



**Report of the Office of Protection and Advocacy for Persons with Disabilities
and
the Office of the Child Advocate**

EXECUTIVE SUMMARY

No More “Scream Rooms” in Connecticut Schools:

*An Investigation into Seclusion Practices at Farm Hill Elementary School,
including
Analysis of the Responses of the State Departments of Education and Children
and Families,
and
Recommendations for Reform*

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James McGaughey, JD
Executive Director
Office of Protection and Advocacy for
Persons with Disabilities

Jamey Bell, JD
Child Advocate
Office of the Child Advocate

INTRODUCTION

In January 2012, through numerous parent complaints and extensive media coverage, both the Offices of Protection and Advocacy for Persons with Disabilities (OPA) and the Child Advocate (OCA) were made aware of concerns regarding the alleged inappropriate use of restraint and seclusion of students in Middletown's Farm Hill Elementary School. Allegations reported included frequent incidents of children exhibiting out of control behaviors in their classrooms, child and staff injuries related to attempts to control child behavior, frequent calls to parents to remove their children from the school, calls to the police, and emotionally distraught children being dragged down school hallways to what were publicly dubbed "scream rooms" within the school. OCA and OPA responded immediately, initiating a joint investigation pursuant to their specific individual statutory mandates and responsibilities. Because reports about the "scream rooms" raised educational regulatory concerns as well as allegations that children were being maltreated, OCA also promptly contacted both the Department of Education (SDE) and the Department of Children and Families (DCF). Those agencies also initiated their own investigations.

PURPOSE OF THE JOINT OPA/OCA INVESTIGATION

OPA and OCA eventually determined that the most useful purpose of their joint investigation would be to examine the incidents and practices at Farm Hill Elementary School in terms of the systems issues they brought to light. More specifically, the joint investigation looked at the practices at Farm Hill Elementary School through a broader lens, one that considered how well the educational and child welfare systems are responding to the needs of students with behavioral and emotional health needs, and addresses how those systems' responses might more comprehensively address those needs. The decision to focus on systems issues was reached, in part, because the SDE and DCF investigation reports reflected sound methodology, evidenced thorough examinations of pertinent facts, and unflinchingly applied standards from relevant statutes and regulations. DCF examined the evidence it gathered in light of its statutory mandate to investigate allegations of child abuse and neglect. As the designated State Education Agency (SEA), SDE investigated pursuant to its General Supervision System responsibilities, which are intended to ensure Local Educational Agencies (LEAs) correctly implement the federal Individuals with Disabilities Education Act (IDEA), and related provisions of the Connecticut General Statutes (Sections 10-76a to 10-76h, inclusive). Both agencies' investigations ultimately provided valuable information and recommendations. However, their findings were specifically focused on compliance with existing *special education laws, legal requirements governing the use of restraint and seclusion, and laws prohibiting child abuse and neglect*. The joint OPA/OCA investigation attempts to delve into questions of policy and best practice, looking beyond the constraints of current statutes and regulations.

The SDE Response: SDE found that Farm Hill Elementary School had violated multiple legal requirements related to the use of seclusion for their students. Specifically: both special education and regular education students were subjected to seclusion (some on multiple occasions); none of the children identified as special education eligible had properly constructed individualized educational plans (IEPs), functional behavior assessments (FBA) or behavior

intervention plans (BIP); administrative policies and procedures were nonexistent; training for staff in understanding and managing behavior in young children had not been provided; and, parents were neither aware of nor notified about incidents of seclusion for their young children. Nine corrective recommendations required compliance with the current regulations regarding restraint and seclusion. All measures of compliance utilized paper responses and certifications to the SDE before the end of 2012.

The DCF Response: The DCF investigator documented concerns about lack of documentation on the “time out” room “log”, outdated IEPs, lack of behavioral plans for students identified, apparent lack of written policy related to the use of the ALA room, parents’ concerns about not knowing that their child was placed in the ALA room, and the belief that the school was not adequately prepared to manage difficult behaviors.

DCF did not ultimately substantiate the allegations of neglect by the Farm Hill Principal citing P.A. 07-147 which allows for seclusion rooms for “persons at risk”. Their investigation did, however, conclude that “the issues and concerns identified in the investigation are associated with a failure to follow proper procedure and demonstrate the need for additional training and resources.” DCF documentation did not indicate that it had reviewed the circumstances of any particular child involved in their investigation, or pursued information regarding what factors may have been contributing to the behaviors which led to the use of seclusion by the school. This is particularly significant, as many of the children who were secluded at Farm Hill Elementary School were otherwise known to DCF.

Middletown Public Schools’ Response: Middletown’s response to the investigations by SDE, DCF, OPA and OCA resulted in administrative personnel changes, enhancements to Farm Hill staffing, and assurances of compliance with the SDE’s requirements for corrective actions.

OPA/OCA FINDINGS & ANALYSIS

OCA and OPA concur with the conclusions and recommendations made by DCF and SDE in so far as they reflect factual findings and outline reasonable, immediate improvements to correct deficiencies. More specifically, the SDE and DCF investigations reflected rigorous, thorough and objective fact-finding, and produced reports that were useful in illuminating instances of inappropriate use of seclusion, and failures to follow legally required procedures – procedures which are intended to promote safety and safeguard civil and human rights. However, as the summary above demonstrates, the two agencies’ findings were focused on Middletown’s compliance with existing legal requirements, not on broader questions of policy and best practice. A principal finding of the OPA/OCA joint investigation is that both SDE and DCF need to continue and, in fact, expand upon their leadership initiatives in this arena.

OPA/OCA Discussion Regarding the SDE Investigation

Beyond its role in providing General Supervision and establishing specific requirements for corrective action that may flow from investigations such as that conducted at Farm Hill Elementary School, SDE is responsible for providing leadership and coordinating with other service systems in an attempt to locate related services resources for LEAs that are attempting to

comply with IDEA requirements. Toward that end, SDE has recently developed an MOU with DCF regarding the sharing of certain educational records, and sponsors training in topics relevant to behavioral intervention through its related technical assistance program, the Special Education Resource Center. It has also recently issued a guidance document addressing the identification and education of students who fall into the Emotional Disturbance category, and, pursuant to Public Act 12-88, has begun to track and report annually on the frequency with which restraint and seclusion is used in schools. SDE has also successfully applied for a federal grant that provides individual schools with opportunities to participate in Scientifically Based Response to Intervention initiatives, including initiatives geared to providing positive behavioral supports. While its report on Farm Hill Elementary School does not refer to these or other leadership activities, they represent important components in a comprehensive approach to decreasing utilization of aversive procedures such as seclusion. OPA and OCA strongly recommend that SDE continue these endeavors and, in fact, develop a comprehensive plan for systematically ensuring that LEAs and approved special education schools, including those operated by Regional Education Service Centers (RESCs), engage in effective efforts to prevent restraint and seclusion use and to embrace approaches based on positive behavioral support pedagogies. This is especially important because it is reasonable to believe that Middletown is not the only local school district in Connecticut utilizing seclusion as a behavior management technique and that problems similar to those that surfaced through the Farm Hill School investigation may exist elsewhere. It is thus imperative that SDE have the capacity to assess the scope of these challenges for local districts and provide the kind of monitoring, supervision and technical support needed to do address them.

OPA/OCA Discussion Regarding the DCF Investigation

DCF's conclusion to not substantiate abuse or neglect by the school's principal may be reasonable with respect to its child protection mandate, and in fact, the assigned investigator completed the investigation capably within then-current procedural expectations. This report seeks to identify systemic limitations that can be examined and changed to ensure systems designed to protect children and promote their well being are positioned to do so. In this situation, the state agency intervention could have a greater impact if the investigation were viewed in light of the agency's broader statutory responsibilities, including its role as the lead agency for collaborative efforts towards children's well-being. DCF's new mission statement provides the appropriate frame: *In partnership with families and communities, we will advance the health, safety and learning of the children we serve both in and out of school, identify and support their special talents, and provide opportunities for them to give back to their communities and to leave the Department with an enduring connection to a family.*

Since the completion of the investigation, multiple reform initiatives within the Department are currently underway, with many in early stages of implementation, to broaden and strengthen its responses to children with mental health needs in its care and in communities across the state. These include: 1) a data sharing arrangement with SDE that will provide valuable information regarding disciplinary incidents involving children in the care of DCF, along with academic and attendance data; 2) efforts to secure data sharing agreements with those local school districts that enroll significant numbers of children in the care of the Department, so as to obtain academic, attendance and disciplinary information on a monthly basis; 3) creation of the

Connecticut Child Justice Foundation, through which volunteer attorneys provide representation to children in the care of the Department whose educational rights are in jeopardy; 4) provision of information and training to the Department's social workers which will enhance their understanding of school related issues; and 5) collaboration with the Connecticut Association of Public School Superintendents to improve cooperation between the Department and school districts throughout the state. In addition, the DCF continues work, with both internal and external stakeholders, focused on system-wide reforms achievable only through cross-system partnerships with, *inter alia*, the Departments of Mental Health and Addiction Services, Social Services, Developmental Services and Education. Engaging educational systems effectively remains a significant challenge and is thus a high priority.

With regard to the Farm Hill Elementary School, the investigation was limited in its ability to understand the underlying factors contributing to the significant emotional distress exhibited by these young children, or to address the possible effects of Farm Hill's students experiencing and observing the distress and subsequent restrictive intervention of seclusion. Moreover, neither DCF nor SDE documented any evaluation of the capacity of Farm Hill to address the mental and behavioral health needs of its students, or assessed the advisability or justification for Middletown's "redistricting" students with identified mental and behavioral health problems to this particular school.

DISCUSSION

The use of restraint and seclusion in public schools has become the subject of considerable controversy and debate in recent years. Reports issued by national advocacy groups have shown that attempts to place students into seclusion rooms often lead to the use of restraints, a practice which has caused numerous serious injuries and even deaths. Congress has held hearings about the issue, and is considering legislation. Advocates and at least some lawmakers have called for bans on the non-emergency use of restraint and the planned use of seclusion as part of an educational program. In fact, several states have completely abolished these practices, and recently issued guidelines from the U.S. Department of Education clearly discourage schools from relying on them.

The intensity of debate surrounding this issue reflects the fact that public schools are fundamental institutions in our society - institutions that are surrounded by various interests and expectations, and which, today, are operating under tremendous stress. Since the late 1960s, local education authorities in Connecticut have been expected to identify and educate students with disabilities, including students who present behavioral issues. Historically, these students were sent to segregated "special" schools. However, driven partly by efforts to contain costs associated with the rapid increase in numbers of students manifesting both emotional and autism-related disabilities, and partly by growing recognition that, for many of those students, segregated schools were producing very disappointing results, local education systems have increasingly moved toward in-district, neighborhood school placements. Theoretically, placement into one's own local school alongside neighbors, friends and siblings is optimal: the student benefits from incidental learning that comes from association with non-disabled peers, gains a sense of positive identity as a full community member and emerges better equipped to deal with "real life". And, theoretically, the school community acquires competencies and develops resources that can benefit all its members.

However, after decades of relying on segregated placements, many local schools are ill-equipped to deal with these students, and transitions have not been well supported. Like many of the other mandates and imperatives to change, including students with behavioral issues seems like just another externally imposed requirement – another “add-on” for schools that are struggling to fulfill their basic mission. When OPA/OCA investigators interviewed Middletown administrators, the administrators stated that the district had previously congregated students with behavioral support needs in a segregated program environment. But, the administrators said, they had been informed by reviewers from the State Department of Education that continuing to do so on a categorical basis violated special education law. While it is unclear what other factors may have contributed to the district’s decision to dismantle that segregated program, merely transplanting students with behavioral support needs to a neighborhood school (along with the same questionable practices that had been employed in the segregated program) ultimately created a state of cognitive dissonance for the neighborhood school’s students and their families. Schools should be places of safety and learning, not places where children can be put into a “scream room” if they become upset. Whether or not a child has an IEP, schools should not be places where adults can put hands on a child and hold her down, or force a child into a small room and then hold the door shut while he cries uncontrollably and bangs on the walls. Creating the alternative – schools that are genuinely competent to include and educate all children - requires committed leaders as well as resources from, and relationships with, the larger community: families, faith based organizations, mental health providers, children’s services and various consultative resources and coaches. To the extent that larger systems (e.g. SDE and DCF) have oversight and policy-setting roles, they too have a responsibility to organize their resources and marshal expertise in support of schools that are struggling. They must engage not only as occasional interpreters of overall policy, reluctant to be seen as interfering with “home rule” or “local autonomy”, but as sources of concrete assistance in the day to day journey of learning.

The Office of the Child Advocate and the Office of Protection and Advocacy for Persons with Disabilities recommend:

- The Middletown Public Schools must recognize and acknowledge that seclusion and restraint are not supported by research as sound educational or therapeutic practices, and should not be included in students’ IEPs.
- SDE must develop policies and procedures commensurate with the intent of IDEA to engage in best educational practice regarding the use of Functional Behavioral Assessments and Behavior Intervention Plans.
- The Middletown Public Schools (at the district level) and SDE (at the state level) should increase access to and availability of resources regarding positive behavioral supports (PBS) and alternative interventions for school professionals working with children who have emotional and behavioral challenges.
- DCF should establish meaningful collaboration with SDE to erase the boundaries that separate mental health treatment from educational needs of Connecticut’s children.
- DCF should ensure that its child abuse investigation unit and its ongoing services units communicate and collaborate concerning children common to both divisions.

- The Middletown Public Schools must partner with community service providers and foster collaboration so that educational teams have access to consultation and additional resources to support student' success in school, home and community.
- SDE should promote within Connecticut's school districts a cultural change in the education of children with behavioral challenges.
- SDE should refine its data collection system in order to evaluate districts' use of restraint, seclusion and other aversive interventions, and to document steps the district may be taking to decrease the use of these techniques such as: a) professional development for school personnel in alternatives to restraint and seclusion; b) training in mental health issues and how to engage the mental health system in order to address the needs of students; and c) the need for behavioral assessments to understand the reasons for the student's behavior and how to develop plans to address them.
- SDE should ultimately issue a periodic "report card" documenting progress being made by districts in preventing the use of seclusion and restraints.