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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/23/2021	.	
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The Committee on Education (Book) recommended the following:

Senate Amendment (with title amendment)

Delete lines 102 - 307

and insert:

Justice education program under s. 1003.52.

(7) 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 closes for the weekend, a holiday, or another reason, the incident report must be completed by the end of the school day



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12 on the day the school reopens.

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

14 1. The name of the student restrained ~~or secluded~~.

15 2. The age, grade, ethnicity, and disability of the student
16 restrained ~~or secluded~~.

17 3. The date and time of the event and the duration of the
18 restraint ~~or seclusion~~.

19 4. The location at which the restraint ~~or seclusion~~
20 occurred.

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

23 6. The name of the person using or assisting in the
24 restraint ~~or seclusion~~ of the student and the date the person
25 was last trained in the use of positive behavior interventions
26 and supports.

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

29 8. A description of the incident, including all of the
30 following:

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 behavior interventions and
38 supports ~~behavioral strategies~~ used to prevent and deescalate
39 the behavior.

40 d. What occurred with the student immediately after the



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41 termination of the restraint ~~or seclusion~~.

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 g. The date the crisis intervention plan was last reviewed
48 and whether changes were recommended.

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

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

65 (2) SECLUSION.—Each school district shall prohibit school
66 personnel from using seclusion.

67 (8) MONITORING.—

68 (a) ~~Monitoring of~~ The use of ~~manual or physical~~ restraint
69 ~~or seclusion~~ on students shall be monitored ~~occur~~ at the



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70 classroom, building, district, and state levels.

71 (b) Any documentation prepared by a school pursuant to as
72 required in subsection (7) (1) shall be provided to the school
73 principal, the district director of Exceptional Student
74 Education, and the bureau chief of the Bureau of Exceptional
75 Education and Student Services electronically each month that
76 the school is in session.

77 (c) The department shall maintain aggregate data of
78 incidents of ~~manual or physical restraint and seclusion~~ and
79 disaggregate the data for analysis by county, school, student
80 exceptionality, and other variables, including the type and
81 method of restraint ~~or seclusion~~ used. This information shall be
82 updated monthly, de-identified, and made available to the public
83 through the department's website no later than October 1, 2021.

84 (d) The department shall establish standards for
85 documenting, reporting, and monitoring the incident reports
86 related to the use of manual or physical restraint or mechanical
87 restraint, and occurrences of seclusion. These standards shall
88 be provided to school districts ~~by October 1, 2011.~~

89 (3) RESTRAINT.—

90 (a) Authorized school personnel may use restraint only when
91 all positive behavior interventions and supports have been
92 exhausted. Restraint may be used only when there is an imminent
93 risk of serious injury and shall be discontinued as soon as the
94 threat posed by the dangerous behavior has dissipated.
95 Techniques or devices such as straightjackets, zip ties,
96 handcuffs, or tie downs may not be used in ways that may
97 obstruct or restrict breathing or blood flow or that place a
98 student in a facedown position with the student's hands



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99 restrained behind the student's back. Restraint techniques may
100 not be used to inflict pain to induce compliance.

101 (b) Notwithstanding the authority provided in s. 1003.32,
102 restraint shall be used only to protect the safety of students,
103 school personnel, or others and may not be used for student
104 discipline or to correct student noncompliance.

105 (c) The degree of force applied during physical restraint
106 must be only that degree of force necessary to protect the
107 student or others from imminent risk of serious injury.

108 (4) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

109 (a) Each school district shall adopt approved behavioral
110 interventions and restraint training, pursuant to State Board of
111 Education rules, and identify all school personnel authorized to
112 use the interventions. Each school district shall develop
113 policies and procedures ~~that are~~ consistent with this section
114 which ~~and that~~ govern the following:

115 1. Incident-reporting procedures.

116 2. Data collection and monitoring, including when, where,
117 and why students are restrained and ~~or secluded~~; the frequency
118 of occurrences of such restraint ~~or seclusion~~; ~~and the prone or~~
119 ~~mechanical restraint that is most used.~~

120 3. Monitoring and reporting of data collected.

121 4. Training programs and procedures relating to ~~manual or~~
122 ~~physical~~ restraint as described in subsection (3) and seclusion.

123 5. The district's plan for selecting personnel to be
124 trained pursuant to this subsection.

125 6. The district's plan for reducing the use of restraint,
126 ~~and seclusion~~ particularly in settings in which it occurs
127 frequently or with students who are restrained repeatedly, ~~and~~



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128 ~~for reducing the use of prone restraint and mechanical~~
129 ~~restraint.~~ The plan must include a goal for reducing the use of
130 restraint and seclusion and must include activities, skills, and
131 resources needed to achieve that goal. Activities may include,
132 but are not limited to:

- 133 a. Additional training in positive behavior interventions
134 and supports. ~~behavioral support and crisis management;~~
135 b. Parental involvement.†
136 c. Data review.†
137 d. Updates of students' functional behavioral analysis and
138 positive behavior intervention plans.†
139 e. Additional student evaluations.†
140 f. Debriefing with staff.†
141 g. Use of schoolwide positive behavior support.† ~~and~~
142 h. Changes to the school environment.
143 i. Analysis of data to determine trends.
144 j. Ongoing reduction of the use of restraint.

145 (b) Any revisions a school district makes to its ~~to the~~
146 ~~district's~~ policies and procedures pursuant to this section,
147 ~~which must be prepared as part of its special policies and~~
148 ~~procedures,~~ must be filed with the bureau chief of the Bureau of
149 Exceptional Education and Student Services within 90 days after
150 the revision ~~no later than January 31, 2012.~~

151 (c) At the beginning of each school year, each school
152 district shall publicly post its policies and procedures on
153 positive behavior interventions and supports as adopted by the
154 school district.

155 (5) TRAINING.—Each school district shall provide training
156 to all school personnel authorized to use positive behavior



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157 interventions and supports pursuant to school district policy.

158 Training shall be provided annually and must include:

159 (a) The use of positive behavior interventions and
160 supports.

161 (b) Risk assessment procedures to identify when restraint
162 may be used.

163 (c) Examples of when positive behavior interventions and
164 support techniques have failed to reduce the imminent risk of
165 serious injury.

166 (d) Examples of safe and appropriate restraint techniques
167 and how to use these techniques with multiple staff members
168 working as a team.

169 (e) Instruction in the district's documentation and
170 reporting requirements.

171 (f) Procedures to identify and deal with possible medical
172 emergencies arising during the use of restraint.

173 (g) Cardiopulmonary resuscitation.

174

175 Each school district shall publish the procedures for the
176 training required under this subsection in the district's
177 special policies and procedures manual.

178 (6) CRISIS INTERVENTION PLAN.—

179 (a) Upon the second time a student is restrained during a
180 semester, the school shall develop a crisis intervention plan
181 for the student. The crisis intervention plan shall be developed
182 by a team comprised of the student's parent, school personnel,
183 and applicable physical and behavioral health professionals.

184 (b) The crisis intervention plan must include:

185 1. Specific positive behavior interventions and supports to



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186 use in response to dangerous behaviors that create a threat of
187 imminent risk of serious injury.

188 2. Known physical and behavioral health concerns that will
189 limit the use of restraint for the student.

190 3. A timetable for the review and, if necessary, revision
191 of the crisis intervention plan.

192 (c) The school must provide a copy of the crisis
193 intervention plan to the student's parent

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

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

201 Section 2. Section 1003.574, Florida Statutes, is created
202 to read:

203 1003.574 Video cameras in public school classrooms; pilot
204 program.—Beginning with the 2021-2022 school year, the Video
205 Cameras in Public School Classrooms Pilot Program is created for
206 a period of 3 school years.

207 (1) As used in this section, the term:

208 (a) "Incident" means an event, a circumstance, an act, or
209 an omission that results in the abuse or neglect of a student
210 by:

211 1. An employee of a public school or school district; or
212 2. Another student.

213 (b) "School district" means the Broward County Public
214 Schools.



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

217 And the title is amended as follows:

218 Delete lines 12 - 13

219 and insert:

220 adopt approved behavioral interventions and restraint
221 training, pursuant to State Board of Education rules;
222 requiring each school