

1 A bill to be entitled
2 An act relating to the education of children with
3 disabilities; amending s. 402.305, F.S.; requiring minimum
4 training for child care personnel to include the
5 identification and care of children with developmental
6 disabilities; creating s. 1003.573, F.S.; providing
7 definitions; specifying that manual physical restraint may
8 be used by school personnel only in certain emergencies or
9 when authorized by a comprehensive behavior intervention
10 plan; requiring trained staff to evaluate the student
11 after use of a manual physical restraint; requiring that
12 the school attempt to notify the student's parent after
13 use of a manual physical restraint; prohibiting the use of
14 mechanical restraints and certain manual physical
15 restraints; providing that seclusion may be used only in
16 specified circumstances; providing for the termination of
17 seclusion; prohibiting the use of seclusion as punishment;
18 requiring that a school prepare an incident report after
19 the use of manual physical restraint; specifying the
20 contents of such report and providing for its submission
21 to the Department of Education; requiring the development
22 of school district policies and procedures; requiring the
23 policies and procedures to be submitted to the department,
24 published, and made available to parents; amending s.
25 1004.55, F.S.; requiring regional autism centers to
26 provide certain support for serving children with
27 developmental disabilities; creating s. 1012.582, F.S.;
28 requiring the Commissioner of Education to develop

29 | recommendations to incorporate instruction relating to
 30 | developmental disabilities into continuing education or
 31 | inservice training requirements for instructional
 32 | personnel; requiring the department to incorporate the
 33 | course curricula into existing requirements for such
 34 | education or training; authorizing the State Board of
 35 | Education to adopt rules; providing an effective date.
 36 |

37 | Be It Enacted by the Legislature of the State of Florida:
 38 |

39 | Section 1. Paragraph (d) of subsection (2) of section
 40 | 402.305, Florida Statutes, is amended to read:

41 | 402.305 Licensing standards; child care facilities.-

42 | (2) PERSONNEL.—Minimum standards for child care personnel
 43 | shall include minimum requirements as to:

44 | (d) Minimum training requirements for child care
 45 | personnel.

46 | 1. Such minimum standards for training shall ensure that
 47 | all child care personnel take an approved 40-clock-hour
 48 | introductory course in child care, which course covers at least
 49 | the following topic areas:

50 | a. State and local rules and regulations which govern
 51 | child care.

52 | b. Health, safety, and nutrition.

53 | c. Identifying and reporting child abuse and neglect.

54 | d. Child development, including typical and atypical
 55 | language, cognitive, motor, social, and self-help skills
 56 | development.

57 e. Observation of developmental behaviors, including using
 58 a checklist or other similar observation tools and techniques to
 59 determine the child's developmental age level.

60 f. Specialized areas, including computer technology for
 61 professional and classroom use and early literacy and language
 62 development of children from birth to 5 years of age, as
 63 determined by the department, for owner-operators and child care
 64 personnel of a child care facility.

65 g. Developmental disabilities, including autism spectrum
 66 disorder, and early identification, use of available state and
 67 local resources, classroom integration, and positive behavioral
 68 supports for children with developmental disabilities.

69
 70 Within 90 days after employment, child care personnel shall
 71 begin training to meet the training requirements. Child care
 72 personnel shall successfully complete such training within 1
 73 year after the date on which the training began, as evidenced by
 74 passage of a competency examination. Successful completion of
 75 the 40-clock-hour introductory course shall articulate into
 76 community college credit in early childhood education, pursuant
 77 to ss. 1007.24 and 1007.25. Exemption from all or a portion of
 78 the required training shall be granted to child care personnel
 79 based upon educational credentials or passage of competency
 80 examinations. Child care personnel possessing a 2-year degree or
 81 higher that includes 6 college credit hours in early childhood
 82 development or child growth and development, or a child
 83 development associate credential or an equivalent state-approved
 84 child development associate credential, or a child development

85 associate waiver certificate shall be automatically exempted
 86 from the training requirements in sub-subparagraphs b., d., and
 87 e.

88 2. The introductory course in child care shall stress, to
 89 the extent possible, an interdisciplinary approach to the study
 90 of children.

91 3. The introductory course shall cover recognition and
 92 prevention of shaken baby syndrome, prevention of sudden infant
 93 death syndrome, recognition and care of infants and toddlers
 94 with developmental disabilities, including autism spectrum
 95 disorder, and early childhood brain development within the topic
 96 areas identified in this paragraph.

97 4. On an annual basis in order to further their child care
 98 skills and, if appropriate, administrative skills, child care
 99 personnel who have fulfilled the requirements for the child care
 100 training shall be required to take an additional 1 continuing
 101 education unit of approved inservice training, or 10 clock hours
 102 of equivalent training, as determined by the department.

103 5. Child care personnel shall be required to complete 0.5
 104 continuing education unit of approved training or 5 clock hours
 105 of equivalent training, as determined by the department, in
 106 early literacy and language development of children from birth
 107 to 5 years of age one time. The year that this training is
 108 completed, it shall fulfill the 0.5 continuing education unit or
 109 5 clock hours of the annual training required in subparagraph 4.

110 6. Procedures for ensuring the training of qualified child
 111 care professionals to provide training of child care personnel,
 112 including onsite training, shall be included in the minimum

113 standards. It is recommended that the state community child care
114 coordination agencies (central agencies) be contracted by the
115 department to coordinate such training when possible. Other
116 district educational resources, such as community colleges and
117 career programs, can be designated in such areas where central
118 agencies may not exist or are determined not to have the
119 capability to meet the coordination requirements set forth by
120 the department.

121 7. Training requirements shall not apply to certain
122 occasional or part-time support staff, including, but not
123 limited to, swimming instructors, piano teachers, dance
124 instructors, and gymnastics instructors.

125 8. The department shall evaluate or contract for an
126 evaluation for the general purpose of determining the status of
127 and means to improve staff training requirements and testing
128 procedures. The evaluation shall be conducted every 2 years. The
129 evaluation shall include, but not be limited to, determining the
130 availability, quality, scope, and sources of current staff
131 training; determining the need for specialty training; and
132 determining ways to increase inservice training and ways to
133 increase the accessibility, quality, and cost-effectiveness of
134 current and proposed staff training. The evaluation methodology
135 shall include a reliable and valid survey of child care
136 personnel.

137 9. The child care operator shall be required to take basic
138 training in serving children with disabilities within 5 years
139 after employment, either as a part of the introductory training
140 or the annual 8 hours of inservice training.

141 Section 2. Section 1003.573, Florida Statutes, is created
 142 to read:

143 1003.573 Use, monitoring, and reduction of unnecessary
 144 seclusion and restraint on students with disabilities in public
 145 schools.-

146 (1) DEFINITIONS.-As used in this section, the term:

147 (a) "Imminent risk of disruption or damage to the
 148 environment" means a high probability of disruption or damage to
 149 property which is likely to endanger the safety of others.

150 (b) "Imminent risk of injury to the student or others"
 151 means a high probability of injury, such as a laceration, bone
 152 fracture, hematoma, bruise, or injury to internal organs.

153 (c) "Manual physical restraint" means the use of a
 154 physical restraint technique that involves physical force
 155 applied to restrict the movement of all or part of a student's
 156 body for purposes of protecting the student.

157 (d) "Mechanical restraint" means a physical device used to
 158 restrict a student's movement or restrict the normal function of
 159 a student's body for purposes of protecting the student. This
 160 term includes, but is not limited to, belts, vests, helmets,
 161 padded mittens, tie-downs, chairs with straps, and seatbelts.

162 This term does not include:

163 1. Medical protective equipment prescribed by a physician
 164 or dentist;

165 2. Physical equipment or orthopedic appliances, surgical
 166 dressings or bandages, or supportive body bands or other
 167 restraints necessary for medical treatment that is ongoing in
 168 the educational setting;

169 3. Devices used only for the purpose of supporting
 170 functional body position or proper balance or preventing a
 171 person from falling out of a bed or a wheelchair; or

172 4. Equipment used for safety during transportation, such
 173 as seatbelts or wheelchair tie-downs.

174 (e) "Seclusion" means removing a student from an
 175 educational environment, confining the student in a room, and
 176 preventing the student from leaving the room by locking or
 177 otherwise physically blocking the student's exit from the room.
 178 This term does not include the use of a time-out. As used in
 179 this paragraph, the term "time-out" means a procedure in which
 180 access to varied sources of reinforcement is removed or reduced
 181 for a particular time period.

182 (f) "Student" means a student with a disability.

183 (2) USE OF MANUAL PHYSICAL RESTRAINT.-

184 (a) School personnel may use a manual physical restraint
 185 on a student only:

186 1. When there is an imminent risk of injury to the student
 187 or others;

188 2. When there is an imminent risk of disruption or damage
 189 to the environment; or

190 3. When authorized by a comprehensive behavior
 191 intervention plan developed by a certified behavior analyst and
 192 approved by an individual educational plan team.

193 (b) School personnel shall limit the use of a manual
 194 physical restraint to the duration necessary to eliminate the
 195 circumstances necessitating the use of the restraint under
 196 paragraph (a).

197 (c) The school shall have a student evaluated by staff
 198 trained to monitor the physical condition of a student as soon
 199 as possible after the student has been manually physically
 200 restrained by school personnel.

201 (d) Each time a manual physical restraint is used, the
 202 school shall attempt to notify the student's parent before the
 203 end of the school day on which the restraint occurs.

204 (3) PROHIBITED RESTRAINT.—School personnel shall not use a
 205 mechanical restraint on a student or a manual physical restraint
 206 that restricts a student's breathing.

207 (4) SECLUSION.—

208 (a) Seclusion may be used only when a manual physical
 209 restraint is highly likely to lead to injury to the student and:

210 1.a. There is an imminent risk of injury to the student or
 211 others;

212 b. There is an imminent risk of disruption or damage to
 213 the environment; or

214 c. The seclusion is authorized by a comprehensive behavior
 215 intervention plan developed by a certified behavior analyst and
 216 approved by an individual educational plan team.

217 2. School personnel have unsuccessfully tried other
 218 interventions.

219 3. School personnel constantly observe the student for the
 220 duration of the seclusion.

221 (b) The seclusion must end immediately when the student is
 222 sufficiently calm to return to his or her educational
 223 environment.

224 (c) Seclusion may not be used as a punishment for a

225 student's behavior.

226 (5) INCIDENT REPORTING.—

227 (a) A school shall prepare an incident report by the close

228 of the second business day after a student is released from a

229 manual physical restraint, which shall include:

230 1. The name of the student restrained.

231 2. The date, time, and location of the incident and the

232 duration and type of the restraint.

233 3. The names of the persons restraining or assisting in

234 the restraint of the student.

235 4. The specific positive behavioral strategies used to

236 prevent and deescalate the behavior.

237 5. Steps taken to notify the parent.

238 (b) Incident reports prepared pursuant to this subsection

239 shall be provided to the Department of Education each month that

240 the school is in session.

241 (6) DISTRICT POLICIES AND PROCEDURES.—

242 (a) School districts shall develop policies and procedures

243 consistent with this section regarding:

244 1. The prohibition of the use of mechanical restraints on

245 students.

246 2. The appropriate use of manual physical restraints and

247 seclusion on students.

248 3. Personnel authorized to use manual physical restraints.

249 4. Incident-reporting procedures.

250 (b) Each school district shall:

251 1. Provide the policies and procedures required under this

252 subsection to the department no later than January 31, 2011.

253 2. Publish the policies and procedures required under this
 254 subsection in the district's special policies and procedures
 255 manual.

256 3. Make available to the parents of its students, at the
 257 beginning of each school year, its policies regarding the use of
 258 manual physical restraint and seclusion. Such policies may be
 259 provided by mail or electronic mail or published on the school
 260 district's website.

261 Section 3. Paragraphs (f) and (g) are added to subsection
 262 (4) of section 1004.55, Florida Statutes, to read:

263 1004.55 Regional autism centers.—

264 (4) Each center shall provide:

265 (f) Coordination and dissemination of local and regional
 266 information regarding available resources for services for
 267 children with the developmental disabilities described in
 268 subsection (1).

269 (g) Support to state agencies in the development of
 270 training for early child care providers and educators with
 271 respect to the developmental disabilities described in
 272 subsection (1).

273 Section 4. Section 1012.582, Florida Statutes, is created
 274 to read:

275 1012.582 Continuing education and inservice training for
 276 teaching students with developmental disabilities.—

277 (1) The Commissioner of Education shall develop
 278 recommendations to incorporate instruction regarding autism
 279 spectrum disorder and other developmental disabilities into

280 continuing education or inservice training requirements for
 281 instructional personnel. These recommendations shall address:
 282 (a) Early identification of, and intervention for,
 283 students who have autism spectrum disorder or other
 284 developmental disabilities.
 285 (b) Curriculum planning and curricular and instructional
 286 modifications, adaptations, and specialized strategies and
 287 techniques.
 288 (c) The use of available state and local resources.
 289 (d) The use of positive behavioral supports to deescalate
 290 problem behaviors.
 291 (e) Appropriate use of manual physical restraint and
 292 seclusion techniques.
 293 (2) In developing the recommendations, the commissioner
 294 shall consult with the State Surgeon General, the Director of
 295 the Agency for Persons with Disabilities, representatives from
 296 the education community in the state, and representatives from
 297 entities that promote awareness about autism spectrum disorder
 298 and other developmental disabilities and provide programs and
 299 services to persons with developmental disabilities, including,
 300 but not limited to, regional autism centers pursuant to s.
 301 1004.55.
 302 (3) Beginning with the 2010-2011 school year, the
 303 Department of Education shall incorporate the course curricula
 304 recommended by the Commissioner of Education, pursuant to
 305 subsection (1), into existing requirements for the continuing
 306 education or inservice training of instructional personnel. The
 307 requirements of this section may not add to the total hours

PCSMB for HB 1073 & HB 81

2010

308 | required for continuing education or inservice training as
309 | currently established by the department.

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

312 | Section 5. This act shall take effect July 1, 2010.