

By Senator Book

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1                                   A bill to be entitled  
2       An act relating to students with disabilities in  
3       public schools; amending s. 1003.573, F.S.; defining  
4       terms; requiring school districts to prohibit the use  
5       of seclusion on students with disabilities in public  
6       schools; requiring the Department of Education to make  
7       certain information available to the public by a  
8       specified date; providing requirements for the use of  
9       restraint; prohibiting specified restraint techniques;  
10      revising school district policies and procedures  
11      relating to restraint; requiring school districts to  
12      adopt positive behavior interventions and supports and  
13      certain policies and procedures; requiring each school  
14      district to publicly post specified policies and  
15      procedures; requiring school districts to provide  
16      training on certain interventions and supports to  
17      specified personnel; providing requirements for such  
18      training; requiring each school district to publish  
19      training procedures in its special policies and  
20      procedures manual; requiring schools to develop a  
21      crisis intervention plan for certain students;  
22      providing requirements for such plans; revising the  
23      requirements for documenting, reporting, and  
24      monitoring the use of restraint; conforming provisions  
25      to changes made by the act; creating s. 1003.574,  
26      F.S.; creating the Video Cameras in Public School  
27      Classrooms Pilot Program; defining terms; requiring a  
28      video camera to be placed in specified classrooms upon  
29      the request of a parent; requiring video cameras to be

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

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

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

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

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

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

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

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

(d) "Restraint" means the use of a mechanical or physical restraint.

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

2. "Physical restraint" means the use of manual restraint techniques that involve significant physical force applied by a teacher or other staff member to restrict the movement of all or

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88 part of a student's body. The term does not include briefly  
89 holding a student in order to calm or comfort the student or  
90 physically escorting a student to a safe location.

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 kindergarten through grade 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 (7) DOCUMENTATION AND REPORTING.—

104 (a) A school shall prepare an incident report within 24  
105 hours after a student is released from restraint ~~or seclusion~~.  
106 If the student's release occurs on a day before the school  
107 closes for the weekend, a holiday, or another reason, the  
108 incident report must be completed by the end of the school day  
109 on the day the school reopens.

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

- 111 1. The name of the student restrained ~~or secluded~~.
- 112 2. The age, grade, ethnicity, and disability of the student  
113 restrained ~~or secluded~~.
- 114 3. The date and time of the event and the duration of the  
115 restraint ~~or seclusion~~.
- 116 4. The location at which the restraint ~~or seclusion~~

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117 occurred.

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

120 6. The name of the person using or assisting in the  
121 restraint ~~or seclusion~~ of the student and the date the person  
122 was last trained in the use of positive behavior interventions  
123 and supports.

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

126 8. A description of the incident, including all of the  
127 following:

128 a. The context in which the restraint ~~or seclusion~~  
129 occurred.

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

134 c. The ~~specific~~ positive behavior interventions and  
135 supports ~~behavioral strategies~~ used to prevent and deescalate  
136 the behavior.

137 d. What occurred with the student immediately after the  
138 termination of the restraint ~~or seclusion~~.

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

142 f. Evidence of steps taken to notify the student's parent  
143 or guardian.

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

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146 (c) A school shall notify the parent or guardian of a  
147 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is  
148 used. Such notification must be in writing and provided before  
149 the end of the school day on which the restraint ~~or seclusion~~  
150 occurs. Reasonable efforts must also be taken to notify the  
151 parent or guardian by telephone or ~~computer~~ e-mail, or both, and  
152 these efforts must be documented. The school shall obtain, and  
153 keep in its records, the parent's or guardian's signed  
154 acknowledgment that he or she was notified of his or her child's  
155 restraint ~~or seclusion~~.

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

162 (2) SECLUSION.—Each school district shall prohibit school  
163 personnel from using seclusion.

164 (8) MONITORING.—

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

168 (b) Any documentation prepared by a school pursuant to ~~as~~  
169 ~~required in~~ subsection (7) ~~(1)~~ shall be provided to the school  
170 principal, the district director of Exceptional Student  
171 Education, and the bureau chief of the Bureau of Exceptional  
172 Education and Student Services electronically each month that  
173 the school is in session.

174 (c) The department shall maintain aggregate data of

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175 incidents of ~~manual or physical~~ restraint and ~~seclusion~~ and  
176 disaggregate the data for analysis by county, school, student  
177 exceptionality, and other variables, including the type and  
178 method of restraint ~~or seclusion~~ used. This information shall be  
179 updated monthly, de-identified, and made available to the public  
180 through the department's website no later than October 1, 2021.

181 (d) The department shall establish standards for  
182 documenting, reporting, and monitoring the incident reports  
183 related to the use of manual or physical restraint or mechanical  
184 restraint, and occurrences of seclusion. These standards shall  
185 be provided to school districts ~~by October 1, 2011.~~

186 (3) RESTRAINT.—

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

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

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

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

202 (4) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

203 (a) Each school district shall adopt positive behavior

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204 interventions and supports and identify all school personnel  
205 authorized to use the interventions and supports. Each school  
206 district shall develop policies and procedures that are  
207 consistent with this section and that govern the following:

208 1. Incident-reporting procedures.

209 2. Data collection and monitoring, including when, where,  
210 and why students are restrained and ~~or secluded;~~ the frequency  
211 of occurrences of such restraint ~~or seclusion;~~ and the prone or  
212 mechanical restraint that is most used.

213 3. Monitoring and reporting of data collected.

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

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

218 6. The district's plan for reducing the use of restraint,  
219 ~~and seclusion~~ particularly in settings in which it occurs  
220 frequently or with students who are restrained repeatedly, ~~and~~  
221 ~~for reducing the use of prone restraint and mechanical~~  
222 ~~restraint.~~ The plan must include a goal for reducing the use of  
223 restraint ~~and seclusion~~ and must include activities, skills, and  
224 resources needed to achieve that goal. Activities may include,  
225 but are not limited to:

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

228 b. Parental involvement.†

229 c. Data review.†

230 d. Updates of students' functional behavioral analysis and  
231 positive behavior intervention plans.†

232 e. Additional student evaluations.†



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- 233 f. Debriefing with staff.~~†~~
- 234 g. Use of schoolwide positive behavior support.~~†~~ and
- 235 h. Changes to the school environment.
- 236 i. Analysis of data to determine trends.
- 237 j. Ongoing reduction of the use of restraint.
- 238 (b) Any revisions a school district makes to its ~~to the~~
- 239 ~~district's~~ policies and procedures pursuant to this section,
- 240 ~~which must be prepared as part of its special policies and~~
- 241 ~~procedures,~~ must be filed with the bureau chief of the Bureau of
- 242 Exceptional Education and Student Services within 90 days after
- 243 the revision ~~no later than January 31, 2012.~~
- 244 (c) At the beginning of each school year, each school
- 245 district shall publicly post its policies and procedures on
- 246 positive behavior interventions and supports as adopted by the
- 247 school district.
- 248 (5) TRAINING.—Each school district shall provide training
- 249 to all school personnel authorized to use positive behavior
- 250 interventions and supports pursuant to school district policy.
- 251 Training shall be provided annually and must include:
- 252 (a) The use of positive behavior interventions and
- 253 supports.
- 254 (b) Risk assessment procedures to identify when restraint
- 255 may be used.
- 256 (c) Examples of when positive behavior interventions and
- 257 support techniques have failed to reduce the imminent risk of
- 258 serious injury.
- 259 (d) Examples of safe and appropriate restraint techniques
- 260 and how to use these techniques with multiple staff members
- 261 working as a team.

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262 (e) Instruction in the district's documentation and  
263 reporting requirements.

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

266 (g) Cardiopulmonary resuscitation.

267

268 Each school district shall publish the procedures for the  
269 training required under this subsection in the district's  
270 special policies and procedures manual.

271 (6) CRISIS INTERVENTION PLAN.—

272 (a) Upon the second time a student is restrained during a  
273 semester, the school shall develop a crisis intervention plan  
274 for the student. The crisis intervention plan shall be developed  
275 by a team comprised of the student's parent, school personnel,  
276 and applicable physical and behavioral health professionals.

277 (b) The crisis intervention plan must include:

278 1. Specific positive behavior interventions and supports to  
279 use in response to dangerous behaviors that create a threat of  
280 imminent risk of serious injury.

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

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

285 (c) The school must provide a copy of the crisis  
286 intervention plan to the student's parent

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

290 ~~(5) SECLUSION. School personnel may not close, lock, or~~

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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 2021-2022 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-  
318 contained classroom in which the parent's student is in regular  
319 attendance for the remainder of the school year, unless the

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

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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 irretrievable; or

374 (b) Retain the recording until the conclusion of any  
375 investigation or any administrative or legal proceedings that  
376 result from the recording have been completed, including,  
377 without limitation, the exhaustion of all appeals.

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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;

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

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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  
434 her duties related to either of the following:

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

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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. Section 1012.582, Florida Statutes, is amended  
458 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  
463 recommendations to incorporate instruction regarding autism  
464 spectrum disorder, Down syndrome, ~~and~~ other developmental



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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.

492 (3) Beginning with the 2010-2011 school year, the  
493 Department of Education shall incorporate the course curricula

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494 recommended by the Commissioner of Education, pursuant to  
495 subsection (1), into existing requirements for the continuing  
496 education or inservice training of instructional personnel. The  
497 requirements of this section may not add to the total hours  
498 required for continuing education or inservice training as  
499 currently established by the department.

500 (4) The State Board of Education may adopt rules pursuant  
501 to ss. 120.536(1) and 120.54 to implement this section.

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