



## Office of Inspector General Seclusion and Restraint Data Collection and Reporting Process

**Report #C-1920-019**

**June 2020**

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### **Executive Summary**

In accordance with the Department of Education's (department) fiscal year (FY) 2019-20 audit plan, the Office of Inspector General (OIG) conducted a consulting engagement to review the department's seclusion and restraint data collection and reporting process. The engagement included the Bureau of Exceptional Education and Student Services (BEESS), the Division of Technology and Innovation (DTI), and the Division of Accountability, Research, and Measurement (ARM).

During this engagement we noted that, in general, the department complies with the statutory requirements to collect information regarding incidents involving seclusion and restraint for students with disabilities. The department is also reporting the required information to the federal Office for Civil Rights (OCR). Through this engagement we identified areas of improvement for the seclusion and restraint data collection and reporting process, including identifying the recommended option of one collection point utilizing the BEESS data system. The results of this consultant engagement are shown below.

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### **Scope, Objectives, and Methodology**

The scope of this engagement included an examination of the seclusion and restraint data collection and reporting processes in place by the Bureau of Exceptional Education and Student Services (BEESS), the Division of Technology and Innovation (DTI), and the Division of Accountability, Research, and Measurement (ARM). The period of this review was from July 1, 2018, through February 28, 2020. The objective of the engagement was to determine whether the department has an effective process in place to collect and report seclusion and restraint data in accordance with laws, rules, and regulations.

To accomplish our objective, we reviewed applicable laws, rules, and regulations; interviewed appropriate department staff; reviewed policies, procedures, and related documentation; evaluated the data collection and reporting processes; reviewed seclusion and restraint data; and facilitated meetings between the department offices involved with collecting and reporting data.

## Background

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Since 1968, the United States Department of Education (USED) has conducted the Civil Rights Data Collection (CRDC) process to collect data on key education and civil rights issues in our nation's public schools. The CRDC collects a variety of information, including student enrollment and educational programs and services. The USED Office for Civil Rights (OCR) revised the CRDC beginning with school year 2009-2010 to require the reporting of the total number of students subjected to restraint or seclusion disaggregated by race/ethnicity, sex, limited English proficiency status, and disability, and to collect the total number of times that restraint or seclusion occurred.<sup>1</sup> The OCR requires reporting of the seclusion and restraint data every two years. The department has opted to collect the information and submit the data to OCR on behalf of the school districts.

Seclusion and restraint is a specific behavioral management strategy used to prevent and deescalate behaviors that provide an imminent risk of serious injury or death to the student or others. The USED CRDC defines physical restraint, mechanical restraint, and seclusion as follows:

“Physical Restraint - A personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

Mechanical Restraint - Use of any device or equipment to restrict a student’s freedom of movement. This term does not include devices implemented by trained school personnel, or utilized by a student, that have been prescribed by an appropriate medical or related services professional and are used for specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

Seclusion - 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 timeout, 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 the student.”

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<sup>1</sup> U.S Department of Education Restraint and Seclusion: Resource Document

Section 1003.375, Florida Statutes (F.S), establishes documentation, reporting, and monitoring requirements for the use of seclusion and restraint on students with disabilities. Per 1003.375, F.S, (2)(c), “The department shall maintain aggregate data of incidents of manual or physical restraining and seclusion and disaggregate the data for analysis by county, school, student exceptionality, and other variables, including the type and method of restraint or seclusion used. This information shall be updated monthly.”

For students with disabilities, Section 1003.375, F.S, requires schools to prepare incident reports within 24 hours after a student is released from seclusion or restraint. The school must also provide a complete incident report to the parent or guardian in writing, by mail, within three school days after a student was manually or physically restrained or secluded. The statutes further require documentation to be provided to the school principal, the district director of Exceptional Student Education (ESE), and the bureau chief of the Bureau of Exceptional Education and Student Services (BEESS) electronically each month that the school is in session. The schools should obtain, and keep in its records, the parent’s or guardian’s signed acknowledgment that he or she was notified of his or her child’s restraint or seclusion and that he or she received a copy of the incident report.

The department collects and monitors data regarding seclusion and restraint for students with disabilities through the BEESS data system. Additionally, incidents of seclusion and restraint for all students (general education and students with disabilities) is reported through the department’s Automated Student Information System (SIS) during surveys 2, 3, and 5. The schools report the incidents using a Discipline/Resultant Action Code. SIS data is typically entered by school staff into the district’s data information system and then submitted to the state by the school district. The department reports the data submitted by the districts through SIS to OCR every two years. The next OCR report will be derived from the 2019-2020 Survey 5 data.

Data reporting of seclusion and restraint came under scrutiny after a U.S. Government Accountability Office’s (GAO) review found eight large Florida county school districts that reported either zero or low numbers of seclusion or restraint incidents for the 2015-2016 school year. In response to the report, the department identified multiple seclusion and restraint collection points in the department and discovered the BEESS web-based system contained more instances of seclusion and restraint than the incidents reported through the SIS. The Florida Legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) conducted a review in February 2020 and additionally found that school districts underreported incidents of seclusion and restraint in the Student Information System (SIS), primarily due to the exclusion of students with disabilities, because districts were unaware that these students should be reported in both systems. OPPAGA further stated that, while the department has made efforts to correct these issues, barriers to reporting persist, including continued confusion regarding reporting requirements, data system issues, and a lack of targeted communication.

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## Consulting Results

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### Compliance with the Florida Statutes

Section 1003.375, F.S, requires school districts to prepare incident reports within 24 hours after a student is released from seclusion or restraint. The statute provides that, for incidents occurring on a day before a school closure, the incident report must be completed by the end of the school day on the day the school reopens. The statute further requires the school to provide the parent or guardian with the completed incident report in writing by mail within three school days after a student was manually or physically secluded or restrained.

We reviewed seclusion and restraint incident data for a sample of seven school districts for fiscal years (FY) 2018-2019 and 2019-2020. During FY 2018-2019, six of the seven districts reported incidents in the BEESS system. We determined five of the six school districts produced final incident reports in the BEESS system within three business days at least 95 percent of the time. During FY 2019-2020, all seven sampled districts reported incidents in the BEESS system. We determined six of the seven school districts produced final incident reports in the BEESS system within three business days at or over 90 percent of the time.<sup>2</sup> In contrast, one district completed final reports within the required three days only 83% of the time for FY 2018-2019 and only 80% of the time for FY 2019-2020.

Per BEESS staff, the final report date in the BEESS system may not accurately reflect the date the notification was sent to the parents or guardians. ESE school staff can send a report to a parent or guardian for signatures without finalizing the report in the BEESS system. On occasion, the final report date reflected in the BEESS system may be later than the date the report was actually sent to the parents. This leads to the inability to conclusively determine the date the final report is sent to the parents utilizing the BEESS system. Therefore, the system does not currently have the capability to demonstrate that the districts met the incident date requirements. We observed that the BEESS system did not have a data field for the date the parents were notified of the incident, nor the date the final report was distributed. Including these fields in the system would assist BEESS in determining compliance with the statutory requirements and allow staff to identify districts who may need technical assistance.

As a result of the analysis, we recommended BEESS conduct a review of the identified district regarding timely reporting of seclusion and restraint incidents and the forwarding of required reports to parents and guardians. During the engagement, BEESS staff conducted a review of the district and found that the identified district had inconsistent documentation available to demonstrate compliance with the timelines. BEESS provided technical assistance and identified required action to be included in the May 2020 on-site report.

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<sup>2</sup> The auditor used business days to calculate the percentage in compliance. The statute requires the district to provide the final report within three *school* days of the incident.

## Recommendation

We recommend that BEESS add a data field in the BEESS data system to record the date districts prepare incident reports and the date the final reports are sent to parents or guardians. We additionally recommend BEESS periodically review the data to identify areas of possible noncompliance and identify districts who many need technical assistance or additional monitoring.

### Collection of Seclusion and Restraint Data - Current

Seclusion and restraint data is collected via the SIS system for all students (general population and students with disabilities) and the BEESS data system for students with disabilities. As a result of the GAO report, BEESS staff initiated a reconciliation process between the two systems for the collected seclusion and restraint data. To initiate the reconciliation process, BEESS staff request the files with preliminary numbers from the department's Office of Education and Information Services (EIS).

Upon completion of the reconciliation, BEESS staff send an email to district ESE Directors regarding the comparison of the survey data reported in the SIS system and the data reported in the BEESS system. The EIS office also forwards the email to the district Management Information Systems (MIS) Directors regarding the discrepancies. BEESS repeats this process several times throughout the survey window. BEESS completes the reconciliation process for surveys 3 and 5. Only end of year data, which is finalized during survey 5, is used for the OCR data collection. The department reports the seclusion and restraint data to OCR every two years as required. The department has opted to collect the information and submit the data to OCR on behalf of the school districts.

The reconciliation analysis conducted by BEESS staff in September 2019 for preliminary survey 5 data illustrated that the BEESS system included 10 more student counts for mechanical restraint than in SIS; 2,038 more student counts for physical restraint than in SIS; and 74 more student counts for instances of seclusion than in SIS. In contrast, the final Survey 5 data reconciliation identified the BEESS system included 18 more student counts for mechanical restraint than in SIS; 775 more student counts for physical restraint than in SIS; and 55 more student counts for instances of seclusion than in SIS.

We additionally reviewed the discrepancies by districts and identified improvements in the counts between the SIS and BEESS systems. For example, a subsequent reconciliation between Survey 5 SIS data and the BEESS data illustrated the following improvements:

- Eleven of seventeen (65%) districts with higher student counts in BEESS than in SIS identified in the first reconciliation of mechanical restraints adjusted their data.
- Forty-two of the forty-seven (89%) districts with higher student counts in BEESS than in SIS identified in the first reconciliation of physical restraints adjusted their data which led to a decrease in the discrepancy count between the systems.
- Twelve of fifteen (80%) districts with higher student counts in BEESS than in SIS in the first reconciliation of seclusion incidents adjusted their data.

While discrepancies in student counts still exist, analysis of the BEESS reconciliation process demonstrated that the reconciliation is leading to improvement in incident counts and fewer discrepancies between the number of reported seclusion and restraint incidences in the BEESS system and SIS. However, further improvement in reporting incidents could be achieved through one collection point for seclusion and restraint data.

### **Collection of Seclusion and Restraint Data – Recommended Options**

We reviewed the reconciliation process and facilitated discussions among the affected offices to provide options for the future collection and reporting of seclusion and restraint data. We identified three options which are detailed below.

#### **Option 1: Continue reconciliation of SIS and BEESS seclusion and restraint data**

Under this option, the reporting structure would remain the same as the current process. The department would continue to collect and monitor data regarding seclusion and restraint for students with disabilities through the BEESS data system. Incidents of restraint and seclusion for all students, general education and students with disabilities, would continue to be reported through the department's Automated Student Information System (SIS) during surveys 2, 3, and 5. BEESS staff would continue to conduct reconciliations of the data in the systems and alert the appropriate parties to the identified discrepancies. ARM would continue to provide seclusion and restraint data to OCR biannually using the SIS data.

For BEESS to enhance the effectiveness of their data collection and increase the efficiency of the reconciliation process, the following system issues would need to be addressed:

1. There are data quality concerns due to student duplications in the BEESS system. Districts may be unable to match their student count in SIS to the count in the BEESS system due to student duplications in the BEESS system. The BEESS system does not utilize the student's Florida Education Identifier (FLEID). The BEESS program office would additionally benefit from the ability to match on an identifier from SIS data. Per DTI staff, establishing use of the FLEID is a top priority.
  - o Example: The error occurs when the school or district staff member (user) creates a record using a student name such as "Johnny" on one record and enters "John" on the next incident record involving the same student. Even though both records have the same birthdate, last name, and a similar first name, the system counts that records as two unique students.
2. School district staff entering the data do not have the ability to edit or correct errors in the BEESS system after the report is finalized.
3. Currently only BEESS staff have the ability to delete records in the BEESS system. Further, the BEESS system does not include a history log to archive a deleted record, which user deleted the record, or when the record was deleted.
4. The BEESS system lacks data fields to record the dates districts prepare incident reports and the dates the final reports are sent to parents or guardians.

5. While the districts have the ability to export incident reports and BEESS provides aggregated quarterly reports, the incident reports are not user friendly and are not sufficient for the district's review and BEESS monitoring.
6. The BEESS system does not include automated alerts to inform district or school administrators that a new incident record has been created so they can review the record before it is finalized.
  - o Other automated alerts that would assist with monitoring information in the system include alerts for:
    - o Incomplete or delayed incident reports.
    - o Excess duration for incidents of seclusion and restraint.
    - o Multiple incidents for a particular student in a short period of time.
    - o Peak incidents for districts that would indicate above average reporting
    - o Excessive mechanical restraints.
    - o Incidents for specific eligibility types or 504 eligible students who may need to be evaluated under IDEA.
    - o Districts that have a policy which prohibit the use of seclusion but report an incident of seclusion.

Per BEESS staff, automating the alerts would require individualized and sophisticated programming.

Overall, the districts are ultimately responsible for the correction of discrepancies identified by BEESS when conducting the reconciliations. For OCR reporting, ARM reports data collected from the SIS. Therefore, if the districts do not correct the deficiencies, the department could potentially report incorrect information to OCR and have conflicting information in the BEESS system and SIS.

In this option, the department could also consider addressing some of the underlying problems related to the collection of seclusion and restraint data in the student surveys. This includes the identification of seclusion and restraint as a discipline/resultant action. Per the OPPAGGA review, prior to 2019-2020, while incidents of restraint and seclusion for students with disabilities were typically reported in the BEESS data system, those incidents were often not reported in the SIS. Through interviews, they identified the confusion caused by including the reporting of restraint and seclusion incidents in a table defined as "Discipline/Resultant Action", when restraint or seclusion should never be used as a discipline, as a primary issue which contributed to the data reporting errors. DTI could consider entering into a discussion with districts regarding adding a separate seclusion and restraint reporting screen, which would not be tied to a disciplinary referral. The system could pull information from various screens (FLEID, English Language Learners, and ESE) to populate the system which would additionally alleviate human data entry errors. BEESS could also consider conducting the reconciliations on incident counts and student counts, due to the identification of duplicative students in the BEESS database.



Option 2: One Collection Data Point using the BEESS System

Option 2 would create one collection point for seclusion and restraint data using the current BEESS system. Collecting the data in one system would alleviate two key district concerns related to reporting incidents in two different systems and reporting incidents of seclusion and restraint as discipline results. This option would require an Application Development Request (ADR) for a system enhancement through DTI. The program office would need to submit a proposal of the needed enhancements in order to receive an estimate of the cost to design and implement the enhancements and the length of the time needed to make the enhancements. The department could request the cost of all fixes at a granular level and then choose which options are necessary and cost effective. DTI staff estimated the ADR process would take approximately 15 to 20 hours and the labor costs would range from \$70 to \$90 dollars an hour, or approximately \$1,800. BEESS and ARM staff would need to provide the business requirements and needed enhancements to a developer.

To report the required information to OCR, the following data collection fields should be included in the BEESS system:

- Racial ethnic characteristics;
- Gender;
- Whether the student is an English Language Learner;
- An identifier for non-ESE and ESE students;
- An identifier for Section 504 students in districts; and
- The ability to identify specific students and incidents.

The BEESS system collects numerous fields of information that are not required for OCR reporting, including duration, crisis management method used, narratives that describe events before and after the incident, and reports of injuries to staff. All of these fields would not need to be completed for non-ESE student incidents. Therefore, the BEESS system would need modification to facilitate the disparate reporting requirements for ESE and non-ESE students. For example, the first screen in the BEESS system could capture whether the student has a disability or is 504 eligible, then if not, the system could bypass all unnecessary reporting fields.

Per BEESS management, the system needs staff support from DTI. BEESS staff requested that ARM and DTI staff be involved in the design and implementation of any new systems or processes. DTI and BEESS staff expressed concern over the confidential nature of the information included in the BEESS data system related to students with disabilities. The BEESS system includes incident details, the staff involved, and specific behaviors. All users may not need access to this information. The department could elect to enhance the application's security and ensure access is based on user requirements, ensuring that school ESE staff can view ESE student data and school district MIS users can only view non-ESE student information.

The department may also opt to import the student demographic database table into the BEESS system or create a link between the student demographic table and the BEESS system. This would allow the schools to populate a student's FLEID and the other demographic information related to the student involved in the incident would automatically import from the student



demographic table. This would alleviate the human data entry errors identified in Option 1. Data quality and quality assurance reviews should also be conducted.

Per DTI staff, the movement toward one collection point for seclusion and restraint data within the BEESS system is a desired outcome. Certain ARM staff would need access to the BEESS database in order to submit the data to OCR every two years. Communication to the districts is vital for both those employees entering the data and those overseeing the review and submission of the data.

This option would allow BEESS staff to continue collecting ESE data in compliance with the Florida Statutes and will improve the accuracy of the data that ARM reports to OCR. Under this option, several issues identified with the BEESS system in Option 1 would also need to be addressed.

### *Option 3: Customized System*

Option three would entail the department purchasing a customized system or developing a system in-house to collect and report all seclusion and restraint data in one location. This would likely require a Legislative Budget Request (LBR), competitive solicitation, and could require a Request for Information to identify potential solutions and costs before initiating the budget request and solicitation. The system could provide district and school users the ability to correct and edit records. It would also allow school district and BEESS users to verify the correctness of the data entered. Though this option would offer the most sophisticated method for collecting seclusion and restraint data for both ESE and non-ESE students, it would require generating an LBR. Given the financial demands now placed on the State of Florida due to the coronavirus pandemic, there is an increased risk that this option would not prove viable.

### **Recommendation:**

We recommend that the department choose Option 2 and create one collection point for seclusion and restraint data using the current BEESS system which would include both ESE student and non-ESE student incidents. We additionally recommend the BEESS system utilize the FLEID number and import the student demographic database table into the BEESS system. This would allow the schools to populate information related to the student involved in the incident and alleviate the human data entry errors.

### **Closing Comments**

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The Office of the Inspector General would like to recognize and acknowledge the BEESS Office and staff for their assistance during the course of this engagement, as well as staff from DTI and ARM. Our fieldwork was facilitated by the cooperation and assistance extended by all personnel involved.

*To promote accountability, integrity, and efficiency in state government, the OIG completes audits and reviews of agency programs, activities, and functions. Our audit was conducted under the authority of section 20.055, F.S., and in accordance with the International Standards for the Professional Practice of Internal Auditing, published by the Institute of Internal Auditors, and Principles and Standards for Offices of Inspector General, published by the Association of Inspectors General. The audit was conducted by James Russell and supervised by Tiffany Hurst, CIA, Deputy Inspector General.*

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