

JEFFERSON CITY PUBLIC SCHOOLS
SPECIAL AUDIT EXECUTIVE SUMMARY

May 12, 2015

In October 2014, various concerns pertaining to student behaviors were brought to the attention of the Board of Education of the Jefferson City Public Schools. The Board retained independent legal counsel to conduct a thorough and comprehensive audit in the areas identified. As part of the special audit, a full report was prepared for study by the Board and Administration. Due to the substantial amount of identifiable information set forth in the full report, the Board requested that an Executive Summary be prepared in a manner that may be shared with the public. The findings and recommendations set forth in the Executive Summary are consistent with those set forth in the full report, with identifiable information removed. Throughout the course of the audit, both the Board and the Administration exhibited an earnest commitment to the integrity of the process. Both repeatedly welcomed the opportunity to find areas for improvement and expressed a genuine willingness to take appropriate action in response.

Synopsis:

The special audit revealed that board policies pertaining to student discipline are generally compliant and appropriate, although additional training in implementation of those policies would be beneficial. The audit did not reveal that Moreau Heights Elementary experiences a higher rate of aggressive student behavior, but instead determined that the type and number of incidents are commensurate with other elementary schools in the District. Our review confirmed that some of the behavior incidents reported by members of the public did, in fact, occur. However, often public perception of what had occurred was not consistent with a primary source's characterization of the same situation. Our review revealed that many, if not all, of the incidents identified resulted in discipline. Significantly, we did find that clear expectations regarding the use of behavior interventions have not been set at Moreau Heights, and staff has not been held accountable for implementing them with fidelity.

The audit further revealed that classroom evacuations have been used on occasion at Moreau Heights, but not in an overly frequent manner. However, we did determine that there is not a

consistent understanding among staff about when evacuating a classroom is authorized and what procedures should be observed when its use is required.

With respect to the Transition Classroom developed by the District, we determined that its use has been encouraged by the Administration. However, there does not appear to be a consistent understanding about what the Transition Classroom is and when and how it should be utilized. In addition, there are no written guidelines and procedures for its use beyond the forms created at the time it was developed.

Finally, the audit revealed that there have been multiple violations at Moreau Heights of administrative procedures and board policy as well as state and federal law with respect to maintaining the confidentiality of student information.

In light of the foregoing, the following four priority action items were identified:

- *Evaluate and improve the plan for District-wide implementation of a behavior management system and create controls to ensure its implementation with fidelity. This should include setting high expectations with respect to the use of student behavior interventions and holding staff strictly accountable for implementation.*
- *Evaluate and improve guidelines and procedures for use of the Transition Classroom.*
- *Develop written guidelines and procedures for classroom evacuations.*
- *Evaluate and strengthen training for staff and others working with students regarding the confidentiality of student information and hold them accountable for complying.*

EXECUTIVE SUMMARY

I. INTRODUCTION

In October 2014, Shellie Guin of Guin Mundorf, LLC was retained by the Board of Education (“Board”) of Jefferson City Public Schools (“District”) to conduct a comprehensive audit related to issues pertaining to student behaviors, primarily at Moreau Heights Elementary. A scope of work establishing the initial parameters for the audit was developed by the audit committee and provided to Ms. Guin. At the conclusion of the audit process, Ms. Guin issued specific findings and recommendations, which are set forth herein.

II. SUMMARY OF INVESTIGATION

The audit process consisted primarily of reviewing records and interviewing various individuals. The records reviewed were provided by the district as well as by certain individuals. Twenty-nine (29) individuals were interviewed as part of the audit, including parents,

community members, district administrators, board members and school staff. These interviews began on November 18, 2014, and concluded on April 8, 2015.

III. BACKGROUND INFORMATION

Much of the audit addressed issues surrounding Moreau Heights Elementary. Historically, Moreau Heights was an affluent school in the District. Staff and building leadership enjoyed students from stable environments, established neighborhoods, involved parents, and high student achievement. Until recently, the building realized a low rate of turnover among staff. The original building was designed to accommodate approximately 250 students. After renovation, the building can currently accommodate 437 students. Three self-contained special education classrooms (referred to as “ID” or Intellectual Disability classrooms) have been housed at Moreau Heights for several years.

In recent years, the demographics of both the students and staff at Moreau Heights have drastically changed. Today, Moreau Heights has an approximate enrollment of 430 students, with at least 55.3% of its students eligible for free or reduced lunch (FY2014). Students come from a variety of home environments and socioeconomic conditions. In addition, both teachers and particularly support staff experience a higher rate of turn over. Some of these changes are consistent with District-wide trends. Moreau Heights has a higher percentage of special education students due to the three self-contained classrooms, which currently serve approximately 32 students.

Moreau Heights has experienced four (4) different principals within the last six (6) years. Next year, Moreau Heights will have another new principal, resulting in the building experiencing five (5) different principals within the last seven (7) years. The teachers at Moreau Heights by their own admission are fractured. The building environment was repeatedly referred to as “toxic,” which in turn seemed to reinforce a pervasive negativity.

All of these factors created at Moreau Heights what interviewees universally referred to as the “perfect storm.”

IV. GENERAL THEMES

Although the investigation focused significantly on the handling of student behavioral issues, several themes surfaced throughout the course of the audit. Those themes are:

- Demographic changes
- Systems and processes
- Leadership
- Communication
- Chain of command

The demographic changes discussed above are not unique to Moreau Heights. The District has seen **demographic changes** throughout its boundaries over the past several years, with some buildings experiencing a more significant change than others. Because of the rapid nature of some of the changes, the District was forced into an *ad hoc* reactionary mode in some respects, resulting in a patchwork of **systems and processes** in certain areas. Inconsistency in certain systems and processes was exacerbated by the fact that buildings were afforded a significant amount of latitude in determining how and when to address certain needs based on the circumstances of that particular building. Certain buildings, such as Moreau Heights as described above, faced **leadership** issues at the same time. The various stakeholders who were interviewed as part of the audit raised **communication** issues almost without exception, often coupled with concerns about others following the proper **chain of command**. Those two themes together created what some interviewees characterized as the appearance of “disjointedness” among the District.

V. **AREAS OF INVESTIGATION**

A. **Behavior and Student Discipline Issues**

As an initial matter, state and federal law impose certain requirements with respect to public education. Missouri has established a public education system for people within this state. The right to a public education is a right which must be made available to all persons on equal terms. *Brown v. Board of Ed. of Topeka, Shawnee County, Kan.*, 347 U.S. 483 (1954). With respect to students with disabilities, which is a much broader classification of students than special education, public schools are required to educate students with disabilities in the general education environment with their non-disabled peers to the maximum extent possible. As such, it is imperative that all students within the District are afforded equal rights and opportunities with regard to their education. Each student in Missouri has the constitutional right to attend public school, and this right must be met in the least restrictive environment possible for that student.

1. **Board Policies**

We were asked to review policies and procedures with respect to student discipline. A review of District policies and procedures reveals that the written policies and procedures are generally acceptable and appropriate. Upon review of the District’s policy pertaining to the use of seclusion, isolation and restraint (Policy JGGA), there are some minor changes that should be considered to the policy given current and best practices.

2. **Discipline Data**

The District has 12 elementary schools, with an approximate enrollment of 4,600 students. Within those elementary schools, each school experiences and tracks aggressive or violent behaviors, including the following categories of discipline: threats or verbal assaults,

physical contact/aggression, fighting, weapons and assaults. The data reveals that such behaviors are not unique to Moreau Heights but are fairly consistent across other buildings. For instance, during the 2013-2014 school year, Moreau Heights had the fourth (4th) most instances of discipline for those characterized as aggressive or violent behaviors. During the 2014-2015 school year, Moreau Heights had the third (3rd) most for the time period reported at the time the data was collected.

Further, in reviewing the discipline imposed throughout the elementary schools, we found that the level of discipline imposed was fairly consistent among the elementary schools. For the 2013-2014 school year, Moreau Heights imposed 14 in-school suspensions and 12 out-of-school suspensions for a total of 26 suspensions, which was the fifth (5th) most suspensions in the District elementary schools. This is not an excessive nor minimal number of suspensions in comparison. However, in the first half of the 2014-2015 school year, Moreau Heights ranks the highest for out-of-school suspensions and third (3rd) in overall suspensions.

The total number of incidents of discipline in the schools shows that Moreau Heights does not have an excessive number of disciplinary issues. Moreau Heights ranks eighth (8th) for the 2013-2014 school year for all discipline incidents and fourth (4th) for the portion of the 2014-2015 school year reported. The number of incidents of discipline reveals that Moreau Heights does not have an excessive number of disciplinary issues in comparison, but rather that the discipline being imposed at that building is commensurate with, if not heavier-handed than, other buildings.

3. Training

State law requires annual training regarding the District's discipline policies. The District requires all employees to complete annual electronic training in a variety of areas, including student discipline. The District also provides training throughout the year in other areas associated with student behaviors, such as restraint training, PBS training, de-escalation techniques, and specific behavior interventions. Some of these additional training opportunities are optional or voluntary on the part of staff.

Although it technically meets the requirements of state law and board policy, we believe that the student discipline and behavior training provided to employees may need to be supplemented with targeted and customized training tailored to the needs of a particular building or department. More directed and interactive training at regular intervals in lieu of or in addition to electronic training also increases its effectiveness.

4. Transition to PBS

Positive behavior interventions and supports (PBS) is a research-based behavior management system focusing on positive teaching of desired behaviors as opposed to punitive and exclusionary discipline, utilizing a three (3) tiered approach to addressing student behavior. While the District has not formally adopted PBS as a behavior management system nor mandated its use, each building has been afforded the flexibility of determining on its own what behavior management system it will utilize, when it will utilize it, and in what manner. This has resulted in segmented and inconsistent use of PBS throughout the district.

Moreau Heights abruptly abandoned utilization of the BIST (Behavior Intervention Support Team) model leading into the 2013-2014 school year, with little to no transition to utilization of PBS. Additionally, behavior interventions have not been implemented consistently and with a high degree of fidelity at Moreau Heights, further adversely impacting the effectiveness of behavior management. Moreau Heights was still at Tier 1 in its implementation of PBS at the time interviews were conducted.

The District should review its utilization of PBS on a District-wide basis and assess whether a full continuum of support is available, so as to maximum the benefits associated with the use of PBS. The District should also review its implementation across the District and determine whether a plan should be developed to methodically make its implementation more uniform across the District.

5. Staff Accountability

Clear expectations regarding the use of behavior interventions have not been set at Moreau Heights, and staff has not been held accountable for implementing them with fidelity. It is critical that high expectations be established for staff at Moreau Heights with respect to addressing student behaviors. They must be provided with clear direction from strong building leadership who will provide hands on guidance. They should continue to be provided with the resources they need, coupled with significant support from administration so they may develop the “how to” resources into practical application in the classroom. Finally, they must be held consistently accountable for following direction and implementing as instructed.

B. Classroom Evacuations

It is our understanding that classroom evacuations were one of the initial concerns raised with respect to student behaviors at Moreau Heights. We were asked to assess the frequency and manner in which classroom evacuations are occurring at Moreau Heights as well as the appropriateness of its use.

Classroom evacuations have been used on occasion at Moreau Heights. Our review did not reveal an overly frequent use of classroom evacuations, although reports varied from interviewees. Staff understanding regarding when evacuation is authorized to be used is widely varied.

Classroom evacuations should be used on a very limited basis and should not be used when the child engaging in the inappropriate behaviors will safely comply with instructions. Classroom evacuations should also not be used when less restrictive and disruptive interventions may be effective. It is our understanding that the District previously established that classroom evacuations will be limited to situations involving a threat of harm to self, others or property, and we believe this is an appropriate standard.

Given the wide variance in staff interpretation as to when evacuation of a classroom is appropriate, the District should consider establishing written guidelines and protocols for its use. Our review did not reveal any such guidelines or protocols in use. Clear and concrete training is necessary to ensure appropriate utilization of classroom evacuations. Further, documentation of the use of evacuations is important to ensure appropriate use and to track data to determine if other issues may exist. Documentation should include not only the number of removals, but more specific information regarding the evacuation, date, time, place, student involved, and specific information regarding the incident necessitating the evacuation.

C. Transition Classroom

Beginning with the 2014-2015 school year, the District created and began utilizing a Transition Classroom to provide intensive social skills training and a high level of behavior support, with the goal to transition the student back to his or her home school. The Transition Classroom is intended to be a temporary location of services and not a long-term placement.

We were asked to specifically determine whether use of the Transition Classroom at the beginning of the year was stifled by the administration. We found to the contrary. Since the beginning of the year, the number of students placed in the Transition Classroom has increased, which is indicative of its use, with multiple students being assigned to the Transition Classroom directly by District administration.

The documents provided did not include any written procedures regarding use of the Transition Classroom or the referral process. Further, there are no guidelines or procedures regarding how to transition students back into their home school from the Transition Classroom. We were able to generally discern the process from the forms created at the time the Transition Classroom was developed, and based upon those forms it does appear that the process is appropriate.

We recommend that the District develop written guidelines and procedures for the Transition Classroom, including the referral process, appeal procedures and return to the home school. In addition, use of the Transition Classroom creates a significant risk that students will not be identified for special education services in a timely manner because they are receiving such a high level of support. Consideration should be given to measures that may be taken to minimize this risk when written guidelines and procedures are developed.

There appears to be some confusion and misunderstanding by parents and staff about the Transition Classroom. Our review revealed a misconception that the Transition Classroom is for special education students. The perception that the Transition Classroom is a special education placement carries with it additional legal implications that do not exist for a regular education location of services. Because of this, it is important to ensure community and staff understanding of the Transition Classroom.

D. FERPA/Confidentiality Issues

We were asked to determine whether there have been violations of law or board policy with respect to confidentiality of student information. The Family Educational Rights and Privacy Act (“FERPA”) protects the privacy of student education records and personally identifiable information. It prohibits the release of this confidential information without the written consent of the parent/guardian, with certain exceptions. Board Policy JO (Student Records) and its accompanying administrative procedure requires confidentiality consistent with state and federal law and imposes additional restrictions with respect to the disclosure of confidential student information.

Based on the violations discovered, we recommend additional training for the staff to ensure a complete understanding of the information that must be maintained as confidential. We do not believe that the annual electronic training is sufficient for the Moreau Heights staff and would recommend separate and specialized training regarding student confidentiality issues and requirements, with specific factual scenarios. We also recommend increased monitoring and accountability in this area.

Further, we are aware that Moreau Heights utilizes parents of students within the school as substitute teachers. It is imperative that substitute teachers, parent volunteers and paraprofessionals receive the same level of training as is received by regular staff to ensure compliance with state and federal law and board policy regarding student privacy issues, including the additional specialized training we recommend for Moreau Heights. We additionally would recommend that consideration be given to providing some level of parent education regarding student privacy rights.

E. Communications Issues

Our investigation revealed a perception that there are communication issues at every level in the District and a general lack of trust among various groups. Some of the issues raised appear to be attributable to a difference in perception, which is difficult to address, but others pertained to a perceived lack of transparency or candor, misunderstanding or confusion about various issues, and lack of information and communication altogether. The fact that interviewees universally identified communication and trust issues as existing is indicative of the need for team building at various levels, transparency and candor, and more organized communication plan and protocols.

VI. FINDINGS AND CONCLUSIONS

Based on our review, the firm of Guin Mundorf, LLC serving as independent auditor makes the following specific findings and conclusions:

- We find there is a prevalent belief among some parents and staff that students who exhibit disruptive behaviors should be excluded from the regular education environment.
- We find that the District's policies and regulations regarding student discipline and the use of seclusion, isolation and restraint are generally appropriate and legally compliant.
- We find that incidents of violent and aggressive behaviors are not more prevalent at Moreau Heights than other schools in the District and that the discipline imposed at Moreau Heights is comparable with other schools in the District.
- We find that the District's annual training regarding discipline policies is legally compliant.
- We determined that behavior interventions were not implemented consistently and with a high degree of fidelity at Moreau Heights, thereby adversely impacting the effectiveness of behavior management at that building.
- We find that staff accountability and building leadership issues have significantly impacted the implementation of a behavior management system at Moreau Heights and substantially contributed to student behavior issues in the building.

- We find that Moreau Heights has experienced significant turnover in building leadership for the last six years.
- We find that Moreau Heights has been provided with more District-level support than any other elementary building with respect to student behaviors.
- We find that the use of classroom evacuations did occur at Moreau Heights; however, we do not find that its use was inappropriate or persistent.
- We find that staff at Moreau Heights does not have a clear and consistent understanding of when and how classroom evacuations should be utilized.
- We do not find that use of the Transition Classroom was stifled by the administration at any time.
- We find that there is a lack of consistent understanding about what the Transition Classroom is and what the procedures are for its use.
- We find that there were violations of confidentiality with respect to the disclosure of student information at Moreau Heights.
- We find that communication issues exist among various levels and stakeholders in the District.

VII. RECOMMENDATIONS

Based on our review, the law firm of Guin Mundorf, LLC serving as independent auditor makes the following recommendations and suggestions:

- It is recommended that the District consider providing both staff and community education regarding the District's obligations to educate all students on equal terms and in the least restrictive environment possible.
- We suggest that Board Policy JGGA (Seclusion, Isolation and Restraint) be reviewed with respect to conformity with current practice to determine if revisions are warranted, in particular with regard to the provision of notice to a student's parents/guardians when any form of restrictive behavioral intervention is used.

- We suggest that the District consider supplemental training regarding the District's discipline policies.
- We believe the District should review its utilization of PBS on a District-wide basis and assess whether a full continuum of support is available. The District should also review its implementation across the District and determine whether a plan should be developed to methodically make its implementation more uniform across the District.
- We recommend that high expectations be established for staff at Moreau Heights, that they be provided with clear, hands on direction from strong building leadership, and that they be held strictly accountable for following direction.
- We recommend that the District engage in a strong, concerted effort to attract, retain and develop strong, stable leadership at Moreau Heights.
- We recommend that the District develop written guidelines and procedures for the Transition Classroom, including the referral process, appeal procedures and return to the home school, with consideration being given to measures that may be taken to minimize the risk of students not being identified.
- We recommend that educational training be developed about the nature of the Transition Classroom and the written guidelines and procedures.
- We recommend separate and specialized training regarding student confidentiality issues and requirements, with specific factual scenarios that are similar to the violations found. We suggest that substitutes, paraprofessionals, and parent volunteers be included in this training.
- We recommend that the District consider team building at various levels and that such team building specifically address an organized communication plan and protocols.

Prepared and submitted by:

Date

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