

Marion County School District

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

March 11–15, 2013



Florida Department of Education
Bureau of Exceptional Education and Student Services

This publication is produced through the Bureau of Exceptional Education and Student Services (BEESS), Division of Public Schools, Florida Department of Education, and is available online at <http://www.fl DOE.org/ese/mon-home.asp>. For information on available resources, contact the BEESS Resource and Information Center (BRIC).

BRIC website: <http://www.fl DOE.org/ese/clarhome.asp>

Email: BRIC@fl DOE.org

Telephone: 850-245-0477

Fax: 850-245-0987



Copyright
State of Florida
2013

Authorization for reproduction is hereby granted to the state system of public education consistent with section 1006.39, Florida Statutes. No authorization is granted for distribution or reproduction outside the state system of public education without prior approval in writing.

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

GARY CHARTRAND, *Chair*

JOHN R. PADGET, *Vice Chair*

Members

ADA G. ARMAS, M.D.

SALLY BRADSHAW

JOHN A. COLÓN

BARBARA S. FEINGOLD

KATHLEEN SHANAHAN

Pam Stewart
Commissioner of Education



September 4, 2013

George D. Tomyn, Superintendent
Marion County School District
512 S.E. Third Street
Ocala, Florida 32471

Dear Superintendent Tomyn:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Marion 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 11–15, 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.fl doe.org/ese/mon-home.asp>.

The Marion 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. Wylene Herring-Cayasso, former 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. 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 Tomyn
September 4, 2013
Page Two

Thank you for your commitment to improving services to exceptional education students in the Marion 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: Mark Vianello
 Barbara Dobbins
 Rose Rice
 Adrienne Ellers
 Cathy Bishop
 Patricia Howell

Marion County School District

Final Report: On-Site Monitoring

Reporting Incidents of Restraint and Seclusion

March 11–15, 2013

Florida Department of Education

Bureau of Exceptional Education and Student Services

Marion County School District

Final Report: On-Site Monitoring

Reporting Incidents of Restraint and Seclusion

March 11–15, 2013

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
Strengths	5
Concerns	7
Required Actions	9
Findings of Noncompliance	11
Corrective Action	12
Technical Assistance.....	13
Bureau and SEDNET Contacts	13
Glossary of Acronyms and Abbreviations.....	14
Appendix	15

Marion County School District

Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion March 11–15, 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 Marion County School District was selected for an on-site

monitoring visit due to reported incidents of seclusion that were greater than 225 percent of the state rate, which was 0.97 percent of the students with disabilities.

Data reported by the Marion County School District via the FDOE's web-based reporting system for incidents of restraint and seclusion indicated that from August 2010 through March 2011, the Marion County School District reported 181 incidents of restraint for 89 students and 156 incidents of seclusion for 53 students. With 6,821 students with disabilities reported as enrolled in the district during this time period, 1.31 percent of the students with disabilities were restrained and 0.78 percent secluded.

The 2011–12 on-site visit was conducted on March 8–9, 2012. Results of the visit, including commendations, concerns, recommendations, findings of noncompliance and required corrective actions, are specified the final report, which may be accessed at <http://www.fl DOE.org/ese/pdf/2012/Marion-onsite.pdf>. The district completed the required corrective action, including demonstration through a sampling process of the implementation of the targeted standards 100 percent of the time.

Manually unduplicated data for restraint and seclusion incidents by the district for August 2011 through June 2012 indicated that the Marion County School District reported 472 incidents of restraint for 134 students and 425 incidents of seclusion for 65 students. With 6,772 students with disabilities reported as enrolled in the district during this time period, 1.98 percent of the students with disabilities were restrained and 0.96 percent were secluded.

In a letter dated January 11, 2013, the superintendent of the Marion 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.

The 2012–13 first quarter data from the FDOE's web-based reporting system for incidents of restraint and seclusion indicated a decrease in restraint incidents reported (32 percent) and seclusion incidents reported (29 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 actions the district had taken to reduce the need for restraint and seclusion, the Marion County School District responded as follows: Marion County's ESE Director increased training opportunities for staff districtwide that focused on de-escalation strategies, best practices for classroom management and fidelity in reporting. The ESE director also designated staff to pull restraint and seclusion data two times per month and to provide additional support and resources to schools that showed an increasing trend in frequency of use. Additionally, schools were required to report any incident of restraint or seclusion involving individual students more than two times in a 30-day time period to the assigned behavior specialist. The behavior specialist was required to help the team problem solve more proactive approaches. The lead behavior analyst was also alerted to this.

In response to the item on the questionnaire about the district's trend data in certain schools, classrooms and populations of students, the district responded that there are certain schools that use the restraint techniques and the time out rooms more frequently than others. Most of these schools have a concentrated population of students with behavioral concerns and are expected to work closely with the behavior support team to ensure that restraint and seclusion are used as a last resort and are reported accurately.

In response to the item on the questionnaire about the district's procedures related to the review of restraint and seclusion data with residential and charter schools, the district responded as follows:

- Restraint and seclusion data are pulled every other Wednesday of the month and are reviewed by the district's lead behavior analyst. Data are pulled from both the FDOE website and from Student Management System (SMS).
- Incidences are compared to ensure that the data are reported accurately on both sides (the FDOE website and SMS). Monthly comparisons are made to ensure that frequency of use is trending in the expected direction (lower).
- The lead behavior analyst reports any increasing frequencies to the ESE director who then determines if a meeting with the on-site administrator is needed. If so, the ESE director and the lead behavior analyst meet at the school to help problem solve.

In response to the item on the questionnaire about resources, methods and strategies that the district has found to be effective in helping to reduce the number of incidents of restraint or seclusion, the district identified increased training; frequent data pulls and open communication with school-based teams as effective practices.

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 on-site monitoring visits would be conducted at Ocala Springs Elementary School, Fort King Middle School, Hammett Bowen Jr. Elementary School, Belleview Elementary School, Hillcrest School, Ward-Highlands Elementary School, Reddick-Collier Elementary School and Marion Oaks 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:

- Brenda Fisher, Compliance Specialist (Team Leader)
- Patricia Howell, Program Director, Monitoring and Compliance
- Jennifer Jenkins, Program Director, Curriculum/Instructional Support Services

- Karlene Deware, Compliance Specialist
- Anne Bozik, Program Specialist, Autism Spectrum Disorder and Hospital Homebound
- Bethany Mathers, Program Specialist, Intellectual Disabilities, Other Health Impairment, Orthopedic Impairment and Traumatic Brain Injury
- Janna Hill, SEDNET Region 2B Project Manager
- Janean Knight, SEDNET Region 7B Project Manager

Data Collection

Monitoring activities included the following:

- Case studies – 21 students
- Classroom observations – 16 classrooms
- District administrator interviews – 4 participants
- School administrator interviews – 14 participants
- Teacher interviews – 15 participants

Review of Records

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

- Current and previous individual educational plans (IEPs)
- Functional behavioral assessment (FBA)
- Behavioral intervention plan (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

Results

FBA and BIP Review for Technical Adequacy

Ten FBAs and BIPs from the 21 case study students were submitted to the Florida Positive Behavior Support (PBS) Project for the purpose of evaluating technical adequacy. FBAs and BIPs were evaluated using the *FBA/BIP Technical Adequacy Evaluation*.^{*} This evaluation 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 components associated with technical adequacy. Although the FBAs were a relative strength, the mean score of the FBA subscale was 0.61 (standard deviation of the mean [SD] = 0.07). The average BIP percentage score was 0.23

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

percent ($SD = 0.08$). The *Marion County Schools FBA/BIP Technical Adequacy Report* is included in the Appendix.

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

Strengths

Throughout all eight schools that were visited, substitutes were selected with particular care when staff members were absent from classes for students with intense behavioral needs. For example, district behavioral staff, the permanent substitute at the school or carefully selected substitutes who were known to the students provided these services. Another districtwide strength is the autism spectrum disorder (ASD) endorsement add-on program created for teachers as a professional development opportunity. The teachers keep portfolios, which were observed to be well-organized, comprehensive and readily available as a resource. In addition, specific strengths noted in the various schools include the following:

- Ocala Springs Elementary School
 - The monitoring team observed the use of schoolwide PBS incentives incorporated into individual behavioral plans or programs.
 - Several team members visited the Panther Bucks store and found it to be well-stocked.
 - Students in the observed classrooms were engaged in learning, and the classrooms were well-organized and calm.
 - The dean of discipline demonstrated clear organization of restraint and seclusion documentation, with attention to detail.
- Fort King Middle School
 - The monitoring team was impressed by the PBS awards points system used in the classroom that was observed.
 - The students appeared to be very familiar with how the system worked and were highly motivated by the reinforcers; they assisted with implementation of their own rewards.
 - The classroom staff members demonstrated commitment to communicating consistently with the students in a kind and respectful manner.
 - Efforts to meet the unique needs of individual students were evident in the attention paid to the students' progress.
- Hammett Bowen Jr. Elementary School
 - A clearly positive school climate was observed during the visit, with active, supportive involvement by school administration.
 - PBS was evident in the opportunities provided at the school and on the bus for students to earn incentives.
 - Staff members demonstrated a high level of awareness of individual student needs.

- Proactive strategies in teaching social skills were observed in the therapeutic unit for behavior.
- Staff members' awareness of the importance of data was indicated by regularly scheduled data discussions.
- The willingness of paraprofessionals to stay beyond their work day to be included in data discussions was reported by administrators.
- Throughout the school, many staff were trained with Techniques for Effective Adolescent and Child Handling (T.E.A.C.H.) so they could assist in the event of an emergency.
- An instructionally rich environment was evident in the classrooms.
- Students were given recess in a safe environment with playground equipment that interested them.
- Bellevue Elementary School
 - Staff demonstrated a good understanding of restraint and seclusion requirements and the school's procedures.
 - School staff indicated that relationships with students were paramount.
 - Bureau staff observed evidence of teacher efforts to reduce anxiety and implement debriefing procedures.
 - School and district staff and the behavior consultant spoke highly of the school administration's commitment and dedication to the students and staff.
 - School staff appeared to be highly motivated and demonstrated compassion, care and genuine concern for the students.
- Hillcrest School
 - Bureau staff members were impressed by the high level of knowledge, professionalism and commitment demonstrated by school staff members who were observed or interviewed during the visit.
 - PBS was evident in the school store that provides work experience for students running the store as well as reinforcement for students spending their Dragon Dollars.
 - Staff buy-in for the store has been demonstrated by teachers in multiple ways.
 - There appeared to be a seamless blending of the schoolwide PBS program with both classroom and individual behavioral systems.
 - Other positive observations included the adjustments made to the physical environment to accommodate the sensory needs of individual students and the social stories created for use in articulation meetings for potential students and for use in individual situations such as preparing a student for a field trip.
 - Teachers displayed an excellent rapport with the students.
 - The administrators showed obvious enthusiasm and concern for the students at their school.
 - A supportive, family-like setting for students with disabilities was evident.

- Ward-Highlands Elementary School
 - The monitoring team was impressed by how staff members are reported to stay routinely beyond the end of the working day to “brainstorm” how they can effectively help students.
 - The team was informed that behaviors on the buses are tracked, and staff members ride the buses on occasion to assist students with behavioral issues.
 - All behavior interventions appeared to be individualized to the student.
 - The classroom that bureau staff visited had colorful posters on the wall indicating student responsibilities and a unique blackboard presentation.
 - Parent night events provided parents of the students in the therapeutic behavior units an opportunity to eat together and share information with one another.
- Reddick-Collier Elementary School
 - The monitoring team noted that there has been a reduction in the incidents of restraint and seclusion at the school.
 - The team noted PBS provided incentives, such as the football players from the local high school serving as mentors for students, awards programs, and other activities such as the picnic in the park with the guidance counselor on the day of the on-site visit.
 - A PBS store was set up like a “flea market.”
 - The students regularly participated in earned activity time as a classroom incentive.
- Marion Oaks Elementary School
 - The monitoring team was impressed by the evidence of teacher access to school-level data and the clear indication of data-driven decision making.
 - The PBS included a mobile store, in addition to the regular school store.
 - Bus drivers were included with other school staff in the distribution of incentives to students; this practice reportedly has resulted in a significant decrease in bus referrals this school year.

Concerns

Districtwide concerns include the following:

- At some schools, the administrators confirmed they were not aware of the procedure outlined in the district’s SP&P that on the day of the restraint and seclusion incident, the elementary dean or secondary assistant principal of discipline must email the ESE district office. Other procedures included in the district’s SP&P were not clear to some school staff, including the follow-up with parents after sending the report via certified mail.
- Current T.E.A.C.H. certification for one staff member was not provided by the district. The district confirmed that the next scheduled training is August 2013.

Concerns were noted in the various schools as follows:

- Ocala Springs Elementary School
 - Response cost was used as part of the classroom token economy in a classroom that was observed. With this strategy, there is a potential that negative behaviors could escalate when a student loses points. However, the system appeared to be effective with the students who were observed.
 - During the classroom observation, it appeared that the point system for the students was maintained by one of the teacher assistants. It was unclear whether there was review with the student to encourage self-monitoring of behavior.
- Fort King Middle School
 - For one of the case study students, the primary disability on the incident reports for restraint and seclusion did not match the primary disability stated on the IEP.
 - Educational visuals and charts were lacking in the therapeutic unit for behavior. It was unclear whether the sparse appearance of the classroom was due to the preference of students in the class.
 - Additionally, some of the activities appeared “outdated” and may not sufficiently engage the students in meaningful instruction.
 - The location of the therapeutic unit for behavior (a portable near the back of the school) could present a challenge if additional staff are needed quickly in an emergency.
- Hammett Bowen Jr. Elementary School
 - It was not clear during the observations whether snack time was incorporated into the daily schedule as a motivation for communication.
 - The behaviors listed on some of the incident reports did not clearly indicate that the behaviors precipitating use of restraint presented imminent danger.
 - The way that the mailing of incident reports was documented on the tracking sheet was unclear without explanation by school staff.
 - Only group counseling was included on the case study students’ IEPs, although one of the students had intense individual needs.
- Belleview Elementary School
 - The monitoring team did not note any concerns at this school.
- Hillcrest School
 - Response cost was used as part of the classroom token economy in one of the classrooms that was observed. With this strategy, there is a potential that negative behaviors could escalate when a student receives an “X.” However, bonuses provided an opportunity for a student to “buy back” what was lost, and the system appeared to be effective with the students who were observed.
 - Some areas of the school were not fenced, raising some concern for the safety of students who may be “runners.”

- Ward-Highlands Elementary School
 - The behaviors listed on some of the incident reports did not clearly indicate that the behaviors precipitating the use of restraint presented imminent danger.
 - A hole was noted in the ceiling of a seclusion room. This was reported to school administration before the monitoring team left the school. A school administrator immediately reported the hole to the maintenance department to be repaired.
- Reddick-Collier Elementary School
 - One of the incident reports that was reviewed stated “prone” (lying face down) for the type of restraint; the same-day written notification for this incident stated “one person control child hold.” The district staff explained during the exit interview that report of “prone” was a clerical error.
 - A consequences chart including seclusion as a consequence was observed in the self-contained ESE classroom. However, there was no evidence of implementation of the consequences on this chart. The district ESE director informed the monitoring team that the chart was removed before the team left the school.
 - Current T.E.A.C.H. certification for one staff member was not provided by the district. The district acknowledged that the staff member was unable to attend the scheduled training. Prior to the dissemination of this report, the district informed bureau staff that another training session has been scheduled for August 2013.
- Marion Oaks Elementary School
 - The monitoring team did not note any concerns at this school.

Required Actions

The following actions apply districtwide and are required to be completed **no later than November 25, 2013**, with verifying documentation to be provided to the bureau **no later than December 12, 2013**:

- Provide training for developers of FBAs and BIPs that addresses the district's specific areas of deficit (noted in *Marion 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.
- Contact the district's SEDNET project manager for information about potential options for providing additional mental health services.
- Contact the district's SEDNET project manager for information about training in trauma-informed care.
- Include information regarding the district's SP&P procedures related to restraint and seclusion in training offered to school administrators.
- Verify current T.E.A.C.H. certification for all staff members who implement restraint between the start of the 2013–14 school year and November 30, 2013.

The following recommendations apply districtwide:

- Continue to utilize the services of the SEDNET manager assigned to Marion County.
- Continue PBS training in schools in the district, particularly those using restraint and seclusion.

Recommendations for the schools visited include the following:

- Ocala Springs Elementary School
 - Consider eliminating response cost from the token economy to increase the percentage of positive reinforcement. If response cost is continued, its effectiveness should be evaluated regularly to determine whether the number of inappropriate behaviors is decreasing or whether these behaviors are being driven underground, with other inappropriate behaviors “popping up” to serve the same function.
 - Encourage opportunities for students to self-monitor behavior.
- Fort King Middle School
 - Review incident reports for accuracy of identifying information.
 - Review the needs and preferences of current students in the therapeutic unit for alignment with the use of educational visuals and charts in the classroom.
 - Consider expanding educational activities in the therapeutic unit for behavior.
 - Consider relocating the therapeutic unit for behavior to allow support staff to reach the location quickly in the event of an emergency.
- Hammett Bowen Jr. Elementary School
 - Consider incorporating snack time into the daily schedule as a motivation for communication.
 - 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.
 - Check documentation on the tracking sheet to ensure clarity of information regarding the mailing of incident reports.
 - Communicate with IEP teams regarding the importance of matching the level of services to be provided to individual student needs.
- Hillcrest School
 - Consider eliminating response cost from the token economy to increase the percentage of positive reinforcement. If response cost is continued, its effectiveness should be evaluated regularly to determine whether the number of inappropriate behaviors is decreasing or whether these behaviors are being driven underground, with other inappropriate behaviors “popping up” to serve the same function.
 - Review the campus for safety concerns related to fencing and the needs of individual students.

- Ward-Highlands Elementary School
 - 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.
 - Continue to monitor and inspect seclusion rooms for damage on a daily basis.
- Reddick-Collier Elementary School
 - Review incident reports for accuracy regarding the type of restraint used, particularly noting any use of prone restraint and follow up with staff members who implemented or observed the restraint.
 - Continue to monitor T.E.A.C.H. certifications for all staff involved with the use of restraint and seclusion.

Findings of Noncompliance

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

Standard/Identified Noncompliance	Supporting Data
1. The parent or guardian was provided with a notification in writing of any incident of restraint or seclusion. The notification included the type of restraint used and any injuries occurring during or resulting from the incident. (§1003.573(1)(c), F.S.)	For one of the incidents reviewed for one of the case study students (Hillcrest School), the same-day notification did not note the type of restraint used.
2. The school has documentation of the parent's or guardian's signed acknowledgement or 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. (§1003.573(1)(d), F.S.)	For two of the case study students (one at Ocala Springs Elementary School and one at Reddick-Collier Elementary School), for two incidents reviewed for each student, there was no signed acknowledgement of receipt of the incident report or documentation of attempts to obtain written acknowledgement when the parent failed to respond to the report.
3. If the current IEP represents a change of placement or change of Free Appropriate Public Education (FAPE) from the previous IEP or the district refused to make a change that the parent requested, the parent received appropriate prior written notice. (34 CFR §300.503)	For one of the case study students (Reddick-Collier Elementary School), Informed Notice of Change of FAPE states discontinuation of eligibility for specific learning disabilities (SLD) and language impairment (LI) as well as speech impairment (SI); however, the IEP indicated only discontinuation of eligibility for SI.

Corrective Action

In an April 16, 2013, letter to the Marion County School District providing student-specific information, the bureau required that **no later than June 17, 2013**, the district must identify the policy, procedure or practice that caused the noncompliance related to the reporting of restraint and seclusion and provide evidence of the actions taken to ensure future compliance. The district provided the required documentation on May 15, 2013. In addition, the bureau required that **no later than June 17, 2013**, the student's Informed Notice of Change of FAPE must be amended to accurately describe the changes in special education and related services and be provided to the parent. This documentation was provided on July 22, 2013.

In addition, **no later than one year from the date of the letter (April 16, 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.fl DOE.org/ese/pdf/m-compli.pdf>.

Technical Assistance

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. 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.

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. 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.

Bureau and SEDNET Contacts

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

Dispute Resolution and Monitoring
850-245-0476

Lindsey Granger, Program Director
Dispute Resolution
Lindsey.Granger@fldoe.org

Patricia Howell, Program Director
Monitoring and Compliance
Patricia.Howell@fldoe.org

Amelia Bowman, Compliance Specialist
Amelia.Bowman@fldoe.org

Misty Bradley, Compliance Specialist
Misty.Bradley@fldoe.org

Liz Conn, Compliance Specialist
Liz.Conn@fldoe.org

Karlene Deware, Compliance Specialist
Karlene.Deware@fldoe.org

Vicki Eddy, Compliance Specialist
Vicki.Eddy@fldoe.org

Jacqueline Roumou, Compliance Specialist
Jacqueline.Roumou@fldoe.org

Jill Snelson, Compliance Specialist
Jill.Snelson@fldoe.org

Bureau Resource and Information Center
850-245-0477
BRIC@fldoe.org

SEDNET
Terri Cooper, Project Manager
352-797-7022, extension 213
Region 13 – Hernando
Cooper_s1@hcsb.k12.fl.us

**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
BIP	Behavior intervention plan
CFR	Code of Federal Regulations
ESE	Exceptional student education
FAPE	Free Appropriate Public Education
FDOE	Florida Department of Education
F.S.	Florida Statutes
FBA	Functional behavioral assessment
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
LI	Language impaired
PBS	Positive behavior support
SD	Standard deviation
SEDNET	Multiagency Network for Students with Emotional/Behavioral Disabilities
SI	Speech impaired
SLD	Specific learning disability
SMS	Student management system
SP&P	Exceptional Student Education Policies and Procedures
T.E.A.C.H.	Techniques for Effective Adolescent and Child Handling

Appendix

Marion County Schools FBA/BIP Technical Adequacy Report

Marion County Schools FBA/BIP Technical Adequacy Report

Ten completed functional behavior assessments (FBAs) and behavior intervention plans (BIPs) from Marion 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 tool has been reviewed by three national experts, and the final version used for the Marion County evaluation incorporates the input received.

The evaluation tool includes a total of 18 items, nine related to the required FBA components and nine 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 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. Finally, the total score indicates the total percentage of both the FBA and BIP scales.

Two scorers evaluated the ten FBA/BIPs submitted. One 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 individually and then compared scores for inter-rater agreement. Disagreements were discussed and consensus was reached for each component score. Inter-rater agreement scores ranged between 83% and 100%, with a mean of 86%.

The graphs on pages 24–26 illustrate the 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 27 summarizes the mean scores of the ten 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 had higher technical adequacy than did the BIPs. The average FBA subscale was 61% ($SD = .07$) while the average BIP percentage score of the group was 23% ($SD = .08$).

One FBA/BIP (ID #5) was missing a page from the FBA. The page missing would have included the hypothesis as well as the consequences delivered for the targeted problem behavior. Much of the technical adequacy scoring requires a complete product. Thus, the average scores for the subscales (e.g., FBA, BIP and Total) noted in Table 1

Iovannone, R., Christiansen, K., & Kincaid, D. (2013). FBA/BIP technical adequacy evaluation. Manuscript in preparation.

above did not include the scores for FBA/BIP product #5, nor did the graphs generated include product #5.

In evaluating the FBA/BIP technical adequacy outcomes, it does need to be noted that the ten FBA/BIPs chosen by the Florida Department of Education for this evaluation were selected specifically due to their association with students who had been restrained or secluded. Thus, these ten FBA/BIPs are not reflective of all the FBA/BIPs conducted by Marion County.

A summary of the ten 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.

Most of the FBAs evaluated indicated that more than one source of FBA data were gathered, such as interviews, record reviews and direct observations and/or multiple people contributing to the FBA. However, three of the FBAs (#2a, #6, #7) documented that one person participated in and completed the FBA (i.e., the teacher).

- 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.

Most of the FBAs submitted provided measurable definitions for behaviors of concern. The majority of the FBAs appeared to cluster/group several behaviors under one behavior title and subsequently provided one hypothesized function, indicating that all of the behaviors formed one response class (i.e., all served the same outcome/function). For example, a behavior title would be “inappropriate behavior” and defined as “pouting, crying, cursing, throwing objects at peers and staff, hitting, kicking pushing, leaving assigned area, & verbally threatening staff with bodily harm and property destruction.” It was difficult to determine whether the subsequent FBA was conducted for all behaviors as one response class or if the FBAs differentiated conditions under which different behaviors occurred.

While it may be possible that the team carefully considered whether the same antecedents and maintaining consequences were associated with each individual behavior under a category or name, the products submitted did not provide this information nor did they provide details that led one to make the link between the identified target behaviors and the conclusion that all behaviors served one function.

- **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.

Most of the FBAs submitted provided summaries of baseline data. It was unclear, though, how the baseline data were used in making decisions. Most, if not all, of the products submitted appeared to be IEP reviews of previous FBAs/BIPs developed. In most cases, the IEP dates were in late 2012 and early 2013. Yet the BIPs noted dates of implementation at least one year earlier than the IEP meeting date (e.g., 2011 in most cases). The baseline data reported summarized behavior occurrences for the 2012–2013 school year, typically the previous months up to the IEP date. Most of the FBAs documented that baseline data were collected through anecdotal records and daily point record sheets.

- **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 identified specific setting events, though the forms had a final section at the end of the BIP (Section V) in which teams could describe additional factors that may influence the intervention plan. Some of the events provided could potentially be setting events (e.g., medication effects, family circumstances) and thus were given partial credit in the scoring when present in a product; however, no FBA provided additional information explaining how the additional circumstance established a pattern that elicited problem behavior in a predictive manner. In addition, no hypothesis included any of the additional factors listed.

- **FBA Item 5—Antecedents predicting problem behavior.** Events present in the environment prior to performance of problem behavior are 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 behaviors will be prevented.

All of the FBAs identified antecedent events or circumstances that occurred prior to the identified target behaviors. Some of the FBAs provided some detail about the antecedents so that an intervention could be developed to modify the antecedent and prevent the occurrence of the problem behavior (e.g., academic demands). A few of the FBAs included other events that would not be considered antecedents. For example, some listed the target behaviors as circumstances that predicted problem behavior as well as consequences. If the FBA included any events that could be considered antecedents, the appropriate scoring was given to the antecedent.

- 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.
- 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 submitted reported circumstances that occurred immediately after student problem behavior (e.g., verbal redirection, removal from the environment, physical intervention, loss of privileges/points/activities, etc.).

- 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.

All of the FBA hypotheses provided the function of the behavior. None provided information related to the antecedents or contextual conditions that triggered the targeted behaviors.

- 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 identified functions that were observable and measurable and supported by ABA principles (i.e., positive or negative reinforcement). There were some FBAs (#6 and #7) that did include additional, non-observable functions such as "control" or "power." Control and power are not observable or measurable functions of behavior nor do they provide the essential information about how the student's behavior is related to patterns in the environment.

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.

It was difficult to determine the date for the development of a team-based behavior intervention plan. All of the FBAs except for one (#6) listed a date of behavior intervention plan implementation prior to the date of the IEP meeting listed on the documents. None of the FBAs provided additional information that explained if or how the behavior intervention plan may have been modified to include updated FBA information. For scoring purposes, it was assumed that, unless otherwise specified, the date of the IEP meeting was the date of the FBA and the date listed as behavior plan implementation was the date of the BIP.

- 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 FBAs/BIPs referenced the hypothesis listed in the FBA on the BIP. This was based on the nine products that submitted a complete FBA. FBA/BIP #5 was not included in the scoring for this item.

- 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.

None of the FBAs specified prevention strategies that would modify the antecedent events identified in the FBA. Within the replacement intervention strategies, however, some of the BIPs mentioned interventions that could potentially be implemented prior to behavior occurring and thus be considered, loosely, a prevention strategy. For example, “verbal visual schedule” and “present with daily schedule” were examples of strategies listed on a couple of FBAs/BIPs that could be developed into prevention strategies modifying the antecedent events listed in the FBAs. One FBA/BIP (#7) listed a stock list of a several strategy names (e.g., “Premack principle application to undesired tasks”; “positive choices given”). Partial credit was given to these FBA/BIPs; however, since they did not provide any further details describing how to implement the interventions, full score credit could not be given.

- 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 addressed at least one replacement behavior to be taught and reinforced. Some of the FBAs (e.g., #4) specified a functional equivalent replacement behavior (e.g., “take a break”), although most described physically incompatible behaviors (e.g., “comply with directives”; “work independently”). None of the plans provided adequate detail on how the classroom staff would directly teach the student to use the replacement behavior. Some of the BIPs provided vague directions (e.g., “staff will model use of technologies, sign language, or verbal expression to help student learn to request wants and needs”). Instead, the majority of the plans focused on general statements discussing delivering reinforcement for appropriate behaviors (e.g., “earn a token for each rule followed”) and responding to problem behaviors (e.g., “block access to desired activities”, “place student in inclusive time-out”).

- 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.

Most of the BIPs submitted did not use the function of the problem behavior as reinforcement for the replacement behavior. Some of the BIPs made a vague statement that suggested linking attention or escape with a behavior, but not enough detail was provided so that anyone would implement the strategy with consistency. For example, FBA/BIP #3b listed a replacement behavior that would allow the student to gain attention and escape activities. The method for implementing this strategy was described in one phrase that mentioned staff will teach the student to access attention using various forms of communication. Other BIPs listed tokens or points that would be earned that could be turned in to get items from a treasure box, providing a minimal link to the hypothesized function.

- BIP Item 15—Discontinue reinforcement of the problem behavior strategy. An effective behavior intervention plan addresses how others will respond to problem behavior in 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.

The BIPs provided strategies for responding to problem behavior occurrences. Most were replications of the FBA information related to the consequence strategies already being delivered after the problem behavior occurred and provided confirmation of the student's hypothesized function. With the exception of one FBA/BIP (#7), the baseline data described indicated that the students who were the focus of each FBA/BIP were still performing the problem behaviors. Furthermore, the baseline data collected and reported were from dates after the date listed on the BIP as "Implementation Date." This would suggest that the plan developed and implemented was not having the desired effects. At a minimum, the team would be expected to examine the current consequences being delivered after problem behavior and modifying them so that the responses no longer maintained problem behavior. Most of the BIPs continued to provide escape through description of removal procedures and/or attention by described verbal reprimands/redirects and warnings.

- 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 determines 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.

None of the BIPs submitted a detailed crisis plan. Within the section describing the intervention phase (i.e., Section IV), many of the BIPs discussed removal and time-out procedures, blocking and physical intervention which may have indicated a need for a crisis plan. The descriptions, however, did not provide the level of detail to determine when the behavior would be considered at “crisis” level.

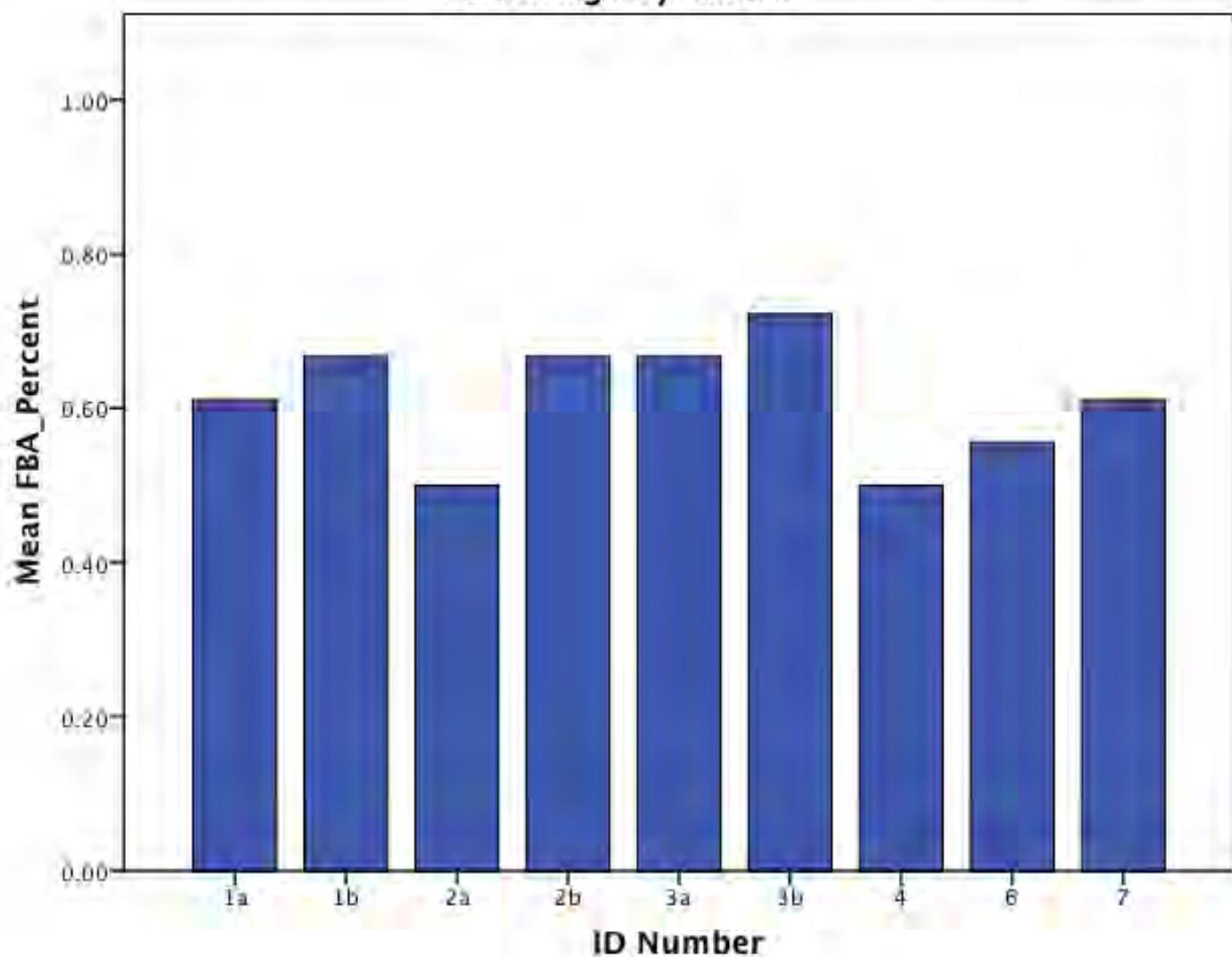
- BIP Item 17—Inclusion of plan for post-intervention data. Once a behavior plan is developed, it needs to be consistently monitored and reviewed. At a minimum, the team should determine the data they will collect to determine the plan’s effectiveness. This includes student outcome data as well as fidelity 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.

None of the BIPs submitted included a plan for collecting progress monitoring data.

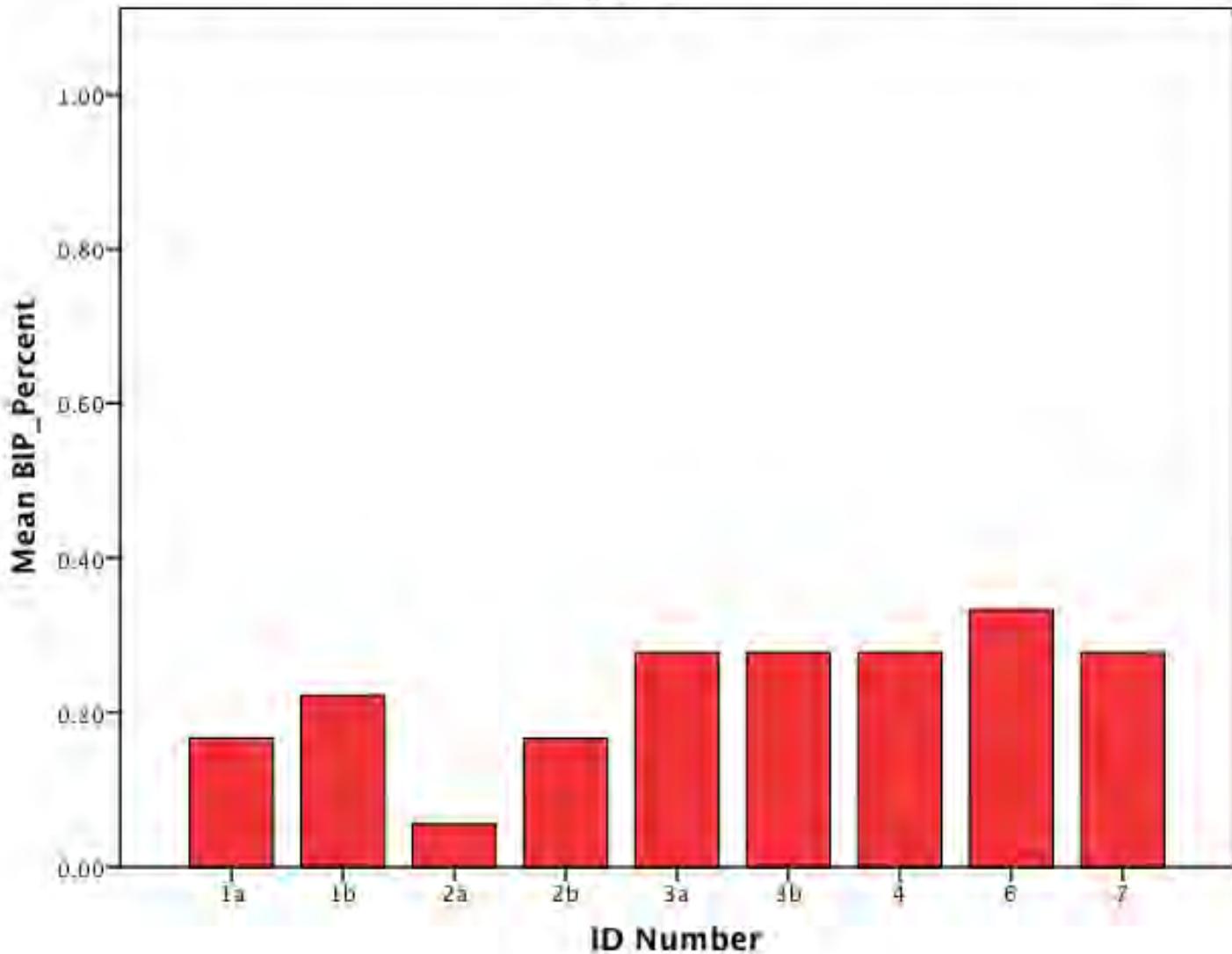
- BIP Item 18—Inclusion of a plan for collecting fidelity of implementation. When making data-based decisions on a student’s response to intervention, it is imperative that the team knows whether the plan was implemented as intended.

None of the BIPs submitted mentioned a plan for collecting fidelity of implementation.

Functional Behavior Assessment Domain - Technical Adequacy Percentage by Case #



Behavior Intervention Plan Domain - Technical Adequacy Percentage by Case #



Total FBA/BIP Technical Adequacy Percentage Score by Case

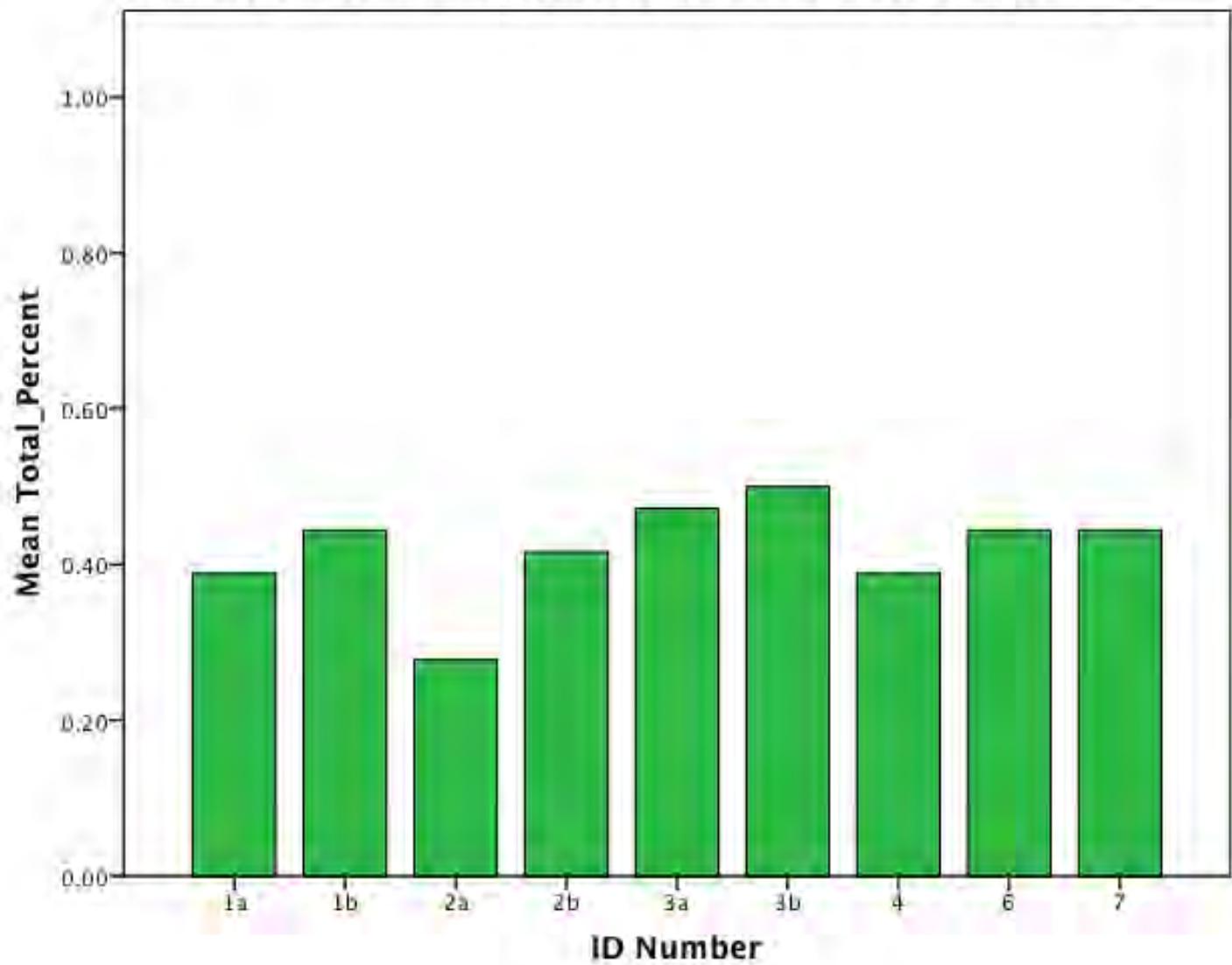


Table 1: Mean Raw Scores of Technical Adequacy Items

Item	N	Mean Raw Score (max = 2.0)	Standard Deviation
FBA			
Item 1–Sources of FBA	10	1.70	.48
Item 2–Operational Definition	10	1.80	.42
Item 3–Baseline Data	10	1.40	.70
Item 4–Setting Events	10	0.40	.52
Item 5–Antecedents/problem behavior	10	1.30	.48
Item 6–Antecedents/appropriate behavior	10	0.00	.00
Item 7–Consequences	9	1.67	.50
Item 8–Hypothesis components	9	1.11	.33
Item 9–Function is observable and measurable	9	1.44	.53
BIP			
Item 1–Timeline between FBA/BIP	10	0.20	.63
Item 2–FBA hypothesis referenced	9	1.78	.67
Item 3–Prevention strategy/link	10	0.80	.42
Item 4–Replacement behavior strategy/link	10	0.50	.53
Item 5–Reinforce new behavior strategy/link	10	0.30	.48
Item 6–Discontinue reinforcing problem behavior	10	0.30	.48
Item 7–Crisis plan need considered	10	0.00	.00
Item 8–Monitoring/evaluating data plan	10	0.00	.00
Item 9–Fidelity/support plan	10	0.00	.00
Total Scales		Mean Percentage	Standard Deviation
FBA domain	9	62%	.08
BIP domain	9	23%	.09
Total domain	9	42%	.06



Florida Department of Education
Pam Stewart, Commissioner

313154C