

**Part I. General Policies and Procedures****Section A: Legal Requirements****Statutory and Regulatory Citations**

Sections 1003.57 and 1003.573, Florida Statutes (F.S.)  
 Rule 6A-6.03411, Florida Administrative Code (F.A.C.)

**Requirement Related to ESE Policies and Procedures**

For a school district or agency under contract to the Florida Department of Education (FDOE) to be eligible to receive state or federal funding for specially designed instruction and related services for exceptional students, it shall:

1. Develop a written statement of policies and procedures for providing an appropriate program of specially designed instruction and related services for exceptional students
2. Submit its written statement of policies and procedures to the Bureau of Exceptional Education and Student Services (Bureau) for approval
3. Report to the Bureau the total number of students in the school district receiving instruction in each special program for exceptional students in the manner prescribed by FDOE

The Individuals with Disabilities Education Act (IDEA), corresponding federal regulations, and State Board of Education rules relating to special programs for exceptional students serve as criteria for the review and approval of the district's *Exceptional Student Education (ESE) Policies and Procedures (SP&P)* document.

The school district will submit the SP&P document in accordance with the timelines established in s. 1003.57, F.S., and Rule 6A-6.03411, F.A.C.

**Requirement Related to the Use of Restraint and Seclusion**

House Bill 1073, which became effective on July 1, 2010, created section 1003.573, F.S., *Use of seclusion and restraint on students with disabilities*. This statute establishes documentation, reporting, and monitoring requirements and requires that the use of restraint and seclusion be addressed in the district's SP&P no later than January 31, 2011. One of the following must be selected:

- A. The district will submit its procedures for **documentation, reporting, and monitoring** the use of restraint and seclusion with students with disabilities to the Bureau via an amendment to its SP&P **no later than January 31, 2011**. If this option is selected, **stop here**.
- B. The district's procedures for **documentation, reporting, and monitoring** the use of restraint and seclusion with students with disabilities are provided. If this option is selected, complete each of the sections below.

**District Policies**

1. Physical restraint – One of the following must be selected:

- A. The district **has** a written policy regarding **allowable use or prohibition** of physical restraint. A copy of the policy is included in **Appendix D**.
- B. The district **does not have** a written policy regarding **allowable use or prohibition** of physical restraint.

2. Seclusion – One of the following must be selected:

- A. The district **has** a written policy regarding **allowable use or prohibition** of seclusion. A copy of the policy is included in **Appendix D**.
- B. The district **does not have** a written policy regarding **allowable use or prohibition** of seclusion.

**Prohibited Actions**

1. School personnel will not use a mechanical restraint or manual physical restraint that restricts a student's breathing.
2. School personnel will not close, lock, or physically block a student in a room that is unlit and does not meet the requirements for seclusion time-out rooms provided in State Fire Marshal Rule 69A-58.0084, F.A.C.

**Documentation and Incident Reporting**

1. Schools are required to notify the parent or guardian each time manual physical restraint or seclusion is used with a student with a disability. Such notification will be in writing and provided before the end of the school day on which the restraint or seclusion occurred. Additionally, reasonable efforts will be taken to notify the parent or guardian by telephone or e-mail, or both, and those efforts will be documented.
2. The school will obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she **was notified of the student's restraint or seclusion**.
3. The school will prepare an incident report within 24 hours after a student is released from seclusion or restraint. If the student's release occurs on a day before the school closes for the weekend, a holiday, or another reason, the incident report will be completed by the end of the school day on the day the school reopens. The school will provide the parent with the completed incident report in writing by mail within three (3) school days after the student was manually physically restrained or secluded.
4. The school will 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**.
5. The following will be included in the incident report:
  - a) The name of the student restrained or secluded
  - b) The date and time of the event, and the duration of the restraint or seclusion
  - c) The location at which the restraint or seclusion occurred
  - d) The type of restraint used
  - e) The name of the person using or assisting in the restraint or seclusion of the student
  - f) The name of any nonstudent who was present to witness the restraint or seclusion
  - g) A description of the incident, including:
    - i. The context in which the restraint or seclusion occurred
    - ii. 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
    - iii. The specific positive behavioral strategies used to prevent and deescalate the behavior
    - iv. What occurred with the student immediately after the termination of the restraint or seclusion

- v. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies
  - vi. Evidence of steps taken to notify the student's parent or guardian
6. Incidents of manual physical restraint and seclusion are reported each month that school is in session to the school principal, ESE director, and Department of Education. Reporting to the Department will be accomplished via a website developed for this purpose, in a manner prescribed by the Department.

**District Procedures**

1. The district has in place policies and procedures that govern (a) parent notification, (b) incident reporting, (c) data collection, and (d) monitoring of the use of restraint or seclusion on students with disability.
2. Monitoring is conducted at the classroom, school building, and district levels.
3. The district's specific procedures for each of the requirements are provided on the following pages.
  - a) Procedures for providing **written notification** to the parent **on the day of the incident** regarding the use of restraint or seclusion are described below:

Procedures must include the following:

- How parents are provided written notice on the day the restraint or seclusion occurred
- The person responsible for preparing the written notice
- How reasonable efforts are made on the day of the incident to contact the parent by phone or e-mail or both
- In addition to the parent, to whom in the school or district is notification provided and how this is done
- How records of the parent's acknowledgement of the notification are retained, and action to be taken in the event the parent does not provide a signed acknowledgement

1. Written notice is provided to parent via a "Physical Intervention Short Form" that is prepared by the Response Team Leader and sent home with the student.
2. On the day of the incident a parental phone call is made or E-mail is sent documenting the use of physical intervention. If a parent is not able to be reached, a message is left asking the parent to contact the school regarding their child.
3. The school administrator notifies their assigned ESE Specialist that an incident of restraint/seclusion has occurred.
4. A copy is maintained in the student's disciplinary folder.

- b) Procedures for providing the parent with a copy of the **written incident report within three school days** of the incident are as follows:

Procedures must include the following:

- The person responsible for preparing the incident report
- How parents are provided a copy of the incident report within three school days of the incident
- In addition to the parent, to whom in the school or district is the incident report provided and how this is done
- How records of the parent's acknowledgement that the incident report was received are retained, and action to be taken in the event the parent does not provide a signed acknowledgement

Within three school days of the incident:

1. The draft report is written and finalized by the school administrator.
2. The administrator notifies their assigned ESE Specialist or District Administrator to review the draft prior to finalizing.
3. The school based administrator is responsible for printing, signing, and mailing the Incident Report to the parent/guardian. A copy of this documentation is placed in the student's discipline folder.
4. If the form is not signed and returned by the parent, the Response Team Leader and/or the school based administrator will mail another copy home to parent and follow up with a phone call.

- c) Procedures for **collecting and reporting to the school, district, and Department** data regarding the use of restraint or seclusion with students with disabilities are as follows:

Procedures must include the following:

- Data collected in addition to that required by the Department's website, if any
- The person responsible for collecting and reporting data within the school and district, and to whom it is reported (e.g., principal, ESE director, superintendent)
- The person responsible for collecting and reporting data to the Department via the website
- The frequency or other timelines for data collection and reporting within the district and to the Department

Data Collection and Monitoring:

1. Data collection is monitored on the classroom level through a School-wide PBS system, Daily Behavioral Point Sheets, use of a Levels System, and Progress Monitoring from individualized Behavior Intervention Plans.
2. Data collection is monitored at the school level through the PBS Team and weekly School Wide Support Team meetings.
3. Data collection is monitored on a district level through weekly monitoring of the FLDOE Restraint/Seclusion Incident Report website by district ESE Program Specialists and periodically by district level administrators.
4. The data provided by the FLDOE reporting website is visually displayed in a bar graph form and reviewed quarterly by district and school based administrator.

- d) Procedures for **monitoring** the use of manual physical restraint or seclusion with students with disabilities, at the classroom, school building, and district levels, are as follows:

Procedures must include the following:

- A description of the monitoring processes implemented at the
  - Classroom level
  - School building level
  - District level
- A description of the processes for monitoring
  - Incidents of seclusion and incidents of restraint
  - Timely notification to parents of the incident
  - Timely provision of the incident report to the parent
  - Timely and accurate submission of data to FDOE
- The person(s) responsible for oversight of the monitoring process
- How documentation is maintained
- The frequency or other timelines for data collection and reporting
- Methods for evaluating the extent to which the use of manual physical restraint or seclusion was in accordance with district policies, as applicable, including the reporting requirements
- Determining actions to be taken in the event district policies are violated

Monitoring:

Classroom: Monitored by school wide support team

School Level: Monitored by school based administrators and district support staff

District Level: Monitored by district countywide behavior team and district level administrators

Process:

District level staff reviews the data gathered from the FLDOE Incident Reporting website on a weekly basis. Timeliness and accuracy are reviewed and discrepancies shared with upper administration.

The Countywide Behavior Team is responsible for oversight of the monitoring process. Quarterly data is visually displayed in a barograph form and presented to Executive Directors of Instructional Programs. If patterns of concern are noted, the appropriate district level administrator will meet with the school based administrator and PSS Executive Director to determine the appropriate course of action. County level behavioral support will be provided to ensure all staff have the necessary skills to properly implement district policy. In the unlikely event that an employee continues to violate district policy, disciplinary actions will be initiated.

Monitoring procedures (continued):