

Lake County School District

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

March 5–7, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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May 24, 2012

Dr. Susan Moxley
Lake County School District
201 West Burleigh Boulevard
Tavares, Florida 32778-2496

Dear Superintendent Moxley:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion* for the Lake 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 5–7, 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 Lake 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. Pat Lawson, Coordinator of Exceptional Student Education (ESE) in Lake County School District, was very helpful during the Bureau's preparation for the visit and during the on-site visit. In addition, Ms. Judy Miller, ESE Director, the administrators, and other staff members at the schools welcomed and assisted the monitoring team during the on-site visit. The Bureau's on-site monitoring activities identified strengths related to the district's special education services and did not identify any noncompliance.

Thank you for your commitment to improving services to exceptional education students within the Lake 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.

Enclosure

cc: Judy Miller
Pat Lawson
Karen Denbroeder

Patricia Howell
Karlene Deware

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

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Reporting Incidents of Restraint and Seclusion**

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Lake County School District

Final Report: On-Site Monitoring Reporting Incidents of Restraint and Seclusion March 5–7, 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 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 FDOE establish standards for documenting, reporting, and monitoring the use of manual or physical restraint and occurrences of seclusion. In September and October 2011, the standards established by FDOE were provided to school districts and were included in the district's *Exceptional Student Education Policies and Procedures* (SP&P). In a letter dated September 6, 2011, the Superintendent of Lake County School District was informed that the Bureau would be

conducting an on-site monitoring visit due to reported incidents of restraint that were greater than 225 percent of the state rate.

Data reported by the district via the FDOE's web-based reporting system for incidents of restraint indicated that Lake County School District reported 202 incidents of restraint for 95 students from **August 2010 through March 2011**. With 5,128 students with disabilities reported as enrolled in the district during this time period, 1.85 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 Lake County School District reported 11 incidents of seclusion for less than ten students from **August 2010 through March 2011**. With 5,128 students with disabilities reported as enrolled in the district during this time period, 0.04% 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 visits would be conducted at Lake Academy in Leesburg, Lake Hills School in Howey-in-the-Hills, and Eustis Heights Elementary School in Eustis.

On-Site Activities

Monitoring Team

On March 5–7, 2012, the following Bureau staff members conducted the on-site monitoring visit:

- Karlene Deware, Compliance Specialist (Team Leader)
- Brenda Fisher, Compliance Specialist
- Suzan Bastos, Compliance Specialist
- Jennifer Jenkins, Emotional/Behavior Program Specialist

Data Collection

Monitoring activities in Lake County included the following:

- District administrator interview – 5 participants
- School administrator interviews – 6 participants
- Teacher interviews – 9 participants
- Record reviews – 12 students
- Observations – 12 students

Review of Records

The district was asked to provide the following documents for students who had been identified after incident reports were submitted to the FDOE restraint and seclusion database. This information was used to examine the implementation of the district's restraint and seclusion procedures.

- Current individual educational plan (IEP)
- Previous IEP

- Functional behavioral assessment (FBA) and behavioral intervention plan (BIP), if any
- Discipline record
- Attendance record
- Report cards
- Copy of written notification to parent(s) or documentation of attempts to notify before the end of the school day on which the restraint and 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
- Any other supporting documentation as needed

Results

Data reported by the district via the FDOE's website for reporting incidents of restraints from **August 2011 through March 2012** indicated that the Lake County School District reported 286 incidents of restraints for 129 students, and 22 incidents of seclusion for 13 students. With 5,083 students with disabilities reported as enrolled during this time period, 2.54 percent of the students with disabilities were restrained, reflecting an increase of restraints within the district. The percentage of students with disabilities who were secluded was 0.26%, which reflected an increase of seclusions within the district.

The increase in rates of restraint and seclusion is explained by the district as an increase in aberrant behaviors in students. This may be explained by increasing instability in the home lives of the students, as the rate of homelessness in Lake County saw the largest increase among all Florida counties. The unemployment rate remains above the national average. Also, students have returned to the school district this year from private schools that dismissed the students due to behavior issues. This district maintains a commitment to serve students with intensive behavior and mental health issues as much as possible in the schools and provides the support needed for this to be possible. Other districts may serve this population and serve students with intensive behavior and mental health issues through home education or residential placement. Academic expectations have been raised in the school district, and some students engage in measures to try to escape accountability for the higher academic expectations.

There were no findings of noncompliance identified during the on-site visit. The following results reflect data collected through the activities of the on-site monitoring team as well as commendations, concerns, and recommendations.

Commendations

During the course of the on-site visit, it was noted that each of the schools was well organized, impeccably clean, and well maintained, presenting positive environments for learning. Principals were very supportive of students, staff, and families. It was evident

that restraint and seclusion have been used consistently only as a last resort in all of the schools visited. Crisis Intervention teams were well organized to respond to incidents requiring restraint or seclusion, and team meetings were held regularly at all schools to review incidents of restraint and seclusion and make changes in individual behavioral intervention plans. School staff members displayed a high level of professionalism and commitment and were extremely accommodating to Bureau staff. Practices related to restraint and seclusion were observed to be exemplary.

In addition, the on-site team identified the following commendable practices at the individual schools visited:

Lake Academy is to be commended for the following:

- Reducing the number of restraint incidents this year by changing the level system and reducing the number of students in targeted classrooms
- Providing two mental health technicians in each classroom serving students with emotional and behavioral disabilities
- Providing small student-to-adult ratios with not more than 11 students per classroom serving students with emotional and behavioral disabilities
- Requiring students to remain in the classroom and teachers to rotate between classrooms to eliminate transition difficulties experienced by some students and decrease student involvement with other students in the hallways
- Maintaining a dress code that requires uniforms to encourage respect, responsibility, and a sense of belonging, while decreasing issues with self-esteem and bullying that may result from students from different socio-economic status comparing the cost of clothing
- Developing social skills and service training classes that meet during the exploratory period
- Utilizing a “bell system” that requires staff to stop when the bell sounds and recognize students behaving appropriately
- Utilizing a “calming room” and de-escalation techniques
- Providing parents with a stamped, self-addressed envelope to encourage signed acknowledgement of restraint notification and incident reports
- Having a strong mental health component and an awareness of the effects of trauma on children
- Providing ongoing professional staff development, including training related to common mental health disorders in children
- Recognizing that children learn best when basic needs are met and sending backpacks of food home with the students on weekends
- Recognizing that children learn best when families are functional and arranging to provide basic needs for families, including bedding and housing for a family formerly living in a tent and assisting a mother who gave birth at age 14
- Cultivating good community support, including a partnership with the Harper Foundation that provides the students with holiday gifts, clothes, shoes, and coats

Lake Hills School is to be commended for the following:

- Having a dynamic and enthusiastic administrator

- Having a modern state-of-the-art facility that includes hallways of classrooms branching out from a large atrium
- Cultivating a strong family partnership and family atmosphere, as some students attend this school for their entire academic career
- Recognizing, accepting, and addressing the individuality of each student rather than requiring students to conform for the convenience of staff
- Supporting students in crisis by providing them with the staff ratio necessary for success, even if it requires one student to be alone in a classroom with three staff members until the student can gradually transition into classrooms with more students
- Providing higher expectations for academic success and celebrating with students who had previously been thought to be incapable of learning when the higher expectations were met
- Providing students with a fully-equipped physical education and recreation program
- Providing a classroom for medically fragile students, including some who are terminally ill

Eustis Heights Elementary School is to be commended for:

- Having a board-certified behavior analyst at the school three times per week
- Having a balanced demographic with one third of the school population coming from each of three categories: White, Black, and Hispanic
- Using many and varied de-escalation and positive behavior support techniques to avoid the need for restraint
- Reviewing FBAs and BIPs frequently

Strong support at the district level regarding restraint and seclusion was identified, including the following:

- Providing schools with a Professional Crisis Management (PCM) notebook that contained state requirements, forms, and other helpful information
- Regular attendance of district staff at PCM meetings
- De-escalation technique training implemented to decrease incidents of restraint and seclusion
- Positive Behavior Support (PBS) training to staff at the following schools during the 2010–11 school year:
 - Eustis Elementary School
 - Imagine Schools at South Lake
 - Pine Ridge Elementary School
 - Rimes Early Learning and Literacy Center
 - South Lake High School
 - Tavares Elementary School
 - Tavares Middle School
 - Windy Hill Middle School
- PBS training to staff at the following schools during the 2011–12 school year:
 - Beverly Shores Elementary School
 - Clermont Middle School

- East Ridge Middle School
- Eustis Heights Elementary School
- Eustis Middle School
- Fruitland Park Elementary School
- Grassy Lake Elementary School
- Groveland Elementary School
- Lake Hills School
- Lake Minneola High School
- Mt. Dora Middle School
- Oak Park Middle School
- Seminole Springs Elementary School
- Sorrento Elementary School
- Tavares High School
- Treadway Elementary School
- Umatilla High School
- Windy Hill Middle School

Concerns

- Although all acknowledgements were signed, dates of provision of notification and incident reports, and any follow-up attempts to receive parent acknowledgement were not always available.
- There has been an increase in the number of incidents of restraint and seclusion during the 2011–12 school year compared to the previous school year.

Recommendations

- Consider developing a log to use to document dates when written notification and incident reports were provided or mailed and when follow-up attempts were made if parents failed to give written acknowledgement of receipt; one school developed a tracking log during the on-site visit
- Provide parents with more information related to community resources available to assist with economic and social issues
- Consider hiring mental health technicians to assist in behaviorally intensive classrooms in schools other than Lake Academy
- Consider providing the trainings provided by Lifestream Behavioral Center regarding mental health issues in children to staff in other schools
- Provide more opportunities for collaboration and open discussions among staff at various schools to share what is and isn't working at the different schools
- Provide staff the opportunity to tour other schools while in session to gain ideas and techniques
- Continue PBS training in other schools in the district
- Continue to implement activities described in the district's SP&P plan for reducing the use of restraint and seclusion, including the following:
 - Strengthen implementation of Multi-Tier System of Supports

- Continue to offer behavioral intervention and crisis support training to teachers and staff members needing the trainings
- Provide additional professional development in PBS
- Increase professional development opportunities for nonviolent crisis intervention

Technical Assistance

Specific information for technical assistance, support, and guidance regarding IEP development can be found in the *Exceptional Student Education Compliance Manual 2011–12*, available on the General Supervision Website. The district’s SP&P provides district- and school-based standards for documenting, reporting, and monitoring the use of manual, physical, or mechanical restraint, developed by the FDOE. In addition, the technical assistance paper entitled *Guidelines for the Use, Documentation, Reporting, and Monitoring of Restraint and Seclusion with Students with Disabilities*, dated October 14, 2011, offers specific information for guidance regarding restraints.

Bureau Contacts

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

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Glossary of Acronyms and Abbreviations

BIP	Behavior 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
ESE	Exceptional student education
FBA	Functional Behavior Assessment
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PBS	Positive behavior support
PCM	Professional Crisis Management
SP&P	Exceptional Student Education Policies and Procedures



Florida Department of Education
Gerard Robinson, Commissioner

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