

# Bay County School District

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

April 30–May 2, 2012



Florida Department of Education  
Bureau of Exceptional Education and Student Services

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July 31, 2012

Mr. William Husfelt, Superintendent  
Bay County School District  
1311 Balboa Avenue  
Panama City, Florida 32401-2080

Dear Superintendent Husfelt:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Bay County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district April 30–May 2, 2012, including student record reviews, interviews with school and district 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/ease/mon-home.asp>.

The Bay County School District was selected for an on-site visit due to reported incidents of restraint that were greater than 225 percent of the state rate. Mr. Charles Martin, Exceptional Student Education (ESE) Director, and his staff were very helpful during the Bureau's preparation for the visit. In addition, Mr. Martin, Ms. Maureen Guarino, Instructional Specialist Elementary ESE Compliance, Ms. Helen Marshall, Instructional Specialist Secondary ESE Compliance, and other staff members at the Margaret K. Lewis School, St. Andrew School, Oscar Patterson Elementary School, and Lucille Moore Elementary School welcomed and assisted the monitoring team during the on-site visit. The on-site visit identified strengths within the district's behavioral support and the reporting and monitoring of the use of restraint and seclusion. The Bureau's on-site monitoring activities also identified noncompliance that required corrective action.

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

Superintendent Husfelt  
July 31, 2012  
Page Two

Thank you for your commitment to improving services to exceptional education students within the Bay 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

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**Bay County School District**

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Reporting Incidents of Restraint and Seclusion  
April 30–May 2, 2012**

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# Bay County School District

## Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion April 30–May 2, 2012

### Table of Contents

Authority .....	1
Monitoring Process.....	1
Background Information.....	1
On-Site Activities .....	2
<i>Monitoring Team</i> .....	2
<i>Schools</i> .....	2
<i>Data Collection</i> .....	2
<i>Review of Records</i> .....	2
Results .....	3
Training.....	3
Commendations.....	4
Concerns .....	5
Recommendations.....	6
Findings of Noncompliance .....	6
Corrective Actions.....	7
Technical Assistance.....	8
Bureau Contacts.....	8
Glossary of Acronyms and Abbreviations.....	9





**Bay County School District**  
**Final Report: On-Site Monitoring**  
**Reporting Incidents of Restraint and Seclusion**  
**April 30–May 2, 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 and evaluates procedures, records, and ESE services; 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 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 FDOE were provided to school districts and were included in the district's *Exceptional Student Education Policies and Procedures* (SP&P) document. In a letter dated September 6, 2011, the Superintendent of Bay County School District was informed that the Bureau would be conducting an on-site monitoring visit due to

reported incidents of restraint that were greater than 225 percent of the state rate, which was 0.97 percent.

Data reported by the Bay County School District via the FDOE's web-based reporting system for incidents of restraint and seclusion indicated that the district reported 239 incidents of restraint for 102 students and 91 incidents of seclusion for 32 students from **August 2010 through May 2011**. With 4,109 students with disabilities reported as enrolled in the district during this time period, 2.48 percent of the students with disabilities were restrained and 0.78 percent were secluded.

## **On-Site Activities**

### ***Monitoring Team***

On April 30–May 2, 2012, the following Bureau staff members from the Monitoring and Compliance team participated in the on-site monitoring visit:

- Jacqueline Roumou, Compliance Specialist (Team Leader)
- Liz Conn, Compliance Specialist
- Vicki Eddy, Compliance Specialist
- Brenda Fisher, Compliance Specialist

### ***Schools***

Based on the school district's data reported via the FDOE's web-based reporting system for incidents of restraint and seclusion, the following schools were visited for a review of the implementation of the required restraint and seclusion procedures for students with disabilities:

- Lucille Moore Elementary School
- Oscar Patterson Elementary School
- Margaret K. Lewis School (MKL)
- St. Andrew School

### ***Data Collection***

Monitoring activities included the following:

- District administrator interview – 3 participants
- School administrator interviews – 8 participants
- Records reviews – 18 students
- Classroom and Instructional visits – 17 students
- Teacher interviews – 15 participants

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

The school district was asked to provide a copy of the following documents, if applicable, for each student selected for review:

- Current individual educational plan (IEP)
- Functional behavioral assessment (FBA)
- Behavioral intervention plan (BIP)
- Written notification to parent(s) and documentation of attempts to notify parent(s) before the end of the school day in which the incident of restraint or seclusion occurred

- Parent-signed acknowledgement of the same-day notification regarding the incident of restraint or seclusion, or documentation of additional attempts to obtain parent acknowledgement
- Parent-signed acknowledgement of the incident report of restraint or seclusion, or documentation of additional attempts to obtain parent acknowledgement
- Discipline records
- Any other supporting documentation

Review of records regarding incidents of restraint included students at the Lucille Moore Elementary School, Oscar Patterson Elementary School, MKL, and St. Andrew School. Review of records regarding incidents of seclusion included students at MKL and St. Andrew School.

## Results

Data reported by the district via the FDOE’s website for reporting incidents of restraint and seclusion from **August 2011 through May 2012** identified that Bay County School District reported 138 incidents of restraint for 67 students and 86 incidents of seclusion for 38 students. With 4,147 students with disabilities reported as enrolled during this time period, 1.62 percent of the students with disabilities were restrained and 0.92 percent were secluded. This reflects a decrease from the 2010–11 data in restraints from 2.48 percent to 1.62 percent, and an increase in seclusions from 0.78 percent to 0.92 percent.

District staff indicated that their better understanding of the reporting requirements has assisted the district in the decrease of restraint and seclusion incidents. District staff reported that the change in administration at MKL separate day school has attributed to the decrease in restraint and seclusion at the school. The new administrator’s current knowledge base of the student population attending MKL and a thorough understanding of the restraint and seclusion process have aided in the decrease of incidents at the school. In addition, the on-staff certified behavior specialist at MKL provided support and technical assistance with regard to FBA, BIP implementation, the restraint and seclusion process, Crisis Prevention Intervention (CPI), and training relevant to the specific student needs at MKL to all staff.

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

## Training

School districts are required by section 1003.573, F.S., to provide training in the use of restraint and seclusion. Such training should be provided to building administrators and instructional personnel, as determined by the school district’s plan for selecting personnel for training on restraint and seclusion.

The approved crisis management program used throughout the Bay County School District for restraint is CPI. District and school administrators indicated that training of all

school personnel has been essential in ensuring that CPI procedures and practices are consistent throughout the schools. The district has eight certified CPI trainers that provide training to school personnel within the district. District administrators indicated that a certified CPI trainer located at each center school (MKL and St. Andrew) provided training and ongoing support to school personnel. Additionally, the district administrators reported that school personnel participated in the Positive Behavioral Support (PBS) training provided by the state as well as training that focused on other behavior and discipline-related topics.

## **Commendations**

As part of the on-site activities, the monitoring team had an opportunity to conduct student case studies, observe students during instructional visits, and interview teachers and other professional staff regarding the policies and data related to the implementation of the required restraint and seclusion procedures. During the course of the on-site visit, it was noted that each of the schools was well organized, well maintained, and presented positive environments for learning.

Administration and school staff were very knowledgeable about restraint and seclusion and demonstrated a good understanding of the restraint and seclusion rules, requirements, and procedures used in the school and district. It was evident that restraint and seclusion have been consistently reserved as a last resort in all of the schools visited and that all possible intervention strategies were attempted before a student was actually restrained. The administrators were very supportive of students, staff, and families and provided strong leadership. The professionalism of administration and school staff and their commitment to students were evident at each school.

In addition, the on-site team identified the following commendable practices at the individual schools visited:

**Lucille Moore Elementary School** is to be commended for the following:

- School administrators were dedicated and committed to their students and staff.
- School personnel appeared to be highly motivated and demonstrated compassion, care, and genuine concern for the students' educational needs as well as their basic needs of food and clothing.
- Teachers and paraprofessionals not only had a passion for working with students, they also had extensive knowledge about the students' individual needs.
- School personnel strove to cultivate positive relationships with parents and students and were actively involved in the community.

**Oscar Patterson Elementary School** is to be commended for the following:

- The crisis team members reported that some students respond better to different members of the team, and they are careful to match students with preferred staff members when a crisis is occurring.
- School staff reported that the emphasis given to teaching appropriate behaviors during the first month of the school year has resulted in decreased discipline infractions.

- School administration has provided additional training for teachers, including a workshop on the *Culture of Poverty* with Ruby Payne, a book study on the *Seven Habits of Highly Effective People* by Stephen R. Covey, and classroom management training by Fred Jones and Harry Wong.
- The school has sponsored parent nights in Math, Science, and Reading during which teachers share strategies with parents in an effort to promote parent involvement.
- The Crisis Intervention Specialist assisted parents with navigating social services within the community.

**MKL** is to be commended for the following:

- A *Best Practices Behavior Manual* provided to all staff by the behavioral analyst contained information regarding function-based behavior practices, a technical assistance paper regarding restraint and seclusion, and other updates as needed.
- The behavioral analyst provided ongoing training and support to staff members related to the implementation of students' BIPs.
- School administrators reviewed restraint and seclusion data for trends, and engaged in problem-solving meetings with the school behavioral analyst on a monthly basis to make applicable changes based on the data.
- Teachers and paraprofessionals had extensive knowledge of their students' individual needs and maintained positive classroom atmospheres that allowed students to be actively engaged in the learning process.
- The school has earned the silver medal award for the PBS model school for the state of Florida.

**St. Andrew School** is to be commended for the following:

- The school's atmosphere was positive and pleasant.
- Positive behavior supports were used throughout the school and were evidenced by the staff's consistent language with students, the school's visible positive behavior programs, and wall displays that included anagrams to make the rules fun to read.
- The school has earned the prestigious gold medal award for the PBS Model School for the state of Florida for two consecutive years.
- The contributions of the teachers and administrators and their commitment and dedication to the students have provided students with a nurturing, supported, and safe learning environment as well as needed food, shoes, and supplies.
- The exemplary programs in place at the school promoted the active engagement of parents and community involvement in education.

## **Concerns**

- During the on-site activities, district staff reported that incident reports were mailed on the date that was printed on the actual report. The assumption was that everyone would understand that the print date was the date the incident report was sent.
- For some of the students, there were multiple separate reports for incidents occurring within a continuous timeframe, indicating that these could have been consolidated into fewer reports.

## Recommendations

- 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.
- The district should review incident reports to determine whether single incidents of restraint or seclusion are being reported as several separate occurrences. If over-reporting is noted, the district should modify staff training accordingly.

## Findings of Noncompliance

Schools are required by section 1003.573, F.S., to provide the parent or guardian with a notification in writing of any incident of restraint or seclusion before the end of the school day in which the restraint or seclusion occurs. This written notification must include the type of restraint used and any injuries occurring during or resulting from restraint or seclusion. School districts were provided further guidance regarding this standard through 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.

The following noncompliance was found regarding incident reporting for restraint and seclusion:

- The written notification to the parent(s) of these incidents did not include the type of restraint used or documentation regarding any injuries that may have occurred during or resulting from restraint or seclusion.
  - The district's initial *Parent Notification of Manual Physical Restraint/Seclusion* form did not include the type of restraint or a statement addressing injuries. Prior to the on-site visit this form was revised to include the appropriate requirement. However, ten records reviewed indicated the use of the initial *Parent Notification of Manual Physical Restraint/Seclusion* form and not the revised version which included the type of restraint and a statement addressing injuries.
- 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 acknowledgement of receipt of the incident report when the parent or guardian fails to respond to the initial report.
  - In one record reviewed, the incident report was not provided to the parent or guardian within three school days of when the restraint incident occurred.
  - In one record reviewed, there was no documentation of follow-up attempts to obtain written acknowledgement of receipt of the incident report when the parent or guardian failed to respond to the report.

## **Corrective Actions**

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

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

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 2, 2012**.

## Technical Assistance

The district's SP&P 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 technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities* may be accessed via the Bureau's website at: <http://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>.

## Bureau Contacts

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

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

**Glossary of Acronyms and Abbreviations**

BIP	Behavioral intervention plan
Bureau	Bureau of Exceptional Education and Student Services
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 behavioral assessment
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
MKL	Margret K. Lewis School
PBS	Positive Behavioral Support
SP&P	Exceptional Student Education Policies and Procedures



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

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