

Amendment No.

CHAMBER ACTION

Senate

House

.

1 Representative Adkins offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 937 and 938, insert:

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

7 1003.573 Use of ~~seclusion and~~ restraint or seclusion on
8 students with disabilities.-

9 (1) DOCUMENTATION AND REPORTING.-

10 (a) A school shall prepare an incident report within 24
11 hours after a student with disabilities is released from
12 restraint or seclusion. If the student's release occurs on a day
13 before the school closes for the weekend, a holiday, or another
14 reason, the incident report must be completed by the end of the
15 school day on the day the school reopens. For purposes of this

523165

Approved For Filing: 4/27/2011 1:53:08 PM

Amendment No.

16 section, the term "student with disabilities" has the same
17 meaning as provided in s. 1003.01(3) (a).

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

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

20 2. The date and time of the event and the duration of the
21 restraint or seclusion.

22 3. The location at which the restraint or seclusion
23 occurred.

24 4. The type of restraint or seclusion that occurred. The
25 terms used to describe each occurrence must be in conformity
26 with the terms identified and described in state board rule.

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

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

31 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-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.

Amendment No.

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 8. Other variables identified in state board rule.

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

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

64 (2) MONITORING.—

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

68 (b) Each month that a school is in session, incident
69 reports required under ~~Beginning July 1, 2010, documentation~~
523165

Approved For Filing: 4/27/2011 1:53:08 PM

Amendment No.

70 ~~prepared as required in~~ subsection (1) shall be provided to the
71 school principal and, the district director of Exceptional
72 Student Education, and shall be provided electronically to the
73 bureau chief of the Bureau of Exceptional Education and Student
74 Services within the department electronically each month that
75 ~~the school is in session.~~

76 (c) The department shall maintain aggregate data of
77 incidents of ~~manual physical~~ restraint and seclusion and
78 disaggregate the data for analysis by county, school, disability
79 of the student exceptionality, and other variables. This
80 information shall be updated monthly.

81 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

82 ~~(a)~~ Each school district shall develop policies and
83 procedures that are consistent with this section and that
84 include, but are not limited to govern the following:

85 (a)1. Reporting incidents of restraint or seclusion as
86 required under subsection (1) Incident-reporting procedures.

87 (b)2. Collecting, monitoring, and reporting data regarding
88 restraint and seclusion, including when, where, and why students
89 are restrained or secluded; the frequency of occurrences of such
90 restraint or seclusion; and the number of times each type of
91 restraint is used ~~Data collection.~~

92 (c) Setting goals for the reduction of restraint and
93 seclusion, particularly in settings in which restraint or
94 seclusion occurs frequently or at times when particular students
95 are restrained or secluded repeatedly, and identifying the
96 resources, skills, and activities needed to achieve such goals.

97 Activities may include, but are not limited to:

523165

Approved For Filing: 4/27/2011 1:53:08 PM

Amendment No.

98 1. Additional training in positive behavioral support and
99 crisis management.

100 2. Parental involvement.

101 3. Data review.

102 4. Updates to a student's functional behavioral analysis
103 and positive behavior intervention plans.

104 5. Additional student evaluations.

105 6. Debriefing with staff.

106 7. Use of schoolwide positive behavior support.

107 8. Changes to the school environment.

108 ~~3. Monitoring and reporting of data collected.~~

109 ~~(b) Any revisions to such policies and procedures, which~~
110 ~~must be prepared as part of the school district's special~~
111 ~~policies and procedures, must be filed with the bureau chief of~~
112 ~~the Bureau of Exceptional Education and Student Services no~~
113 ~~later than January 31, 2011.~~

114 (4) PROHIBITED RESTRAINT.—School personnel may not use a
115 ~~mechanical restraint or a manual physical~~ restraint that
116 restricts a student's breathing.

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

121 (6) RULES.—The State Board of Education shall adopt rules
122 to implement this section. The rules shall define the terms
123 seclusion and restraint, which shall include physical and
124 mechanical restraint, and identify the appropriate terms to be
125 used in the incident report when describing the type of

523165

Approved For Filing: 4/27/2011 1:53:08 PM

Amendment No.

seclusion or restraint that occurred. The rules shall identify additional variables that must be documented in each incident report as well as the standards for documentation and the process for submitting each incident report. These rules shall be provided to school districts on or before March 1, 2012.

Section 21. The amendments to s. 1003.573(1), Florida Statutes, made by this act apply to incident reports submitted on or after July 1, 2012.

Section 22. Paragraph (e) of subsection (1) of section 1012.582, Florida Statutes, is amended to read:

1012.582 Continuing education and inservice training for teaching students with developmental disabilities.-

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

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

T I T L E A M E N D M E N T

Remove line 67 and insert:
and professional academies and academy courses; amending s. 1003.573, F.S.; revising provisions relating to the use of restraint and seclusion on students with disabilities; requiring

Amendment No.

154 that certain information be included in incident reports;
155 revising provisions relating to school district policies and
156 procedures to include setting goals for the reduction of
157 restraint and seclusion; requiring the State Board of Education
158 to adopt rules defining terms and identifying additional
159 variables to be documented in incident reports and standards for
160 documentation and reporting; providing for application of
161 specified provisions of the act; amending s. 1012.582, F.S.;
162 conforming provisions to changes made by the act; amending