

1                   A bill to be entitled  
2           An act relating to persons with disabilities; amending s.  
3           393.067, F.S.; revising provisions relating to licensure  
4           and standards for facilities and programs for persons with  
5           developmental disabilities; amending s. 393.13, F.S.;  
6           revising rights for persons with developmental  
7           disabilities; amending s. 402.305, F.S.; requiring minimum  
8           training for child care personnel to include the  
9           identification and care of children with developmental  
10          disabilities; creating s. 1003.573, F.S.; requiring that  
11          each school prepare an incident report within a specified  
12          period after each occasion of student restraint or  
13          seclusion; specifying the contents of such report;  
14          requiring that each school notify a student's parent or  
15          guardian if manual physical restraint or seclusion is  
16          used; requiring certain reporting and monitoring;  
17          requiring that each school district develop and revise  
18          policies and procedures governing the incident reports,  
19          data collection, and the monitoring and reporting of such  
20          data; prohibiting school personnel from using a mechanical  
21          restraint or a manual physical restraint that restricts a  
22          student's breathing; prohibiting school personnel from  
23          closing, locking, or physically blocking a student in a  
24          room that is unlit and does not meet the rules of the  
25          State Fire Marshal for seclusion time-out rooms; amending  
26          s. 1004.55, F.S.; requiring regional autism centers to  
27          provide certain support for serving children with  
28          developmental disabilities; creating s. 1012.582, F.S.;

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

38

39 Be It Enacted by the Legislature of the State of Florida:

40

41 Section 1. Paragraph (h) of subsection (4) and subsections  
 42 (7) and (9) of section 393.067, Florida Statutes, are amended to  
 43 read:

44 393.067 Facility licensure.—

45 (4) The application shall be under oath and shall contain  
 46 the following:

47 (h) Certification that the staff of the facility or  
 48 program will receive training to detect, report, and prevent  
 49 sexual abuse, abuse, neglect, exploitation, and abandonment, as  
 50 defined in ss. 39.01 and 415.102, of residents and clients.

51 (7) The agency shall adopt rules establishing minimum  
 52 standards for facilities and programs licensed under this  
 53 section, including rules requiring facilities and programs to  
 54 train staff to detect, report, and prevent sexual abuse, abuse,  
 55 neglect, exploitation, and abandonment, as defined in ss. 39.01  
 56 and 415.102, of residents and clients, minimum standards of

57 | quality and adequacy of client care, incident reporting  
 58 | requirements, and uniform firesafety standards established by  
 59 | the State Fire Marshal which are appropriate to the size of the  
 60 | facility or of the component centers or units of the program.

61 | (9) The agency may conduct unannounced inspections to  
 62 | determine compliance by foster care facilities, group home  
 63 | facilities, residential habilitation centers, and comprehensive  
 64 | transitional education programs with the applicable provisions  
 65 | of this chapter and the rules adopted pursuant hereto, including  
 66 | the rules adopted for training staff of a facility or a program  
 67 | to detect, report, and prevent sexual abuse, abuse, neglect,  
 68 | exploitation, and abandonment, as defined in ss. 39.01 and  
 69 | 415.102, of residents and clients. The facility or program shall  
 70 | make copies of inspection reports available to the public upon  
 71 | request.

72 | Section 2. Paragraph (a) of subsection (3) of section  
 73 | 393.13, Florida Statutes, is amended to read:

74 | 393.13 Treatment of persons with developmental  
 75 | disabilities.—

76 | (3) RIGHTS OF ALL PERSONS WITH DEVELOPMENTAL  
 77 | DISABILITIES.—The rights described in this subsection shall  
 78 | apply to all persons with developmental disabilities, whether or  
 79 | not such persons are clients of the agency.

80 | (a) Persons with developmental disabilities shall have a  
 81 | right to dignity, privacy, and humane care, including the right  
 82 | to be free from abuse, including sexual abuse, neglect, and  
 83 | exploitation ~~in residential facilities.~~

84 | Section 3. Paragraph (d) of subsection (2) of section

85 402.305, Florida Statutes, is amended to read:

86 402.305 Licensing standards; child care facilities.—

87 (2) PERSONNEL.—Minimum standards for child care personnel  
88 shall include minimum requirements as to:

89 (d) Minimum training requirements for child care  
90 personnel.

91 1. Such minimum standards for training shall ensure that  
92 all child care personnel take an approved 40-clock-hour  
93 introductory course in child care, which course covers at least  
94 the following topic areas:

95 a. State and local rules and regulations which govern  
96 child care.

97 b. Health, safety, and nutrition.

98 c. Identifying and reporting child abuse and neglect.

99 d. Child development, including typical and atypical  
100 language, cognitive, motor, social, and self-help skills  
101 development.

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

105 f. Specialized areas, including computer technology for  
106 professional and classroom use and early literacy and language  
107 development of children from birth to 5 years of age, as  
108 determined by the department, for owner-operators and child care  
109 personnel of a child care facility.

110 g. Developmental disabilities, including autism spectrum  
111 disorder and Down syndrome, and early identification, use of  
112 available state and local resources, classroom integration, and

113 positive behavioral supports for children with developmental  
114 disabilities.

115  
116 Within 90 days after employment, child care personnel shall  
117 begin training to meet the training requirements. Child care  
118 personnel shall successfully complete such training within 1  
119 year after the date on which the training began, as evidenced by  
120 passage of a competency examination. Successful completion of  
121 the 40-clock-hour introductory course shall articulate into  
122 community college credit in early childhood education, pursuant  
123 to ss. 1007.24 and 1007.25. Exemption from all or a portion of  
124 the required training shall be granted to child care personnel  
125 based upon educational credentials or passage of competency  
126 examinations. Child care personnel possessing a 2-year degree or  
127 higher that includes 6 college credit hours in early childhood  
128 development or child growth and development, or a child  
129 development associate credential or an equivalent state-approved  
130 child development associate credential, or a child development  
131 associate waiver certificate shall be automatically exempted  
132 from the training requirements in sub-subparagraphs b., d., and  
133 e.

134 2. The introductory course in child care shall stress, to  
135 the extent possible, an interdisciplinary approach to the study  
136 of children.

137 3. The introductory course shall cover recognition and  
138 prevention of shaken baby syndrome, prevention of sudden infant  
139 death syndrome, recognition and care of infants and toddlers  
140 with developmental disabilities, including autism spectrum

141 disorder and Down syndrome, and early childhood brain  
142 development within the topic areas identified in this paragraph.

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

149 5. Child care personnel shall be required to complete 0.5  
150 continuing education unit of approved training or 5 clock hours  
151 of equivalent training, as determined by the department, in  
152 early literacy and language development of children from birth  
153 to 5 years of age one time. The year that this training is  
154 completed, it shall fulfill the 0.5 continuing education unit or  
155 5 clock hours of the annual training required in subparagraph 4.

156 6. Procedures for ensuring the training of qualified child  
157 care professionals to provide training of child care personnel,  
158 including onsite training, shall be included in the minimum  
159 standards. It is recommended that the state community child care  
160 coordination agencies (central agencies) be contracted by the  
161 department to coordinate such training when possible. Other  
162 district educational resources, such as community colleges and  
163 career programs, can be designated in such areas where central  
164 agencies may not exist or are determined not to have the  
165 capability to meet the coordination requirements set forth by  
166 the department.

167 7. Training requirements shall not apply to certain  
168 occasional or part-time support staff, including, but not

169 limited to, swimming instructors, piano teachers, dance  
 170 instructors, and gymnastics instructors.

171 8. The department shall evaluate or contract for an  
 172 evaluation for the general purpose of determining the status of  
 173 and means to improve staff training requirements and testing  
 174 procedures. The evaluation shall be conducted every 2 years. The  
 175 evaluation shall include, but not be limited to, determining the  
 176 availability, quality, scope, and sources of current staff  
 177 training; determining the need for specialty training; and  
 178 determining ways to increase inservice training and ways to  
 179 increase the accessibility, quality, and cost-effectiveness of  
 180 current and proposed staff training. The evaluation methodology  
 181 shall include a reliable and valid survey of child care  
 182 personnel.

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

187 Section 4. Section 1003.573, Florida Statutes, is created  
 188 to read:

189 1003.573 Use of seclusion and restraint on students with  
 190 disabilities.—

191 (1) DOCUMENTATION AND REPORTING.—

192 (a) A school shall prepare an incident report within 24  
 193 hours after a student is released from restraint or seclusion.  
 194 If the student's release occurs on a day before the school  
 195 closes for the weekend, a holiday, or another reason, the  
 196 incident report must be completed by the end of the school day

197 on the day the school reopens.

198 (b) The following must be included in the incident report:

199 1. The name of the student restrained or secluded.

200 2. The date and time of the event and the duration of the

201 restraint or seclusion.

202 3. The location at which the restraint or seclusion

203 occurred.

204 4. The type of restraint used.

205 5. The name of the person using or assisting in the

206 restraint or seclusion of the student.

207 6. The name of any nonstudent who was present to witness

208 the restraint or seclusion.

209 7. A description of the incident, including:

210 a. The context in which the restraint or seclusion

211 occurred.

212 b. The student's behavior leading up to and precipitating

213 the decision to use manual physical restraint or seclusion,

214 including an indication as to why there was an imminent risk of

215 serious injury or death to the student or others.

216 c. The specific positive behavioral strategies used to

217 prevent and deescalate the behavior.

218 d. What occurred with the student immediately after the

219 termination of the restraint or seclusion.

220 e. Any injuries, visible marks, or possible medical

221 emergencies that may have occurred during the restraint or

222 seclusion, documented according to district policies.

223 f. Evidence of steps taken to notify the student's parent

224 or guardian.



225        (c) A school shall notify the parent or guardian of a  
226 student each time manual physical restraint or seclusion is  
227 used. Such notification must be in writing and provided before  
228 the end of the school day on which the restraint or seclusion  
229 occurs. Reasonable efforts must also be taken to notify the  
230 parent or guardian by telephone or computer e-mail, or both, and  
231 these efforts must be documented. The school shall obtain, and  
232 keep in its records, the parent's or guardian's signed  
233 acknowledgement that he or she was notified of his or her  
234 child's restraint or seclusion.

235        (d) A school shall also provide the parent or guardian  
236 with the completed incident report in writing by mail within 3  
237 school days after a student was manually physically restrained  
238 or secluded. The school shall obtain, and keep in its records,  
239 the parent's or guardian's signed acknowledgement that he or she  
240 received a copy of the incident report.

241        (2) MONITORING.—

242        (a) Monitoring of the use of manual physical restraint or  
243 seclusion on students shall occur at the classroom, building,  
244 district, and state levels.

245        (b) Beginning July 1, 2010, documentation prepared as  
246 required in subsection (1) shall be provided to the school  
247 principal, the district director of Exceptional Student  
248 Education, and the bureau chief of the Bureau of Exceptional  
249 Education and Student Services electronically each month that  
250 the school is in session.

251        (c) The department shall maintain aggregate data of  
252 incidents of manual physical restraint and seclusion and

253 disaggregate the data for analysis by county, school, student  
 254 exceptionality, and other variables. This information shall be  
 255 updated monthly.

256 (3) SCHOOL DISTRICT POLICIES AND PROCEDURES.—

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

260 1. Incident-reporting procedures.

261 2. Data collection.

262 3. Monitoring and reporting of data collected.

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

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

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

275 Section 5. Paragraphs (f) and (g) are added to subsection  
 276 (4) of section 1004.55, Florida Statutes, to read:

277 1004.55 Regional autism centers.—

278 (4) Each center shall provide:

279 (f) Coordination and dissemination of local and regional  
 280 information regarding available resources for services for

281 children with the developmental disabilities described in  
282 subsection (1).

283 (g) Support to state agencies in the development of  
284 training for early child care providers and educators with  
285 respect to the developmental disabilities described in  
286 subsection (1).

287 Section 6. Section 1012.582, Florida Statutes, is created  
288 to read:

289 1012.582 Continuing education and inservice training for  
290 teaching students with developmental disabilities.—

291 (1) The Commissioner of Education shall develop  
292 recommendations to incorporate instruction regarding autism  
293 spectrum disorder, Down syndrome, and other developmental  
294 disabilities into continuing education or inservice training  
295 requirements for instructional personnel. These recommendations  
296 shall address:

297 (a) Early identification of, and intervention for,  
298 students who have autism spectrum disorder, Down syndrome, or  
299 other developmental disabilities.

300 (b) Curriculum planning and curricular and instructional  
301 modifications, adaptations, and specialized strategies and  
302 techniques.

303 (c) The use of available state and local resources.

304 (d) The use of positive behavioral supports to deescalate  
305 problem behaviors.

306 (e) Appropriate use of manual physical restraint and  
307 seclusion techniques.

308       (2) In developing the recommendations, the commissioner  
309 shall consult with the State Surgeon General, the Director of  
310 the Agency for Persons with Disabilities, representatives from  
311 the education community in the state, and representatives from  
312 entities that promote awareness about autism spectrum disorder,  
313 Down syndrome, and other developmental disabilities and provide  
314 programs and services to persons with developmental  
315 disabilities, including, but not limited to, regional autism  
316 centers pursuant to s. 1004.55.

317       (3) Beginning with the 2010-2011 school year, the  
318 Department of Education shall incorporate the course curricula  
319 recommended by the Commissioner of Education, pursuant to  
320 subsection (1), into existing requirements for the continuing  
321 education or inservice training of instructional personnel. The  
322 requirements of this section may not add to the total hours  
323 required for continuing education or inservice training as  
324 currently established by the department.

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

327       Section 7. This act shall take effect July 1, 2010.