

26 ~~en~~ students with disabilities in public schools.—

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

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

29 (b) "Exclusionary time" means the period during which a
30 student is removed from an event, activity, or instructional
31 environment to encourage reflection on behavior and allow space
32 and time for understanding of choices and consequences.

33 (c) "Imminent risk of serious injury or death" means the
34 impending risk of a significant injury, such as a laceration,
35 bone fracture, substantial hematoma, or injury to an internal
36 organ, or death.

37 (d) "Medical protective equipment" means health-related
38 protective devices prescribed by a physician or dentist for use
39 as student protection in response to an existing medical
40 condition.

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

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

49 1. "Mechanical restraint" means the use of a device that
50 restricts a student's freedom of movement. The term does not

51 include the use of any of the following:

52 a. Medical protective equipment.

53 b. Behavioral protective equipment, including helmets,
54 gloves, wraps, and other devices that are used temporarily to
55 prevent severe tissue damage caused by behavioral excesses.

56 c. Physical equipment or orthopedic appliances, surgical
57 dressings or bandages, or supportive body bands or other
58 restraints necessary for ongoing medical treatment in the
59 educational setting.

60 d. Devices used to support functional body position or
61 proper balance, or to prevent a person from falling out of a bed
62 or a wheelchair, except when such a device is used for a purpose
63 other than supporting a body position or proper balance, such as
64 coercion, discipline, convenience, or retaliation, to prevent
65 imminent risk of serious injury or death of the student or
66 others, or for any other behavior management reason.

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

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

73 (g) "Seclusion" means the removal of a student from an
74 educational environment, involuntarily confining the student in
75 a room or area, and preventing the student from leaving the area

76 by locking or artificially blocking the door. The term does not
77 include exclusionary time.

78 (h) "Student" means a student with a functional behavioral
79 assessment and an individualized behavior intervention plan.

80 (2) PHYSICAL RESTRAINT.—

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

85 (b) Notwithstanding the authority provided in s. 1003.32,
86 physical restraint shall be used only to protect the safety of
87 students, school personnel, or others and may not be used for
88 student discipline, to correct student noncompliance, or for the
89 convenience of school district staff. Physical restraint shall
90 be used only for the period needed to provide such protection.

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

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

100 (e) School personnel may not use any of the following

101 physical restraint techniques on a student:

102 1. Pain inducement to obtain compliance.

103 2. Bone locks.

104 3. Hyperextension of joints.

105 4. Peer restraint.

106 5. Pressure or weight on the chest, lungs, sternum,

107 diaphragm, back, or abdomen causing chest compression.

108 6. Straddling or sitting on any part of the body or any

109 maneuver that places pressure, weight, or leverage on the neck

110 or throat, on an artery, or on the back of the head or neck or

111 that otherwise obstructs or restricts the circulation of blood

112 or obstructs an airway.

113 7. Any type of choking, including hand chokes, and any

114 type of neck or head hold.

115 8. A technique that involves spraying or pushing anything

116 on or into the mouth, nose, eyes, or any part of the face or

117 that involves covering the face or body with anything, including

118 soft objects such as pillows or washcloths.

119 9. Any maneuver that involves punching, hitting, poking,

120 pinching, or shoving.

121 (3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

122 (a) School personnel may place a student in exclusionary

123 or nonexclusionary time if all of the following conditions are

124 met:

125 1. The exclusionary or nonexclusionary time is part of a

126 positive behavioral intervention plan developed for the student
127 from a functional behavioral assessment and referenced in the
128 student's individualized behavior intervention plan.

129 2. There is documentation that the exclusionary or
130 nonexclusionary time was preceded by the use of other positive
131 behavioral supports that were not effective.

132 3. The exclusionary or nonexclusionary time takes place in
133 a classroom or in another environment where class educational
134 activities are taking place.

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

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

139 6. The exclusionary or nonexclusionary time area and
140 process are free of any action that is likely to embarrass or
141 humiliate the student.

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

146 (c) Exclusionary or nonexclusionary time may not be used
147 as a punishment or negative consequence of a student's behavior.

148 (4) TRAINING.—

149 (a) Each school district shall report its procedures for
150 training in the use of restraint to the department by publishing

151 the procedures in the district's special policies and procedures
152 manual.

153 (b) Training in the use of restraint must include all of
154 the following:

155 1. Procedures for deescalating a problem behavior before
156 the problem behavior increases to a level or intensity
157 necessitating physical intervention.

158 2. Information regarding the risks associated with
159 restraint and procedures for assessing individual situations and
160 students in order to determine whether the use of restraint is
161 appropriate and sufficiently safe.

162 3. The actual use of specific techniques that range from
163 the least to most restrictive, with ample opportunity for
164 trainees to demonstrate proficiency in the use of such
165 techniques.

166 4. Techniques for implementing restraint with multiple
167 staff members working as a team.

168 5. Techniques for assisting a student in reentering the
169 instructional environment and reengaging in learning.

170 6. Instruction in the district's documentation and
171 reporting requirements.

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

174 8. Cardiopulmonary resuscitation.

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

176 more than twice during a semester, the school shall conduct a
177 review of:

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

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

183 (c) The training provided to school personnel concerning
184 the use of restraint.

185 (6)(1) DOCUMENTATION AND REPORTING.—

186 (a) At the beginning of each school year, a school
187 district shall publicly post its policies on all emergency
188 procedures, including its policies on the use of restraint and
189 seclusion.

190 (b)(a) A school shall prepare an incident report within 24
191 hours after a student is released from restraint ~~or seclusion~~.
192 If the student's release occurs on a day before the school
193 closes for the weekend, a holiday, or another reason, the
194 incident report must be completed by the end of the school day
195 on the day the school reopens.

196 (c)(b) The following must be included in the incident
197 report:

- 198 1. The name of the student restrained ~~or secluded~~.
- 199 2. The age, grade, ethnicity, and disability of the
200 student restrained ~~or secluded~~.

201 3. The date and time of the event and the duration of the
202 restraint ~~or seclusion~~.

203 4. The location at which the restraint ~~or seclusion~~
204 occurred.

205 5. A description of the type of restraint used in terms
206 established by the department ~~of Education~~.

207 6. The name of the person using or assisting in the
208 restraint ~~or seclusion~~ of the student and the date the person
209 was last trained in the use of restraint on students.

210 7. The name of any nonstudent who was present to witness
211 the restraint ~~or seclusion~~.

212 8. A description of the incident, including all of the
213 following:

214 a. The context in which the restraint ~~or seclusion~~
215 occurred.

216 b. The student's behavior leading up to and precipitating
217 the decision to use ~~manual or physical~~ restraint ~~or seclusion~~,
218 including an indication as to why there was an imminent risk of
219 serious injury or death to the student or others.

220 c. The specific positive behavioral strategies used to
221 prevent and deescalate the behavior.

222 d. What occurred with the student immediately after the
223 termination of the restraint ~~or seclusion~~.

224 e. Any injuries, visible marks, or possible medical
225 emergencies that may have occurred during the restraint ~~or~~

226 ~~seclusion~~, documented according to district policies.

227 f. Evidence of steps taken to notify the student's parent
228 or guardian.

229 (d)~~(e)~~ A school shall notify the parent or guardian of a
230 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is
231 used. Such notification must be in writing and provided before
232 the end of the school day on which the restraint ~~or seclusion~~
233 occurs. Reasonable efforts must also be taken to notify the
234 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
235 these efforts must be documented. The school shall obtain, and
236 keep in its records, the parent's or guardian's signed
237 acknowledgment that he or she was notified of his or her child's
238 restraint ~~or seclusion~~.

239 (e)~~(d)~~ A school shall also provide the parent or guardian
240 with the completed incident report in writing by mail within 3
241 school days after a student was ~~manually or physically~~
242 restrained ~~or secluded~~. The school shall obtain, and keep in its
243 records, the parent's or guardian's signed acknowledgment that
244 he or she received a copy of the incident report.

245 (7)~~(2)~~ MONITORING.—

246 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
247 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the
248 classroom, building, district, and state levels.

249 (b) Any documentation prepared by a school pursuant to ~~as~~
250 ~~required in~~ subsection (6) ~~(1)~~ shall be provided to the school

251 principal, the district director of Exceptional Student
252 Education, and the bureau chief of the Bureau of Exceptional
253 Education and Student Services electronically each month that
254 the school is in session.

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

262 (d) The department shall establish standards for
263 documenting, reporting, and monitoring the use of ~~manual or~~
264 ~~physical~~ restraint ~~or mechanical restraint,~~ and ~~occurrences of~~
265 ~~seclusion~~. These standards shall be provided to school districts
266 ~~by October 1, 2011.~~

267 (8)(3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

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

275 1. A description of escalating behavioral strategies that

276 may be used.

277 2. Allowable use of restraint on students.

278 3. Training procedures.

279 4.1. Incident-reporting procedures.

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

284 6.3. Monitoring and reporting of data collected.

285 7.4. Training programs and procedures relating to ~~manual~~
286 ~~or physical~~ restraint ~~and seclusion~~.

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

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

298 a. Additional training in positive behavioral support and
299 crisis management. ~~†~~

300 b. Parental involvement. ~~†~~

- 301 c. Data review.~~†~~
- 302 d. Updates of students' functional behavioral analysis and
- 303 positive behavior intervention plans.~~†~~
- 304 e. Additional student evaluations.~~†~~
- 305 f. Debriefing with staff.~~†~~
- 306 g. Use of schoolwide positive behavior support.~~†~~ and
- 307 h. Changes to the school environment.

308 10. Analysis of data to determine trends.

309 11. Ongoing reduction of the use of restraint.

310 (b) Any revisions a school district makes to its ~~to the~~
 311 ~~district's~~ policies and procedures, which must be prepared as
 312 part of the school district's ~~its~~ special policies and
 313 procedures, must be filed with the bureau chief of the Bureau of
 314 Exceptional Education and Student Services ~~no later than January~~
 315 ~~31, 2012.~~

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

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

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

325 1012.582 Continuing education and inservice training for

326 | teaching students with developmental and emotional or behavioral
 327 | disabilities.—

328 | (1) The Commissioner of Education shall develop
 329 | recommendations to incorporate instruction regarding autism
 330 | spectrum disorder, Down syndrome, ~~and~~ other developmental
 331 | disabilities, and emotional or behavioral disabilities into
 332 | continuing education or inservice training requirements for
 333 | instructional personnel. These recommendations shall address:

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

338 | (b) Curriculum planning and curricular and instructional
 339 | modifications, adaptations, and specialized strategies and
 340 | techniques.

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

342 | (d) The use of positive behavioral supports to deescalate
 343 | problem behaviors.

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

350 | (2) In developing the recommendations, the commissioner

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351 shall consult with the State Surgeon General, the Director of
352 the Agency for Persons with Disabilities, representatives from
353 the education community in the state, and representatives from
354 entities that promote awareness about autism spectrum disorder,
355 Down syndrome, ~~and~~ other developmental disabilities, and
356 emotional or behavioral disabilities and provide programs and
357 services to persons with ~~developmental~~ disabilities, including,
358 but not limited to, regional autism centers pursuant to s.
359 1004.55.

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