

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED                                         (Y/N)  
ADOPTED AS AMENDED                         (Y/N)  
ADOPTED W/O OBJECTION                     (Y/N)  
FAILED TO ADOPT                             (Y/N)  
WITHDRAWN                                    (Y/N)  
OTHER                                          

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1 Committee/Subcommittee hearing bill: Education Committee  
2 Representative Edwards offered the following:

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

5        Remove everything after the enacting clause and insert:

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

8        1003.573 Seclusion and Use of restraint of and seclusion  
9 ~~en~~ students with disabilities in public schools.-

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

11        (a) "Department" means the Department of Education.

12        (b) "Exclusionary time" means the period during which an  
13 individual is removed from an event, activity, or instructional  
14 environment to encourage reflection on behavior and allow space  
15 and time for understanding of choices and consequences.

Amendment No. 1

16        (c) "Imminent risk of serious injury or death" means the  
17 impending risk of a significant injury, such as a laceration,  
18 bone fracture, substantial hematoma, or injury to an internal  
19 organ, or death.

20        (d) "Medical protective equipment" means health-related  
21 protective devices prescribed by a physician or dentist for use  
22 as student protection in response to an existing medical  
23 condition.

24        (e) "Nonexclusionary time" means a period during which the  
25 individual remains in the event or instructional environment but  
26 is redirected from the activities so that he or she has an  
27 opportunity to reflect on the behavior and is given space and  
28 time for understanding of choices and consequences.

29        (f) "Restraint" means the use of mechanical or physical  
30 restraint which may be used only when all other behavioral  
31 strategies and intervention techniques have been exhausted.

32        1. "Mechanical restraint" means the use of a device that  
33 restricts a student's freedom of movement. The term does not  
34 include the use of any of:

35            a. Medical protective equipment.

36            b. Behavioral protective equipment, including helmets,  
37 gloves, wraps, and other devices that are used temporarily to  
38 prevent severe tissue damage caused by behavioral excesses.

39            c. Physical equipment or orthopedic appliances, surgical  
40 dressings or bandages, or supportive body bands or other

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Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

41 restraints necessary for ongoing medical treatment in the  
42 educational setting.

43 d. Devices used to support functional body position or  
44 proper balance, or to prevent a person from falling out of a bed  
45 or a wheelchair, except when such a device is used for a purpose  
46 other than supporting a body position or proper balance, such as  
47 coercion, discipline, convenience, or retaliation, to prevent  
48 imminent risk of serious injury or death of the student or  
49 others, or for any other behavior management reason.

50 e. Equipment used for safety during transportation, such  
51 as seatbelts or wheelchair tie-downs.

52 2. "Physical restraint" means the use of manual restraint  
53 techniques that involve significant physical force applied by a  
54 teacher or other staff member to restrict the movement of all or  
55 part of a student's body.

56 (g) "Seclusion" means the removal of a student from an  
57 educational environment, involuntarily confining the student in  
58 a room or area, and preventing the student from leaving the area  
59 by locking or artificially blocking the door. The term does not  
60 include exclusionary time.

61 (h) "Student" means a student with a functional behavioral  
62 assessment and an individualized behavior intervention plan.

63 (2) PHYSICAL RESTRAINT.—

64 (a) Physical restraint may be used only when there is an  
65 imminent risk of serious injury or death to the student or

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Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

66 others and only for the period of time necessary to eliminate  
67 such risk.

68 (b) Notwithstanding the authority provided in s. 1003.32,  
69 physical restraint shall be used only to protect the safety of  
70 students, school personnel, or others and may not be used for  
71 student discipline, to correct student noncompliance, or for the  
72 convenience of school district staff. Physical restraint shall  
73 be used only for the period needed to provide such protection.

74 (c) The degree of force applied during physical restraint  
75 must be only that degree of force necessary to protect the  
76 student or others from serious injury or death.

77 (d) School personnel who have received training that is  
78 not associated with their employment with the school district,  
79 such as a former law enforcement officer who is now a teacher,  
80 shall receive training in the specific district-approved  
81 techniques and may not apply techniques or procedures acquired  
82 elsewhere.

83 (e) School personnel may not use any of the following  
84 physical restraint techniques on a student:

- 85 1. Pain inducement to obtain compliance.
- 86 2. Bone locks.
- 87 3. Hyperextension of joints.
- 88 4. Peer restraint.
- 89 5. Pressure or weight on the chest, lungs, sternum,  
90 diaphragm, back, or abdomen, causing chest compression.

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

91 6. Straddling or sitting on any part of the body or any  
92 maneuver that places pressure, weight, or leverage on the neck  
93 or throat, on an artery, or on the back of the head or neck or  
94 that otherwise obstructs or restricts the circulation of blood  
95 or obstructs an airway.

96 7. Any type of choking, including hand chokes, and any  
97 type of neck or head hold.

98 8. A technique that involves spraying or pushing anything  
99 on or into the mouth, nose, eyes, or any part of the face or  
100 that involves covering the face or body with anything, including  
101 soft objects such as pillows or washcloths.

102 9. Any maneuver that involves punching, hitting, poking,  
103 pinching, or shoving.

104 (3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

105 (a) School personnel may place a student in exclusionary  
106 or non-exclusionary time if all of the following conditions are  
107 met:

108 1. The exclusionary or nonexclusionary time is part of a  
109 positive behavioral intervention plan developed for the student  
110 from a functional behavioral assessment and referenced in the  
111 student's individualized behavior intervention plan.

112 2. There is documentation that the exclusionary or  
113 nonexclusionary time was preceded by the use of other positive  
114 behavioral supports that were not effective.

Amendment No. 1

115 3. The exclusionary or nonexclusionary time takes place in  
116 a classroom or in another environment where class educational  
117 activities are taking place.

118 4. The student is not physically prevented from leaving  
119 the exclusionary or nonexclusionary time area.

120 5. The student is observed on a constant basis by an adult  
121 for the duration of the exclusionary or nonexclusionary time.

122 6. The exclusionary or nonexclusionary time area and  
123 process are free of any action that is likely to embarrass or  
124 humiliate the student.

125 (b) Exclusionary or nonexclusionary time may not be used  
126 for a period that exceeds 1 minute for each year of a student's  
127 age or until the student is calm enough to return to his or her  
128 seat.

129 (c) Exclusionary or nonexclusionary time may not be used  
130 as a punishment or negative consequence of a student's behavior.

131 (4) TRAINING.—

132 (a) Each school district shall report its procedures for  
133 training in the use of restraint to the department by publishing  
134 the procedures in the district's special policies and procedures  
135 manual.

136 (b) Training in the use of restraint must include all of  
137 the following:

Amendment No. 1

138 1. Procedures for deescalating a problem behavior before  
139 the problem increases to a level or intensity necessitating  
140 physical intervention.

141 2. Information regarding the risks associated with  
142 restraint and procedures for assessing individual situations and  
143 students in order to determine whether the use of restraint is  
144 appropriate and sufficiently safe.

145 3. The actual use of specific techniques that range from  
146 the least to most restrictive, with ample opportunity for  
147 trainees to demonstrate proficiency in the use of such  
148 techniques.

149 4. Techniques for implementing restraint with multiple  
150 staff members working as a team.

151 5. Techniques for assisting a student in reentering the  
152 instructional environment and reengaging in learning.

153 6. Instruction in the district's documentation and  
154 reporting requirements.

155 7. Procedures to identify and deal with possible medical  
156 emergencies arising during the use of restraint.

157 8. Cardiopulmonary resuscitation.

158 (5) STUDENT-CENTERED FOLLOWUP.- If a student is restrained  
159 more than twice during a semester, the school shall conduct a  
160 review of:

161 (a) The incidents in which restraint was used and an  
162 analysis of how future incidents may be avoided;

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Amendment No. 1

163 (b) The student's functional behavioral assessment and  
164 positive behavioral intervention plan by the school personnel  
165 and parent within two weeks of the end of the semester; and

166 (c) The training provided to school personnel concerning  
167 the use of restraint.

168 (6)(1) DOCUMENTATION AND REPORTING.-

169 (a) At the beginning of each school year, a school  
170 district shall publicly post its policies on all emergency  
171 procedures, including its policies on the use of restraint and  
172 seclusion.

173 (b)(a) A school shall prepare an incident report within 24  
174 hours after a student is released from ~~physical~~ restraint ~~or~~  
175 ~~seclusion~~. If the student's release occurs on a day before the  
176 school closes for the weekend, a holiday, or another reason, the  
177 incident report must be completed by the end of the school day  
178 on the day the school reopens.

179 (c)(b) ~~The~~ the following must be included in the incident  
180 report:

- 181 1. The name of the student restrained ~~or secluded~~.
- 182 2. The age, grade, ethnicity, and disability of the  
183 student restrained ~~or secluded~~.
- 184 3. The date and time of the event and the duration of the  
185 restraint ~~or seclusion~~.
- 186 4. The location at which the restraint ~~or seclusion~~  
187 occurred.

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM



Amendment No. 1

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

190 6. The name of the person using or assisting in the  
191 restraint ~~or seclusion~~ of the student and the date the person  
192 was last trained in the use of restraint on students.

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

195 8. A description of the incident, including all of the  
196 following:

197 a. The context in which the restraint ~~or seclusion~~  
198 occurred.

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

203 c. The specific positive behavioral strategies used to  
204 prevent and deescalate the behavior.

205 d. What occurred with the student immediately after the  
206 termination of the restraint ~~or seclusion~~.

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

210 (d)-(e) A school shall notify the parent or guardian of a  
211 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is  
212 used. Such notification must be in writing and provided before

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

213 the end of the school day on which the restraint ~~or seclusion~~  
214 occurs. Reasonable efforts must also be taken to notify the  
215 parent or guardian by telephone or ~~computer~~ e-mail, or both, and  
216 these efforts must be documented. The school shall obtain, and  
217 keep in its records, the parent's or guardian's signed  
218 acknowledgment that he or she was notified of his or her child's  
219 restraint ~~or seclusion~~.

220 ~~(e)(d)~~ A school shall also provide the parent or guardian  
221 with the completed incident report in writing by mail within 3  
222 school days after a student was ~~manually or physically~~  
223 restrained ~~or secluded~~. The school shall obtain, and keep in its  
224 records, the parent's or guardian's signed acknowledgment that  
225 he or she received a copy of the incident report.

226 ~~(7)(2)~~ MONITORING.—

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

230 (b) Any documentation prepared by a school pursuant to ~~as~~  
231 ~~required in~~ subsection (6) ~~(1)~~ shall be provided to the school  
232 principal, the district director of Exceptional Student  
233 Education, and the bureau chief of the Bureau of Exceptional  
234 Education and Student Services electronically each month that  
235 the school is in session.

236 ~~(d)(e)~~ The department shall maintain aggregate data of  
237 incidents of ~~manual or physical~~ restraint ~~and seclusion~~ and

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

238 disaggregate the data for analysis by county, school, student  
239 exceptionality, and other variables, including the type and  
240 method of restraint ~~or seclusion~~ used. This information shall be  
241 updated monthly and made available to the public through the  
242 department's website beginning no later than October 1, 2017.

243 (e) ~~(d)~~ The department shall establish standards for  
244 documenting, reporting, and monitoring the use of ~~manual or~~  
245 ~~physical restraint or mechanical restraint, and occurrences of~~  
246 ~~seclusion~~. These standards shall be provided to school districts  
247 ~~by October 1, 2011.~~

248 (8) ~~(3)~~ SCHOOL DISTRICT POLICIES AND PROCEDURES.—

249 (a) School districts shall develop policies and procedures  
250 that provide for the physical safety and security of all  
251 students and school personnel and which treat all students with  
252 respect and dignity in an environment that promotes a positive  
253 school culture and climate. Such ~~Each school district shall~~  
254 ~~develop~~ policies and procedures must be ~~that are~~ consistent with  
255 this section and must ~~that~~ govern the following:

256 1. A description of escalating behavioral strategies that  
257 may be used.

258 2. Allowable use of restraint on students.

259 3. Training procedures.

260 4.1. Incident-reporting procedures.

261 5.2. Data collection and monitoring, including when,  
262 where, and why students are restrained and ~~or secluded;~~ the

Amendment No. 1

263 frequency of occurrences of such restraint ~~or seclusion; and the~~  
264 ~~prone or mechanical restraint that is most used.~~

265 ~~6.3.~~ Monitoring and reporting of data collected.

266 ~~7.4.~~ Training programs and procedures relating to ~~manual~~  
267 ~~or physical~~ restraint ~~and seclusion.~~

268 ~~8.5.~~ The district's plan for selecting personnel to be  
269 trained and the timeframe for completing such training pursuant  
270 to subsection (4).

271 ~~9.6.~~ The district's plan for reducing the use of  
272 restraint, ~~and seclusion~~ particularly in settings in which it  
273 occurs frequently or with students who are restrained  
274 repeatedly, ~~and for reducing the use of prone restraint and~~  
275 ~~mechanical restraint.~~ The plan must include a goal for reducing  
276 the use of restraint ~~and seclusion~~ and must include activities,  
277 skills, and resources needed to achieve that goal. Activities  
278 may include, but are not limited to, all of the following:

279 a. Additional training in positive behavioral support and  
280 crisis management. ~~†~~

281 b. Parental involvement. ~~†~~

282 c. Data review. ~~†~~

283 d. Updates of students' functional behavioral analysis and  
284 positive behavior intervention plans. ~~†~~

285 e. Additional student evaluations. ~~†~~

286 f. Debriefing with staff. ~~†~~

287 g. Use of schoolwide positive behavior support. ~~† and~~

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

288 h. Changes to the school environment.

289 10. Analysis of data to determine trends.

290 11. Ongoing reduction of the use of restraint.

291 (b) Any revisions a school district makes to its ~~to the~~  
292 ~~district's~~ policies and procedures, which must be prepared as  
293 part of the school district's ~~its~~ special policies and  
294 procedures, must be filed with the bureau chief of the Bureau of  
295 Exceptional Education and Student Services ~~no later than January~~  
296 ~~31, 2012.~~

297 (9)(4) PROHIBITED RESTRAINT.—School personnel may not use  
298 straitjackets or a mechanical restraint or a manual or physical  
299 restraint that restricts a student's breathing.

300 (10)(5) SECLUSION.—School personnel may not place a  
301 student in seclusion ~~close, lock, or physically block a student~~  
302 ~~in a room that is unlit and does not meet the rules of the State~~  
303 ~~Fire Marshal for seclusion time-out rooms.~~

304 Section 2. Subsections (1) and (2) of section 1012.582,  
305 Florida Statutes, are amended to read:

306 1012.582 Continuing education and inservice training for  
307 teaching students with developmental and emotional or behavioral  
308 disabilities.—

309 (1) The Commissioner of Education shall develop  
310 recommendations to incorporate instruction regarding autism  
311 spectrum disorder, Down syndrome, ~~and~~ other developmental  
312 disabilities, and emotional or behavioral disabilities into

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

313 continuing education or inservice training requirements for  
314 instructional personnel. These recommendations shall address:

315 (a) Early identification of, and intervention for,  
316 students who have autism spectrum disorder, Down syndrome, ~~or~~  
317 other developmental disabilities, or emotional or behavioral  
318 disabilities.

319 (b) Curriculum planning and curricular and instructional  
320 modifications, adaptations, and specialized strategies and  
321 techniques.

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

323 (d) The use of positive behavioral supports to deescalate  
324 problem behaviors.

325 (e) Appropriate use of ~~manual-physical~~ restraint and  
326 seclusion techniques and effective classroom behavior management  
327 strategies, including, but not limited to, differential  
328 reinforcement, precision commands, minimizing attention or  
329 access to other reinforcers, and exclusionary and  
330 nonexclusionary time methods.

331 (2) In developing the recommendations, the commissioner  
332 shall consult with the State Surgeon General, the Director of  
333 the Agency for Persons with Disabilities, representatives from  
334 the education community in the state, and representatives from  
335 entities that promote awareness about autism spectrum disorder,  
336 Down syndrome, ~~and~~ other developmental disabilities, and  
337 emotional or behavioral disabilities and provide programs and

089657 - h0233-strike.docx

Published On: 4/19/2017 6:50:12 PM

Amendment No. 1

338 services to persons with ~~developmental~~ disabilities, including,  
339 but not limited to, regional autism centers pursuant to s.  
340 1004.55.

341 Section 3. This act shall take effect July 1, 2017.

342

343 -----

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

345 Remove lines 4-14 and insert:

346 to the use, prevention, and reduction of restraint and seclusion  
347 on students with disabilities; providing definitions; providing  
348 requirements for the use of restraint; prohibiting specified  
349 physical restraint techniques; providing requirements for the  
350 use of exclusionary and nonexclusionary time; providing  
351 requirements for school districts to report and publish training  
352 procedures; providing for student-centered followup; providing  
353 requirements for documenting, reporting, and monitoring the use  
354 of restraint and seclusion; revising school district policies  
355 and procedures relating to restraint and seclusion; amending s.  
356 1012.582, F.S.;