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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/14/2011	.	
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The Committee on Budget Subcommittee on Education Pre-K - 12 Appropriations (Flores) recommended the following:

1 **Senate Amendment to Amendment (129976) (with title**
2 **amendment)**

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4 Between lines 833 and 834
5 insert:

6 Section 20. Section 1003.573, Florida Statutes, is amended
7 to read:

8 1003.573 Use of ~~seclusion and restraint~~ and seclusion on
9 students with disabilities.—

10 (1) DOCUMENTATION AND REPORTING.—

11 (a) A school shall prepare an incident report within 24
12 hours after a student is released from restraint or seclusion.



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13 If the student's release occurs on a day before the school
14 closes for the weekend, a holiday, or another reason, the
15 incident report must be completed by the end of the school day
16 on the day the school reopens.

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

18 1. The name of the student restrained or secluded.

19 2. The age and ethnicity and the eligibility of the student
20 restrained or secluded.

21 3.2. The date and time of the event and the duration of the
22 restraint or seclusion.

23 4.3. The location at which the restraint or seclusion
24 occurred.

25 5.4. A description of the type of restraint used in terms
26 established by the Department of Education.

27 6.5. The name of the person using or assisting in the
28 restraint or seclusion of the student.

29 7.6. The name of any nonstudent who was present to witness
30 the restraint or seclusion.

31 8.7. A description of the incident, including:

32 a. The context in which the restraint or seclusion
33 occurred.

34 b. The student's behavior leading up to and precipitating
35 the decision to use manual or physical restraint or seclusion,
36 including an indication as to why there was an imminent risk of
37 serious injury or death to the student or others.

38 c. The specific positive behavioral strategies used to
39 prevent and deescalate the behavior.

40 d. What occurred with the student immediately after the
41 termination of the restraint or seclusion.



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42 e. Any injuries, visible marks, or possible medical
43 emergencies that may have occurred during the restraint or
44 seclusion, documented according to district policies.

45 f. Evidence of steps taken to notify the student's parent
46 or guardian.

47 (c) A school shall notify the parent or guardian of a
48 student each time manual or physical restraint or seclusion is
49 used. Such notification must be in writing and provided before
50 the end of the school day on which the restraint or seclusion
51 occurs. Reasonable efforts must also be taken to notify the
52 parent or guardian by telephone or computer e-mail, or both, and
53 these efforts must be documented. The school shall obtain, and
54 keep in its records, the parent's or guardian's signed
55 acknowledgment that he or she was notified of his or her child's
56 restraint or seclusion.

57 (d) A school shall also provide the parent or guardian with
58 the completed incident report in writing by mail within 3 school
59 days after a student was manually or physically restrained or
60 secluded. The school shall obtain, and keep in its records, the
61 parent's or guardian's signed acknowledgment that he or she
62 received a copy of the incident report.

63 (2) MONITORING.—

64 (a) Monitoring of the use of manual or physical restraint
65 or seclusion on students shall occur at the classroom, building,
66 district, and state levels.

67 (b) ~~Beginning July 1, 2010,~~ Documentation prepared as
68 required in subsection (1) shall be provided to the school
69 principal, the district director of Exceptional Student
70 Education, and the bureau chief of the Bureau of Exceptional



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71 Education and Student Services electronically each month that
72 the school is in session.

73 (c) The department shall maintain aggregate data of
74 incidents of manual or physical restraint and seclusion and
75 disaggregate the data for analysis by county, school, student
76 exceptionality, and other variables, including the type and
77 method of restraint or seclusion used. This information shall be
78 updated monthly.

79 (d) The department shall establish standards for
80 documenting, reporting, and monitoring the use of manual or
81 physical restraint or mechanical restraint, and occurrences of
82 seclusion. These standards shall be provided to school districts
83 by October 1, 2011.

84 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

85 (a) Each school district shall develop policies and
86 procedures that are consistent with this section and that govern
87 the following:

88 1. Incident-reporting procedures.

89 2. Data collection and monitoring, including when, where,
90 and why students are restrained or secluded; the frequency of
91 occurrences of such restraint or seclusion; and the prone or
92 mechanical restraint that is most used.

93 3. Monitoring and reporting of data collected.

94 4. Training programs relating to manual or physical
95 restraint and seclusion.

96 5. The district's plan for selecting personnel to be
97 trained.

98 6. The district's plan for reducing the use of restraint
99 and seclusion particularly in settings in which it occurs



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100 frequently or with students who are restrained repeatedly, and
101 for reducing the use of prone restraint and mechanical
102 restraint. The plan must include a goal for reducing the use of
103 restraint and seclusion and must include activities, skills, and
104 resources needed to achieve that goal. Activities may include,
105 but are not limited to:

- 106 a. Additional training in positive behavioral support and
107 crisis management;
- 108 b. Parental involvement;
- 109 c. Data review;
- 110 d. Updates of students' functional behavioral analysis and
111 positive behavior intervention plans;
- 112 e. Additional student evaluations;
- 113 f. Debriefing with staff;
- 114 g. Use of schoolwide positive behavior support; and
- 115 h. Changes to the school environment.

116 (b) Any revisions to the district's ~~such~~ policies and
117 procedures, which must be prepared as part of its ~~the school~~
118 ~~district's~~ special policies and procedures, must be filed with
119 the bureau chief of the Bureau of Exceptional Education and
120 Student Services no later than January 31, 2012 ~~2011~~.

121 (4) PROHIBITED RESTRAINT.—School personnel may not use a
122 mechanical restraint or a manual or physical restraint that
123 restricts a student's breathing.

124 (5) SECLUSION.—School personnel may not close, lock, or
125 physically block a student in a room that is unlit and does not
126 meet the rules of the State Fire Marshal for seclusion time-out
127 rooms.
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129 ===== T I T L E A M E N D M E N T =====

130 And the title is amended as follows:

131 Delete line 1705

132 and insert:

133 academy courses; amending s. 1003.573, F.S.; revising
134 provisions relating to the use of restraint and
135 seclusion on students with disabilities; requiring
136 that certain information be included in incident
137 reports; removing an obsolete date; requiring that the
138 Department of Education maintain certain data of
139 incidents of manual or physical restraint and
140 seclusion and establish standards for documenting,
141 reporting, and monitoring the use of restraint and
142 seclusion; requiring that the department provide these
143 standards to school districts by a specified date;
144 revising provisions relating to school district
145 policies and procedures to include monitoring,
146 training, selecting personnel to be trained, and
147 planning for reducing the use of restraint and
148 seclusion; extending the date that such policies and
149 procedures must be revised and filed with the bureau
150 chief of the Bureau of Exceptional Education and
151 Student Services within the Department of Education;
152 amending s. 1003.575, F.S.; providing