



January 11, 2013

Dr. Gene Harris  
Columbus City School District  
270 E State St  
Columbus, OH 43215

**RE: Complaint # CP 0203-2012, Findings Letter**

Dear Dr. Gene Harris:

After reviewing the information regarding the complaint concerning [REDACTED], (hereinafter the "student") the Office for Exceptional Children has made the following findings:

**ISSUE 1:**

Whether the district has complied with the implementing regulations of the Individuals with Disabilities Education Improvement Act (IDEA) at 34 C.F.R. 300.322(a)(1) and (2) [Parent participation]. The parent alleges that the student's behavior intervention plan (BIP) was modified at a meeting on December 5, 2011 which she did not attend. The parent further alleges that she did not attend because she was not notified of the meeting until the day of the meeting. The parent allegedly documented her disagreement with the BIP in writing to the staff which she alleges the staff ignored.

**FACTS:**

1. Both the district and the parent's attorney provided documentation with regard to this issue.
2. Documentation from the district and the parent's attorney provided information which exceeds the one year time limit for filing complaints as required in O.A.C. 3301-51-05(K)(6)(c) which states in pertinent part "The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received". The complaint filed by the parent's attorney was received by the Office for Exceptional Children (OEC) on November 13, 2012. Therefore, any reference to documents or events prior to November 13, 2011 are presented as historical perspective only and will not be considered when issuing the findings in this letter.
3. During the investigation of this complaint the use of seclusion for this student has taken place in what the district refers to as processing rooms. At various times and places in the documentation the district and the parent have referred to these rooms as processing rooms, respite rooms, seclusion rooms, seclusion closets, and time out rooms. For the purposes of this letter of findings, all of these terms are used to mean the same thing.
4. The district provided a chronology of events with regard to the student's enrollment in the district.
  - a. The parent withdrew the student from the district at the end of the 2010 – 2011 school year.

- b. The parent enrolled the student at Haugland Learning Center (hereinafter, the learning center) at the beginning of the 2011 – 2012 school year.
  - c. The parent withdrew the student from the learning center “sometime” in September, 2011.
  - d. At the time of the student’s withdrawal from the learning center, the parent notified the district that the student would be returning to the district.
  - e. The parent indicated at that time that she did not want the student to return to the building of attendance from the 2010 – 2011 school year.
  - f. The district presented the parent with options, and the parent elected to have the student return to the district at Eastmoor Academy High School.
5. The district’s documentation indicates that the student returned to the district on October 24, 2011, and attended the school for fourteen days.
  6. The student was placed in a classroom for students with multiple disabilities.
  7. The parent did not return the student to school after November 22, 2011.
  8. Between October 24, 2011 and November 18, 2011 the district documented behaviors exhibited by the student in two ways. The staff completed a “Problem Behavior Log” page and a “Behavior Incident/Observation Form”. The parent and Disability Rights Ohio also provided copies of these two types of documentation.
  9. The Problem Behavior Log page provided the following information:
    - a. The student’s name, the date, the staff member’s name, and the behavior or type of behavior;
    - b. The setting(s)/time(s) of the event;
    - c. Antecedent events;
    - d. The nature of the problem behavior;
    - e. Consequences;
    - f. The function of the behavior; and
    - g. Notes.
  10. The Behavior Incident/Observation Form provided the following information:
    - a. The student’s name, the date, the building;
    - b. The relative time, setting and location of the incident or observation;
    - c. Names of staff involved and witnesses;
    - d. The date and time of parent contact and the parent’s response;
    - e. Information concerning contact with the nurse;
    - f. Details of staff involvement;
    - g. Details of the behavior;
    - h. A section which allows staff to circle the category of the behavior;
    - i. A section which allows staff to circle antecedents, and provide written notes concerning the antecedents;
    - j. A section which allows staff to circle staff and peer responses and to write details concerning those responses;
    - k. A section to circle the function of the particular behavior(s); and
    - l. A section to write a plan for the future.
  11. The district provided Problem Behavior Logs and Behavior Incident/Observation Forms for dates in October and November which were prior to November 13, 2011. These incident reports will not be considered in the findings of this issue because they were completed more than one year prior to the filing of this complaint. However, for historical perspective, behaviors of note in these reports included:

- a. Use of profanity;
  - b. Failing to follow adult directions;
  - c. Throwing a chair;
  - d. Slamming the oven door;
  - e. Punching staff;
  - f. Spitting on staff;
  - g. Kicking staff;
  - h. Kicking over a computer screen;
  - i. Hitting windows;
  - j. Kicking tables and lockers;
  - k. Putting self in "time out" room;
  - l. Dropping to floor – refusing to move;
  - m. Defiance;
  - n. Destroying a desk;
  - o. Urinating in "time out" room;
  - p. Removing all of his clothing; and
  - q. Masturbating.
12. Staff response to the above behaviors included:
- a. Redirection;
  - b. Team transport (two or three person) to respite room;
  - c. Allowing the student to choose to go to the respite room "of his own accord";
  - d. Setting limits; and
  - e. Use of social stories.
13. Many of the incident reports indicated that the student engaged in the above behaviors when he was denied extra food, or when he was requested to do something he did not want to do.
14. The staff hypothesized on several incident reports that the student wanted the parent to pick him up at school and take him home.
15. The district documented four incidents which occurred between November 14, 2011 and November 18, 2011 which fall between November 13, 2011 and November 13, 2012 which is the timeframe of this complaint investigation:
- a. November 14, 2011 – During 5<sup>th</sup> period, the student was expected to work independently and was required to wait for attention from an adult. When the student became disruptive, he placed himself in the time out area.
  - b. November 14, 2011 – During 8<sup>th</sup> period, the student was transitioning and became non-compliant and defiant. The staff talked to the student and he obtained the consequence he desired which was to have his parent pick him up after school.
  - c. November 16, 2011 – The student was transitioning from small group to lunch. The student was given two choices, but chose not to comply. Staff requested that the student go with an assistant to de-escalate. The student refused. The staff used a two-person transport to escort him to the time out room. The staff hypothesized that the student wished to return home to parent. The staff determined that they would continue to work with the behavior intervention plan (BIP). This incident is listed as lasting from 11:20 – 14:20. Notes on the Problem Behavior Log sheet written by the intervention specialist indicate that

- the student's behaviors "show/demonstrate that he is not ready to fulfill the requirements of being in school for a full day".
- d. November 18, 2011 – During English class the student was using profanity. The staff redirected the student to use different words and to stop cursing. The student punched a staff member in the chest. The Behavior Incident/Observation Form indicates that the student was given the choice of talking with staff or going to the time out room. The student went to the time out room. The incident report did not indicate that restraint was necessary on this occasion.
16. The district provided "Processing Room Data Forms" which provide the following information: the date, the time into the processing room, the time out of the processing room, behavior and antecedents, what happened on the way to the processing room, behavior while in the processing room and behavior after leaving the processing room.
  17. The student was in the processing room for the following amounts of time on the following dates:
    - a. November 7, 2011 – Twenty-two minutes;
    - b. November 7, 2011 – Twenty-one minutes;
    - c. November 7, 2011 – Twenty minutes;
    - d. November 7, 2011 – Three hours;
    - e. November 8, 2011 – Ten minutes;
    - f. November 9, 2011 – Twenty minutes;
    - g. November 9, 2011 – Fifteen minutes;
    - h. November 11, 2011 – Fifty-two minutes – (It should be noted that during this period in the time out room the student removed all of his clothing, at first refused to get dressed, and came out after redressing);
    - i. November 11, 2011 – Thirty minutes;
    - j. November 14, 2011 – Forty minutes;
    - k. November 16, 2011 – Three hours – the student removed his shirt, pants, socks and shoes. The student was told every ten minutes that he could leave the time out room when he put his clothes back on; and
    - l. November 18, 2011 – Three hours and forty minutes – the student "did not talk until 14:40 when he realized his mom had not picked him up from school".
  18. The district provided photographs of the aftermath of a violent incident undertaken by the student. The photographs showed that the student had broken the glass on an oven door, put a hole in the wall and a hole in a table, turned over chairs, a filing cabinet, baskets and tubs full of materials, and tipped over a wastebasket, and a stool. No date is reported for this incident.
  19. The district provided a behavior intervention plan (BIP) which was signed on April 5, 2011 by the parent; April 8, 2011 by the LI, the SSRC and a teacher; and April 11, 2011 by the school psychologist, the high school intervention specialist and the transition coordinator.
  20. No explanation for the letters LI and SSRC were provided on the signature page.
  21. The BIP signed in April, 2011 indicates that it was in reference to an individualized education program (IEP) that had effective dates of September 27, 2010 through September 26, 2011.
  22. While this BIP was written during the time period of an IEP that has since expired, the parent references the BIP from April, 2011 which was written at a different high school.

23. The district and the parent and her attorney provided notes from a communication journal which staff and the parent used to communicate. The notes between the parent and staff indicate that the staff at Eastmoor sent home a draft BIP for the parent's review on November 7, 2011.
24. The parent indicated that she disagreed with the draft BIP and that it was "missing some components" of the BIP from April, 2011.
25. The parent indicated that the BIP of April, 2011 "remains applicable in any school setting".
26. The parent indicated in a note in the communication journal dated November 8, 2011 that "the behavioral plan needs to be sign by me as well for this year".
27. There is no requirement in the Individuals with Disability Education Improvement Act (IDEA) or the Operating Standards for Ohio Educational Agencies Serving Children with Disabilities (the Operating Standards) which requires a parent to sign a BIP.
28. The implementing regulation of the IDEA and the Operating Standards do require that the district encourage the parent to participate in writing the student's IEP and BIP.
29. The behavior intervention plan from April, 2011 contains the following pertinent parts:
  - a. Goals – To prevent and change problem behaviors by identifying and preventing triggers; maintain the student and others safety.
  - b. Reinforcers – Smiles, verbal praise, basketball, computer games, sort music, writing a positive note to the parent, fun handshakes, high fives and television.
  - c. Behaviors to increase (Goals) – appropriate communication (calm words), appropriate attention seeking behavior; positively expressing emotions.
  - d. Behaviors to decrease – inappropriate communication, inappropriate attention seeking behaviors, and inappropriate manners of expressing emotions, profanity, verbal and physical aggression, slamming and hitting desk top, destruction of property, including tipping desks, kicking and throwing objects and hitting.
  - e. Hypotheses of function of behavior – anger, communication, and wishing to go home.
  - f. Antecedent to inappropriate behavior – perception of negative peer expression, low attention from staff, academic overload and difficulty, wanting to go home, sensory overload, fatigue level, changes in routine, staff interaction and diet.
  - g. Interventions/Modifications/Accommodations – a desk close to the door so he can leave if overstimulated, a space to go to calm down, rocking in a rocking chair, expressing feelings, calm staff using calm clear verbal prompts. Before using physical prompts or restraints, the student should be given clear, calm direction. Reminders of classroom rules and expectations throughout the day, positive verbal praise with elimination of excessive talking or reminder of negative behaviors, wait time for the student to process information, and minimize sensory input.
  - h. Correction procedures – When the student begins to show signs of frustration, emotion or overstimulation, the staff will give the student the choice of staying in the room and work with the student to reduce frustration. If that is not successful, the student may remove himself to a quieter area. When the student is extremely upset he is to go to the classroom next door, the sensory room, or the closest most appropriate room to take a break to calm down. The student does not react well to conversation when very agitated. The student is to be provided "as much time as needed" to calm down before returning to the classroom.

- i. Destruction and Aggression – Staff are to interrupt destructive behavior before it is carried through, and assist the student in avoiding situations which may trigger an outburst. Verbal prompts are always to be used first. If the student becomes destructive, the administration will be notified, an incident report will be completed and the principal and the parent will receive copies of the report with a copy put in the student's records. If the student is successful in destroying property appropriate restitution will be made. Restitution is defined in the BIP as "putting the environment back the way it was before the destructive behavior occurred".
30. The district and the parent and her attorney provided a BIP with dates of December 1, 2011 through October 16, 2012 which is associated with an IEP with effective dates of October 17, 2011 through October 16, 2012. The BIP provides the following information in pertinent part:
- a. Goals – To prevent and change problem behaviors by identifying and preventing triggers; and maintain safety of (the student) and others, including students and staff in the school environment.
  - b. The staff identified behaviors to eliminate which included physical and verbal aggression, defiant and non-compliant behaviors, destruction of school and classroom property, and loss of self-control.
  - c. Identified reinforcers – The parent identified the following reinforcers: smiles, verbal praise, basketball, computer games, rock music, writing a positive note to mother, fun handshakes, high fives, watching his favorite TV shows and programs.
  - d. The staff identified reinforcers that had been determined to be successful in the school environment: smiles, verbal praise/redirection, fun handshakes and high fives.
  - e. The staff wished to increase the use of calm words, raising his hand to gain attention, and mimicking modeled behaviors such as greeting classmates appropriately.
  - f. The staff wishes to decrease the use of inappropriate language (profanity), dropping to the ground, screaming, yelling, removing his shirt or placing it over his head, verbal and physical aggression, and destruction of school property.
  - g. The staff used observation to determine that the function of the student's behavior is to fulfill his desire to go home, sensory overload, difficulty in accepting correction or direction from staff, fatigue, blood sugar level causing severe aggression, thunderstorms, rain and lightning.
  - h. The staff recommended that the student have a highly structured environment where he is allowed to go to a space which would enable him to calm himself. Rocking in a chair and expressing his feelings assists the student in calming himself. When the student becomes aggressive, staff will use Crisis Prevention Intervention methods to insure the safety and security of the student, other students, and the staff. The staff will use Non-Violent Crisis Prevention Intervention methods and will implement the use of the processing room only if the student's behavior is not safe for him or others. The student will be reminded throughout the day of classroom expectations and will be provided verbal praise when the student is making appropriate choices. Approaching the student calmly and in a positive even tone of voice without invading the student's personal

space has been successful in the past. The use of academic chunking has been successful in avoiding frustration for the student.

- i. Destruction and Aggression – Staff will interrupt destructive behavior before it is carried through, and assist the student in avoiding situations which may trigger an outburst. Verbal prompts are always to be used first. If the student becomes destructive, the administration will be notified, an incident report will be completed and the principal and the parent will receive copies of the report with a copy put in the student's records. The parent will receive a copy of the report within 24 hours. If the student is successful in destroying property appropriate restitution will be made. Restitution will be modeled for the student by staff members, but the student will be responsible for returning the environment to its previous condition.
  - j. Staff will reflect on incidents with the goal of trying to ensure that such incidents do not recur.
31. The communication journal used between the building staff and the parent contains a note from the parent dated November 10, 2011. The note states in pertinent part that the parent does not want the staff to utilize the "time out/seclusion" room with the student. The parent states that she will not consent to the use of the time out/seclusion room in the draft of the BIP that was sent home on November 7, 2011.
  32. The communication journal has a note dated November 14, 2011 written by the parent. The note states in pertinent part "Do not take or force my son back into that seclusion closet".
  33. The parent wrote in the communication book again on November 17, 2011 that the staff was not to put or force the student into the "seclusion closet".
  34. The district and the parent and her attorney provided a copy of a letter dated November 17, 2011 written by a special education supervisor that stated in pertinent part that she had been made aware that the parent had requested that the student not be placed in the processing room.
  35. Although the parent and building staff had been discussing a draft of the BIP, the only BIP in existence was the one signed in April, 2011.
  36. The April, 2011 BIP states that the student should be provided the opportunity to go to a space that allows "sensory downloading" until he is calm, and that physical restraints should be used as a "last resort".
  37. The letter from the special education supervisor states that the staff will continue to follow the behavior plan the parent signed on April 5, 2011.
  38. The letter of November 17, 2011 also stated that the intervention specialist would schedule a meeting to discuss a new behavior plan in the near future.
  39. The district provided a copy of a parent invitation dated November 17, 2011 which requested a meeting on December 1, 2011 to discuss a new BIP.
  40. The invitation stated that the meeting was scheduled for December 1, 2011 at 7:30 AM at the building the student attended with the intervention specialist, the speech/language pathologist, the district representative and a transition coordinator to be in attendance in addition to the parent.
  41. A form (OP-9 Attempts to Obtain Parent Participation) states in pertinent part:
    - a. The parent invitation (detailed in #39 above) was mailed on November 17, 2011;
    - b. The parent called on November 30, 2011 to cancel the meeting;

- c. An additional letter was mailed to the parent on November 30, 2011 rescheduling the December 1, 2011 meeting for December 5, 2011;
  - d. Voice messages were left for the parent on December 1, 2011 and December 2, 2011 to remind the parent of the meeting on December 5, 2011;
  - e. The parent did not attend the meeting on December 5, 2011, but the team met in her absence and signed the draft of the BIP originally shared with the parent in draft form on November 7, 2011.
42. The BIP is signed by the intervention specialist, the assistant principal, a special education coordinator, a special education supervisor, and a general education teacher. The intervention specialist and the special education supervisor dated the BIP on December 5, 2011. There is no indication that the parent attended the meeting, and she did not sign the BIP.

**FINDING:**

The district is not in violation of 34 C.F.R. 300.322(a)(1) and (2) [Parent participation]. While the parent did not attend the meeting on December 5, 2011, she did participate in the writing of the BIP. There is documentation in both the April, 2011 and December 5, 2011 BIPs which indicate her participation. The parent indicated reinforcers which were effective in addressing the student's behavior in both BIPs. The parent had input into the BIP through the communication book where she explained to staff that treating the student with "empathy, patience and skill did not make him feel threatened". The parent referred to this as "talking the student down". The communication book also shows that the parent would like some "key" information (not specified) from the April BIP to be included in the December BIP. This information was discussed during a phone conference with the parent on November 3, 2011 and during an IEP team meeting on November 7, 2011. The "summary of the student" in the December 5, 2011 BIP includes information provided by the parent. The parent also identified behaviors in the "Behaviors of Increase (Goals)" section of the December 5, 2011 BIP which she would like to see increased. While the parent let it be known in the communication book that she did not agree with the way the BIP from April, 2011 was being implemented and that she did not agree with all of the components of the December, 2011 BIP, the staff in the building had an obligation to insure that the student, his peers and the staff were safe. Many of the behaviors listed in the incident reports were dangerous for the student, other students and the staff. While it is important that the staff engage in de-escalation activities, when they are not successful, the staff must have alternatives to ensure that all students and staff are safe.

**CORRECTIVE ACTION:**

None required.

**ISSUE 2:**

Whether the district complied with the implementing regulations of IDEA at 34 C.F.R. 300.39 [Special education] and 34 C.F.R. 300.17 [Free appropriate public education]. The parent alleges that the student stopped attending the district school in November, 2011. The student was allegedly put on home instruction in February, 2012. However, the student has allegedly



not been provided special education services from November, 2011 through November 12, 2012.

**FACTS:**

1. A conference was held on November 3, 2011 with a district regional executive director, the principal, the assistant principal, the intervention specialist, a special education coordinator and a special education supervisor. The parent participated in the conference on the telephone.
2. Notes from the meeting provided the following information:
  - a. The student had been suspended for violent behavior and property destruction;
  - b. The student was allowed to return to school on November 4, 2011 (Friday), but the parent indicated that he would not return until November 7, 2011 (Monday);
  - c. The parent wants the student to graduate in June, 2012;
  - d. The district offered the parent several options:
    - i. A partial day to earn credit for English 12, ½ credit of science and an elective credit, and a referral to the Center of Vocational Alternatives (COVA) for vocational training and to earn his internship hours;
    - ii. A partial day with a referral to Adult Services; or
    - iii. Home instruction with the intervention specialist calling daily to talk with the student and provide him with work.
  - e. The parent indicated that she wanted to exercise the first option (i, above) which is what she had always wanted;
  - f. The parent attributed the student's behaviors to Autism and indicated that she did not think the district knew how to "handle" autistic students;
  - g. The special education supervisor indicated that the student showed signs of mental illness in addition to symptoms of Autism;
  - h. The parent strongly disagreed with the statement that the student showed signs of mental illness;
  - i. The supervisor indicated that the parent would need to sign an amendment to the current IEP in order to exercise option "i" above; and
  - j. The parent agreed to come to the building where the student attended and would sign the amendment if the one-on-one aide and services from COVA were in place on Monday, November 7, 2011.
3. The district provided a form titled OP-9 Attempts to Obtain Parent Participation which lists as the reason for the meeting as an IEP amendment.
4. The meeting was proposed for November 7, 2011 at 7:15 AM.
5. The form indicates that the parent was invited by telephone during a conference in which she participated by telephone on November 3, 2011.
6. The district also provided an invitation to the parent which was dated November 4, 2011 and states that the meeting will be held on November 7, 2011 at 7:15 AM. Those invited to attend were the regular education teacher, an intervention specialist, and a district representative.
7. The parent indicated that she would attend the meeting.
8. The district convened an IEP team meeting on November 7, 2012 and wrote an amendment which stated that the district would provide a partial day to provide needed credits for graduation to include English 12, ½ science credit and 1 elective credit; a one-

on-one aide to provide support for the student, and a referral to COVA for vocational training and to complete internship hours.

9. The IEP amendment was signed by the parent, a special education coordinator, a special education supervisor, the intervention specialist, and the principal in Section 13 – Meeting participants.
10. In Section 14 of the IEP the parent marked the portion of the IEP form which states “I am signing to show my attendance/participation at the IEP team meeting, but I do not agree with the following special education and related services specified in this IEP”. The parent handwrote the following: “partial day/referral to COVA (did not have days/hrs information) at COVA meeting”. The note is signed by the parent and dated November 7, 2011.
11. The district provided a prior written notice (PWN) dated November 9, 2011 which states that the provisions stated in #8 above would be implemented
12. Notes from the meeting provide the following pertinent information:
  - a. A representative from COVA signed the meeting notes as being present at the meeting;
  - b. The parent states that all of the student’s behaviors are due to Autism;
  - c. Residential treatment in the past was not a successful experience for the student;
  - d. The COVA program provides the student with community experience, volunteer opportunities, assistance in filling out applications and finding a job;
  - e. The parent inquired if COVA worked with autistic students. The COVA representative indicated they did not; and
  - f. The COVA representative was to work up a proposal for this student by November 14, 2011.
13. The district sent the parent a prior written notice (PWN) which provided the following relevant information:
  - a. The parent said during the telephone conference on November 3, 2011 that she wanted a partial day placement with a one-on-one aide and a referral to COVA;
  - b. During the IEP meeting on November 7, 2011, the parent agreed only to the one-on-one aide;
  - c. The district’s proposal (see ‘a’ above) would ensure that the student could graduate in June, 2012 and would gain some vocational skills;
  - d. The district had also proposed home instruction which the parent refused;
  - e. The district was proposing the above placement because of the student’s severe behaviors which had caused “major property destruction and threatened other students and staff”.
14. The parent indicated in the communication book on November 11, 2011 that she did not want the student to be placed in the time out room.
15. The parent again indicated on November 14, 2011 in the communication book that she did not want the student to be taken or forced into the seclusion closet.
16. On November 14, 2011, the staff indicated that the student placed himself in the time out room.
17. On November 17, 2011, the parent indicated in the communication book that the student was scared of the light in the seclusion closet. She again stated that she did not want the student to be placed in the seclusion closet.
18. The district provided a note signed by the intervention specialist and dated November 18, 2011. The note stated that the student had been placed in time out because he

- punched a staff member sometime after 11:30 AM. Although the student eventually de-escalated his behavior, the student did not want to leave the time out room as of 2 PM. The intervention specialist indicated in the note that the student did not indicate to the staff that he was afraid or scared of being in the time out room.
19. The district provided a copy of a letter dated November 17, 2011 written by a special education supervisor that stated in pertinent part that she had been made aware that the parent had requested that the student not be placed in the processing room.
  20. Although the parent and building staff had been discussing a draft of the BIP, the only BIP in existence was the one signed in April, 2011.
  21. The April, 2011 BIP states that the student should be provided the opportunity to go to a space that allows "sensory downloading" until he is calm, and that physical restraints should be used as a "last resort".
  22. The letter from the special education supervisor states that the staff will continue to follow the behavior plan the parent signed on April 5, 2011 until a meeting could be scheduled to discuss a new BIP.
  23. The district provided copies of six pages with the heading "Communication Records – Home/Parent/Related Services/School" which contained the following information:
    - a. November 15, 2011 – 8:10 AM – phone contact – The parent was contacted to determine if the student would be attending school. The call was not returned by the parent and there was no note in the communication book concerning the student's absence.
    - b. November 17, 2011 – A parent invitation was sent home with the student concerning the BIP meeting. The author of the note stated that a follow up phone call was made at 3:00 PM.
    - c. November 18, 2011 – 9:00 – The parent was called to inform her of the BIP meeting. A voice message was left, but the phone call was not returned by the parent.
    - d. November 28, 2011 – 9:15 – phone contact – The student had not come to school that day.
    - e. November 29, 2011 – 8:45 – phone contact – A message was left to inquire about why the student was not at school.
    - f. December 1, 2011 – 9:00 – Called the parent to confirm that she would attend the BIP meeting on December 5, 2011. Message was left, but the call was not returned.
    - g. December 2, 2011 – 9:00 – a voice message was left for the parent reminding her of the BIP meeting on December 5, 2011. The parent did not return the phone call.
    - h. December 5, 2011 – 9:00 – Spoke to the parent and informed her that the BIP meeting had been held in her absence. The BIP approved by the rest of the team had been placed in the mail to the parent.
    - i. December 8, 2011 – 8:15 – Left a voice mail for the parent inquiring when the student would return to school.
    - j. December 12, 2011 – 8:30 – Left a voice mail for the parent to inquire when the student would return to school.
    - k. December 14, 2011 – 8:45 – Left voice mail for the parent to inquire when the student would return to school.

24. The district provided several emails exchanged with the district's Chief Officer – Support Services (Chief Officer) and a supervisor at the Franklin County Board of Developmental Disabilities (FCBDD), Service Coordination Department. The emails provided the following information:
  - a. The supervisor stated in an email dated November 29, 2011 that the parent had agreed to complete an "Adult Services" packet which would allow the FCBDD and the district to begin work on transitioning for the student;
  - b. The Chief Officer responded to the email stating that she was glad the parent would be working with FCBDD, and that the district would be happy to provide information;
  - c. An authorization signed by the parent and dated June 24, 2011 allowed the district to release information to the FCBDD;
  - d. A response email from the FCBDD supervisor dated December 12, 2011 stated that the student had a staph infection and was refusing to come to school. The email also stated that the student's property destruction and aggression continued to increase; and
  - e. The supervisor stated that he was "putting together a packet to facilitate a possible 90 day admission to CDC". He requested the most recent behavior incident reports from the district.
25. CDC is later referred to as the Columbus Developmental Center in a PWN written by the district. A search of their website indicates that CDC provides services through the Ohio Department of Developmental Disabilities.
26. The district provided a copy of a letter from the Chief Officer which was dated December 29, 2011. The letter stated that a PWN was enclosed. The PWN provided the following information:
  - a. The purpose of the PWN was to give the parent information about the district's inability to provide special education services to the student;
  - b. The PWN stated that the district had attempted to provide service as required under IDEA, but had been unable to provide special education services to the student because he had not attended school from November 28, 2011 through the date of the PWN – December 29, 2011; and
  - c. The PWN stated that at the IEP meeting on November 7, 2011 the parent agreed to a one-on-one instruction assistant, but did not agree to the shortened school day. The district scheduled another meeting for December 1, 2011. The parent cancelled the December 1, 2011 meeting and asked to reschedule the meeting for December 5, 2011. The parent did not attend the meeting on December 5, 2011.
27. The district's written response to this complaint states that it did not hear from the parent again until February 3, 2012 when the superintendent received a letter requesting an IEP team meeting.
28. The district provided a copy of the letter of February 3, 2012 which provided the following information:
  - a. The parent was requesting home instruction and an IEP team meeting;
  - b. The parent was requesting information about how home instruction "is done", hours and grading;
  - c. The parent refused permission for home instruction until an IEP team meeting was held, and the IEP was updated;

- d. The parent stated that she had reported to the district's Customer Relations Department that the student would not return to Eastmoor Academy "because of the abuse and trauma he suffered at the hands of your staff when they were repeatedly forcing him into a seclusion closet".
29. The district provided a copy of a parent invitation dated February 8, 2012 which states that a meeting was to be held on February 13, 2012 at 10 AM at the Columbus Developmental Center where the student had been in residence.
30. The parent indicated on the bottom of the invitation that she would attend the meeting.
31. The meeting date on the front page of the IEP states that the team meeting was held on February 13, 2012.
32. The amendment to the IEP states that the student would be placed on home instruction from February 13, 2012 through May 25, 2012.
33. The district provided a copy of the 2011 – 2012 EMIS Summary Form which indicates that the student was to be provided home instruction from February 13, 2012 through May 25, 2012. The instruction was to be provided Mondays and Wednesdays from 10:00 – 11:30 AM – forty-five minutes each for English 12 and Citizenship. The form also indicates that the student would receive 60 minutes weekly of related transition services.
34. Section 13 of the IEP is signed by the parent, a district representative, a special education coordinator, the home instructor, a CDC residential supervisor, three other representatives from CDC, and a representative from FCBDD.
35. The effective dates of the IEP are listed as February 13, 2012 through May 25, 2012.
36. The parent signed Section 14 of the IEP as giving consent for the change of placement to home instruction.
37. The district provided documentation concerning the attempts to provide home instruction to the student. The documentation provided the following information:
  - a. A letter sent from the home instructor to the Home Instruction Supervisor indicated that he attended a ninety minute IEP team meeting for the student on February 13, 2012;
  - b. The home instructor met with the student at the CDC on Wednesday, February 15, 2012 for ninety minutes and on February 22, 2012 for one hundred fifty minutes;
  - c. The home instructor went to the CDC on February 27, 2012 at 10 AM to work with the student. Upon arrival, the student was still in bed. The home instructor was told that the parent had instructed the CDC staff that the student should be permitted to get up "when he chooses". A CDC staff member attempted to awaken the student, who was argumentative and "very uncooperative". The home instructor left at 10:35.
  - d. The home instructor called the CDC at 9:10 on February 29, to see if the student was "up and prepared to work". The CDC staff member stated that the student was up, but not cooperating or ready to work. The CDC staff member and the home instructor agreed to talk later in the morning and the home instructor would come to the CDC if the student was prepared to be cooperative.
  - e. The home instructor stated that the student would not be able to earn grades sufficient to earn credits for graduation unless instruction time could be increased.

- f. The home instructor suggested that "a better, more specific instructional plan be put in place".
- g. The district provided a "Parent Contact Log" which documented the following activities by the home instructor:
  - i. February 6, 2012 – one hour meeting with H.H., a person of unknown title;
  - ii. February 13, 2012 – IEP meeting;
  - iii. February 15, 2012 – face to face instruction – 90 minutes;
  - iv. February 22, 2012 – face to face instruction – 2.5 hours;
  - v. February 27, 2012 – arrived at 10:00 AM – Student did not want to work;
  - vi. February 29, 2012 – phoned CDC at 9 AM – Student did not want to work;
  - vii. February 29, 2012 – phone contact with the Home Instruction Supervisor concerning the student's uncooperative behavior;
  - viii. March 5, 2012 – The CDC staff stated that the student was not ready or interested in working;
  - ix. March 7, 2012 – the home instructor received a message that a discharge meeting was to be held soon;
  - x. March 5, 2012 – the home instructor discussed the student's progress with the home instruction office; and
  - xi. March 9, 2012 – discussed documentation.
- 38. The district's response letter states that it is the district's understanding that the student left the CDC in early March of 2012 after the student seriously injured several CDC staff members.
- 39. The district's response letter states that a supervisor with the district's special education department called the parent on March 6 and March 7, 2012 and left messages stating that she would like to discuss the situation with the student.
- 40. The district provided a copy of a PWN sent to the parent dated March 7, 2012. The PWN stated that the reason for the PWN was to address "Home Instruction FAPE". The PWN provided this additional information:
  - a. The district was proposing to provide home instruction for the student from February 13, 2012 through May 25, 2012; and
  - b. The district has been unable to provide instruction because the student has been unprepared for instruction when the tutor arrived at the facility.
- 41. The supervisor from the district's special education department left a message on March 13, 2012 for the parent requesting that she contact the district regarding home instruction.
- 42. The supervisor from the district's special education department received a message that the parent had called regarding home instruction. It is not clear from the documentation when that message was received. The supervisor returned the call on April 11, 2012, but that phone call was not returned.
- 43. The district sent a PWN to the parent dated May 18, 2012. The PWN provided the following information:
  - a. The district proposed to provide home instruction to the student from February 13, 2012 through May 25, 2012;
  - b. Home instruction was not possible because the student was unprepared to receive special education services;

- c. The student was not willing or available to complete home instruction after the first two sessions;
  - d. Beginning on February 29 through March 7, 2012 the student refused instruction;
  - e. The supervisor called the parent on March 6, 2012, March 7, 2012, March 13, 2012 and April 11, 2012. The supervisor left messages on each occasion. The parent returned one call, but the supervisor and the parent were not able to speak to each other.
44. The annual review for the student's IEP was to be held in September. The district provided an "Attempts to Obtain Parent Participation" form which stated that the district mailed a parent invitation to the parent on September 4, 2012 and a second invitation was also mailed to the parent on September 10, 2012. The form also states that the parent was called on September 14, 2012 and a message left stating the day, time and location of the annual review meeting.
45. The parent invitation provided by the district states that the annual review meeting was to be held on September 17, 2012 at 11:00 AM at the Neil Avenue Special Education Office conference room.
46. The district's response letter states that there was no response from the parent and she did not attend the meeting.
47. The district provided a copy of a PWN dated September 17, 2012 which states:
- a. The district proposes to offer special education services through home instruction, but cannot initiate those services because the parent did not attend the annual review meeting; and
  - b. The district considered offering the student special education services in a resource room for students with multiple disabilities, but rejected that due to the severity of the student's behaviors.
48. The district provided an IEP with a meeting date of September 17, 2012 and effective dates from September 17, 2012 through September 16, 2013.
49. The September 17, 2012 IEP provided specially designed instruction in the areas of work habits and social skills to be provided by a special education intervention specialist for 100 minutes weekly in a home instruction setting.
50. The September 17, 2012 IEP was signed by a special education supervisor, a special education coordinator, and a general education teacher.
51. The parent did not attend the meeting on September 17, 2012.
52. The district provided a copy of a PWN sent to the parent on October 1, 2012 which provided the following information:
- a. "The district is unable to provide special education services to (the student) identified in his IEP dated September 17, 2012 due to no response from (the parent) for his IEP meeting or placement option of home instruction";
  - b. "The school district cannot provide special education services if there is not involvement by the parent and/or student with regard to the services being offered"; and
  - c. "The district has not heard from (the parent) since (the student) left Columbus Developmental Center in March of 2012. (The parent) has been provided with prior written notice on more than one occasion in an effort to try to provide (the student) the opportunity to obtain the last few credits needed to graduate. The offering of Home Instruction cannot be fulfilled due to no response and refusal to participate".

53. The district states that as of December 20, 2012, the parent had not responded to the district during the 2012 – 2013 school year.

**FINDING:**

The district is not in violation of 34 C.F.R. 300.39 [Special education] and 34 C.F.R. 300.17 [Free appropriate public education]. The student has not been in attendance in the district since November, 2011. The student's non-attendance appears to be at the choice of the parent and/or the student. The parent let the district's Customer Relations Department know that she would not allow the student to return to Eastmoor Academy. This message was conveyed to the superintendent in a letter dated February 3, 2012. The student was placed in a residential setting at some point after he stopped attending the district school in November, 2011. In the February 3, 2012 letter to the superintendent, the parent requested home instruction. The district convened an IEP team meeting on February 13, 2012 to initiate home instruction at the CDC. The student received approximately four hours of instruction before he refused to cooperate or participate in instruction. The student was then apparently discharged from the residential setting sometime in March, 2012. The district attempted to contact the parent on multiple occasions through phone calls and prior written notices to attempt to resume home instruction services. The parent did not return most phone calls, and did not respond to the prior written notices. The district convened the student's IEP team to complete the annual review of the student's IEP in September, 2012. The parent was invited to attend the meeting through written invitations and a telephone message. The parent did not respond to the invitations nor did she attend the meeting. The district sent two prior written notices to the parent in an attempt to re-establish contact and again offer home instruction services to the student. The parent did not respond to the prior written notices.

While the student has not received special education services since February, 2012, it appears from the documentation that the district has repeatedly reached out to the parent to offer services. The parent has not responded to the district's attempt to provide services since the student left the CDC in March, 2012.

The Office for Exceptional Children provides mediation services and facilitators to assist parents and school districts in resolving issues related to students' IEPs and the provision of services. Should the parent and the district agree to either mediation or facilitation, please contact Chrissy Cline at the Office for Exceptional Children to secure the services of a mediator or facilitator. Chrissy Cline may be reached at 614-728-1113 or by email at [chrissy.cline@education.ohio.gov](mailto:chrissy.cline@education.ohio.gov).

**CORRECTIVE ACTION:**

None required.

**Issue 3:**

Whether the district has complied with the implementing regulations of IDEA at 34 C.F.R. 300.39 [Special education] and 34 C.F.R. 300.17 [Free appropriate public education] with other district students who have been restrained or placed in seclusion rooms. Disability Rights Ohio



alleges that the district is in violation of the district's own restraint and seclusion policy, and the Ohio Administrative Code (O.A.C.) 3301-35-06 which requires compliance with Executive Order 2009-13S. The formal written complaint filed alleges that other students (other than the student named above) being educated by the district may also have been denied appropriate services and FAPE due to the alleged inappropriate use of restraints and/or seclusion rooms.

**Facts:**

During the course of the investigation of this complaint, the Office for Exceptional Children (OEC) reviewed Behavior Incident/Observation forms from three separate facilities operated by the district. Those separate facilities are Beatty Park Elementary School, Clearbrook Middle School and Alumcrest High School. In all, approximately 1,140 behavior incident reports were reviewed from the three separate facilities. Alumcrest High School provided approximately 151 behavior incident reports involving forty-two students. Clearbrook Middle School provided approximately 130 behavior/incident reports involving fifty-one students. Beatty Park Elementary School provided approximately 862 behavior/incident reports involving 113 students. Site visits to Beatty Park and Clearbrook involved the review of student cumulative files in each building. Summaries of these reviews are included below.

The district was also asked to provide Behavior Incident/Observation forms from any building where students were restrained or placed in time out, processing areas, respite rooms or any other type of situation which could reasonably be determined to be "seclusion". The district provided approximately 690 additional behavior incident/observation reports involving an additional 169 students. In total, OEC staff reviewed over 1,800 behavior incident/observation reports which involved approximately 375 students. Summaries of these behavior incidents are reviewed below.

Additionally, site visits were made by OEC personnel to all district buildings that were identified as having seclusion rooms. These rooms were photographed and documentation was collected as to how these rooms are being used. Below are listed facts about the site visits and how the seclusion rooms are being used. The district has used a number of different terms to define seclusion rooms, the most common term being "processing rooms." For the purposes of this complaint the term processing room will be used to describe these rooms.

**Facts from on-site visits:**

1. Four consultants from OEC (hereinafter "the team") investigated the processing rooms at thirteen elementary, middle and high schools.
2. The team visited three elementary schools plus the elementary separate facility. The four elementary buildings were Duxbury, Indian Springs, Winterset, plus Beatty Park, the separate facility.
3. The team visited four middle schools plus the separate facility. The four middle schools were Arts Impact Middle School (hereinafter, "AIMS"), Buckeye, Ridgeview, Sherwood, plus Clearbrook, the separate facility.
4. The team visited four high schools. The four high schools being Beechcroft, Columbus Alternative High School (hereinafter CAHS), Eastmoor Academy, and Whetstone.

5. An additional elementary school was listed by the district as having a processing room. That elementary school was Clinton Elementary. During the 2011 – 2012 school year, that building did have a processing room. However, Clinton was located at the former Hubbard Elementary School building while their new facility was being built. The former Hubbard Elementary was unavailable for viewing. Clinton Elementary has now relocated into a new building beginning in August, 2012. In a telephone conversation with the principal of Clinton elementary it was determined that no seclusion room was included in the new building.
6. Duxberry Park Elementary School has three rooms which were built as processing rooms. A review of the three rooms provided the following facts:
  - a. The processing room in Room 108 has had the outside handles and the foot lock removed.
  - b. There are two peep holes which would allow persons of adult height or child height on the inside and the outside to view the other side of the door.
  - c. The room is open to the ceiling and there is a large fluorescent lighting panel above the room.
  - d. The inside of the processing room contained a small "pop-up" tent and other items. The room is being used as a storage area.
  - e. The processing room in Room 205 is set up as a "sensory room". The room contained a small pop-up tent, a small tub of hand-held fidgets and a large rubber object.
  - f. The room is open to the ceiling and has a large fluorescent lighting panel above the room.
  - g. The processing room in Room 208 has one peep hole at the level someone of adult height could use to see into the room.
  - h. The foot lock has been removed from the outside of the door.
  - i. The room is open to the ceiling and has a large fluorescent lighting panel above the room.
  - j. The room contains a cart with electronic equipment, several plastic storage bins with lids, several fans, and other equipment. It is being used as a storage area.
7. Indian Springs Elementary School has two rooms which were built as processing rooms. A review of the two rooms provided the following facts:
  - a. The processing room in Room 7 is filled with sensory equipment – a large inflatable ball and a mini-trampoline, stacks of papers, notebooks, bulletin board accessories, and several large plastic storage bins. The room is being used as a storage area.
  - b. The storage area has a large peep hole in the door at adult height to allow viewing into the storage area.
  - c. The processing room in Room 8 is also being used as a storage area. It contained a large inflatable ball, electronics, decorative items, and a large two-door metal storage cabinet.
  - d. It also contains a large peep hole in the door at adult height to allow viewing into the storage area.
8. Winterset Elementary School has three rooms which were built as processing rooms. A review of the two rooms provided the following facts:

- a. The processing room in Room 5 has a door which does not stay closed. During the on-site visit a portable, free-standing chalk board was being used to keep the door from swinging open. The foot lock had been removed.
  - b. The inside of the processing room was being used to store sensory items including a large nubbed ball, a smaller inflatable ball, a basketball, a mini-trampoline and several other items.
  - c. The room is open to the ceiling and has a large fluorescent lighting panel above the room.
  - d. The processing room in Room 9 had a door where the foot lock had been removed.
  - e. The room contained several grocery-type plastic bags filled with items and a plastic "milk crate" also filled with items. The room was being used as a storage room.
  - f. The room is open to the ceiling.
  - g. The processing room in Room 14 has a door which is being held shut with a plastic bin of Lego-type blocks and a small child's portable basketball hoop. The foot lock has been removed and the door swings open without the items pushed against it.
  - h. The inside of the room contained two bean bag chairs two fans, and a small vacuum cleaner. It is being used as a storage area.
  - i. The room is open to the ceiling and has a large fluorescent lighting panel above the room.
9. AIMS has one room which was built as a processing room. This room contained the following features:
- a. A door with the foot lock removed.
  - b. A peep hole at adult height for viewing into the processing room.
  - c. A grid over the top of the room which allows the lightening from the ceiling to enter the room.
  - d. Padded walls and what appears to be vinyl tile on the floor.
10. Buckeye Middle School had one processing room which has been dismantled. It is apparent from the hole in the floor designed to accept a foot lock, and the discoloration on the wall where the processing room had been. This former processing room was located in Room 111.
11. Ridgeview Middle School has four rooms which were built as processing rooms. A review of the four rooms provided the following facts:
- a. The processing room in Room 97 has a door which has the foot lock removed.
  - b. The inside of the processing room contains a two-door metal storage cabinet, a portable bulletin board, a large deflated ball, and other items. The room is being used as a storage area.
  - c. There is a large fluorescent light fixture with a plastic diffuser in the ceiling.
  - d. Room 107-A is now a general education classroom housing a Mathematics teacher and two Language Arts teachers.
  - e. The door to the former processing room has had the foot lock removed.
  - f. The room is filled with stacked cardboard boxes. It is being used a storage area.
  - g. The processing room in Room 109-A has a door with the foot lock removed.
  - h. There are two peep holes in the door – one at adult height and one at child height.

- i. The walls in the room are padded.
  - j. The fluorescent lighting in the ceiling is covered with a plastic grid.
  - k. A fourth area of the building may have been a processing room at one time, but staff in the building were not sure.
  - l. The fourth area did not have padded walls.
  - m. The floor appeared to be vinyl tile.
  - n. The area contained a bulletin board and two electrical outlets on the wall with child safety plugs inserted in the outlets.
  - o. The area contained three small plastic balls and a large pink die.
  - p. The ceiling had two fluorescent light fixtures covered by plastic grids and an air vent.
  - q. There is a large window next to the door into the room which allows a view of the adjacent classroom.
  - r. Staff in the building did not recall that this room had ever been used as a processing room.
12. Sherwood Middle School has two rooms which were built as processing rooms. A review of the two rooms provided the following facts:
- a. The first room has a foot lock still in place.
  - b. A peep hole in the door allows staff to look into the room.
  - c. The room has padded walls, a padded floor and a bumper pad which covers the three walls of the room that do not contain the door.
  - d. The room has several bean bag chairs in it.
  - e. The room is open to the ceiling but is covered with a grate.
  - f. The second processing room has a door with the foot lock removed.
  - g. The door has a peep hole on the outside. The inside of the door is padded with a square opening cut for the peep hole.
  - h. The walls are padded.
  - i. The floor is covered with what appears to be vinyl tile.
13. Beechcroft High School has one room which was built as a processing room. The former processing room is located in Room 108 which is now an English general education classroom. A review of that room provided the following facts:
- a. The room is locked with a padlock.
  - b. The teacher in the room unlocked the room to show that it contained a two-drawer filing cabinet, paper towels, boxes of tissues, drinking cups, cardboard boxes, and a variety of other supplies. The area is being used for storage.
14. CAHS has one room which was built as a processing room. A review of the room provided the following facts:
- a. The processing room in Room 103 shows a door with the foot lock removed. The handle on the door does not contain a lock.
  - b. The door has a peep hole at adult height.
  - c. The padded walls are open to the ceiling with a large fluorescent light fixture in the corner.
  - d. The floor appears to be covered with vinyl tile.
15. Eastmoor Academy has one room which was constructed as a processing room. A review of the room provided the following facts:
- a. The processing room in Room 124 had a door with the foot lock removed.

- b. There was a sign on the door which stated "This room is not to be used until all locks have been removed".
  - c. There is a peep hole in the door to allow viewing of the inside of the room.
  - d. There is a light in the ceiling which has a cover over it.
  - e. There is an air vent in one wall. The walls are padded.
  - f. The floor appears to be covered with vinyl tile.
16. Whetstone High School has two rooms which were built as processing rooms. A review of the two rooms provided the following facts:
- a. The processing room in Room 141C has a door with the foot lock removed. A sign on the door says "Processing Room". The door has two peep holes, one at adult height and one at child height, to allow viewing into the room.
  - b. The ceiling has a fluorescent light with a cover and an air vent.
  - c. The floor is covered by what appears to be vinyl tile.
  - d. The second processing room is located in Room 122. This room is now a general education Mathematics classroom.
  - e. The door to the processing room shows that a lock had been removed near where the door handle would be located. It had been replaced by a dead bolt lock.
  - f. The door contained two peep holes, one at adult height and one at child height.
  - g. The room was filled with shelving, a table, and plastic "milk crates" filled with papers. The shelving contained notebooks, boxes and other items. The former processing room was being used for storage.
17. Beatty Park is a new facility which serves as a separate facility for elementary school students with intensive behavioral needs. The building has four processing rooms which are termed "respite rooms" in this facility. A review of the respite rooms provided the following facts:
- a. The classroom for children with multiple handicaps (MH) has a respite room in the classroom.
  - b. The room is not used as a seclusion room, but rather as a time-out area.
  - c. The room contained two bean bag chairs.
  - d. The ceiling had lights, a vent and a sprinkler.
  - e. There is a peep hole in the door. The inside of the peep hole has padding around it.
  - f. The four other respite rooms are located in the hallway.
  - g. The doors do not contain locks.
  - h. The doors have rectangular windows above the door handles.
  - i. The ceilings of the four respite rooms contain vents, lights and sprinklers.
  - j. Some of the rooms contain padding, others do not.
  - k. When the rooms were viewed by OEC staff, two of the rooms contained chairs.
  - l. The other rooms did not have any objects in them.
18. Clearbrook is a middle school which serves as a separate facility for middle school students with intensive behavior needs. Clearbrook will move to a new facility when the current construction is completed. Clearbrook contains two processing rooms located side-by-side in a hallway. A review of the processing rooms provided the following facts:
- a. The two rooms are identical.
  - b. Each room contains a large plexiglass window in the door.
  - c. The foot locks have been removed from the doors.

- d. The ceilings contain fluorescent lights in cages.
- e. The ceilings also contain air vents.
- f. The floors which appear to be covered with vinyl tile contain drains.

While investigating the processing rooms at Beatty Park and Clearbrook, the team also reviewed records for individual students at these two separate facilities. Facts determined during the investigations at these buildings include:

1. Clearbrook is a middle school which serves as a separate facility for middle school students with intensive behavior needs. Clearbrook will move to a new facility when the current construction is completed. Clearbrook contains two processing rooms located side-by-side in a hallway. A review of the processing rooms provided the following facts:
  - a. The two rooms are identical;
  - b. Each room contains a large plexiglass window in the door;
  - c. The foot locks have been removed from the door;
  - d. The ceilings contain fluorescent lights in cages;
  - e. The ceilings also contain air vents; and
  - f. The floors which appear to be covered with vinyl tile contain drains.
2. During the on-site visits, the OEC team reviewed records at the two separate facilities, Beatty Park and Clearbrook.
3. The team determined that there were currently one hundred twelve students enrolled at Beatty Park and seventy-six were enrolled at Clearbrook.
4. Enrollment at the two schools fluctuates frequently depending on student needs.
5. The district provided all behavior incident/observation forms from both schools and Alum Crest High School, the three separate facilities, for the year prior to the filing of this complaint – November 13, 2011 through November 13, 2012. The behavior incident/observation forms were reviewed and will be discussed later in this letter of findings.
5. At Beatty Park the team reviewed the records of eighteen randomly selected students. The random selection was accomplished by pulling random behavior incident reports from classroom files kept by the principal. The records reviewed included the students' evaluation team reports (ETRs), individualized education programs (IEPs), discipline reports, progress reports, and any other records contained in the student's cumulative file.
6. The team determined the following facts during an interview with the principal of Beatty Park:
  - a. Each classroom has their own behavior plan with rules and consequences including positive behavior supports;
  - b. Students functional behavior assessments (FBAs) are kept in the student's classroom;
  - c. The FBAs are kept with the students' teachers because they are updated any time the staff has restrained a child three times; and
  - d. The principal stated that the FBAs are reviewed/revised/updated after three restraints because that number of restraints could indicate that the FBA was not effective in changing the students' behaviors.
7. The team determined the following facts concerning individual students during the review of records at Beatty Park:

- a. The students' records documented that all students had ETRs that contained evaluations/assessments which addressed the students in the areas of behavior, emotional and social functioning. These areas were addressed in the students' IEPs.
- b. The files and incident reports did not document injuries to either students or staff during any of these incidents.
- c. In reviewing the incident reports for all of the students at Beatty Park a pattern of staff behavior emerged:
  - i. Students were seldom, if ever, left alone in processing rooms;
  - ii. Very often incident reports demonstrated that staff sat either inside the room with the student or just outside the room;
  - iii. Students were only in the processing room until they became calm; and
  - iv. Once students were calm, staff "processed" the behavior with the student – talking about what choices the student might make the next time to ensure a better outcome.
- d. Physical aggression, stated as the reason many children were either restrained or placed in the processing room, includes such behaviors as hitting, kicking, punching, spitting, biting, pushing, shoving, fighting, pushing or throwing materials – including furniture, and knocking over furniture. These behaviors resulted in danger to the child, peers and/or staff. On a few occasions, the students were screaming and/or crying so loudly and for such lengthy periods that the education of all students was severely disrupted. On these occasions, the students were sometimes removed from the classroom to allow the education of the other students in the room to continue while the disruptive student was assisted in returning to appropriate behaviors elsewhere.
- e. The staff of OEC reviewed the instances of restraint and seclusion for these eighteen students. The following is a brief summary for each student whose records were reviewed:
  - i. Student one was restrained fifteen times and placed in the processing room six times. The student was restrained from one to ten minutes for physical aggression toward staff and peers and trying to leave the classroom. The student was placed in the processing room for from two to eighteen minutes. The staff documented that the student was supervised by an adult at all times. The periods in the processing room were also a result of physical aggression toward peers and staff.
  - ii. Student two was restrained twelve times and placed in the processing room five times. The student was restrained using a single child control each time for being physically aggressive toward staff and peers, and at least once was a danger to him/herself. The student was placed in the processing room five times, again for being a physical danger to self, peers and staff. The student spent from seven to seventeen minutes in the processing room and was supervised by an adult each time.
  - iii. Student three was restrained four times and was placed in the processing room four times. The student was restrained using a single child control four times for physical aggression toward peers and staff. While there was a behavior incident on a fifth day, the staff was able to de-escalate the student's behavior without using restraint. The student was placed in

- the processing room on four occasions. On three occasions the student was in the processing room for from two to five minutes, and was supervised each time. A fourth time, the student was placed in the processing room so the staff could remove the audience when s/he was lying on the floor crying. The teacher stayed with the student for the twenty minutes it took the student to regain control.
- iv. Student four was restrained thirteen times and placed in the processing room fourteen times. The restraints used with this student included single and two person child controls, an escort and a transport hold. The student was restrained for physical aggression directed at self, peers and staff and for attempting to leave the classroom. The student was taken to the processing room for physical aggression to self, peers and staff. The student was in the processing room for from three to eighty minutes and documentation showed that the student was supervised by an adult during those times. The staff also documented "temper tantrums" which often involved prolonged screaming in addition to physically aggressive behaviors.
  - v. Student five was restrained eight times for running away and physical aggression directed at peers and staff. The student also locked him/herself in the restroom. The student was restrained using a single child control each of the eight times. The student was placed in the processing room eight times for from ten to thirty minutes. The student was placed in the processing room for being a danger to self and others. The staff documented checking on the student on some occasions every five to ten minutes, and on one occasion remaining with the student the entire time in the processing room.
  - vi. Student six was restrained twenty-five times and taken to the processing room fourteen times. The staff restrained the student with a single child control and assisted the student to the processing room using a transport position. The student was restrained for physical aggression directed at peers and staff and for running away from staff. The student was placed in the processing room for physical aggression, running away, and crying and screaming to the extent that it disrupted the educational process. The student also needed to be transported out of the building for refusal to leave during a fire drill.
  - vii. Student seven was restrained four times and taken to the processing room four times. The four restraints and time outs were related to the same four incidents when the student was physically aggressive and running away from staff. The staff transported the student either with a transport hold or a single child control on each occasion. The student was in the processing room for from five to ten minutes and was supervised each time.
  - viii. Student eight was restrained eleven times and then removed to the processing room eleven times using single child controls or transport holds. The incidents where restraint and the processing room were used involved running from staff, fighting, physical assault on peers and staff and destruction of property. The student was supervised by an adult or



- adults during the time spent in the processing room. The student was in the processing room from seven to twenty minutes.
- ix. Student nine was restrained four times using a single child control, a team control and/or a two person transport control to the processing room. During each of the incidents which lead to the restraints, the student was taken to the processing room. The student remained in the processing room for from six to ten minutes on three occasions. The fourth time the student was in the processing room for seventy-three minutes. Staff documented multiple persons observing the student on each occasion.
  - x. Student ten was restrained four times during the process of transitioning the student from the classroom to the processing room. The student was removed from the classroom using single child controls or team transport positions. The student was in the processing room for from two to thirty minutes. The staff documented that the student was under adult supervision each time. The student was taken to the processing room for physical aggression directed at self and others, for attempting to run from the classroom and for screaming and disturbing the educational process.
  - xi. Student eleven was restrained once for two minutes because he was a danger to himself. The student was transported away from the dangerous activity. When the student was destroying school materials, staff held his hand to lead him away from the materials. This student was not placed in the processing room.
  - xii. Student twelve was restrained five times and was placed in the processing room four times. The student displayed self-injurious behaviors and was also dangerous to others. The student was restrained using a two-person control on one occasion and single child controls on the other four occasions. The student went to the processing room four times. On one occasion, the student placed him/herself in the processing room. On that occasion, the mental health clinician stayed with the student for five minutes until s/he was calm enough to leave. Another time, the student was able to calm him/herself. Staff stayed with the student during the five minutes that it took for the student to calm down. An aide supervised the student on two other occasions when the student lay on the floor of the processing room screaming. One of these incidents was documented as fifteen minutes in duration.
  - xiii. Student thirteen had three behavior incidents which required restraint and being taken to the processing room. The student was physically aggressive to others and was taken to the processing room on three occasions using a single child control. The student remained in the processing room with adult supervision for five minutes on each occasion.
  - xiv. Student fourteen was taken to the processing room five times using either a single child control, a two person control (for approximately forty-five seconds) or a child transport control. The student was physically aggressive toward other students and staff. The student spent between five and six minutes in the processing room on four occasions. On the fifth occasion, the student was in the processing room for one hour. On that occasion, the student refused to stop screaming.

- xv. Student fifteen was taken to the processing room twice using a single child control and transport because s/he was throwing objects and screaming. The student was in the processing room for ten and twenty-two minutes and was supervised by an adult on both occasions. In addition to the two times the student was transported to the processing room, staff restrained the student one other time when s/he refused to re-enter the building after recess, was physically aggressive with peers and staff and was screaming.
  - xvi. Student sixteen was restrained seven times using a single child control and transport controls when the student became a danger to self or others, ran from staff, and refused to comply with directives. The student was taken to the processing room four times after refusing to comply with directives and became threatening to peers and staff. The student was in the processing room for sixty minutes, two hours and twenty minutes, twenty-five minutes and forty minutes. The processing rooms have rectangular windows in the doors. An adult was stationed outside the door and checked on the student every ten minutes. On one occasion the notation states that the student was "never left alone".
  - xvii. Student seventeen was restrained twenty-nine times using single person controls and transport positions. The student was violently physically aggressive, mostly to staff, but also to peers. The student was also a danger to self and destructive to property on a few occasions. The student was taken to the processing room one time for five minutes upon becoming physically aggressive and running away from staff.
  - xviii. Student eighteen was restrained twenty-one times using two person and one person controls and escorts. This student was restrained for being physically aggressive toward peers and staff, self-injurious, fighting, refusing to comply with directions, and disruptive to the educational process. The student was taken to the processing room twenty-two times for the same behaviors. The student was in the processing room on three occasions for more than one hour. The staff documented that the student was under adult supervision each time.
8. At Clearbrook the team reviewed the records of fifteen randomly selected students. The random selection was accomplished by pulling random behavior incident reports from classroom files kept by the principal. The records reviewed included the students' evaluation team reports (ETRs), individualized education programs (IEPs), discipline reports, progress reports, and any other records contained in the student's cumulative file.
9. The team determined the following facts during the record reviews of students at Clearbrook:
- a. The students' records documented that all students had ETRs that contained evaluations/assessments which addressed the students in the areas of behavior, emotional and social functioning. These areas were addressed in the students' IEPs.
  - b. Physical aggression stated as the reason many children were either restrained or placed in the processing room includes such behaviors as hitting, kicking, punching, spitting, biting, pushing, shoving, fighting, pushing or throwing

materials – including furniture, knocking over furniture, and these behaviors resulted in danger to the child, peers and/or staff.

- c. In reviewing behavior incident/observation reports a pattern of staff behavior emerged:
  - i. Students were not placed in child control positions if they were able to walk either with an escort position or unassisted to the processing room;
  - ii. If the student had calmed sufficiently during the walk to the processing room, the student was allowed to sit in the hallway outside the processing room or inside the processing room with the door open for a period of time to ensure the dangerous behaviors would not recur;
  - iii. Once a student's behavior was under control, s/he was allowed to sit in the hallway for a period of time. If the student's behaviors remained under control, the student was returned to his/her class.
- d. The files and incident reports did not document injuries to either students or staff during any of these incidents.
- e. The staff of OEC reviewed the instances of restraint and seclusion for these fifteen students. The following is a brief summary for each student whose records were reviewed:
  - i. Student one was restrained five times and placed in the processing room five times. This student exhibited violent physical assaults on staff. Additionally, the student expressed very specific homicidal and suicidal ideation. At one point in the processing room, the staff removed the student's belt and shoes because of the staff's fear for the student's safety. On one occasion, the staff called the Columbus Police Department who recommended a psychiatric evaluation. Franklin County Children Services was also alerted to this student's circumstances. The staff documented that this student was very closely supervised while in the processing room.
  - ii. Student two was restrained three times and placed in the processing room six times for twenty minutes or less per incident with the exception of one incident. During that incident, the student was in the processing room for sixty minutes. He was directed to change his clothing, and was to be allowed to leave the processing room as soon as he complied with that directive. The student was also placed in the processing room for punching staff and peers, and for disrupting the educational process.
  - iii. Student three was restrained once and placed in the processing room two times for ten minutes. The student walked to the processing room without a restraint or escort and was going to the processing room because of physical aggression to staff and peers.
  - iv. Student four was not restrained or placed in the processing room. Although the student was suspended once for being in a fight.
  - v. Student five was restrained once for placing a staff member in a head lock. Both the student and the staff member fell to the ground. The student was transported to the office where the parent picked up the student. This student was not placed in the processing room.

- vi. Student six was restrained once and placed in the processing room once. The student was making verbal threats, not complying with staff directives, and spitting on staff members.
- vii. Student seven was restrained five times and placed in the processing room three times as a result of the restraints. The student repeatedly left the classroom and pulled the fire alarm once. Other incidents which resulted in being placed in the processing room involved physical aggression toward staff and fighting. The student was in the processing room from ten to sixty minutes and was supervised each time.
- viii. Student eight was restrained twice during one incident and was in the processing room once for twenty-five minutes. The student was supervised in the processing room. The restraints and processing room resulted from physical aggression toward staff members.
- ix. Student nine was restrained five times and was placed in the processing room three times. The student was physically aggressive toward staff members, became a danger to peers when s/he picked up and threw furniture, ran out of the classroom, and was fighting. The student was in the processing room for seventeen, twenty, and twenty-five minutes and was supervised during each incident. The student was restrained using single child and team controls, transport and escort positions.
- x. Student ten was restrained once and placed in the processing room once both involving one incident where the student punched a staff member. The student spent fifteen minutes in the processing room. Although the student crawled out of a second floor window on another occasion, the staff used de-escalation techniques to coax the student back into the building. No restraints were used during this incident.
- xi. Student eleven was restrained for two minutes after punching a peer. There were no incidents where the student was placed in the processing room.
- xii. Student twelve was restrained four times and went to the processing room four times. The student was restrained and placed in the processing room for throwing materials, hanging out of a second floor window, pushing and hitting staff. The student was always supervised while in the processing room and was there for thirteen to sixty minutes.
- xiii. Student thirteen was never restrained or placed in the processing room.
- xiv. Student fourteen was never restrained, but went to the processing room five times. The student went to the processing room for disrupting the education of self and others, leaving the classroom, and fighting. The student was in the processing room for between six and eighteen minutes and was always under supervision.
- xv. Student fifteen was never restrained and was in the processing room once for five minutes for shoving a staff member.

**Fact determined from documentation:**

The district also provided incident reports from all district buildings where students were restrained or placed in some sort of seclusion. Very often students were placed in time-out in a

building with no processing room. Buildings used different terms for time-out areas. Some referred to it as the quiet room, the calm down room, the thinking chair, etc. For the purposes of this complaint if a student was isolated from peers in another portion of the classroom or another classroom, but not a processing room, it will be termed time-out. The formal written complaint filed by the parent and her attorney referred to the process of controlling a student's out of control body as restraint. The district uses the term child control, child escort or child transport rather than restraint. For the purposes of this complaint investigation, the action of controlling a student's out of control body to prevent harm to the student, peers or staff or destruction of property will be called restraint, escort or transport. Restraints were made by a single person or a two-person team. Transports were generally made by two-person teams. Escorts did not involve restraint but may have involved holding a student's wrist, hand or arm. Floor or prone restraints are prohibited in the district. On several occasions, the behavior incident reports indicated that students dropped to the floor during a restraint. The reports indicated that students who dropped to the floor were either released immediately or were assisted to their feet. No floor or prone restraints were indicated on the behavior incident/observation reports.

The district provided behavior incident/observation reports from thirty-nine buildings. Eight of those buildings also had seclusion rooms. A summary of the behavior incident/observation reports is included below from each of the thirty-nine buildings that provided reports. A very large number of reports from Beatty Park Elementary, Clearbrook Middle School, and Alum Crest High School (the separate facilities) were also reviewed. These reports are in addition to the individual records that were randomly selected and reviewed during the on-site visits to Beatty Park and Clearbrook. The behavior incident/observation reports from the separate facilities are summarized separately near the end of this letter of findings.

1. Alpine Elementary School provided one incident report for one student. The student was restrained once after the child threw chairs and tables. The child calmed with the use of the restraint.
2. Arlington Park Elementary provided twenty-three incident reports involving thirteen students. The following information provides a summary of the reports without revealing personally identifiable information:
  - a. The incident reports reveal that students were often talked to in order to assist them in de-escalation of their behaviors.
  - b. Many of the students were placed in time out (for example, on a chair in the hallway or another part of the classroom) in order to assist the student in calming him/herself prior to the use of restraint. This building does not have a processing room.
  - c. Students in this building were placed in time out for 3 – 22 minutes. There is evidence that the staff checked on the students frequently or remained with the student while in time out.
  - d. Staff documented that the students were restrained when they became a danger to themselves, peers or staff. Behaviors which resulted in restraints include running away, throwing objects and furniture, hitting, punching, kicking, biting, spitting, and scratching.

- e. Students were placed in time out for screaming, yelling threats to staff and peers and disrupting the education of others in addition to the behaviors identified in "d" above.
3. Beatty Park Elementary (the separate facility) provided approximately 862 behavior incident/observation reports which were reviewed during the investigation of this complaint. Those incident reports are discussed near the end of this letter of findings.
  4. Binns Elementary School provided one hundred nineteen behavior incident/observation reports which involved twelve students. The staff in this building refer to time out as "the calm down room". This building does not have a seclusion room. The following information provides a summary of the reports without revealing personally identifiable information:
    - a. All of these students had the same teacher. The class had a classroom incentive plan for positive behaviors which involved the collection of marbles. The time out area contained sensory items to assist in calming students. Techniques used to calm at least one student included deep pressure points, teaching breathing techniques, counting to twenty, and prompting the student to use those techniques when upset. All of these students had behavior intervention plans.
    - b. The staff used child control positions, transports and blocks (kicks, punches and bites) when restraining these students or controlling their dangerous behavior.
    - c. Students who were in "the calm down room" were documented to be with an adult during the time they were there. Children were in time out from two to forty minutes. In one case, a student was in time out for one hour and thirty-five minutes. This student was new to the building/class and did not have a BIP. The staff wrote a BIP to address this student's needs.
    - d. Each incident report documented that restraint was used only to curb behaviors which were a danger to the student, peers or staff.
    - e. Behaviors for which students were restrained included biting self or others, spitting, head-butting, hitting, pinching, kicking, throwing furniture, running from staff, and standing/climbing on furniture.
    - f. Five of the students were involved in 75% of the incidents recorded in this building. The other seven students were involved in four or fewer incidents each.
    - g. One student threatened suicide and another threatened to bring a gun to school to kill the instructional aide.
  5. Burroughs Elementary provided two incident reports which involved one student. This building does not have a processing room. However, they do have a Positive Effort for Adjustment and Knowledge (PEAK) room which is used as a time out area where students can go to calm down. The following information provides a summary of the reports without revealing personally identifiable information:
    - a. The student was transported to the PEAK room using a transport control. The staff was able to de-escalate the student's behavior in the PEAK room without further use of restraint.
    - b. The student was placed in time out for twenty-five minutes on another occasion. Staff documented that they checked on the student every five minutes to ensure s/he was safe and beginning to calm down. The staff used

- restraint when the student became a danger to him/herself by running away from the staff. This building does not have a seclusion room.
6. Clinton Elementary School provided two incident reports involving one student. Both of these incidents occurred in the old facility where there was a processing room. The staff referred to this as the quiet room. The following information provides a summary of the reports without revealing personally identifiable information:
    - a. The student hit and kicked a peer and staff and was transported with a two person control to the quiet room.
    - b. During the second incident, the student was again transported to the quiet room with a two person control. The student went to the quiet room for trying to run from staff, kicking and hitting. The student was able to leave the quiet room when s/he could show s/he was ready to come back to the class.
  7. Colerain Elementary School provided four incident reports for two students. This building does not have a processing room. The following information provides a summary of the reports without revealing personally identifiable information:
    - a. The staff documented that they attempted to de-escalate student behavior by taking the student for a walk, and talking to the student.
    - b. Both students were restrained using child controls and team controls.
    - c. The students were restrained when they engaged in behaviors which were a danger to themselves or staff.
    - d. Some of the behaviors documented include hitting, kicking, head butting, and punching.
    - e. Safety and security was called to assist in de-escalating one of the students.
    - f. One of the students threatened the instructional assistant with scissors.
    - g. One of the students threatened suicide. The team determined that this student should have a new functional behavior assessment (FBA) and new BIP.
  8. Cranbrook Elementary School provided fifteen incident reports involving ten students. Cranbrook does not have a processing room. The following information provides a summary of the reports without revealing personally identifiable information:
    - a. Staff documented that attempts were made to de-escalate some students before restraint was used.
    - b. The staff used single child controls and transport positions on students in these incident reports.
    - c. The staff documented that restraints were used on students when they became a danger to themselves, peers or others.
    - d. Some behaviors documented included kicking, banging own head on the sink, throwing chairs and books, hitting, spitting, throwing heavy objects, running away from staff, and destroying property.
    - e. One student was placed in a transport position because s/he would not get on the bus to go home.
    - f. The staff documented for one student that behaviors were being charted to rewrite the student's BIP.
  9. Devonshire Elementary School provided seven incident reports involving three students. This building does not have a processing room. This building refers to its time out area as "the sad spot". The following information provides a summary of the reports without revealing personally identifiable information:

- a. The staff documented that at least one student would use social stories to assist in calming or learning strategies to avoid behavior incidents.
  - b. Students went to the sad spot to calm down.
  - c. Reference was made to a classroom behavior plan.
  - d. The staff used child controls, kick blocks, and transfers in this classroom to protect children, their peers and staff from dangerous behavior.
  - e. Behaviors for which students were restrained included hitting, kicking, scratching, spitting, wiping nasal mucus on others, shoving and kicking furniture, throwing another student to the ground, and running away from staff.
10. Duxberry Park Elementary sent three incident reports involving two students. Duxberry Park has one processing room which has sensory items in it. Two other rooms built as processing rooms have been converted to storage areas. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented the use of time out and the use of restraint in working with these two students. There is no evidence that either student was placed in the processing room.
  - b. Staff provided documentation of an ABC form for one student which showed data collection of antecedents, behaviors and consequences for seven days. The data was collected to develop a BIP.
  - c. Time out was referred to as a chair in the classroom.
  - d. One student was restrained after being placed in the time out chair for throwing a chair and becoming physically aggressive with staff including spitting on them. On another occasion this student was placed in a child control when he punched one student and tried to bite another student.
  - e. The second student was restrained after becoming a danger to staff and peers. Prior to the use of restraint, the staff attempted to use positive reinforcement and re-direction to calm the student.
11. Eastgate Elementary School sent eleven incident reports involving four students. Eastgate does not have any processing rooms. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented placing one student in time out for twenty-two minutes. The documentation showed that staff checked on the student five times during the twenty-two minutes.
  - b. The staff documented that students were restrained after becoming a danger to themselves or others.
  - c. Documentation shows that the students engaged in throwing furniture, attempting to destroy property such as computer equipment, stabbing others with pencils and threatening to stab others, hitting, punching, kicking, threatening to kill a peer's family, fighting, attempting to break and/or jump out of a window, running from staff, spitting, choking and head-butting.
  - d. Staff documented revisiting BIPs and IEPs in an attempt to keep behaviors from recurring.
12. Easthaven Elementary School sent thirteen incident reports involving one student. Easthaven does not have any processing rooms. The following information provides a summary of the reports without revealing personally identifiable information:



- a. The staff documented using a child control position with this student thirteen times on thirteen different occasions.
  - b. Documentation in the form of behavior incident/observation forms showed that the student presented behaviors that were a danger to self, peers and staff as well as property.
  - c. The student jumped on tables, climbed furniture, threw baskets, ran away from staff, and assaulted peers and the staff.
  - d. The staff documented attempts to de-escalate the student's behavior using sensory breaks (trampoline, deep pressure, quieter activities, and aromatherapy), a transition-wait plan, and developing and re-visiting the behavior plan.
13. East Linden Elementary School provided one incident report involving one student. East Linden does not have any processing rooms. The following information provides a summary of the report without revealing personally identifiable information:
- a. The staff documented using a team child control one time with this student.
  - b. Documentation in the form of behavior incident/observation forms showed that the student presented behaviors that were a danger to self, peers and staff as well as property.
  - c. The incident report documents that the student bit two staff members, punched others, threw items and destroyed property.
  - d. The staff attempted to give the student options and choices to prevent inappropriate behavior and had made attempts to work with the family by having them visit the school.
14. Huy Elementary School provided nineteen incident reports documenting the behavior of four students. Huy does not have any processing rooms, but does have a PEAK room. The following information provides a summary of the report without revealing personally identifiable information:
- a. One student was restrained a total of thirteen times during the one year period (November 13, 2011 – November 13, 2012). The staff also used a bite release and kick blocks with this student. The other three students were restrained from one to four times during the same time frame. One student was transported to the PEAK room and another was placed in a quiet area of the classroom for time out.
  - b. Documentation provided by the district showed that all four students were restrained when they became a danger to themselves, peers or staff.
  - c. Incident reports document that the behaviors which caused students to be restrained included turning over desks and chairs, kicking, hitting, biting, spitting, head-butting, and unsafe behavior on the bus.
  - d. The incident reports documented that staff used time out to assist a student in calming, wrote and followed BIPs, wrote social stories, and attempted to alter the environment to assist students in making better choices.
  - e. One student apparently began having an "asthma attack" during a behavior incident. The staff immediately stopped using the child control and sought medical help for the student.
15. Lindbergh Elementary School provided three behavior incident reports documenting the behavior of three students. Lindbergh does not have any processing rooms. The staff uses a "quiet area" as time out for students who need to calm themselves. The following

information provides a summary of the report without revealing personally identifiable information:

- a. The three students were restrained, transported using transport positions and kicks were blocked.
  - b. Documentation provided by the district demonstrates that restraints were used when the students became a danger to themselves, peers and/or staff.
  - c. Incident reports document that the behaviors which caused students to be restrained included pushing over furniture, punching an electrical box, throwing objects, destruction of property, biting, hitting and kicking others.
  - d. The staff attempted to de-escalate the students' behaviors by allowing the student to take a walk with an adult, going to the quiet area to calm down, and going to the PEAK room to calm down.
  - e. One student went to the ground during a restraint which lasted less than two minutes. Staff documented that the student was released as soon as the hold went to the ground.
16. Linden Science, Technology, Engineering, and Mathematics (STEM) Elementary School provided one incident report involving one student. Linden STEM does not have any processing rooms. The following information provides a summary of the report without revealing personally identifiable information:
- a. The student was restrained once for less than two minutes.
  - b. The student was restrained when s/he began throwing objects.
  - c. The classroom was cleared and the child calmed.
  - d. This student has a BIP.
17. Moler Elementary School provided fifty-seven incident reports involving thirteen students. The building has no processing rooms. However, the building does have a PEAK room where students can go to calm down and process their behavior. The following information provides a summary of the report without revealing personally identifiable information:
- a. The behavior incident/observation forms provided by the district indicate that some students were restrained and/or transported to other areas.
  - b. Behavior reports indicate that students were restrained or transported to a quieter or safer place when the students became a danger to themselves, peers or staff.
  - c. Behaviors which caused the staff to use restraints or transports included running out of the classroom or the building, hitting, kicking objects and people, scratching, pinching, throwing chairs and other objects, trying to bite, pushing and climbing on furniture, knocking over bookcases, spitting, touching private parts, destruction of property, punching walls, pretending to use toys as guns to shoot peers, pushing tables into peers, pulling at electrical cords, and unplugging the air conditioner and turning it on and off.
  - d. The staff documented ways in which they de-escalated behaviors, or intended to work with the student in order to prevent further behavior incidents. The classroom had a behavior plan which included positive incentives for appropriate behavior. BIPs were either in place, being written or revised for several students and a re-evaluation was considered for one student. Students were reminded to make good choices and were reminded of the rewards for which they were working. Students were also encouraged

- to go to a quiet area until they could make better choices. The staff considered using pictures of appropriate behaviors for one student.
- e. This building provided a large number of incident reports. However, while three students had between seven and twelve behavior incidents, the other children had four or fewer incidents.
18. Oakland Park Elementary School provided one incident report for one student. Oakland Park does not have any processing rooms. However, the school does have a PEAK room where students can go to calm down and process their behavior. The following information provides a summary of the report without revealing personally identifiable information:
- a. Documentation provided showed that the student was restrained when there was a danger to him/herself, and removed to the PEAK room when there was danger to the student's peers.
  - b. The incident report indicates that the student was kicking, thrashing and doing backward somersaults over chairs in the classroom. The student was referred to the PEAK room to calm down when s/he began pinching other students. The staff began the Intervention Assistance Team process with the parents and staff to determine the cause of the student's behaviors and possible interventions.
19. Parsons Elementary School provided two incident reports involving two students. There are no processing rooms in the building. However, the school does have a PEAK room where students can go to calm down and process their behavior. The following information provides a summary of the reports without revealing personally identifiable information:
- a. Both students were restrained when their behaviors became a danger to themselves, staff or peers.
  - b. Documentation showed that one student threw furniture, ran from staff and assaulted staff members. The second student was banging his/her own head on a cement wall. This student was restrained to prevent injury after refusing to stop. One student was taken to the PEAK room to calm down. A BIP will be developed for this student. The second student is being considered for a placement at a separate facility due to the staff's concern about safety for the child. In the meantime, the staff will work to keep the student safe by using consistent messages and consequences.
20. Salem Elementary School provided three incident reports involving the behavior of two students. There is no processing room in this building, and the staff did not document that this building contains a PEAK room. The following information provides a summary of the reports without revealing personally identifiable information:
- a. Documentation provided by the school demonstrated that restraints and team transport positions were used with these two students.
  - b. The school provided information that documented that students were restrained when they became a danger to self or staff.
  - c. Behaviors which caused the students to be restrained included running out of the classroom, pinching, destroying classroom materials, running into the street when exiting the bus, and attempting to bite a staff member.
  - d. The staff used verbal re-direction, proximity, and reminders of reinforcers to assist students in calming themselves.

21. Shady Lane Elementary School provided twenty-four incident reports involving nine students. There is no processing room in this building. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented that restraints were used with only six of the nine students for whom incident reports were written. One student was placed in time out in the classroom and two of the other students were calmed by removing them from situations or providing natural consequences, such as waiting until others were through the line to get breakfast.
  - b. Documentation showed that students were restrained when they became a danger to themselves, peers or staff.
  - c. Behaviors which caused restraint were spitting, kicking furniture/equipment/people, raising fist to punch, pinching, throwing objects at others, removing clothing, scratching others, hitting self and others, pushing people and furniture, standing on/knocking over chairs, attempting to bite a peer, leaving assigned area, destruction of property, and inappropriate touching of others.
  - d. The staff documented many ways used to de-escalate behavior before restraints were considered. Some of the methods used include removal from the situation (not to time out and not using restraints), re-direction, calling outside resources (such as the Nisonger at the Ohio State University), ignoring, time out with an adult either in the classroom or another classroom, proximity to an adult, adding additional incentives to the classroom behavior plan (sticker chart), and listening to music.
22. South Mifflin STEM Elementary School provided six incidents involving four students. There is no processing room in this building. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented using restraints with four students.
  - b. Documentation showed that students were restrained when they became a danger to themselves, peers or staff.
  - c. Behaviors which caused restraints included spitting, pushing objects off tables onto the floor, unplugging electrical appliances, head-butting, kicking others, pulling down own pants, and attempts to attack peers.
  - d. The staff documented that BIPs were either in progress or being considered for these students.
23. Southwood Elementary School provided fourteen incident reports involving two students. There is no processing room in this building. However, the building does have a PEAK room where students may go to regain behavior control. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented using restraints on both students.
  - b. Documentation shows that restraints were used when the students became a danger to themselves, peers or staff.
  - c. Behaviors which caused the staff to restrain these students included running away, kicking, pushing, shoving, spitting, head-butting, pinching, scratching, trying to bite, climbing on furniture, throwing objects, slamming doors, jumping on desks, and pushing furniture toward people.
  - d. The staff documented ways with which they attempted to assist the students in demonstrating appropriate behavior. One student displayed inappropriate

behaviors when the bus was late, so the staff investigated activities to keep the student busy while waiting. This student had a BIP in place, but staff continued to gather data to determine if the BIP should be revised or if the student needed a different placement. The staff was beginning a functional behavior assessment (FBA) with the intent to write a BIP for the other student. Staff also used re-direction, and giving five minute warnings for transitions.

24. Sullivant Elementary School provided sixteen incident reports which involved five students. There is no processing room in this building. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented using restraints and transport positions with these five students.
  - b. Documentation showed that restraints and transport positions were used when the students became a danger to themselves, peers or staff.
  - c. Behaviors which resulted in restraints or transports included throwing objects, overturning/pushing furniture, punching, head-butting, running from the classroom, kicking, and biting or attempting to bite.
  - d. Staff documented ways which were used to address these behaviors without using restraints. Some of these methods included developing BIPs, providing a quiet time out space to allow the student to de-escalate/calm, separate the student from others to protect peers, positive reinforcement for appropriate behaviors, planned ignoring of behaviors which are not dangerous, proximity to an adult, visual schedules, and incentives for positive behaviors.
25. Trevitt Elementary School provided two incident reports involving two students. Trevitt Elementary does not have a processing room. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented using restraints with both of these students.
  - b. Documentation from the district demonstrated that the students were restrained when they had become a danger to themselves, peers or staff.
  - c. Behaviors which caused restraints to be used included punching a peer, destroying property, running away and throwing objects.
  - d. Staff determined that one of the students needed to be taught the skill of telling an adult when another student was bothering him/her. The staff will continue to observe this student's behavior and discuss how the student's medication changes may be affecting the student's behavior.
26. Watkins Elementary School provided one hundred nineteen incident reports involving sixteen students. Watkins Elementary does not have a processing room, but does use a PEAK room to assist students in calming themselves. The staff does use the technique of having students move to a quieter area for time out to assist in calming. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented using restraint, transports, and kick/strike blocks with these students.
  - b. Documentation from the district demonstrated that students were restrained when they became a danger to themselves, peers or staff. One student expressed suicidal/homicidal ideation.

- c. Behaviors which caused the students to be restrained or transported included running away, biting, kicking, hitting, scratching, spitting, knocking over materials, flipping bookshelves, chairs and tables, climbing on the side of the building, throwing objects including chairs, standing on tables and chairs, moving staff members by picking them up, and slamming doors.
  - d. The staff documented many ways they have worked with students to prevent recurrences of behaviors. Some of these methods include re-writing the BIP, using PEAK as a reward, wiggle seats, fidgets, gum, creating rewards for positive behaviors, modifying difficult work, creating a safe place, creating a reward chart for recess behavior, structuring environments such as at dismissal time, giving prior notice for schedule changes, structuring recess, creating sensory profiles and menus, decreasing the amount of time needed to earn rewards, teaching breathing techniques for calming, stress balls, a "ready chair" – a place a child can sit to show they are ready to participate again.
  - e. In addition to the techniques used above, the students were re-directed, the other students (audience) were removed, planned ignoring of non-dangerous behaviors, breaks outside the classroom, classroom behavior points, giving one-on-one attention, allowing the student to make choices, taking a walk and picture schedules.
  - f. The staff documented many attempts to de-escalate student behaviors before restraint or transports were used.
27. Weinland Park Elementary School provided twenty-seven incident reports which involved seven students. Weinland Park does not have a processing room, but does use a PEAK room to assist students in calming themselves. The staff does use the technique of having students move to a quieter area for time out to assist in calming. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The staff documented using restraints and transports with these students.
  - b. Documentation provided by the district demonstrated that staff used restraints and transports when students became a danger to themselves, peers or staff. Two students expressed homicidal ideation and another suicidal ideation.
  - c. Behaviors which caused students to be restrained included hitting, kicking, spitting, pushing furniture, jumping on peers, running away, punching, throwing objects including a cot, fighting, destruction of property, head-butting, and climbing on furniture.
  - d. Staff documented ways used to de-escalate behaviors in an attempt to prevent recurrence of behaviors. Staff used verbal de-escalation, moved items which could prevent harm, moved students to safer areas, discussed alternative behaviors with students, allowed the student to walk with an adult, taught students to use their words to express feelings, placed students in time out areas (and documented checking on students while there), providing safe spaces for a student to go when feeling unsafe, taught students to do deep breathing, count to 100 or use a timer.
28. Winterset Elementary School provided eleven incident reports involving four students. Winterset has three rooms which were intended to be processing rooms. Two of the rooms are being used as storage areas, and one of them contains sensory equipment.

The following information provides a summary of the reports without revealing personally identifiable information:

- a. The staff provided incident reports which showed that no restraint was used with one of the students. That student was given a time out on the bench at recess for biting another student. The other three students were restrained, placed in quiet areas or transported.
  - b. The staff documented that students were transported or restrained when their behaviors became a danger to themselves or others.
  - c. Behaviors which caused the students to be restrained or transported included refusing to get on the bus, hitting, kicking, destroying property, throwing items, running out of the room, climbing on the door, grabbing objects (including headphones which were on a peer's head) and people.
  - d. The staff documented a classroom behavior plan using happy faces which assisted students in making good choices. Other ways the staff documented attempting to prevent recurrences of inappropriate behavior included placing behavior goals on student's IEPs, writing BIPs, placing students in "quiet areas" to assist in calming, providing pictures of appropriate behavior, teaching the student how to take turns, providing additional reward systems, and verbal processing.
29. Buckeye Middle School provided thirty incident reports which involved five students. Buckeye had one processing room which has been dismantled. The teacher in the room explained that if students need to go to a quiet area, they go to a quieter part of the classroom with an adult. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The district provided incident reports which showed that students were either restrained or transported to quiet areas to calm themselves.
  - b. One student with a large number of incident reports is asked to sit with "quiet hands" for two minutes when he begins hitting peers or staff. The student is compliant and calms down within the two minutes.
  - c. The staff documented that students were either restrained or transported when they became a danger to themselves, peers or staff. Other students were also removed from the area for safety on at least one occasion.
  - d. Behaviors which caused the students to be restrained or transported included hitting, spitting, head-butting, shoving/throwing/kicking objects, pinching, inappropriate touching, pushing, licking, refusal to get off the bus and climbing over bus seats, and biting self and others.
  - e. Documentation from the district shows that the classroom used a behavior plan with positive incentives, and staff used verbal de-escalation to assist students in calming. In an effort to reduce future inappropriate behaviors, the staff looked at adding an individual reward system for a student, adapted a student's BIP, placed children in quieter areas, instituted hair brushing as a reward, and added a sticker chart to assist a student in earning rewards. One student has communication difficulties and is often given directions in another language (the student's first language) to assist the student in understanding directions. This student is also given candy and doughnuts to assist her/him in transitions.

- f. Two of the students were placed in time out and were able to calm themselves in less than five minutes.
30. Hilltonia Middle School provided three incident reports involving three students. Hilltonia does not have a processing room, but rather a time out area or the office is used to assist students in returning to calm behavior. The following information provides a summary of the reports without revealing personally identifiable information:
- a. Each of these three students was transported to either the office or time out to assist them in calming.
  - b. The documentation provided by the district showed that these students were transported to a quieter area or the office when they became a danger to staff or peers.
  - c. All three students became angry with other students. These students then attempted to assault staff members or became physically aggressive with peers. All three students were released from restraints immediately when they began to calm. One student was placed in a quiet area for time out for fourteen minutes. The documentation showed that the student was checked on twice during the fourteen minutes.
  - d. The staff taught students breathing techniques to assist in calming themselves.
31. Johnson Park Middle School provided four incident reports involving four students all from the 2011 – 2012 school year. Johnson Park does not have a processing room. Students are given “safe places” or are removed to the hallway or another classroom when they need to calm themselves. The following information provides a summary of the reports without revealing personally identifiable information:
- a. Each student was removed to a safe place, the hallway or a classroom to assist in calming. Verbal de-escalation techniques were also used to assist students in calming themselves.
  - b. The staff in the building documented that students became a danger to themselves or others before being placed in restraints. One student who was about to be placed in a transport hold, agreed to walk from the classroom without assistance.
  - c. Staff documented that students were removed from the area when they began throwing/tipping over furniture, “tantruming” and reaching for scissors, and kicking/punching large panes of glass.
  - d. The staff involved parents in assisting to de-escalate tantrum behaviors, gave students stress balls, and modified work to assist students with appropriate behaviors.
32. Mifflin Middle School provided narrative accounts of ten behavior incidents involving five students. OEC staff contacted the district's legal office in an attempt to determine why this school had not provided the forms used by all other schools when reporting behavior incidents. The legal office stated that the principal at the school was instructed to begin using the same forms all other schools are using for the sake of consistency. This building does not have a processing room. The following information provides a summary of the reports without revealing personally identifiable information:
- a. These five students were restrained or placed in transport holds. In two incidents the district's Safety and Security officers were called. Additionally, the Columbus Police Department (CPD) was called concerning four of these



students. One student was handcuffed and taken to juvenile detention. One student was not handcuffed, but transported to juvenile detention by police officers. Another student was taken to a relative's home by CPD and was suspended for four days. The fourth student was involved in three behavior incidents. The CPD was called during two of the incidents. During the first incident the student was released to the custody of a relative. During the second incident a parent arrived at the school and became very argumentative. The student and the parent were put in separate cruisers. When they were both calmer, the student was released to the parent. During this last incident, the building was placed on lockdown to contain the student within the building.

- b. According to district documentation three of these five students no longer are enrolled in the district. Two of them have enrolled in community schools, and the third is in the custody of child protective services and has been incarcerated.
  - c. The narratives of these behavior incidents documented that the students were restrained when they became a danger to themselves, peers or staff. There was some documentation that indicated several incidents may have been gang-related. One staff member injured a wrist while restraining a student and two staff members were seen by emergency medical personnel who recommended medical treatment. Both staff members went to the emergency room for treatment.
  - d. Behaviors which caused staff to use restraints included running/wandering throughout the building for lengthy periods of time, hitting, shoving, kicking, shooting paper bullets with rubber bands in the classroom, punching, "very violent" property destruction, attempts to climb out second floor windows, biting, swinging a metal rod, lifting furniture and threatening to throw it, kicking and shoving furniture, and throwing furniture. One student expressed specific homicidal ideation.
  - e. The staff in this building documented using positive behavior supports for these students. All either had behavior plans, behavior goals/objectives on their IEPs or both. Classroom behavior plans utilized positive rewards to assist students in choosing more appropriate behaviors. Students were re-directed repeatedly, and ignored when behavior was not a danger to the student or others. The staff worked collaboratively to allow students to work in a variety of classrooms with a variety of staff and structures to meet their immediate needs for structure, safety, academic assistance and so forth. The Safety and Security office and officer were utilized by staff to positively verbally de-escalate students and provide them with a "safe place" to go when they were very agitated. Staff also allowed several of these students to telephone parents and extended family members to assist them in de-escalation.
33. Monroe Middle School provided three incident reports involving one student. Monroe does not have a processing room, but rather a time out area is used to assist students in returning to calm behavior. The following information provides a summary of the reports without revealing personally identifiable information:

- a. This student was either restrained or placed in a transport hold to assist him/her in going to time out.
  - b. The documentation sent by the district indicates that the student was restrained when s/he became a danger to peers and staff. The documentation further indicated that there appeared to be no obvious antecedent to the student's destructive behavior.
  - c. Behaviors which caused the staff to restrain or place the student in time out included throwing chairs and headphones, turning over tables, destroying scissors, glue, and a clock.
  - d. The staff determined that the student needed a BIP and because the behavior "scared" the other children, s/he would be removed from the room when s/he became destructive.
34. Ridgeview Middle School provided twenty-five incident reports involving five students. One student was involved in three incidents, and three students were involved in one incident each. All other incident reports involved one student. This building has three rooms which were constructed as processing rooms. Two of the rooms are currently being used for storage. A third room is a processing room with padded walls and a vinyl tile floor. The fourth room may have been used as a processing room at one time, but has not been used as such for at least several years, and does not resemble any of the other processing rooms in the district which are all quite similar. The following information provides a summary of the reports without revealing personally identifiable information:
- a. Four students were restrained for several seconds which assisted them in calming. None of them were placed in the processing room. The fifth student was restrained many times during the 2011 – 2012 school year, but instances of restraint have been reduced dramatically during the 2012 – 2013 school year and mainly consist of transports to a safe place or the sensory room.
  - b. The district sent documentation which demonstrated that four of the students became a danger to themselves or others. The staff worked with the students to provide sensory breaks (deep pressure, fidgets), verbal de-escalation, and calming techniques before transitions. Staff investigated medical and dental reasons for one student's behavior incidents.
  - c. The fifth student has no way of communicating and "very low cognition". The staff indicated that there appear to be no antecedents for the student's behaviors which include removing all or most of his clothing, hitting, biting, kicking, spitting, throwing objects, and head-butts. During last school year the student had eight days near the end of the year when he exhibited dangerous behaviors all day. The staff restrained the student, transported the student to a safer area, and blocked many blows from the student each day. The staff has worked with the student to decrease inappropriate behaviors dramatically during this school year. They have determined that the student needs sensory breaks and have been providing them. Sometimes the student is hungry and wants to be fed, but has no way to communicate his wants and needs to others. The student also does not like to be with all women, so he has been provided with a male aide who is never more than "an arm's length" away.

35. Sherwood Middle School provided sixty-seven incident reports related to three students. Forty-eight of the incidents involved one child. This building has two processing rooms. Both have padded walls. One of the rooms has additional padding around the area where the floor and walls meet and contains bean bag chairs. The second room has padded walls and a vinyl tile floor. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The district provided documentation which demonstrated that one of the students was not restrained, but rather directed to the processing room which was used to calm the student. This student was able to use a timer and calm down in the processing room. The student stayed in the processing room for between five and twenty-seven minutes. When the student was in the processing room for more than ten minutes, staff documented that they checked on the student three to five times or stayed with the student. The other two students were either restrained or transported to the processing room.
  - b. The documentation sent by the district indicates that students were restrained or transported when they became a danger to themselves or others.
  - c. Behaviors which caused the staff to restrain the students included hitting, kicking, elbowing others in the face, refusing to get off the bus, throwing items including chairs, pulling pants down and removing other clothing in class, refusing to use the restroom, running out of the classroom, refusing to take medication, running into the parking lot, removing all clothing in the processing room, biting self and others, punching/hitting self and others, banging own head, and charging at the processing room door.
  - d. The staff documented several ways they used to assist students in controlling their own behavior. The students who were placed in the processing room were in the room for between five and nine minutes and staff checked on the student every minute. On three occasions, one student was in the processing room for longer periods. On two occasions, the student was there for twenty-four and thirty minutes and was checked on every five minutes. On the third occasion, the student was in the processing room for forty minutes because all clothing had been removed and the student refused to get dressed. Once the student was dressed, staff removed the student from the processing room. The staff continued to look for antecedent behaviors, redirected the students, reprimanded the students for inappropriate behaviors, communicated quietly with the students, and attempted to prevent situations which would cause inappropriate behaviors.
36. Starling Middle School provided fifteen behavior incident/observation reports involving three students. This building does not have a processing room, but directs students to "safe areas" when their behaviors become a danger to self or others. The following information provides a summary of the reports without revealing personally identifiable information:
- a. Students were re-directed, behaviors were ignored (if possible), reminded of classroom rules and expectations, asked to go to time out or a safe place, walked to a safe area, and spoken to in a calm voice before restraints were used.

- b. Students were placed in single child controls, two person controls, and escorts when they became a danger to themselves and/or others.
  - c. Behaviors which caused the staff to initiate restraints with these students included hitting/punching, stepping on others' feet, kicking, pushing, head-butting, throwing furniture, biting, swinging books at staff and peers, disrespecting personal space of staff, and property destruction.
  - d. Students are supported in learning to communicate their wants/needs during the school day, family members are contacted to assist in calming students down over the phone, IEP teams are engaged to assist in developing and enforcing behavior plans, and staff monitored behavior to see what times of day and what activities could be antecedents for dangerous behaviors.
  - e. Staff has theorized that students have unmet communication and sensory needs that must be addressed in new or continuing behavior plans.
37. Woodward Park Middle School provided one incident report prepared by a Safety and Security Officer which involved one student. This building does not have a processing room. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The district provided documentation which showed that the student was restrained and transported on one occasion. The student ran toward a busy street and was restrained and transported to the school office. The student punched a window and kicked the staff. The Columbus Police Department and the parent were called. The parent insisted that the student be arrested and was then transported to juvenile detention.
38. Centennial High School provided one behavior incident/observation report involving one student. This building does not have a processing room. In this incident the student was transported to a classroom from the breakfast room after becoming a danger to him/herself and others. Staff reported greeting the student with "good morning" before the student threw breakfast, and kicked chairs which hit another person. As this incident happened at the beginning of the school day during breakfast, the staff believes something happened to the student at home or on the way to school to cause him/her to be angry. The staff provided a form which seemingly was to assist the student in processing the inappropriate behavior. No other incident reports before or since (through November 13, 2012) were recorded for this student.
39. Eastmoor Academy High School provided three incident reports concerning three students. Eastmoor has one processing room. The room has padded walls and a vinyl floor. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The district provided documentation which shows that one student was not restrained and the other two were restrained or transported.
  - b. The district documented that the students were restrained because they were a danger to themselves, peers or staff. One of the students at this school is the subject of issues one and two above. Further documentation concerning that student is contained in those two issues.
  - c. Behaviors which caused the students to be restrained included biting, hitting, throwing objects, kicking, spitting, and destroying property.
  - d. The student who was not restrained went to the processing room for fifteen minutes without being restrained or transported. After five minutes the

- student began to calm down and left the processing room after fifteen minutes.
- e. The second student was transported to the processing room and remained there for thirty-seven minutes. An ABC Form (Antecedents-Behaviors-Consequences) stated that the student appeared to be paranoid. The staff attempted to communicate with the student twice, but she charged the staff when the door was opened. The parent was contacted and told the staff that the student was dangerous. The Columbus Police Department was contacted and transported the student in handcuffs to the Ohio State University Medical Center.
  - f. The staff in this building did not provide information concerning ways the staff tried to de-escalate the behaviors of two of the students. The documentation they sent appeared on the ABC form. It appears that they were beginning to collect data concerning the behavior of these two students.
40. Whetstone High School provided information concerning seventeen incidents involving five students. Whetstone has two rooms which were constructed as processing rooms. One of the rooms has padded walls and a vinyl floor. The staff also use a chair in the classroom called "the thinking chair" for students who do not need to be placed in the processing room or be restrained. The second room is part of a general education classroom and is being used as a storage area. The following information provides a summary of the reports without revealing personally identifiable information:
- a. The district provided documentation which shows that three of the five students were not restrained, but were placed in the processing room. A fourth student was restrained once and was in the processing room twice. A fifth student was restrained and transported to the processing room.
  - b. The district documented that students were placed in the processing room or restrained when they became a danger to themselves, peers or staff.
  - c. Behaviors which caused the students to be restrained or placed in the processing room included biting a peer's face, hitting, kicking, head-butting, slapping, screaming because of hearing voices and hallucinating, hitting own head on the wall, showing inappropriate body parts in the classroom, fighting and destroying property.
  - d. The staff documented ways they assisted students in calming or ensuring that behaviors did not recur. Staff talked to one student to "process" the behavior which calmed the student enough to continue with the day. One student went to the thinking chair and then asked to go to the processing room. The door was kept open and the student was checked every two minutes. Another time the student was allowed to stand quietly at the back of the room for ten minutes to regain control.

Beatty Park Elementary School provided approximately 860 behavior incident/observation reports which documented the behavior of 113 students. In addition to the behavior incident/observation reports which were reviewed, OEC staff selected eighteen students at random. Those eighteen student's cumulative records were examined by OEC staff during an on-site visit to the building. The summaries of those students' cumulative files were discussed previously in the letter of findings. A summary of the review of the 860 behavior incident/observation reports provided the following facts:

- a. Parent contacts were made on the same day the as the incidents whenever possible. The staff continued to contact parents for each incident and attempted to work with families, caseworkers, foster parents, and medical/psychiatric providers whenever possible.
- b. The forms indicated that staff stayed with students in processing rooms and when students were calm "processed" or talked with the students about making better choices in the future. Doors were left open with staff members sitting in the doorway, if the student was not thought to be in danger of leaving the building.
- c. The forms documented that students were restrained or placed in processing rooms only when the students' behaviors became a danger to themselves or others. In some instances, students were removed from the classroom when they became so disruptive that it interrupted the educational process for the other students in the classroom, i.e. prolonged screaming or crying.
- d. The time students were in the processing room ranged from three to eighty minutes. The amount of time the students remained in the processing room largely depended on the time it took for the student to regain control of his/her behavior. Documentation showed that staff members provided encouragement and strategies to assist the students in calming and returning to safe behavior.
- e. The staff members hold team meetings. When students do not respond to the many de-escalation techniques used by the staff, the student's behaviors may be addressed by the team in order to collaboratively determine if there are other strategies that may be of assistance in working with that specific student.
- f. This building utilizes resources from outside agencies such as Franklin County Children's Services, guardian ad litem, St. Vincent's Family Center, social workers, mental health clinicians and others.

Clearbrook Middle School provided 131 behavior incident/observation reports involving fifty-one students. In addition to the behavior incident/observation reports which were reviewed, OEC staff selected fifteen students at random. Those fifteen student's cumulative records were examined by OEC staff during an on-site visit to the building. The summaries of those students' cumulative files were discussed previously in the letter of findings. A summary of the review of the 131 behavior incident/observation reports provided the following facts:

- a. Parent contacts were initiated usually within minutes of the incident.
- b. The forms documented attempts to de-escalate student behavior.
- c. The forms documented that students were placed in processing rooms or restrained when the behaviors became a danger to themselves, peers or staff.
- d. Some incident reports documented that the processing door was kept open if the student was safe that way.
- e. The time students were in a processing room ranged from 2 minutes to 79 minutes. Thirty-four behavior incident/observation forms documented time students spent in a processing room. The average amount of time documented in the processing room was twenty-three minutes. The behavior incident/observation forms documented that any student who was in the processing room longer than thirty minutes was checked at least every ten or fifteen minutes. The staff documented that the student who was in the processing room for seventy-nine minutes was with an adult the entire time.

Students were allowed to leave the processing room when they demonstrated safe behavior.

- f. An interview with the principal at the building provided the following information:
- g. The staff has initiated a building-wide positive behavior plan for the 2012 – 2013 school year;
- h. The staff keeps data on “yes” (appropriate) behaviors for all students.
- i. Students on Gold were preparing for a trip to the Center of Science and Industry (COSI) using city buses. They had been preparing by working on social skills such as appropriate bus behavior and how to greet people from outside the school appropriately.
- j. Students on Silver were having lunch together in the cafeteria the day the OEC consultants were in the building. (Most students eat in their classrooms).
- k. When students have failed to respond to the positive incentives after two data reporting periods, staff meets to determine why, and begin to determine what additional supports the student needs to be more successful. One possible intervention is to pair the student with an adult mentor who would serve as a positive support for the student.
- j. This building also uses outside resources such as Franklin County Children’s Services to work with students and staff to aide students in improving their behavior.

Alumcrest High School provided 151 behavior incident/observation reports involving forty-two students. A summary of the review of the 151 behavior incident/observation reports provided the following facts:

- a. Parent contacts were initiated and in at least one instance, the staff made a home visit.
- b. The forms documented attempts to de-escalate student behaviors. These attempts included such strategies as ignoring, redirection, offering choices, stating consequences, walking with a staff member, processing in the office, offering a class or schedule change, allowing the student to take a break, offering one-on-one assistance with work, using a calm voice and offering encouragement.
- c. The district provided documentation that students were not restrained unless staff determined that the student was a danger to self, peers or staff. Documentation showed such behaviors to be throwing or pushing over furniture, punching, biting, head-butting, spitting, self-cutting, destruction of property, kicking, pushing or shoving, fighting, drinking dangerous liquids, taking unidentified medication, threatening to stab with an object that could cause harm, refusing to take prescribed medication, kicking out windows, choking staff, and wrestling staff to the ground.
- d. This building does not have a processing room. However, it uses empty rooms and the office as safe places to take students to discuss, “process,” their behavior. District documentation showed that students were in processing for from five to twenty-five minutes. This consisted of sitting with staff who worked with students to identify better choices, environmental changes, and other options that would assist the students’ inappropriate behaviors from recurring.
- e. This building has many resources to use in assisting students, such as, mental health counselors, social workers, and staff from such agencies as the Buckeye Ranch and Directions for Youth.

The district's response letter says that the district has no restraint/seclusion policy, but rather relies on the information provided in the training materials provided by the Crisis Prevention Institute, Inc. (CPI) to inform its use of restraint and seclusion. A review of the CPI training materials provided the following details:

- All special education staff members are required to initially take an eight hour training class in Nonviolent Crisis Intervention. Staff members are then required to take a three hour refresher class annually.
- The refresher class materials show a model where:
  - staff support a student who is beginning to show anxiety by being empathic and non-judgmental;
  - when a student becomes defensive the staff set limits;
  - When a student shows signs of loss of rational control and begins to act out physically, the staff responds with safe, non-harmful, restraint positions until the student can regain control. This step is to be used only as a last resort;
  - When the student's physical and emotional energy begins to decrease, staff responds by re-establishing communication with the student.
- The training materials spend time teaching each of the first two strategies to assist staff in de-escalating student behavior.
- The first eight physical models demonstrate how to block kicks, allow a staff member to release a wrist grab, a hair pull, a back and front choke release, and a bite.
- The next several moves show restraint positions – none of which are prone restraints:
  - Child control - the team should monitor safety – it is shown as a standing restraint with caution to position the arms high on the child to minimize pressure on the child's chest and abdomen. The control is only to be used on a person "considerably smaller" than the person exerting the control.
  - Team control position – Allows two staff members to control a person who has become a danger to him/herself or others. The student is in a partial standing position. A third staff member is to monitor for safety.
  - Transport control position – Allows staff members to move a student who has begun to regain control and is not struggling.
  - Interim Control Position – allows a staff member to control a student's arms and block a blow if necessary. This is also a standing position.
- The training materials contain three pages of information about the risks and dangers of using restraints:
  - The first portion of this section states: "The Nonviolent Crisis Intervention training program focuses on crisis prevention and the creation of restraint-free environments through a commitment to Care, Welfare, Safety, and Security. While considered a last resort, physical intervention procedures are taught as part of the program to provide staff with skills and confidence to safely manage emergency situations".
- In the section titled "Dangers of Restraints" the training materials discuss both physical dangers and psychological dangers to the person being restrained.
  - The training materials address restraint-related positional asphyxia and cautions against the use of, and does not teach, prone restraints, restraints where the student is either seated or kneeling and placed into a "bent over" position, and restraints which require the staff members to sit on or lie across a student's back or torso.



- The training materials show six examples of such restraints that are termed “high-risk positions for restraint-related positional asphyxia”.
- The training materials further give ways to avoid the use of restraints:
  - Get to know the student;
  - Be aware of changes in behavior that can be warning signs of anxiety;
  - Intervene early;
  - Set limits effectively;
  - Avoid power struggles;
  - Work hard to learn verbal intervention skills; and
  - Treat everyone with dignity and respect.
- The training materials emphasize that physical control is used to:
  - Avoid inflicting pain;
  - Calm the individual;
  - Used as a last resort; and
  - Used to protect, not punish.

The district also provided training documents which it uses in addition to the CPI provided materials. These materials provide additional definitions and exercises provided during the district-specific training. Most of these materials emphasize how to de-escalate a situation so restraint is not necessary.

- The district-specific materials list when a physical intervention may be required:
  - Hurting self or others;
  - Engaged in dangerous behavior and not responding to verbal intervention; and
  - Risks of continued behavior are greater than the risks of physical intervention.
- The district-specific materials specifically state:
  - NO FLOOR OR WALL CONTROLS!! (Emphasis added by the district);
  - Prone restraint is prohibited across all state systems;
  - Physiological dangers of floor controls include the risk of going quickly from no distress to death; and unknown health problems can exacerbate that risk;
  - Psychological dangers of floor controls can be frightening and traumatic and can interfere with the relationship between the student and the staff;
  - The children’s control position is to be used only on a student who is smaller and less strong than the staff member; additional staff should monitor the situation. This control is illustrated as a standing control not a seated or kneeling position and is not used against a wall;
  - The team control position reduces the upper and lower body strength of an acting-out student and is safer for the staff and the student. It also allows for staff to be perceived as acting together and is not seen as a personal confrontation; and
  - When a student begins acting-out the team is to have one person communicate with the student to de-escalate the situation. The rest of the team is to check the physical/psychological state of the acting-out student; check for safety issues in the environment; determine if a strategy change is needed or if additional assistance is needed; support other team members; and work for verbal de-escalation.

Post Intervention strategies are used:

- Once staff and student are under control;
- To non-judgmentally listen to the facts of the previous situation;

- To look for patterns in past behavior. Triggers?;
- To discuss alternative behaviors to assist in making behavioral changes;
- To negotiate with the individual to display appropriate behaviors;
- To give the student the responsibility to control own behavior with staff support and encouragement.

The district provided a roster of special education staff and others that have either had the initial training or the refresher training or both prior to the 2012 – 2013 school year.

**Finding:**

The district is not in violation of 34 C.F.R. 300.39 [Special education] and 34 C.F.R. 300.17 [Free appropriate public education]. The district provided training materials and documentation, behavior incident/observation reports, IEPs and ETRs, as well as information from district personnel that documented that students who have been restrained or placed in processing rooms or time out have not been denied the specially designed instruction required in their IEPs, nor have they been secluded or restrained to the extent that they have been denied FAPE. The IEPs for these students provide for specially designed instruction which requires the teaching of ignoring skills, how to use words instead of physical aggression to obtain wanted and needed things, how to tell someone when a break is needed, how to use social stories, and how to better manage anger, among other skills needed by these students. When students have inappropriate behaviors, the processing provided after the incident assists them in learning how to prevent inappropriate behaviors in the future and is in part, an implementation of the IEP. The hundreds of behavior incident/observation reports that were reviewed show that most, if not all, of the students have either behavior intervention plans which assist these students and the staff members with whom they work to improve student behavior, or they have behavior goals on their IEPs, or both. When behavior plans are not effective, the reports show that staff members contact parents, work collaboratively with other staff members and students to write behavior plans and to review, revise and/or amend IEPs to ensure that inappropriate behaviors are decreased and appropriate behaviors are increased. Additionally, many buildings have partnerships with outside agencies to assist students and their families with behaviors, family and mental health issues.

We appreciate your cooperation in the resolution of the complaint investigation. As there is no corrective action, we are closing our files on this complaint.

Please refer to the above referenced complaint number when corresponding with this office and address all correspondence to the attention of Shirley Crabtree.

Sincerely,

A handwritten signature in cursive script that reads "Tom Lather".

Tom Lather, Associate Director  
Office for Exceptional Children

cc: [REDACTED], Parent  
Amy Dennis, Special Education Director  
Wanda Lillis, Associate Counsel, Columbus City Schools  
Sue Tobin, Disability Rights Ohio, Chief Legal Counsel  
Christine Cline, Educational Consultant