

Charlotte County School District

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

March 22–23, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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May 24, 2012

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

Dear Superintendent Whittaker:

We are pleased to provide you with the *Final Report: On-Site Monitoring of 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 March 22–23, 2012. Those information sources included student record reviews, interviews with district and school staff, and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The Charlotte 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. Ms. Linda Apple, Exceptional Student Education (ESE) Director, and her staff were very helpful during the Bureau's preparation for the visit and during the on-site visit. In addition, Ms. Apple and other staff members at the schools welcomed and assisted the monitoring team during the on-site visit. The Bureau's on-site monitoring activities identified noncompliance that requires corrective action. The on-site visit also identified strengths within the district's positive behavior supports and the reporting and monitoring of the use of restraint and seclusion.

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

Superintendent Whittaker
May 24, 2012
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Thank you for your commitment to improving services to exceptional education students within 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
Karen Denbroeder
Patricia Howell
Derek E. Hemenway

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Charlotte County School District

Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion March 22–23, 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 the FDOE establish standards for documenting, reporting, and monitoring the use of manual or physical restraint and occurrences of seclusion. In September and October 2011, the standards established by the FDOE were provided to school districts and were included in the district's *Exceptional Student Education Policies and Procedures* (SP&P). In a letter dated September 6, 2011, the superintendent of Charlotte 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 district via the FDOE's web-based reporting system for incidents of restraint identified that from **August 2010 through May 2011**, the Charlotte County School District reported 262 incidents of restraint for 88 students, and 25 incidents of seclusion for 12 students. With 2,966 students with disabilities reported as enrolled in the district during this time period, 2.97 percent of the students with disabilities were restrained and 0.40 percent were secluded.

On-Site Activities

Monitoring Team

On March 22–23, 2012, the following Bureau staff members conducted the on-site monitoring visit:

- Derek Hemenway, Compliance Specialist (Team Leader)
- Misty Bradley, Compliance Specialist
- Karlene Deware, Compliance Specialist
- Vicki Eddy, Compliance Specialist
- Annette Oliver, Compliance Specialist

Schools

The following schools were visited related to the implementation of required restraint and seclusion procedures:

- Charlotte Harbor School
- Meadow Park Elementary School

Data Collection

Monitoring activities included the following:

- Record reviews – 7 students
- Classroom observations – 7 students
- District administrator interview – 2 participants
- School administrator interviews – 7 participants
- Teacher interviews – 5 participants

Review of Records

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

- Current individual educational plan (IEP)
- Functional behavioral assessment (FBA) and behavioral intervention plan (BIP), if any
- Copy of written notification to parent(s) or documentation of attempts to notify before the end of the school day on which the restraint or seclusion occurred
- Parent-signed acknowledgement of the same-day notification regarding the incident or documentation of additional attempts to obtain parent acknowledgement
- Parent-signed acknowledgement of incident report or documentation of additional attempts to obtain parent acknowledgement

Results

Data reported by the district via the FDOE's website for reporting incidents of restraint from August 2011 through March 2012 identified that the Charlotte County School District reported 167 incidents of restraint for 72 students, and 53 incidents of seclusion for 24 students. With 2,809 students with disabilities reported as enrolled during this time period, 2.56 percent of the students with disabilities were restrained and 0.85 percent were secluded. These data reflect a decrease in restraints and an increase in seclusions from 2.97 percent and 0.40 percent, respectively, compared to the 2010–11 data.

District staff indicated that one factor in the decrease in restraints could be from personnel and policy changes at some elementary schools and that certified behavior analysts and district ESE staff meet monthly to monitor the use of restraint and seclusion district-wide. Technique for Effective Aggression Management (TEAM) procedures were used at the schools visited during incidents of restraint. Seclusion is used only at Charlotte Harbor Center. The increase in seclusion incidents at the Center may be due to an increase in student enrollment and transfer from other schools in the district. Although TEAM training does not include a seclusion component, the district has developed an add-on training for the Center. The district also encourages staff to participate in in-service trainings with behavior specialists on de-escalation strategies. Staff have reported that these techniques have been beneficial in reducing the need for restraint and seclusion. The Positive Behavior Support: Response to Intervention for Behavior (PBS:RtIB) project is being implemented in the district. Charlotte Harbor Center has been recognized as a PBS:RtIB Bronze-Level Model school.

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

Commendations

Charlotte Harbor School is to be commended for the following:

- The school's atmosphere was positive and pleasant. The school was well-organized with strong administrative and behavioral support for the staff. Positive behavior supports were being implemented consistently in the classrooms.
- Teachers and staff demonstrated in-depth knowledge of individual student needs. A team approach to problem-solving was evident during the visit. The presence of multiple staff in the classrooms supported low student-teacher ratios.
- State-of-the-art technology and equipment was visibly noticeable at the school. Bureau staff were impressed with the school's aquatic facility and the school-wide use of smart boards and computers in classrooms.
- Staff have developed a very efficient and effective system for tracking restraint and seclusion incident documentation. Clerical staff principally involved in tracking restraint and seclusion documentation were very effective in obtaining parental acknowledgement of notifications and reports or otherwise documenting attempts to contact parents.

Meadow Park Elementary School is to be commended for the following:

- Staff were very knowledgeable about restraint and seclusion requirements and procedures and of specific needs of individual students.
- The use of positive behavior supports was noted throughout the school and was evidenced by the school's visible positive behavior programs and wall displays that promote the programs.
- ESE staff have developed creative and effective methods for engaging students with significant behavioral needs in learning activities, such as the use of individualized routines, individualized communication techniques, and calming areas in classrooms.
- A high level of collaboration was observed among staff at the school and with the district. The district's transportation department regularly participates in IEP team meetings at the school. The resource officer has a positive relationship with students and assists with incident de-escalation as needed.
- Staff at the school have developed school-level forms for restraint incident reporting and combine them with district forms (such as the Maladaptive Behavior Card), resulting in an efficient and comprehensive system for recording and tracking restraint incident information.

Concerns

- At one of the schools visited, staff entered the wrong name on the seclusion incident report on FDOE's website. An amendment was made to the incident report; however, the wrong name was entered again. The information within the seclusion incident report does refer to the correct student. FDOE's reporting system will not allow another attempt to correct or amend the name after the final report has been submitted. School staff stated that the first name entered on the incident report was a district staff member's name. The amended name was another student who was being secluded on the same date.
- In some cases, staff did not document attempts to get parents' signatures on required paperwork.
- The rate of seclusion increased from 0.40 percent to 0.85 percent.

Recommendations

The district may want to consider developing a log for district-wide use in documenting parent notification related to restraint and seclusion incidents.

With regard to the increase in seclusion incidents at the Charlotte Harbor Center, the Bureau recommends that the district continue to support the PBS:RtIB project at the Center, particularly focusing on problem-solving processes. Additionally, the district should continue to implement activities described in the district's SP&P plan for reducing the use of restraint and seclusion, including the following:

- Initiating a multi-tiered system of supports (MTSS) that integrates both behavior and academics
- Reviewing and revising IEPs as appropriate

- Reviewing FBAs and BIPs to ensure relevancy to the demonstrated behaviors
- Investigating ways to include more parents in the problem-solving process
- Offering psychiatric evaluations and counseling (through contracted services) as necessary

Findings of Noncompliance

The following noncompliance was found regarding incident reporting for restraints (section 1003.573, F.S.).

- Written notification must be provided to the parent/guardian before the end of the school day on which the restraint occurs, and the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial notice.
 - In two incidents reviewed, there was no documentation of follow-up attempts to obtain written parent acknowledgement of receipt of notification.
- Reasonable efforts must also be taken on the day of the incident to notify the parent or guardian by telephone or email.
 - In one incident reviewed, the parent was notified by telephone on the day following the incident.
- Written notification must include type of restraint and whether injury occurred.
 - In one incident reviewed, the notification did not include the type of restraint and whether injury occurred.
- The completed incident report must be provided to the parent or guardian by mail within three school days after the restraint incident occurred, and the district must make a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report.
 - In one incident reviewed, there was no documentation of follow-up attempts to obtain written parent acknowledgement of receipt of the incident report when the original incident report was not returned by the parent.

Corrective Actions

No later than July 23, 2012, the Charlotte County School District must correct the following procedures regarding reporting and documenting incidents of restraint:

- Making and documenting a minimum of two attempts to obtain written parent acknowledgement of receipt of the notification when the parent fails to respond to the initial report
- Consistently notifying the parent by telephone or email on the day of the incident
- Consistently including information on written notification to the parent regarding the type of restraint and whether injury occurred.
- Making and documenting a minimum of two attempts to obtain written parent acknowledgement of receipt of the incident report when the parent fails to respond to the initial report

Documentation of the correction of noncompliance must be submitted to the Bureau **no later than July 30, 2012**, including evidence of any changes to tracking forms and school practices and training of school staff. In addition, the district shall provide a

random sample of five restraint incidents occurring after March 23, 2012, demonstrating correct implementation of the standards in question.

Technical Assistance

The district's SP&P provides district- and school-based standards for documenting, reporting, and monitoring the use of manual, physical, or mechanical restraint developed by the FDOE. In addition, the technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, dated October 14, 2011, offers specific information for guidance regarding restraint and seclusion and can be found under *Presentations and Publications* at www.fldoe.org/ese.

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
ESE	Exceptional student education
FDOE	Florida Department of Education
FBA	Functional behavioral assessment
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
MTSS	Multi-tiered system of supports
PBS: RtIB	Positive Behavior Support: Response to Intervention for Behavior
SP&P	Exceptional Student Education Policies and Procedures
TEAM	Technique for Effective Aggression Management



Florida Department of Education
Gerard Robinson, Commissioner

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