

1 A bill to be entitled

2 An act relating to students with disabilities in  
3 public schools; amending s. 1003.573, F.S.; defining  
4 terms; providing requirements for the use of physical  
5 restraint; prohibiting specified physical restraint  
6 techniques; providing requirements for the use of  
7 exclusionary and nonexclusionary time; providing  
8 requirements for school districts to report and  
9 publish training procedures; providing for student-  
10 centered followup; providing requirements for  
11 documenting, reporting, and monitoring the use of  
12 restraint and exclusionary or nonexclusionary time;  
13 revising school district policies and procedures  
14 relating to restraint; prohibiting the use of  
15 seclusion; amending s. 1012.582, F.S.; requiring  
16 continuing education and inservice training for  
17 instructional personnel in teaching students with  
18 emotional or behavioral disabilities; conforming  
19 provisions to changes made by the act; providing an  
20 effective date.

21  
22 Be It Enacted by the Legislature of the State of Florida:

23  
24 Section 1. Section 1003.573, Florida Statutes, is amended  
25 to read:

26           1003.573 Seclusion and Use of restraint of and seclusion  
 27 ~~on~~ students with disabilities in public schools.—

28           (1) DEFINITIONS.—As used in this section, the term:

29           (a) "Exclusionary time" means the period during which a  
 30 student is removed from an event, activity, or instructional  
 31 environment to encourage reflection on his or her behavior and  
 32 allow space and time for understanding of choices and  
 33 consequences.

34           (b) "Imminent risk of serious injury or death" means the  
 35 impending risk of a significant injury, such as a laceration,  
 36 bone fracture, substantial hematoma, or injury to an internal  
 37 organ, or death.

38           (c) "Medical protective equipment" means health-related  
 39 protective devices prescribed by a physician or dentist for use  
 40 as student protection in response to an existing medical  
 41 condition.

42           (d) "Nonexclusionary time" means a period during which a  
 43 student remains at the event or in the instructional environment  
 44 but is redirected from the activities so that he or she has an  
 45 opportunity to reflect on his or her behavior and is given space  
 46 and time for understanding of choices and consequences.

47           (e) "Restraint" means the use of a mechanical or physical  
 48 restraint which may be used only when all other behavioral  
 49 strategies and intervention techniques have been exhausted.

50           1. "Mechanical restraint" means the use of a device that

51 restricts a student's freedom of movement. The term includes,  
52 but is not limited to, the use of straps, belts, tie-downs, and  
53 chairs with straps; however, the term does not include the use  
54 of any of the following:

55 a. Medical protective equipment.

56 b. Behavioral protective equipment, including helmets,  
57 gloves, wraps, calming blankets, and other devices that are used  
58 temporarily to prevent severe tissue damage caused by behavioral  
59 excesses.

60 c. Physical equipment or orthopedic appliances, surgical  
61 dressings or bandages, or supportive body bands or other  
62 restraints necessary for ongoing medical treatment in the  
63 educational setting.

64 d. Devices used to support functional body position or  
65 proper balance; to prevent a person from falling out of a bed or  
66 a wheelchair, except when such a device is used for a purpose  
67 other than supporting a body position or proper balance, such as  
68 coercion, discipline, convenience, or retaliation; to prevent  
69 imminent risk of serious injury or death of the student or  
70 others; or for any other behavior management reason.

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

73 2. "Physical restraint" means the use of manual restraint  
74 techniques that involve significant physical force applied by a  
75 teacher or other staff member to restrict the movement of all or

76 part of a student's body.

77 (f) "Seclusion" means the removal of a student from an  
78 educational environment, involuntarily confining the student in  
79 a room or area, and preventing the student from leaving the area  
80 by locking or artificially blocking the door. The term does not  
81 include exclusionary time.

82 (g) "Student" means a student with a disability.

83 (2) PHYSICAL RESTRAINT.—

84 (a) Physical restraint may be used only when there is an  
85 imminent risk of serious injury or death to the student or  
86 others and only for the period of time necessary to eliminate  
87 such risk.

88 (b) Notwithstanding the authority provided in s. 1003.32,  
89 physical restraint may be used only to protect the safety of  
90 students, school personnel, or others and may not be used for  
91 student discipline, to correct student noncompliance, or for the  
92 convenience of school district staff. Physical restraint may  
93 only be used for the period needed to provide such protection.

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

97 (d) School personnel who have received training that is  
98 not associated with their employment with the school district,  
99 such as a former law enforcement officer who is now a teacher,  
100 shall receive training in the specific district-approved

101 techniques and may not apply techniques or procedures acquired  
102 elsewhere.

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

105 1. Pain inducement to obtain compliance.

106 2. Bone locks.

107 3. Hyperextension of joints.

108 4. Peer restraint.

109 5. Pressure or weight on the chest, lungs, sternum,  
110 diaphragm, back, or abdomen causing chest compression.

111 6. Straddling or sitting on any part of the body or any  
112 maneuver that places pressure, weight, or leverage on the neck  
113 or throat, on an artery, or on the back of the head or neck or  
114 that otherwise obstructs or restricts the circulation of blood  
115 or obstructs an airway.

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

118 8. A technique that involves spraying or pushing anything  
119 on or into the mouth, nose, eyes, or any part of the face or  
120 that involves covering the face or body with anything, including  
121 soft objects such as pillows or washcloths.

122 9. Any maneuver that involves punching, hitting, poking,  
123 pinching, or shoving.

124 10. Prone or supine restraint.

125 (3) EXCLUSIONARY AND NONEXCLUSIONARY TIME.—

126 (a) School personnel may place a student in exclusionary  
127 or nonexclusionary time if all of the following conditions are  
128 met:

129 1. The exclusionary or nonexclusionary time is part of a  
130 positive behavioral intervention plan developed for the student.

131 2. There is documentation that the exclusionary or  
132 nonexclusionary time was preceded by the use of other positive  
133 behavioral supports that were not effective.

134 3. The exclusionary or nonexclusionary time takes place in  
135 a classroom or in another environment where class educational  
136 activities are taking place.

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

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

141 6. The exclusionary or nonexclusionary time area and  
142 process are free of any action that is likely to embarrass or  
143 humiliate the student.

144 (b) Exclusionary or nonexclusionary time may be used for a  
145 period of up to 1 minute for each year of a student's age or  
146 until the student is calm enough to return to his or her seat,  
147 whichever is shorter.

148 (c) Exclusionary or nonexclusionary time may not be used  
149 as a punishment for or negative consequence of a student's  
150 behavior.

151        (4) TRAINING.—

152        (a) Each school district shall report its procedures for  
153 training in the use of restraint to the department by publishing  
154 the procedures in the district's special policies and procedures  
155 manual.

156        (b) Training in the use of restraint must include all of  
157 the following:

158            1. Procedures for deescalating a problem behavior before  
159 the problem behavior increases to a level or intensity  
160 necessitating physical intervention.

161            2. Information regarding the risks associated with  
162 restraint and procedures for assessing individual situations and  
163 students in order to determine whether the use of restraint is  
164 appropriate and sufficiently safe.

165            3. The actual use of specific techniques that range from  
166 the least to most restrictive, with ample opportunity for  
167 trainees to demonstrate proficiency in the use of such  
168 techniques.

169            4. Techniques for implementing restraint with multiple  
170 staff members working as a team.

171            5. Techniques for assisting a student in reentering the  
172 instructional environment and reengaging in learning.

173            6. Instruction in the district's documentation and  
174 reporting requirements.

175            7. Procedures for identifying and dealing with possible

176 medical emergencies arising during the use of restraint.

177 8. Cardiopulmonary resuscitation.

178 (5) STUDENT-CENTERED FOLLOWUP.—If a student is restrained  
179 more than twice during a semester, the school must conduct a  
180 review of each of the following:

181 (a) The incidents in which restraint was used and an  
182 analysis of how future incidents may be avoided.

183 (b) The student's functional behavioral assessment and  
184 positive behavioral intervention plan by the school personnel  
185 and parent within 2 weeks before the end of the semester.

186 (c) The training provided to school personnel concerning  
187 the use of restraint.

188 (6) ~~(1)~~ DOCUMENTATION AND REPORTING.—

189 (a) At the beginning of each school year, a school  
190 district shall publicly post its policies on all emergency  
191 procedures, including its policies on the use of restraint.

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

199 (c) ~~(b)~~ The following must be included in the incident  
200 report:



- 201           1. The name of the student restrained or placed in  
202 exclusionary or nonexclusionary time ~~secluded~~.
- 203           2. The age, grade, ethnicity, and disability of the  
204 student restrained or placed in exclusionary or nonexclusionary  
205 time ~~secluded~~.
- 206           3. The date and time of the event and the duration of the  
207 restraint or exclusionary or nonexclusionary time ~~seclusion~~.
- 208           4. The location at which the restraint or exclusionary or  
209 nonexclusionary time ~~seclusion~~ occurred.
- 210           5. If a restraint is used, a description of the type of  
211 restraint used in terms established by the department ~~of~~  
212 Education.
- 213           6. The name of the person using or assisting in the  
214 restraint ~~of~~ or imposition of exclusionary or nonexclusionary  
215 time on ~~seclusion of~~ the student and the date the person was  
216 last trained in the use of restraint on students.
- 217           7. The name of any nonstudent who was present to witness  
218 the restraint or exclusionary or nonexclusionary time ~~seclusion~~.
- 219           8. A description of the incident, including all of the  
220 following:
- 221           a. The context in which the restraint or exclusionary or  
222 nonexclusionary time ~~seclusion~~ occurred.
- 223           b. The student's behavior leading up to and precipitating  
224 the decision to use ~~manual or physical~~ restraint or exclusionary  
225 or nonexclusionary time ~~seclusion~~, including an indication as to

226 why there was an imminent risk of serious injury or death to the  
227 student or others if a student was subject to restraint.

228 c. The specific positive behavioral strategies used to  
229 prevent and deescalate the behavior.

230 d. What occurred with the student immediately after the  
231 termination of the restraint or exclusionary or nonexclusionary  
232 time seclusion.

233 e. Any injuries, visible marks, or possible medical  
234 emergencies that may have occurred during the restraint or  
235 exclusionary or nonexclusionary time seclusion, documented  
236 according to district policies.

237 f. Evidence of steps taken to notify the student's parent  
238 or guardian.

239 (d)-(e) A school shall notify the parent or guardian of a  
240 student each time ~~manual or physical~~ restraint or exclusionary  
241 or nonexclusionary time seclusion is used. Such notification  
242 must be in writing and provided before the end of the school day  
243 on which the restraint or exclusionary or nonexclusionary time  
244 ~~seclusion~~ occurs. Reasonable efforts must also be taken to  
245 notify the parent or guardian by telephone or ~~computer~~ e-mail,  
246 or both, and these efforts must be documented. The school shall  
247 obtain, and keep in its records, the parent's or guardian's  
248 signed acknowledgment that he or she was notified of his or her  
249 child's restraint or exclusionary or nonexclusionary time  
250 ~~seclusion.~~

251 ~~(e)-(d)~~ A school shall also provide the parent or guardian  
252 with the completed incident report in writing by mail within 3  
253 school days after a student was ~~manually or physically~~  
254 restrained or placed in exclusionary or nonexclusionary time  
255 ~~secluded~~. The school shall obtain, and keep in its records, the  
256 parent's or guardian's signed acknowledgment that he or she  
257 received a copy of the incident report.

258 ~~(7)-(2)~~ MONITORING.—

259 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint  
260 or exclusionary or nonexclusionary time ~~seclusion~~ on students  
261 must be monitored ~~shall occur~~ at the classroom, building,  
262 district, and state levels.

263 (b) Any documentation prepared by a school pursuant to ~~as~~  
264 ~~required in~~ subsection (6) ~~(1)~~ shall be provided to the school  
265 principal, the district director of Exceptional Student  
266 Education, and the bureau chief of the Bureau of Exceptional  
267 Education and Student Services electronically each month that  
268 the school is in session. Redacted copies of such documentation  
269 must be updated monthly and made available to the public through  
270 the department's website no later than October 1, 2019.

271 (c) The department shall maintain aggregate data of  
272 incidents of ~~manual or physical~~ restraint or exclusionary or  
273 nonexclusionary time ~~and seclusion~~ and disaggregate the data for  
274 analysis by county, school, student exceptionality, and other  
275 variables, including the type and method of restraint or

276 exclusionary or nonexclusionary time ~~seclusion~~ used. This  
 277 information must ~~shall~~ be updated monthly and made available to  
 278 the public through the department's website beginning no later  
 279 than October 1, 2019.

280 (d) The department shall establish and provide to school  
 281 districts standards for documenting, reporting, and monitoring  
 282 the use of ~~manual or physical~~ restraint ~~or mechanical~~ restraint,  
 283 and occurrences of exclusionary or nonexclusionary time  
 284 ~~seclusion. These standards shall be provided to school districts~~  
 285 ~~by October 1, 2011.~~

286 (8)-(3) SCHOOL DISTRICT POLICIES AND PROCEDURES REGARDING  
 287 RESTRAINT.—

288 (a) School districts shall develop policies and procedures  
 289 that provide for the physical safety and security of all  
 290 students and school personnel and treat all students with  
 291 respect and dignity in an environment that promotes a positive  
 292 school culture and climate. Such ~~Each school district shall~~  
 293 ~~develop~~ policies and procedures must be ~~that are~~ consistent with  
 294 this section and must ~~that~~ govern the following:

- 295 1. A description of escalating behavioral strategies that  
 296 may be used.
- 297 2. Allowable use of restraint on students.
- 298 3. Training procedures.
- 299 4.1. Incident-reporting procedures.
- 300 5.2. Data collection and monitoring, including when,

301 where, and why students are restrained and ~~or secluded~~; the  
302 frequency of occurrences of such restraint ~~or seclusion~~; and the  
303 ~~prone or mechanical restraint that is most used.~~

304 ~~6.3.~~ Monitoring and reporting of data collected.

305 ~~7.4.~~ Training programs and procedures relating to ~~manual~~  
306 ~~or physical~~ restraint ~~and seclusion~~.

307 ~~8.5.~~ The district's plan for selecting personnel to be  
308 trained and the timeframe for completing such training pursuant  
309 to subsection (4).

310 ~~9.6.~~ The district's plan for reducing the use of  
311 restraint, ~~and seclusion~~ particularly in settings in which it  
312 occurs frequently or with students who are restrained  
313 repeatedly, ~~and for reducing the use of prone restraint and~~  
314 ~~mechanical restraint~~. The plan must include a goal for reducing  
315 the use of restraint ~~and seclusion~~ and must include activities,  
316 skills, and resources needed to achieve that goal. Activities  
317 may include, but are not limited to, all of the following:

318 a. Additional training in positive behavioral support and  
319 crisis management. ~~†~~

320 b. Parental involvement. ~~†~~

321 c. Data review. ~~†~~

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

324 e. Additional student evaluations. ~~†~~

325 f. Debriefing with staff. ~~†~~

- 326 g. Use of schoolwide positive behavior support ~~;~~ and
- 327 h. Changes to the school environment.
- 328 10. Analysis of data to determine trends.
- 329 11. Ongoing reduction of the use of restraint.

330 (b) Any revisions a school district makes to its ~~to the~~  
 331 ~~district's~~ policies and procedures, which must be prepared as  
 332 part of the school district's ~~its~~ special policies and  
 333 procedures, must be filed with the bureau chief of the Bureau of  
 334 Exceptional Education and Student Services ~~no later than January~~  
 335 ~~31, 2012.~~

336 (9) ~~(4)~~ PROHIBITED RESTRAINT.—School personnel may not use  
 337 a mechanical restraint or a ~~manual or physical~~ restraint that  
 338 restricts a student's breathing.

339 (10) ~~(5)~~ SECLUSION.—School personnel may not place a  
 340 student in seclusion ~~close, lock, or physically block a student~~  
 341 ~~in a room that is unlit and does not meet the rules of the State~~  
 342 ~~Fire Marshal for seclusion time-out rooms.~~

343 Section 2. Section 1012.582, Florida Statutes, is amended  
 344 to read:

345 1012.582 Continuing education and inservice training for  
 346 teaching students with developmental and emotional or behavioral  
 347 disabilities.—

348 (1) The Commissioner of Education shall develop  
 349 recommendations to incorporate instruction regarding autism  
 350 spectrum disorder, Down syndrome, ~~and~~ other developmental

351 disabilities, and emotional or behavioral disabilities into  
352 continuing education or inservice training requirements for  
353 instructional personnel. These recommendations must ~~shall~~  
354 address:

355 (a) Early identification of, and intervention for,  
356 students who have autism spectrum disorder, Down syndrome, ~~or~~  
357 other developmental disabilities, or emotional or behavioral  
358 disabilities.

359 (b) Curriculum planning and curricular and instructional  
360 modifications, adaptations, and specialized strategies and  
361 techniques.

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

363 (d) The use of positive behavioral supports to deescalate  
364 problem behaviors.

365 (e) Appropriate use of ~~manual~~ physical restraint and  
366 effective classroom behavior management strategies, including,  
367 but not limited to, differential reinforcement, precision  
368 commands, minimizing attention or access to other reinforcers,  
369 and exclusionary and nonexclusionary time methods ~~seclusion~~  
370 ~~techniques~~.

371 (2) In developing the recommendations, the commissioner  
372 shall consult with the State Surgeon General, the Director of  
373 the Agency for Persons with Disabilities, representatives from  
374 the education community in the state, and representatives from  
375 entities that promote awareness about autism spectrum disorder,

376 | Down syndrome, ~~and~~ other developmental disabilities, and  
377 | emotional or behavioral disabilities and provide programs and  
378 | services to persons with ~~developmental~~ disabilities, including,  
379 | but not limited to, regional autism centers pursuant to s.  
380 | 1004.55.

381 |       (3) Beginning with the 2010-2011 school year, the  
382 | Department of Education shall incorporate the course curricula  
383 | recommended by the Commissioner of Education, pursuant to  
384 | subsection (1), into existing requirements for the continuing  
385 | education or inservice training of instructional personnel. The  
386 | requirements of this section may not add to the total hours  
387 | required for continuing education or inservice training as  
388 | currently established by the department.

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

391 |       Section 3. This act shall take effect July 1, 2019.