

This is a new rule.

6A-6.05271 -- Standards for the Use of Reasonable Force to Maintain a Safe and Orderly Learning Environment. This rule implements Sections 1012.75 and 1006.11, Florida Statutes, outlining administrative standards for the use of reasonable force by school personnel to maintain a safe and orderly learning environment.

(1) Definitions.

(a) Reasonable force is defined as the appropriate level or degree of physical force necessary to maintain a safe and orderly learning environment.

(b) Physical restraint is defined as the use of force to restrict free movement of all or part of a student's body.

(c) Time out is defined as a procedure in which access to varied sources of reinforcement is removed or reduced for a particular time period contingent on a response. The opportunity to receive reinforcement is contingently removed for a specified time. Either the student is contingently removed from the reinforcing environment, or the reinforcing environment is contingently removed for some stipulated duration.

(d) Seclusion is defined as the confinement of a student in an enclosed room for a set period of time during which the student is supervised but physically prevented from leaving.

(2) General Requirements:

(a) Force shall not be used as an instrument for the educator's anger or frustration; or for routine classroom control. Force shall not be used as the usual method of classroom management but may be

used when necessary to maintain a safe and orderly learning environment.

(b) Positive interventions and alternatives to the use of reasonable force should be attempted if circumstances permit.

(c) The use of force shall cease upon restoration of a safe and orderly learning environment.

(d) Reasonable force shall not be excessive, disproportionate to the threatened harm, nor cruel or unusual in nature.

(e) Any use of reasonable force shall not restrict or obstruct a student's airway, impair breathing, nor twist or bend a limb or joint in an unnatural direction.

(f) Reasonable force shall only be used with consideration of the following:

1. Severity of the offense;
2. Size and abilities of all parties;
3. Known mental or psychological abilities of the student(s);
4. Known medical conditions or special needs of the student(s);
5. Patterns of behavior exhibited by the student(s);
6. Potential physical dangers in using force; and
7. Preventative or defusing action taken prior to the use of force.

(3) Specific Requirements:

(a) When using time out, the individual must ensure the following:

1. The time out was preceded by other interventions which used positive supports that were not effective;

2. The time out takes place in the classroom or other environment where educational activities occur;

3. The student is not physically prevented from leaving time out;

4. The student is monitored for the duration of time out;

5. The time out is for a period of time that does not exceed one minute for each year of the student's age; and

6. The time out ends immediately when the student is calm enough to return to his/her seat, but not to exceed the limits in subparagraph (3)(a)5. of this rule.

(b) Seclusion may be used only in the following circumstances:

1. As reasonably needed to respond to a person in control of a weapon or other dangerous object;

2. As reasonably needed to maintain order or break up a fight;

3. As reasonably needed for self defense; or

4. As reasonably needed when a student's behavior poses a threat of imminent physical harm to self or others.

(c) Individuals using seclusion must have completed in-depth training as determined by the district and must ensure:

1. The student is constantly monitored while in seclusion;

2. The student is released from seclusion upon cessation of the behaviors that led to the seclusion or as otherwise specified in the Individual Education Plan or Behavior Intervention Plan;

3. The confining space has been approved for such use by the local education agency and meets the requirements of Rule 69A-58.0084, FAC.;

4. The space is appropriately lighted, ventilated and heated or cooled; and

5. The space is free from objects that unreasonably expose the student or others to harm.

(42) Circumstances for the use of reasonable force.

(a) The use of reasonable force is permitted, when necessary, to prevent behavior disruptive to a safe and orderly classroom, learning environment, or school related event in circumstances such as:

1. To quell a disturbance;

2. To obtain possession of a weapon or other dangerous object;

3. For self-defense;

4. To prevent harm or injury to the student's self or others;

5. To stop a crime in progress; and

6. To remove a violent, abusive, uncontrollable or significantly disruptive student from the classroom or school-related event.

(b) Example situations that may permit the use of reasonable force include, but are not limited to:

1. When a student physically attacks, or threatens to attack, a staff member or another student; 7

2. When students are fighting; 7

3. When a student is causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of dangerous materials, substances or objects; 7

4. When a student is seriously disrupting the order of the classroom or the school; 7 or,

5. When a student leaves or attempts to leave a class or school, if leaving puts the student at risk.

(5) School district documenting, reporting and training requirements.

(a) Documenting and reporting. School personnel must document all incidents of the use of physical restraint or seclusion and promptly report them to the school principal or building-level administrator. When physical restraint or seclusion has been used, the principal, in coordination with the school staff member, shall attempt to notify the student's parent or guardian, by phone, on the same day of the incident, if possible. All attempts to reach the parent or guardian by phone shall be documented. Within two (2) working days of the seclusion or restraint, the school shall notify the parent or guardian in writing. All uses of physical restraint or seclusion that have occurred at the school must be reported to the district staff on at least a monthly basis. The documentation and notification to the parents or guardians of the incident of physical restraint or seclusion shall include all of the following:

1. The date, time and description of the incident;
2. The school personnel involved in the incident;
3. The event that precipitated the use of physical restraint;
4. Any alternative measures used prior to the use of physical restraint, if applicable;
5. Any injury to the student, school personnel or property as a result of the incident, if known; and
6. The duration of time and a description of the restraint used.

(b) Dissemination and Training.

1. At the beginning of each school year, all school personnel shall be informed of the laws, rules, and district policies regarding the use of reasonable force.

2. Training on the use of physical restraint or seclusion shall be required for appropriate staff assigned to students with disabilities. The district must determine appropriate staff as required under this subsection. At a minimum, training must include:

a. Methods and procedures for de-escalation of problematic behaviors;

b. Continuum of least to most restrictive techniques;

c. Demonstrated proficiency of each technique in the continuum;

d. Techniques for implementing reasonable force when using multiple staff members as a team;

e. Monitoring and assessment criteria required during use of reasonable force;

f. Identification of medical emergencies and basic response methods or techniques;

g. Strategies to re-engage or re-enter the student into the learning environment; and

h. The district's documentation and reporting requirements.

Rulemaking Authority 1006.11(1),1012.75(2) FS. Law Implemented

1003.32(1)(j), 1006.11(1), 1012.75(2) FS. History - New