

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 10. Prone or supine restraint.
 122 (3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—
 123 (a) School personnel may place a student in exclusionary
 124 or nonexclusionary time if all of the following conditions are
 125 met:

126 1. The exclusionary or nonexclusionary time is part of a
127 positive behavioral intervention plan developed for the student
128 from a functional behavioral assessment and referenced in the
129 student's individualized behavior intervention plan.

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

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

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

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

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

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

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

149 (4) TRAINING.—

150 (a) Each school district shall report its procedures for
151 training in the use of restraint to the department by publishing
152 the procedures in the district's special policies and procedures
153 manual.

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

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

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

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

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

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

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

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

175 8. Cardiopulmonary resuscitation.

176 (5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained
177 more than twice during a semester, the school shall conduct a
178 review of:

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

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

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

186 (6) ~~(1)~~ DOCUMENTATION AND REPORTING.—

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

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

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

199 1. The name of the student restrained ~~or secluded.~~

- 200 2. The age, grade, ethnicity, and disability of the
 201 student restrained ~~or secluded~~.
- 202 3. The date and time of the event and the duration of the
 203 restraint ~~or seclusion~~.
- 204 4. The location at which the restraint ~~or seclusion~~
 205 occurred.
- 206 5. A description of the type of restraint used in terms
 207 established by the department ~~of Education~~.
- 208 6. The name of the person using or assisting in the
 209 restraint ~~or seclusion~~ of the student and the date the person
 210 was last trained in the use of restraint on students.
- 211 7. The name of any nonstudent who was present to witness
 212 the restraint ~~or seclusion~~.
- 213 8. A description of the incident, including all of the
 214 following:
- 215 a. The context in which the restraint ~~or seclusion~~
 216 occurred.
- 217 b. The student's behavior leading up to and precipitating
 218 the decision to use ~~manual or physical~~ restraint ~~or seclusion~~,
 219 including an indication as to why there was an imminent risk of
 220 serious injury or death to the student or others.
- 221 c. The specific positive behavioral strategies used to
 222 prevent and deescalate the behavior.
- 223 d. What occurred with the student immediately after the
 224 termination of the restraint ~~or seclusion~~.

225 e. Any injuries, visible marks, or possible medical
226 emergencies that may have occurred during the restraint ~~or~~
227 ~~seclusion~~, documented according to district policies.

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

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

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

246 (7) ~~(2)~~ MONITORING.—

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

250 (b) Any documentation prepared by a school pursuant to as
251 ~~required in~~ subsection (6) ~~(1)~~ shall be provided to the school
252 principal, the district director of Exceptional Student
253 Education, and the bureau chief of the Bureau of Exceptional
254 Education and Student Services electronically each month that
255 the school is in session.

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

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

268 (8) ~~(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

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

275 | this section and must ~~that~~ govern the following:

276 | 1. A description of escalating behavioral strategies that
277 | may be used.

278 | 2. Allowable use of restraint on students.

279 | 3. Training procedures.

280 | ~~4.1.~~ Incident-reporting procedures.

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

285 | ~~6.3.~~ Monitoring and reporting of data collected.

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

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

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

299 | a. Additional training in positive behavioral support and

300 crisis management.†
 301 b. Parental involvement.†
 302 c. Data review.†
 303 d. Updates of students' functional behavioral analysis and
 304 positive behavior intervention plans.†
 305 e. Additional student evaluations.†
 306 f. Debriefing with staff.†
 307 g. Use of schoolwide positive behavior support.† and
 308 h. Changes to the school environment.
 309 10. Analysis of data to determine trends.
 310 11. Ongoing reduction of the use of restraint.
 311 (b) Any revisions a school district makes to its ~~to the~~
 312 ~~district's~~ policies and procedures, which must be prepared as
 313 part of the school district's ~~its~~ special policies and
 314 procedures, must be filed with the bureau chief of the Bureau of
 315 Exceptional Education and Student Services ~~no later than January~~
 316 ~~31, 2012.~~
 317 (9)(4) PROHIBITED RESTRAINT.—School personnel may not use
 318 straitjackets ~~or a mechanical restraint or a manual or physical~~
 319 restraint that restricts a student's breathing.
 320 (10)(5) SECLUSION.—School personnel may not place a
 321 student in seclusion ~~close, lock, or physically block a student~~
 322 ~~in a room that is unlit and does not meet the rules of the State~~
 323 ~~Fire Marshal for seclusion time-out rooms.~~
 324 Section 2. Subsections (1) and (2) of section 1012.582,

325 Florida Statutes, are amended to read:

326 1012.582 Continuing education and inservice training for
 327 teaching students with developmental and emotional or behavioral
 328 disabilities.-

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

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

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

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

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

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

350 | nonexclusionary time methods.

351 | (2) In developing the recommendations, the commissioner
352 | shall consult with the State Surgeon General, the Director of
353 | the Agency for Persons with Disabilities, representatives from
354 | the education community in the state, and representatives from
355 | entities that promote awareness about autism spectrum disorder,
356 | Down syndrome, ~~and~~ other developmental disabilities, and
357 | emotional or behavioral disabilities and provide programs and
358 | services to persons with ~~developmental~~ disabilities, including,
359 | but not limited to, regional autism centers pursuant to s.
360 | 1004.55.

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