

1                                   A bill to be entitled  
2           An act relating to students with disabilities in  
3           public schools; amending s. 1003.573, F.S.; providing  
4           definitions; requiring school districts to prohibit  
5           the use of seclusion; providing requirements for the  
6           use of restraint; prohibiting specified restraint  
7           techniques; revising school district policies and  
8           procedures relating to restraint; requiring school  
9           districts to adopt positive behavior interventions and  
10          supports and certain policies and procedures;  
11          requiring school districts to publicly post specified  
12          policies and procedures; requiring school districts to  
13          provide training on certain interventions and supports  
14          to specified personnel; providing requirements for  
15          such training; requiring school districts to publish  
16          training procedures; requiring a school to develop a  
17          crisis intervention plan for certain students;  
18          providing requirements for such plans; providing  
19          requirements for documenting, reporting, and  
20          monitoring the use of restraint; conforming provisions  
21          to changes made by the act; requiring the department  
22          to make certain information available to the public by  
23          a specified date; amending s. 1012.582, F.S.;  
24          requiring continuing education and inservice training  
25          for teaching students with emotional or behavioral

26 disabilities; conforming provisions to changes made by  
 27 the act; providing an effective date.

28

29 Be It Enacted by the Legislature of the State of Florida:

30

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

33 1003.573 Seclusion and Use of restraint of and seclusion  
 34 ~~en~~ students with disabilities in public schools.-

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

36 (a) "Crisis Intervention Plan" means an individualized  
 37 action plan for school personnel to implement when a student  
 38 exhibits dangerous behavior that may lead to imminent risk of  
 39 serious injury.

40 (b) "Imminent risk of serious injury" means the threat  
 41 posed by dangerous behavior that may cause serious physical harm  
 42 to self or others.

43 (c) "Restraint" means the use of a mechanical or physical  
 44 restraint.

45 1. "Mechanical restraint" means the use of a device that  
 46 restricts a student's freedom of movement. The term does not  
 47 include the use of devices prescribed by physical or behavioral  
 48 health professionals when used for the specific and prescribed  
 49 purposes.

50 2. "Physical restraint" means the use of manual restraint

51 techniques that involve significant physical force applied by a  
52 teacher or other staff member to restrict the movement of all or  
53 part of a student's body. The term does not include briefly  
54 holding a student in order to calm or comfort the student or  
55 physically escorting a student to a safe location.

56 (d) "Positive behavior interventions and supports" means  
57 the use of behavioral interventions to prevent dangerous  
58 behaviors that may cause serious physical harm to the student or  
59 others.

60 (e) "Seclusion" means the involuntary confinement of the  
61 student in a room or area alone and preventing the student from  
62 leaving the room or area.

63 (f) "Student" means a child with an individual education  
64 plan enrolled in grades kindergarten through 12 in a school, as  
65 defined in s. 1003.01(2), or the Florida School for the Deaf and  
66 Blind. The term does not include students in prekindergarten,  
67 students who reside in residential care facilities under s.  
68 1003.58, or students participating in a Department of Juvenile  
69 Justice education program under s. 1003.53.

70 (2) SECLUSION.—Each school district shall prohibit school  
71 personnel from using seclusion.

72 (3) RESTRAINT.—

73 (a) Authorized school personnel may use restraint only  
74 when all positive behavior interventions and supports have been  
75 exhausted. Restraint may be used only when there is an imminent

76 | risk of serious injury and shall be discontinued as soon as the  
 77 | threat posed by the dangerous behavior has dissipated.

78 | (b) Notwithstanding the authority provided in s. 1003.32,  
 79 | restraint shall be used only to protect the safety of students,  
 80 | school personnel, or others and may not be used for student  
 81 | discipline or to correct student noncompliance.

82 | (c) The degree of force applied during physical restraint  
 83 | must be only that degree of force necessary to protect the  
 84 | student or others from imminent risk of serious injury.

85 | (d) Restraint techniques shall not use straightjackets,  
 86 | obstruct or restrict breathing or blood flow, or inflict pain to  
 87 | induce compliance.

88 | (4)~~(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

89 | (a) Each school district shall adopt positive behavior  
 90 | interventions and supports and identify all school personnel  
 91 | authorized to use the interventions and supports. Each school  
 92 | district shall develop policies and procedures ~~that are~~  
 93 | consistent with this section and that govern the following:

- 94 | 1. Incident-reporting procedures.
- 95 | 2. Data collection and monitoring, including when, where,  
 96 | and why students are restrained and ~~or secluded;~~ the frequency  
 97 | of occurrences of such restraint ~~or seclusion;~~ and the ~~prone or~~  
 98 | ~~mechanical restraint that is most used.~~
- 99 | 3. Monitoring and reporting of data collected.
- 100 | 4. Training programs and procedures relating to ~~manual or~~

101 ~~physical restraint and seclusion~~ as described in subsection (3).

102 5. The district's plan for selecting personnel to be  
103 trained pursuant to this subsection.

104 6. The district's plan for reducing the use of restraint,  
105 ~~and seclusion~~ particularly in settings in which it occurs  
106 frequently or with students who are restrained repeatedly, ~~and~~  
107 ~~for reducing the use of prone restraint and mechanical~~  
108 ~~restraint.~~ The plan must include a goal for reducing the use of  
109 restraint ~~and seclusion~~ and must include activities, skills, and  
110 resources needed to achieve that goal. Activities may include,  
111 but are not limited to:

112 a. Additional training in positive behavior interventions  
113 and supports. ~~behavioral support and crisis management;~~

114 b. Parental involvement. ~~†~~

115 c. Data review. ~~†~~

116 d. Updates of students' functional behavioral analysis and  
117 positive behavior intervention plans. ~~†~~

118 e. Additional student evaluations. ~~†~~

119 f. Debriefing with staff. ~~†~~

120 g. Use of schoolwide positive behavior support. ~~†~~ ~~and~~

121 h. Changes to the school environment.

122 i. Analysis of data to determine trends.

123 j. Ongoing reduction of the use of restraint.

124 (b) Any revisions a school district makes to its ~~to the~~  
125 ~~district's~~ policies and procedures pursuant to this section ~~†~~

126 ~~which must be prepared as part of its special policies and~~  
127 ~~procedures,~~ must be filed with the bureau chief of the Bureau of  
128 Exceptional Education and Student Services within 90 days of the  
129 revision no later than January 31, 2012.

130 (c) At the beginning of each school year, a school  
131 district shall publicly post its policies and procedures on  
132 positive behavior interventions and supports as adopted by the  
133 school district.

134 (5) TRAINING.—Each school district shall provide training  
135 to all school personnel authorized to use positive behavior  
136 interventions and supports pursuant to school district policy.  
137 Training shall be provided annually and must include:

138 (a) The use of positive behavior interventions and  
139 supports.

140 (b) Risk assessment procedures to identify when restraint  
141 may be used.

142 (c) Examples of when positive behavior interventions and  
143 support techniques have failed to reduce the imminent risk of  
144 serious injury.

145 (d) Examples of safe and appropriate restraint techniques  
146 and how to use these techniques with multiple staff members  
147 working as a team.

148 (e) Instruction in the district's documentation and  
149 reporting requirements.

150 (f) Procedures to identify and deal with possible medical  
 151 emergencies arising during the use of restraint.

152 (g) Cardiopulmonary resuscitation.

153  
 154 Each school district shall publish the procedures for the  
 155 training required under this subsection in the district's  
 156 special policies and procedures manual.

157 (6) Crisis intervention plan.—

158 (a) Upon the second time a student is restrained during a  
 159 semester, the school shall develop a crisis intervention plan  
 160 for the student. The crisis intervention plan shall be developed  
 161 by a team comprised of the student's parent, school personnel,  
 162 and applicable medical professionals.

163 (b) The crisis intervention plan must include:

164 1. Specific positive behavior interventions and supports  
 165 to use in response to dangerous behaviors that create a threat  
 166 of imminent risk of serious injury.

167 2. Known physical and behavioral health concerns that will  
 168 limit the use of restraint for the student.

169 3. A timetable for the review and, if necessary, revision  
 170 of the crisis intervention plan.

171 (c) The school must provide a copy of the crisis  
 172 intervention plan to the student's parent.

173 (7)~~(1)~~ DOCUMENTATION AND REPORTING.—

174 (a) A school shall prepare an incident report within 24

175 hours after a student is released from restraint ~~or seclusion~~.  
176 If the student's release occurs on a day before the school  
177 closes for the weekend, a holiday, or another reason, the  
178 incident report must be completed by the end of the school day  
179 on the day the school reopens.

180 (b) The following must be included in the incident report:

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

182 2. The age, grade, ethnicity, and disability of the  
183 student restrained ~~or secluded~~.

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

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

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

190 6. The name of the person using or assisting in the  
191 restraint ~~or seclusion~~ of the student and the date the person  
192 was last trained in the use of positive behavior interventions  
193 and supports.

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

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

198 a. The context in which the restraint ~~or seclusion~~  
199 occurred.

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

204 c. The ~~specific~~ positive behavior interventions and  
205 supports ~~behavioral strategies~~ used to prevent and deescalate  
206 the behavior.

207 d. What occurred with the student immediately after the  
208 termination of the restraint ~~or seclusion~~.

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

212 f. Evidence of steps taken to notify the student's parent  
213 or guardian.

214 g. The date the crisis intervention plan was last reviewed  
215 and whether changes were recommended.

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

225 | restraint ~~or seclusion~~.

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

232 |       (8) ~~(2)~~ MONITORING.—

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

236 |       (b) Any documentation prepared by a school pursuant to ~~as~~  
 237 | ~~required in~~ subsection (7) ~~(1)~~ shall be provided to the school  
 238 | principal, the district director of Exceptional Student  
 239 | Education, and the bureau chief of the Bureau of Exceptional  
 240 | Education and Student Services electronically each month that  
 241 | the school is in session.

242 |       (c) The department shall maintain aggregate data of  
 243 | incidents of ~~manual or physical~~ restraint ~~and seclusion~~ and  
 244 | disaggregate the data for analysis by county, school, student  
 245 | exceptionality, and other variables, including the type and  
 246 | method of restraint ~~or seclusion~~ used. This information shall be  
 247 | updated monthly, de-identified, and made available to the public  
 248 | through the department's website no later than October 1, 2019.

249 |       (d) The department shall establish standards for

250 documenting, reporting, and monitoring the incident reports  
251 related to the use of ~~manual or physical restraint or mechanical~~  
252 ~~restraint, and occurrences of seclusion~~. These standards shall  
253 be provided to school districts ~~by October 1, 2011~~.

254 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~  
255 ~~mechanical restraint or a manual or physical restraint that~~  
256 ~~restricts a student's breathing.~~

257 ~~(5) SECLUSION. School personnel may not close, lock, or~~  
258 ~~physically block a student in a room that is unlit and does not~~  
259 ~~meet the rules of the State Fire Marshal for seclusion time out~~  
260 ~~rooms.~~

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

263 1012.582 Continuing education and inservice training for  
264 teaching students with developmental and emotional or behavioral  
265 disabilities.—

266 (1) The Commissioner of Education shall develop  
267 recommendations to incorporate instruction regarding autism  
268 spectrum disorder, Down syndrome, ~~and~~ other developmental  
269 disabilities, and emotional or behavioral disabilities into  
270 continuing education or inservice training requirements for  
271 instructional personnel. These recommendations shall address:

272 (a) Early identification of, and intervention for,  
273 students who have autism spectrum disorder, Down syndrome, ~~or~~  
274 other developmental disabilities, or emotional or behavioral

275 disabilities.

276 (b) Curriculum planning and curricular and instructional  
 277 modifications, adaptations, and specialized strategies and  
 278 techniques.

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

280 (d) The use of positive behavior interventions and  
 281 ~~behavioral~~ supports to deescalate problem behaviors.

282 (e) The ~~Appropriate~~ use of ~~manual physical~~ restraint and  
 283 ~~seclusion~~ techniques, positive behavior interventions and  
 284 supports, and effective classroom behavior management  
 285 strategies.

286 (2) In developing the recommendations, the commissioner  
 287 shall consult with the State Surgeon General, the Director of  
 288 the Agency for Persons with Disabilities, representatives from  
 289 the education community in the state, and representatives from  
 290 entities that promote awareness about autism spectrum disorder,  
 291 Down syndrome, ~~and~~ other developmental disabilities, and  
 292 emotional or behavioral disabilities and provide programs and  
 293 services to persons with ~~developmental~~ disabilities, including,  
 294 but not limited to, regional autism centers pursuant to s.  
 295 1004.55.

296 Section 3. This act shall take effect July 1, 2019.