

Leon County School District

Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion

February 18–22, 2013



Florida Department of Education
Bureau of Exceptional Education and Student Services

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May 29, 2013

Mr. Jackie Pons, Superintendent
Leon County School District
2757 W. Pensacola Street
Tallahassee, Florida 32304

Dear Superintendent Pons:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Leon County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district on February 18–22, 2013. Those information sources included student record reviews, interviews with district and school staff and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The Leon County School District was selected for an on-site visit due to reported incidents of seclusion that were greater than 225 percent of the state rate. Ms. Beverly Owens, Director, Exceptional Student Education, and her staff were very helpful during the Bureau's preparation for the visit and during the on-site visit. In addition, the principals and other staff members at the schools visited welcomed the monitoring team and demonstrated exceptional commitment to the education of all students in Florida. The on-site visit identified strengths related to the district's special education services and reporting and monitoring of the use of restraint and seclusion. In addition, the Bureau's on-site monitoring activities identified noncompliance that required corrective action.

MONICA VERRA-TIRADO, Ed.D., CHIEF
Bureau of Exceptional Education and Student Services

Mr. Jackie Pons
May 29, 2013
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Thank you for your commitment to improving services to exceptional education students in the Leon County School District. If there are any questions regarding this final report, please contact Patricia Howell, program director, Monitoring and Compliance, at 850-245-0476 or via email at Patricia.Howell@fldoe.org.

Sincerely,

A handwritten signature in blue ink that reads "Monica Verra-Tirado". The signature is written in a cursive, flowing style.

Monica Verra-Tirado, Ed.D., Chief
Bureau of Exceptional Education and Student Services

Enclosure

cc: Beverly Owens
Bruce Harrison
Cathy Bishop
Patricia Howell
Jacqueline Roumou

Leon County School District

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Reporting Incidents of Restraint and Seclusion
February 18–22, 2013**

**Florida Department of Education
Bureau of Exceptional Education and Student Services**

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Leon County School District

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Authority

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (Bureau), in carrying out its roles of leadership, resource allocation, technical assistance, monitoring and evaluation, is required to oversee the performance of district school boards in the enforcement of all exceptional student education (ESE) laws and rules (sections 1001.03(8), 1003.571 and 1008.32, Florida Statutes [F.S.]). One purpose of the Individuals with Disabilities Education Act (IDEA) is to assess and ensure the effectiveness of efforts to educate children with disabilities (s. 300.1(d) of Title 34, Code of Federal Regulations [CFR]). The Bureau is responsible for ensuring that the requirements of IDEA and the educational requirements of the State are implemented (34 CFR §300.149(a)(1) and (2)).

In fulfilling this requirement, the Bureau monitors ESE programs provided by district school boards in accordance with sections 1001.42, 1003.57, and 1003.573, F.S. Through these monitoring activities, the Bureau examines records and ESE services, evaluates procedures, provides information and assistance to school districts and otherwise assists school districts in operating effectively and efficiently. The monitoring system is designed to facilitate improved educational outcomes for students while ensuring compliance with applicable federal laws and regulations and State statutes and rules.

Monitoring Process

Background Information

Section 1003.573, F.S., *Use of restraint and seclusion on students with disabilities* was created in July 2010 and established documentation, reporting and monitoring requirements for districts regarding the use of restraint and seclusion for students with disabilities. School districts were required to have policies and procedures that govern parent notification, incident reporting, data collection and monitoring the use of restraint or seclusion for students with disabilities in place no later than January 31, 2011. In July 2011, section 1003.573, F.S., was amended to require that the FDOE establish standards for documenting, reporting and monitoring the use of manual or physical restraint and occurrences of seclusion. In September and October 2011, the standards established by the FDOE were provided to school districts and were included in the district's *Exceptional Student Education Policies and Procedures* (SP&P). During the 2011–12 school year, the Leon County School District was selected for an on-site

monitoring visit due to reported incidents of seclusion that were greater than 225 percent of the state rate, which was 0.97 percent of the students with disabilities.

Data reported by the Leon County School District via the FDOE's web-based reporting system for incidents of restraint and seclusion indicated that from August 2010 through May 2011, the Leon County School District reported 74 incidents of restraint for 37 students and 306 incidents of seclusion for 71 students. With 5,465 students with disabilities reported as enrolled in the district during this time period, 0.68 percent of the students with disabilities were restrained and 1.3 percent were secluded.

The 2011–12 on-site visit was conducted on February 8–9, 2012. Results of the visit, including commendations, concerns, recommendations, findings of noncompliance and required corrective actions are specified the final report, which may be accessed at <http://www.fldoe.org/ese/pdf/2012/Leon-onsite.pdf>. The district completed the required corrective action, including demonstration through a sampling process of the implementation of the targeted standards 100 percent of the time.

Manually unduplicated data for restraint and seclusion incidents by district for August 2011 through June 2012 indicated that Leon County School District reported 574 incidents of restraint for 102 students and 1,099 incidents of seclusion for 88 students. With 5,195 students with disabilities reported as enrolled in the district during this time period, 1.96 percent of the students with disabilities were restrained and 1.69 percent were secluded.

In a letter dated January 11, 2013, the superintendent of Leon County School District was informed that the Bureau would be conducting an on-site monitoring visit due to reported incidents of restraint and seclusion that were greater than 225 percent of the state rate, which was 0.87 percent for restraint and 0.26 percent for seclusion, and a disproportionately high number of restraint incidents as compared to other districts within the size-alike group.

The 2012–13 first quarter data from the FDOE's web-based reporting system for incidents of restraint and seclusion indicated a decrease in restraint incidents reported (42 percent) and seclusion incidents reported (26 percent) when compared to the first quarter data from the 2011–12 school year. In response to a questionnaire from the Bureau requesting information about the actions the district had taken to reduce the need for restraint and seclusion, Leon County School District responded as follows:

- Additional professional development emphasizing the appropriate use of restraint and seclusion, with an emphasis on the use of de-escalation strategies, has been provided to school administrators, teachers, paraprofessionals and contracted staff.
- Continued ongoing training in techniques for safely dealing with student behaviors that are deemed dangerous (e.g., Crisis Prevention Intervention [CPI] and Techniques for Effective Adolescent and Child Handling [T.E.A.C.H.]) has been provided, and imbedded training for teachers, paraprofessionals and behavior staff has become more structured.

- A committee composed of school administrators of day schools, school administrators of schools with cluster programs, district ESE staff and contracted behavior management staff was formed to review data, actively share best practices and develop and share strategies for decreased use of restraint and seclusion.
- Discussions with school administrators and staff have clearly emphasized the state and district expectation that restraint and seclusion are only to be used when there is imminent threat of severe injury; this has resulted in a more consistent application of this practice across the district.
- A large group of school and district staff participated in the LRP audio conference offered by the Bureau for Florida school districts: *Restraint and Seclusion: Avoiding Dangerous and Costly Practices and Policies*, held September 20, 2012; the district purchased the LRP materials to provide further support to staff.
- A representative from the behavior consulting company with which the district contracts made a presentation relevant to reducing the need for restraint and seclusion to elementary and day school administrators during a monthly staff meeting early in the school year.
- The behavior consulting company has worked closely with school administrators and teachers to communicate the need to balance the teaching of state and national standards with the understanding that significant behavioral problems may be triggered by academic work variables. Sometimes work has to be modified so that the students are more willing to do the assigned task than to tantrum (with severe escalation) to avoid the work. Teaching students with disabilities how to become successful as students may be necessary before they will be successful with academic tasks.
- The district has improved in the review and use of available data to make changes to interventions for students. Consulting behavior analysts are looking at each event and regularly graphing data of total events and cumulative events by school and by student, giving the district the ability to utilize as many options as possible to break the escalation earlier when the problematic behavior is less intense.
- The district continues to involve parents to help problem solve situations and to keep them informed of the seriousness of the situation to encourage their participation in teaching their children how to correct their behavior at school.
- The district has instituted innovative programs at two of the schools with cluster programs, and they are placing more emphasis in all programs on the development and reinforcement of replacement behaviors.
- Student behavior plans are being continually reviewed and updated more often by contracted behavior analysts.
- School administrators have become more actively involved in the process; as a result, individual educational plan (IEP) team decisions identified the need for the district to allocate resources to create a primary classroom at Pace Secondary School (Day School), where there is additional support and more flexibility in the physical environment for students whose IEPs identify those needs.

In response to the item on the questionnaire about resources, methods and strategies that the district has found to be effective in helping to reduce the number of incidents or restraint or seclusion, the district responded as follows:

- A laser-like focus on the data, especially data showing that the district had used restraint and seclusion with more students and at higher percentage rates than other districts, has provided the impetus to reduce the use of restraint and seclusion.
- The district worked directly with behavior classrooms to implement classwide behavior interventions. In addition, most of the students in these classrooms have individual behavior plans.
- Behavioral case management is conducted on a weekly or biweekly basis with a board-certified behavior analyst, teacher and behavior specialists, and often school administrators.
- They are emphasizing the teaching of de-escalation skills to the students, including removing themselves to a preferred place for cooling down and using their replacement skills to work with staff to more effectively problem solve the situation.

School Selection

Upon review of the district's data reported via the FDOE's web-based reporting system for incidents of restraint and seclusion, it was determined that the on-site monitoring visit would be conducted at Pace School, Oak Ridge Elementary School, Roberts Elementary School, Sealey Elementary School and Kate Sullivan Elementary School.

On-Site Activities

Monitoring Team

The following Bureau and Multiagency Network for Students with Emotional Behavioral Disabilities (SEDNET) staff members conducted the on-site monitoring visit:

- Patricia Howell, Program Director, Monitoring and Compliance (Team Leader)
- Jacqueline Roumou, Compliance Specialist
- Misty Bradley, Compliance Specialist
- Brenda Fisher, Compliance Specialist
- Susan Bentley, Program Specialist, Emotional Behavioral Disabilities
- Zoe Mahoney, Learning Disabilities Program Specialist
- Carl Coalson, SEDNET Region 12 Project Manager

Data Collection

Monitoring activities included the following:

- Case studies – 15 students
- Classroom observations – 12 classrooms
- District administrator interviews – 2 participants
- School administrator interviews – 18 participants
- Teacher interviews – 11 participants

Review of Records

The district was asked to provide the following documents for each student selected for review:

- Current and previous IEP
- Functional behavioral assessment (FBA)
- Behavioral intervention plan (BIP)
- Discipline record
- Attendance record
- Report cards
- Student schedule
- Parent notices and other documentation related to restraint and seclusion
- Verification of training for staff members involved in incidents of restraint or seclusion

Results

FBA and BIP Review for Technical Adequacy

Five FBAs and BIPs from the 15 case study students were submitted to the Florida Positive Behavior Support (PBS) Project for the purpose of evaluating technical adequacy. The FBAs and BIPs were evaluated using the *FBA/BIP Technical Adequacy Evaluation**. This is based on the essential components identified in the research literature that comprise a technically adequate FBA and BIP. The evaluation instrument has been reviewed by three national experts who provided input that led to this version.

The FBAs included more of the components associated with technical adequacy than did the BIPs. Although the FBAs were a relative strength, the mean score of the FBA subscale was 0.49 percent (standard deviation of the mean (*SD*) = 0.14). The average BIP percentage score was 0.38 percent (*SD* = 0.12). The *Leon County Schools FBA/BIP Technical Adequacy Report* is included in the Appendix.

The following results reflect the data collected through the activities of the on-site monitoring as well as commendations, concerns, recommendations, findings of noncompliance and corrective actions.

Strengths

Throughout all five schools that were visited, there was consistency in ensuring that staff members who implement restraint and seclusion have received the training designated by the district.

* Iovannone, R., Christiansen, K., & Kincaid, D. (2013). *FBA/BIP technical adequacy measure*. Manuscript in preparation.

In addition, specific strengths noted in the various schools include the following:

- Pace School
 - A schoolwide positive behavioral program and a high ratio of positive reinforcement were evident during the visit.
 - The monitoring team observed group celebration for each student who met a target.
 - The monitoring team noted the provision of flexibility and options for the students.
 - Students were observed to be encouraged to create their own solutions for problems that occurred.
 - During the observations, instructional momentum was maintained in busy classrooms.
 - Students were provided reminders about the schedule and upcoming transitions in order to prepare for the next activity.
 - Learning goals were posted clearly in the classrooms.
 - A very low student-to-staff ratio was observed, with many students receiving one-to-one assistance.

- Oak Ridge Elementary School
 - The general education and ESE teachers are to be commended for their integrated team approach regarding meeting the individual needs of the students with disabilities.
 - The use of PBS with emphasis on kindness, effort and respect was evident during the on-site visit.
 - Schoolwide celebrations include ESE students.
 - The monitoring team observed the use of multiple de-escalation strategies.
 - An extra room is available for students' activities during "earned time," which helps students who stay in the classroom continue to focus on their work.
 - Students were engaged in the classroom settings and actively participated in the classroom behavior program.
 - Use of the behavior management software ClassDojo for reinforcement and data collection was impressive.
 - Students were provided reminders about the schedule and upcoming transitions in order to prepare for the next activity.

- Roberts Elementary School
 - It was evident to the monitoring team that maintaining positive interactions and communication among students, parents and school staff is a top priority at the school.
 - Bureau staff members were impressed with the level of problem-solving processes within the school, as well as between the school and the district's ESE staff and behavior management consultants (BMC).
 - Students were provided reminders about the schedule (e.g., use of a timer) and upcoming transitions in order to prepare for the next activity.
 - The school's emphasis on mainstreaming was evident in the students' schedules, space on the individual point sheets for mainstream as well as ESE

input, classroom observations, teacher interviews and the school administrators' interview.

- The team observed class celebration of student accomplishments.
 - Individualized and group visual support was evident in the posting of photos of the adults in the classroom, the students lining up, family members' photos at students' desks and picture cues to identify emotions.
 - Bureau staff noted a well-defined process to document and review incidents of restraint, including the use of a spreadsheet for tracking the required notices.
 - Teachers and assistants were observed to work very well together in providing instruction for the students.
- Sealey Elementary School
 - School staff indicated that relationships with students are paramount.
 - Bureau staff saw evidence of teacher efforts to reduce anxiety and implement debriefing procedures.
 - School and district staff and the behavior consultant spoke highly of the school administration's commitment and dedication to the students and staff.
 - School staff appeared to be highly motivated and demonstrated compassion, care and genuine concern for the students.
 - Staff demonstrated a good understanding of restraint and seclusion rules and requirements and the school's procedures.
 - Individualization of the reinforcement system was noted within the context of schoolwide PBS.
 - Staff was actively engaged with the students in their instructional activities.
 - The monitoring team observed the flexibility and openness of general education teachers and ESE teachers regarding options to meet the needs of individual students.
- Kate Sullivan Elementary School
 - Bureau staff members were impressed by the high level of commitment and knowledge that the entire staff demonstrated regarding students with disabilities.
 - Use of positive reinforcers was very evident during the Bureau staff's visit, and all staff, including bus drivers, were encouraged to reinforce students for good choices by providing tickets to earn "crocodile dollars."
 - Visits to the school office were also used as positive reinforcement, as well as immediate positive feedback to parents via telephone calls.
 - All staff in the classroom, including behavioral staff, worked with the students.
 - Positive and clear expectations were posted in the classrooms.
 - There was evidence of individualization of de-escalation strategies based upon student needs.
 - The intervention teams that are available for the general education students also are available for the ESE students.
 - Staff was actively engaged with the students in their instructional activities.

Concerns

Districtwide concerns include the following:

- Concerns related to the technical adequacy of the FBAs and BIPs that were reviewed are noted earlier in this report in “FBA and BIP Review for Technical Adequacy,” with more specific information included in the Appendix.
- None of the schools that were visited had a mental health counselor on staff at the school.
- At the time of the on-site visit, the district did not have any system in place to address the issue of trauma-informed care.
- The reference to injuries on the same-day notification form related only to incidents of restraint. The incident report on the FDOE web-based reporting system references injuries related to seclusion as well as restraint. The district noted that FDOE’s standard regarding written same-day notification does not reference seclusion in the requirement, and only references “any injuries occurring during or resulting from the restraint.”
- The tracking form used to document the provision of required parental notification of the use of restraint or seclusion did not clearly indicate the need for a minimum of two attempts to acquire parent acknowledgement when the parent fails to respond to the initial written same-day notice.

Concerns were noted in the various schools as follows:

- Pace School
 - The same-day written notification to the parent regarding an incident of restraint or seclusion was counted as the first attempt to contact the parent when the parent failed to return the signed acknowledgement of receipt of the notice. FDOE standards for documenting, reporting and monitoring the use of restraint and seclusion require a minimum of two attempts to acquire parent acknowledgement when the parent fails to respond to the initial notice.
 - For one of the case study students, all of the parent acknowledgement forms for incidents ranging from August 28, 2012, to December 6, 2012, had signatures dated January 16, 2013. The tracking form noted November 1, 2012, as the follow-up date when the parent did not return signed acknowledgement of receipt of the same-day notice for all of these incidents. Leon County School District’s SP&P states that if the same-day notice is not returned to the school within a reasonable period of time (three days), the teacher will follow up with a phone call to the parents, and that each attempt to secure the return of the notice will be documented by school staff.
 - One of the assistants disrupted the students’ engagement in instruction at times during the classroom observation.
- Oak Ridge Elementary School
 - For one of the case study students, no cueing was provided during the math lesson in the general education classroom. In addition, this student was seated

- separately from the rest of the students and did not have the review materials needed for the lesson.
- For one of the case study students, the spreadsheet used to log incidents of restraint and seclusion contained the wrong date (clerical error); however, the correct dates were included on the required documents (the same-day notice and the incident report).
 - The coordination between the BMC and the schoolwide PBS program was unclear; at times these appeared to be competing initiatives.
 - During one of the classroom observations, a teacher gave inconsistent warnings.
 - Response cost was used as part of the classroom token economy in the ESE classrooms that were observed. With this strategy there is a potential that negative behaviors could escalate when a student loses points. However, the system appeared to be effective with the students who were observed.
- Roberts Elementary School
 - For one of the case study students, assistive technology was not noted on the IEP. However, the student used an alpha smart for assistance with writing in the math general education class.
 - The general education teacher who was interviewed did not appear to have access to the IEP for the case study student who participated in her class.
 - Sealey Elementary School
 - For one of the case study students, the documented reminder for the October 3, 2012, incident of seclusion was later than the three days specified in the district's SP&P.
 - In one of the ESE classrooms that was observed, one of the paraprofessionals did not appear to be involved with any instructional activities except giving a direction across the room from time to time.
 - Kate Sullivan Elementary School
 - The classrooms for the case study students were located near the street. Staff members noted the danger of the location and were careful to provide close supervision for the students. A new building is under construction, and these classes will be moved to the new building once it is completed.
 - The IEP for one of the case study students did not note behavioral concerns as a special factor; however, these interventions to address behavior were noted clearly elsewhere on the IEP.

Required Actions

The following actions apply districtwide and are required to be completed **no later than October 21, 2013**, with verifying documentation to be provided to the Bureau **no later than October 31, 2013**:

- Provide training for developers of FBAs and BIPS that addresses the district's specific areas of deficit (noted in *Leon County Schools FBA/BIP Technical Adequacy Report*, located in the Appendix). Establish a peer review process for FBAs and BIPs

for students who are restrained or secluded to make certain that FBAs and BIPS are of high quality, were implemented with fidelity and produced the necessary results.

- Contact the district's SEDNET project manager for information about potential options for providing additional mental health services.
- Contact the Bureau's program specialist for emotional or behavioral disabilities or the district's SEDNET project manager for information about training in trauma-informed care.
- Revise the district's same-day notification form to include a reference to injuries related to an incident of seclusion. [A revised form was provided to the Bureau on May 15, 2013.]
- Revise the district's tracking form used to document the provision of required parental notification of the use of restraint or seclusion to clearly indicate the need for a minimum of two attempts to acquire parent acknowledgement when the parent fails to respond to the initial written same-day notice. [A revised form was provided to the Bureau on May 15, 2013.]

Recommendations for the schools visited include the following:

- Pace School
 - Ensure that all staff members who document parental notice regarding incidents of restraint or seclusion are aware of the requirement for a minimum of two attempts to acquire parent acknowledgment when the parent fails to respond to the initial notice. These two attempts are *in addition to* the written notification that was provided on the day of the incident.
 - Monitor follow up to the provision of written same-day notification and the incident form when the parent fails to respond to the original notice or incident form.
 - Remind all staff members of the importance of students' engagement in instructional activities and how disruptions can interfere with the learning process.
- Oak Ridge Elementary School
 - Monitor students' mainstreaming experiences more closely to increase opportunities for effectiveness. For this case study student (identified in separate communication with the district), the general education teacher and the ESE teacher should develop a method for communication that ensures that both teachers are aware of what the student needs to be supported in the general education environment. In addition, it may be helpful to consider providing a way for the student to alert the general education teacher when assistance is needed (e.g., a card on the desk with a red side and a green side so that the card can be flipped over to the color that designates a need for teacher help). In addition, it might be beneficial for this student to be included more in the class whenever possible to help the other students accept this student as a classmate. Participating with these general education peers in other contexts, such as lunch, recess or physical education, might help the student form relationships that could increase comfort and participation in the class.

- Periodically review the spreadsheet used to log incidents of restraint and seclusion so that any clerical errors can be corrected.
 - Clarify with the BMC and school staff the importance of coordinating classroom behavior programs and student BIPs with the schoolwide PBS program to increase the potential for positive outcomes for students.
 - Remind teachers of the importance of consistency of warnings so that the behavioral expectations are clear for the students.
 - Consider eliminating response cost from the token economy to increase the percentage of positive reinforcement. If response cost is continued, its effectiveness should be evaluated regularly to determine whether the number of inappropriate behaviors is decreasing or whether these behaviors are being driven underground, with other inappropriate behaviors popping up to serve the same function.
- Roberts Elementary School
 - For the student who uses an alpha smart for assistance with writing in the math general education class, consider amending the IEP to reference this support.
 - Clarify with all general education teachers who teach students with IEPs how these IEPs can be accessed.
- Sealey Elementary School
 - Monitor follow up to the provision of written same-day notification and the incident form when the parent fails to respond to the original notice or incident form.
 - Remind all paraprofessionals of the importance of students' engagement in instructional activities and expectations regarding the paraprofessionals' involvement in this process.
- Kate Sullivan Elementary School
 - Continue with plans to move the classes for students with significant behavioral needs to a central location in the new building.
 - Remind the teachers who develop IEPs about the special factors section of the document.

Findings of Noncompliance

Bureau staff members identified 20 incidents of noncompliance on a total of seven standards in nine of the case studies. Identifying information regarding the nine students reflecting the findings of noncompliance was provided to the Leon County School District prior to the dissemination of this report.

Standard/Identified Noncompliance	Supporting Data
1. The IEP contains a statement of special education services and specially designed instruction, including location as well as initiation, duration, and frequency.	For two of the case study students (one at Oak Ridge Elementary School and one at Roberts Elementary School), the IEP did not include monitoring of behavior in the general education environment. <i>The IEP for the</i>

Standard/Identified Noncompliance	Supporting Data
<p>(34 CFR §300.320(a)(4) and (7))</p>	<p><i>Oak Ridge Elementary School student was corrected on February 26, 2013, prior to the Bureau’s formal notification of noncompliance. The IEP for the Roberts Elementary School student was corrected on February 21, 2013, prior to the Bureau’s formal notification of noncompliance.</i></p>
<p>2. The parent or guardian was provided with a notification in writing of any incident of restraint or seclusion. The notification included the type of restraint used and any injuries occurring during or resulting from the incident. (Section 1003.573(1)(c), F.S.)</p>	<p>For six of the case study students (one at Pace School, one at Oak Ridge Elementary School, two at Roberts Elementary School, one at Sealey Elementary School and one at Kate Sullivan Elementary School), nine of the same-day notices that were reviewed did not include all of the required information. For one of the incidents from Kate Sullivan Elementary School, an outdated same-day notice form was used, so there was no reference to the type of restraint used or whether there were injuries. For the other incidents, an updated form was used; however, the staff member who filled out the form had not filled out the part about whether there were injuries.</p>
<p>3. Reasonable efforts were made to contact the parent or guardian via telephone or email on the day of the incident of restraint or seclusion. (Section 1003.573(1)(c), F.S.)</p>	<p>For two of the case study students (one at Roberts Elementary School and one at Sealey Elementary School), one of the incidents reviewed did not have documentation of the school’s efforts to contact the parent of guardian by telephone or email on the day of the incident.</p>
<p>4. The school has documentation of the parent’s or guardian’s acknowledgement of the same-day notice or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the initial notification. (Section 1003.573(1)(c), F.S.)</p>	<p>For one of the incidents for one of the case study students (Oak Ridge Elementary School), the school did not have documentation of the parent’s or guardian’s acknowledgement of the same-day notice or the required attempts to obtain this acknowledgement.</p>
<p>5. The parent or guardian was provided with a completed written report by mail within three school days of any incident of restraint or seclusion. (Section 1003.573(1)(d), F.S.)</p>	<p>For one of the case study students (Pace School), one of the incident reports reviewed was mailed on the fourth school day following the incident. For two of the case study students (one at Roberts Elementary School and one at Kate Sullivan Elementary</p>

Standard/Identified Noncompliance	Supporting Data
	School), three of the incident reports reviewed (one at Roberts Elementary School and two at Kate Sullivan Elementary School) did not have documentation regarding the date that the report was sent.
6. The school has documentation of the parent's or guardian's signed acknowledgement of receipt of the incident report or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the incident report. (Section 1003.573(1)(d), F.S.)	For two of the case study students (both at Oak Ridge Elementary School), for one of the incidents reviewed for each student, the school did not have documentation of the parent's or guardian's acknowledgement of receipt of the incident report or the required attempts to obtain this acknowledgement.

Corrective Action

In a March 14, 2013, letter to the Leon County School District providing student-specific information, the Bureau required that **no later than May 15, 2013**, the district must identify the policy, procedure or practice that caused the noncompliance and provide evidence of the action taken to ensure future compliance. The district provided the required documentation on May 15, 2013.

In addition, **no later than one year from the date of the letter (May 15, 2014)**, the district must demonstrate correct implementation of the standards identified as noncompliant during the on-site visit. A sampling process is described on pages nine and ten of the *Exceptional Student Education Compliance Manual* accessible at <http://www.fldoe.org/ese/pdf/m-compli.pdf>.

Technical Assistance

Implementing a Multi-Tiered System of Support for Behavior: Recommended Practices for School and District Leaders (Florida's Positive Behavior Support Project) may be accessed at http://flpbs.fmhi.usf.edu/pdfs/RTIB%20Guide%20101811_final.pdf and provides an overview of the critical components of a multi-tiered system of support for behavior. These critical components point to systems changes that are necessary for a results-driven ESE system. The *FBA/BIP Technical Adequacy Evaluation* (Iovannone, Christiansen, & Kincaid, 2010) was provided to Florida school districts via email on April 11, 2013, and may be used in the development of FBAs and BIPs to ensure the inclusion of the essential components for technical adequacy. Information regarding the establishment of school-based mental health services and training related to trauma-informed care may be accessed by contacting the Region 2B – Liberty office of SEDNET at 850-643-2275, extension 235. The district's SP&P provides district- and school-based standards for documenting, reporting and monitoring the use of manual, physical or mechanical restraint and seclusion developed by the FDOE. In addition, the technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, dated October 14, 2011, offers specific information for guidance regarding restraint and seclusion.

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**Florida Department of Education
Bureau of Exceptional Education and Student Services**

Glossary of Acronyms and Abbreviations

ABA	Applied behavioral analysis
Bureau	Bureau of Exceptional Education and Student Services
BIP	Behavior intervention plan
BMC	Behavior Management Consultants
BRIC	Bureau of Exceptional Education and Student Services Resource and Information Center
CFR	Code of Federal Regulations
CPI	Crisis Prevention Intervention
ESE	Exceptional student education
FDOE	Florida Department of Education
F.S.	Florida Statutes
FBA	Functional behavior assessment
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PBS	Positive Behavior Support
<i>SD</i>	Standard deviation
SEDNET	Multiagency Network for Students with Emotional/Behavioral Disabilities
SP&P	Exceptional Student Education Policies and Procedures
T.E.A.C.H.	Techniques for Effective Adolescent and Child Handling

Appendix

Leon County Schools FBA/BIP Technical Adequacy Report

Leon County Schools FBA/BIP Technical Adequacy Report

Five functional behavior assessment (FBA) and behavior intervention plan (BIP) products from Leon County Schools were submitted by Florida DOE to the Florida PBS Project for the purpose of evaluating their inclusion of FBA/BIP components for technical adequacy. The products were evaluated using the *FBA/BIP Technical Adequacy Evaluation* (Iovannone, Christiansen, & Kincaid, 2010). The evaluation includes the essential components identified in the research literature that comprise a technically adequate FBA/BIP and has been reviewed by three national experts who provided input that led to this version of the evaluation instrument.

The evaluation tool includes a total of 18 items, 9 related to the required FBA components and 9 related to the required BIP components. Individual item scores range from 0-2 with a 0 indicating that the component is absent, a 1 indicating that the component is partially present, and a 2 indicating that the component is present and complete. The maximum raw score for each subscale section is 18 with a maximum total scale raw score of 36. Subscale scores for the two sections (FBA and BIP) represent the percentage of the total achieved by the product. Finally, the total score indicates the total percentage of both the FBA and BIP scales.

Two scorers evaluated the five FBA/BIPs submitted. One is a doctoral level board certified behavior analyst who has a faculty position; the other is a graduate student in the applied behavioral analysis (ABA) program who is a board certified assistant behavior analyst. Both individuals are supervised by University of South Florida faculty members who are board certified behavior analysts. Each individual scorer evaluated the products individually and then compared scores for inter-rater reliability. Disagreements were discussed and consensus was reached for each component score. Inter-rater reliability scores ranged between 67% and 83% with a mean of 74%.

The graphs on pages 7-9 illustrate the scores of each product submitted for review. Each FBA/BIP was numbered from 1-5, and these were used as the identifiers. Table 1 on page 10 summarizes the outcomes of the five products by showing the mean raw score achieved for each of the 18 items and the mean FBA, BIP subscale percentage scores as well as the mean total percentage score. An examination of the graphs indicates that the FBAs included more components than did the BIPs. Although the FBAs were a strength, the mean score of the FBA subscale was .49% ($SD=.14$). The scores on the BIPs were lower than the FBAs. The average BIP percentage score of the group was 38% ($SD = .12$).

In evaluating the FBA/BIP technical adequacy outcomes, it does need to be noted that the five FBA/BIPs chosen by the Florida Department of Education for this evaluation were selected specifically due to their association with students who had been

restrained or secluded. Thus, these five FBA/BIPs are not reflective of all the FBA/BIPs conducted by Leon County.

A summary of the five FBA/BIPs performance on each item is described below.

Functional Behavior Assessment Domain

- FBA Item 1—Multiple sources used for FBA. The literature states that high quality FBAs include information from all relevant persons who know the student well. All of the FBAs evaluated included information about the methods of conducting the FBA (e.g., observation, interview, checklist, rating scale, combination, etc.) and from whom the information was collected.
- FBA Item 2—Identifying and Operationalizing the Target Behavior(s). Identifying the behavior(s) that will be the focus of the FBA as well as clearly defining the behaviors so that they are measurable and observable allows for more accurate information on the conditions under which the behavior occurs and the consequences maintaining the behavior. In addition, a complete description allows for more accurate recording of progress monitoring data, both baseline and post-intervention. Most of the FBAs submitted provided measurable definitions for behaviors of concern. However, it was difficult to determine whether the subsequent FBA was conducted for all behaviors as one class/typography or if the FBAs differentiated conditions under which different behaviors occurred. For example, an FBA might list three target problem behaviors (e.g., Disruptions, AWOL, Aggression) and provided one hypothesized function, indicating that the three behaviors formed a category/class. While this is possible, the products submitted did not provide enough information to make the link between the identified target behaviors and the data that led to the conclusion that all behaviors served one function.
- FBA Item 3—Baseline data collected on the problem behavior. Knowing the performance of problem behavior prior to intervening is necessary to determine the effectiveness of the BIP and monitor the student's response to intervention. Most of the FBAs submitted provided graphs. However, most of the graphs recorded data on consequences received rather than on targeted behavior change (for example, the graphs provided in the reports showing the frequency of time-outs for each type of time out [e.g., desk time-out, closed door time-out, etc.] as well as the duration of minutes for each type of time out). Although some FBAs did provide a graph or summary of data on frequency of the target behaviors, only one FBA (#1) provided the data with phase lines, clearly indicating baseline performance of the problem behaviors. Most of the behavior graphs appeared to show consequences and, if included, behavior occurrence that occurred the 10 months of the previous school year or the current school year up to the FBA report date. It is possible that the FBA reports were considering the previous school year performance as baseline data points; however, it was not clearly documented in the reports.

- FBA Item 4—Setting events. Setting events (distal conditions and/or environmental conditions that, when in existence result in a higher likelihood of problem behavior occurring after presentation of an immediate antecedent), when present, are important to understand the student’s problem behavior and to develop effective interventions. Only one of the FBAs submitted addressed potential setting events. It is possible that the students who were the focus of the other FBA/BIPs may not have had setting events that predicted problem behaviors, but without documentation that setting events were considered but ruled out, we are unable to determine if a setting event was present but not identified.
- FBA Item 5—Antecedents predicting problem behavior—Identification of antecedents, or contextual and environmental conditions that occur prior to problem behaviors were identified in most of the FBAs. Some of the FBAs provided some detail about the antecedents so that an intervention could be developed to modify the antecedent and prevent the occurrence of the problem behavior (e.g., academic demands). However, none of the FBAs provided information on whether the antecedents identified predicted all of the problem behaviors targeted or if some antecedent conditions led to a specific behavior.
- FBA Item 6—Antecedents present in the absence of problem behavior: Knowing the antecedents that predict problem behavior occurrence is essential. However, it is equally important to know what contextual circumstances predict and trigger appropriate behavior or the absence of the problem behavior. By reviewing and comparing the environmental events that are present when problem behaviors as well as appropriate behaviors are occurring, the team can be more confident in their development of a hypothesis that will be more accurate and lead to more effective interventions. None of the FBAs submitted addressed circumstances in which the students did not have problem behaviors.
- FBA Item 7—Consequences immediately following problem behavior. Consequences, or the responses others perform immediately after the occurrence of problem behavior, allow the team to determine the possible functions that are maintaining behaviors as well as the efficiency and effectiveness of the behavior obtaining the “payoff.” The FBAs submitted did not consistently report the immediate reactions or responses others had to student problem behavior (e.g., verbal redirect, verbal reprimand, ignoring, calming, removal). Most of the FBAs only reported the hypothesized function of the behavior without providing the actual consequences that supported the theorized function. It is inferred that, at times, the problem behaviors resulted in time-outs or removals given the graphs recording the average frequency and duration of time outs. However, it was unknown how the consequence of time-out was delivered after problem behavior occurred. That is, how immediate was time out delivered after behavior occurrence? Were there other responses that may have commonly been delivered by others, such as redirects, restating expectations, ignoring, prior to removal? This level of detail about consequence delivery that

includes the efficiency and effectiveness of the student's problem behavior achieving the payoff or function is essential for developing behavior intervention strategies for replacing the problem behavior with an appropriate behavior that will get the same outcome with the same level of efficiency and effectiveness.

- FBA Item 8—Hypotheses components. An FBA-derived hypothesis drives behavior interventions and should include a summary statement that describes three components. Component 1 includes the antecedents or contextual events (i.e., setting events and immediate triggers) predicting the problem behavior, component 2 includes the behavior that was the focus of the FBA, and component 3 suggests the function or purpose of the behavior that was determined by the consequences typically following the targeted problem behavior. All of the FBA hypotheses provided the function of the behavior. Very few provided information related to the antecedents or contextual conditions that triggered the targeted behaviors.
- FBA Item 9—Function is supported by the research literature and linked to FBA data. All of the FBAs identified functions that were observable and measurable and supported by ABA principles (i.e., positive or negative reinforcement). However, it was difficult to confirm that the hypothesized functions were linked to the FBA data due to the omission in most of the FBAs of the actual consequences that immediately and consistently followed problem behavior performance. One FBA (#3) included an additional function of “control.” Control is not an observable or measurable function of behavior nor does it provide the essential information about how the student's behavior is related to patterns in the environment. The FBA did further qualify the control function as “control over attention of staff” but explained that the purpose was not to get the staff's attention which appeared to be a circular argument that may not provide valid data for developing an effective replacement behavior and functional equivalent reinforcer.

Behavior Intervention Plan Domain

- BIP item 10—Dates of FBA and BIP are within 30 days. When behavior is interfering with academic performance, it is imperative that there is minimal delay in developing the BIP after the FBA is completed. It was difficult to discern the date for the development of a team-based behavior intervention plan. All of the FBAs submitted provided a “Date of Report.” Within the report, a couple of FBAs referenced previous FBA and BIP dates. For scoring purposes, it was assumed that, unless otherwise specified, that the date of the report was the date of the FBA and the BIP.
- BIP Item 11—The FBA hypothesis is referenced. The primary purpose of conducting the FBA is to build the BIP from the hypothesis. It should be clear that the intervention strategies described on the BIP are linked to the hypothesis. All of the FBA/BIPs were submitted as a narrative report; thus, it was assumed

that the behavior intervention plan was developed based on the hypothesis written earlier.

- BIP Item 12—Prevention strategies are present, described completely and linked to FBA. The primary reason for developing multi-component hypotheses and behavior intervention plans is to make the problem behavior irrelevant, ineffective, and inefficient. This can occur when interventions are described that modify the contextual events or antecedents so that these events are no longer “triggers” for problem behavior occurrence. By preventing problem behaviors from being performed, more opportunities are available to instruct students on use of replacement behaviors and to provide reinforcement for engaging in replacement skills. Three of the BIPs did not include any strategies that would be considered “preventative”; that is, they are implemented during antecedent events and prior to any occurrence of problem behavior. One BIP did include strategies that could be considered modifiers to the environment but did not provide enough detail (e.g. task analysis or clear description of sequence of steps) that would allow the intervention to be implemented with consistency.
- BIP Item 13—Inclusion of a replacement behavior strategy, described completely and linked to the FBA. Behavior is a skill to be taught, similar to academics. By identifying a replacement behavior that the team would prefer to see the student perform rather than the problem behavior, a plan can be developed to carefully teach the skill by modeling, providing guided practice and feedback, and providing ample opportunities for the student to perform the skill and get reinforced. The replacement behavior can be either a communicative functional behavior (i.e., a behavior that directly communicates the function included in the hypothesis such as asking for escape or break or asking for attention) or a physically incompatible behavior (i.e., a behavior that is pro-social or desired such as raising hand, being academically engaged with assignments, making positive comments, etc.). Three of the BIPs submitted addressed specific replacement behaviors to be taught and reinforced. The other two provided strategies that discussed reinforcing appropriate behaviors; however, the plans did not identify a specific replacement behavior that would be appropriate nor provide detail on how the student would be taught the new behavior. Instead, the plans described general reinforcement procedures to follow multiple appropriate behaviors that were not operationally defined. Two plans described a replacement behavior that would necessitate problem behavior to occur in order for the replacement behavior to be used (i.e., “accept consequences appropriately”).
- BIP Item 14—Inclusion of a reinforcement of replacement behavior strategy, described completely and linked to the FBA. The notion of functional equivalence (i.e., the replacement behavior being taught must be reinforced with the same outcome that was achieved by the problem behavior) is important in making sure that the student will use the new, appropriate skill as a replacement for the old problem behavior. Two of the BIPs submitted used the outcome of

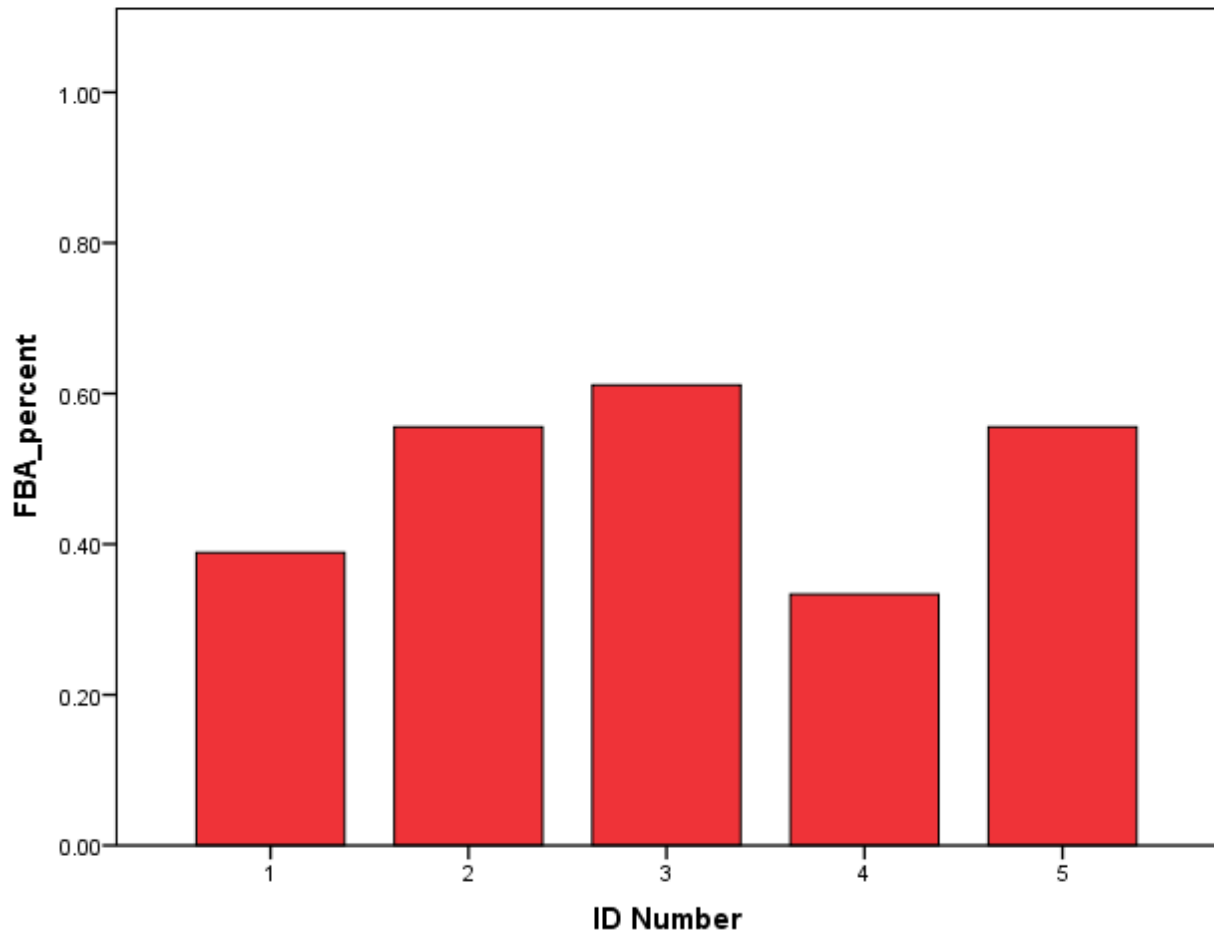
the problem behavior (attention or escape) as the reinforcement to be provided contingent upon performance of the new skill or replacement behavior. Others listed tokens or points that would be earned that could be turned in to get items from a treasure box, providing a minimal link to the hypothesized function.

- BIP Item 15—Discontinue reinforcement of the problem behavior strategy. An effective behavior intervention plan addresses how others will respond to problem behavior in way that will no longer allow problem behavior to get the hypothesized function. Instead, the replacement behavior will be the primary way to effectively and efficiently get the outcome. The BIPs provided strategies for responding to problem behavior occurrences. Unfortunately, most were crisis level strategies, involving use of time-out procedures. The BIPs that did address initial responses of others to continued problem behavior that was not at the crisis level included strategies that continued to provide the same outcome previous to the FBA (i.e., continued to provide escape or attention). Only one BIP provided a strategy that redirected the student to use a replacement behavior to get functional equivalent reinforcer.
- BIP Item 16—Crisis plan (if applicable). If a problem behavior is intense, it is important for a crisis plan to be considered and included, if applicable. The information from the FBA should help the team develop an individualized crisis plan that considers the student’s hypothesized function as well as determine how best to prevent the behavior from reaching crisis plan levels and how to deescalate the behavior so that stability is achieved more quickly and effectively. The crisis plan should include operational definitions of behavior(s) that would be considered at a crisis level and would initiate the crisis plan implementation. Finally, the crisis plan should carefully consider how to avoid becoming the primary mechanism for the student to achieve the payoff for behavior. For example, if the hypothesized behavior is escape from academic demands, and the crisis plan includes extensive time-out procedures, the student will have obtained the functional reinforcement by engaging in intensive levels of problem behaviors. Four of the BIPs included detailed crisis plans. One of the crisis plans (#5) did consider the function and used this data for development of the strategies. The other three continued to provide the same outcome through the crisis plan.
- BIP Item 17—Inclusion of plan for post-intervention data. Once a behavior plan is developed, it needs to be consistently monitored and reviewed. At a minimum, the team should determine the data they will collect to determine the plan’s effectiveness. This includes student outcome data as well as fidelity data. This specific item evaluates whether the FBA/BIP provides a specific, method for determining the data to be collected as well as the date for review. Two of the plans did provide partial detail of data that would be collected after the plan was implemented. For example, some included sample data sheets that could be used for monitoring. However, most were lacking details including the specific

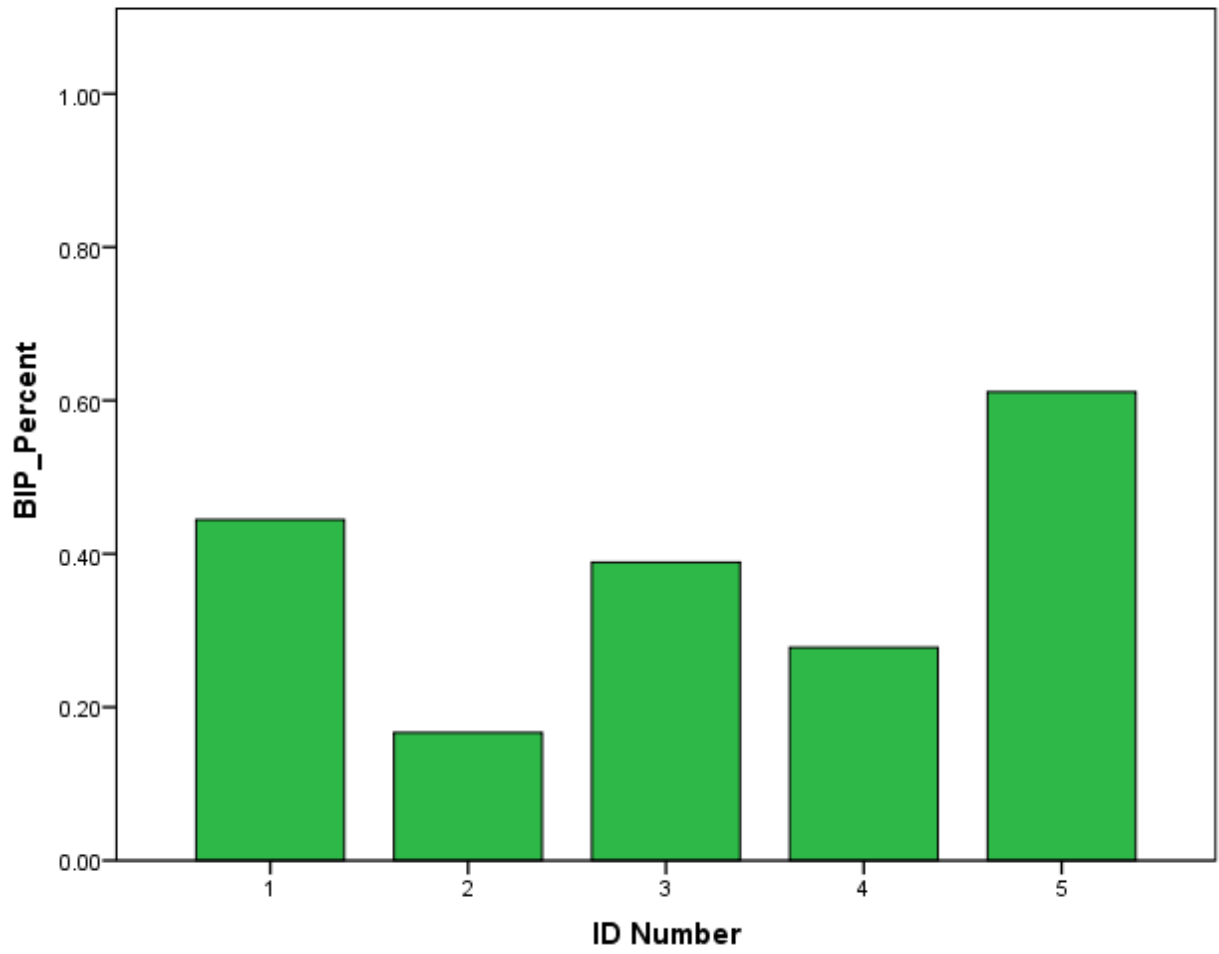
target behaviors that would be monitored, the person responsible for monitoring, and the follow-up date for when the data would be reviewed.

- BIP Item 18—Inclusion of a plan for collecting fidelity of implementation. When making data-based decisions on a student's response to intervention, it is imperative that the team knows whether the plan was implemented as intended. None of the BIPs submitted mentioned a plan for collecting fidelity of implementation.

Functional Behavior Assessment Domain-Technical Adequacy Percentage by ID #



Behavior Intervention Plan Domain-Technical Adequacy Percentage by ID #



Total Technical Adequacy Percentage by ID #

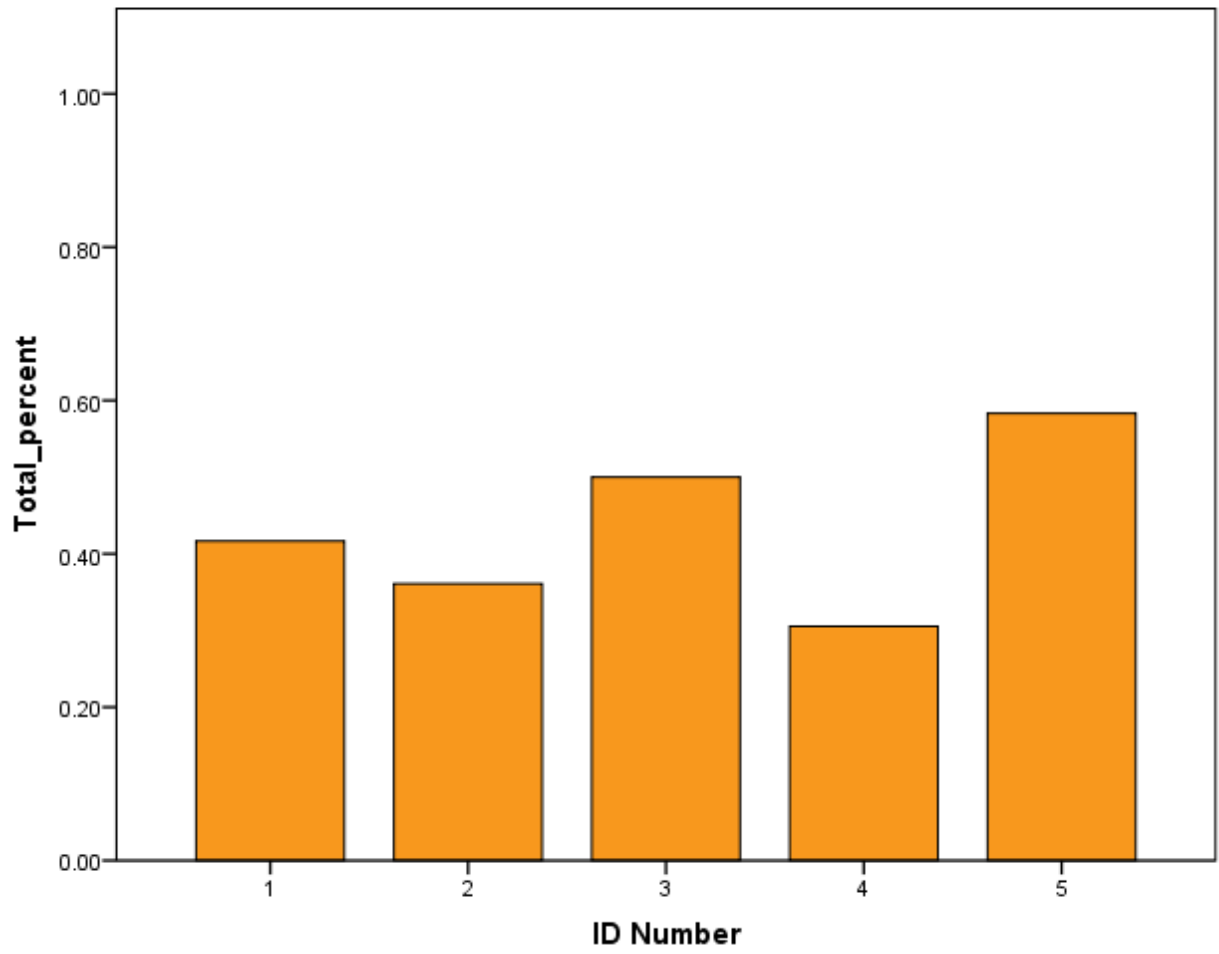


Table 1: Mean Raw Scores of Technical Adequacy Items

Item	Mean Raw Score (max = 2.0)	Standard Deviation
FBA (N = 5)		
Item 1-Sources of FBA	2.00	.00
Item 2-Operational Definition	1.40	.55
Item 3-Baseline Data	.80	.84
Item 4-Setting Events	.40	.55
Item 5-Antecedents/problem behavior	1.40	.89
Item 6-Antecedents/appropriate behavior	.00	.00
Item 7-Consequences	.60	.55
Item 8-Hypothesis components	1.00	.00
Item 9-Function is observable and measurable	1.20	.45
BIP (N = 5)		
Item 1-Timeline between FBA/BIP	1.60	.89
Item 2-FBA hypothesis referenced	1.60	.89
Item 3-Prevention strategy/link	.60	.89
Item 4-Replacement behavior strategy/link	.80	.84
Item 5-Reinforce new behavior strategy/link	.60	.89
Item 6-Discontinue reinforcing problem behavior	.20	.45
Item 7-Crisis plan need considered	1.00	.71
Item 8-Monitoring/evaluating data plan	.40	.55
Item 9-Fidelity/support plan	.00	.00
Total Scales		
	Mean Percentage	Standard Deviation
FBA domain	.49	.14
BIP domain	.38	.17
Total domain	.43	.12



Florida Department of Education
Dr. Tony Bennett, Commissioner

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