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Proposed Committee Substitute by the Committee on Appropriations
(Appropriations Subcommittee on Education)

A bill to be entitled

An act relating to students with disabilities in public schools; amending s. 1003.573, F.S.; defining terms; requiring school districts to prohibit the use of seclusion on students with disabilities in public schools; providing requirements for the use of restraint; prohibiting specified restraint techniques; revising school district policies and procedures relating to restraint; requiring school districts to adopt positive behavior interventions and supports and certain policies and procedures; requiring each school district to publicly post specified policies and procedures; requiring school districts to provide training on certain interventions and supports to specified personnel; providing requirements for such training; requiring each school district to publish training procedures in its special policies and procedures manual; requiring schools to develop a crisis intervention plan for certain students; providing requirements for such plans; revising the requirements for documenting, reporting, and monitoring the use of restraint; requiring the department to make certain information available to the public by a specified date; conforming provisions to changes made by the act; creating s. 1003.574, F.S.; creating the Video Cameras in Public School Classrooms Pilot Program; defining terms; requiring a



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28 video camera to be placed in specified classrooms upon
29 the request of a parent; requiring video cameras to be
30 operational within a specified time period; providing
31 requirements for the discontinuation of such video
32 cameras; providing requirements for such video
33 cameras; providing an exception; requiring a written
34 explanation if the operation of such cameras is
35 interrupted; requiring district school boards to
36 maintain such explanation for a specified time;
37 requiring schools to provide written notice of the
38 placement of a video camera to certain individuals;
39 providing requirements for retaining and deleting
40 video recordings; prohibiting specified uses of such
41 video cameras and recordings; providing that school
42 principals are the custodians of such video cameras
43 and recordings; providing requirements for school
44 principals and video recordings; providing
45 requirements relating to student privacy; providing
46 requirements for the viewing of such video recordings;
47 providing for an appeal process for actions of a
48 school or school district; providing that incidental
49 viewings of video recordings by specified individuals
50 are not a violation of certain provisions; providing
51 construction; requiring the Department of Education to
52 collect specified information; authorizing the State
53 Board of Education to adopt rules; amending s.
54 1012.582, F.S.; requiring continuing education and
55 inservice training for instructional personnel
56 teaching students with emotional or behavioral



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57 disabilities; conforming provisions to changes made by
58 the act; providing an effective date.

59

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

61

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

64 1003.573 Seclusion and Use of restraint of and seclusion on
65 students with disabilities in public schools.—

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

67 (a) "Crisis intervention plan" means an individualized
68 action plan for school personnel to implement when a student
69 exhibits dangerous behavior that may lead to imminent risk of
70 serious injury.

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

74 (c) "Restraint" means the use of a mechanical or physical
75 restraint.

76 1. "Mechanical restraint" means the use of a device that
77 restricts a student's freedom of movement. The term does not
78 include the use of devices prescribed or recommended by physical
79 or behavioral health professionals when used for indicated
80 purposes.

81 2. "Physical restraint" means the use of manual restraint
82 techniques that involve significant physical force applied by a
83 teacher or other staff member to restrict the movement of all or
84 part of a student's body. The term does not include briefly
85 holding a student in order to calm or comfort the student or



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86 physically escorting a student to a safe location.

87 (d) "Positive behavior interventions and supports" means
88 the use of behavioral interventions to prevent dangerous
89 behaviors that may cause serious physical harm to the student or
90 others.

91 (e) "Seclusion" means the involuntary confinement of a
92 student in a room or area alone and preventing the student from
93 leaving the room or area. The term does not include time-out
94 used as a behavior management technique intended to calm a
95 student.

96 (f) "Student" means a child with an individual education
97 plan enrolled in grades kindergarten through 12 in a school, as
98 defined in s. 1003.01(2), or the Florida School for the Deaf and
99 Blind. The term does not include students in prekindergarten,
100 students who reside in residential care facilities under s.
101 1003.58, or students participating in a Department of Juvenile
102 Justice education program under s. 1003.53.

103 (2) SECLUSION.—Each school district shall prohibit school
104 personnel from using seclusion.

105 (3) RESTRAINT.—

106 (a) Authorized school personnel may use restraint only when
107 all positive behavior interventions and supports have been
108 exhausted. Restraint may be used only when there is an imminent
109 risk of serious injury and shall be discontinued as soon as the
110 threat posed by the dangerous behavior has dissipated.

111 Straightjackets, zip ties, handcuffs, or tie-downs may not be
112 used to obstruct or restrict breathing or blood flow. Restraint
113 techniques may not be used to inflict pain to induce compliance.

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



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115 restraint shall be used only to protect the safety of students,
116 school personnel, or others and may not be used for student
117 discipline or to correct student noncompliance.

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

121 (4) ~~(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.-

122 (a) Each school district shall adopt positive behavior
123 interventions and supports and identify all school personnel
124 authorized to use the interventions and supports. Each school
125 district shall develop policies and procedures that are
126 consistent with this section and that govern the following:

127 1. Incident-reporting procedures.

128 2. Data collection and monitoring, including when, where,
129 and why students are restrained and ~~or secluded;~~ the frequency
130 of occurrences of such restraint ~~or seclusion;~~ and the prone or
131 ~~mechanical restraint that is most used.~~

132 3. Monitoring and reporting of data collected.

133 4. Training programs and procedures relating to ~~manual or~~
134 ~~physical~~ restraint as described in subsection (3) and seclusion.

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

137 6. The district's plan for reducing the use of restraint,
138 ~~and seclusion~~ particularly in settings in which it occurs
139 frequently or with students who are restrained repeatedly, ~~and~~
140 ~~for reducing the use of prone restraint and mechanical~~
141 ~~restraint.~~ The plan must include a goal for reducing the use of
142 restraint ~~and seclusion~~ and must include activities, skills, and
143 resources needed to achieve that goal. Activities may include,



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144 but are not limited to:

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

147 b. Parental involvement.

148 c. Data review.

149 d. Updates of students' functional behavioral analysis and
150 positive behavior intervention plans.

151 e. Additional student evaluations.

152 f. Debriefing with staff.

153 g. Use of schoolwide positive behavior support. ~~and~~

154 h. Changes to the school environment.

155 i. Analysis of data to determine trends.

156 j. Ongoing reduction of the use of restraint.

157 (b) Any revisions a school district makes to its ~~to the~~
158 ~~district's~~ policies and procedures pursuant to this section,
159 ~~which must be prepared as part of its special policies and~~
160 ~~procedures,~~ must be filed with the bureau chief of the Bureau of
161 Exceptional Education and Student Services within 90 days after
162 the revision no later than January 31, 2012.

163 (c) At the beginning of each school year, each school
164 district shall publicly post its policies and procedures on
165 positive behavior interventions and supports as adopted by the
166 school district.

167 (5) TRAINING.—Each school district shall provide training
168 to all school personnel authorized to use positive behavior
169 interventions and supports pursuant to school district policy.
170 Training shall be provided annually and must include:

171 (a) The use of positive behavior interventions and
172 supports.



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173 (b) Risk assessment procedures to identify when restraint
174 may be used.

175 (c) Examples of when positive behavior interventions and
176 support techniques have failed to reduce the imminent risk of
177 serious injury.

178 (d) Examples of safe and appropriate restraint techniques
179 and how to use these techniques with multiple staff members
180 working as a team.

181 (e) Instruction in the district's documentation and
182 reporting requirements.

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

185 (g) Cardiopulmonary resuscitation.

186
187 Each school district shall publish the procedures for the
188 training required under this subsection in the district's
189 special policies and procedures manual.

190 (6) CRISIS INTERVENTION PLAN.—

191 (a) Upon the second time a student is restrained during a
192 semester, the school shall develop a crisis intervention plan
193 for the student. The crisis intervention plan shall be developed
194 by a team comprised of the student's parent, school personnel,
195 and applicable physical and behavioral health professionals.

196 (b) The crisis intervention plan must include:

197 1. Specific positive behavior interventions and supports to
198 use in response to dangerous behaviors that create a threat of
199 imminent risk of serious injury.

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



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

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

206 (7)(1) DOCUMENTATION AND REPORTING.-

207 (a) A school shall prepare an incident report within 24
208 hours after a student is released from restraint ~~or seclusion~~.
209 If the student's release occurs on a day before the school
210 closes for the weekend, a holiday, or another reason, the
211 incident report must be completed by the end of the school day
212 on the day the school reopens.

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

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

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

217 3. The date and time of the event and the duration of the
218 restraint ~~or seclusion~~.

219 4. The location at which the restraint ~~or seclusion~~
220 occurred.

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

223 6. The name of the person using or assisting in the
224 restraint ~~or seclusion~~ of the student and the date the person
225 was last trained in the use of positive behavior interventions
226 and supports.

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

229 8. A description of the incident, including all of the
230 following:



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- 231 a. The context in which the restraint ~~or seclusion~~
232 occurred.
- 233 b. The student's behavior leading up to and precipitating
234 the decision to use ~~manual or physical~~ restraint ~~or seclusion~~,
235 including an indication as to why there was an imminent risk of
236 serious injury ~~or death~~ to the student or others.
- 237 c. The ~~specific~~ positive behavior interventions and
238 supports ~~behavioral strategies~~ used to prevent and deescalate
239 the behavior.
- 240 d. What occurred with the student immediately after the
241 termination of the restraint ~~or seclusion~~.
- 242 e. Any injuries, visible marks, or possible medical
243 emergencies that may have occurred during the restraint ~~or~~
244 ~~seclusion~~, documented according to district policies.
- 245 f. Evidence of steps taken to notify the student's parent
246 or guardian.
- 247 g. The date the crisis intervention plan was last reviewed
248 and whether changes were recommended.
- 249 (c) A school shall notify the parent or guardian of a
250 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is
251 used. Such notification must be in writing and provided before
252 the end of the school day on which the restraint ~~or seclusion~~
253 occurs. Reasonable efforts must also be taken to notify the
254 parent or guardian by telephone or ~~computer~~ e-mail, or both, and
255 these efforts must be documented. The school shall obtain, and
256 keep in its records, the parent's or guardian's signed
257 acknowledgment that he or she was notified of his or her child's
258 restraint ~~or seclusion~~.
- 259 (d) A school shall also provide the parent or guardian with



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260 the completed incident report in writing by mail within 3 school
261 days after a student was ~~manually or physically~~ restrained ~~or~~
262 ~~secluded~~. The school shall obtain, and keep in its records, the
263 parent's or guardian's signed acknowledgment that he or she
264 received a copy of the incident report.

265 ~~(8) (2)~~ MONITORING.—

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

269 (b) Any documentation prepared by a school pursuant to ~~as~~
270 ~~required in~~ subsection (7) (1) shall be provided to the school
271 principal, the district director of Exceptional Student
272 Education, and the bureau chief of the Bureau of Exceptional
273 Education and Student Services electronically each month that
274 the school is in session.

275 (c) The department shall maintain aggregate data of
276 incidents of ~~manual or physical~~ restraint ~~and seclusion~~ and
277 disaggregate the data for analysis by county, school, student
278 exceptionality, and other variables, including the type and
279 method of restraint ~~or seclusion~~ used. This information shall be
280 updated monthly, de-identified, and made available to the public
281 through the department's website no later than October 1, 2020.

282 (d) The department shall establish standards for
283 documenting, reporting, and monitoring the incident reports
284 related to the use of ~~manual or physical~~ restraint ~~or mechanical~~
285 ~~restraint, and occurrences of seclusion~~. These standards shall
286 be provided to school districts ~~by October 1, 2011.~~

287 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~
288 ~~mechanical restraint or a manual or physical restraint that~~



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289 ~~restricts a student's breathing.~~

290 ~~(5) SECLUSION.—School personnel may not close, lock, or~~
291 ~~physically block a student in a room that is unlit and does not~~
292 ~~meet the rules of the State Fire Marshal for seclusion time-out~~
293 ~~rooms.~~

294 Section 2. Section 1003.574, Florida Statutes, is created
295 to read:

296 1003.574 Video cameras in public school classrooms; pilot
297 program.—Beginning with the 2020-2021 school year, the Video
298 Cameras in Public School Classrooms Pilot Program is created for
299 a period of 3 school years.

300 (1) As used in this section, the term:

301 (a) "Incident" means an event, a circumstance, an act, or
302 an omission that results in the abuse or neglect of a student
303 by:

- 304 1. An employee of a public school or school district; or
305 2. Another student.

306 (b) "School district" means the Broward County Public
307 Schools and the Volusia County Schools.

308 (c) "Self-contained classroom" means a classroom at a
309 public school in which a majority of the students in regular
310 attendance are provided special education services and are
311 assigned to one or more such classrooms for at least 50 percent
312 of the instructional day.

313 (2) (a) A school district shall provide a video camera to
314 any school with a self-contained classroom upon the written
315 request of a parent of a student in the classroom.

316 (b) Within 30 days after receipt of the request from a
317 parent, a video camera shall be operational in each self-



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318 contained classroom in which the parent's student is in regular
319 attendance for the remainder of the school year, unless the
320 parent withdraws his or her request in writing.

321 (3) If the student who is the subject of the initial
322 request is no longer in attendance in the classroom and a school
323 discontinues operation of a video camera during a school year,
324 no later than the fifth school day before the date the operation
325 of the video camera is discontinued, the school must notify the
326 parents of each student in regular attendance in the classroom
327 that operation of the video camera will cease unless the
328 continued use of the camera is requested by a parent. No later
329 than the 10th school day before the end of each school year, the
330 school must notify the parents of each student in regular
331 attendance in the classroom that operation of the video camera
332 will not continue during the following school year unless a
333 written request is submitted by a parent for the next school
334 year.

335 (4) (a) A video camera placed in a self-contained classroom
336 must be capable of all of the following:

337 1. Monitoring all areas of the self-contained classroom,
338 including, without limitation, any room attached to the self-
339 contained classroom which is used for other purposes.

340 2. Recording audio from all areas of the self-contained
341 classroom, including, without limitation, any room attached to
342 the self-contained classroom which is used for other purposes.

343 (b) A video camera placed in a self-contained classroom may
344 not monitor a restroom or any other area in the self-contained
345 classroom where a student changes his or her clothes, except for
346 the entryway, exitway, or hallway outside a restroom or other



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347 area where a student changes his or her clothes because of the
348 layout of the self-contained classroom.

349 (c) A video camera placed in a self-contained classroom is
350 not required to be in operation when students are not present in
351 the self-contained classroom.

352 (d) If there is an interruption in the operation of the
353 video camera for any reason, an explanation must be submitted in
354 writing to the school principal and the district school board
355 which explains the reason for and duration of the interruption.
356 The written explanation must be maintained at the district
357 school board office for at least 1 year.

358 (5) Before a school initially places a video camera in a
359 self-contained classroom pursuant to this section, the school
360 shall provide written notice of the placement of such video
361 camera to all of the following:

362 (a) The parent of each student who is assigned to the self-
363 contained classroom.

364 (b) Each student who is assigned to the self-contained
365 classroom.

366 (c) The school district.

367 (d) Each school employee who is assigned to work with one
368 or more students in the self-contained classroom.

369 (6) A school shall:

370 (a) Retain video recorded from a video camera placed
371 pursuant to this section for at least 3 months after the date
372 the video was recorded, after which the recording shall be
373 deleted or otherwise made unretrievable; or

374 (b) Retain the recording until the conclusion of any
375 investigation or any administrative or legal proceedings that



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376 result from the recording have been completed, including,
377 without limitation, the exhaustion of all appeals.

378 (7) A school or school district may not:

379 (a) Allow regular, continuous, or continual monitoring of
380 videos recorded under this section; or

381 (b) Use videos recorded under this section for teacher
382 evaluations or any purpose other than for ensuring the health,
383 safety, and well-being of students receiving special education
384 services in a self-contained classroom.

385 (8) The principal of the school is the custodian of a video
386 camera operated pursuant to this section, all recordings
387 generated by that video camera, and access to such recordings.

388 (a) The release or viewing of any video recording under
389 this section must comply with s. 1002.22.

390 (b) A school or school district shall:

391 1. Conceal the identity of any student who appears in a
392 video recording, but is not involved in the alleged incident
393 documented by the video recording, which the school allows to be
394 viewed under subsection (9), including, without limitation,
395 blurring the face of the uninvolved student.

396 2. Protect the confidentiality of all student records
397 contained in a video recording in accordance with s. 1002.22.

398 (9) (a) Within 7 days after receiving a request to view a
399 video recording, a school or school district shall allow the
400 following individuals to view a video recording made under this
401 section:

402 1. A school or school district employee who is involved in
403 an alleged incident that is documented by the video recording as
404 part of the investigative process;



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405 2. A parent of a student who is involved in an alleged
406 incident that is documented by the video recording and has been
407 reported to the school or school district;

408 3. A school or school district employee as part of an
409 investigation into an alleged incident that is documented by the
410 video recording and has been reported to the school or school
411 district;

412 4. A law enforcement officer as part of an investigation
413 into an alleged incident that is documented by the video
414 recording and has been reported to the law enforcement agency;
415 or

416 5. The Department of Children and Families as part of a
417 child abuse or neglect investigation.

418 (b) A person who requests to view a recording shall make
419 himself or herself available for viewing the recording within 30
420 days after being notified by the school or school district that
421 the person's request has been granted.

422 (c) A person who views the recording and suspects that
423 child abuse has occurred must report the suspected child abuse
424 to the Department of Children and Families.

425 (10) (a) Any individual may appeal to the State Board of
426 Education regarding an action by a school or school district
427 which the individual alleges to be in violation of this section.

428 (b) The state board shall grant a hearing on an appeal
429 under this subsection within 45 days after receiving the appeal.

430 (11) A school or school district does not violate
431 subsection (8) if a contractor or other employee of the school
432 or school district incidentally views a video recording made
433 under this section in connection with the performance of his or



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434 her duties related to either of the following:

435 (a) The installation, operation, or maintenance of video
436 equipment; or

437 (b) The retention of video recordings.

438 (12) This section does not:

439 (a) Limit the access of the parent of a student, under the
440 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.
441 1232g, or any other law, to a video recording regarding his or
442 her student.

443 (b) Waive any immunity from liability of a school district
444 or an employee of a school district.

445 (c) Create any liability for a cause of action against a
446 school or school district or an employee of a school or school
447 district carrying out the duties and responsibilities required
448 by this section.

449 (d) Apply to self-contained classrooms in which the only
450 students receiving special education services are those who have
451 been deemed gifted.

452 (13) The department shall collect information relating to
453 the installation and maintenance of video cameras under this
454 section.

455 (14) The State Board of Education may adopt rules to
456 implement this section.

457 Section 3. Subsections (1) and (2) of section 1012.582,
458 Florida Statutes, are amended to read:

459 1012.582 Continuing education and inservice training for
460 teaching students with developmental and emotional or behavioral
461 disabilities.-

462 (1) The Commissioner of Education shall develop



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463 recommendations to incorporate instruction regarding autism
464 spectrum disorder, Down syndrome, ~~and~~ other developmental
465 disabilities, and emotional or behavioral disabilities into
466 continuing education or inservice training requirements for
467 instructional personnel. These recommendations shall address:

468 (a) Early identification of, and intervention for, students
469 who have autism spectrum disorder, Down syndrome, ~~or~~ other
470 developmental disabilities, or emotional or behavioral
471 disabilities.

472 (b) Curriculum planning and curricular and instructional
473 modifications, adaptations, and specialized strategies and
474 techniques.

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

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

478 (e) The ~~Appropriate~~ use of ~~manual physical~~ restraint and
479 ~~seclusion~~ techniques, positive behavior interventions and
480 supports, and effective classroom behavior management
481 strategies.

482 (2) In developing the recommendations, the commissioner
483 shall consult with the State Surgeon General, the Director of
484 the Agency for Persons with Disabilities, representatives from
485 the education community in the state, and representatives from
486 entities that promote awareness about autism spectrum disorder,
487 Down syndrome, ~~and~~ other developmental disabilities, and
488 emotional or behavioral disabilities and provide programs and
489 services to persons with ~~developmental~~ disabilities, including,
490 but not limited to, regional autism centers pursuant to s.
491 1004.55.



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Section 4. This act shall take effect July 1, 2020.