

By the Committee on Education Pre-K - 12; and Senators Gardiner, Fasano, Dean, and Storms

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1 A bill to be entitled
2 An act relating to individuals with developmental
3 disabilities; amending s. 393.067, F.S.; revising the
4 application procedures for the licensing of certain
5 facilities that serve individuals with developmental
6 disabilities; amending s. 393.13, F.S.; providing that
7 persons with developmental disabilities have the right
8 to be free from abuse, including sexual abuse,
9 neglect, and exploitation; amending s. 402.305, F.S.;
10 requiring minimum training for child care personnel to
11 include the identification and care of children with
12 developmental disabilities; creating s. 1003.573,
13 F.S.; requiring that each school prepare an incident
14 report within a specified period after each occasion
15 of student restraint or seclusion; specifying the
16 contents of such report; requiring that each school
17 notify a student's parent or guardian if manual
18 physical restraint or seclusion is used; requiring
19 certain reporting and monitoring; requiring that each
20 school district develop and revise policies and
21 procedures governing the incident reports, data
22 collection, and the monitoring and reporting of such
23 data; amending s. 1004.55, F.S.; requiring regional
24 autism centers to provide certain support for serving
25 children with developmental disabilities; creating s.
26 1012.582, F.S.; requiring the Department of Education
27 to incorporate course curricula relating to
28 developmental disabilities into existing requirements
29 for the continuing education or inservice training of

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30 instructional personnel; requiring the Commissioner of
31 Education to make recommendations to the department
32 relating to developmental disabilities awareness
33 instruction and methods for teaching students with
34 developmental disabilities; authorizing the State
35 Board of Education to adopt rules; providing an
36 effective date.

37
38 Be It Enacted by the Legislature of the State of Florida:

39
40 Section 1. Paragraph (h) of subsection (4) and subsections
41 (7) and (9) of section 393.067, Florida Statutes, are amended to
42 read:

43 393.067 Facility licensure.—

44 (4) The application shall be under oath and shall contain
45 the following:

46 (h) Certification that the staff of the facility or program
47 will receive training to detect, report, and prevent sexual
48 abuse, abuse, neglect, exploitation, and abandonment, as defined
49 in ss. 39.01 and 415.102, of residents and clients.

50 (7) The agency shall adopt rules establishing minimum
51 standards for facilities and programs licensed under this
52 section, including rules requiring facilities and programs to
53 train staff to detect, report, and prevent sexual abuse, abuse,
54 neglect, exploitation, and abandonment, as defined in ss. 39.01
55 and 415.102, of residents and clients, minimum standards of
56 quality and adequacy of client care, incident reporting
57 requirements, and uniform firesafety standards established by
58 the State Fire Marshal which are appropriate to the size of the

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59 facility or of the component centers or units of the program.

60 (9) The agency may conduct unannounced inspections to
61 determine compliance by foster care facilities, group home
62 facilities, residential habilitation centers, and comprehensive
63 transitional education programs with the applicable provisions
64 of this chapter and the rules adopted pursuant hereto, including
65 the rules adopted for training staff of a facility or a program
66 to detect, report, and prevent sexual abuse, abuse, neglect,
67 exploitation, and abandonment, as defined in ss. 39.01 and
68 415.102, of residents and clients. The facility or program shall
69 make copies of inspection reports available to the public upon
70 request.

71 Section 2. Paragraph (a) of subsection (3) of section
72 393.13, Florida Statutes, is amended to read:

73 393.13 Treatment of persons with developmental
74 disabilities.—

75 (3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL DISABILITIES.—
76 The rights described in this subsection shall apply to all
77 persons with developmental disabilities, whether or not such
78 persons are clients of the agency.

79 (a) Persons with developmental disabilities shall have a
80 right to dignity, privacy, and humane care, including the right
81 to be free from abuse, including sexual abuse, neglect, and
82 exploitation ~~in residential facilities.~~

83 Section 3. Paragraph (d) of subsection (2) of section
84 402.305, Florida Statutes, is amended to read:

85 402.305 Licensing standards; child care facilities.—

86 (2) PERSONNEL.—Minimum standards for child care personnel
87 shall include minimum requirements as to:

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88 (d) Minimum training requirements for child care personnel.

89 1. Such minimum standards for training shall ensure that
90 all child care personnel take an approved 40-clock-hour
91 introductory course in child care, which course covers at least
92 the following topic areas:

93 a. State and local rules and regulations which govern child
94 care.

95 b. Health, safety, and nutrition.

96 c. Identifying and reporting child abuse and neglect.

97 d. Child development, including typical and atypical
98 language, cognitive, motor, social, and self-help skills
99 development.

100 e. Observation of developmental behaviors, including using
101 a checklist or other similar observation tools and techniques to
102 determine the child's developmental age level.

103 f. Specialized areas, including computer technology for
104 professional and classroom use and early literacy and language
105 development of children from birth to 5 years of age, as
106 determined by the department, for owner-operators and child care
107 personnel of a child care facility.

108 g. Developmental disabilities, including autism spectrum
109 disorder and Down syndrome, and the early identification, use of
110 available state and local resources, classroom integration, and
111 positive behavioral supports for children with developmental
112 disabilities.

113

114 Within 90 days after employment, child care personnel shall
115 begin training to meet the training requirements. Child care
116 personnel shall successfully complete such training within 1

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117 year after the date on which the training began, as evidenced by
118 passage of a competency examination. Successful completion of
119 the 40-clock-hour introductory course shall articulate into
120 community college credit in early childhood education, pursuant
121 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
122 the required training shall be granted to child care personnel
123 based upon educational credentials or passage of competency
124 examinations. Child care personnel possessing a 2-year degree or
125 higher that includes 6 college credit hours in early childhood
126 development or child growth and development, or a child
127 development associate credential or an equivalent state-approved
128 child development associate credential, or a child development
129 associate waiver certificate shall be automatically exempted
130 from the training requirements in sub-subparagraphs b., d., and
131 e.

132 2. The introductory course in child care shall stress, to
133 the extent possible, an interdisciplinary approach to the study
134 of children.

135 3. The introductory course shall cover recognition and
136 prevention of shaken baby syndrome, prevention of sudden infant
137 death syndrome, recognition and care of infants and toddlers
138 with developmental disabilities, including autism spectrum
139 disorder and Down syndrome, and early childhood brain
140 development within the topic areas identified in this paragraph.

141 4. On an annual basis in order to further their child care
142 skills and, if appropriate, administrative skills, child care
143 personnel who have fulfilled the requirements for the child care
144 training shall be required to take an additional 1 continuing
145 education unit of approved inservice training, or 10 clock hours

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146 of equivalent training, as determined by the department.

147 5. Child care personnel shall be required to complete 0.5
148 continuing education unit of approved training or 5 clock hours
149 of equivalent training, as determined by the department, in
150 early literacy and language development of children from birth
151 to 5 years of age one time. The year that this training is
152 completed, it shall fulfill the 0.5 continuing education unit or
153 5 clock hours of the annual training required in subparagraph 4.

154 6. Procedures for ensuring the training of qualified child
155 care professionals to provide training of child care personnel,
156 including onsite training, shall be included in the minimum
157 standards. It is recommended that the state community child care
158 coordination agencies (central agencies) be contracted by the
159 department to coordinate such training when possible. Other
160 district educational resources, such as community colleges and
161 career programs, can be designated in such areas where central
162 agencies may not exist or are determined not to have the
163 capability to meet the coordination requirements set forth by
164 the department.

165 7. Training requirements shall not apply to certain
166 occasional or part-time support staff, including, but not
167 limited to, swimming instructors, piano teachers, dance
168 instructors, and gymnastics instructors.

169 8. The department shall evaluate or contract for an
170 evaluation for the general purpose of determining the status of
171 and means to improve staff training requirements and testing
172 procedures. The evaluation shall be conducted every 2 years. The
173 evaluation shall include, but not be limited to, determining the
174 availability, quality, scope, and sources of current staff

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175 training; determining the need for specialty training; and
176 determining ways to increase inservice training and ways to
177 increase the accessibility, quality, and cost-effectiveness of
178 current and proposed staff training. The evaluation methodology
179 shall include a reliable and valid survey of child care
180 personnel.

181 9. The child care operator shall be required to take basic
182 training in serving children with disabilities within 5 years
183 after employment, either as a part of the introductory training
184 or the annual 8 hours of inservice training.

185 Section 4. Section 1003.573, Florida Statutes, is created
186 to read:

187 1003.573 Use of seclusion and restraint on students with
188 disabilities.-

189 (1) DOCUMENTATION AND REPORTING.-

190 (a) A school shall prepare an incident report within 24
191 hours after a student is released from restraint or seclusion.
192 If the student's release occurs on a day before the school
193 closes for the weekend, a holiday, or another reason, the
194 incident report must be completed by the end of the school day
195 on the day the school reopens.

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

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

198 2. The date and time of the event and the duration of the
199 restraint or seclusion.

200 3. The location at which the restraint or seclusion
201 occurred.

202 4. The type of restraint used.

203 5. The name of the person using or assisting in the

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204 restraint or seclusion of the student.

205 6. The name of any nonstudent who was present to witness
206 the restraint or seclusion.

207 7. A description of the incident, including:

208 a. The context in which the restraint or seclusion
209 occurred.

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

214 c. The specific positive behavioral strategies used to
215 prevent and deescalate the behavior.

216 d. What occurred with the student immediately after the
217 termination of the restraint or seclusion.

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

221 f. Evidence of steps taken to notify the student's parent
222 or guardian.

223 (c) A school shall notify the parent or guardian of a
224 student each time manual physical restraint or seclusion is
225 used. Such notification must be in writing and provided before
226 the end of the school day on which the restraint or seclusion
227 occurs. Reasonable efforts must also be taken to notify the
228 parent or guardian by telephone or computer e-mail, or both, and
229 these efforts must be documented. The school shall obtain, and
230 keep in its records, the parent's or guardian's signed
231 acknowledgement that he or she was notified of his or her
232 child's restraint or seclusion.

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233 (d) A school shall also provide the parent or guardian with
234 the completed incident report in writing by mail within 3 school
235 days after a student was manually physically restrained or
236 secluded. The school shall obtain, and keep in its records, the
237 parent's or guardian's signed acknowledgement that he or she
238 received a copy of the incident report.

239 (2) MONITORING.—

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

243 (b) Documentation prepared as required in subsection (1)
244 shall be provided to the school principal, the district director
245 of Exceptional Student Education, and the bureau chief of the
246 Bureau of Exceptional Education and Student Services
247 electronically each month that the school is in session.

248 (c) The department shall maintain aggregate data of
249 incidents of manual physical restraint and seclusion and
250 disaggregate the data for analysis by county, school, student
251 exceptionality, and other variables. This information shall be
252 updated monthly.

253 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

254 (a) Each school district shall develop policies and
255 procedures that are consistent with this section and that govern
256 the following:

- 257 1. Incident-reporting procedures.
- 258 2. Data collection.
- 259 3. Monitoring and reporting of data collected.

260 (b) Any revisions to such policies and procedures, which
261 must be prepared as part of the school district's special

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262 policies and procedures, must be filed with the bureau chief of
263 the Bureau of Exceptional Education and Student Services no
264 later than January 31, 2011.

265 Section 5. Paragraphs (f) and (g) are added to subsection
266 (4) of section 1004.55, Florida Statutes, to read:

267 1004.55 Regional autism centers.—

268 (4) Each center shall provide:

269 (f) Coordination and dissemination of local and regional
270 information regarding available resources for services for
271 children with the developmental disabilities described in
272 subsection (1).

273 (g) Support to state agencies in the development of
274 training for early child care providers and educators with
275 respect to the developmental disabilities described in
276 subsection (1).

277 Section 6. Section 1012.582, Florida Statutes, is created
278 to read:

279 1012.582 Continuing education and inservice training for
280 teaching students with developmental disabilities.—

281 (1) The Commissioner of Education shall develop
282 recommendations to incorporate instruction regarding autism
283 spectrum disorder, Down syndrome, and other developmental
284 disabilities into continuing education or inservice training
285 requirements for instructional personnel. These recommendations
286 shall address:

287 (a) Early identification of, and intervention for, students
288 who have autism spectrum disorder, Down syndrome, or other
289 developmental disabilities.

290 (b) Curriculum planning and curricular and instructional

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291 modifications, adaptations, and specialized strategies and
292 techniques.

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

294 (d) The use of positive behavioral supports to deescalate
295 problem behaviors.

296 (e) Appropriate use of manual physical restraint and
297 seclusion techniques.

298 (2) In developing the recommendations, the commissioner
299 shall consult with the State Surgeon General, the director of
300 the Agency for Persons with Disabilities, representatives from
301 the education community in the state, and representatives from
302 entities that promote awareness about autism spectrum disorder,
303 Down syndrome, and other developmental disabilities, and provide
304 programs and services to persons with developmental
305 disabilities, including, but not limited to, regional autism
306 centers pursuant to s. 1004.55.

307 (3) Beginning with the 2010-2011 school year, the
308 Department of Education shall incorporate the course curricula
309 recommended by the Commissioner of Education, pursuant to
310 subsection (1), into existing requirements for the continuing
311 education or inservice training of instructional personnel. The
312 requirements of this section may not add to the total hours
313 required for continuing education or inservice training as
314 currently established by the department.

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

317 Section 7. This act shall take effect July 1, 2010.