

Pasco County School District

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

May 16–18, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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July 25, 2012

Ms. Heather Fiorentino, Superintendent
Pasco County School District
7227 Land O' Lakes Boulevard
Land O' Lakes, FL 34638

Dear Superintendent Fiorentino:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Pasco County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district on May 16–18, 2012. Those information sources included student record reviews, interviews with district and school staff, and classroom observations. The final report will be posted on the Bureau of Exceptional Education and Student Services' website and may be accessed at <http://www.fldoe.org/ese/mon-home.asp>.

The Pasco County School District was selected for an on-site visit due to reported incidents of seclusion that were greater than 225 percent of the state rate. Ms. Melissa Musselwhite, Exceptional Student Education Director, 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 were welcoming to Bureau staff and exceptionally committed to the education of all students in Florida. 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 requires corrective action.

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

Ms. Heather Fiorentino
July 25, 2012
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Thank you for your commitment to improving services to exceptional education students in Pasco 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: Melissa Musselwhite
Karen Denbroeder
Patricia Howell
Suzan Bastos

Pasco County School District

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Pasco County School District

Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion May 16–18, 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 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). In a letter dated September 6, 2011, the superintendent of Pasco County School District was informed that the Bureau would be conducting an on-site monitoring visit due to

reported incidents of seclusion that were greater than 225 percent of the state rate, which was 0.35 percent.

Data reported by the district via the FDOE's web-based reporting system for incidents of restraint indicated that Pasco County School District reported 229 incidents of restraint for 106 students from **August 2010 through March 2011**. With 10,782 students with disabilities reported as enrolled in the district during this time period, 0.98 percent of the students with disabilities were restrained.

Data reported by the district via the FDOE's web-based reporting system for incidents of seclusion indicated that Pasco County School District reported 417 incidents of seclusion for 123 students from **August 2010 through March 2011**. With 10,782 students with disabilities reported as enrolled in the district during this time period, 1.14 percent of the students with disabilities were secluded.

School Selection

Upon review of the district's data reported via the FDOE's web-based reporting system for incidents of restraint and seclusion, it was determined that the on-site monitoring visit would be conducted at Calusa Elementary School, Chester W. Taylor Elementary School, Crews Lake Middle School, and Fivay High School.

On-Site Activities

Monitoring Team

On May 16–18, 2012, the following Bureau staff members conducted the on-site monitoring visit:

- Suzan Bastos, Compliance Specialist (Team Leader)
- Patricia Howell, Program Director, Monitoring and Compliance
- Jennifer Jenkins, Program Director, Instructional Support Services
- Derek E. Hemenway, Compliance Specialist
- Jacqueline Roumou, Compliance Specialist
- Mary Elizabeth Conn, Compliance Specialist
- Mary Sue Camp, ESE Consultant

Data Collection

Monitoring activities included the following:

- Record reviews – 21 students
- Observations – 13 students
- District administrator interviews – 6 participants
- School administrator interviews – 12 participants
- Teacher interviews – 9 participants

Review of Records

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

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

Results

Data reported by the district via the FDOE's website for reporting incidents of restraint from **August 2011 through March 2012** identified that Pasco County School District reported 171 incidents of restraint for 98 students, and 310 incidents of seclusion for 117 students. With 10,161 students with disabilities reported as enrolled during this time period, 0.96 percent of the students with disabilities were restrained and 1.15 percent were secluded. These data reflect a decrease in restraints from 0.98 percent to 0.96 percent, and an increase in seclusions from 1.14 percent to 1.15 percent, respectively, from the 2010–11 data.

District staff members consistently reported that restraint and seclusion procedures are only used when a student presents immediate danger to other students or self. District staff also indicated that all schools in the district are implementing the Positive Behavior Support: Response to Intervention for Behavior (PBS:RtIB) Project.

In addition, the Pasco County School District reported that the constant monitoring of data for restraint and seclusion had a positive impact in the district's organization and procedures and has made it essential that the district become more proactive in problem solving. As a result, the district has increased training sessions that are accessible to all school personnel in an attempt to maintain open communication and supports to the schools, as well as decrease incidents of restraint or seclusion in the district. In its commitment to serve all parents, the district has translated their "*Parental Notification of Physical Restraint and Secured Seclusion*" document into the Spanish language. The district also works closely with other districts in the area for problem-solving and training purposes.

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

Commendations

Bureau staff was impressed with Pasco School District's commitment to their parents and students.

Calusa Elementary School is to be commended for the following:

- The facility was clean, attractive, and well-maintained and had a calm and orderly environment.
- Strong leadership and support by the administrative team to the educational staff was evident.
- Staff was very knowledgeable about restraint and seclusion rules, requirements, and procedures used in the school and district.
- Staff indicated that seclusion is preferred over restraint, but used only if absolutely necessary to prevent injury to students or staff.
- Classroom observations, IEP and BIP reviews, and restraint and seclusion reports indicated that various behavior strategies are used before resorting to restraint or seclusion.
- Positive behavior supports were being implemented consistently in the classrooms.
- Staff was aware of individual student needs and demonstrated care about each individual student.
- Behavior management staff was very active and engaged in the classrooms.
- Teachers and paraprofessionals knew student behavior triggers and were proactive in utilizing interventions to prevent escalation that might result in restraint and seclusion.
- Deep commitment was evident in communicating with parents and providing workshops and support services within as well as outside the school environment.
- Before and after school programs as well as training sessions were provided to students and parents.

Chester W. Taylor Elementary School is to be commended for the following:

- The school environment benefitted from a very involved and dynamic principal and administrative staff.
- Positive behavior supports were being implemented consistently in the classrooms.
- Classroom interactions between staff and students were positive, and students were actively engaged in the learning process.
- The Emotional or Behavioral Disability (EBD) classrooms were conveniently located around a quadrant and connected to a communal center location that was used for de-escalation strategies and break time for students.
- Behavior management staff was very active and engaged in the classroom. Behavioral staff's office was located within the quadrant and used for "plan" time with the students after a behavioral incident.
- A classroom was designated for technology and games and was used for "choice time" as well as a relocation area for the classrooms when needed.
- After a student was restrained or secluded, measures to facilitate transitioning back to the classroom were taken by creating a plan for the student and addressing expected behaviors for the remainder of the day.

- The school was committed to ensuring that all emergent sixth graders are successful and prepared for middle school by developing a “mock” middle school during the last semester of school.
- The school has successfully created a nurturing and educational environment for the students and has positively overcome staffing challenges during the 2011–12 school year.

Crews Lake Middle School is to be commended for the following:

- The facility was clean, attractive, and well-maintained and had a calm and orderly environment.
- The school was well-organized, with strong administrative and behavioral support for the staff.
- The school maintained and provided complete and accurate documentation related to restraint and seclusion.
- The school developed a sailing ship “Raiders Crew” theme that ties to their PBS creed. The “theme” is present throughout the school as well as the school’s webpage. Students earn prizes based on appropriate behaviors.
- Students were engaged in the classroom activities.
- The teachers were friendly and welcoming.
- Student-to-teacher ratios were very low.
- The teachers and direct-care staff members had extensive knowledge of the students’ individual needs and demonstrated dedication to meeting the educational and behavioral needs of the students.
- Behavior support and intervention methods were in place to consider each incident for each individual student, to understand the reason for the student’s reaction, and to assist staff to select specific, positive therapies in an attempt to redirect the student’s responses in a new, healthier, more pro-social manner.

Fivay High School is to be commended for the following:

- The facility was new and attractive, with a calm and orderly environment and a community atmosphere.
- Strong leadership and support by the administrative team to the educational staff was evident.
- Knowledge and involvement of administrative staff with behavioral programs and restraint and seclusion incident reporting were evident.
- Documentation was complete and organized. There were multiple systems in place for documenting seclusion incidents and follow-up with parents.
- Staff members demonstrated awareness of individual student behavior triggers and used de-escalation techniques throughout instruction time to redirect the students.
- The school’s strong relationship with parents was evident. The school reported having parents working with the students while at school and aiding in de-escalating the students’ behaviors, therefore ensuring that the students remain in school and maintain expectations of appropriate school participation.
- Positive behavior supports were being implemented consistently in the classroom, providing opportunities for student success and participation in after-school events. In addition, students were rewarded for good behavior by receiving tickets that could be redeemed in a variety of positive ways.

- The school was well staffed, with an Assistant Principal and two guidance counselors in every building.
- Strong collaboration between the general education environment and the special education settings was evident in the following programs:
 - *Falcon Friends* program – a program where students in the general education environment participate in lunch, classroom activities, and field trips within the special education classrooms.
 - *School Based Enterprise* – a program where students plan and manage the budget for upcoming field trips as well as any of the classroom needs. Students are highly involved in baking cookies, making and selling popcorn, and other fundraising activities.
- Success stories included the following:
 - Three students who had no consistent communication last year are now fluent with the Picture Exchange Communication System (PECS) or augmentative systems.
 - There has been a decrease in suspension due to effective tracking system of behaviors.

Concerns

- Documentation for when incident reports were mailed to the parents was not consistently maintained.
- Documentation of the parent's or guardian's acknowledgement of receipt of the incident report, or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the incident report, was not maintained. Some of the documents included signatures dated months after the incident.
- Peeling paint was found on the walls in one of the seclusion rooms. School staff stated that the walls are painted each summer.

Recommendation

- Develop a contact log to document dates when incident reports were mailed and when follow-up attempts were made if parents failed to respond to the report.

Findings of Noncompliance

The following noncompliance was identified related to providing parents with notification following incidents of restraint and seclusion. (Section 1003.573, F.S.)

1. The provision of written same-day notification of the incident of restraint or seclusion, including the type of restraint used and any injuries occurring during or resulting from the restraint, before the end of the school day on which the restraint or seclusion occurred.

- In all records of incidents of restraint or seclusion reviewed, the notification form did not include the type of restraint used or whether any injuries occurred during or resulting from the restraint.

The district acknowledged that the district's same-day notification did not include the type of restraint used or any injuries occurring or resulting from the restraint. Prior to the dissemination of this report, the district revised the form and provided the revised form to Bureau staff for review on May 18, 2012. The revised form complies with all requirements for written same-day notification.

2. Documentation of the parent's or guardian's signed acknowledgement of the same-day notice or a minimum of two attempts to obtain written acknowledgement when the parent or guardian failed to respond to the initial notification.
 - In four records reviewed, there was no documentation of the parent's or guardian's acknowledgement of receipt of the same-day notice or additional attempts to obtain signature from the parent or guardian. Two of the schools acknowledged that they did not document attempts to obtain signed acknowledgement of the same-day notice.
3. Providing parents or guardians with a written incident report generated by the FDOE web-based reporting system by mail within three school days of any incident of restraint or seclusion.
 - In fourteen records reviewed, there was no documentation of the written incident report being mailed to the parent or guardian within three school days of any incident of restraint or seclusion. Two of the schools visited acknowledged that they do not document when the incident reports are mailed to the parent or guardian.
4. Providing documentation of attempts to obtain parent or guardian acknowledgement when the parent or guardian fails to respond to the incident report.
 - In five records reviewed, documentation of attempts to obtain acknowledgement when the parent or guardian failed to respond to the incident report were not evident.

An additional finding of noncompliance was identified regarding the provision of prior written notice for a change of provision of a free appropriate public education (FAPE). (34 CFR §300.503)

5. If the current IEP represents a change of placement or change of FAPE from the previous IEP, or the district refused to make a change that the parent requested, the parent must receive appropriate prior written notice. "Prior written notice" means that the parent must have been notified a reasonable time before the change occurred. If the parent did not attend the IEP team meeting, there must have been a reasonable delay before the changes proposed by the IEP were implemented.
 - In one of the records reviewed, there was no documentation of a prior written notice provided to the parent when the student's services were changed.

Corrective Actions

Regarding the noncompliance identified during the on-site visit, **no later than September 6, 2012**, the Pasco County School District must correct the following procedures:

- Documenting the parent's or guardian's signed acknowledgement of the same-day notice or a minimum of two attempts to obtain written acknowledgement when the parent or guardian fails to respond to the notice.
- 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 or seclusion.
- Documenting the attempts to obtain parent or guardian acknowledgement when the parent fails to respond to the incident report.

Documentation of the correction of noncompliance related to reporting and notification of incidents of restraint and seclusion must be submitted to the Bureau **no later than September 6, 2012**, including evidence of any changes to tracking forms and school practices and training of school staff. The district shall provide a random sample of five restraint incidents and five seclusion incidents occurring after May 18, 2012, demonstrating correct implementation of the standards in question.

In addition, the district must correct the following procedure:

- Providing parents with prior written notice any time the district proposes or refuses to change a student's identification, evaluation, or educational placement or the provision of FAPE to the student.

The district must provide training to relevant staff members regarding the provision of prior written notice to parents, even when decisions are made within an IEP team meeting with the parent's participation. Documentation of the training, including schedule and rosters, shall be provided.

In addition, in order to demonstrate 100 percent compliance with this standard, no later than **July 25, 2013**, the district must provide a random sample of five IEPs developed after **May 18, 2012**, which include a change of placement or a change in FAPE and the prior written notice that was provided to the parent.

Note: In accordance with the reporting requirements of the Annual Performance Report for the State Performance Plan, this item will be counted as a finding of noncompliance related to IEP development. Documentation verifying completion of all components of the corrective action must be received in accordance with the timelines established above, but in no case longer than one year from the date (July 25, 2013) of the written notice to the district in order for the district to comply with the requirements of SPP indicator 15 (timely correction of noncompliance).

Technical Assistance

The district's SP&P provides district- and school-based standards for documenting, reporting, and monitoring the use of manual, physical, or mechanical restraint 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 Contacts

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

Program Accountability, Assessment and Data Systems

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

Glossary of Acronyms and Abbreviations

BIP	Behavioral intervention plan
Bureau	Bureau of Exceptional Education and Student Services
BRIC	Bureau of Exceptional Education and Student Services Resource and Information Center
CFR	Code of Federal Regulations
EBD	Emotional or Behavioral Disability
ESE	Exceptional student education
FAPE	Free appropriate public education
FBA	Functional behavioral assessment
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PBS:RtIB	Positive Behavior Support: Response to Intervention for Behavior
PECS	Picture Exchange Communication System
SP&P	Exceptional Student Education Policies and Procedures



Florida Department of Education
Gerard Robinson, Commissioner

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