

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; creating s. 1003.574, F.S.; creating  
24          the Video Cameras in Public School Classrooms Pilot  
25          Program; providing definitions; requiring a video

26 camera be placed in specified classrooms upon the  
27 request of a parent; requiring a video camera to be  
28 operational within a specified time period; providing  
29 requirements for the discontinuation of such video  
30 cameras; providing requirements for such video  
31 cameras; requiring a written explanation if the  
32 operation of such cameras is interrupted; requiring  
33 district school boards to maintain such explanation  
34 for a specified time period; requiring a school to  
35 provide written notice of the placement of a video  
36 camera to certain individuals; providing requirements  
37 for retaining and deleting video recordings; providing  
38 prohibitions for the use of such video cameras and  
39 recordings; providing that a school principal is the  
40 custodian of such video cameras and recordings;  
41 providing requirements for school principals and video  
42 recordings; providing requirements relating to student  
43 privacy; providing requirements for the viewing of  
44 such video recordings; providing for an appeal process  
45 for actions of a school or school district; providing  
46 that incidental viewings of video recordings by  
47 specified individuals are not a violation of certain  
48 provisions; providing construction; requiring the  
49 Department of Education to collect specified  
50 information; authorizing the State Board of Education

51 to adopt rules; amending s. 1012.582, F.S.; requiring  
 52 continuing education and inservice training for  
 53 teaching students with emotional or behavioral  
 54 disabilities; conforming provisions to changes made by  
 55 the act; providing an effective date.

56  
 57 Be It Enacted by the Legislature of the State of Florida:

58  
 59 Section 1. Section 1003.573, Florida Statutes, is amended  
 60 to read:

61 1003.573 Seclusion and Use of restraint of and seclusion  
 62 ~~on~~ students with disabilities in public schools.-

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

64 (a) "Crisis Intervention Plan" means an individualized  
 65 action plan for school personnel to implement when a student  
 66 exhibits dangerous behavior that may lead to imminent risk of  
 67 serious injury.

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

71 (c) "Restraint" means the use of a mechanical or physical  
 72 restraint.

73 1. "Mechanical restraint" means the use of a device that  
 74 restricts a student's freedom of movement. The term does not  
 75 include the use of devices prescribed or recommended by physical

76 | or behavioral health professionals when used for indicated  
77 | purposes.

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

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

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

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

100 | (2) SECLUSION.—Each school district shall prohibit school

101 personnel from using seclusion.

102 (3) RESTRAINT.—

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

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

111 (b) Notwithstanding the authority provided in s. 1003.32,  
 112 restraint shall be used only to protect the safety of students,  
 113 school personnel, or others and may not be used for student  
 114 discipline or to correct student noncompliance.

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

118 (4)~~(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

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

- 124 1. Incident-reporting procedures.
- 125 2. Data collection and monitoring, including when, where,

126 | and why students are restrained and ~~or secluded~~; the frequency  
 127 | of occurrences of such restraint ~~or seclusion~~; and the prone or  
 128 | ~~mechanical restraint that is most used.~~

129 |         3. Monitoring and reporting of data collected.

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

132 |         5. The district's plan for selecting personnel to be  
 133 | trained pursuant to this subsection.

134 |         6. The district's plan for reducing the use of restraint,  
 135 | ~~and seclusion~~ particularly in settings in which it occurs  
 136 | frequently or with students who are restrained repeatedly, ~~and~~  
 137 | ~~for reducing the use of prone restraint and mechanical~~  
 138 | ~~restraint.~~ The plan must include a goal for reducing the use of  
 139 | restraint ~~and seclusion~~ and must include activities, skills, and  
 140 | resources needed to achieve that goal. Activities may include,  
 141 | but are not limited to:

142 |             a. Additional training in positive behavior interventions  
 143 | and supports. ~~behavioral support and crisis management;~~

144 |             b. Parental involvement.;

145 |             c. Data review.;

146 |             d. Updates of students' functional behavioral analysis and  
 147 | positive behavior intervention plans.;

148 |             e. Additional student evaluations.;

149 |             f. Debriefing with staff.;

150 |             g. Use of schoolwide positive behavior support.; ~~and~~

151 h. Changes to the school environment.

152 i. Analysis of data to determine trends.

153 j. Ongoing reduction of the use of restraint.

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

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

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

168 (a) The use of positive behavior interventions and  
169 supports.

170 (b) Risk assessment procedures to identify when restraint  
171 may be used.

172 (c) Examples of when positive behavior interventions and  
173 support techniques have failed to reduce the imminent risk of  
174 serious injury.

175 (d) Examples of safe and appropriate restraint techniques  
 176 and how to use these techniques with multiple staff members  
 177 working as a team.

178 (e) Instruction in the district's documentation and  
 179 reporting requirements.

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

182 (g) Cardiopulmonary resuscitation.

183  
 184 Each school district shall publish the procedures for the  
 185 training required under this subsection in the district's  
 186 special policies and procedures manual.

187 (6) Crisis intervention plan.—

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

194 (b) The crisis intervention plan must include:

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

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

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

202           (c) The school must provide a copy of the crisis  
 203 intervention plan to the student's parent or guardian.

204           (7)(1) DOCUMENTATION AND REPORTING.—

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

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

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

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

215           3. The date and time of the event and the duration of the  
 216 restraint ~~or seclusion~~.

217           4. The location at which the restraint ~~or seclusion~~  
 218 occurred.

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

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

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

227           8. A description of the incident, including all of the  
228 following:

229           a. The context in which the restraint ~~or seclusion~~  
230 occurred.

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

235           c. The ~~specific~~ positive behavior interventions and  
236 supports ~~behavioral strategies~~ used to prevent and deescalate  
237 the behavior.

238           d. What occurred with the student immediately after the  
239 termination of the restraint ~~or seclusion~~.

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

243           f. Evidence of steps taken to notify the student's parent  
244 or guardian.

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

247           (c) A school shall notify the parent or guardian of a  
248 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is  
249 used. Such notification must be in writing and provided before

250 the end of the school day on which the restraint ~~or seclusion~~  
 251 occurs. Reasonable efforts must also be taken to notify the  
 252 parent or guardian by telephone or ~~computer~~ e-mail, or both, and  
 253 these efforts must be documented. The school shall obtain, and  
 254 keep in its records, the parent's or guardian's signed  
 255 acknowledgment that he or she was notified of his or her child's  
 256 restraint ~~or seclusion~~.

257 (d) A school shall also provide the parent or guardian  
 258 with the completed incident report in writing by mail within 3  
 259 school days after a student was ~~manually or physically~~  
 260 restrained ~~or secluded~~. The school shall obtain, and keep in its  
 261 records, the parent's or guardian's signed acknowledgment that  
 262 he or she received a copy of the incident report.

263 (8) ~~(2)~~ MONITORING.—

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

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

273 (c) The department shall maintain aggregate data of  
 274 incidents of ~~manual or physical~~ restraint ~~and seclusion~~ and

275 disaggregate the data for analysis by county, school, student  
276 exceptionality, and other variables, including the type and  
277 method of restraint ~~or seclusion~~ used. This information shall be  
278 updated monthly, de-identified, and made available to the public  
279 through the department's website no later than October 1, 2021.

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

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

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

292 Section 2. Section 1003.574, Florida Statutes, is created  
293 to read:

294 1003.574 Video cameras in public school classrooms; pilot  
295 program.—Beginning with the 2021-2022 school year, the Video  
296 Cameras in Public School Classrooms Pilot Program is created for  
297 a period of 3 school years.

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

299 (a) "Incident" means an event, a circumstance, an act, or

300 an omission that results in the abuse or neglect of a student  
301 by:

- 302 1. An employee of a public school or school district; or  
303 2. Another student.

304 (b) "School district" means the Broward County Public  
305 Schools and the Volusia County Schools.

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

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

314 (b) Within 30 days after receipt of the request from a  
315 parent, a video camera shall be operational in each self-  
316 contained classroom in which the parent's student is in regular  
317 attendance for the remainder of the school year, unless the  
318 parent withdraws his or her request in writing.

319 (3) If the student who is the subject of the initial  
320 request is no longer in attendance in the classroom and a school  
321 discontinues operation of a video camera during a school year,  
322 no later than the 5th school day before the date the operation  
323 of the video camera is discontinued, the school must notify the  
324 parents of each student in regular attendance in the classroom

325 that operation of the video camera will cease unless the  
326 continued use of the camera is requested by a parent. No later  
327 than the 10th school day before the end of each school year, the  
328 school must notify the parents of each student in regular  
329 attendance in the classroom that operation of the video camera  
330 will not continue during the following school year unless a  
331 written request is submitted by a parent for the next school  
332 year.

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

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

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

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

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

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

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

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

362 (b) Each student who is assigned to the self-contained  
363 classroom.

364 (c) The school district.

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

367 (6) A school shall:

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

372 (b) Retain the recording until the conclusion of any  
373 investigation or any administrative or legal proceedings that  
374 result from the recording have been completed, including,

375 without limitation, the exhaustion of all appeals.

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

377 (a) Allow regular, continuous, or continual monitoring of  
378 video recorded under this section; or

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

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

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

388 (b) A school or school district shall:

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

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

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

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

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

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

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

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

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

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

423       (10) (a) Any individual may appeal to the State Board of  
424 Education an action by a school or school district which the

425 individual alleges to be in violation of this section.

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

428 (11) A school or school district does not violate  
429 subsection (8) if a contractor or other employee of the school  
430 or school district incidentally views a video recording made  
431 under this section in connection with the performance of his or  
432 her duties related to either of the following:

433 (a) The installation, operation, or maintenance of video  
434 equipment; or

435 (b) The retention of video recordings.

436 (12) This section does not:

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

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

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

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

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

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

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

457           1012.582 Continuing education and inservice training for  
 458 teaching students with developmental and emotional or behavioral  
 459 disabilities.—

460           (1) The Commissioner of Education shall develop  
 461 recommendations to incorporate instruction regarding autism  
 462 spectrum disorder, Down syndrome, ~~and~~ other developmental  
 463 disabilities, and emotional or behavioral disabilities into  
 464 continuing education or inservice training requirements for  
 465 instructional personnel. These recommendations shall address:

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

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

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

474           (d) The use of positive behavior interventions and

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475 ~~behavioral~~ supports to deescalate problem behaviors.

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

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

490 Section 4. This act shall take effect July 1, 2021.