

St. Johns County School District

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

February 14–16, 2012



Florida Department of Education
Bureau of Exceptional Education and Student Services

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April 16, 2012

Dr. Joseph Joyner, Superintendent
St. Johns County School District
40 Orange Street
St. Augustine, FL 32084

Dear Superintendent Joyner:

We are pleased to provide you with the *Final Report: On-Site Monitoring Reporting Incidents of Restraint/Seclusion* for the St. Johns County School District. This report was developed by integrating multiple sources of information related to an on-site monitoring visit to your district February 14–16, 2012, including student record reviews, interviews with school and district 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 St. Johns 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. Lisa Bell, Exceptional Student Education Director, and her staff were very helpful during the Bureau's preparation for the visit and during the on-site visit. The on-site visit identified strengths related to the district's special education services and reporting and monitoring of the use of restraint. (The district prohibits the use of seclusion.) In addition, the Bureau's on-site monitoring activities identified noncompliance that required corrective action. Following the on-site visit and prior to the dissemination of this report, the noncompliance was corrected by the district and validated by the Bureau.

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

Dr. Joseph Joyner
April 16, 2012
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Thank you for your commitment to improving services to exceptional education students in St. Johns County. 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: Lisa Bell
Karen Denbroeder
Patricia Howell
Liz Conn

St. Johns County School District

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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 laws and rules related to exceptional student education (ESE) (sections 1001.03(8) and 1008.32, Florida Statutes [F.S.]). One purpose of the Individuals with Disabilities Education Act of 2004 (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]). In accordance with IDEA, the Bureau is responsible for ensuring that the requirements of the Act 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 St. Johns County School District was

informed that the Bureau would be conducting an on-site monitoring visit due to reported incidents of restraint and/or seclusion 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 identified that St. Johns County School District reported 520 incidents of restraint for 161 students from **August 2010 through May 2011**. With 4,278 students with disabilities reported as enrolled in the district during this time period, 3.76 percent of the students with disabilities were restrained.

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 specifically for restraints at Cunningham Creek Elementary School, R.J. Murray School, St. Augustine High School, Transition School, and The Webster School. District staff reported that seclusion is not used in St. Johns County School District.

On-Site Activities

Monitoring Team

On February 14–16, 2012, the following Bureau staff members participated in the on-site monitoring visit:

- Liz Conn, Compliance Specialist, Monitoring and Compliance (Team Leader)
- Mary Sue Camp, Consultant, Exceptional Student Education
- Karlene Deware, Compliance Specialist, Monitoring and Compliance
- Jennifer Jenkins, Emotional/Behavioral Program Specialist

Data Collection

Monitoring activities included the following:

- District-level interview – 2 participants
- School-level interviews – 11 participants
- Classroom observations – 11 students
- Record reviews – 18 individual educational plans (IEPs), including documentation of restraint incidents
- Case studies – 15 students

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
- Copies 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

In addition, prior to the on-site visit, the Bureau data team provided members of the monitoring team with copies of the two most recent incident reports for each of the selected students.

Results

Data reported by the district via the FDOE’s website for reporting incidents of restraint from **August 2011 through March 2012** identified that St. Johns County School District reported 338 incidents of restraint for 140 students. With 4,319 students with disabilities reported as enrolled during this time period, 3.24 percent of the students with disabilities were restrained, reflecting a decrease in restraints from 3.76 percent for the 2010–11 data. District staff indicated that review of data on a regular basis has increased accountability at the school level. School personnel indicated that monthly data reviews by Professional Crisis Management (PCM) teams have resulted in positive changes in the classrooms. Two of the schools visited — R.J. Murray Middle School and Cunningham Elementary School — have implemented Positive Behavior Support: Response to Intervention for Behavior Project (PBS:RtIB). St. Augustine High School, The Webster School, and Transition School have included “Character Counts” in their curricula.

The following results reflect data collected through the activities of the on-site monitoring visit as well as commendations, concerns, a finding of noncompliance, and corrective action.

Commendations

District

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

- Providing schools with a PCM notebook that contained state requirements, forms, and other helpful information
- Regular attendance at PCM meetings
- Provision of training to school staff

Schools

All of the schools visited are to be commended for the following:

- Schools were well organized and well maintained, presenting positive environments for learning.
- Principals were very supportive of students and staff.
- It was evident that restraint has been consistently reserved as a last resort in all of the schools visited.
- PCM teams were well organized to respond to incidents requiring restraint.

- PCM meetings have been held at least monthly at all schools.
- Schools have used their reviews of restraint incidents to make positive changes.
- School staff members displayed a high level of professionalism and commitment and were extremely accommodating to Bureau staff, who found practices related to restraint to be exemplary.

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

- **R.J. Murray Middle School**, by changing the level system and reducing the number of students in targeted classrooms, has reduced the number of restraint incidents this year. In addition, the school has developed social skills and service training classes that meet during the exploratory period.
- Two of the schools visited have added vocational training to their curriculum. Students at **St. Augustine High School** were participating in a training program that included car detailing, with payment in the form of Wal-Mart gift cards. **Transition School** also had a program in which students worked at car detailing for monetary gain. Transition School staff shared plans to expand this program to include a school vegetable garden, from which produce could be sold.
- These two schools have also emphasized the role of mental health counselors. **St. Augustine High School** has included three mental health counselors as part of their on-site staff. To help maintain continuity for students, the mental health counselor from **Transition School** has been visiting feeder schools on a weekly basis, and mental health counselors from those schools have been visiting Transition School on a weekly basis. In addition, the mental health counselor at Transition School has made it a practice to graph students' behavior and share the results with students each month. Transition School has also used Title I funds to maintain a psychiatrist on-site once a month.
- **Cunningham Creek Elementary School** and **The Webster School** have created efficient tracking sheets for documenting restraint procedures. **Cunningham Creek Elementary School** had a second system of documenting restraint procedures, providing an additional check and balance to the process. Both of these schools have included additional staff in the process.
- The behavior specialist is on-site at **The Webster School** four days a week and has been involved in most restraints.
- It has been routine at **Cunningham Creek Elementary School** for the school nurse to examine students after a restraint.

Concerns

The following concerns were noted during the on-site visit

- Lack of communication regarding the revised parent notification form resulted in some schools using an outdated form which did not include all of the information required as of October 2011.
- In some cases, although reports were sent out within three school days of an incident as documented by staff, reprints of the reports sent to parents contained the

print date, not the actual date of the report, which made it appear that the reports had not been sent to parents within the three-school-day timeframe.

- In some cases, staff did not document attempts to get parents' signatures on required paperwork.

Findings of Noncompliance

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

- 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.
 - In three out of 18 records reviewed, it was unclear when the incident reports were mailed.
 - Prior to the date of the Bureau's on-site visit, the parents of these students were provided with copies of the reports and acknowledgement signatures were obtained.

Corrective Action

As a corrective action, the district was required to demonstrate 100 percent compliance with the standard in question through review of a random sample of five restraint incidents that occurred after February 16, 2012. The district submitted documentation of this corrective action on March 15, 2012, and the Bureau validated the documentation. The district has completed the requirements related to this monitoring visit.

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 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 2011, offers specific information for guidance regarding restraints and can be found under *Presentations and Publications* at www.fldoe.org/ese.

Bureau Contacts

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

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**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
ESE	Exceptional student education
F.S.	Florida Statutes
FDOE	Florida Department of Education
IDEA	Individuals with Disabilities Education Act
IEP	Individual educational plan
PCM	Professional Crisis Management
PBS:RtIB	Positive Behavior Support: Response to Intervention for Behavior Project
SP&P	Exceptional Student Education Policies and Procedures



Florida Department of Education
Gerard Robinson, Commissioner

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