FLORIDA DEPARTMENT OF EDUCATION

DPS: 2010-168
Date: September 8, 2010

Technical Assistance Paper

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Commissioner of Education

Just Read, Florida!

Guidelines for the Use, Documentation, Reporting, and Monitoring of Seclusion and Restraint with Students with Disabilities

Summary:
This document provides guidance for the use, documentation, reporting, and monitoring of seclusion and restraint with students with disabilities in school districts, including (a) when seclusion and/or restraint might be used, (b) who should use seclusion and/or restraint, (c) the type of training needed for the correct usage of restraint, (d) considerations when selecting a training program for restraint, (e) what should be documented, (f) parent notification and reporting, and (g) monitoring their use. It also contains information about a recently created statute—section 1003.573, Florida Statutes, *Use of seclusion and restraint on students with disabilities*.

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Status:

X Revises and replaces existing technical assistance paper: *Guidelines for the Use of Manual Physical Restraint in Special Education Programs, K12: FY 2008-67*

Issued by the
Florida Department of Education

Division of Public Schools
Bureau of Exceptional Education and Student Services
http://www.fldoe.org/ese

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Technical Assistance Paper

Guidelines for the Use, Documentation, Reporting, and Monitoring of Seclusion and Restraint with Students with Disabilities

A. Introduction and Background

A-1. What is the purpose of this technical assistance paper (TAP)?

In 2007, the Bureau of Exceptional Education and Student Services (BEESS) convened a workgroup composed of school officials, agency representatives, parents, advocates, and other interested parties to provide information and make recommendations to the Bureau to address the use of restraint with students in special education programs. Legislation passed during the 2010 session established documentation, reporting, and monitoring requirements on the use of seclusion and restraint for students with disabilities resulting in revisions to the original body of information used to develop this TAP. It is the intent of the Bureau to provide guidance for reviewing and implementing local policies and practices on seclusion and restraint and to accurately implement the requirements within the new law concerning documentation, reporting, and monitoring their use.

There are concerns among students, educators, and parents about the use of seclusion and restraint with students in special education programs. These concerns include: the use of seclusion and restraint when less intrusive measures are preferable; lack of adequate training for staff; inadequate documentation of seclusion and restraint procedures; failure to notify parents when seclusion and restraint are used; and failure to use data to further analyze/address the function of the precipitating behavior(s).

Florida schools should ensure that students are treated with respect and dignity in an environment that provides for the physical safety and security of students and staff. There are instances in which students pose a threat to the safety of themselves or others. The purpose of seclusion and restraint is to prevent injury to self and/or others; they are not to be used to punish a student, or as a deterrent, or to "teach a student a lesson." It is important to recognize that the use of seclusion and restraint may have an emotional impact on students. Therefore, it is important that such interventions be used only in emergency situations when an imminent risk of serious injury or death to the student or others exists, and in a manner that conveys respect for the dignity of the student.

A-2. What are the statutory provisions that relate to the use of seclusion and restraint in public schools?

House Bill 1073 was passed during the 2010 Legislative Session, creating section 1003.573, Florida Statutes (F.S.), *Use of seclusion and restraint on students with disabilities*. This statute creates documentation, reporting, and monitoring requirements for the use of seclusion and restraint on students with disabilities (Appendix A). These requirements, effective July 1, 2010, are discussed later in this TAP.

Furthermore, the Florida Legislature has created statutes that address the use of "reasonable force." Though these laws do not specifically reference students with disabilities, they provide historical perspective and additional context for this topic. These statutes include the following:

- §1003.32, F.S., *Authority of teacher; responsibility for control of students; district school board and principal duties.*
  Subject to law and to the rules of the district school board, each teacher or other member of the staff of any school shall have such authority for the control and discipline of students as may be assigned to him or her by the principal or the principal's designated representative and shall keep good order in the classroom and in other places in which he or she is assigned to be in charge of students.
  (1) In accordance with this section and within the framework of the district school board's code of student conduct, teachers and other instructional personnel shall have the authority to undertake any of the following actions in managing student behavior and ensuring the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom.
  . . . (j) Use reasonable force, according to standards adopted by the State Board of Education, to protect himself or herself or others from injury.

- §1006.11, F.S., *Standards for use of reasonable force.*
  (1) The State Board of Education shall adopt standards for the use of reasonable force by district school board personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to district school board personnel in receiving the limitations on liability specified in subsection (2).
  (2) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a school bus driver shall not be civilly or criminally liable for any action carried out in conformity with the State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1003.32 or s. 1006.09.

- §1012.75, F.S., *Liability of teacher or principal; excessive force.*
  (1) Except in the case of excessive force or cruel and unusual punishment, a teacher or other member of the instructional staff, a principal or the principal's designated representative, or a bus driver shall not be civilly or criminally liable for any action carried out in conformity with State Board of Education and district school board rules regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority under s. 1003.32 or s. 1006.09.
  (2) The State Board of Education shall adopt rules that outline administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment. Such standards shall be distributed to each school in the state and shall provide guidance to school personnel in receiving the limitations on liability specified in this section.

B. Restraint

B-1. What is restraint?

Restraint is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Restraint is not an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists.

Section 1003.573, F.S., does not provide a definition of restraint but does require documentation, reporting, and monitoring of restraint with students with disabilities. The Office of Civil Rights (OCR) also requires the Florida Department of Education (FDOE) to report all instances of seclusion and restraint for all students. The Bureau has determined that all documentation, reporting, and monitoring requirements for restraint, discussed later in this TAP, shall be based upon the same definitions issued by OCR. For the purposes of this TAP, including documenting, reporting, and monitoring incidents of restraint, definitions are as follows:

Physical Restraint
Physical restraint immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term *physical restraint* does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Mechanical Restraint
Mechanical restraint is the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle
- Restraints for medical immobilization
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm

These definitions may also be found on the FDOE website at http://www.fldoe.org/eias/dataweb/database_1011/st81_1.pdf.

B-2. Are there any restrictions regarding the use of restraint?

Yes. Section 1003.573(4), F.S., expressly prohibits the use of mechanical or physical restraint that restricts a student's breathing.

B-3. What are the circumstances when restraint might be used with students with disabilities?

Restraint procedures might be used to intervene with students with disabilities in the following circumstances:

- Aggression: Demonstration of behaviors that pose a clear threat to the physical safety of others. Examples include repeated hitting, kicking, head butting, or use of any other part of the body or an object that may injure another person.
- Self injury: Demonstration of behaviors that pose a clear threat to the physical safety of the student. Examples include repeated head-banging, face-slapping, and eye-poking.

Furthermore, section 1003.573(1)(b)7.b., F.S., states that the required incident report must include a description of the student's behavior leading up to the incident, "including an indication as to why there was an imminent risk of serious injury or death to the student or others." Restraint should only be used in emergency situations when an immediate and significant threat to the physical safety of the student and/or others exists. Restraint should be used only for the period of time needed to contain the behavior of concern and eliminate the immediate threat of harm to self and/or others, in settings where positive behavioral supports are in place and in which staff consistently use accepted practices for the functional analysis of behavior. Such settings should clearly demonstrate the use of positive strategies designed to increase and maintain appropriate behavior while reducing inappropriate behavior.

B-4. Are there guidelines that districts should follow when considering which personnel may implement restraint procedures?

Restraint should be used only by school personnel who are qualified in school district-approved training in the appropriate application of specific techniques and in the procedures associated with the use of this level of intervention. School personnel who have received training not associated with their employment with the school district (e.g., former corrections staff, former residential setting staff) should be trained in the specific district-approved techniques and should not apply techniques or procedures acquired elsewhere.

School districts should consider whether it is appropriate for employees working in specific settings to be trained in restraint techniques (e.g., school bus drivers, bus aides, job coaches, employment specialists, cafeteria workers). There may be situations in which staff members who have not received training are confronted with an emergency situation that poses an immediate and significant threat to the physical safety of a student or others. In those situations, staff should be guided by existing district policies—

including those required by sections 1003.573, 1003.32, and 1006.11, F.S., and Rule 6A-1.0404(8)(m), Florida Administrative Code (F.A.C.), regarding the use of reasonable force to maintain a safe learning environment.

In the case of school resource officers or others who are employed by other agencies when working in a school, administrators should review each agency's specific policies to be aware of techniques that might be used.

C. Training

C-1. What training should personnel receive?

It is recommended that training in the use of restraint include:

- Procedures for de-escalating problematic behaviors before they increase to a level or intensity necessitating physical intervention
- Information regarding the risks associated with restraint and procedures for assessing individual situations and students to determine if its use is appropriate and sufficiently safe
- The actual use of specific techniques that range from the least to most restrictive with ample opportunity for trainees to demonstrate proficiency in their use
- Techniques for implementing restraint with multiple staff members working as a team
- Techniques for assisting the student to re-enter the instructional environment and re-engage in learning
- Instruction in the documentation and reporting requirements as required by s. 1003.573, F.S., and specified in district policies
- Procedures to identify and deal with possible medical emergencies resulting from the use of restraint

It is recommended that districts provide refresher training on restraint techniques **at least annually** to all staff members who have successfully completed the initial training component (see "Characteristics of Effective Training Models" below). The district should identify those personnel to be trained and maintain a record that includes the name and position of the person trained; the date of the most recent training; an indication of whether it was initial training or "refresher" training; and whether the individual successfully completed the training and achieved proficiency.

C-2. Are there guidelines for selecting a training program?

There are many training programs available from vendors around the country. The FDOE does not endorse any particular training model. Project REST[1] has identified characteristics of effective training models. Districts may find this list of characteristics of an effective training model useful when selecting a training model for restraint:

- Is externally developed and has a record of successful implementation in a variety of settings (i.e., developed by a program or individual independent of the school)

[1] "Family Resource Center for Disabilities and Special Needs. (2004, June). *Manual of Recommended Practice. Project REST. Restraint: Efficacy, Safety and Training.* Charleston, SC: Author.

- Includes a curriculum that is available for review
- Emphasizes prevention of the type of events that require physical intervention, including relationship building, positive approaches to prevention of escalation, and an emphasis on de-escalation skills
- Promotes safety as the only acceptable reason to use physical intervention
- Includes instruction in the physiological effects of restraint and the monitoring of physical distress signs, including positional asphyxia
- Includes instruction in personal safety and evasion techniques
- Includes instruction in safe holding techniques (This instruction must include discussion and modeling, an opportunity to physically practice the techniques, and a requirement that the staff member demonstrate competency in the model.)
- Includes techniques on how to help the student process or debrief the event
- Includes information on how staff members are to debrief the event, including reviewing the event to understand how it evolved and to uncover areas of improvement for future situations; assisting staff members in managing the stress of the event; documentation of the event; and communication about the event to appropriate parties, including parents, the school administration, and, as needed, other students and staff members
- Requires that staff successfully complete post-training assessments of knowledge and skill.
- Specifies a minimum training/refresher training schedule (Training should be conducted on at least an annual basis. The needs of the students and staff may dictate more frequent training/refresher training.)

The Child Welfare League of America (CWLA) identified practices that should be prohibited from use in any program.[2] These practices are:

- Pain inducement to obtain compliance
- Bone locks
- Hyperextension of joints
- Peer restraint
- Use of seclusion rooms that do not meet agency, licensing, or accreditation standards
- Use of restraint when the child would be medically compromised
- Mechanical restraint
- Restraint and seclusion used simultaneously with mechanical restraint devices
- Pressure or weight on the chest, lungs, sternum, diaphragm, back, or abdomen, causing chest compression
- Straddling or sitting on any part of the body or any maneuver that places pressure, weight, or leverage on the neck or throat, on any artery, or on the back of the child's head or neck, or that otherwise obstructs or restricts the circulation of blood or obstructs an airway
- Any type of choking, hand chokes, and any type of neck or head hold

[2] Bullard, L., Fulmore, D., Gupta, N., and Johnson, K. (2004). *State Regulations for Behavior Support and Intervention: A Promising Model* (p. 15). Washington, D.C.: CWLA Press.

- Any technique that involves pushing on or into the child's mouth, nose, eyes, or any part of the face, or covering the face or body with anything, including soft objects such as pillows or washcloths
- Any maneuver that involves punching, hitting, poking, pinching, or shoving

D. Seclusion

D-1. What is seclusion?

Seclusion is an emergency intervention sometimes used in schools when students are exhibiting disruptive or dangerous behavior. Seclusion is not an instructional tool for the development of pro-social behavior. Rather, it is one method to prevent students from harming themselves or others. It should only be used in emergency situations when an imminent risk of serious injury or death to the student or others exists.

Section 1003.573, F.S., does not provide a definition of seclusion. However, OCR now requires that the FDOE report all instances of seclusion and restraint for all students (**not just those with disabilities**). Documentation, reporting, and monitoring requirements for seclusion, discussed later in this TAP, are based on the definition issued by OCR with additional parameters described in section 1003.573, F.S.

D-2. How does OCR define seclusion?

The OCR defines seclusion as "the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time-out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming." This definition may also be found on the FDOE website at http://www.fldoe.org/eias/dataweb/database_1011/st81_1.pdf.

D-3. How does section 1003.573, F.S., further clarify what schools and districts must report, document, and monitor with regard to incidents of seclusion?

Section 1003.573(5), F.S., clearly states that school personnel may not close, lock, or physically block a student in a room that is unlit and does not meet the rules of the State Fire Marshal for seclusion time-out rooms. While not all school districts allow the use of seclusion, for districts that do allow it, a seclusion room must meet the requirements identified in Rule 69A-58.0084, F.A.C., *Seclusion Time-out Rooms* (see Appendix B). Districts are reminded that in accordance with Rule 69A-58.0084, F.A.C., an electro-magnetic locking device is the only approved device to secure a seclusion room and that such a device can only be engaged by "constant human contact." Additionally, all seclusion rooms must have a view panel that meets the dimensions stipulated in Rule 69A-58.0084, F.A.C., in order to "allow a staff member to continuously keep the student under observation." Covering the view panel with any material is expressly prohibited.

Given OCR's definition of seclusion, including "alone in a room or area from which the student is physically prevented from leaving," the documenting, reporting and monitoring requirements defined in section 1003.573, F.S., include anytime a student is confined in a

room or other space and prevented from leaving. Therefore, reportable incidents of seclusion include those that take place in rooms that meet the requirements of the State Fire Marshal rules **and** those that occur in other rooms and areas.

E. Documentation and reporting

E-1. What are the documentation and reporting requirements when seclusion and/or restraint are used?

Section 1003.573, F.S., *Use of seclusion and restraint on students with disabilities,* requires that parents be informed whenever seclusion and restraint are used on a student with a disability (Appendix A). Effective July 1, 2010, the documentation and reporting requirements include the following:

Schools are required to notify a parent or guardian each time seclusion and/or restraint are used. This notification must be **in writing and provided before the end of the school day in which the seclusion and/or restraint occurs**. In addition, reasonable efforts must be taken to notify the parent or guardian by telephone or electronic mail or both. The school shall obtain and keep in its records the parent or guardian's signed acknowledgment of the written notification.

- In addition to the written notification described above, an incident report shall be prepared within 24 hours after a student is released from seclusion and/or restraint. The content of the report must include:
  - The name of the student
  - The date, time, and location of the event and the duration of the seclusion and/or restraint
  - The name of the person using or assisting in the seclusion and/or restraint of the student
  - The name of any nonstudent who was present to witness the seclusion and/or restraint
  - A description of the incident to include the context in which the seclusion and/or restraint, occurred; behavior leading up to the decision to use seclusion and/or restraint including an indication as to why there was an imminent risk of serious injury or death to the student or others; positive behavioral strategies used to prevent or de-escalate the behavior; what occurred immediately after the termination of seclusion and/or restraint; any injuries, marks, or medical emergencies; and evidence of steps taken to notify the parent or guardian
- Schools are required to provide the parent or guardian with the completed incident report in writing by mail within three (3) school days after the event. The school shall obtain and keep in its records the parent or guardian's signed acknowledgment that the incident report was received.
- Incident reporting must be submitted electronically each month that school is in session to the school principal, the district director of exceptional student education (ESE), and the bureau chief of BEESS.

E-2. If the incident report is written and provided to the parent/guardian on the day of the incident, could this suffice as meeting the requirement to provide written notice?

Yes. In this circumstance the school should document that the incident report also serves as the written notice and was provided to the parent/guardian on the day of the incident. Written acknowledgement of receipt must be obtained from the parent/guardian and kept in the school's records.

E-3. Do the documentation, reporting and monitoring requirements specified in section 1003.573, F.S., apply only to students with disabilities who have an individual educational plan (IEP)?

No. The new statutory language does not restrict the documentation and reporting requirements to only those students who have an IEP. The documentation and reporting requirements should be followed for any student with a disability, which includes those students eligible under the provisions of the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act.

E-4. Do the documentation, reporting, and monitoring requirements specified in section 1003.573, F.S., apply to students with disabilities receiving educational services in facilities other than public school buildings?

Yes. Section 1003.573, F.S., addresses the use of seclusion and restraint on students with disabilities and does not exclude any specific locations. The documentation, reporting, and monitoring requirements apply to all students with disabilities in any school program, including such settings as Department of Juvenile Justice (DJJ) facilities and residential programs. This applies to placement in a residential setting by a district for the provision of a free appropriate public education (FAPE) and would also apply to placements made by other state agencies, regardless of a district's ability to provide FAPE.

Districts need to consider establishing procedures regarding the reporting of data when a student is in such a setting. This may be accomplished by including procedures stipulated in the contractual agreement with the facility or amending the agreement in place with DJJ.

E-5. Do the documentation, reporting, and monitoring requirements specified in section 1003.573, F.S., apply to incidents of seclusion and restraint that occur outside of the school day?

The language in section 1003.573, F.S., does not include specific parameters on time of day but does reference "school day." Until further clarification is available, districts are advised to report all incidents of seclusion and restraint and are reminded to be precise when documenting timeframes, locations, and other details to clearly define exactly what occurred.

E-6. Do the documentation, reporting, and monitoring requirements specified in section 1003.573, F.S., apply when seclusion and/or restraint are used by a school resource officer?

The requirements in section 1003.573, F.S., do not exclude any specific personnel from the reporting requirements. Therefore, when a school resource officer (SRO) secludes and/or restrains a student with a disability, such an incident must be reported.

If such an incident rises to the level of arrest, any hand-cuffing or restraining that might occur would then constitute the end of seclusion and/or restraint. In this circumstance the school must still document and report the incident(s) of seclusion and/or restraint that preceded the arrest.

E-7. How should parents be informed of a district's policies regarding the use of seclusion and restraint?

If a district or school uses seclusion and/or restraint, parents/guardians should be informed in accordance with section 1003.573, F.S., as defined in E-1. The district's policies regarding the use of seclusion and/or restraint with students in emergency situations may be included in district documents such as student handbooks and reviewed with parents when developing an IEP and/or behavior intervention plan (BIP). This may include providing parents with a copy of the district's policies on all emergency procedures, including the use of seclusion and/or restraint. If a district or school uses seclusion, parents should also be provided the opportunity to see the room(s) designated for seclusion.

E-8. If a student residing in foster care or a group home is secluded or restrained, to whom should the written notice and written incident report required in section 1003.573, F.S., be provided?

In this instance, both the notice and the incident report should be provided to the foster parent. Schools should consult with the district Foster Care Educational Liaison for information regarding all matters of communication about students in foster care or group care settings.

E-9. What should the school do if the parent/guardian fails to provide written acknowledgement of receipt of either the written notice or the incident report?

If a parent/guardian fails to return written acknowledgement of the notice or incident report, the school should make reasonable efforts to attempt to obtain the acknowledgements. Such efforts may include mailing the notice and/or incident report a second time with return receipt requested, contacting the parent/guardian by telephone as a reminder to return the acknowledgement, or using scheduled meetings (i.e., IEP meeting, parent conference) to review the status of written acknowledgement.

Districts may want to consider printing and sending two copies of the incident report to the parent/guardian, requesting that one copy be signed and returned.

F. Monitoring

F-1. What should monitoring at the classroom level include?

At the classroom level, monitoring the use of seclusion and restraint allows the teacher, paraprofessionals, and any other staff (counselors, therapists, psychologists, behavior specialists, behavior analysts) to revise the instructional, behavioral, or other aspect of the student's program. Analyzing the events leading to the use of seclusion and/or restraint and the events following the intervention, through a problem-solving, team-based approach, may provide valuable information for planning how to avoid the use of seclusion and/or restraint in the future.

The recurrent use of seclusion and/or restraint for an individual student indicates the need for a functional behavioral assessment (FBA) and should trigger a review and possible revision of that student's IEP and BIP. For example, students with limited communication skills may exhibit aggressive behaviors in an effort to communicate. The FBA should be used to identify such situations and a BIP should be developed to address the need(s) through appropriate instructional techniques.

The recurrent use of seclusion and/or restraint with more than one student in a particular setting indicates a need to review the structure of the setting and its various components, including curriculum, instructional techniques, behavior management system, and physical layout. The use of seclusion and/or restraint in an emergency should be reviewed after the fact by the school-based problem-solving team to examine the circumstances of the event and determine what strategies may be employed to avoid the use of seclusion and/or restraint in the future. Such a review may also lead to a parent-teacher conference or to convening the IEP team.

F-2. What should monitoring at the building level include?

At the building level, the principal must be informed of all instances of the use of seclusion and restraint occurring in the school and should review all documentation of such events, as required in section 1003.573, F.S. Monitoring at the building level should include an analysis of the following:

- The frequency, duration, and location of seclusion and restraint procedures
- Staff involved in the use of seclusion and restraint procedures
- Appropriate use of seclusion and restraint procedures
- Proper documentation of the use of seclusion and restraint procedures and timely parental notification

On-going analysis of these components should alert administration to the overuse of seclusion and restraint procedures in particular settings, by particular staff, or with specific students, and monitor the notification of parents or guardians. Principals should use these data to initiate reviews of student IEPs and/or behavioral plans, request technical assistance to help staff make changes in the classroom or other settings, and identify teachers or other staff in need of additional support and/or training. Administrators may need to be involved in the review of individual incidents as part of the instructional team.

F-3. What should monitoring at the district level include?

District-level administrators must monitor the use of seclusion and restraint throughout the school district, as required by section 1003.573(2)(a), F.S. Data collected and periodically reviewed by the district should be used to identify schools where there is multiple and repeated use of seclusion and/or restraint. These schools should then be identified for review by appropriate district staff. Such a review should focus on identification of reasons for the use of these techniques and include:

- Scrutiny of the school's system of positive behavioral support
- Evaluation of the circumstances leading up to the appropriate application of seclusion and restraint as emergency interventions
- Review of instructional programs for students having behavioral problems

A plan, which may include staff development, should be designed to reduce or eliminate the need for emergency interventions using seclusion and/or restraint techniques. This plan should be supported and monitored by district staff.

F-4. What does monitoring at the state level include?

At the state level, the FDOE shall maintain aggregate data of incidents of seclusion and restraint and disaggregate the data for analysis by county, student exceptionality, and other variables. The Bureau will develop procedures to validate documentation and reporting to ensure that all incidents of seclusion and restraint are reported in an accurate and timely manner.

G. District Policies and Procedures

G-1. Are districts required to have policies and procedures with regard to seclusion and/or restraint?

Yes. Section 1003.573, F.S., establishes requirements with regard to the development of district policies and procedures for documentation, reporting, and monitoring the use of seclusion and restraint for students with disabilities. Districts must develop policies and procedures that address incident reporting, data collection, and monitoring and reporting of data collected. As required by this statute, each district must file policies and procedures addressing these requirements with the Bureau no later than January 31, 2011.

G-2. What should districts do to ensure appropriate seclusion and restraint practices, including documenting, reporting, and monitoring for students with disabilities?

At a minimum, to meet the requirements of section 1003.573, F.S., school districts must have policies and procedures regarding incident reporting, data collection, monitoring, and reporting of data. In addition, it is recommended that school districts have policies and procedures regarding the use of seclusion and restraint that are addressed in this TAP. When reviewing or writing policies and procedures related to seclusion and restraint, districts should evaluate content related to:

- Allowable use
- Personnel authorized to use seclusion and restraint
- Training procedures
- Analysis of data to determine trends

Additionally, districts are encouraged to implement positive behavior supports and intervention strategies designed to reduce the occurrence of problem behavior for all students.

Appendix A

Section 1003.573, F.S. - Use of seclusion and restraint on students with disabilities.—

Section 4:
(1) 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 on the day the school reopens.
(b) The following must be included in the incident report:

1. The name of the student restrained or secluded.
2. The date and time of the event and the duration of the restraint or seclusion.
3. The location at which the restraint or seclusion occurred.
4. The type of restraint used.
5. The name of the person using or assisting in the restraint or seclusion of the student.
6. The name of any nonstudent who was present to witness the restraint or seclusion.
7. A description of the incident, including:
    a. The context in which the restraint or seclusion occurred.
    b. The student's behavior leading up to and precipitating the decision to use manual physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others.
    c. The specific positive behavioral strategies used to prevent and deescalate the behavior.
    d. What occurred with the student immediately after the termination of the restraint or seclusion.
    e. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies.
    f. Evidence of steps taken to notify the student's parent or guardian.

(c) A school shall notify the parent or guardian of a student each time manual physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.
(d) A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student was manually physically restrained or secluded. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she received a copy of the incident report.
(2) MONITORING.—
(a) Monitoring of the use of manual physical restraint or seclusion on students shall occur at the classroom, building, district, and state levels.
(b) Beginning July 1, 2010, documentation prepared as required in subsection (1) shall be provided to the school principal, the district director of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session.
(c) The department shall maintain aggregate data of incidents of manual physical restraint and seclusion and disaggregate the data for analysis by county, school, student exceptionality, and other variables. This information shall be updated monthly.
(3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

(a) Each school district shall develop policies and procedures that are consistent with this section and that govern the following:

1. Incident-reporting procedures.
2. Data collection.
3. Monitoring and reporting of data collected.

(b) Any revisions to such policies and procedures, which must be prepared as part of the school district's special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31, 2011.

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

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

Appendix B

Rule 69A-58.0084, F.A.C., Seclusion Time-out Rooms.

1. Egress. Secured seclusion time-out rooms, when provided, shall be equipped with doors which allow egress at all times in the event of an emergency.
2. Locking devices.
1. Locking devices on secured seclusion time-out rooms are permitted only when such room is in full compliance with the criteria in this section.
2. An electro-magnetic locking device is the only approved device to secure a secured seclusion time-out room. The lock shall remain engaged only when the human hand is in contact with it placing pressure on it.
1. Upon release of pressure, the door shall unlock. The locking device shall be designed, and shall be operated, so that it cannot be engaged by leverage of an inanimate object or in any manner except by constant human contact.
2. The push button shall be recessed from the face of the unit housing, or in some other way designed to prevent taping or wedging the button in the engaged mode.
3. The device shall have an interface with the fire alarm system and shall automatically release and disengage upon activation of the fire alarm. The locking device shall automatically release and disengage in the event of power failure.
4. A timer shall not be used on the locking device.
3. Door Requirements. The door shall have only a push panel exposed on the interior of the room. A vision panel shall be provided in the door, and it shall be no larger than 12″x12″ (144) square inches. The view panel shall consist of clear one-quarter (1/4) inch thick unbreakable plastic panel, flush with the face of the door on the inside. The view panel shall be positioned in the door to allow a staff member to continuously keep the student under observation. The view panel shall not be covered with any material.
4. Finishes and materials. The ceiling, floor, and walls must be free of any loose, torn or potentially hazardous materials. All surfaces must be kept smooth and free of any hooks, outlets, switches or similar items. Construction materials shall meet all applicable provisions of the Florida Fire Prevention Code and the Florida Building Code. Each secured seclusion time-out room must be identified with a permanently mounted room number.
5. All secured seclusion time-out rooms must have natural or mechanical ventilation.
6. The division and the local fire official are permitted to conduct unannounced inspections of all secured seclusion time-out rooms to ensure compliance with this rule chapter. A written record of each inspection must be made and a copy of same must be provided to the school administrator or designee.
7. During each unannounced inspection, the division or the local fire official is permitted to inspect secured seclusion time-out rooms, interview staff, and review staff development activities to ensure compliance with this rule chapter.
8. If during any fire safety inspection a secured seclusion time-out room is found in violation of this rule chapter, the board or the local fire official shall immediately report the deficiency to the division in accordance with Section 1013.12(1)(c) or 1013.12(5), F.S., and the secured seclusion time-out room shall be immediately withdrawn from use.

Specific Authority 1013.12 FS. Law Implemented 1013.12 FS. History–New 11-26-06.