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MEMORANDUM

TO: School District Superintendents
School District Finance Officers

FROM: Jacob Oliva

DATE: May 20, 2022

SUBJECT: Amendments to Section 1003.573, Florida Statutes, Seclusion and Restraint of Students with Disabilities in Public Education

Contact Information:

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DPS: 2022-57

The 2022 Legislature passed Senate Bill 235, Restraint of Students with Disabilities in Public Schools. It was signed into law on March 25, 2022 and will be effective on July 1, 2022. This bill amends section (s.) 1003.573, Florida Statutes (F.S.) by revising and clarifying the requirements related to the use of restraint to include:

- Prohibiting school personnel from using mechanical restraint and removing related language;
- Allowing school resource officers, school safety officers, school guardians, or school security guards, as defined in s. 1006.12, F.S., to use mechanical restraint in the exercise of their powers and duties to restrict students in grades 6 through 12;
- Authorizing school personnel to use physical restraint only when all positive behavior interventions and supports are exhausted, and when there is imminent risk of serious injury;
- That specifying physical restraint must discontinue as soon as the threat has dissipated; and
- Ensuring physical restraint may be used only to protect the safety of students, school personnel or others.

The requirements in s. 1003.573, F.S., do not exclude any specific personnel from restraint reporting requirements. As a result, whenever a school resource officer, school safety officer, school guardian, or school security guard, as defined in s. 1006.12, F.S., restrains a student with a disability, the incident must be reported to the Involuntary Examination and Restraint and Seclusion (IERS) application. This includes when on school property, on school transportation, or at a school event. For duration reporting, within the IERS application, the end time in these cases should be when the school resource officer, school safety officer, school guardian, or school security guard, as defined in s. 1006.12, F.S., releases the student from the restraint or places the student under arrest.

For questions regarding these changes, please contact Jennifer Barnhill at 850-245-0475 or Jennifer.Barnhill@fldoe.org.

JO/jb

cc: School District Exceptional Student Education Directors