

Charlotte County School District

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

April 10–11, 2013



Florida Department of Education
Bureau of Exceptional Education and Student Services

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September 24, 2013

Dr. Douglas K. Whittaker, Superintendent
Charlotte County School District
1445 Education Way
Port Charlotte, FL 33948-1052

Dear Superintendent Whittaker:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Charlotte County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district on April 10–11, 2013. Those information sources included student record reviews, interviews with district and school staff and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' (bureau) website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The Charlotte County School District was selected for an on-site visit due to reported incidents of restraint and seclusion that were greater than 225 percent of the state rate. Ms. Linda Apple, Director, Exceptional Student Education, and her staff were very helpful during the bureau's preparation for the visit and during the on-site visit. In addition, the principals and other staff members at the schools visited welcomed the monitoring team and demonstrated exceptional commitment to the education of all students in the district. 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

Superintendent Whittaker
September 24, 2013
Page Two

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

Sincerely,



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

Enclosure

cc: Linda Apple
Karen Owens
Cathy Bishop
Patricia Howell
Vicki Eddy

Charlotte County School District

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Bureau of Exceptional Education and Student Services**

Charlotte County School District

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Table of Contents

| | |
|--|----|
| Authority | 1 |
| Monitoring Process..... | 1 |
| Background Information | 1 |
| School Selection..... | 3 |
| On-Site Activities | 3 |
| <i>Monitoring Team</i> | 3 |
| <i>Data Collection</i> | 4 |
| <i>Review of Records</i> | 4 |
| Results | 4 |
| FBA and BIP Review for Technical Adequacy..... | 4 |
| Crisis Management Program | 5 |
| Restraint and Seclusion Surveys..... | 5 |
| Seclusion Rooms at Charlotte Harbor School | 6 |
| Strengths | 6 |
| Concerns | 9 |
| Required Actions | 10 |
| Recommendations..... | 11 |
| Findings of Noncompliance | 13 |
| Corrective Action | 13 |
| Continued Monitoring of Restraint and Seclusion Data | 14 |
| Technical Assistance..... | 14 |
| Bureau and SEDNET Contacts | 15 |
| Glossary of Acronyms and Abbreviations..... | 16 |
| Appendix | 17 |

Charlotte County School District

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April 10—11, 2013

Authority

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

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

Monitoring Process

Background Information

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

The 2011–12 on-site visit was conducted on March 22–23, 2012. Results of the visit, including commendations, concerns, recommendations, findings of noncompliance and required corrective actions, are specified in the final report, which may be accessed at <http://www.fldoe.org/ese/pdf/2012/Char1112os.pdf>. The district completed the required corrective action, including demonstration through a sampling process of implementation of the targeted standards 100 percent of the time.

Manually unduplicated data for restraint and seclusion incidents for August 2011 through June 2012 indicated that Charlotte County School District reported 242 incidents of restraint for 95 students and 69 incidents of seclusion for 17 students. With 2,809 students with disabilities reported as enrolled in the district during this time period, data reflected that 3.38 percent of the students with disabilities were restrained and 0.61 percent were secluded.

In a letter dated January 11, 2013, the superintendent of Charlotte County School District was informed that the bureau would be conducting an on-site monitoring visit due to reported incidents of restraint and seclusion that were greater than 225 percent of the state rate, which was 0.87 percent for restraint and 0.26 percent for seclusion, and a disproportionately high number of restraint incidents as compared to other districts within the size-alike group. District data for the month of March 2013 indicated a slight decrease in restraint and seclusion as compared to March 2012.

The 2012–13 first quarter data from the FDOE’s web-based reporting system for incidents of restraint and seclusion indicated a significant increase in restraint incidents reported (255 percent) and seclusion incidents reported (414 percent) when compared to the first quarter data from the 2011–12 school year. In response to a questionnaire from the bureau requesting information about the increase in the number of restraint and seclusion incidents and the actions planned by the district to address this increase and meet its SP&P goals for reduction of the use of restraint and seclusion, Charlotte County School District responded as follows:

- There had been an increase in the number of students with very significant behavioral and mental health issues and an increase in the number of students that had a history of being served in a residential setting.
- There were economic stressors that required parents to hold multiple jobs as parents were fearful of losing their homes.
- There was a lack of resources which had impacted parents’ ability to follow through at home.
- There had been an overall increase in the number of students identified as having an emotional or behavioral disability (EBD).
- There had been more students identified as a student with EBD with significant behavioral and mental health issues that required a more restrictive setting with the availability of a seclusion room.

- Restraint and seclusion data were reviewed and analyzed on a monthly basis with the district behavior team.
- The following changes were planned for their SP&P related to restraint and seclusion based on the data reviewed:
 - Refresher training on the policies and procedures related to restraint and seclusion would be provided to all EBD teachers and behavior specialists.
 - Monthly meetings would be held with three principals at the sites with the majority of incidents of restraint and seclusion to review data and develop month-to-month strategies for reducing the use of restraint and seclusion.
 - The ESE director would discuss the monthly plan with district-level team members.
 - The principals would discuss the monthly plan with school-based staff.
- The following resources, methods and strategies would be used to help reduce the number of incidents of restraint and seclusion:
 - Support Positive Behavior Support: Multi-tiered System of Supports (PBS:MTSS).
 - Work with response to intervention (RtI) academic teams to initiate multi-tiered system of supports (MTSS) integrating both behavior and academics.
 - Review and revise individual educational plans (IEPs) as appropriate.
 - Review functional behavioral assessments (FBAs) and behavioral intervention plans (BIPs) to ensure relevancy to demonstrated behaviors.
 - Offer psychiatric evaluations and counseling (through contracted services) as necessary.

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 Charlotte Harbor School and Meadow Park Elementary School.

On-Site Activities

Monitoring Team

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

- Vicki Eddy, Compliance Specialist (Team Leader)
- Misty Bradley, Compliance Specialist
- Karlene Deware, Compliance Specialist
- Amelia Bowman, Compliance Specialist
- Jill Snelson, Compliance Specialist
- Terri Cooper, SEDNET Region 13 Project Manager

Data Collection

Monitoring activities included the following:

- Case studies – 16 students
- Classroom observations – 14 classrooms
- District administrator interviews – 5 participants
- School administrator interviews – 10 participants
- Teacher interviews – 8 participants
- Seclusion rooms inspection checklist – 3 seclusion rooms
- Restraint and seclusion surveys – 7 participants

Review of Records

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

- Current and previous IEP
- FBA
- BIP
- Discipline record
- Attendance record
- Report cards
- Student schedule
- Parent notices and other documentation related to restraint and seclusion
- Verification of training for staff members involved in incidents of restraint or seclusion
- Verification of the provision of related services

Results

FBA and BIP Review for Technical Adequacy

Five FBAs and BIPs from the 16 case study students were submitted to the Florida Positive Behavior Support (PBS) Project for the purpose of evaluating technical adequacy. The FBAs and BIPs were evaluated using the *FBA/BIP Technical Adequacy Evaluation**. This is based on the essential components identified in the research literature that comprise a technically adequate FBA and BIP. The evaluation instrument has been reviewed by three national experts who provided input that led to this version.

The FBAs included more of the components associated with technical adequacy than did the BIPs. Although the FBAs were a relative strength, the mean score of the FBA subscale was 52 percent (standard deviation of the mean (*SD*) = 0.08). The average BIP percentage score was 42 percent (*SD* = 0.12). The *Charlotte County Schools FBA/BIP Technical Adequacy Report* is included in the Appendix.

*Iovannone, R., Christiansen, K., & Kincaid, D. (2010). *FBA/BIP technical adequacy evaluation*. Manuscript in preparation.

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.

Crisis Management Program

The district uses Techniques for Effective Aggression Management (TEAM) as its crisis management program. The district offers initial training at the beginning of each school year, and school principals select the staff that will attend the training. The training includes positive strategies, positive behavioral interventions, classroom management, positive verbal de-escalation and emergency procedures for restraint. Training materials indicate that the goal of the training is to reduce the need for restraint by providing a basis for solid behavioral management and proactive techniques, by utilizing verbal de-escalation techniques and by learning defensive procedures. The district requires that all teachers who use restraint must be initially certified in TEAM; however, according to the district, TEAM does not require teachers to be recertified. TEAM teaches that restraint is an emergency procedure that should only be used after all other interventions have failed and the student or staff or others are in immediate danger of serious injury or death. The district program staffing specialists and school-based ESE liaisons are the trainers for TEAM training. Professional development for new staff needing TEAM training is provided on a yearly basis, as is refresher training. If a staff member does not complete the entire initial training or does not complete the yearly refresher, they are no longer permitted to restrain a student. The refresher training includes information on the phases of a student's "acting-out cycle," effective verbal de-escalation techniques and monitoring of data regarding restraint.

Although TEAM does not train on seclusion, the district has developed training for staff at the center school with seclusion rooms. Safety procedures include two staff members escorting the student to the seclusion room, where a full-time paraprofessional supervises the area. The paraprofessional monitors the student during seclusion and maintains a log. After a debriefing, the student is returned to class. Outside the seclusion rooms is a removal area which can be used for short periods of time out. The paraprofessional also manages this area.

Restraint and Seclusion Surveys

Six teachers and one paraprofessional who work with the case study students from both schools visited were asked to complete a survey regarding typical scenarios involving students with escalating behaviors. Upon review of the responses, bureau staff noted the following:

- There seemed to be some misunderstanding with some of the staff interviewed as to what constitutes the need for the use of restraint and seclusion. Many responses indicated words such as "endangering others" and "physical harm," "dangerous behavior" when determining if a situation warranted a restraint or seclusion.
- Very few of the responses mentioned trying additional de-escalation strategies in order to prevent the need for the use of restraint or seclusion.

- Many of the teachers who completed the surveys appeared to consider secluding a student to be more restrictive than restraining a student.

Seclusion Rooms at Charlotte Harbor School

The three seclusion rooms were lit and met the requirements of the State Fire Marshal for seclusion rooms, including electro-magnetic locking doors and view panels that met the dimensions stipulated in State Board of Education Rule 69A-58.0084, Florida Administrative Code (F.A.C.). No concerns were noted.

Strengths

At both schools visited, their strengths noted included the following:

- There was consistency in ensuring that staff members who implement restraint and seclusion have received the training designated by the district.
- Bureau staff observed that the use of Promethean boards in the classrooms visited appeared to keep students actively engaged with instruction.
- A very low student-to-staff ratio was observed in the classrooms visited, with some students receiving one-on-one assistance.
- The classrooms that bureau staff visited were large and spacious, providing open environments for movement.
- Teachers were observed providing positive praise to students during instructional time and during small group activities.
- The teachers and staff that were interviewed expressed knowledge of the student's individual needs.
- The schools appeared to provide a secure, structured environment where the students felt safe.
- During the classroom observations, instructional momentum was maintained in the busy classrooms.
- Bureau staff observed some teachers attempting to reduce anxiety for students who were demonstrating escalating behaviors.
- Students were provided reminders about the schedule and upcoming transitions in order to prepare for the next activity.
- Parents were reported to be included in the problem-solving process for their children.
- School staff reported that students are monitored as they depart from the buses as a behavioral check-in.
- Expectations of behavior and the classroom schedule were clearly posted in the classrooms visited.
- The schools provide counseling services to students in need through Charlotte Behavior Center.

In addition, the following specific strengths were noted in the individual schools visited:

Charlotte Harbor School

This school offers the most restrictive setting for students identified as a student with EBD and has a center-wide behavior level system. All of the case studies reviewed and observed were students in the Students Acquiring New Direction School (SANDS) program. These are students with EBD who were identified with serious emotional and social needs that affected their school performance and were not successful within their previous school setting. The SANDS program is highly structured, offers counseling, and emphasizes positive social and behavioral skills needed for the student to succeed in school and in life and teaches students to make good choices.

Other strengths noted for Charlotte Harbor School were the following:

- This is an active PBS “silver” level school that has a comprehensive system of support in place for Tier 1 behavioral support implemented with fidelity. In addition, data is used to ensure that the school’s Tier 1 system is effective for all groups of students and the school has taken steps to build systems of support for behavior at Tier 2.
- The school uses the Positive Behavior Support: Response to Intervention for Behavior (PBS:RtI-B) database in order to monitor trend data on behavior.
- The school has Fun Fridays that include movies, dances and cookouts and a school store for students to cash in points for prizes to reward positive behavior.
- Teachers and paraprofessionals together keep meticulous point sheets on individual student behavior based on the student’s goals.
- School bus drivers also provide students with tickets for positive behavior displayed on the bus, and bus aides and drivers alert school staff of students’ escalated behaviors.
- Monthly meetings are held with the paraprofessionals and teachers to discuss the students’ concerns.
- The school resource officer has been at the school for a number of years and is often used as a mentor for students in the SANDS program.
- The school has a reintegration program in place to help students transition back to their home-zone school that allows for visits to the school with an assigned paraprofessional to help ensure success.
- The staff’s longevity in working at the school demonstrates their dedication and compassion for the students and their families.
- The school is assigned a behavior specialist who is shared with Peace River Elementary located next door.
- A paraprofessional was permanently assigned to monitor students while in the seclusion rooms and in the “removal” area. The removal area is located right outside the seclusion rooms and serves as a place for students to calm down before returning to class.
- The assistant principal provides individual reinforcement for students by rewarding students with baseball cards.

- Students have the opportunity to become peer mentors to students who have been identified with disabilities in another program on the school campus.
- School staff have partnered with Oak Park School in Sarasota to share ideas. School staff indicated meeting and discussing the types of services that can be offered to students with mental health needs and how to locate providers.
- Staff demonstrated a good understanding of the school-based reporting requirements by using a well-defined process to document and review incidents of restraint, including the use of a spreadsheet for tracking the requirements.
- The staff's commitment to assist students with their behavioral needs was evident as some students were referred to the Interdisciplinary Center for Evaluation and Intervention (ICEI), which provides specialized services for students who present serious and complex behavioral concerns.

Meadow Park Elementary School

The school has five classrooms serving students with EBD in the cluster site named Targeting Outstanding Pupil Success (TOPS) unit. Each classroom has a minimum of one teacher and one full-time paraprofessional, a reduced number of students and a behavior level system in place. All of the case study records reviewed and observed were students enrolled in the TOPS unit. Social skills instruction is provided daily. Students who are ready to transition out of the program are typically mainstreamed in a fourth- or fifth-grade classroom at the school. There is no seclusion room at this site.

Other strengths noted for Meadow Park Elementary School include the following:

- This is an active PBS Tier 1 school.
- Some of the administrative staff provided mentorships for the students in the TOPS unit.
- The school nurse monitored each student during and after a restraint.
- Bright, colorful positive messages and visuals on feelings, emotions and behaviors using age-related characters were displayed in the classrooms.
- IEPs were reviewed and revised more frequently than annually for students who have incidents of restraint.
- Some of the students with EBD were identified as mentors for prekindergarten students and participated in the safety patrol program at the school.
- "Gator" rewards used as a Tier 1 intervention were prominently displayed throughout the school to encourage student success.
- Staff reported a considerable amount of problem-solving occurring within the school, especially between the cluster teachers.
- It was evident that maintaining positive interactions and communication among students, parents and school staff is a top priority.
- School staff appeared to be highly motivated and demonstrated compassion and genuine concern for the students.
- The school used the *Leader in Me* program that teaches leadership skills from "The 7 Habits of Highly Effective People." The student version of the program teaches children to take responsibility for their actions and recognize everyone as a leader in some way.

- Administrative staff reported building one-on-one relationships with students in the TOPs unit and mentoring the students.

Concerns

Districtwide concerns include the following:

- TEAM does not require recertification for district staff that provide the TEAM training; therefore, district staff have not been provided the opportunities for refresher training.
- There were no protective floor materials in the classrooms where the restraints occurred. Although TEAM does not require that protective floor materials be used during a restraint, this is a concern as it could be a safety issue when transitioning a student to a prone position.
- More information is needed in BIPs regarding effective management of individual student behavior. School staff reported that the school's behavior level system effectively provided the needed positive behavioral supports for some students rather than the student's individualized BIP. Staff at the schools visited appeared to utilize the schools' behavior level systems for behavior management rather than the students' individual BIPs.
- SEDNET was not being utilized for training on trauma informed care and to help with providing resources such as counseling for students.
- During interviews with school staff there were general conversations regarding verbal de-escalation being used, but no specific strategies or techniques were mentioned. The teachers appeared to need more training on the use of verbal de-escalation prior to the decision to use restraint or seclusion.
- A review of the incident reports for the case study students indicated that students were being restrained when "attempting" to run, climb or flip over furniture, throw things or hit, kick or bite staff. For these incidents, restraint and seclusion appeared to be used more as a behavior management tool than an emergency management for students who are in imminent danger of injury or death to themselves or others.
- Fifty-one percent of the restraints reported from August 2012 through January 2013 were prone restraints.

Concerns were noted in the two schools visited as follows:

- Charlotte Harbor School
 - School staff reported that intentional debriefings for student and staff were not scheduled after incidents of restraint or seclusion.
 - Bureau staff learned that sometimes students fall asleep in the seclusion room (with the door open). There is concern for students who fall asleep in the seclusion room with regard to whether they are continuously being observed as required for safety and medical reasons. This also raises concern about the length of time these students are out of their classrooms.
 - Bureau staff did not observe some of the students being included when they were evaluated after an activity for points on the point sheet. Students should be aware of the status of their behavior throughout the day.

- The BIPs reviewed for the case study students appeared to be very similar rather than individualized and had not been updated.
 - Some FBAs that were reviewed by the bureau provided incomplete data regarding targeted behavior, which could indicate a need for professional development in this area.
 - Some of the students' point sheets did not appear to relate directly to their FBAs and BIPs.
 - The school indicated that the district provides two counselors to provide counseling services. Each counselor's schedule allows them to be at the school two days a week. Staff indicated that one of the counselors is a district psychologist and has other job-related responsibilities that affect the time needed to provide counseling sessions.
 - The school's behavioral level system allowed students to decrease in a level (rather than remaining at that level) when students committed infractions.
 - A lack of the parent's signature on a daily point sheet would result in loss of points for the student.
 - The district's *Emergency Procedures and Interventions – The Use of Secured Seclusion and Restraint* included information indicating that prior to the use of an emergency procedure, staff must be able to validate that less-restrictive interventions were being used as referenced in a student's individualized behavior plan. Some of the case study students reviewed by bureau staff had FBAs that were up to two years old and BIPs that were not being implemented.
- Meadow Park Elementary School
 - Many of the case study student records reviewed indicated that students had been restrained in a seated position. However, TEAM does not teach seated restraint.
 - Staff indicated that positive behavioral strategies were being provided for students through the level behavior system program; however, the strategies being used were not documented.
 - Some of the students who were included as case studies did not have an FBA or BIP. For some of the case study students with FBAs and BIPs, there had been multiple incidents of restraint with no documented review or revisions with updates.
 - The information related to reporting incidents of restraint or seclusion was not included on a single tracking sheet used by the school (two separate tracking sheets were being used).
 - Staff indicated that when students transition from the TOPS unit to general education for a short "trial" period, the IEPs may not always be updated.

Required Actions

The following actions apply districtwide and are required to be completed **no later than November 21, 2013**, with verifying documentation to be provided to the bureau **no later**

than December 6, 2013:

- Provide training for developers of FBAs and BIPs that addresses the district's specific areas of deficit (noted in *Charlotte County Schools FBA/BIP Technical Adequacy Report*, located in the Appendix). Establish a peer review process for FBAs and BIPs for students who are restrained or secluded to make certain that FBAs and BIPs are of high quality, were implemented with fidelity and produced the necessary results.
- Provide additional training for the teachers of the students in the classrooms where multiple incidents of restraint or seclusion are occurring. The training must include techniques on verbal de-escalation, blocking techniques, specific instances of what constitutes imminent risk of serious harm and a hands-on refresher course for individual crisis management of behavior.
- Contact the district's PBS representative for technical assistance on developing more consistent Tier 3 support for behavior.
- Contact the district's SEDNET project manager for information about potential options for providing additional mental health services.
- Contact the bureau's program specialist for emotional or behavioral disabilities or the district's SEDNET project manager for information about training in trauma-informed care.

Recommendations

The following recommendations apply districtwide:

- Consider using a different crisis management program with a stronger verbal de-escalation component, a required annual training and recertification process and more alternatives to the use of prone restraint. Consider providing refresher training for district staff that provide the training.
- Consider the use of protective floor materials in the classrooms where students are more likely to require restraint.
- Include more student-specific strategies in the BIPs. Utilize the students' FBAs and BIPs rather than just the behavior level system at each school.
- Utilize the services of the SEDNET manager assigned to Charlotte County for help with providing resources such as counseling for students. Provide time for the teacher to debrief with an ESE behavioral staff member after an incident of restraint has taken place with the goal of clarifying what constitutes imminent danger and seeking strategies to prevent a future occurrence. Continue to seek out and visit other size-alike districts with similar programs but lower rates of restraint and seclusion and more effective positive behavior management.
- During the administrative review of incident reports, check for imminent danger; if not clearly indicated, check with staff members to ensure that all relevant information has been included to describe the danger. For incidents in which restraint or seclusion may have been used more as a behavior management tool than emergency management due to imminent danger, follow up with staff members who implemented the restraint to ensure their understanding of what constitutes imminent danger.

- Consider tracking the use of prone restraints and debriefing with school staff regarding possible alternatives. Continue to encourage staff to use more de-escalation strategies and less-restrictive alternatives in place of prone restraints.

Recommendations for the two schools visited include the following:

- Charlotte Harbor School
 - Provide the teacher time to debrief with the student after a restraint incident with the goal of preventing further occurrence. In addition, provide the teacher time to debrief with school administration after a restraint incident.
 - Develop a procedure for continued monitoring of students who fall asleep in a seclusion room (with the door open). In addition, consider tracking the amount of time missed from classes due to this.
 - Consider opportunities for students to self-monitor behavior.
 - Consider revising the students' BIPs for targeted individual behaviors and individualized behavioral supports.
 - Consider additional training for staff members involved in the development of FBAs.
 - Consider relating goals on the students' individual point sheets to their FBAs and BIPs and include self monitoring.
 - Consider the need for two counselors who do not have other job-related responsibilities that could affect the time needed to provide counseling sessions, or consider reassignment of responsibilities so that staff who serve as school counselors have additional time to provide the service. Utilize the services of the SEDNET manager assigned to Charlotte County for help with possible identification of additional resources for counseling services.
 - Consider making a change in the behavioral level system to allow students to remain at a level rather than decreasing when students commit infractions.
 - Review and consider changing the loss of points a student may receive on their daily point sheet if the parent does not provide a daily signature, as this may be out of their control.
 - All relevant staff should be ensured access to the district's *Emergency Procedures and Interventions – The Use of Secured Seclusion and Restraint* document regarding utilization of less-restrictive interventions, including those in students' individualized behavior plans.
- Meadow Park Elementary School
 - If the district chooses to continue with seated restraint, determine a crisis management program that teaches this position and provide this training to staff.
 - Consider using the PBS:Rtl-B database rather than Excel to document behavioral trend data.
 - Monitor to ensure that FBAs and BIPs with individual behavior and recommended strategies of intervention are in place for students requiring restraint or seclusion and that there is review or revision of these documents when there are multiple incidents of restraint for a student.

- Update to a single tracking sheet to include all of the requirements related to documenting and reporting incidents of restraint and seclusion.
- Ensure that IEPs are updated when students transition from the TOPS unit to general education, even for a short “trial” period.

Findings of Noncompliance

Bureau staff members identified 15 incidents of noncompliance on a total of four standards in 11 of the case studies. Identifying information regarding the 11 students reflecting the findings of noncompliance was provided to the Charlotte County School District prior to the dissemination of this report.

| Standard/Identified Noncompliance | Supporting Data |
|---|--|
| 1. Notification in writing of any incident of restraint or seclusion was provided to the parent or guardian before the end of the school day on which the restraint or seclusion occurred. (Section 1003.573(1)(c), F.S.) | For one of the case study students at Meadow Park Elementary, the same-day notification was sent the day after the incident. |
| 2. The parent or guardian was provided with a completed written report by mail within three school days of any incident of restraint or seclusion (Section 1003.573(1)(d), F.S.) | For three of the case study students (all from Meadow Park Elementary School with multiple incident reports), one of the incident reports reviewed did not have documentation regarding the date that the report was sent. |
| 3. The school has documentation of the parent’s or guardian’s signed acknowledgement of receipt of the incident report or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the incident report. (Section 1003.573(1)(d), F.S.) | For two of the case study students (both from Meadow Park Elementary School), the school did not have documentation of the parent’s or guardian’s acknowledgement of receipt of the incident report or the required attempts to obtain this acknowledgement. |
| 4. The IEP of the student specified counseling or language therapy or speech therapy to be provided a specific number of minutes per week. Documentation indicated that this service was not provided consistently as specified on the student’s IEP. (34 CFR §300.323(c)) | For seven of the case study students (all from Charlotte Harbor School), documentation indicated that the counseling services, speech therapy or language therapy were not provided as specified on the students’ IEPs. |

Corrective Action

In a May 3, 2013, letter to the Charlotte County School District providing student-specific information, the bureau required that no later than July 1, 2013, the district was to

identify the policy, procedure or practice that caused the noncompliance and provide evidence of the action taken to ensure future compliance. For the noncompliance related to the students' IEPs, the IEP teams were to reconvene to determine the type and amount of compensatory services to be provided due to missed services. This documentation was provided by the district to the bureau on July 26 and August 7, 2013. In addition, **no later than one year from the date of the letter (May 3, 2014)**, the district must demonstrate correct implementation of the standards identified as noncompliant during the on-site visit. A sampling process is described in the *Exceptional Student Education Compliance Manual* accessible at <http://www.fldoe.org/ese/pdf/m-compli.pdf>.

Continued Monitoring of Restraint and Seclusion Data

Bureau staff will continue to monitor the district's restraint and seclusion data. In November 2013, the bureau will review the district's first quarter data for the 2013–14 school year for restraint and seclusion. The bureau anticipates that the district's first quarter data will reflect a decrease of three percent for restraint and two percent for seclusion based on their SP&P reduction goal. If the data reflects an increase, an on-site visit may be scheduled to review sample incidents of restraint and seclusion and to meet with teachers and principal(s) to review the events that led to the incidents of restraint or seclusion.

Technical Assistance

1. *Implementing a Multi-Tiered System of Support for Behavior: Recommended Practices for School and District Leaders* (Florida's Positive Behavior Support Project) may be accessed at http://flpbs.fmhi.usf.edu/pdfs/RTIB%20Guide%20101811_final.pdf and provides an overview of the critical components of a multi-tiered system of support for behavior. These critical components point to systems changes that are necessary for a results-driven ESE system.
2. The *FBA/BIP Technical Adequacy Evaluation* (Iovannone, Christiansen, & Kincaid, 2010) was provided to Florida school districts via email on April 11, 2013, and may be used in the development of FBAs and BIPs to ensure the inclusion of the essential components for technical adequacy.
3. Information regarding the establishment of school-based mental health services and training related to trauma-informed care may be accessed by contacting the Region 13 – Hernando office of SEDNET at 352-797-7022, extension 213.
4. The district's SP&P provides district- and school-based standards for documenting, reporting and monitoring the use of manual, physical or mechanical restraint and seclusion developed by the FDOE.
5. In addition, the technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, dated October 14, 2011, offers specific information for guidance regarding restraint and seclusion.

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

Glossary of Acronyms and Abbreviations

| | |
|-----------|---|
| BIP | Behavioral intervention plan |
| Bureau | Bureau of Exceptional Education and Student Services |
| CFR | Code of Federal Regulations |
| EBD | Emotional or behavioral disability |
| ESE | Exceptional student education |
| F.A.C. | Florida Administrative Code |
| FBA | Functional behavioral assessment |
| FDOE | Florida Department of Education |
| F.S. | Florida Statutes |
| ICEI | Interdisciplinary Center for Evaluation and Intervention |
| IDEA | Individuals with Disabilities Education Act |
| IEP | Individual educational plan |
| MTSS | Multi-tiered system of support |
| PBS | Positive Behavior Support |
| PBS:MTSS | Positive Behavior Support: Multi-tiered System of Supports |
| PBS:RtI-B | Positive Behavior Support: Response to Intervention for Behavior |
| RtI | Response to intervention |
| SANDS | Students Acquiring New Direction School |
| <i>SD</i> | Standard deviation |
| SEDNET | Multiagency Network for Students with Emotional/Behavioral Disabilities |
| SP&P | Exceptional Student Education Policies and Procedures |
| TEAM | Techniques for Effective Aggression Management |
| TOPS | Targeting Outstanding Pupil Success |

Appendix

Charlotte County Schools FBA/BIP Technical Adequacy Report

Charlotte County Schools FBA/BIP Technical Adequacy Report

Five completed functional behavior assessments (FBA) and behavior intervention plans (BIP) from Charlotte County Schools were submitted by the Florida Department of Education to the Florida PBS Project and the Interdisciplinary Center for Evaluation and Intervention, a FDLRS multi-disciplinary specialized clinic, for the purpose of evaluating their inclusion of FBA/BIP components for technical adequacy. The products were evaluated using the *FBA/BIP Technical Adequacy Evaluation** (Iovannone, Christiansen, & Kincaid, 2010). The evaluation tool includes the essential components identified in the research literature that comprise a technically adequate FBA/BIP.

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

Two scorers evaluated the five FBA/BIPs submitted. One scorer is a doctoral-level board-certified behavior analyst who has a faculty position; the other is a graduate student in the applied behavioral analysis (ABA) program who is a former elementary school teacher. Both individuals are supervised by University of South Florida faculty members who are board-certified behavior analysts. Each individual scorer evaluated the products independently and then compared scores for inter-rater agreement. Disagreements were discussed and consensus was reached for each component score. Inter-rater agreement scores for the Charlotte FBA/BIPs ranged between 81% and 100%, with a mean of 88%.

The graphs on pages 26–28 illustrate the percentage scores of each product submitted for review. Each FBA/BIP was given a numerical code by the Florida Department of Education, and these were used as the identifiers. Table 1 on page 29 summarizes the mean scores of the five products by showing the mean raw score achieved for each of the 18 items and the mean FBA and BIP subscale percentage scores, as well as the mean total percentage score. An examination of the graphs indicates that the FBAs showed higher technical adequacy than the BIPs. The average FBA percentage score across the five products was 52% ($SD = .08$), while the average BIP percentage score of the group was 42% ($SD = .12$).

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

**Iovannone, R., Christiansen, K., & Kincaid, D. (2010). FBA/BIP technical adequacy evaluation. Manuscript in preparation.*

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

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

Functional Behavior Assessment Domain

- FBA Item 1—Multiple sources used for FBA. The literature states that high-quality FBAs include information from all relevant persons who know the student well. For example, literature suggests that a minimum of three data sources should be used or triangulated in developing a hypothesis for the target behaviors. An example would be to review the FBA data from a teacher interview (source 1), a direct observation (source 2) and an interview with the student (source 3). By having multiple sources of data, the accuracy of the hypothesis is increased.

All of the FBAs submitted by Charlotte County except for one indicated multiple sources of information used for collecting the FBA data. The FBA that did not indicate multiple sources and/or people was identified as an “update” to a BIP and did not include a section to indicate the methods of updating the FBA information. This specific FBA did mention that a behavior specialist and teacher were the sources; however, it failed to identify the ways in which the behavior specialist and teacher collected the information included in the FBA update.

- FBA Item 2—Identifying and Operationalizing the Target Behavior(s). Identifying the behavior(s) that will be the focus of the FBA as well as clearly defining the behaviors so that they are measurable and observable allows for more accurate information on the conditions under which the behavior occurs and the consequences maintaining the behavior. In addition, a complete description allows for more accurate recording of progress monitoring data, both baseline and post-intervention.

All of the FBAs submitted identified problem behaviors and defined the behaviors in measurable and observable terms.

- FBA Item 3—Baseline data collected on the problem behavior. Knowing the performance of problem behavior prior to intervening is necessary to determine the effectiveness of the BIP and monitor the student’s response to intervention. In addition, baseline data provide information to the team on the intensity, durability and frequency of the behavior problem.

All of the FBAs included baseline data. Some included extensive detail indicating how the data were collected, the time period over which the data were collected as well as a summary of the data. Several FBAs included graphs showing the data points for each target behavior. A couple of FBAs, however, did not provide enough detail related to the baseline data. One FBA provided several graphs but

did not provide a general summary that analyzed the behavior occurrence nor the time period over which the data were collected.

- FBA Item 4—Setting events. Setting events (distal conditions and/or environmental conditions that, when in existence, result in a higher likelihood of problem behavior occurring after presentation of an immediate antecedent), when present, are important to understand the student’s problem behavior and to develop effective interventions. Establishing a pattern of behavior that occurs when setting events are present allows the team to develop interventions that can modify the immediate antecedents so that problem behavior is effectively prevented.

None of the FBAs submitted indicated that setting events were discussed or considered. One FBA update mentioned medication changes, but it did not provide detail on how the medication change may have impacted the behavior’s occurrence nor was it included in the hypothesis as an antecedent event triggering or predicting problem behavior.

- FBA Item 5—Antecedents predicting problem behavior. Events present in the environment prior to performance of problem behavior is vital for developing a comprehensive behavior intervention plan. Through identification of a pattern of events that predict occurrences of target behavior(s), interventions can be developed to modify the antecedent events so that problem behavior will be prevented.

All of the FBAs provided information on antecedent events that evoked problem behavior; however, most lacked the detail necessary to build more effective interventions. For example, several FBAs listed demand-related antecedents (e.g., academic tasks) but did not provide more information on the nature of the demand/academic tasks that predicted problem behavior. It was unclear if every academic demand was a trigger or if specific type of academic demands (e.g., non-preferred, difficult, long, boring, paper-pencil, worksheets) were more likely to be followed by problem behavior than other types of academic demands (e.g., interactive, peer cooperative, easy, novel, etc.).

- FBA Item 6—Antecedents present in the absence of problem behavior. Knowing the antecedents that predict problem behavior occurrence is essential. However, it is equally important to know what contextual circumstances predict and trigger appropriate behavior or the absence of the problem behavior. By reviewing and comparing the environmental events that are present when problem behaviors as well as appropriate behaviors are occurring, the team can be more confident in their development of a hypothesis that will be more accurate and lead to more effective interventions.

None of the FBAs submitted addressed circumstances in which the students did not have problem behaviors.

All of the FBAs included identification of settings or environmental events that were present when problem behavior was least likely to be performed. The detail was limited, however. For example, almost all of the FBAs identified the cafeteria as an “antecedent” event in which behavior did not occur but did not provide any further details that would highlight why the context may enhance appropriate behavior. That is, it was unclear whether the cafeteria was less likely to induce problem behavior because a preferred activity (e.g. eating) was expected, or a preferred adult was in the vicinity or the demands/structure of the activity was preferred, etc.

- FBA Item 7—Consequences immediately following problem behavior. Consequences, or the responses others perform immediately after the occurrence of problem behavior, allow the team to determine the possible functions that are maintaining behaviors as well as the efficiency and effectiveness of the behavior obtaining the “payoff.”

Most of the FBAs only checked off functions as consequences without providing any supporting detail on how the team came to consensus on the function. For example, if teacher attention was checked or written or escape, there was no further description of the specific types of responding consequences followed problem behavior that got the student the payoff of adult attention or escape. By listing the specific responses (e.g., verbal redirect, verbal reprimand, sent to time-out, sent to the office, peers laughed, peers made comments, etc.), the function in the hypothesis can then be confirmed.

- FBA Item 8—Hypotheses components. An FBA-derived hypothesis drives behavior interventions and should include a summary statement that describes three components. Component 1 includes the antecedents or contextual events (i.e., setting events and immediate triggers) predicting the problem behavior, component 2 includes the behavior that was the focus of the FBA, and component 3 suggests the function or purpose of the behavior that was determined by the consequences typically following the targeted problem behavior.

Most of the FBAs included a summary statement that had the three components. There were two, however, that were in a narrative format and the hypothesis was not in a complete summary statement. Instead, it was separated into two different sections that were on separate pages. While most of the hypotheses showed full or partial links to the FBA data, one (#2b) did not link back to any of the FBA data.

- FBA Item 9—Function is supported by the research literature and linked to FBA data. Functional behaviors are those that operate (i.e., get to or away from) on the environment and result in a desired outcome or payoff. Functions of behavior, in keeping with ABA principles, are observable and measurable and provide

information on how the student's behavior is related to the context in which it occurs. The function then drives intervention development that will increase appropriate replacement behaviors and decrease problem behaviors by altering environmental events (e.g., providing the same outcome that the problem behavior achieved to the appropriate replacement behavior).

All of the FBAs provided functions that were observable, measurable, and valid. It was not clear for some whether the function was linked to the FBA data, specifically in the FBAs that did not describe how others responded immediately after problem behavior was performed by the student. It was noted that on some of the FBA forms that were in a checklist format, the function of "control" was an option, and one FBA selected it as a potential function. The "control" function does not provide enough information to drive an effective behavior intervention plan (see Iovannone, Anderson, & Scott, in press, for further guidance).

Behavior Intervention Plan Domain

- BIP item 10—Dates of FBA and BIP are within 30 days. When behavior is interfering with academic performance, it is imperative that there is minimal delay in developing the BIP after the FBA is completed.

All of the BIPs submitted were continuous documents of the FBA; therefore, it was assumed that the date listed on the first page of the documents was the date of the entire product.

- BIP Item 11—The FBA hypothesis is referenced. The primary purpose of conducting the FBA is to build the BIP from the hypothesis. It should be clear that the intervention strategies described on the BIP are linked to the hypothesis.

All of the products submitted were one continuous document, and it was assumed that the hypothesis statement included in the FBA section was the one being referenced when building the BIP.

- BIP Item 12—Prevention strategies are present, described completely and linked to FBA. The primary reason for developing multi-component hypotheses and behavior intervention plans is to make the problem behavior irrelevant, ineffective, and inefficient. This can occur when interventions are described that modify the contextual events or antecedents so that these events are no longer "triggers" for problem behavior occurrence. By preventing problem behaviors from being performed, more opportunities are available to instruct students on use of replacement behaviors and to provide reinforcement for engaging in replacement skills.

While all of the BIPs included antecedent or preventive interventions, not all were linked back to the "when" part of the hypothesis. Most were stock lists of strategies that were not described in enough detail so that the teacher would be

able to consistently implement the intervention in the way it was intended. For example, several BIPs listed or checked one-one-one instruction as a preventive strategy but did not provide detail on how it would link to the antecedent which was not related to instructional events nor provide the steps that a teacher would perform in implementing the strategy. It was noted that two of the BIPs (#2a and #2c) had identical strategies listed/checked although the hypotheses were different.

- BIP Item 13—Inclusion of a replacement behavior strategy, described completely and linked to the FBA. Behavior is a skill to be taught, similar to academics. By identifying a replacement behavior that the team would prefer to see the student perform rather than the problem behavior, a plan can be developed to carefully describe how to teach the skill by modeling, providing guided practice and feedback, and providing ample opportunities for the student to perform the skill and get reinforced. The replacement behavior can be either a communicative functional behavior (i.e., a behavior that directly communicates the function included in the hypothesis such as asking for escape/break or asking for attention) or a physically incompatible behavior (i.e., a behavior that is pro-social or desired such as raising hand, being academically engaged with assignments, making positive comments, etc.). When selecting a replacement behavior, the team will give consideration to whether the behavior is one that can be performed as easily as the problem behavior and result in the same outcome.

All of the BIPs submitted identified replacement behaviors desired by the team. However, some of the instructional strategies included in the BIP did not provide a description on how the replacement behavior identified would be taught using the strategy. For example, one BIP identified “requesting attention or a break or following given directions with three verbal prompts” as the replacement behavior for the student. The instructional strategies listed on the BIP, however, were checked from a list of strategies that included “general practices such as teach school/classroom expectations, teach school/classroom routines, teach social skills, use point sheet totals” that had no link back to the specific targeted replacement behavior nor included any further details on how the teacher would do the checked interventions.

- BIP Item 14—Inclusion of a reinforcement of replacement behavior strategy, described completely and linked to the FBA. The notion of functional equivalence (i.e., the replacement behavior being taught must be reinforced with the same outcome that was achieved by the problem behavior) is important in making sure that the student will use the new, appropriate skill as a replacement for the old problem behavior.

Although all of the BIPs included reinforcement strategies, several did not provide the functional equivalence of the payoff student problem behaviors achieved. For instance, one FBA/BIP identified the function of the problem behavior as escape and accessing specific activities. However, all of the

reinforcement strategies only provided attention which was not hypothesized as a function. None of the strategies provided escape or access to the preferred item/activity as a reinforcement contingent upon performance of the targeted replacement behavior. The other BIPs that did provide reinforcement strategies that linked to the function did not provide the necessary detail so that the intervention would be implemented correctly.

- BIP Item 15—Discontinue reinforcement of the problem behavior strategy. An effective behavior intervention plan addresses how others will respond to problem behavior in a way that will no longer allow problem behavior to get the hypothesized function. Instead, the replacement behavior will be the primary way to effectively and efficiently get the outcome.

Most of the BIPs included correction or extinction procedures that were used to score this item. However, the majority of the procedures appeared to ignore the hypothesized function and continued to provide the outcome to the student. For example, if attention was the hypothesized function, the corrective plan provided attention to the student in the form of redirects and prompts prior to removal from the classroom. It does need to be noted that the corrective/extinction procedures included more detail on implementation steps than the preventive, instructive, and reinforcement strategies.

- BIP Item 16—Crisis plan (if applicable). If a problem behavior is intense, it is important for a crisis plan to be considered and included, if applicable. The information from the FBA should help the team develop an individualized crisis plan that considers the student's hypothesized function as well as determine how best to prevent the behavior from reaching crisis plan levels and how to deescalate the behavior so that stability is achieved more quickly and effectively. The crisis plan should include operational definitions of behavior(s) that would be considered at a crisis level and would initiate the crisis plan implementation. Finally, the crisis plan should carefully consider how to avoid becoming the primary mechanism for the student to achieve the payoff for behavior. For example, if the hypothesized behavior is escape from academic demands, and the crisis plan includes extensive time-out procedures, the student will have obtained the functional reinforcement by engaging in intensive levels of problem behaviors.

Most of the BIPs included a section related to emergency procedures which was used to score this item. The majority were vague, referencing procedures that may be understood by the team (e.g., TEAM procedure) but would not be enough detail for anyone novel to implement. One FBA/BIP (#2c) did not consider whether there would be a need for a crisis or emergency plan.

- BIP Item 17—Inclusion of plan for post-intervention data. Once a behavior plan is developed, it needs to be consistently monitored and reviewed. At a minimum, the team should determine the data they will collect to determine the plan's

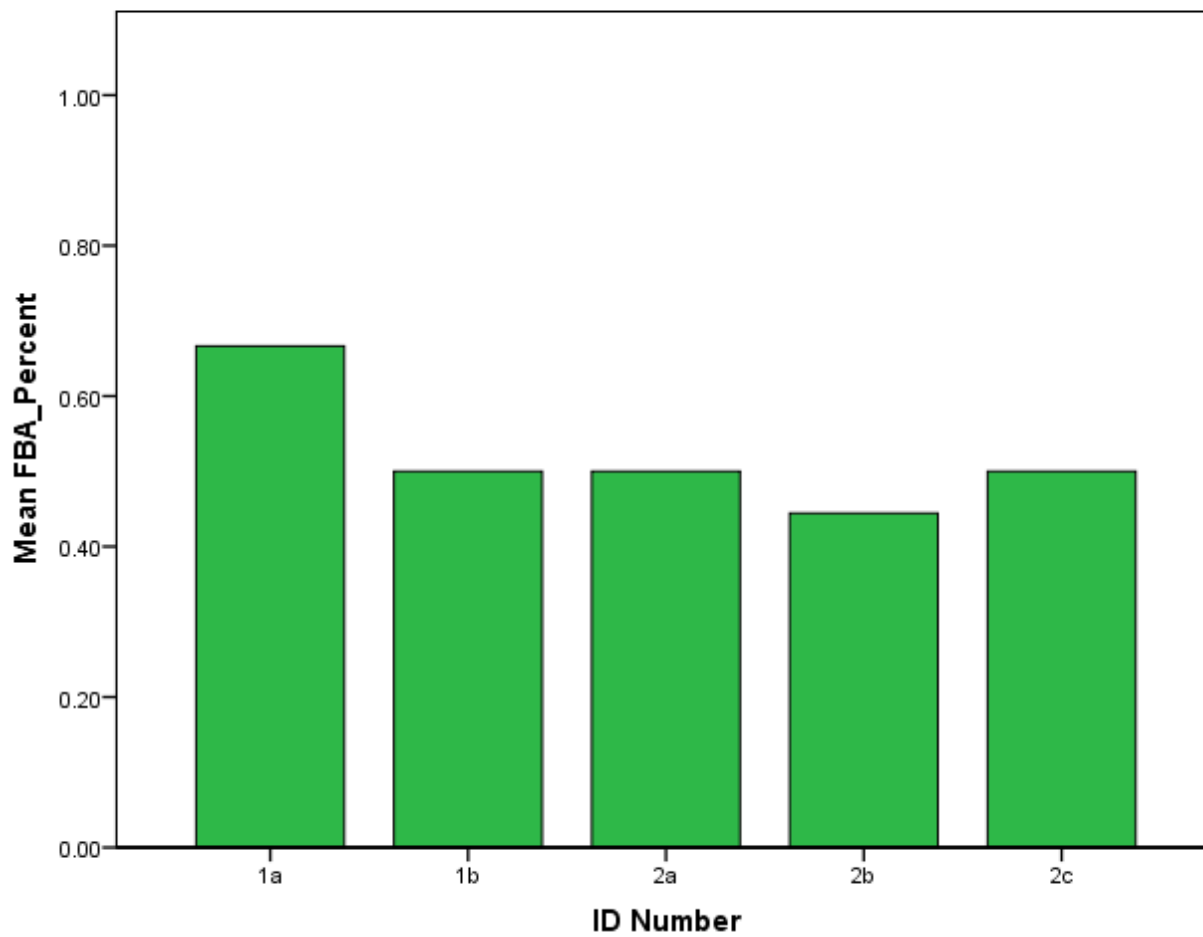
effectiveness. This includes student outcome data as well as fidelity data. This specific item evaluates whether the FBA/BIP provides a specific, method for determining the data to be collected as well as the date for review.

Most of the BIPs submitted included a plan for collecting data after intervening. Some included extensive detail (e.g., #1a) while others were vague (e.g., #2c). Many did not include a follow-up date or plan to review the data.

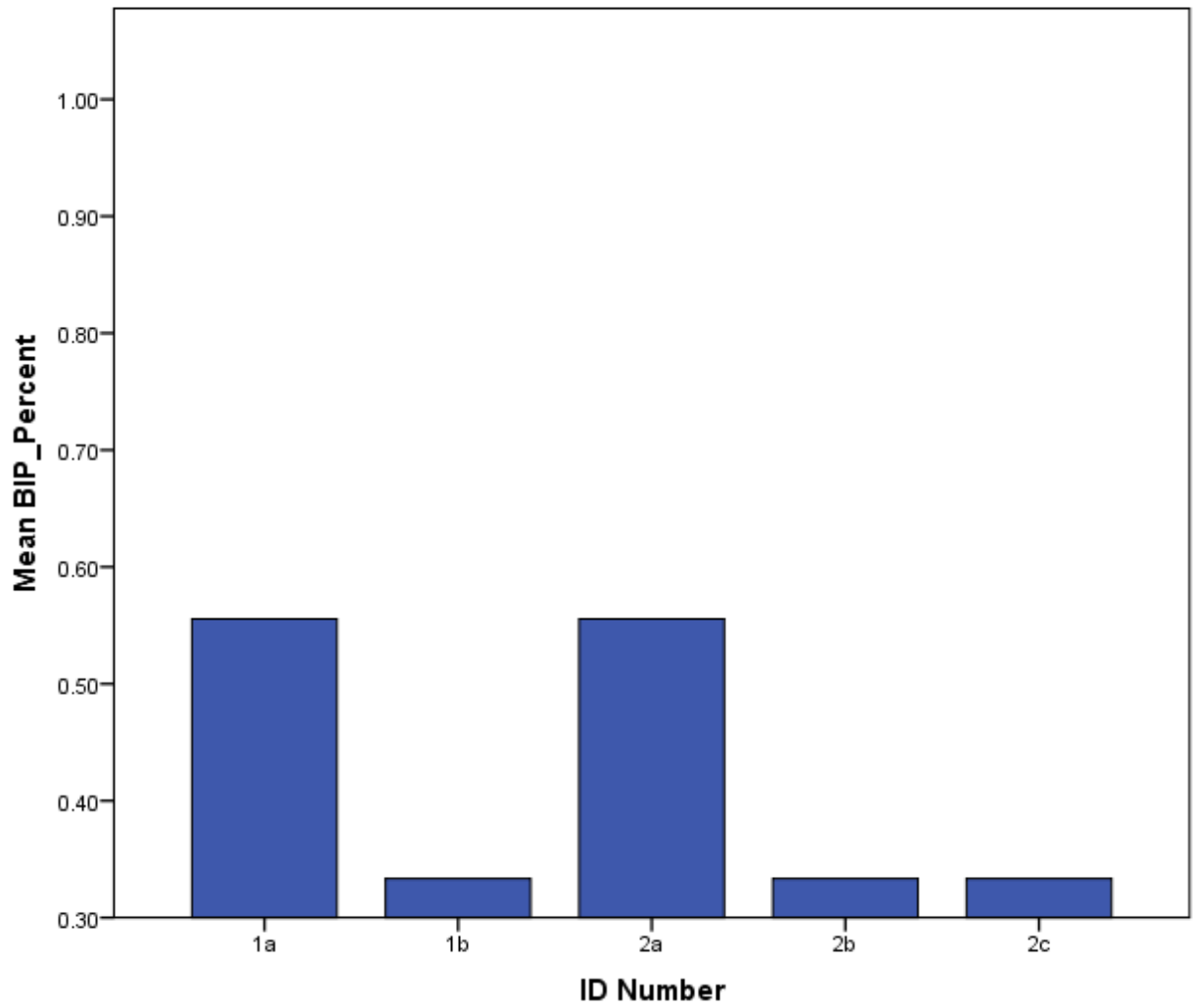
- BIP Item 18—Inclusion of a plan for collecting fidelity of implementation. When making data-based decisions on a student's response to intervention, it is imperative that the team knows whether the plan was implemented as intended.

None of the BIPs provided any plan related to how it would be determined that the plan was implemented with fidelity.

Functional Behavior Assessment Domain-Technical Adequacy Percentage by Case #



Behavior Intervention Plan Domain-Technical Adequacy Percentage by Case #



Total FBA/BIP Technial Adequacy Percentage Score by Case #

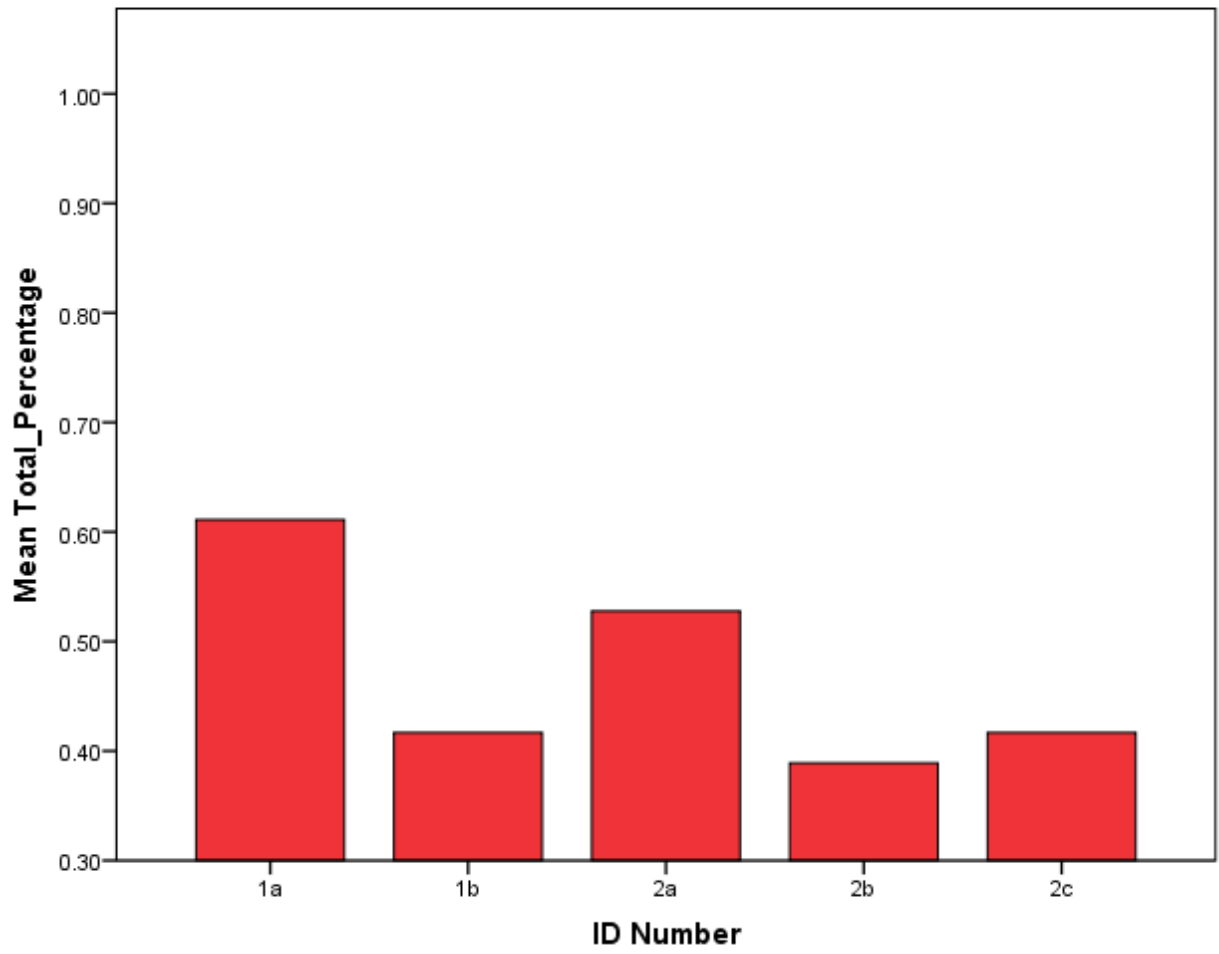


Table 1: Mean Raw Scores of Technical Adequacy Items

| Item | Mean Raw Score (max = 2.0) | Standard Deviation |
|---|-------------------------------|--------------------|
| FBA (N = 5) | | |
| Item 1–Sources of FBA | 1.80 | .45 |
| Item 2–Operational Definition | 2.00 | .00 |
| Item 3–Baseline Data | 1.20 | .84 |
| Item 4–Setting Events | 0.00 | .00 |
| Item 5–Antecedents/problem behavior | 1.20 | .45 |
| Item 6–Antecedents/appropriate behavior | 1.00 | .00 |
| Item 7–Consequences | .60 | .55 |
| Item 8–Hypothesis components | .60 | .55 |
| Item 9–Function is observable and measurable | 1.00 | .71 |
| BIP (N = 5) | | |
| Item 1–Timeline between FBA/BIP | 2.00 | .00 |
| Item 2–FBA hypothesis referenced | 1.60 | .89 |
| Item 3–Prevention strategy/link | .60 | .55 |
| Item 4–Replacement behavior strategy/link | .60 | .55 |
| Item 5–Reinforce new behavior strategy/link | .60 | .55 |
| Item 6–Discontinue reinforcing problem behavior | .20 | .45 |
| Item 7–Crisis plan need considered | .80 | .45 |
| Item 8–Monitoring/evaluating data plan | 1.20 | .45 |
| Item 9–Fidelity/support plan | 0.00 | .00 |
| Total Scales | | |
| FBA domain | Mean Percentage | Standard Deviation |
| | 52% | .08 |
| BIP domain | 42% | .12 |
| Total domain | 47% | .09 |



Florida Department of Education
Pam Stewart, Commissioner

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