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LEGISLATIVE ACTION

Senate

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House

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Senator Book moved 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



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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.



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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,



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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



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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



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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



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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.



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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.





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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



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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:



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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.†



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- 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



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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.  
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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.