. Information regarding the risks associated with
140 restraint and procedures for assessing individual situations and
141 students in order to determine whether the use of restraint is
142 appropriate and sufficiently safe.

143 3. The actual use of specific techniques that range from
144 the least to most restrictive, with ample opportunity for
145 trainees to demonstrate proficiency in the use of such
146 techniques.

147 4. Techniques for implementing restraint with multiple
148 staff members working as a team.

149 5. Techniques for assisting a student in reentering the
150 instructional environment and reengaging in learning.

151 6. Instruction in the district's documentation and
152 reporting requirements.

153 7. Procedures to identify and deal with possible medical
154 emergencies arising during the use of restraint.

155 8. Cardiopulmonary resuscitation.

156 (5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained



659794

157 more than twice during a semester, the school shall conduct a
158 review of:

159 (a) The incidents in which restraint was used and an
160 analysis of how future incidents may be avoided;

161 (b) The student's functional behavioral assessment and
162 positive behavioral intervention plan by the school personnel
163 and parent within two weeks before the end of the semester; and

164 (c) The training provided to school personnel concerning
165 the use of restraint.

166 (6) ~~(1)~~ DOCUMENTATION AND REPORTING.—

167 (a) At the beginning of each school year, a school district
168 shall publicly post its policies on all emergency procedures,
169 including its policies on the use of restraint.

170 (b) ~~(a)~~ A school shall prepare an incident report within 24
171 hours after a student is released from restraint or exclusionary
172 or nonexclusionary time seclusion. If the student's release
173 occurs on a day before the school closes for the weekend, a
174 holiday, or another reason, the incident report must be
175 completed by the end of the school day on the day the school
176 reopens.

177 (c) ~~(b)~~ The following must be included in the incident
178 report:

179 1. The name of the student restrained or placed in
180 exclusionary or nonexclusionary time secluded.

181 2. The age, grade, ethnicity, and disability of the student
182 restrained or placed in exclusionary or nonexclusionary time
183 secluded.

184 3. The date and time of the event and the duration of the
185 restraint or exclusionary or nonexclusionary time seclusion.



659794

186 4. The location at which the restraint or exclusionary or
187 nonexclusionary time ~~seclusion~~ occurred.

188 5. If a restraint is used, a description of the type of
189 restraint used in terms established by the department ~~of~~
190 Education.

191 6. The name of the person using or assisting in the
192 restraint of or imposition of exclusionary or nonexclusionary
193 time on ~~seclusion~~ of the student and the date the person was
194 last trained in the use of restraint on students.

195 7. The name of any nonstudent who was present to witness
196 the restraint or exclusionary or nonexclusionary time ~~seclusion~~.

197 8. A description of the incident, including all of the
198 following:

199 a. The context in which the restraint or exclusionary or
200 nonexclusionary time ~~seclusion~~ occurred.

201 b. The student's behavior leading up to and precipitating
202 the decision to use ~~manual or physical~~ restraint or exclusionary
203 or nonexclusionary time ~~seclusion~~, including an indication as to
204 why there was an imminent risk of serious injury or death to the
205 student or others if a student was subject to restraint.

206 c. The specific positive behavioral strategies used to
207 prevent and deescalate the behavior.

208 d. What occurred with the student immediately after the
209 termination of the restraint or exclusionary or nonexclusionary
210 time ~~seclusion~~.

211 e. Any injuries, visible marks, or possible medical
212 emergencies that may have occurred during the restraint or
213 exclusionary or nonexclusionary time ~~seclusion~~, documented
214 according to district policies.



659794

215 f. Evidence of steps taken to notify the student's parent
216 or guardian.

217 ~~(d)(e)~~ A school shall notify the parent or guardian of a
218 student each time ~~manual or physical~~ restraint or exclusionary
219 or nonexclusionary time seclusion is used. Such notification
220 must be in writing and provided before the end of the school day
221 on which the restraint or exclusionary or nonexclusionary time
222 ~~seclusion~~ occurs. Reasonable efforts must also be taken to
223 notify the parent or guardian by telephone or ~~computer~~ e-mail,
224 or both, and these efforts must be documented. The school shall
225 obtain, and keep in its records, the parent's or guardian's
226 signed acknowledgment that he or she was notified of his or her
227 child's restraint or exclusionary or nonexclusionary time
228 ~~seclusion~~.

229 ~~(e)(d)~~ A school shall also provide the parent or guardian
230 with the completed incident report in writing by mail within 3
231 school days after a student was ~~manually or physically~~
232 restrained or placed in exclusionary or nonexclusionary time
233 ~~secluded~~. The school shall obtain, and keep in its records, the
234 parent's or guardian's signed acknowledgment that he or she
235 received a copy of the incident report.

236 ~~(7)(2)~~ MONITORING.—

237 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
238 or exclusionary or nonexclusionary time seclusion on students
239 shall be monitored occur at the classroom, building, district,
240 and state levels.

241 (b) Any documentation prepared by a school pursuant to as
242 ~~required in~~ subsection (6) (1) shall be provided to the school
243 principal, the district director of Exceptional Student



659794

244 Education, and the bureau chief of the Bureau of Exceptional
245 Education and Student Services electronically each month that
246 the school is in session. Redacted copies of such documentation
247 must be updated monthly and made available to the public through
248 the department's website no later than October 1, 2018.

249 (c) The department shall maintain aggregate data of
250 incidents of ~~manual or physical~~ restraint or exclusionary or
251 nonexclusionary time and seclusion and disaggregate the data for
252 analysis by county, school, student exceptionality, and other
253 variables, including the type and method of restraint or
254 exclusionary or nonexclusionary time seclusion used. This
255 information must shall be updated monthly and made available to
256 the public through the department's website beginning no later
257 than October 1, 2018.

258 (d) The department shall establish and provide to school
259 districts standards for documenting, reporting, and monitoring
260 the use of ~~manual or physical~~ restraint or mechanical restraint,
261 and occurrences of exclusionary or nonexclusionary time
262 seclusion. These standards shall be provided to school districts
263 by October 1, 2011.

264 (8) ~~(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES REGARDING
265 RESTRAINT.—

266 (a) School districts shall develop policies and procedures
267 that provide for the physical safety and security of all
268 students and school personnel and which treat all students with
269 respect and dignity in an environment that promotes a positive
270 school culture and climate. Such ~~Each school district shall~~
271 develop policies and procedures must be that are consistent with
272 this section and must that govern the following:



659794

273 1. A description of escalating behavioral strategies that
274 may be used.

275 2. Allowable use of restraint on students.

276 3. Training procedures.

277 ~~4.1. Incident-reporting procedures.~~

278 ~~5.2. Data collection and monitoring, including when, where,~~
279 ~~and why students are restrained and ~~or secluded~~, the frequency~~
280 ~~of occurrences of such restraint ~~or seclusion~~, and the prone or~~
281 ~~mechanical restraint that is most used.~~

282 ~~6.3. Monitoring and reporting of data collected.~~

283 ~~7.4. Training programs and procedures relating to ~~manual or~~~~
284 ~~physical restraint ~~and seclusion~~.~~

285 ~~8.5. The district's plan for selecting personnel to be~~
286 ~~trained and the timeframe for completing such training pursuant~~
287 ~~to subsection (4).~~

288 ~~9.6. The district's plan for reducing the use of restraint,~~
289 ~~~~and seclusion~~ particularly in settings in which it occurs~~
290 ~~frequently or with students who are restrained repeatedly, ~~and~~~~
291 ~~for reducing the use of prone restraint and mechanical~~
292 ~~restraint. The plan must include a goal for reducing the use of~~
293 ~~restraint ~~and seclusion~~ and must include activities, skills, and~~
294 ~~resources needed to achieve that goal. Activities may include,~~
295 ~~but are not limited to, all of the following:~~

296 a. Additional training in positive behavioral support and
297 ~~crisis management.~~

298 b. Parental involvement.

299 c. Data review.

300 d. Updates of students' functional behavioral analysis and
301 ~~positive behavior intervention plans.~~



659794

- 302 e. Additional student evaluations.†
303 f. Debriefing with staff.†
304 g. Use of schoolwide positive behavior support.† ~~and~~
305 h. Changes to the school environment.
306 10. Analysis of data to determine trends.
307 11. Ongoing reduction of the use of restraint.

308 (b) Any revisions a school district makes to its ~~to the~~
309 ~~district's~~ policies and procedures, which must be prepared as
310 part of the school district's ~~its~~ special policies and
311 procedures, must be filed with the bureau chief of the Bureau of
312 Exceptional Education and Student Services ~~no later than January~~
313 ~~31, 2012.~~

314 (9) ~~(4)~~ PROHIBITED RESTRAINT.—School personnel may not use a
315 mechanical restraint or a ~~manual or physical~~ restraint that
316 restricts a student's breathing.

317 (10) ~~(5)~~ SECLUSION.—School personnel may not place a student
318 in seclusion ~~close, lock, or physically block a student in a~~
319 ~~room that is unlit and does not meet the rules of the State Fire~~
320 ~~Marshal for seclusion time-out rooms.~~

321 Section 2. Subsections (1) and (2) of section 1012.582,
322 Florida Statutes, are amended to read:

323 1012.582 Continuing education and inservice training for
324 teaching students with developmental and emotional or behavioral
325 disabilities.—

326 (1) The Commissioner of Education shall develop
327 recommendations to incorporate instruction regarding autism
328 spectrum disorder, Down syndrome, ~~and~~ other developmental
329 disabilities, and emotional or behavioral disabilities into
330 continuing education or inservice training requirements for



659794

331 instructional personnel. These recommendations shall address:

332 (a) Early identification of, and intervention for, students
333 who have autism spectrum disorder, Down syndrome, ~~or~~ other
334 developmental disabilities, or emotional or behavioral
335 disabilities.

336 (b) Curriculum planning and curricular and instructional
337 modifications, adaptations, and specialized strategies and
338 techniques.

339 (c) The use of available state and local resources.

340 (d) The use of positive behavioral supports to deescalate
341 problem behaviors.

342 (e) Appropriate use of ~~manual~~ physical restraint and
343 effective classroom behavior management strategies, including,
344 but not limited to, differential reinforcement, precision
345 commands, minimizing attention or access to other reinforcers,
346 and exclusionary and nonexclusionary time methods ~~seclusion~~
347 ~~techniques.~~

348 (2) In developing the recommendations, the commissioner
349 shall consult with the State Surgeon General, the Director of
350 the Agency for Persons with Disabilities, representatives from
351 the education community in the state, and representatives from
352 entities that promote awareness about autism spectrum disorder,
353 Down syndrome, ~~and~~ other developmental disabilities, and
354 emotional or behavioral disabilities and provide programs and
355 services to persons with ~~developmental~~ disabilities, including,
356 but not limited to, regional autism centers pursuant to s.
357 1004.55.

358 Section 3. This act shall take effect July 1, 2018.

359



659794

360 ===== T I T L E A M E N D M E N T =====

361 And the title is amended as follows:

362 Delete everything before the enacting clause

363 and insert:

364 A bill to be entitled

365 An act relating to students with disabilities in
366 public schools; amending s. 1003.573, F.S., relating
367 to the seclusion and restraint of students with
368 disabilities; defining terms; providing requirements
369 for the use of restraint; prohibiting specified
370 physical restraint techniques; providing requirements
371 for the use of exclusionary and nonexclusionary time;
372 providing requirements for school districts to report
373 and publish training procedures; providing for
374 student-centered followup; providing requirements for
375 documenting, reporting, and monitoring the use of
376 restraint and exclusionary or nonexclusionary time;
377 revising school district policies and procedures
378 relating to restraint; amending s. 1012.582, F.S.;
379 requiring continuing education and inservice training
380 for teaching students with emotional or behavioral
381 disabilities; conforming provisions to changes made by
382 the act; providing an effective date.