

Madison County School District

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

February 16, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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Bureau website: <http://www.fl DOE.org/ese/>

Email: BRIC@fl DOE.org

Telephone: (850) 245-0477

Fax: (850) 245-0987

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April 16, 2012

Mrs. Lou Miller, Superintendent
Madison County School District
210 N.E. Duval Avenue
Madison, Florida 32340-2541

Dear Superintendent Miller:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint/Seclusion* for the Madison County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district on February 16, 2012. Those information sources included student record reviews, interviews with district and education staff at the facilities, 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.fl doe.org/ese/mon-home.asp>.

The Madison County School District was selected for an on-site visit due to reported incidents of restraint and/or seclusion that were greater than 225 percent of the state rate. Ms. Ramona Guess, the district's Coordinator for Exceptional Student Education, was very helpful during the Bureau's preparation for the visit, and Ms. Jamie Newberry, Director of Education, Twin Oaks Vocational Academy/Residential Alternative for the Mentally Challenged (TOVA/RAMC) was very helpful during the on-site visit. In addition, Mr. Sean Golder, Executive Director, the educational staff, and other staff members at the facility welcomed and assisted the monitoring team during the on-site visit. The Bureau's on-site monitoring activities identified some discrepancies that require corrective action as well as strengths related to Madison's special education services at TOVA/RAMC.

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

Mrs. Lou Miller
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Thank you for your commitment to improving services to exceptional education students at TOVA/RAMC within Madison 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: Ramona Guess
Sean Golder
Jamie Newberry
Karen Denbroeder
Patricia Howell
Vicki Eddy

Madison County School District

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Madison County School District

Final Report: On-Site Monitoring Reporting Incidents of Restraint/Seclusion February 16, 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 Madison 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, which was 0.97 percent.

Data reported by the district via the FDOE's web-based reporting system for incidents of restraint identified that Madison County School District reported 17 incidents of restraint for 15 students from **August 2010 through May 2011**. With 604 students with disabilities reported as enrolled in the district during this time period, 2.48 percent of the students with disabilities were restrained. Four of the 17 restraints took place at Madison Central School, with the remainder taking place at Twin Oaks Vocational Academy/Residential Alternative for the Mentally Challenged (TOVA/RAMC), which is a residential commitment facility contracted through the Department of Juvenile Justice (DJJ). Staff members from TOVA/RAMC shared that due to budget cuts within the DJJ during the 2010–11 fiscal year, several state-operated and privately contracted juvenile justice specialized treatment and high-risk residential facilities were closed, resulting in youth adjudicated to specialized treatment or high-risk programs being sent to moderate-risk facilities such as TOVA/RAMC to complete their length of stay. When students with specialized needs are integrated in a general population facility, the transition and change of intervention usually manifests in a student's behavior, which can be aggressive and physical in nature. With the influx of students with more specialized needs, TOVA/RAMC immediately began adjusting their behavior plan, which had been previously based on moderate at-risk students, to accommodate those with more severe needs. TOVA/RAMC staff members reported that the influx of students with more specialized needs and the facility's transition toward meeting their needs accounted for the increased number of incidents of restraint from March to June 2011.

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 TOVA/RAMC, specifically for restraints. District staff reported that seclusion is not used in Madison County School District.

TOVA/RAMC's population consists of male youth from age 10 to 19 who are committed by the Florida court system, with the average length of stay between 9 to 12 months. This facility has two campuses: the north campus houses the Career Exploration and vocational programs and the south campus houses the RAMC program, which maintains self-contained educational classrooms with teachers certified in ESE.

On-Site Activities

Monitoring Team

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

- Vicki Eddy, Compliance Specialist (Team Leader)
- Brenda Fisher, Compliance Specialist

Data Collection

Monitoring activities included the following:

- Record reviews – 5 student individual educational plans (IEPs)
- Case studies – 4 student records for documentation of restraint for 4 of the 5 students
- Observations – 2 classrooms
- District administrator interviews – 3 participants
- Facility administrator interviews – 2 participants
- Teacher interviews – 4 participants

Review of Records

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

- Current IEP
- Functional behavioral assessment and behavioral intervention plan, if any
- 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
- Protection Action Response (PAR) review of the restraint incident

Results

Data reported by the district via the FDOE's website for reporting incidents of restraint from **August 2011 through March 2012** identified that Madison County School District reported 10 incidents of restraint for eight students, all of which took place at TOVA/RAMC except one restraint, which took place at Madison Central School. With 529 students with disabilities reported as enrolled during this time period, 1.51 percent of the students with disabilities were restrained, reflecting a decrease in restraints within the district. TOVA/RAMC attributes the decline to ongoing modifications for all students, including increased behavioral support for students who are in need of more specialized treatment and continual staff trainings to meet the needs of the students. The district reports that Positive Behavior Support: Response to Intervention for Behavior Project (PBS:RtIB) has just begun to work in the district, specifically at Madison Central School; however, TOVA/RAMC has not been involved with the PBS:RtIB work.

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

Recommendations

TOVA/RAMC is to be commended for the following:

- The facility was clean, attractive, and well-maintained and had a calm and orderly environment with a community atmosphere.
- Strong leadership and support by the administrative team to the educational staff was evident.
- 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.
- Classroom interactions between staff and students were positive, and students were actively engaged in the learning process.
- Staff members demonstrated awareness of individual student behavior triggers and used de-escalation techniques throughout instructional time to redirect the students.
- Transition between classes was very structured, with additional supports in place.
- Behavior support and intervention methods are 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.
- PAR training, which is required yearly for all DJJ facility staff, emphasizes verbal intervention techniques as an initial response to a behavior incident and incorporates strategies to ensure that restraint is used only as a last resort.
- PAR reviews are completed by the staff involved in the restraint within 24 hours after each incident, data is reviewed to determine what could have been done to prevent the restraint, and a formalized document is constructed based upon this review. In addition, case managers review data (e.g. time of day, location, staff involved) and trends to determine what changes are needed in order to reduce the number of restraints.
- After a student is restrained, additional measures to facilitate prevention are addressed, including modifications to the student's facility treatment plan. The student's compliance to the modifications is monitored by the facility's treatment team (a comprehensive committee made up of the student, the program director, the student's case manager, a clinical therapist, a representative from the medical staff, an educator, and a support staff member all of whom follow the holistic performance of the student during the student's length of stay at TOVA/RAMC).
- Students are observed by medical staff at the facility after the termination of the restraint.
- The automotive, welding, and culinary arts programs allow students to develop skills that can lead to employment opportunities upon the students' return to their communities.
- Students in the culinary arts program can earn Safe Staff Food Handler certifications within 30 days, which helps with future employment.
- Academic staff participates in CORE Training each month, which offers additional on-line training on topics such as: gang awareness, achieving positive behavior change, effective communication, and conflict management.

- Tutoring, group therapy, and recreational activities are offered for students after school.
- Success stories shared
 - After successfully completing the program at TOVA/RAMC, one 14-year-old student is now employed by Publix Supermarkets.
 - After a recent student earned a high school diploma through EdOptions, TOVA/RAMC staff assisted the student with the federal student financial aid application process and the transition to Edward Waters College, where the student is experiencing success.
 - After graduating with a standard diploma, another student is now attending Athens Technical School on the culinary arts track.

Concern

Some of the documentation was unclear regarding the exact dates that the notification letters and the incident reports were provided to the parents.

Recommendations

1. Bureau staff recommended that a tracking system be developed in order to document the required school-level standards. On March 1, 2012, district staff created a restraint documentation log and provided a copy to Bureau staff for review.
2. Bureau staff recommend that the district contact the PBS:RtIB project regarding working with TOVA/RAMC.

Findings of Noncompliance

1. A finding of noncompliance was identified for one requirement regarding IEP development.

There is a measurable postsecondary goal in the designated areas (i.e., education/training, employment, and, where appropriate, independent living skills). (34 CFR §300.320(b)(1))

- In two of the five records reviewed, there were postsecondary goals that were not measurable. (Three additional student records identified postsecondary goals that were not measurable; however, these students are no longer at TOVA/RAMC and are not enrolled in the district.)

This information was provided under separate cover to the district on March 2, 2012. On March 12, 2012, documentation regarding student-specific corrections and training for district personnel was provided by the district and validated by the Bureau. On March 15, 2012, the district demonstrated 100 percent compliance on this standard through review of a random sample of five IEPs developed after the correction of noncompliance.

2. The following noncompliance was found regarding incident reporting for restraints. (1003.573, F.S.)

- Providing parents with a notification in writing of any incident of restraint or seclusion. This written notification must include whether any injuries occurred during or resulting from the restraint.
 - In four of the four records reviewed, the notification form did not include whether injuries occurred.

Prior to the dissemination of this report, the district revised the notification form to include whether injuries occurred during or resulting from the restraint and provided the revised form to Bureau staff for review on March 5, 2012.

- Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
 - In one of four records reviewed, the parent was not contacted on the day of the incident.
- Providing parents with written notification of incidents of restraint on the day of the incident.
 - In four of the four records reviewed, the written notification was not provided on the day the restraint occurred.
- 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.
 - In four of four records reviewed, there is no documented date as to when the incident reports were mailed.

Corrective Actions

1. Information regarding student-specific corrections related to measurable postsecondary goals was provided to the Bureau prior to the dissemination of this report. The noncompliance was corrected by the district and validated by the Bureau.
2. Regarding the noncompliance found during the on-site visit for reporting incidents of restraint, **no later than June 1, 2012**, the Madison County School District must correct the following procedures regarding reporting and documenting incidents of restraint:
 - Making reasonable efforts to contact the parent via telephone or email on the day of the incident.
 - Providing the parent with the written notification before the end of the school day on which the restraint occurred.
 - Providing the parent with the completed incident report in writing by mail within three school days after the student was manually or physically restrained.

Documentation of the following shall be provided to the Bureau **no later than June 1, 2012**, regarding all incidents of restraint occurring after March 5, 2012:

- Evidence of reasonable efforts to contact the parent via telephone or email on the day of the incident.

- Evidence of the provision of written notification to the parent on the day of the incident.
- Evidence of the completed incident report provided to the parent by mail within three school days after the student was manually or physically restrained.

Note: In accordance with the reporting requirements of the Annual Performance Report for the State Performance Plan, noncompliance regarding measurable postsecondary goals will be counted as a finding of noncompliance related to IEP development.

Documentation verifying completion of all components of the corrective action related to IEP development has been received and verified within the one-year timeline from the date (February 15, 2013) of the corrective action letter, which means the district has complied with the requirements of SPP indicator 15 (timely correction of noncompliance).

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:

Program Accountability, Assessment and Data Systems

(850) 245-0476

Karen Denbroeder, Administrator

Karen.Denbroeder@fldoe.org

Patricia Howell, Program Director
Monitoring and Compliance

Patricia.Howell@fldoe.org

Suzan Bastos, Compliance Specialist
Suzan.Bastos@fldoe.org

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

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

Brenda Fisher, Compliance Specialist
Brenda.Fisher@fldoe.org

Annette Oliver, Compliance Specialist
Annette.Oliver@fldoe.org

Juvenile Justice Education

Lisa Robinson, Program Specialist
Lisa.Robinson@fldoe.org

Accountability Systems

Jill Snelson, Program Director
Jill.Snelson@fldoe.org

Instructional Support Systems

(850) 245-0475

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

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

Derek Hemenway, Compliance Specialist
Derek.Hemenway@fldoe.org

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

Bureau Resource and Information Center

(850) 245-0477

Judith White, Director
BRIC@fldoe.org

Florida Department of Education
Bureau of Exceptional Education and Student Services

Glossary of Acronyms and Abbreviations

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
DJJ	Department of Juvenile Justice
ESE	Exceptional student education
FDOE	Florida Department of Education
F.S.	Florida Statutes
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PAR	Protection Action Response
PBS:RtIB	Positive Behavior Support: Response to Intervention for Behavior Project
SP&P	<i>Exceptional Student Education Policies and Procedures</i>
TOVA/RAMC	Twin Oaks Vocational Academy/Residential Alternative for the Mentally Challenged



Florida Department of Education
Gerard Robinson, Commissioner

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