

The 2010 Florida Legislature passed House Bill 1073, creating section 1003.573, Florida Statutes: Use of Seclusion and Restraint on Students with Disabilities.

In the 2021B Legislative session, updates were made.

The statute establishes documentation, reporting, and monitoring requirements for the use of seclusion and restraint on students with disabilities. This document focuses on questions frequently asked by parents of students with disabilities.

Q. Does this law apply to all students?

No, this law only applies to students with disabilities who have an individual educational plan (IEP) or a section 504 plan.

Q. Does this law stop the use of restraint and seclusion?

- Yes, the law states that each school district shall prohibit school personnel from the use of seclusion.
- The law also prohibits school personnel from using mechanical restraint.
- The law does allow school resource officers, school safety officers, school guardians, and school security guards to use mechanical restraints in grades 6 through 12.
- The law places limits on when physical restraints can be used: Physical restraints can be used by school personnel only when all positive behavior interventions and supports are exhausted and there is an imminent risk of physical injury. The restraint must be discontinued as soon as the threat has been dissolved.

Q. Are there any restrictions on the use of restraint or seclusion?

Yes. Restraint that restricts a student's breathing may not be used. Also, a student cannot be closed, locked, or physically blocked in a room that is unlit and that does not meet the requirements of the State Fire Marshal.

Q. What are restraints and seclusions?

Florida statute 1003.573 defines restraint or seclusion. Also, the U.S. Department of Education Office of Civil Rights (OCR) does. Both definitions are used for the documentation, reporting, and monitoring requirements within the law. They are as follows:

Mechanical restraint: The use of any device or equipment to restrict a student's freedom of movement. This does not include devices prescribed by a medical professional or related services professional and devices used as approved, 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.

Physical restraint: Physical force that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term does not include physical escort or briefly holding a student to calm or comfort. 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. Staff are required to be trained in positive behavior supports and restraint techniques for the safety of students.

Seclusion: 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 timeout, 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 the student.



Q. If my child is restrained or secluded, how will I be informed?

If restraint or seclusion is used with your child, you can expect the following:

- To be notified in writing each time a restraint occurs by the end of the school day.
 - The school will also try to phone and e-mail you.
- You will receive an incident report by mail; this report must be sent to you within three days after the incident and will include the following:
 - The date, time, and location where your child was restrained or secluded.
 - The length of time your child was restrained or secluded.
 - The type of restraint used.
 - The name(s) of person(s) using or assisting in the restraint or seclusion of your child.
 - The name(s) of any "non-students" who witnessed the restraint or seclusion of your child.
 - A description of what happened, including:
 - The activity or type of interaction your child was involved in prior to the behavior(s) that resulted in the restraint or seclusion.
 - The behavior(s) that warranted use of restraint or seclusion.
 - The positive behavioral strategies used to prevent or decrease the behavior(s).
 - How it was determined that there was imminent risk of serious injury or death to your child or others.
 - What happened with your child immediately after stopping the restraint or seclusion.
 - Any injuries, visible marks, or possible medical emergencies that may have occurred, and steps taken to notify you.
- You will be asked to verify, in writing, that you received the notice and the incident report.

Q. Who will monitor the reporting and data collection?

Incident reports must be provided to the school principal, District Director of Exceptional Education, and Florida Department of Education. The Department is required to maintain aggregate data of incidents of restraint or seclusion and disaggregate the data for analysis by county, school, student exceptionality, and other variables.

Q. What if my child's behavior is not improving?

As a member of your child's IEP team, if you have concerns about your child's behavior not improving or continuing to interfere with his or her education, you can ask for an IEP team meeting at any time.

Some questions you may want to ask include:

- When is the behavior occurring?
- What is happening prior to my child's behavior that leads to using restraint or seclusion?
- What interventions or positive behavior supports have been tried with my child?
- How did my child respond to each of those interventions or supports?
- What can we do differently to help my child be more successful?
- What are some helpful community resources we can use?

Q. How can I find out what my school district's policies are regarding restraint and seclusion?

School districts are required to provide the Florida Department of Education with a copy of their policies and procedures that address incident reporting, data collection, and monitoring of the use of restraint and seclusion. You may ask for a copy of these policies and procedures from your local exceptional student education district office. You can find their contact information by calling your district office, or at: <https://www.fldoe.org/academics/exceptional-student-edu/staff/ese-directors.shtml>

Q. If I have questions or concerns after talking with my local school district, whom should I contact at the Florida Department of Education?

You may contact the Bureau of Exceptional Education and Student Services at (850) 245-0475.

Q. Where can I find a copy of the law?

You may find a copy of the law by going to Online Sunshine at: <https://www.flsenate.gov/Laws/Statutes/2023/1003.573>.

The Bureau of Exceptional Education and Student Services (BEESS) supports school districts and others in their efforts to provide exceptional student education programs for students ages 3-21 who have disabilities and students who are gifted.

School districts and schools develop their own programs to serve their students in the most effective way possible. The Bureau provides training to school staff, district administrators, and others on current issues and instructional practices; provides districts with information on state and federal laws relating to the education of exceptional students; monitors districts' compliance with the laws; helps resolve conflicts between school districts and families of exceptional students; and provides other technical assistance needed by school districts. The Bureau also supports activities that encourage parent involvement and parent/professional collaboration.

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Florida Department of Education

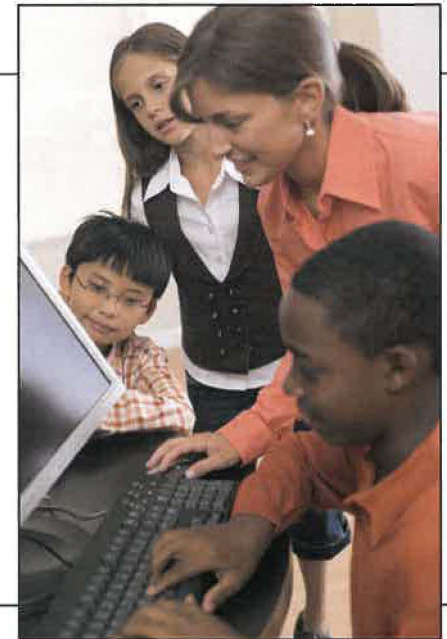
Manny Diaz, Jr., Commissioner

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Florida Department of Education

Documenting, Reporting, and Monitoring the Use of Restraint and Seclusion on Students with Disabilities



Information for Parents