



## 2021 Bill Highlights

As of 5/3/2021

### **HB 149 & SB 192– Students with Disabilities in Public Schools**

**Sponsors:** Representative DuBose (D- Fort Lauderdale) & Senator Book (D - Plantation)

**Outcome:** HB 149 passed the legislature and is awaiting the governor's signature. SB 192 has been laid on the table.

**Target Population:** Children with disabilities who attend public schools; public school staff; school district board; parents of students with disabilities.

**Summary:** Eliminates seclusion for students with disabilities in public schools. Limits the use of restraint and only allows restraint when all positive behavior intervention strategies have been exhausted. Prohibits the usage of restraint devices that places a student in a facedown position with the student's hands restrained behind the student's back. Places crisis intervention plans into FL statute which are required after the second time a student is restrained during a semester and are created by a team including parents, school personnel, and physical and behavioral health professionals. Requires Broward County Public Schools to participate in a classroom video camera pilot program for 3 school

years. District policies and procedures regarding PBIS must be posted at the beginning of each school year. Requires the Department of Education to maintain, analyze, and publish incidents of restraint on the Department's website beginning October 1, 2021.

### **How the bills differ:**

- SB 192 requires all school districts to adopt approved behavioral interventions and restraint training that are in accordance to the State Board of Education rules. HB 149 does not require this approval.

**Impact:** Florida allows the use of both seclusion and restraint on students with disabilities in public schools. Seclusion isolates children with disabilities in small locked rooms inside schools. Restraints are placed on children to hinder their movement and eliminate problem behavior and range from holding children face down or up on the floor, in a seated or standing position, and/or using mechanical tools or hands.

For the 2017-18 school year, there were 8,367 documented incidents of restraints and 834 cases of seclusion. Slightly over half (51%) of restraints and 50% of seclusions were used on very young children (Pre-K – 3rd grade). Florida schools use seclusion as a consequence or punishment for inappropriate behavior for the purpose of changing the behavior but according to the US Department of Health, there is no evidence that shows the use of restraints or seclusion is effective in reducing the occurrence of problem behaviors in students with disabilities.

Studies have shown links between psychological trauma in children and the practice of restraint and seclusion. Restraints should only be used in situations where all other options have been exhausted and the child poses an immediate danger to themselves, the teacher, or other students in the classroom. Teachers



and involved staff need to be highly trained to ensure restraint is necessary and can be used carefully without any physical or mental harm to the student.

The Children's Campaign supports the elimination of seclusion and further training and stricter guidelines for restraint to reduce the frequency and keep vulnerable children safe from harm.

**Effective Date:** July 1st, 2021

