

By the Committee on Education; and Senators Book and Rodrigues

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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; requiring school districts to prohibit the use  
5           of seclusion on students with disabilities in public  
6           schools; requiring the Department of Education to make  
7           certain information available to the public by a  
8           specified date; providing requirements for the use of  
9           restraint; prohibiting specified restraint techniques;  
10          revising school district policies and procedures  
11          relating to restraint; requiring school districts to  
12          adopt approved behavioral interventions and restraint  
13          training, pursuant to State Board of Education rules;  
14          requiring each school district to publicly post  
15          specified policies and procedures; requiring school  
16          districts to provide training on certain interventions  
17          and supports to specified personnel; providing  
18          requirements for such training; requiring each school  
19          district to publish training procedures in its special  
20          policies and procedures manual; requiring schools to  
21          develop a crisis intervention plan for certain  
22          students; providing requirements for such plans;  
23          revising the requirements for documenting, reporting,  
24          and monitoring the use of restraint; conforming  
25          provisions to changes made by the act; creating s.  
26          1003.574, F.S.; creating the Video Cameras in Public  
27          School Classrooms Pilot Program; defining terms;  
28          requiring a video camera to be placed in specified  
29          classrooms upon the request of a parent; requiring

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30 video cameras to be operational within a specified  
31 time period; providing requirements for the  
32 discontinuation of such video cameras; providing  
33 requirements for such video cameras; providing an  
34 exception; requiring a written explanation if the  
35 operation of such cameras is interrupted; requiring  
36 district school boards to maintain such explanation  
37 for a specified time; requiring schools to provide  
38 written notice of the placement of a video camera to  
39 certain individuals; providing requirements for  
40 retaining and deleting video recordings; prohibiting  
41 specified uses of such video cameras and recordings;  
42 providing that school principals are the custodians of  
43 such video cameras and recordings; providing  
44 requirements for school principals and video  
45 recordings; providing requirements relating to student  
46 privacy; providing requirements for the viewing of  
47 such video recordings; providing for an appeal process  
48 for actions of a school or school district; providing  
49 that incidental viewings of video recordings by  
50 specified individuals are not a violation of certain  
51 provisions; providing construction; requiring the  
52 Department of Education to collect specified  
53 information; authorizing the State Board of Education  
54 to adopt rules; amending s. 1012.582, F.S.; requiring  
55 continuing education and inservice training for  
56 instructional personnel teaching students with  
57 emotional or behavioral disabilities; conforming  
58 provisions to changes made by the act; providing an

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59 effective date.

60  
61 Be It Enacted by the Legislature of the State of Florida:

62  
63 Section 1. Section 1003.573, Florida Statutes, is amended  
64 to read:

65 1003.573 Seclusion and Use of restraint of and seclusion on  
66 students with disabilities in public schools.—

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

68 (a) “Crisis intervention plan” means an individualized  
69 action plan for school personnel to implement when a student  
70 exhibits dangerous behavior that may lead to imminent risk of  
71 serious injury.

72 (b) “Imminent risk of serious injury” means the threat  
73 posed by dangerous behavior that may cause serious physical harm  
74 to self or others.

75 (c) “Positive behavior interventions and supports” means  
76 the use of behavioral interventions to prevent dangerous  
77 behaviors that may cause serious physical harm to the student or  
78 others.

79 (d) “Restraint” means the use of a mechanical or physical  
80 restraint.

81 1. “Mechanical restraint” means the use of a device that  
82 restricts a student’s freedom of movement. The term does not  
83 include the use of devices prescribed or recommended by physical  
84 or behavioral health professionals when used for indicated  
85 purposes.

86 2. “Physical restraint” means the use of manual restraint  
87 techniques that involve significant physical force applied by a

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88 teacher or other staff member to restrict the movement of all or  
89 part of a student's body. The term does not include briefly  
90 holding a student in order to calm or comfort the student or  
91 physically escorting a student to a safe location.

92 (e) "Seclusion" means the involuntary confinement of a  
93 student in a room or area alone and preventing the student from  
94 leaving the room or area. The term does not include time-out  
95 used as a behavior management technique intended to calm a  
96 student.

97 (f) "Student" means a child with an individual education  
98 plan enrolled in kindergarten through grade 12 in a school, as  
99 defined in s. 1003.01(2), or the Florida School for the Deaf and  
100 Blind. The term does not include students in prekindergarten,  
101 students who reside in residential care facilities under s.  
102 1003.58, or students participating in a Department of Juvenile  
103 Justice education program under s. 1003.52.

104 (7) DOCUMENTATION AND REPORTING.-

105 (a) A school shall prepare an incident report within 24  
106 hours after a student is released from restraint ~~or seclusion~~.  
107 If the student's release occurs on a day before the school  
108 closes for the weekend, a holiday, or another reason, the  
109 incident report must be completed by the end of the school day  
110 on the day the school reopens.

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

- 112 1. The name of the student restrained ~~or secluded~~.
- 113 2. The age, grade, ethnicity, and disability of the student  
114 restrained ~~or secluded~~.
- 115 3. The date and time of the event and the duration of the  
116 restraint ~~or seclusion~~.

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- 117           4. The location at which the restraint ~~or seclusion~~  
118 occurred.
- 119           5. A description of the type of restraint used in terms  
120 established by the department ~~of Education~~.
- 121           6. The name of the person using or assisting in the  
122 restraint ~~or seclusion~~ of the student and the date the person  
123 was last trained in the use of positive behavior interventions  
124 and supports.
- 125           7. The name of any nonstudent who was present to witness  
126 the restraint ~~or seclusion~~.
- 127           8. A description of the incident, including all of the  
128 following:
- 129           a. The context in which the restraint ~~or seclusion~~  
130 occurred.
- 131           b. The student's behavior leading up to and precipitating  
132 the decision to use ~~manual or physical~~ restraint ~~or seclusion~~,  
133 including an indication as to why there was an imminent risk of  
134 serious injury ~~or death~~ to the student or others.
- 135           c. The ~~specific~~ positive behavior interventions and  
136 supports ~~behavioral strategies~~ used to prevent and deescalate  
137 the behavior.
- 138           d. What occurred with the student immediately after the  
139 termination of the restraint ~~or seclusion~~.
- 140           e. Any injuries, visible marks, or possible medical  
141 emergencies that may have occurred during the restraint ~~or~~  
142 ~~seclusion~~, documented according to district policies.
- 143           f. Evidence of steps taken to notify the student's parent  
144 or guardian.
- 145           g. The date the crisis intervention plan was last reviewed

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146 and whether changes were recommended.

147 (c) A school shall notify the parent or guardian of a  
148 student each time ~~manual or physical~~ restraint ~~or seclusion~~ is  
149 used. Such notification must be in writing and provided before  
150 the end of the school day on which the restraint ~~or seclusion~~  
151 occurs. Reasonable efforts must also be taken to notify the  
152 parent or guardian by telephone or ~~computer~~ e-mail, or both, and  
153 these efforts must be documented. The school shall obtain, and  
154 keep in its records, the parent's or guardian's signed  
155 acknowledgment that he or she was notified of his or her child's  
156 restraint ~~or seclusion~~.

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

163 (2) SECLUSION.—Each school district shall prohibit school  
164 personnel from using seclusion.

165 (8) MONITORING.—

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

169 (b) Any documentation prepared by a school pursuant to ~~as~~  
170 ~~required in~~ subsection (7) ~~(1)~~ shall be provided to the school  
171 principal, the district director of Exceptional Student  
172 Education, and the bureau chief of the Bureau of Exceptional  
173 Education and Student Services electronically each month that  
174 the school is in session.

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

182 (d) The department shall establish standards for  
183 documenting, reporting, and monitoring the incident reports  
184 related to the use of ~~manual or physical~~ restraint ~~or mechanical~~  
185 restraint, and occurrences of seclusion. These standards shall  
186 be provided to school districts ~~by October 1, 2011.~~

187 (3) RESTRAINT.—

188 (a) Authorized school personnel may use restraint only when  
189 all positive behavior interventions and supports have been  
190 exhausted. Restraint may be used only when there is an imminent  
191 risk of serious injury and shall be discontinued as soon as the  
192 threat posed by the dangerous behavior has dissipated.

193 Techniques or devices such as straightjackets, zip ties,  
194 handcuffs, or tie downs may not be used in ways that may  
195 obstruct or restrict breathing or blood flow or that place a  
196 student in a facedown position with the student's hands  
197 restrained behind the student's back. Restraint techniques may  
198 not be used to inflict pain to induce compliance.

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

203 (c) The degree of force applied during physical restraint

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204 must be only that degree of force necessary to protect the  
205 student or others from imminent risk of serious injury.

206 (4) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

207 (a) Each school district shall adopt approved behavioral  
208 interventions and restraint training, pursuant to State Board of  
209 Education rules, and identify all school personnel authorized to  
210 use the interventions. Each school district shall develop  
211 policies and procedures that are consistent with this section  
212 which and that govern the following:

213 1. Incident-reporting procedures.

214 2. Data collection and monitoring, including when, where,  
215 and why students are restrained and ~~or secluded;~~ the frequency  
216 of occurrences of such restraint ~~or seclusion;~~ and the ~~prone or~~  
217 ~~mechanical restraint that is most used.~~

218 3. Monitoring and reporting of data collected.

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

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

223 6. The district's plan for reducing the use of restraint,  
224 ~~and seclusion~~ particularly in settings in which it occurs  
225 frequently or with students who are restrained repeatedly, ~~and~~  
226 ~~for reducing the use of prone restraint and mechanical~~  
227 ~~restraint.~~ The plan must include a goal for reducing the use of  
228 restraint ~~and seclusion~~ and must include activities, skills, and  
229 resources needed to achieve that goal. Activities may include,  
230 but are not limited to:

231 a. Additional training in positive behavior interventions  
232 and supports. ~~behavioral support and crisis management;~~



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- 233        b. Parental involvement~~.\_~~
- 234        c. Data review~~.\_~~
- 235        d. Updates of students' functional behavioral analysis and
- 236 positive behavior intervention plans~~.\_~~
- 237        e. Additional student evaluations~~.\_~~
- 238        f. Debriefing with staff~~.\_~~
- 239        g. Use of schoolwide positive behavior support~~.\_~~ and
- 240        h. Changes to the school environment.
- 241        i. Analysis of data to determine trends.
- 242        j. Ongoing reduction of the use of restraint.
- 243        (b) Any revisions a school district makes to its ~~to the~~
- 244 ~~district's~~ policies and procedures pursuant to this section~~,~~
- 245 ~~which must be prepared as part of its special policies and~~
- 246 ~~procedures,~~ must be filed with the bureau chief of the Bureau of
- 247 Exceptional Education and Student Services within 90 days after
- 248 the revision ~~no later than January 31, 2012.~~
- 249        (c) At the beginning of each school year, each school
- 250 district shall publicly post its policies and procedures on
- 251 positive behavior interventions and supports as adopted by the
- 252 school district.
- 253        (5) TRAINING.—Each school district shall provide training
- 254 to all school personnel authorized to use positive behavior
- 255 interventions and supports pursuant to school district policy.
- 256 Training shall be provided annually and must include:
- 257        (a) The use of positive behavior interventions and
- 258 supports.
- 259        (b) Risk assessment procedures to identify when restraint
- 260 may be used.
- 261        (c) Examples of when positive behavior interventions and

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262 support techniques have failed to reduce the imminent risk of  
263 serious injury.

264 (d) Examples of safe and appropriate restraint techniques  
265 and how to use these techniques with multiple staff members  
266 working as a team.

267 (e) Instruction in the district's documentation and  
268 reporting requirements.

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

271 (g) Cardiopulmonary resuscitation.

272  
273 Each school district shall publish the procedures for the  
274 training required under this subsection in the district's  
275 special policies and procedures manual.

276 (6) CRISIS INTERVENTION PLAN.—

277 (a) Upon the second time a student is restrained during a  
278 semester, the school shall develop a crisis intervention plan  
279 for the student. The crisis intervention plan shall be developed  
280 by a team comprised of the student's parent, school personnel,  
281 and applicable physical and behavioral health professionals.

282 (b) The crisis intervention plan must include:

283 1. Specific positive behavior interventions and supports to  
284 use in response to dangerous behaviors that create a threat of  
285 imminent risk of serious injury.

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

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

290 (c) The school must provide a copy of the crisis

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291 intervention plan to the student's parent

292 ~~(4) PROHIBITED RESTRAINT. School personnel may not use a~~  
293 ~~mechanical restraint or a manual or physical restraint that~~  
294 ~~restricts a student's breathing.~~

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

299 Section 2. Section 1003.574, Florida Statutes, is created  
300 to read:

301 1003.574 Video cameras in public school classrooms; pilot  
302 program.—Beginning with the 2021-2022 school year, the Video  
303 Cameras in Public School Classrooms Pilot Program is created for  
304 a period of 3 school years.

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

306 (a) "Incident" means an event, a circumstance, an act, or  
307 an omission that results in the abuse or neglect of a student  
308 by:

- 309 1. An employee of a public school or school district; or  
310 2. Another student.

311 (b) "School district" means the Broward County Public  
312 Schools.

313 (c) "Self-contained classroom" means a classroom at a  
314 public school in which a majority of the students in regular  
315 attendance are provided special education services and are  
316 assigned to one or more such classrooms for at least 50 percent  
317 of the instructional day.

318 (2) (a) A school district shall provide a video camera to  
319 any school with a self-contained classroom upon the written

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320 request of a parent of a student in the classroom.

321 (b) Within 30 days after receipt of the request from a  
322 parent, a video camera shall be operational in each self-  
323 contained classroom in which the parent's student is in regular  
324 attendance for the remainder of the school year, unless the  
325 parent withdraws his or her request in writing.

326 (3) If the student who is the subject of the initial  
327 request is no longer in attendance in the classroom and a school  
328 discontinues operation of a video camera during a school year,  
329 no later than the fifth school day before the date the operation  
330 of the video camera is discontinued, the school must notify the  
331 parents of each student in regular attendance in the classroom  
332 that operation of the video camera will cease unless the  
333 continued use of the camera is requested by a parent. No later  
334 than the 10th school day before the end of each school year, the  
335 school must notify the parents of each student in regular  
336 attendance in the classroom that operation of the video camera  
337 will not continue during the following school year unless a  
338 written request is submitted by a parent for the next school  
339 year.

340 (4) (a) A video camera placed in a self-contained classroom  
341 must be capable of all of the following:

342 1. Monitoring all areas of the self-contained classroom,  
343 including, without limitation, any room attached to the self-  
344 contained classroom which is used for other purposes.

345 2. Recording audio from all areas of the self-contained  
346 classroom, including, without limitation, any room attached to  
347 the self-contained classroom which is used for other purposes.

348 (b) A video camera placed in a self-contained classroom may

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349 not monitor a restroom or any other area in the self-contained  
350 classroom where a student changes his or her clothes, except for  
351 the entryway, exitway, or hallway outside a restroom or other  
352 area where a student changes his or her clothes because of the  
353 layout of the self-contained classroom.

354 (c) A video camera placed in a self-contained classroom is  
355 not required to be in operation when students are not present in  
356 the self-contained classroom.

357 (d) If there is an interruption in the operation of the  
358 video camera for any reason, an explanation must be submitted in  
359 writing to the school principal and the district school board  
360 which explains the reason for and duration of the interruption.  
361 The written explanation must be maintained at the district  
362 school board office for at least 1 year.

363 (5) Before a school initially places a video camera in a  
364 self-contained classroom pursuant to this section, the school  
365 shall provide written notice of the placement of such video  
366 camera to all of the following:

367 (a) The parent of each student who is assigned to the self-  
368 contained classroom.

369 (b) Each student who is assigned to the self-contained  
370 classroom.

371 (c) The school district.

372 (d) Each school employee who is assigned to work with one  
373 or more students in the self-contained classroom.

374 (6) A school shall:

375 (a) Retain video recorded from a video camera placed  
376 pursuant to this section for at least 3 months after the date  
377 the video was recorded, after which the recording shall be

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378 deleted or otherwise made irretrievable; or

379 (b) Retain the recording until the conclusion of any  
380 investigation or any administrative or legal proceedings that  
381 result from the recording have been completed, including,  
382 without limitation, the exhaustion of all appeals.

383 (7) A school or school district may not:

384 (a) Allow regular, continuous, or continual monitoring of  
385 videos recorded under this section; or

386 (b) Use videos recorded under this section for teacher  
387 evaluations or any purpose other than for ensuring the health,  
388 safety, and well-being of students receiving special education  
389 services in a self-contained classroom.

390 (8) The principal of the school is the custodian of a video  
391 camera operated pursuant to this section, all recordings  
392 generated by that video camera, and access to such recordings.

393 (a) The release or viewing of any video recording under  
394 this section must comply with s. 1002.22.

395 (b) A school or school district shall:

396 1. Conceal the identity of any student who appears in a  
397 video recording, but is not involved in the alleged incident  
398 documented by the video recording, which the school allows to be  
399 viewed under subsection (9), including, without limitation,  
400 blurring the face of the uninvolved student.

401 2. Protect the confidentiality of all student records  
402 contained in a video recording in accordance with s. 1002.22.

403 (9) (a) Within 7 days after receiving a request to view a  
404 video recording, a school or school district shall allow the  
405 following individuals to view a video recording made under this  
406 section:

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407 1. A school or school district employee who is involved in  
408 an alleged incident that is documented by the video recording as  
409 part of the investigative process;

410 2. A parent of a student who is involved in an alleged  
411 incident that is documented by the video recording and has been  
412 reported to the school or school district;

413 3. A school or school district employee as part of an  
414 investigation into an alleged incident that is documented by the  
415 video recording and has been reported to the school or school  
416 district;

417 4. A law enforcement officer as part of an investigation  
418 into an alleged incident that is documented by the video  
419 recording and has been reported to the law enforcement agency;  
420 or

421 5. The Department of Children and Families as part of a  
422 child abuse or neglect investigation.

423 (b) A person who requests to view a recording shall make  
424 himself or herself available for viewing the recording within 30  
425 days after being notified by the school or school district that  
426 the person's request has been granted.

427 (c) A person who views the recording and suspects that  
428 child abuse has occurred must report the suspected child abuse  
429 to the Department of Children and Families.

430 (10) (a) Any individual may appeal to the State Board of  
431 Education regarding an action by a school or school district  
432 which the individual alleges to be in violation of this section.

433 (b) The state board shall grant a hearing on an appeal  
434 under this subsection within 45 days after receiving the appeal.

435 (11) A school or school district does not violate

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436 subsection (8) if a contractor or other employee of the school  
437 or school district incidentally views a video recording made  
438 under this section in connection with the performance of his or  
439 her duties related to either of the following:

440 (a) The installation, operation, or maintenance of video  
441 equipment; or

442 (b) The retention of video recordings.

443 (12) This section does not:

444 (a) Limit the access of the parent of a student, under the  
445 Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. s.  
446 1232g, or any other law, to a video recording regarding his or  
447 her student.

448 (b) Waive any immunity from liability of a school district  
449 or an employee of a school district.

450 (c) Create any liability for a cause of action against a  
451 school or school district or an employee of a school or school  
452 district carrying out the duties and responsibilities required  
453 by this section.

454 (d) Apply to self-contained classrooms in which the only  
455 students receiving special education services are those who have  
456 been deemed gifted.

457 (13) The department shall collect information relating to  
458 the installation and maintenance of video cameras under this  
459 section.

460 (14) The State Board of Education may adopt rules to  
461 implement this section.

462 Section 3. Section 1012.582, Florida Statutes, is amended  
463 to read:

464 1012.582 Continuing education and inservice training for



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465 teaching students with developmental and emotional or behavioral  
466 disabilities.-

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

473 (a) Early identification of, and intervention for, students  
474 who have autism spectrum disorder, Down syndrome, ~~or~~ other  
475 developmental disabilities, or emotional or behavioral  
476 disabilities.

477 (b) Curriculum planning and curricular and instructional  
478 modifications, adaptations, and specialized strategies and  
479 techniques.

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

481 (d) The use of positive behavior interventions and  
482 ~~behavioral~~ supports to deescalate problem behaviors.

483 (e) The ~~Appropriate~~ use of ~~manual physical~~ restraint and  
484 ~~seclusion~~ techniques, positive behavior interventions and  
485 supports, and effective classroom behavior management  
486 strategies.

487 (2) In developing the recommendations, the commissioner  
488 shall consult with the State Surgeon General, the Director of  
489 the Agency for Persons with Disabilities, representatives from  
490 the education community in the state, and representatives from  
491 entities that promote awareness about autism spectrum disorder,  
492 Down syndrome, ~~and~~ other developmental disabilities, and  
493 emotional or behavioral disabilities and provide programs and

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494 services to persons with ~~developmental~~ disabilities, including,  
495 but not limited to, regional autism centers pursuant to s.  
496 1004.55.

497 (3) Beginning with the 2010-2011 school year, the  
498 Department of Education shall incorporate the course curricula  
499 recommended by the Commissioner of Education, pursuant to  
500 subsection (1), into existing requirements for the continuing  
501 education or inservice training of instructional personnel. The  
502 requirements of this section may not add to the total hours  
503 required for continuing education or inservice training as  
504 currently established by the department.

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

507 Section 4. This act shall take effect July 1, 2021.