



U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section

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DJ 169-17-37

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December 20, 2022

By Electronic Mail

Superintendent Marcus Chambers
Okaloosa County School District
c/o C. Jeffrey McInnis
Anchors Smith Grimsley
909 Mar Walt Drive, Suite 1014
Fort Walton Beach, FL 32547

Re: Okaloosa County School District Investigation and Related Findings

Dear Superintendent Chambers:

We write about the U.S. Department of Justice's (the "United States") investigation into Okaloosa County School District's (the "District") seclusion and restraint policies and practices and responses to allegations that District employees verbally and physically abused students with disabilities. The Civil Rights Division's Educational Opportunities Section conducted the investigation under Title II of the Americans with Disabilities Act ("Title II") as amended, 42 U.S.C. § 121312, and the United States' implementing regulations, 28 C.F.R. pt. 35, which prohibit disability discrimination by public entities. We appreciate the District's cooperation throughout our investigation. We also acknowledge the steps the District has already taken before and during the course of the investigation to improve its policies, practices, and services for students with disabilities.

The United States initiated this review under Title II against the backdrop of multiple ongoing criminal and civil cases concerning allegations that several former District employees repeatedly abused nonverbal children with disabilities. To assess the District's practices and procedures, we requested and reviewed the following documents and data: District and school-level policies and procedures; Florida state statutes, regulations, and guidance on seclusion and restraint; employee training materials; personnel files for employees working with students with disabilities; District investigative reports; Florida Department of Children & Families investigative reports; District reports on seclusion and restraint of students with disabilities; and individual student records, including Individualized Education Plans ("IEPs") and behavior intervention plans ("BIPs"). The United States also conducted thirty employee interviews across eight District schools, including the two schools exclusively serving students with disabilities, and the Central Office. Interviewees included school administrators, teachers, paraprofessionals, guidance counselors, District investigators, and Central Office administrators.

The United States' review principally focused on the District's seclusion and restraint policies and practices and responses to complaints against employees for the 2018-19 and 2019-20 school years ("Relevant Period"). During the Relevant Period, the District knew of allegations that employees verbally and physically abused and harassed students with disabilities but failed to properly respond. As a result, employees with known histories of misconduct continued to have unrestricted access to vulnerable students with disabilities, and the District lacked procedural protections to prevent recurrence of improper conduct. The District also documented that it secluded and restrained 139 students with disabilities. Of those students, 81 were secluded or restrained multiple times, and 17 were secluded or restrained 10 or more times.¹ The vast majority of documented incidents involved elementary school students. Despite District policy at the time permitting the use of seclusion and restraint only "to avoid serious injury or death to the student or others," the District relied on seclusion and restraint as a routine response to behavior caused by students' disabilities.² For example, the District often used seclusion and restraint to address behavior like elopement and non-compliance with teacher directives. Instead of implementing individualized modifications by assessing the student's behavior and developing appropriate behavior-management techniques in BIPs or IEPs, the District allowed the repeated and inappropriate seclusion and restraint of students with disabilities to continue unaddressed. The District also provided insufficient training on behavior-management principles, de-escalation techniques, and non-restrictive alternatives to seclusion and restraint. As a result, District employees often resorted to seclusion and restraint of students because of the students' disabilities, when no risk of serious injury or death existed, and when District employees themselves may have caused a student's behavior to escalate.

We appreciate the District and its counsel's cooperation throughout the course of this investigation and look forward to working with the District to ensure that its improved practices comply with Title II. If you have any questions about this letter or the attached settlement agreement, please contact Natacha Y. Lam (Natacha.Lam@usdoj.gov) or Brigid M. Benincasa (Brigid.Benincasa@usdoj.gov).

Sincerely,

Shaheena A. Simons, Chief



Renee M. Wohlenhaus, Deputy Chief
Natacha Y. Lam, Trial Attorney
Brigid M. Benincasa, Trial Attorney
Educational Opportunities Section

¹ Notably, these calculations are based on the seclusion and restraint incidents that the District reported to us. During our investigation, we found evidence that the District under-reports restraints and have reason to believe that more incidents of restraint may have gone undocumented. For example, schools inconsistently reported student transport to a seclusion room as a restraint. During interviews, one principal acknowledged that transport to seclusion is not always recorded as restraint and concluded that it might not be "surprising" if the school was missing restraint reports. Relatedly, an ESE administrator acknowledged the District needed better principal training on inputting and reviewing narratives for restraint and seclusion.

² During our investigation, the Florida Legislature passed House Bill No. 149, effective July 1, 2021, which prohibited the use of seclusion and limited the use of restraint in schools.