

Pinellas County School District

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

May 14–16, 2012



Florida Department of Education  
Bureau of Exceptional Education and Student Services

This publication is produced through the Bureau of Exceptional Education and Student Services Resource and Information Center (BRIC) of the Florida Department of Education. For more information on available resources, contact BRIC.

BRIC website: <http://www.fldoe.org/ese/clerhome.asp>

Bureau website: <http://www.fldoe.org/ese/>

Email: [BRIC@fldoe.org](mailto:BRIC@fldoe.org)

Telephone: (850) 245-0477

Fax: (850) 245-0987

# FLORIDA DEPARTMENT OF EDUCATION



## STATE BOARD OF EDUCATION

---

KATHLEEN SHANAHAN, *Chair*

ROBERTO MARTÍNEZ, *Vice Chair*

### *Members*

SALLY BRADSHAW

GARY CHARTRAND

DR. AKSHAY DESAI

BARBARA S. FEINGOLD

JOHN R. PADGET

Gerard Robinson  
Commissioner of Education



July 31, 2012

Dr. John A. Stewart, Superintendent  
Pinellas County School District  
301 Fourth Street S.W.  
Largo, Florida 33770-2942

Dear Superintendent Stewart:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Pinellas County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district on May 14–16, 2012. 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 Pinellas 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. Cindy Bania, Assistant Superintendent, Exceptional Student Education and Student Services, 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 were welcoming to Bureau staff 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*

Dr. John A. Stewart  
July 31, 2012  
Page Two

Thank you for your commitment to improving services to exceptional education students in Pinellas 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](mailto:Patricia.Howell@fldoe.org).

Sincerely,



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

Enclosure

cc: Cindy Bania-Carter  
Jeannine Welch  
Karen Denbroeder  
Patricia Howell  
Derek E. Hemenway

**Pinellas County School District**

**Final Report: On-Site Monitoring  
Reporting Incidents of Restraint and Seclusion  
May 14–16, 2012**

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



# Pinellas County School District

## Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion May 14–16, 2012

### Table of Contents

Authority .....	1
Monitoring Process.....	1
Background Information .....	1
School Selection.....	2
On-Site Activities .....	2
<i>Monitoring Team</i> .....	2
<i>Data Collection</i> .....	2
<i>Review of Records</i> .....	2
Results .....	3
Commendations .....	3
Concerns .....	5
Recommendations.....	5
Findings of Noncompliance .....	6
Corrective Actions .....	6
Technical Assistance.....	8
Bureau Contacts.....	8
Glossary of Acronyms and Abbreviations.....	9





## **Pasco County School District**

### **Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion May 16–18, 2012**

#### **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) 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). In a letter dated September 6, 2011, the superintendent of Pinellas County School District was informed that the Bureau would be conducting an on-site monitoring visit due to

reported incidents of seclusion that were greater than 225 percent of the state rate, which was 0.35 percent.

Data reported by the district via the FDOE's web-based reporting system for incidents of restraint indicated that Pinellas County School District reported 503 incidents of restraint for 148 students and 607 incidents of seclusion for 181 students from **August 2010 through May 2011**. With 13,857 students with disabilities reported as enrolled in the district during this time period, 1.07 percent of the students with disabilities were restrained and 1.31 percent were secluded.

### **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 Calvin A. Hunsinger School, Garrison Jones Elementary School, Hamilton Disston School, Paul B. Stephens School, Richard L. Sanders School, and Southern Oak Elementary School.

### **On-Site Activities**

#### ***Monitoring Team***

On May 14–16, 2012, the following Bureau staff members conducted the on-site monitoring visit:

- Patricia Howell, Program Director, Monitoring and Compliance
- Jennifer Jenkins, Program Director, Instructional Support Services
- Derek E. Hemenway, Compliance Specialist (Team Leader)
- Jacqueline Roumou, Compliance Specialist
- Mary Elizabeth Conn, Compliance Specialist
- Mary Sue Camp, ESE Consultant

#### ***Data Collection***

Monitoring activities included the following:

- Record reviews – 22 students
- Case studies – 22 students
- Observations – 22 students
- District administrator interviews – 4 participants
- School administrator interviews – 17 participants
- Teacher interviews – 14 participants

#### ***Review of Records***

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

- Current individual educational plan (IEP)
- Functional behavioral assessment (FBA)

- Behavioral intervention plan (BIP)
- Written notification and documentation of attempts to notify parent(s) before the end of the school day on which the restraint or seclusion occurred
- Parent-signed acknowledgement of the same-day notification regarding the incident or documentation of additional attempts to obtain parent acknowledgement
- Parent-signed acknowledgement of the incident report or documentation of additional attempts to obtain parent acknowledgement

## Results

Data reported by the district via the FDOE's website for reporting incidents of restraint from **August 2011 through May 2012** identified that Pinellas County School District reported 694 incidents of restraint for 261 students, and 537 incidents of seclusion for 184 students. With 13,097 students with disabilities reported as enrolled during this time period, 1.99 percent of the students with disabilities were restrained and 1.40 percent were secluded. These data reflect an increase in restraints from 1.07 percent to 1.99 percent, and an increase in seclusions from 1.31 percent to 1.40 percent, respectively, from the 2010–11 data.

District staff members noted that restraint and seclusion procedures are only used when a student presents immediate danger to other students or self and that students are not placed on home instruction for exhibiting such behaviors. District staff also indicated that all schools in the district are implementing the Positive Behavior Support: Response to Intervention for Behavior (PBS:RtIB) Project and that a wide range of staff, including bus drivers, participate in or receive support from the project. The district requires Crisis Prevention Institute (CPI) and Trauma Informed Care (TIC) training for all school personnel involved with implementing restraint and seclusion in an attempt to decrease incidents of restraint or seclusion in the district. The district also collaborates with an advocacy organization in the area to problem solve.

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.

## Commendations

Calvin A. Hunsinger School is to be commended for the following:

- The care and concern of staff for each student's welfare in times of crisis and in times of need were apparent.
- Staff appeared to go above and beyond expectations in attempting to fully involve students and families.
- The school-wide use of positive behavior supports was very evident in the numerous programs available to students.
- There were multiple activities and procedures for recognizing student accomplishments.

- Students participated in community-building activities such as gardening and entrepreneurial activities.

Garrison-Jones Elementary School is to be commended for the following:

- Staff were proactive in utilizing interventions to prevent escalation of behaviors that might result in incidents of restraint or seclusion.
- The school's positive behavior supports system provided students with an easy way to conceptualize behavioral expectations and to be recognized for outstanding behavior and accomplishments.
- School staff were knowledgeable about individual student needs.
- Multiple programs available at the school allowed students to receive mentoring and participate in community service projects.
- School administration noted less escalation with students following a change in behavior personnel and stated that relationships with students, communication with parents, and fidelity of implementation were key to this decrease.

Hamilton Disston School is to be commended for the following:

- The school was clean and well maintained.
- Student files and documentation were organized and accessible.
- The school has been implementing the PBS:RtIB project for ten years.
- The school's administration has made outstanding efforts to meet the needs of individual students, including the incorporation of mental health services for specific students into the curriculum provided at the school.
- The school's instructional and administrative staff members worked directly with behavior specialists, social workers, and medical staff to provide seamless services.

Paul B. Stephens School is to be commended for the following:

- The school's climate was calm and student-focused, even during behavioral crises.
- The school's administrators were actively involved in student activities and behavioral interventions.
- Student-to-teacher ratios were very low.
- Classrooms were well-equipped with resources and technology was used effectively.
- School staff members were committed to facilitating student success.
- Staff consistently allowed space to accommodate the unique needs of individual students as well as opportunities to de-escalate behavior prior to the use of restraint or seclusion.

Southern Oak Elementary School is to be commended for the following:

- Although the school was not fully participating in the PBS:RtIB project, the team observed that components of PBS:RtIB have been implemented school-wide and positive reinforcement of students was emphasized and constantly observed during the team's visit.
- The teachers and direct-care staff members had extensive knowledge of the students' individual needs and demonstrated dedication to meeting the educational and behavioral needs of the students. Students received support from a variety of staff in addition to teachers, including behavior specialists and social workers.

- Parents were aware that restraint was used as a last resort; however, if a student's behavior had escalated to the point where a restraint may have been necessary, parents were contacted before restraint procedures were implemented in an attempt to de-escalate the student.
- The school maintained close relationships with parents by encouraging parental involvement and offering training and parental outreach activities.

Richard L. Sanders School is to be commended for the following:

- The school's campus was clean, with well-maintained buildings.
- Classrooms were well-equipped with resources, and technology was effectively used.
- Staff members were helpful and hospitable.
- Staff demonstrated skill and commitment to instructing the students and proactively supporting their behavioral needs.
- The school's climate was calm and positive.

### **Concerns**

- At some schools there was no documentation of parental notification or that parents received copies of incident reports. Where notification and provision of incident reports was documented, documentation of signed parent acknowledgement of receipt (or of follow-up attempts to obtain signed parent acknowledgement) was not always available.
- The reported rates of restraint and seclusion have increased from August 2011 through May 2012 as compared to the previous school year.

### **Recommendations**

1. Consider developing a contact log to document dates when parental notifications and copies of incident reports were provided or mailed to parents and when follow-up attempts were made if parents failed to provide signed copies of the notifications or reports.
2. Continue Positive Behavior Support (PBS) training in schools in the district, particularly those using restraint and seclusion.
3. Continue to implement activities described in the district's SP&P plan for reducing the use of restraint and seclusion, including the following:
  - Explicit follow-up with school administration for schools with high incidents of restraint or seclusion and those with no reported incidents of restraint or seclusion
  - Review staffing models at schools with high incidents of restraint or seclusion
  - Additional professional development on the use of restraint and seclusion, documenting restraint and seclusion, and monitoring restraint and seclusion
  - Review of additional data, school-based observations, FBAs, positive behavior intervention plans (PBIPs), IEPs, and Section 504 plans
4. Continue to offer CPI and TIC training for all school personnel involved with implementing restraint and seclusion in an attempt to decrease incidents of restraint or seclusion in the district.
5. Continue to collaborate with local advocacy organizations.

## Findings of Noncompliance

The following noncompliance was found regarding incident reporting for restraint and seclusion (1003.573, F.S.):

- The written notification provided to the parent or guardian on the day of the incident must include the type of restraint used and any injuries occurring during or resulting from the restraint.
  - The district's *Parental Notification of Physical Restraint and/or Secured Seclusion* form did not include the type of restraint or a statement addressing injuries.
- The district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
  - In eight incidents reviewed, there was no documentation of follow-up attempts to obtain written parent acknowledgement of receipt of notification.
- The completed incident report must be provided to the parent or guardian by mail within three school days after the seclusion or restraint incident occurred, and the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
  - In one incident reviewed, the incident report was mailed more than three days following the incident.
  - For eight incidents reviewed, there was no signed acknowledgement of receipt of the incident report from the parent or guardian or documentation of follow-up attempts to obtain acknowledgement when the parent or guardian failed to respond to the initial report.

In addition to the noncompliance related to incident reporting for restraint and seclusion, a cost factor discrepancy was noted in the matrix of services document for one of the students. Identifying information regarding this student was provided to the district prior to the dissemination of this report. Section 1011.62(1)(e), F.S., describes the Florida Education Finance Program (FEFP) funding model for ESE programs, including basic, at-risk, support levels IV and V for exceptional students, career cost factors, and a guaranteed allocation for ESE programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. This model is designed to provide funds to a school district for the services that the district pays for or provides. The nature and intensity of the services indicated on the matrix are to be consistent with the services described in the exceptional student's IEP.

## Corrective Actions

1. **No later than September 6, 2012**, the Pinellas County School District must correct the following procedures regarding reporting and documenting incidents of restraint and seclusion:

- Providing written notification to the parent or guardian on the day of the incident, including details on the type of restraint used and any injuries occurring during or resulting from the restraint or seclusion.
- Making and documenting a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial report.
- Consistently providing the parent with the completed incident report in writing by mail within three school days after the student was restrained or secluded.

Documentation of the correction of noncompliance must be submitted to the Bureau **no later than September 6, 2012**, including evidence of any changes to tracking forms, school practices, and training of school staff. In addition, **no later than September 6, 2012**, the district shall demonstrate correct implementation of the standards in question through review of a random sample of five restraint incidents and five seclusion incidents occurring after May 16, 2012.

2. The Pinellas County School District was informed by letter dated June 14, 2012, to make the cost factor correction in the Total Educational Resource Management System (TERMS) for the student whose matrix of services document reflected a funding level that was not supported by the documentation. On July 5, 2012, the Pinellas County School District provided documentation that the correction had been made. The Bureau will verify the correction when the information becomes available in the Automated Student Information System for October 2012 (survey 2).

## Technical Assistance

Specific information for technical assistance, support, and guidance regarding IEP development can be found in the *Exceptional Student Education Compliance Manual 2011–12*, available on the General Supervision Website. The district's SP&P provides district- and school-based standards for documenting, reporting, and monitoring the use of manual, physical, or mechanical restraint 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.

## Bureau Contacts

The following is a partial list of Bureau staff available for technical assistance:

### **Program Accountability, Assessment and Data Systems**

(850) 245-0476

Karen Denbroeder, Administrator  
[Karen.Denbroeder@fldoe.org](mailto:Karen.Denbroeder@fldoe.org)

Jill Snelson, Program Director  
Accountability Systems  
[Jill.Snelson@fldoe.org](mailto:Jill.Snelson@fldoe.org)

Lisa Robinson, Education Specialist  
Juvenile Justice  
[Lisa.Robinson@fldoe.org](mailto:Lisa.Robinson@fldoe.org)

Patricia Howell, Program Director  
Monitoring and Compliance  
[Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org)

Suzan Bastos, Compliance Specialist  
[Suzan.Bastos@fldoe.org](mailto:Suzan.Bastos@fldoe.org)

Liz Conn, Compliance Specialist  
[Liz.Conn@fldoe.org](mailto:Liz.Conn@fldoe.org)

Vicki Eddy, Compliance Specialist  
[Vicki.Eddy@fldoe.org](mailto:Vicki.Eddy@fldoe.org)

Brenda Fisher, Compliance Specialist  
[Brenda.Fisher@fldoe.org](mailto:Brenda.Fisher@fldoe.org)

Annette Oliver, Compliance Specialist  
[Annette.Oliver@fldoe.org](mailto:Annette.Oliver@fldoe.org)

### **Instructional Support Services**

(850) 245-0475

Lindsey Granger, Program Director  
Dispute Resolution  
[Lindsey.Granger@fldoe.org](mailto:Lindsey.Granger@fldoe.org)

Misty Bradley, Compliance Specialist  
[Misty.Bradley@fldoe.org](mailto:Misty.Bradley@fldoe.org)

Karlene Deware, Compliance Specialist  
[Karlene.Deware@fldoe.org](mailto:Karlene.Deware@fldoe.org)

Derek Hemenway, Compliance Specialist  
[Derek.Hemenway@fldoe.org](mailto:Derek.Hemenway@fldoe.org)

Jacqueline Roumou, Compliance Specialist  
[Jacqueline.Roumou@fldoe.org](mailto:Jacqueline.Roumou@fldoe.org)

### **Bureau Resource and Information Center**

(850) 245-0477

Judith White, Director  
[BRIC@fldoe.org](mailto:BRIC@fldoe.org)



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

**Glossary of Acronyms and Abbreviations**

Bureau	Bureau of Exceptional Education and Student Services
BIP	Behavior intervention plan
BRIC	Bureau of Exceptional Education and Student Services Resource and Information Center
CFR	Code of Federal Regulations
CPI	Crisis Prevention Institute
ESE	Exceptional student education
FDOE	Florida Department of Education
FEFP	Florida Education Finance Program
F.S.	Florida Statutes
FBA	Functional behavior assessment
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PBIP	Positive behavior intervention plan
PBS	Positive Behavior Support
PBS:RtIB	Positive Behavior Support: Response to Intervention for Behavior
SP&P	Exceptional Student Education Policies and Procedures
TERMS	Total Educational Resource Management System
TIC	Trauma Informed Care



**Florida Department of Education**  
*Gerard Robinson, Commissioner*

3131010