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LEGISLATIVE ACTION

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

Senate Amendment (with title amendment)

Between lines 1046 and 1047
insert:
Section 18. Section 1003.573, Florida Statutes, is amended
to read:

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

(1) DOCUMENTATION AND REPORTING.-

(a) A school shall prepare an incident report within 24
hours after a student is released from restraint or seclusion.
If the student's release occurs on a day before the school



949738

13 closes for the weekend, a holiday, or another reason, the
14 incident report must be completed by the end of the school day
15 on the day the school reopens.

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

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

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

20 3.2. The date and time of the event and the duration of the
21 restraint or seclusion.

22 4.3. The location at which the restraint or seclusion
23 occurred.

24 5.4. A description of the type of restraint used in terms
25 established by the Department of Education.

26 6.5. The name of the person using or assisting in the
27 restraint or seclusion of the student.

28 7.6. The name of any nonstudent who was present to witness
29 the restraint or seclusion.

30 8.7. A description of the incident, including:

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

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

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

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

41 e. Any injuries, visible marks, or possible medical



949738

42 emergencies that may have occurred during the restraint or
43 seclusion, documented according to district policies.

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

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

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

62 (2) MONITORING.—

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

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



949738

71 the school is in session.

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

78 (d) The department shall establish standards for
79 documenting, reporting, and monitoring the use of manual
80 physical restraints and mechanical restraints and occurrences of
81 seclusion. These standards shall be provided to school districts
82 no later than October 1, 2011.

83 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

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

87 1. Incident-reporting procedures.

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

92 3. Monitoring and reporting of data collected.

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

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

97 7. The district's plan for reducing the use of restraint
98 and seclusion particularly in settings in which it occurs more
99 frequently and with students who are restrained repeatedly, or



949738

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

104 a. Additional training in positive behavioral support and
105 crisis management;

106 b. Parental involvement;

107 c. Data review;

108 d. Updates to students' functional behavioral analysis and
109 positive behavior intervention plans;

110 e. Needs for additional student evaluations;

111 f. Debriefing with staff;

112 g. Use of school-wide positive behavior support; and

113 h. Changes to the school environment.

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

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

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

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



949738

129 And the title is amended as follows:

130 Delete line 116

131 and insert:

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