

Florida Atlantic University (FAU) Lab School

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

March 20, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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May 10, 2012

Dr. Valerie Bristor, Dean
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Dear Dr. Bristor:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint/Seclusion* for the FAU Lab School. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your school on March 20, 2012. Those information sources included student record reviews, interviews with administrators and teachers, 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 FAU Lab School was selected for an on-site visit due to reported incidents of restraint and/or seclusion that were greater than 225 percent of the state rate. Ms. Lyndsay Tolerton, Coordinator for Exceptional Student Education, FAU Lab School, was very helpful during the Bureau's preparation for the visit, and Ms. Debra Snyder, the Principal of Palm Pointe Educational Research School, was very helpful during the on-site visit. The on-site visit identified strengths related to the school's special education services and reporting and monitoring of the use of restraint. (FAU Lab School prohibits the use of seclusion.) In addition, the Bureau's on-site monitoring activities identified noncompliance that required corrective action. Following the on-site visit and prior to the dissemination of this report, the noncompliance was corrected by the school and validated by the Bureau.

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

Dr. Valerie Bristor
May 10, 2012
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Thank you for your commitment to improving services to exceptional education students at Palm Pointe Educational Research School. 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: Joel Herbst
Lyndsay Tolerton
Vicki Jenkins
Debra Snyder
Karen Denbroeder
Patricia Howell
Vicki Eddy

FAU Lab School

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FAU Lab School

Final Report: On-Site Monitoring Reporting Incidents of Restraint/Seclusion March 20, 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 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 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 seclusion and restraint for students with disabilities. Policies and procedures that govern parent notification, incident reporting, data collection, and monitoring the use of restraint or seclusion for students with disabilities were required to be 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 and were included in the *Exceptional Student Education Policies and Procedures* (SP&P). In a letter dated September 6, 2011, the superintendent of FAU Lab School 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 FAU Lab School via the FDOE's web-based reporting system for incidents of restraint indicated that they reported 44 incidents of restraint for five students from **August 2010 through May 2011**. With 220 students with disabilities reported as enrolled in FAU Lab School during this time period, 2.27 percent of the students with disabilities were restrained, with all of the reported restraints taking place at Palm Pointe Educational Research School. Staff members from Palm Pointe shared that during this time period, one nonverbal student with Autism Spectrum Disorder (ASD) was restrained 28 times due to a medical issue that was unknown at the time. Once the medical issue was resolved, the student's behavior no longer required restraint. Another student with ASD was restrained 12 times due to elopement during transport or for attempts to pull the fire alarm. In addition, the remaining four restraints during this time period appeared to be isolated incidents involving three different students. Staff reported that seclusion is not used in FAU Lab School.

School Selection

Upon review of the 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 Palm Pointe Educational Research School, specifically for restraints.

Palm Pointe is an educational research school with a unique partnership between FAU Lab School and St. Lucie County School District (SLCSD). The school accommodates 1,600 students in grades K–8 using a demographically based lottery to identify students for enrollment that reflects the racial and economic diversity of the state. As a charter lab school, the school has a three-fold mission of being a demonstration site for teacher education, developing curricula, and conducting research, with its daily operations managed by the SLCSD. In addition, the school offers a continuum of service to students with disabilities needing specialized instruction and related services for disabilities. There are approximately 160 students with disabilities enrolled at Palm Pointe at this time. Due to the school's partnership with FAU's Center for Autism and Related Disabilities (CARD), the school provides services for students across the entire autism spectrum. Palm Pointe currently has three self-contained classrooms serving 23 students with ASD. The majority of the reported restraints were for students served in these self-contained classrooms.

On-Site Activities

Monitoring Team

On March 20, 2012, the following Bureau staff members conducted the on-site monitoring visit:

- Vicki Eddy, Compliance Specialist (Team Leader)
- Derek Hemenway, Compliance Specialist
- Anne Bozik, Program Specialist, ASD, Homebound/Hospitalized

Data Collection

Monitoring activities included the following:

- Record reviews – 5 student individual educational plans (IEPs)
- Case studies – 5 student records for documentation of restraint
- Observations – 2 classrooms
- FAU Lab School administrator interviews – 5 participants
- School administrator interviews – 3 participants
- Teacher interviews – 4 participants

Review of Records

FAU Lab School was asked to provide the following documents for each student selected for review:

- Current IEP
- Functional behavioral assessment and behavioral intervention plan, 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 occurred
- Parent-signed acknowledgement of the same-day notification regarding the incident or documentation of additional attempts to obtain parent acknowledgement
- Parent-signed acknowledgement of the incident report or documentation of additional attempts to obtain parent acknowledgement

Results

Data reported by FAU Lab School via the FDOE's website for reporting incidents of restraints from **August 2011 through April 2012** indicated that FAU Lab School reported nine incidents of restraint for one student at Palm Pointe Educational Research School due to elopement during transport or for attempts to pull the fire alarm and one incident for a different student. With 203 students with disabilities reported as enrolled during this time period, .99 percent of the students with disabilities were restrained, reflecting a decrease in restraints within the school. Palm Pointe attributes the decline in restraints to the following: a recent change in the classroom staff, training provided by the SLCSO's behavioral analyst specifically regarding de-escalation techniques and interventions to be provided prior to restraining a student, and CARD's continued involvement related to behavior for students with ASD including training regarding positive behavior support (PBS) for students with ASD provided every two to three months to classroom staff. One student who had been restrained multiple times the previous year due to a medical need has increased the ability to communicate through the use of an iPad, which was donated to the student, with training provided by the speech-language therapist. For the student who elopes during transport, therapy equipment has been installed in the classroom to meet the student's sensory needs with the involvement of the school's occupational therapist. In addition, staff has discovered that this student appears to respond better with the male behavioral tech during transport.

The following results reflect data collected through the activities of the on-site monitoring visit as well as commendations, concerns, a recommendation, findings of noncompliance, and corrective action.

Commendations

Palm Pointe Educational Research School is to be commended for the following:

- The school setting appears very comfortable and easy to navigate with wall displays that promote PBS and support students in their learning environments.
- Strong leadership and support by the administrative team to the educational staff was evident.
- The following apply to the instructional staff in the three self-contained classrooms for students with ASD:
 - Actively involved and very engaged with the students.
 - Very knowledgeable about the students' triggers to behaviors.
 - Demonstrated dedication to meeting the educational and behavioral needs of the students.
 - Committed to increasing the use of communication to reduce potentially challenging behaviors.
 - Placed a strong focus on why certain behaviors might be occurring and the need to determine the appropriate interventions.
 - Utilized calming areas set up in the classrooms for students.
- There are low student-to-teacher ratios due to multiple staff in the classrooms providing support.
- Consistent school-wide procedures between administration and teachers are in place when it is necessary to restrain a student.
- Interactions between non-ESE students and students with ASD demonstrated awareness of how to work with and encourage students with disabilities.
- All ESE and resource teachers are trained in the Crisis Prevention Institute system, which emphasizes verbal intervention techniques as an initial response to a behavior incident and incorporates strategies to ensure that restraint is only used as a last resort.
- Training is provided by speech-language therapists on use of assistive technology communication devices for students who are nonverbal.
- The teachers of the students with ASD and behavior techs are also certified through Professional Crisis Management, which includes de-escalation techniques and utilizes "hands on" competency-based training.
- There is daily communication with the parent of the student being restrained due to elopement during transport.
- A team approach that includes a witness is utilized when restraints are necessary.
- School staff includes two ESE department staff members who oversee ESE classrooms, review restraint data for patterns, and work closely with the teachers.

Concerns

- Some of the documentation was unclear regarding the exact dates that the notification letters and the incident reports were provided to the parents.
- During interviews with FAU Lab School and SLCSO staff, both parties reported that regular collaboration regarding restraint data had not taken place. In addition, FAU is responsible for reporting the restraints, and SLCSO does not have access to this data. FAU Lab School and SLCSO communicated plans to Bureau staff to begin collaboration on a monthly basis to discuss the restraint data.

Recommendation

Bureau staff recommended that a tracking system be developed in order to document the required school-level standards. On March 29, 2012, school staff created a restraint documentation log and provided a copy to Bureau staff for review.

Findings of Noncompliance

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

- Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include the type of restraint and whether any injuries occurred during or resulting from the restraint.
 - In five of five records reviewed, the notification form did not include the type of restraint and whether injuries occurred.
Prior to the dissemination of this report, FAU Lab School revised the notification form to include the type of restraint and whether injuries occurred during or resulting from the restraint and provided the revised form to Bureau staff for review on March 29, 2012.
- Obtaining the parent's signed acknowledgement of receipt of the notification or making a minimum of two attempts to obtain written acknowledgement when parents fail to respond to the initial notice.
 - In three of five records reviewed, the parent's signed acknowledgement of receipt of the notification was not obtained, and there was no documented attempt to obtain this signed acknowledgment.
- Obtaining the parent's signed acknowledgement of receipt of the incident report or making a minimum of two attempts to obtain signed acknowledgement when parents fail to respond to the incident report.
 - In three of five records reviewed, the parent's signed acknowledgement of receipt of the incident report was not obtained, and there was no documented attempt to obtain this signed acknowledgment.
- Providing parents with a written incident report generated by the FDOE web-based reporting system by mail within three school days of any incident

of restraint.

- In one of five records reviewed, there was no documented date as to when the incident report was mailed.

Corrective Action

As a corrective action, FAU Lab School was required to demonstrate 100 percent compliance with the standards in question through review of all the restraint incidents that occurred after March 20, 2012. The documentation of this corrective action was submitted on April 27, 2012, and the Bureau validated the documentation. FAU Lab School has completed the requirements related to this monitoring visit.

Technical Assistance

Specific information for technical assistance, support, and guidance regarding IEP development can be found in the *Exceptional Student Education Compliance Manual 2011–12*, available on the General Supervision Website. FAU Lab School'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 restraints.

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

ASD	Autism Spectrum Disorder
Bureau	Bureau of Exceptional Education and Student Services
BRIC	Bureau of Exceptional Education and Student Services Resource and Information Center
CARD	Center of Autism and Related Disabilities
CFR	Code of Federal Regulations
ESE	Exceptional student education
FAU	Florida Atlantic University
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PBS	Positive behavior support
SLCSD	St. Lucie County School District
SP&P	Exceptional Student Education Policies and Procedures



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