

**2013-14 Exceptional Student Education  
Monitoring and Assistance  
On-Site Visit Report**

---

**Indian River County School District  
May 14-15, 2014**



This publication is produced through the Bureau of Exceptional Education and Student Services (BEESS), Division of Public Schools, Florida Department of Education, and is available online at <http://www.fldoe.org/ease/mon-home.asp>. For information on available resources, contact the BEESS Resource and Information Center (BRIC).

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

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

Telephone: 850-245-0475

Fax: 850-245-0987





Gary Chartrand, *Chair*  
John R. Padget, *Vice Chair*  
*Members*  
Ada G. Armas, M.D.  
John A. Colon  
Marva Johnson  
Rebecca Fishman Lipsey  
Andy Tuck

December 15, 2014

Dr. Frances J. Adams, Superintendent  
Indian River County School District  
1900 25<sup>th</sup> Street  
Vero Beach, FL 32960-3395

Dear Superintendent Adams:

We are pleased to provide you with the **2013-14 Exceptional Student Education (ESE) Monitoring and Assistance On-Site Visit Report for Indian River County School District**. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your school district on May 14-15, 2014. Those information sources included interviews with district and school staff, student-focus groups, student record reviews, **Local Educational Agency Profiles, Guiding Questions – District Level Needs Assessment** and an action-planning and problem-solving process. This report will be posted on the Bureau of Exceptional Education and Student Services' (BEESS) website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The 2013-14 ESE Monitoring and Assistance process focuses on those State Performance Plan indicators that contributed to the targeting of school districts for coordinated early intervening services and those indicators that affect equity and access in the educational environment for students with disabilities. Additionally, the process focuses on a shift from ESE compliance to outcomes to prepare all students for college and career readiness, which include: increasing standard diploma graduates; decreasing the number of students dropping out of school; increasing regular class placement; decreasing the need for seclusion and restraint; and eliminating disproportionality in eligibility identification and discipline.

The Indian River County School District was selected for an on-site visit due to discipline and restraint for students with disabilities. The on-site visit was conducted by a state support team (SST) that included BEESS and discretionary project staff.

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

Superintendent Adams  
December 15, 2014  
Page Two

Mr. Michael Ferrentino, ESE executive director, and his staff were very helpful to the SST in preparing for the on-site visit and throughout the visit. In addition, the principals and other staff members at the schools visited welcomed the SST and demonstrated a commitment to the education of students in the school district.

As part of the SST's visit, representatives from the school district's ESE department, the schools visited and other school district staff participated in an action-planning and problem-solving process. This group reviewed the school district's data collected prior to and during the on-site visit, and came to consensus on a priority goal related to district-wide implementation of a multi-tiered system of support to result in increased levels of student engagement and academic success. An action plan, developed around that goal, will be implemented by the ESE department with the assistance of designated discretionary project staff from the SST.

Thank you for your commitment to improving services to exceptional education students in the Indian River County School District. If there are any questions regarding this report, please contact me at 850-245-0475 or via email at [monica.verra-tirado@fldoe.org](mailto:monica.verra-tirado@fldoe.org).

Sincerely,

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

Enclosure

cc: Michael Ferrentino  
Cathy Bishop  
Patricia Howell  
Liz Conn

**2013-14 Exceptional Student Education  
Monitoring and Assistance  
On-Site Visit Report**

**Indian River County School District**

**May 14-15, 2014**

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

**2013-14 Exceptional Student Education  
Monitoring and Assistance  
On-Site Visit Report**

**Indian River County School District**

**May 14-15, 2014**

**Table of Contents**

2013-14 Exceptional Student Education .....	1
Monitoring and Assistance .....	1
On-Site Visit Report .....	1
Authority.....	1
ESE Monitoring and Assistance Process .....	2
Background Information .....	2
School Selection .....	3
Pre-visit School-Level Administrator Interviews.....	3
On-Site Activities.....	3
SST – On-Site Visit Team .....	3
Data Collection.....	4
Review of Records .....	4
Guiding Questions – District-Level Needs Assessment.....	4
Best Practices for Inclusive Education (BPIE) .....	4
Results.....	5
Restraint and Seclusion .....	5
Data Review.....	5
Discipline (Suspensions and Expulsions) .....	7
Student Focus Groups .....	9
Commendations .....	10
ESE Monitoring and Compliance.....	10
Records Review .....	10
Action-Planning and Problem-Solving and Planning Process and Next Steps.....	11
State Support Team for Indian River County School District .....	16
Appendix A .....	17
Glossary of Acronyms and Abbreviations.....	19

**2013-14 Exceptional Student Education  
Monitoring and Assistance  
On-Site Visit Report**

**Indian River County School District**

**May 14-15, 2014**

**Authority**

The Florida Department of Education (FDOE), Bureau of Exceptional Education and Student Services (BEES), 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(3), 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 ss. 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.

Under 34 CFR §300.646(b)(2), if a state identifies significant disproportionality based on race or ethnicity in a local educational agency (LEA) with respect to the identification of children as children with disabilities, the identification of children in specific disability categories, the placement of children with disabilities in particular educational settings or the taking of disciplinary actions, the LEA must use the maximum amount (15 percent) of funds allowable for comprehensive coordinated early intervening services (CEIS) for children in the LEA, particularly, but not exclusively, for children in those groups that were significantly overidentified.

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 of the use of restraint or seclusion for students with disabilities in place no later than January 31, 2011. In July 2011, s. 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)** document.

## ESE Monitoring and Assistance Process

### Background Information

The 2013-14 ESE Monitoring and Assistance process focuses on those State Performance Plan (SPP) indicators that contributed to the targeting of school districts for CEIS and the following indicators that affect equity and access in the educational environment for students with disabilities.

- Indicator 1 – Graduation: Percentage of youth with individual educational plans (IEPs) graduating from high school with a regular diploma.
- Indicator 2 – Dropout: Percentage of youth with IEPs dropping out of high school.
- Indicator 4 – Rates of suspension and expulsion:
  - A. Percentage of districts that have a significant discrepancy in the rates of suspensions and expulsions of greater than 10 days in a school year for children with IEPs.
  - B. Percentage of districts that have (a) a significant discrepancy, by race or ethnicity, in the rate of suspensions and expulsions of greater than 10 days for children with IEPs; and (b) policies, procedures or practices that contribute to the significant discrepancy and do not comply with requirements relating to the development and implementation of IEPs, the use of positive behavioral interventions and support and procedural safeguards.
- Indicator 5 – Educational environments:
  - Percentage of children with IEPs ages 6 through 21:
    - A. Inside the regular class 80 percent or more of the day;
    - B. Inside the regular class less than 40 percent of the day; and
    - C. In separate schools, residential facilities or homebound or hospital placements.
- Indicator 10 – Disproportionality, specific disability categories: Percentage of districts with disproportionate representation of racial and ethnic groups in specific disability categories that is the result of inappropriate identification.
- CEIS – Services provided to students in kindergarten through grade 12 (with a particular emphasis on students in kindergarten through grade three) who are not currently identified as needing special education or related services, but who need additional academic and behavioral supports to succeed in a general education environment.
- Restraint – Rate of incidents of restraint, as reported in the FDOE website.
- Seclusion – Rate of incidents of seclusion, as reported in the FDOE website.

The 2013-14 ESE Monitoring and Assistance process includes four phases:

- Phase 1 was composed of planning activities that occurred in advance of the first on-site visit to the school district.
- Phase 2 was the initial on-site visit to the selected school district by the state support team (SST).
- Phase 3 includes follow-up and post-initial visit activities that are conducted by a designated follow-up team, as determined by the SST, and identification of the ongoing data that will be collected.
- Phase 4 includes evaluation of the effectiveness of the school district's action plan, and should include participation of the comprehensive team that was involved in Phase 1.

For ESE compliance monitoring purposes, the bureau required all school districts to participate in the 2013-14 Level I Fall Cycle Self-Assessment process, which included the review of records for implementation of IEPs and a review of incidents of restraint and seclusion. School districts

identified as part of the monitoring and assistance process with on-site visits during the 2013-14 school year were exempt from self-assessing school records for IEP implementation and restraint and seclusion. Instead, bureau members of the school district's SST reviewed a sample of records as part of the on-site visit.

In a letter dated August 27, 2013, the superintendent of the Indian River County School District was informed that BEESS would be conducting an on-site monitoring visit related to the areas of discipline and restraint of students with disabilities.

### **School Selection**

Upon review of the school district's data reported via the FDOE's web-based reporting systems for incidents of restraint and seclusion and SPP indicator 4B, and additional data provided by the school district, it was determined that the monitoring and assistance process would involve the following schools and programs for record reviews, school-level administrator interviews or on-site visits:

- Vero Beach High School
- Oslo Middle School
- Wabasso School
- Liberty Magnet School

### **Pre-visit School-Level Administrator Interviews**

Prior to the on-site visit, interviews were conducted via telephone with district-level administrators. The district has been working with Center for Autism and Related Disabilities (CARD), Project 10, Florida Diagnostic and Learning Resources System (FDLRS) and Florida Inclusion Network (FIN). Behavior specialists are focused at individual schools where some students are restrained multiple times during the day.

### **On-Site Activities**

#### **SST – On-Site Visit Team**

The following SST members conducted the monitoring and assistance on-site visit:

#### **FDOE, BEESS**

- Liz Conn, program director, Dispute Resolution (facilitator)
- Jill Snelson, program specialist (co-facilitator)
- Jerry Brown, program specialist

#### **FDOE, Bureau Discretionary Projects**

- Michelle White, technical assistant specialist, Positive Behavior Support (PBS) and Multi-tiered systems of support (MTSS) (action-planning and problem-solving facilitator)
- Jayna Jenkins, MTSS and Response to Intervention (Rti) consultant, Student Support Services (action-planning and problem-solving co-facilitator)
- Teresa DiBiasio, school improvement specialist, FDOE Office of Differentiated Accountability (DA), University of South Florida (USF)
- Maryellen Quinn-Lunny, director, CARD, USF
- Sandra Akre, director, FDLRS
- Emily Tonn, regional facilitator, FIN, East Region

- Eileen Orr, project manager, Multiagency Network for Students with Emotional Behavioral Disabilities (SEDNET)
- Heather Mack, regional transition representative, Region 3, Project 10

### **Data Collection**

On-site monitoring and assistance activities included the following:

- School-level administrator interviews – 12 participants
- Interviews with staff who have restrained students – three participants
- Student focus groups – 11 participants
- School walk-through observations – six schools
- Completion of Restraint protocol – six students
- Completion of individual educational plan (IEP) Implementation protocol – 10 students
- Action-planning and problem-solving process – 28 participants
- Review of data from the school district’s LEA Profiles, Guiding Questions – District-Level Needs Assessment and data compiled from district data systems

### **Review of Records**

The school district was asked to provide the following documents, as applicable, for each of the 10 students selected for review of restraint or seclusion, IEP implementation or discipline:

- IEPs for the 2012-13 and the 2013-14 school years
- Current functional behavioral assessments (FBA)
- Current behavioral intervention plans (BIP)
- Discipline and attendance records for 2013-14 school year
- Progress reports and report cards for the 2012-13 and the 2013-14 school years
- Results of state testing
- Students’ current schedules
- Parent notifications and other documentation related to incidents of restraint and seclusion
- Verification of training for staff members involved in incidents of restraint or seclusion
- Verification of the provision of related services and accommodations (lesson plans, teacher schedules and therapy logs)

### **Guiding Questions – District-Level Needs Assessment**

Prior to the on-site visit, the school district was provided with questions to use as a guide in the collection of data. SST and district staff reviewed these data during the action-planning and problem-solving process. Indian River County School District’s questions were related to restraints and SPP indicator 4B. A list of these questions is located in Appendix A of this report.

### **Best Practices for Inclusive Education (BPIE)**

Prior to the on-site visit, the school district participated in the BPIE. In addition to continuing to strengthen the use of people first language strategies, the district chose to focus on professional development related to instruction and student achievement, including the following:

- Providing district and school leaders with ongoing and current information and professional development about best practices for inclusive education for all students with disabilities

- Providing job-embedded, collaborative professional development and technical assistance to all schools to integrate IEP goals and objectives and the general education standards
- Providing ongoing professional development and technical assistance to all school leaders on the implementation of a flexible scheduling process and collaborative teaching service delivery models to provide instruction and support to all students with disabilities in the general education setting
- Providing professional development and technical assistance to schools in the use of a variety of tools to gather and analyze data and evaluate the effectiveness of instructional and behavioral interventions for all students with disabilities in general education and natural settings
- Providing ongoing, job-embedded, collaborative professional development and technical assistance to school-based personnel to implement best practices for inclusive education for all students with disabilities

## Results

The following results reflect the data collected and reviewed through the activities of the 2013-14 ESE Monitoring and Assistance process for Indian River County School District. Also included are commendations, findings of noncompliance and next steps, as applicable.

### Restraint and Seclusion

According to the school district's SP&P document and the responses to the **Guiding Questions – District-Level Needs Assessment** document, the school district trains personnel with regard to the use of restraint and seclusion using the following crisis management programs: Techniques for Effective Aggression Management (T.E.A.M.) and Crisis Prevention Institute's Nonviolent Crisis Intervention (CPI). Beginning the 2014-15 school year, Professional Crisis Management (PCM) has been offered to teachers who work in classrooms that are dedicated to students with autism spectrum disorder (ASD) and emotional or behavioral disabilities (EBD).

### Data Review

**Restraint Incidents  
August 1, 2012, through October 31, 2012**

# of Incidents	# of Students	% Students in Grades Prekindergarten (PK) -3	% Students in Grades 4-8	% Students in Grades 9-12	% Students with ASD	% Students with Intellectual Disabilities (InD)	% Students with EBD	% Students with Specific learning disabilities (SLD)	% Students with Other Disability
28	23	65%	30%	4%	26%	0%	30%	0%	43%

**Restraint Incidents by District  
August 1, 2013, through October 31, 2013**

# of Incidents	# of Students	% Students in Grades PK-3	% Students in Grades 4-8	% Students in Grades 9-12	% Students with ASD	% Students with InD	% Students with EBD	% Students with SLD	% Students with Other Disability
14	14	50%	36%	14%	29%	7%	36%	0%	29%

**Restraint Incidents by District  
August 1, 2014, through October 31, 2014**

# of Incidents	# of Students	% Students in Grades PK-3	% Students in Grades 4-8	% Students in Grades 9-12	% Students with ASD	% Students with InD	% Students with EBD	% Students with SLD	% Students with Other Disability
34	18	33%	44%	22%	33%	22%	17%	0%	28%

In addition to the data above, the school district reported the following from a review of the guiding questions.

- Restraints are higher for individual students in some cluster programs.
- Students who are classified as being a student with an InD, EBD or ASD are more frequently restrained than other ESE students with other exceptionalities.
- Schools with cluster programs are contributing more to restraint and have students with high numbers of multiple incidents of restraints.
- Elementary school cluster students (grades 3 – 5) are contributing more to frequency.
- Board certified assistant behavior analysts and board certified behavior analysts (BCBAs) are on site to complete the FBA and BIP process for students who are being restrained often.
- PCM trainings are offered.
- There is a student services specialist and a BCBA specifically assigned to the ASD program.
- There is a lack of proper visual supports and the understanding of how to use them by ESE personnel.
- The district provides PBS training for school teams upon request.

**Possible hypotheses regarding why gaps are occurring:**

**Classroom management:**

- There is a lack of personnel who are physically able to handle aggressive students.
- There is a need for increased teacher skill sets for responding to problem behaviors.
- There is need for more training in classroom management to recognize triggers and precursors.
- It has been a challenge to recruit and retain highly qualified teachers in ASD classes (at the center school).

**The process:**

- Problem-solving staff development has been limited to district ESE groups. More problem solving needs to occur at the school level.
- Restraint is being used when it is not an emergency.

- There is a need to review the process for debriefing after restraint to reduce or prevent repeated restraints.
- Training is on a case-by-case basis from district staff due to limited planning time.
- Supports for schools are being used inconsistently.

The students:

- Increased time for IEP development is needed.
- Over-age students are being restrained.
- The number of involuntary commitments under the Baker Act is increasing.

## Discipline (Suspensions and Expulsions)

### Students with Disabilities Suspended or Expelled for More than 10 Days

	2009-10	2010-11	2011-12	2012-13
Indian River	3%	3%	3%	3%
State	1%	1%	1%	<1%

### Nondisabled Students Suspended or Expelled for More than 10 Days

	2009-10	2010-11	2011-12	2012-13
Indian River	1%	1%	1%	1%
State	<1%	<1%	<1%	<1%

Discipline risk ratios by racial or ethnic group are calculated for students with disabilities by dividing the discipline rate of a specific racial or ethnic group by the rate of all nondisabled students. (For example: A risk ratio of 1.0 indicates that, for instance, black students with disabilities are equally likely to be suspended or expelled as all nondisabled students.)

### Discipline Risk Ratios

Source: 2014 LEA Profile - FDOE

	2009-10	2010-11	2011-12	2012-13
Indian River	2.75	1.92	2.36	1.70
State	1.44	1.43	1.34	1.21

Discipline Risk Ratios by Race or Ethnicity				
Race	2011-12 School Year*		2012-13 School Year**	
	State	Indian River	State	Indian River
White	0.80	1.66	0.74	Less than 10 students
Black	2.67	<b>4.47</b>	2.49	Less than 10 students
Hispanic	1.01		0.76	Less than 10 students
Asian				
American Indian and Alaskan Native	1.03		1.27	Less than 10 students
Native Hawaiian and Other Pacific Island				
Two or more races	1.34		1.29	Less than 10 students

Source: \*2013 LEA Profile; \*\*2014 LEA Profile - FDOE (<http://www.fldoe.org/ese/datapage.asp>)

In addition to the data above, the school district reported the following from a review of the guiding questions.

- Black students with EBD are suspended at a higher rate. For the 2011-12 school year the risk ratio was 4.47 compared to the state, which was 2.67.
- Students with EBD have 2.8 times the risk of receiving suspension than all other ESE students.
- Black ESE males are 38 times more likely to be suspended than black ESE females.
- One high school and two middle schools had a higher number of suspensions and recommendations of expulsions than other schools in the district.
- Middle school students are more likely to be suspended than high school or elementary school students
- Home-based services to ensure a free and appropriate public education (FAPE) are provided to all suspended ESE students.
- District-level staff are assigned to each school to problem solve and consult with administrators who are suspending students.
- Positive behavior support training is offered to school teams on a yearly basis.
- An alternative to suspension needs to be developed and presented to assistant principals who are processing office discipline referrals (ODRs).
- Belief systems regarding drop-out and suspension rates of ESE students are a potential barrier.
- Administrative teams are not always following through with the recommendations of ESE school-based personnel. The ESE director has met with individual school-based administrative staff.

### **Possible hypotheses regarding why gaps are occurring:**

#### Perceptions:

- There are misconceptions of MTSS across the district.
- There needs to be accountability for implementing evidence-based practices related to MTSS (vertical communication).
- There is a lack of district-wide consensus and buy in of PBS.

#### Classroom management:

- Due to other initiatives in the district, there is limited access to professional development for administrators from the ESE department regarding the following:
  - Alternatives to suspensions for principals
  - Training for de-escalation of problem behavior that leads to discipline referrals
  - The need, in classroom management, to recognize triggers and precursors
- Coaching and proactive supports are decreasing with the decrease in Tier One implementation fidelity.
- Resources for coaching are lacking.

#### School supports:

- We are coaching in crisis.
- There is inconsistent use of supports for schools.
- There are insufficient resources for the full continuum of services at each school.

#### Schools:

- There is inconsistent Tier One implementation (academic and behavior).
- Course recovery is easier than passing core classes. (Teachers and students accept failure in order to get course recovery.)
- There are 30-40 students in co-facilitation classes – freshmen enrolled in Algebra 1 and English 1.
- There are gaps with how administrative teams follow through with ESE school-based personnel recommendations.
- The practice of maintaining a 10-day limit for suspensions for all ESE students is not followed in all schools.
- There are no consequences for not following procedures.
- Administrative involvement in out-of-school suspension (OSS) reviews prior to 10 days is not occurring everywhere.
- In-school suspension (ISS) leads to OSS resulting in lost instructional time.
- Exit interviews for students dropping out are difficult to complete.
- Teachers need to be made more aware of students' IEPs, Section 504 plans, FBAs and BIPs.
- ESE teachers are teaching general education classes in high school, which limits time for case management.

#### **Student Focus Groups**

Student focus groups were conducted at two middle schools and one high school during the monitoring and assistance on-site visit. Student views were collected on the following topics: IEP team meetings and parental participation, career and technical education, academics, extracurricular activities, Florida Comprehensive Assessment Test ® (FCAT) 2.0, diploma options, dropout, and suspension and expulsion.

#### High School:

Students with disabilities were able to explain what an IEP team meeting is. They indicated that accommodations are discussed at their meetings. Students were asked what they need more help with. Post-high school goals were discussed. ESE classes taken by the students included reading, resource room and learning strategies.

It was the general consensus that when students are referred due to discipline problems, only the teacher's side is heard. One student in the group had been suspended. The student's parent collected work from school, and, once, a teacher came to the house.

Two students had part-time jobs. The students indicated that the school counselor is instrumental in helping students to get jobs.

All students in the group had post-high school plans. These plans included further education for some.

One student planned to join the armed forces.

## Middle School:

Students with disabilities had varying perceptions of what an IEP team meeting is. One student indicated that IEP team meetings are where “they discuss your grades and where you should be placed.” One student said that, “All they did was tell me what I was doing wrong.” Several students thought they had an IEP because they often got into trouble. Another student thought he had an IEP due to his attitude. One student did not know what an IEP was. Two students indicated that they had attended an IEP meeting this year. One student was asked what he wanted to do when he got older during the IEP team meeting.

The students were in both ESE and general education classes. They indicated that the ESE class was a “behavior class.” In general education classes, they felt that even though other students behaved similarly, they were the ones whose behaviors were addressed. They reported that some teachers were hard on them. In general, the students did not feel that they benefitted from positive behavioral supports. One student indicated that rewards are “rigged.”

Regarding suspension, one student felt that “They try to get rid of the main problems so that they think they won’t have problems.” One student reported being picked on in class by other students, and being the one who is suspended. The students who had been suspended from school reported that most of the time they were provided with assignments.

Regarding the FCAT, the students indicated that it depended on which teacher you had whether you were prepared for the test.

## Commendations

1. Between August 2013 and April 2014, there were 72 incidents of restraint. This was a decrease from the 80 incidents reported for the same period during the 2012-13 school year.
2. Students with EBD who are suspended for 10 or more days have decreased from 23 percent in 2009 to 13 percent in 2013.
3. The district’s standard diploma rate of 92% for students with disabilities exceeds the rate of other districts in this enrollment group, as well as the state rate.
4. The school district’s dropout rate of 2 percent is below the enrollment group and state averages for all students with disabilities and students with EBD and SLD.

## ESE Monitoring and Compliance

### Records Review

Bureau staff reviewed records of 10 students in the school district, from a sampling of two schools. Standards from the IEP Implementation and Restraint and Seclusion protocols were reviewed. Noncompliance was found in seven records related to the following:

- Evidence of implementation of strategies to work toward mastery of the annual goals as specified on the IEP
- Evidence of provision of special education services of specially designed instruction as specified on the IEP
- Evidence of the provision of supports for school personnel as specified on the IEP
- Evidence of the provision of supplementary aids and services as specified on the IEP
- Evidence of the provision of program modifications or classroom accommodations as specified on the IEP

The district has corrected all student-specific findings of noncompliance. In addition, no later than one year from the date of the student-specific corrective action letter (**January 23, 2015**), the district must demonstrate correct implementation of the standards identified as noncompliant by providing a sample of records that demonstrates 100 percent compliance for each of these standards. Documentation of the completion of all components of the corrective action must be received no later than one year from the date of formal identification (**January 23, 2015**).

### **Action-Planning and Problem-Solving and Planning Process and Next Steps**

The team identified a long list of resources and obstacles to achieving the goal related to district-wide implementation of MTSS to result in increased levels of student engagement and academic success. The barrier around data was selected as the first to work on, and an action plan was developed to address the concerns in this area.

The team defined the desired outcome for the district as follows:

- District-wide implementation of MTSS as measured by Survey 4 data will result in increased levels of student engagement, leading to academic success as evidenced by:
  - Increase in the graduation rate
  - Decreased retention rates
  - Decreased course failure rates
  - Decreased OSS days for high school students by 10 percent; for middle school students by 25 percent
  - Decreased OSS days per 100 students for both high school and middle school
  - Decreased office discipline referrals
  - Decreased total district restraints by 10 percent
  - Increased academic learning time

### **Discussion:**

Instruction:

- Improve use of Universal Design for Learning.
- Look more closely at differentiated instruction. How differentiated are accommodations beyond giving extra time?
- What are the misconceptions of MTSS?
- Lack of effective core (behavior and academic) leads to loss of instruction time (ISS, OSS, Tardy Room and Time out Room).
- Need to ensure healthy core instruction (academic and behavior).
- If there is a strong structure for MTSS implementation, students will increase instructional time during core instruction. That will result in increased student engagement, increased graduation rate and decreased dropout rate.

Students:

- Increase support for overage students.
- Increase the efficacy of course recovery.
- Ensure that IEPs have accurate data and accommodations.
- Implement an Early Warning System (EWS).

**Action Planning:**

Activities	When
Contact Information Technology (IT) department to discuss data needs for Early Warning System	By end of May 2014
Communicate what exists and what is needed from the Vendor	After contacting IT
Ask vendor(s) which other districts use TERMS to use established queries	By June 1, 2014
Create data display of baseline data for Goal 1; send to SST and facilitator	By end of June 2014

In July 2014 activities were revised as follows:

- ESE and student services subgroups will receive professional development specific to manifestation determination procedures and requirement to review FBAs, BIPs and data for next steps.
- Collaborate with the IT department to develop a monthly report to include the following data:
  - Restraints documented in TERMS or Focus
  - Suspensions for all students disaggregated by ESE, ethnicity, size-alike comparison schools
  - Collaboration with IT has begun to develop quick reference guides with IEP goals or objectives and course accommodations and 504 accommodations
  - Percentage of students with one or fewer, two through five and six or more referrals
- Beginning in August 2014, ESE personnel will review and analyze quarterly suspension data with school-based leadership teams to include resource specialists and student support specialists for problem solving and next steps. A document will be developed in collaboration with the FIN to include guiding questions and a problem-solving framework to ensure common discussion and problem solving across schools. Strategically align ESE personnel skillsets with school-based needs based on determined criteria and school academic and behavioral intervention needs.
- ESE department personnel will prepare and present at the August 2014 administrator’s meeting specific to college, career and community readiness and alternatives to suspension.
- Professional development will be provided in August 2014 for student support specialists on use and analysis of pivot table data per school for discipline.

The following resources were available:

- Procedures for Suspension of Students with Disabilities (SWD)
- ESE-Recommended School-Based Disciplinary Procedures for SWD
- Common Boards from Indian River Fellowship for Instructional Leaders Day 1 and Day 2 that reflect district-wide efforts to refine MTSS problem-solving process

The problem-solving team reconvened on August 25, 2014, and determined action steps to gather baseline data for the purpose of generating goals for both restraint, Indicator 4B and graduation.

- Data priorities included the following:
  - Verify baseline data regarding graduation rates, retention rates, course failure rates, OSS, restraints and amount of student, faculty and administrator time consumed by ODRs.
  - Determine how many class periods students are serving ISS over a period of time.
  - Determine the number of OSS days accumulated per 100 students during each nine-week quarter.
  - Determine the number of ISS and ODR per hundred students to compare days of ISS or total number of ODRs from year to year
  - Clarify the communication channels between the ESE and student services department and the school leadership teams regarding ongoing data review and the identification of all students at risk for academic or behavioral concerns, with particular emphasis on Indicator 4B and Restraint.
  - Gather data on effective components of well-implemented ISS programs.
  - Ascertain the possibility of using the database to automate reports for identified indicators.
- Professional development priorities included providing additional training with regard to EWS and data-based decision making.
- Priorities regarding stakeholders included the following:
  - Expand the team membership for current problem-solving activities to be more representative of all stakeholders.
  - Communicate restraint debriefing information to all stakeholders.
  - Send out the technical assistance paper on restraint to all administrators.
  - Convene a workgroup to identify the level of supports needed by schools throughout the district.

<b>Next Steps</b>	
<b>Discipline (4B)</b>	
Summary:	The district was found to have significantly disproportionate data for black students with disabilities with respect to disciplinary actions, including suspensions and expulsions.
Recommendations:	Continue professional development for teachers and staff in the area of positive behavior support.
Required Actions:	By <b>January 15, 2015</b> , the school district must review current school and district policies related to student code of conduct to determine patterns of suspension. Outcomes of this review and any resulting additions or changes to the district's plan must be provided to BEESS by <b>January 30, 2015</b> .

<b>Next Steps</b>	
<b>Restraint and Seclusion</b>	
Summary:	<p>According to the district’s SP&amp;P, “Prone restraints are utilized when safety risks to students are increased due to the intensity of an event. A seated restraint may be inadequate to secure the student and prevent injury due to biting behavior. Once additional staff arrive a decision may be made to utilize a prone restraint.”</p> <p>At the center school it was noted, upon review of restraint reports, that there was a pattern of the use of prone restraint. School staff indicated that prone restraint is used only after less restrictive methods are unsuccessful.</p>
Recommendations:	N/A
Required Actions:	In the case of prone restraints, the district must document other restraints leading to the use of prone restraint. Restraints at this location must be closely monitored by the district; problem-solving around students who have been restrained through the prone method must be documented. This documentation must be provided to BEESS by <b>January 30, 2015</b> .
Phases 3 and 4 of the ESE Monitoring and Assistance process	
Summary	<ul style="list-style-type: none"> <li>• Additional action planning and problem solving for other priorities for the school district in regard to restraint and discipline will be scheduled by the SST liaison for the school district and the ESE director.</li> <li>• By <b>January 20, 2015</b>, the SST team, ESE director and designated district staff will evaluate the effectiveness of the school district’s action plan(s) and determine additional next steps, as appropriate.</li> </ul>

## Technical Assistance

1. **Implementing a Multi-Tiered System of Support for Behavior: Recommended Practices for School and District Leaders** (Florida's PBS Project) may be accessed at [http://flpbs.fmhi.usf.edu/pdfs/RTIB%20Guide%20101811\\_final.pdf](http://flpbs.fmhi.usf.edu/pdfs/RTIB%20Guide%20101811_final.pdf) and provides an overview of the critical components of an MTSS for behavior. These critical components describe systems changes that are necessary for a results-driven ESE system.
2. The district's **ESE Policies and Procedures** document 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. The school district's document for the 2013-14 through 2015-16 school years may be accessed at <http://beess.fcim.org/sppDistrictDocSearch.aspx>.
3. 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, may be accessed at <http://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>. This document provides guidance regarding the use, documenting, reporting and monitoring of restraint and seclusion with students with disabilities in school districts, including (a) when restraint or seclusion might be used, (b) considerations when selecting a training program for restraint, (c) what should be documented, (d) parent notification and reporting, and (e) monitoring use. It also contains information about s. 1003.573, F.S., Use of restraint and seclusion on students with disabilities.
4. The United States Department of Education, in collaboration with the United States Department of Justice, released **School Discipline Guidance** in the January 2014, Volume 4, Issue 1 of the **Office of Special Education Programs Monthly Update**. This package will assist states, districts and schools in developing practices and strategies to enhance school climate, and ensure those policies and practices comply with federal law. The resource documents listed below are included in the package, and are available at <http://www.ed.gov/school-discipline>:
  - **Dear Colleague** guidance letter on civil rights and discipline;
  - **Guiding Principles** document that draws from emerging research and best practices;
  - **Directory of Federal School Climate and Discipline Resources** that indexes federal technical assistance and other resources; and
  - **Compendium of School Discipline Laws and Regulations** that catalogue State laws and regulations related to school discipline.

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

**2013-14 ESE Monitoring and Assistance**

**State Support Team for Indian River County School District**

**Bureau of Exceptional Education and Student Services**

325 West Gaines Street  
Suite 614, Turlington Building  
Tallahassee, Florida 32399  
850-245-0475  
<http://www.fldoe.org/ese>

Liz Conn  
Program Director  
Dispute Resolution  
[liz.conn@fldoe.org](mailto:liz.conn@fldoe.org)

Jill Snelson  
Program Specialist  
Dispute Resolution and Monitoring

Jerry Brown  
Program Specialist  
Dispute Resolution and Monitoring  
[jerry.brown@fldoe.org](mailto:jerry.brown@fldoe.org)

Teresa DiBiasio  
School Improvement Specialist  
FDOE Office of DA  
[tdibiasio@usf.edu](mailto:tdibiasio@usf.edu)

**FDOE Discretionary Projects**

Michelle White  
Technical Assistant Specialist  
PBS/MTSS  
[MWhite@usf.edu](mailto:MWhite@usf.edu)

Maryellen Quinn-Lunny  
Director  
CARD, USF  
[mqlunny@fau.edu](mailto:mqlunny@fau.edu)

Emily Tonn  
Regional Facilitator  
FIN  
[etonn@contactfin.com](mailto:etonn@contactfin.com)

Eileen Orr  
Project Manager  
SEDNET  
[eileen.orr@stlucieschools.org](mailto:eileen.orr@stlucieschools.org)

Heather Mack  
Regional Transition Representative, Region 3  
Project 10  
[Hmack1@mail.usf.edu](mailto:Hmack1@mail.usf.edu)

Sandy Akre  
Director  
FDLRS (Galaxy)  
[sandra.akre@stlucieschools.org](mailto:sandra.akre@stlucieschools.org)

## Appendix A

### Guiding Questions – District-Level Needs Assessment

1. What are the most current data levels on each of the targeted BEESS indicators?
2. What is the gap between BEESS expected level(s) of targeted indicators and your district's current level(s) of targeted indicators?
3. Do data indicate equity issues related to the selected BEESS indicators? Are there subgroups for which the gap between expected and goal levels of performance and current levels of performance is more or less significant?
  - Gender
  - Race or ethnic group
  - Economically disadvantaged
  - Students with disabilities (by each sub-group)
  - English language learners
  - Comparison within and across above sub-groups
4. Disaggregate district-level indicator data to school levels. Which schools are contributing to total district frequency for each of the targeted BEESS indicators?
5. Disaggregate school-level indicator data by grade level. Which grades within each school are contributing to total school frequency for each of the targeted BEESS indicators?
6. Disaggregate between type of school (elementary, middle school and high school) by student outcomes.
7. What evidence-based practices are currently planned for use or implementation at the school level?
8. Are the expected evidence-based practices occurring sufficiently?
9. If expected evidence-based practices are not occurring or not occurring sufficiently, why not? (What are some potential barriers specific to targeted BEESS indicators at the school level?)
10. How are school-level evidence-based practices being supported by the district specific to BEESS indicators being targeted for improvement?
11. Are district supports for school-level practices being provided sufficiently?
12. If district supports are not occurring or not occurring sufficiently, why not? (What are some potential barriers specific to targeted BEESS indicators at the district level?)
13. What strategies, initiatives and resources have been identified in the District Improvement and Assistance Plan (DIAP) with regard to achieving annual measurable outcomes (AMO) targets for students with disabilities?
14. As applicable, has the mid-year reflection based on mid-year assessment data been completed, and what, if any, adjustments have been made to the DIAP with regard to strategies to improve outcomes for students with disabilities?

15. What does the **ESE Policies and Procedures** document reflect with regard to the district's goal to improve targeted indicator performance? Did the district achieve the goal set during the prior year?
16. What is occurring with regard to implementing the strategies in the ESE Policies and Procedures document with regard to targeted indicator performance? Based on all of the above answers, what priorities will be targeted to improve BEESS targeted indicators?
17. Based on all of the above answers, what priorities will be targeted to improve BEESS targeted indicators?

## Bureau of Exceptional Education and Student Services

### Glossary of Acronyms and Abbreviations

The following is a list of acronyms, abbreviations and terms used within this report.

ASD	Autism spectrum disorder
BCBA	Board certified behavior analysts
BEESS	Bureau of Exceptional Education and Student Services
BIP	Behavioral intervention plan
BPIE	Best Practices for Inclusive Education
CARD	Center for Autism and Related Disorders
CEIS	Coordinated early intervening services
CFR	Code of Federal Regulations
CPI	Crisis Prevention Institute's Nonviolent Crisis Intervention
DA	Differentiated Accountability
EBD	Emotional or behavioral disability
ESE	Exceptional student education
EWS	Early warning system
FAPE	Free Appropriate Public Education
FCAT 2.0	Florida Comprehensive Assessment Test 2.0
FDOE	Florida Department of Education
FIN	Florida Inclusion Network
FDLRS	Florida Diagnostic and Learning Resources System
F.S.	Florida Statutes
FBA	Functional behavioral assessment
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
InD	Intellectual disabilities
ISS	In-school-suspension
IT	Information Technology
LEA	Local educational agency
MTSS	Multi-tiered system of support
ODR	Office discipline referral
OSS	Out-of-school suspension
PCM	Professional Crisis Management
PBS	Positive Behavior Support
PBS/MTSS	Positive Behavior Support/Multi-tiered System of Supports
PK	Prekindergarten
PS/RtI	Problem-Solving/Response to Intervention
RtI	Response to intervention
SLD	Specific learning disorder
SEDNET	Multiagency Network for Students with Emotional Behavioral Disabilities
SP&P	Exceptional Student Education Policies and Procedures
SPP	State Performance Plan
SST	State Support Team
SWD	Students with disabilities
T.E.A.M.	Techniques for Effective Aggression Management
USF	University of South Florida



Pam Stewart, Commissioner

313200I