

Jackson County School District

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

April 10–12, 2012



Florida Department of Education  
Bureau of Exceptional Education and Student Services

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July 2, 2012

Mr. Lee W. Miller, Superintendent  
Jackson County School District  
P.O. Box 5958  
Marianna, Florida 32447

Dear Superintendent Miller:

We are pleased to provide you with the *Final Report: On-Site Monitoring of Reporting Incidents of Restraint and Seclusion* for the Jackson County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district April 10–12, 2012, including student record reviews, interviews with school and district staff, and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ease/mon-home.asp>.

The Jackson 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. Mr. Shawn Larkin, Exceptional Student Education (ESE) Director, and his staff were very helpful during the Bureau's preparation for the visit. In addition, Mr. Larkin, Ms. Roberta Griffith, Program Specialist for Emotional or Behavioral Disabilities (EBD), and other staff members at the Jackson Alternative School and the Hope School welcomed and assisted the monitoring team during the on-site visit. The on-site visit identified strengths within the district's behavioral support and the reporting and monitoring of the use of restraint and seclusion. The Bureau's on-site monitoring activities also identified noncompliance that required corrective action. Following the on-site visit and prior to the dissemination of this report, the noncompliance was corrected by the district and validated by the Bureau.

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

Superintendent Miller  
July 2, 2012  
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Thank you for your commitment to improving services to exceptional education students within the Jackson County School District. If there are any questions regarding this final report, please contact Patricia Howell, Program Director, Monitoring and Compliance, at (850) 245-0476 or via email at [Patricia.Howell@fldoe.org](mailto:Patricia.Howell@fldoe.org).

Sincerely,



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

Enclosure

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**Jackson County School District**

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# Jackson County School District

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# **Jackson County School District**

## **Final Report: On-Site Monitoring of Reporting Incidents of Restraint and Seclusion April 10–12, 2012**

### **Authority**

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

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

### **Monitoring Process**

#### **Background Information**

Section 1003.573, F.S., *Use of restraint and seclusion on students with disabilities* was created in July 2010 and established documentation, reporting, and monitoring requirements for districts regarding the use of restraint and seclusion for students with disabilities. School districts were required to have policies and procedures that govern parent notification, incident reporting, data collection, and monitoring the use of restraint or seclusion for students with disabilities in place no later than January 31, 2011. In July 2011, section 1003.573, F.S., was amended to require that FDOE establish standards for documenting, reporting, and monitoring the use of manual or physical restraint and occurrences of seclusion. In September and October 2011, the standards established by FDOE were provided to school districts and were included in the district's *Exceptional Student Education Policies and Procedures* (SP&P) document. In a letter dated September 6, 2011, the Superintendent of Jackson 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 0.97 percent for restraint and 0.35 percent for seclusion.

Data reported by the Jackson County School District via the FDOE's web-based reporting system for incidents of restraint and seclusion for students with disabilities for the periods August through March of 2011 and August through March of 2012 indicated the following:

<b>Restraint and Seclusion</b>				
		August 2010 – March 2011	August 2011 – March 2012	Change
Restraint	# of Students	37	10	-27
	# of Incidents	124	32	-92
	# of Incidents per Student	3.35	3.20	-0.15
	% of Students with Disabilities	3.44%	1.01%	-2.43% points
Seclusion	# of Students	19	*	*
	# of Incidents	40	*	*
	# of Incidents per Student	2.11	*	*
	% of Students with Disabilities	1.77%	*	*
* = values that are less than 10				
Total # of Students with Disabilities		1075	993	-82
Total # of Students in the Jackson County School District		7,161	7,050	-111

## **On-Site Activities**

### ***Monitoring Team***

On April 10–12, 2012, the following Bureau staff members from the Monitoring and Compliance team participated in the on-site monitoring visit:

- Annette Oliver, Program Specialist (Team Leader)
- Jacqueline Roumou, Program Specialist

### ***Schools***

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

- Hope School
- Jackson Alternative School (JAS)

### ***Data Collection***

Monitoring activities included the following:

- District administrator interview – 3 participants

- School administrator interviews – 4 participants
- Case Studies – 12 students
  - Record reviews – 12 students; 40 incidents of restraint or seclusion
  - Classroom and Instructional visits – 9 classrooms
  - Teacher and other service provider interviews – 9 participants

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

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

- Current individual educational plan (IEP)
- Functional behavioral assessment (FBA)
- Behavioral intervention plan (BIP)
- Written notification to parent(s) or documentation of attempts to notify parent(s) before the end of the school day in which the incident of restraint or seclusion occurred
- Parent-signed acknowledgement of the same-day notification regarding the incident of restraint or seclusion, or documentation of additional attempts to obtain parent acknowledgement
- Parent-signed acknowledgement of the incident report of restraint or seclusion, or documentation of additional attempts to obtain parent acknowledgement
- Discipline records
- Any other supporting documentation

Review of records regarding incidents of restraint included students at the Hope School, JAS, and Marianna High School. Review of records regarding incidents of seclusion included students at JAS.

## **Results**

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

During the 2011–12 school year, the dates for one incident of restraint and one incident of seclusion were entered incorrectly into the FDOE’s web-based reporting system for incidents of restraint and seclusion. Documentation presented by the school district revealed that parents were contacted on the date of the incidents, the dates on the written notification to the parents were correct, and the school district’s form #JC-513, *Manual Physical Restraint, Documentation and Debriefing* showed the correct dates.

### ***Training***

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

The approved crisis management programs used by the Jackson County School District for restraint are Handle with Care (HWC) and Crisis Prevention Intervention (CPI). HWC is used at JAS and the Hope School; CPI is used at other schools throughout the school district, if needed.

District and school ESE administrators at JAS and the Hope School indicated that training of all school personnel has been essential in ensuring that the HWC procedures and practices are consistent throughout the schools. They also indicated that training that focused on other behavior and discipline related topics, in addition to the HWC and CPI trainings, have contributed to the significant reduction of restraints from the 2010–11 school year to the 2011–12 school year.

HWC training is provided by certified personnel who work at JAS or the Hope School. CPI training is provided by the Panhandle Area Educational Consortium (PAEC). In addition to these trainings, FBA and BIP training is conducted by district personnel.

The Hope School administrator indicated that the school's population has increased over the past five years, from 80 students to 120 students. Students with Autism Spectrum Disorder (ASD) comprise approximately 40% of the total population. In response to an increase in the number of incidents of restraint involving students with ASD, the Center for Autism and Related Disabilities (CARD) has provided training and support to the staff at the Hope School.

Documentation indicated that personnel within the Jackson County Schools received training in crisis management techniques and behavior- and discipline-related topics during the 2011–12 school year that included:

- HWC Re-Certification Training – Levels I and II (August 2011)
- HWC Initial Training – Levels I and II (September 2011)
- HWC Initial Training – Levels I and II (November 2011)
- FBA and BIP Training (September 2011)
- Training sessions by CARD (August 2011, November 2011, and January 2012)
  - *Communication and Behavioral Strategies for ASD*
  - *Paraprofessional Training*
  - *Supporting Students with Asperger's Disorder*

Following the on-site monitoring visit, an HWC initial training was held on April 14, 2012. In addition, three staff members at JAS have been trained in Positive Behavioral Support (PBS).

### **Seclusion**

According to Rule 69A-58.0084, Florida Administrative Code (F.A.C.), the following are included as requirements for secured seclusion time-out rooms:

- Doors allow egress at all times in the event of an emergency.
- An electro-magnetic locking device is used to secure the room and can be engaged only by constant human contact.

- The push button is designed to prevent taping or wedging the button in the engaged mode.
- The door has only a push panel exposed on the interior of the room.
- The door has a window no larger than 12" x 12" made of 1/4" thick unbreakable plastic and flush with the face on the inside.
- The window is uncovered and positioned so as to allow a staff member to continuously keep the student under observation.
- Surfaces are safe and free of potentially dangerous materials.
- The room has natural or mechanical ventilation.

JAS is the only school in the Jackson County School District that reports incidents of seclusion. On-site monitoring activities revealed the following regarding the rooms at JAS that are used as secured seclusion time-out rooms:

- Four (4) rooms of similar dimensions are used as seclusion rooms.
  - The walls of the rooms are floor to ceiling.
  - The rooms have no doors or windows.
  - The front opening of each room is 36" wide.
  - The rooms are built side-by-side.
  - Each room has a thick pad secured to one wall.
  - The rooms open into a very large room with offices for several staff members.
- JAS staff members provide constant monitoring and supervision to students when they are using these rooms.
- The school resource officer's (SRO) desk is in immediate full view from one of these rooms, but the location of the desk allows for partial visual observation of all rooms.
- Local fire officials inspect the building, but do not inspect the four rooms based on seclusion room codes and standards.

The Office for Civil Rights (OCR) defines seclusion as "the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time-out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming."

During on-site activities, district and school ESE administrators indicated to the monitoring team that the rooms designated as secured seclusion time-out rooms at JAS are used voluntarily by ESE and other students at JAS when the student has requested a location to "cool down."

For those students who are involuntarily confined to these rooms, administrators indicated that even though these rooms do not have doors, during the 2011–12 school year, only one student has attempted to leave without approval from staff. Administrators further indicated that a student is released from seclusion upon cessation of the behavior(s) that led to the seclusion or as otherwise specified in the IEP or BIP. Generally, the student must achieve one minute of calm for each year of the student's age.

## Commendations

As part of the on-site activities, the monitoring team had an opportunity to conduct student case studies, observe students during instructional visits, and interview teachers and other professional staff regarding the policies and data related to the implementation of the required restraint and seclusion procedures.

The on-site monitoring team identified numerous commendable practices by the Jackson County School District's ESE leadership.

- There is evidence of strong district ESE leadership and support to the schools, including a monthly review and analysis of restraint and seclusion data.
- There is evidence of the commitment to the provision of behavior, discipline, and crisis management training to school personnel throughout the school district.
- District administrators reported that physical restraint is used only by school personnel who have mastered the application of approved techniques and received a certificate of mastery under the HWC or CPI programs. The school district provides HWC training opportunities for all school personnel at JAS and the Hope School and districtwide opportunities for schools using the CPI program.
- The school district provides easy web-based access to State requirements, forms, and other helpful information regarding ESE services and supports.
- District administrators reported that positive behavioral interventions, including FBAs and BIPs, are used consistently and reviewed often to minimize the need for physical restraint throughout the school district.
- At a minimum, at the end of the each quarter, district ESE personnel visit the Hope School and JAS to review the principal's documentation notebook of incidents of restraint or seclusion. Collected data, including the reporting to parents of the incidents of restraint or seclusion, are reviewed and monitored by district personnel.

The Hope School and JAS are to be commended for the following:

- Schools are well organized and well maintained, presenting positive environments for learning.
- Principals are very supportive of students and staff.
- Teachers have extensive knowledge of their students' individual needs and maintain positive classroom atmospheres that allow students to be actively engaged in the learning process.
- There is positive, regular collaboration between the schools and the ESE district EBD specialist.
- It is evident that restraint has been consistently reserved as a last resort in both schools visited.
- School administrators and personnel were very knowledgeable about restraint and seclusion requirements and procedures used in their schools.
- HWC teams are trained and had well-organized procedures in place to respond to incidents requiring restraint.
- The schools use a spreadsheet developed in collaboration with the ESE district administrators that identifies the number of incidents of restraint or seclusion by location and class. Principals report the number of classroom observations and FBA or BIP reviews, and they submit a narrative summary to the ESE district office with

their analysis of what occurred during the month and the kinds of interventions they are taking to reduce the number of incidents of restraint or seclusion.

- Schools have used their reviews of incidents of restraint or seclusion to make positive changes. Principals use this data to initiate IEP reviews or BIP revisions (if warranted), offer technical assistance to staff, and identify teachers or other staff in need of additional support or training.
- After incidents of restraint or seclusion, a debriefing is conducted with the student by the appropriate school administrator or staff in order to continue the calming process, explore the student's responsibility for what happened, identify replacement behaviors to be taught, and develop a plan for the student to re-enter the classroom. With HWC, the Life Space Interview is used.
- It is evident that the schools use a team approach to solve student problems.

### **Concerns**

1. During the on-site activities, district ESE administrators and the JAS principal advised the monitoring team of their concerns regarding the appropriateness of reporting incidents of seclusion of students who were using the rooms identified as secured seclusion time-out rooms, as these rooms do not meet the requirements as described in Rule 69A-58.0084, F.A.C.
2. In the FDOE web-based reporting system, the school district shows, "A room that is lit and meets the rules of the State Fire Marshal for seclusion time-out rooms," as the response for the location at which seclusion occurred. This statement is not accurate, as the four rooms used by JAS are not monitored by the State Fire Marshal for the requirements as described in Rule 69A-58.0084, F.A.C.

### **Recommendations**

1. Through collaboration with the Bureau and suggested discretionary projects, it is recommended that the Jackson County School District review current policies and procedures relating to the four rooms at JAS that are currently used as secured seclusion time-out rooms.
2. It is recommended that the Jackson County School District revise the statement used in the FDOE web-based reporting system to accurately reflect the response for the location at which seclusion occurred.

### **Findings of Noncompliance**

Schools are required by section 1003.573, F.S., to provide the parent or guardian with a notification in writing of any incident of restraint or seclusion before the end of the school day in which the restraint or seclusion occurs. This written notification must include the type of restraint used and any injuries occurring during or resulting from restraint or seclusion. School districts were provided further guidance regarding this standard through the technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, dated October 14, 2011.

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

The Jackson County School District documented 19 incidents of restraint and seclusion between October 15, 2011, and February 7, 2012. The written notification to the parent(s) of these incidents did not include the type of restraint used or documentation regarding any injuries that may have occurred during or resulting from restraint or seclusion.

### **Corrective Action**

Prior to the on-site monitoring visit, the Jackson County School District revised the notification form— #JC-542 *Written Notification of the Use of Manual Physical Restraint or Seclusion*—to include the type of restraint, whether any injuries occurred during or resulting from the restraint or seclusion, and a description of the injuries, if applicable. A copy of the revised form was provided to Bureau staff prior to the on-site monitoring visit.

As corrective action, the Jackson County School District demonstrated 100 percent compliance with the standard in question through review of restraint and seclusion incidents that occurred after April 12, 2012. The documentation of this corrective action was submitted on June 21, 2012, and the Bureau validated the documentation. The Jackson County School District has completed the requirements related to this monitoring visit.

## Technical Assistance

The district's SP&P document provides district and school-based standards for documenting, reporting, and monitoring the use of manual, physical, or mechanical restraint and seclusion developed by the FDOE. The technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities* may be accessed via the Bureau's website at: <http://info.fldoe.org/docushare/dsweb/Get/Document-6212/dps-2011-165.pdf>.

## Bureau Contacts

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

### ***Program Accountability, Assessment and Data Systems*** (850) 245-0476

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

**Glossary of Acronyms and Abbreviations**

ASD	Autism Spectrum Disorder
BIP	Behavioral intervention plan
Bureau	Bureau of Exceptional Education and Student Services
BRIC	Bureau of Exceptional Education and Student Services Resource and Information Center
CARD	Center for Autism and Related Disabilities
CFR	Code of Federal Regulations
CPI	Crisis Prevention Intervention
EBD	Emotional or Behavioral Disabilities
ESE	Exceptional student education
FDOE	Florida Department of Education
F.S.	Florida Statutes
FBA	Functional behavioral assessment
HWC	Handle with Care
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
JAS	Jackson Alternative School
OCR	Office for Civil Rights
PAEC	Panhandle Area Educational Consortium
PBS	Positive Behavioral Support
SP&P	Exceptional Student Education Policies and Procedures
SRO	School resource officer



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

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