



---

**FOR IMMEDIATE RELEASE**

---

**East Central Regional Human Rights Authority  
Eastern Illinois Area of Special Education  
Report of Findings  
Case #17-060-9016**

*Case summary: The HRA did not substantiate the allegations that A student's IEP was not followed in that he was not getting breaks he sometimes needs and as allowed in his IEP. The HRA did not substantiate the allegation that the program inappropriately involves the police for behavioral. The HRA did substantiate the allegations that the aide, who has a reported history of nitpicking students, grabbed and tore the student's shirt resulting in police intervention. The HRA did substantiate the allegations that no apparent action was taken by the school to investigate or address the aide's behavior. The HRA did substantiate the allegations that the program does not adequately train and monitor staff who work with students. The provider responded to the substantiated allegations and agreed to make those responses public, therefore, the responses are located at the end of the report.*

The East Central Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission voted to pursue an investigation of a behavioral health school operated by the Eastern Illinois Area of Special Education in Kansas, IL after receiving the following complaints of possible rights violations:

**Complaints:**

- 1) A student's IEP was not followed in that he was not getting breaks he sometimes needs and as allowed in his IEP;**
- 2) the program inappropriately involves the police for behavioral intervention;**
- 3) an aide did not follow a student's behavioral plan and interrupted the student's attempt to use a quiet room for breaks;**
- 4) the aide, who has a reported history of nitpicking students, grabbed and tore the student's shirt resulting in police intervention;**
- 5) no apparent action was taken by the school to investigate or address the aide's behavior; and**
- 6) the program does not adequately train and monitor staff who work with students.**

If the allegations are substantiated, they would violate protections under the Illinois Administrative Code (23 Ill. Admin. Code 1.285, 226.230, and 226.710) and the Code of Federal Regulations (34 C.F.R. § 300.535).

**Investigation**

The HRA proceeded with the investigation after having received written authorization from the consumer. To pursue the matter, the HRA visited the facility and the program representatives were interviewed. Relevant practices, policies and sections of the consumer's record were reviewed.

Eastern Illinois Area of Special Education provides a program called Treatment and Learning Centers (TLC). TLC centers serve students K to 12 with severe behavior/emotional disorders. This investigation is specific to the TLC located in Kansas, IL.

Per the EIASE website, "Based upon each child's individualized education program (IEP) a variety of approaches are utilized to provide the student with the opportunity to benefit from his or her education. Behavior management strategies such as a tri-level point system with rewards for appropriate behavior and loss of privileges for inappropriate behavior, individual and group counseling, social work services and individualized academics all combine to meet the TLC goal of returning the student to the regular class setting as soon as possible. Should a student's behavior present a threat to the safety of others, self, or the environment, the student may be removed to a quiet room to allow for a safe period in which he/she can regain self-control. Depending upon the aggressiveness of the student this may require physical restraint. Therefore, all teachers, assistants, and support personnel are trained in safe methods for restraining a physically aggressive student."

#### **Kansas TLC Interviews:**

On September 12, 2017 at 2pm the HRA met with Kansas TLC principal and a Kansas TLC teacher who was present on the date of incident in the complaint. The meeting occurred at 2019 Catherine St in Kansas, IL. Upon arriving, TLC staff provided the HRA with a tour of the school. The principal guided us through the school building and explained the classroom set up. One long hallway houses rooms with children grades K through 12. The school also utilizes a separate building with a computer room, an office with room for 2 teachers, and a conference room (which often doubles as a recreational room for students during inclement weather). We were introduced to a staff member that teaches driver's education and provides job coaching with high school students by providing the support and knowledge needed to gain employment.

The meeting began with introductions, a review of HRA procedures, and a review of the allegations being addressed in this investigation.

The staff provided some general information about Kansas TLC. All students at TLC are students receiving special education services and requiring a separate school setting because of behavioral concerns that make learning in a traditional setting challenging. Children receive services based on behavior need as opposed to diagnosis or disability. While many children do have diagnosis such as ADHD or autism, it is not a requirement of admittance. TLC receives calls from districts that are encountering behavior challenges with a student. Often the first course of action is for TLC staff to attend a district meeting or observe a child in their current classroom and make recommendations for ways that the school can implement change in the current school setting. When all else fails, and the IEP services in the district have been exhausted, the school districts look to TLC for student placement. 14 school districts in 8 counties feed into 3 TLC programs overseen by Eastern Illinois Area Special Education. Kansas

TLC has approximately 60 students K-12 currently enrolled. The goal of this program is for the student to maintain academics in a structured learning environment while developing new behavior management skills to return to the school district. The average class size is 9 students. Currently they have approximately 7-12 students in each class. An average room has a certified teacher and 2 aides. Occasionally there are additional staff if a student needs one-on-one assistance. The staff reported that there is not an average length of stay for this school. The younger the student arrives at TLC and receives services the more likely the student will be able to integrate back into their district of origin. Occasionally students stay past 18 years of age; at that point the goal for the student becomes graduation. TLC can provide education to students of any school age up to 22 years old but rarely sees them through this age. Kansas TLC offers speech, OT, PT, and has 2 on staff counselors that are a part of each student's learning from orientation to reintegration back into the school district.

The TLC orientation process is not formalized; however, the first step is to work with the family unit and see if in-home supports would help stabilize the child's behaviors. The parents come to Kansas TLC and get a tour where they are given handbooks. Parents are shown the quiet rooms and the tri-level system is explained. Kansas TLC staff review with the parents that sometimes when the students get to TLC the behaviors can get worse before they get better and what that might look like while the student adjusts. The students are welcome to come to these orientation meetings.

TLC utilizes a tri-level charting system to help motivate the student to change behavior. In the beginning, it's focused on external motivation and progresses to an intrinsic focus. The charting system starts on level C for 3 weeks (C1 to C2 to C3) and students can earn things like movies on Fridays. On level B students earn more off campus field trips such as treasure hunts, bowling, and planetarium visits. After 3 weeks on level B the student can move to A. On level A reintegration planning begins to assess if the student is ready to return to their district of origin. Some students go back to their district of origin at A6, some A30 (it varies due to the amount of support the student needs to maintain that tier). Reintegration into the school district is different for each student and weighs heavily on the amount of time the student has spent at the TLC school. TLC tries to build on strengths for reintegration. Behavior plans in the IEP should also follow the child back into the school system. TLC tries to assist in creating a behavior plan that the district can use and skills that can work for the student beyond the classrooms. When considering reintegration, students make pre-visits and meet with school counselors as part of reintegration activities.

Since TLC serves a population of students with behavior challenges all full time and substitute staff go through Therapeutic Crisis Intervention training (TCI). This training is 4 days long and 75% of the training focuses on de-escalation and 25% focuses on restraint. Each staff member must pass a TCI written and physical test to start teaching at TLC. Kansas TLC does currently have 1 person on staff that is not appropriate to train (due to age and physical limitations) and since this staff member is not trained she does not participate in any de-escalation. TLC uses de-escalation frequently in each school day but states that they do not feel that restraints are needed in most circumstances. All incidents are observed by two staff (someone documenting and someone doing restraint or engaging). Staff stated that after restraint or de-escalation is over they do a "Life Space Interview" (this is part of the TCI format and training). The Life Space

Interview occurs after the student is calm. Staff and student go to a private setting and complete the interview/assessment that involves listening to the student, asking open ended questions, letting the child vent, and then summarizing what the student has said. It is sometimes appropriate at that point to give the staff's point of view but only after the student feels heard. Staff often give the student a rationale for why staff used the de-escalation or restraint technique during the incident. TLC staff feels that this helps to make the connection with the student for what worked and what didn't during the incident and ultimately transfer that to the next situation. After processing, staff and students develop a plan for how to handle that situation the next time and practice the plan. Once practice is completed the staff prepares the student to go back to the classroom. The student's respective teacher and aides are apprised of and given copies of life space interviews. All the documentation is reviewed by the group and then given to the parents. All incidents require a parent to be contacted within 15 minutes and a letter is sent home. All returning staff must pass the therapeutic crisis intervention test with refreshers provided every year.

Not all children at TLC require crisis intervention regularly. TLC completes "behavior sheets" for each student. These sheets align with the IEP and are readily available to the teacher and aides. Each sheet includes goals for the child's behavior and their preferred methods of intervention along with notes about what has worked for that child in the past. Copies of behavior sheets, IEPs, and behavior plans are given to parents regularly.

Police are only called to the school for incidents of extreme violence or drugs. Since TLC does not have a school resource officer, local police officers are called to deal with legal issues only (infractions like property damage and assault). Last year Kansas TLC called the police approximately 6 times to handle legal charges. When the police arrive at Kansas TLC students are not arrested, only tickets are issued. The parents are called and the staff wait until the parent arrives at the school before a police interview with the student can be started. The police are not called for homicidal or suicidal issues. These circumstances are referred to SASS (Screening Assessment Support Services) for evaluation and then SASS recommendations are followed by the school.

Most student discipline is completed through the tri-level system as previously discussed. In the system, consistent poor choices or behavior issues equate to a back step on the level system. Frequently, students must stay after school to make up missed hours of class. These "detentions" are hosted from the time that school lets out until 6:00pm. Students can choose which days they stay after and for how long they stay as long as the student has a plan to make up the time. TLC can use out-of-school suspension but admitted that it is rarely used because they have other options (for example, students with substance use issues can get an assessment instead of a suspension). Students are most often suspended for violence. These incidents must be aggressive in nature and not just that someone is getting hurt in the process of restraint.

Kansas TLC reported that they have a grievance process. The first step is to contact the teacher, then principal, and then there is the TLC program coordinator. Staff reported that, after those options are exhausted, the parents may contact the district special education coordinator. Staff stated that the contact information could be found in the handbook (it should be noted that the contact in the handbook is for someone in Washington state. When reviewing complaints, TLC

will make inquiries of any witnesses, review incident reports and recommend staff training, if needed. TLC has 3 trainers on site who can assist staff if additional TCI training is needed.

Per Kansas TLC staff, during the incident discussed in the complaint, a discussion occurred during a life skills class that the student didn't like and he became upset and threw a pencil. He started to leave the room without a staff member (which is not allowed) and so an aide was called to escort him. Staff reported that it was common for this student to ask to use the quiet room voluntarily or take walks when he needed them. He was aware that he could do whatever he needed to do in the quiet room to calm down and those actions did not count against him. In this incident, because the student stood up and was aggressive (threw a pencil), going to the quiet room was not voluntary and the aide was required to escort the student with the aide's hands on the student in order to avoid an incident (per TLC protocol). TLC staff stated that they assume that the aide did not put his hands on the student in the hall because of the short distance from the classroom to the quiet room (approx. 3 feet). Upon entering the doorway to the quiet room, the student grabbed the aide's hair and pulled it out and "wrestling" occurred to free the aide. The student's shirt was ripped while the aide was trying to free himself. The aide told the student to "set your ass down" and then the police and parents were called. In this type of situation, the TLC is required to press charges. The police were called and charges were filed. The student was not arrested and the parents took him home. The school is not aware of any charges filed by the state's attorney following this incident. An out-of-school suspension was issued for the rest of the day and the next day because the student's parents declined conflict resolution with the aide. TLC reports that the aide was never alone during the incident and supports that the incident report is signed by 7 staff members. Staff stated that the student did report to staff that he was scratched during the incident but no scratches were viewed or documented by TLC staff.

TLC staff explained that this incident was very unusual for this student. The aide involved in this incident is the student's preferred aide as they had an amicable relationship inside and outside of school. The aide tutored the student in the summer to complete missed work and start the year on track. The aide motivated the student by trading completed school work for guitar lessons. This aide also took the student on job visits. In addition, Kansas TLC stated that this aide was a trainer for TCI so he had more than the normal amount of de-escalation and restraint training,

During debriefing for the incident with the aide, the aide admitted that he did say "set your ass down". The principal reported to the HRA that the aide was "talked to about it" as part of the incident debriefing but no formal reprimand was given. TLC felt that the aide was upset about the incident specifically because the aide had a rapport with the student and could not believe that the student had reacted that way to him. Normally, if a child goes to the quiet room for aggression then the Life Space Interview is completed, however, it wasn't done in this case because the parents refused and took him home.

Currently this student is receiving homebound schooling through another program and has no affiliation with the TLC program. However, a teacher from TLC is being paid for by the student's home school district to teach him at "home" (staff reports that schooling occurs at the library). This is not a TLC recommendation and staff report that it is extremely rare.

The aide that was involved in this incident is not employed at Kansas TLC this year and could not be available for interviewing. His absence is not in relation to the incident. The aide was not formally written up but a debriefing did occur for the choices in the incident. Staff stated that post crisis intervention has been increased for staff after this incident.

Before the HRA left Kansas TLC, staff provided a walkthrough of the quiet rooms (not previously viewed because school was in session). The classroom where the incident occurred is next door to the quiet rooms and the walk down the hallway would have been only a second long before the student entered the quiet room area. The main area of the quiet room had chairs and signs for the school staff (reminders not to shut off lights and how to operate the locking mechanisms on the doors). The main entry way has viewing screens for the cameras in each of the three quiet room areas; however, the main entry way is not videotaped. The quiet rooms are small cinder block wall rooms with nothing inside of them other than a video camera on the ceiling and a light. The doors are solid wood with peep holes for viewing. The doors have locking mechanisms on them that only lock when a person is standing in the doorway holding down a button. Chairs are placed outside the quiet room for the staff to observe the students if they are using the quiet rooms without the locking mechanism in place. Staff reported that the locking mechanisms are rarely used. HRA asked about seeing the recordings of the quiet rooms and the staff stated that EIASE has those recordings and that the school has no idea if those are viewed regularly or saved. They reported that they have never requested a copy of any of the recordings and do not know how/why they are used.

### **Kansas TLC Records/Policy Reviews:**

Kansas TLC provided the HRA with the following records: Individualized Education Program (IEP) dated 5/5/14, IEP dated 4/6/2016, IEP dated 2/13/17, IEP dates 2/22/17, dated 4/3/17, IEP dated 4/6/17, IEP dated 4/24/16, Diagnostic Evaluations for student dated 4/16/15, Neuropsychological Screen 9/27/11 (this screen appears to be a part of a larger document, the HRA has pages 189 to 194), a student report card from 2016 1<sup>st</sup> semester, a meeting agenda for 2/2/17, emails between the student's mother and staff, certifications completed by EIASE for homebound schooling, a letter dated 10/24/16 from a TLC teacher to "to whom it may concern", a behavior/attendance agreement dated 4/25/16, student incident reports for 1/25/17 (which is the incident the complaints revolve around), 12/2/16, and 9/22/16, a Kansas TLC timeline that indicates it covers the student's history at Kansas TLC, TLC Parent and Student Handbook, Illinois State Board of Education Notice of Procedural Safeguards for Parents/Guardians of Students with Disabilities, Illinois Council of School Attorneys Special Education Procedures, and Eastern Illinois Area of Special Education Policy Guides. In addition, the HRA received a copy of the Kansas Police report for 1/25/17 and reviewed the structure and guidelines for Therapeutic Crisis Intervention Training.

The student's IEP dated 4/6/2016 states that "When (student) is feeling frustrated upset, or overwhelmed in the classroom, he will verbally ask permission from a staff member to take a short break. This may consist of taking a break at his desk, asking staff to take him on a short walk". When reviewed on 5/27/16, 10/17/16 and 12/21/16 he was achieving this task at 90% or higher. Incident reports dated 12/2/16 and 1/25/17 both report that the student attempted to leave

the room and asked that staff not touch him as he was being escorted out of the classroom. The TLC Parent and Student Handbook includes a section on “Use of Physical Restraint”. This section states “For the safety of the student, their classmates, and the staff involved, students are always escorted by staff out of the situation and to the quiet room. When staff places hands on the student in the escort position, the student often begins to struggle. At this point the staff would place the student in a physical restraint.”

The incident report dated 1/25/17 cites that police were called to the school after an altercation resulting in physical violence occurred. The school and police waited for the student’s parent to be present before the police interview occurred. The Kansas Police Report dated 1/25/17 stated that the police were called to the school because a student punched a teacher’s aide without provocation. The Kansas TLC staff advised the officer that they wished to pursue charges against the student. The TLC Parent and Student Handbook addresses police involvement. It states that police will be contacted when a student verbally or physically threatens any staff member and adds that the police can be contacted if TLC staff believes they are incapable of managing a student who is out of control and a possible danger to self or others.

The incident report dated 1/25/17 states that at 10:59am the aide “rips (the student’s) shirt while trying to place hands on (the student) to restrain”. At 11:05am the student “said his neck hurts. He has a scratch on left side of neck”. At 11:07am peroxide and cotton swabs were brought to the quiet room to clean the cut on the left side of the student’s neck. At 11:41am the student was interviewed by the police. The student told the police that the aide made him angry so he punched the aide in the face. Then the aide tried to grab the student so the student pulled the aide’s hair and the aide scratched the student. The Kansas Police Report dated 1/25/17 confirms that the aide had some “slight redness” on the cheekbone area and that the student had a torn shirt and scratch on his left neck after the incident.

No documentation was provided in regard to the teacher’s aide’s certification, training, and or reprimand revolving around the 1/25/17 incident.

Therapeutic Crisis Intervention (TCI) structure, training, and studies were reviewed. The goals of TCI are to provide immediate emotional and environmental support in a way that reduces stress and risk for the students and staff and to teach better, more constructive, and effective ways to deal with stress or painful feelings. One of the key elements of TCI is de-escalation in crisis. In de-escalation TCI trained staff are asked to remove potential triggers to violence by doing the following things: never touch an angry person, avoid any aggressive moves and provocative statements, avoid the crisis cycle and counter aggression, remove others that might trigger the violence, and an overall understanding of the importance of body language. TCI encourages staff to use releases and maintain a safe distance with a protective stance and only employ physical restraint techniques when absolutely necessary. Physical restraint should not be used to demonstrate authority, enforce compliance, inflict pain or harm, or punish/discipline.

### **Mandates Reviewed:**

According to state special education regulations pertaining to the content of IEPs (23 Ill. Admin. Code 226.230): -- Laura, to quote text of this amount, you can either enclose in quotation marks or indent the entire paragraph.

“(b) The IEP of a student who requires a behavioral intervention plan shall:

- 1) Summarize the findings of the functional behavioral assessment;
- 2) Summarize prior interventions implemented;
- 3) Describe any behavioral interventions to be used, including those aimed at developing or strengthening alternative or more appropriate behaviors;
- 4) Identify the measurable behavioral changes expected and methods of evaluation;
- 5) Identify a schedule for a review of the interventions' effectiveness; and
- 6) Identify provisions for communicating with the parents about their child's behavior and coordinating school-based and home-based interventions.”

According to federal special education regulations concerning referrals to law enforcement (34 C.F.R. § 300.535):

“(a) Rule of construction. Nothing in this part prohibits an agency from reporting a crime committed by a child with a disability to appropriate authorities or prevents State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to crimes committed by a child with a disability.

(b) Transmittal of records.

(1) An agency reporting a crime committed by a child with a disability must ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime.

(2) An agency reporting a crime under this section may transmit copies of the child's special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act.”

State special education regulations (23 Ill. Adm. Code 1.285) address the “Requirements for the Use of Isolated Time Out and Physical Restraints” as follows:

“Isolated time out and physical restraint as defined in this Section shall be used only as means of maintaining discipline in schools (that is, as means of maintaining a safe and orderly environment for learning) and only to the extent that they are necessary to preserve the safety of students and others. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment. Nothing in this Section or in Section 1.280 of this Part shall be construed as regulating the restriction of students' movement when that restriction is for a purpose other than the maintenance of an orderly environment (e.g., the appropriate use of safety belts in vehicles).

a) “Isolated time out” means the confinement of a student in a time-out room or some other enclosure, whether within or outside the classroom, from which the student's egress is restricted. The use of isolated time out shall be subject to the following requirements.

1) Any enclosure used for isolated time out shall:

A) have the same ceiling height as the surrounding room or rooms and be large enough to accommodate not only the student being isolated but also any other individual who is required to accompany that student;



B) be constructed of materials that cannot be used by students to harm themselves or others, be free of electrical outlets, exposed wiring, and other objects that could be used by students to harm themselves or others, and be designed so that students cannot climb up the walls (including walls far enough apart so as not to offer the student being isolated sufficient leverage for climbing); and

C) be designed to permit continuous visual monitoring of and communication with the student.

2) If an enclosure used for isolated time out is fitted with a door, either a steel door or a wooden door of solid-core construction shall be used. If the door includes a viewing panel, the panel shall be unbreakable.

3) An adult who is responsible for supervising the student shall remain within two feet of the enclosure.

4) The adult responsible for supervising the student must be able to see the student at all times. If a locking mechanism is used on the enclosure, the mechanism shall be constructed so that it will engage only when a key, handle, knob, or other similar device is being held in position by a person, unless the mechanism is an electrically or electronically controlled one that is automatically released when the building's fire alarm system is triggered. Upon release of the locking mechanism by the supervising adult, the door must be able to be opened readily

e) Time Limits

1) A student shall not be kept in isolated time out for longer than is therapeutically necessary, which shall not be for more than 30 minutes after he or she ceases presenting the specific behavior for which isolated time out was imposed or any other behavior for which it would be an appropriate intervention.

2) A student shall be released from physical restraint immediately upon a determination by the staff member administering the restraint that the student is no longer in imminent danger of causing physical harm to himself, herself, or others.

f) Documentation and Evaluation

1) A written record of each episode of isolated time out or physical restraint shall be maintained in the student's temporary record. The official designated pursuant to Section 1.280(c)(3) of this Part shall also maintain a copy of each of these records. Each record shall include:

A) the student's name;

B) the date of the incident;

C) the beginning and ending times of the incident;

D) a description of any relevant events leading up to the incident;

E) a description of any interventions used prior to the implementation of isolated time out or physical restraint;

F) a description of the incident and/or student behavior that resulted in isolated time out or physical restraint;

G) a log of the student's behavior in isolated time out or during physical restraint, including a description of the restraint techniques used and any other interaction between the student and staff;

H) a description of any injuries (whether to students, staff, or others) or property damage;

I) a description of any planned approach to dealing with the student's behavior in the future;

J) a list of the school personnel who participated in the implementation, monitoring, and supervision of isolated time out or physical restraint;

K) the date on which parental notification took place as required by subsection (g) of this Section.

2) The school official designated pursuant to Section 1.280(c)(3) of this Part shall be notified of the incident as soon as possible, but no later than the end of the school day on which it occurred.

3) The record described in subsection (f)(1) of this Section shall be completed by the beginning of the school day following the episode of isolated time out or physical restraint.

4) The requirements of this subsection (f)(4) shall apply whenever an episode of isolated time out exceeds 30 minutes, an episode of physical restraint exceeds 15 minutes, or repeated episodes have occurred during any three-hour period.

A) A licensed educator knowledgeable about the use of isolated time out or trained in the use of physical restraint, as applicable, shall evaluate the situation.

B) The evaluation shall consider the appropriateness of continuing the procedure in use, including the student's potential need for medication, nourishment, or use of a restroom, and the need for alternate strategies (e.g., assessment by a mental health crisis team, assistance from police, or transportation by ambulance).

C) The results of the evaluation shall be committed to writing and copies of this documentation shall be placed into the student's temporary student record and provided to the official designated pursuant to Section 1.280(c)(3) of this Part.

5) When a student has first experienced three instances of isolated time out or physical restraint, the school personnel who initiated, monitored, and supervised the incidents shall initiate a review of the effectiveness of the procedures used and prepare an individual behavior plan for the student that provides either for continued use of these interventions or for the use of other, specified interventions. The plan shall be placed into the student's temporary student record. The review shall also consider the student's potential need for an alternative program or for special education.

A) The district or other entity serving the student shall invite the student's parents or guardians to participate in this review and shall provide ten days' notice of its date, time, and location.

B) The notification shall inform the parents or guardians that the student's potential need for special education or an alternative program will be considered and that the results of the review will be entered into the temporary student record.

#### g) Notification to Parents

1) A district whose policies on the maintenance of discipline include the use of isolated time out or physical restraint shall notify parents to this effect as part of the information distributed annually or upon enrollment pursuant to Sections 10-20.14 and 14-8.05(c) of the School Code [105 ILCS 5/10-20.14 and 14-8.05(c)].

2) Within 24 hours after any use of isolated time out or physical restraint, the school district or other entity serving the student shall send written notice of the incident to the student's parents, unless the parent has provided the district or other entity with a written waiver of this requirement for notification. The notification shall include the student's name, the date of the incident, a description of the intervention used, and the name of a contact person with a telephone number to be called for further information.

#### h) Requirements for Training

##### 1) Isolated Time Out

Each district, cooperative, or joint agreement whose policy permits the use of isolated time out shall provide orientation to its staff members covering at least the written procedure established pursuant to Section 1.280(c)(2) of this Part.

##### 2) Physical Restraint

A) Physical restraint as defined in this Section shall be applied only by individuals who have received systematic training that includes all the elements described in subsection (h)(2)(B) of this Section and who have received a certificate of completion or other written evidence of participation. An individual who applies physical restraint shall use only techniques in which he or she has received training within the preceding two years, as indicated by written evidence of participation.

B) Training with respect to physical restraint may be provided either by the employer or by an external entity and shall include, but need not be limited to:

- i) appropriate procedures for preventing the need for physical restraint, including the de-escalation of problematic behavior, relationship-building, and the use of alternatives to restraint;
- ii) a description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- iii) the simulated experience of administering and receiving a variety of physical restraint techniques, ranging from minimal physical involvement to very controlling interventions;
- iv) instruction regarding the effects of physical restraint on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- v) instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
- vi) demonstration by participants of proficiency in administering physical restraint.

C) An individual may provide training to others in a particular method of physical restraint only if he or she has received written evidence of completing training in that technique that meets the requirements of subsection (h)(2)(B) of this Section within the preceding one-year period.”

With regard to policies and procedures, regulations (23 Ill. Admin. Code 226.710) require that:

“a) Each local school district, or the special education cooperative of which it is a member, shall develop written policies and procedures conforming to the requirements of subsection (b). The policies and procedures shall be kept on file and presented to the State Board of Education upon request.

b) Each set of policies and procedures shall address the district's compliance with at least the requirements for:

- 1) the provision of a free appropriate public education;
- 2) child find;
- 3) evaluation (including policies and procedures developed pursuant to Section 226.130) and determination of eligibility;
- 4) Individualized Education Programs;
- 5) students' participation in assessments;
- 6) serving students in the least restrictive environment;
- 7) the provision of extended school year services;
- 8) transition of children served under Part C of the Individuals with Disabilities Education Act into preschool programs;
- 9) serving students who attend nonpublic schools;
- 10) procedural safeguards;
- 11) establishing the goal of full educational opportunity;
- 12) confidentiality of personally identifiable information; and

13) the use of federal matching funds under the Medicaid (Title XIX) or Children's Health Insurance (KidCare; Title XXI) program to supplement special education programs and services (if the district is participating in one or more of those federal programs).”

Special education regulations 23 Ill. Admin. Code 226.800 address staff requirements as follows:

“...k) Personnel Not Holding Educator Licensure

1) Each professional individual not holding educator licensure issued under Article 21B of the School Code [105 ILCS 5/Art. 21B] employed in a special education class, program, or service, and each individual providing assistance at a work site, shall function under the general direction of a professional staff member.

2) Each program assistant or aide, whether providing instructional or noninstructional services, as well as each nonemployee providing any service in the context of special education, shall function under the direct supervision of a professional staff member.

A) Nothing in this subsection (k) authorizes individual student aides or others who do not hold an appropriate professional license to perform any nursing activity, as nursing activity may be defined in the Nurse Practice Act [225 ILCS 65] and rules governing that Act (68 Ill. Adm. Code 1300), including any procedures and duties requiring a medical order (e.g., tube feedings, catheterizations, administration of medications, tracheal suctioning, tube insertions, blood draws, dressing changes), except as may be otherwise authorized under State law.

B) The provisions of this subsection (k) do not apply to paraprofessional educators licensed under Section 21B-20 of the School Code [105 ILCS 5/21B-20] nor to educational interpreters approved pursuant to 23 Ill. Adm. Code 25.550 (Approval of Educational Interpreters).

3) Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F.”

## **Conclusions**

### **1. A student’s IEP was not followed in that he was not getting breaks he sometimes needs and as allowed in his IEP**

The Illinois Administrative Code (Ill. Admin. Code tit. 23, § 226.230) reviews the behavioral plan items required for a student’s IEP. This student had all the required components written into his plan and the plan was evaluated regularly. TLC reports that the student was allowed to take breaks when needed. The student’s IEP evaluations and academic reports support that the student was allowed breaks and was using the breaks appropriately.

After completing the interviews, records reviews, and assessing applicable mandates, there is no evidence that the student was not getting needed breaks as allowed in his IEP. The incident report from 1/25/17 supports that, while the student may have believed that he was exercising his ability to take a break, the student’s aggression in the classroom warranted a more structured time out.

Based on the findings above the East Central Human Rights Authority concludes that the consumer's rights were not violated and, therefore, the complaint is **unsubstantiated**. No recommendations or suggestions are being made in relation to this complaint.

## **2. The program inappropriately involves the police for behavioral intervention**

The Code of Federal Regulations (34 C.F.R. § 300.535) specifically addresses "Referral to and action by law enforcement and judicial authorities". This statute supports that an agency is not prohibited from reporting a crime committed by a child with a disability to appropriate authorities and supports that the agency must ensure that copies of special education documents and disciplinary records are provided to the appropriate authorities for consideration. TLC policies and statements support that police are called for criminal activity conducted in the school. On 1/25/17 the incident report states that the police were called due to the assault of an aide. The police report documents that the officer arrives and the school staff clearly tells the officer that they are pressing charges against the student. In addition, the police report confirms that the aide had a mark on his face allegedly from being hit in the face by the student.

After completing the interviews, records reviews, and assessing applicable mandates, there is no evidence to support that TLC staff involved the police inappropriately for behavioral intervention in this incident. TLC contacted the police department to report a crime of assault and cooperated with the police accordingly. The state's attorney did not pursue this matter for full charges and, therefore, no further cooperation has been required of the school.

Based on the findings above the East Central Human Rights Authority concludes that the consumer's rights were not violated and, therefore, the complaint is **unsubstantiated**. No recommendations or suggestions are being made in relation to this complaint.

## **3. An aide did not follow a student's behavioral plan and interrupted the student's attempt to use a quiet room for breaks;**

As previously stated, The Illinois Administrative Code (Ill. Admin. Code tit. 23, § 226.230) reviews the behavioral plan items required for a student's IEP and the IEP plan for this student did outline that the student could have breaks when needed. The student was utilizing the breaks. Illinois Administrative Code (23 Ill. Adm. Code 1.285) regulation titled "Requirements for the Use of Isolated Time Out and Physical Restraints" states that physical restraint shall only be used "to the extent that they are necessary to preserve the safety of students and others". Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment". The school policy outlined in the TLC Parent and Student Handbook states that "when staff places hands on the student in the escort position, the student often begins to struggle". Therapeutic Crisis Intervention encourages trained staff to utilize de-escalation techniques before restraint. De-escalation through TCI emphasizes never touching an angry person.

After completing the interviews, records reviews, and assessing applicable mandates, there is evidence to support that TLC staff has violated the consumer's rights. The incident report for 1/25/17 indicates that the student was "walking to the quiet room" after being instructed to do so.

The student asked that staff not touch him. There is no evidence that use of restraint or touching the student was needed at that time for the safety of the student or others. The aide's actions of placing his hands on the student to "escort" the student for the limited distance from the classroom to the quiet room is at the directive of the Kansas TLC procedures. The TLC Parent and Student Handbook discusses the requirement that all students be escorted by staff to the quiet room. Staff then further explained in the interview that it is their policy to place their hands on the student while escorting them. This action contradicts the Therapeutic Crisis Intervention strategies for which the staff are certified. TCI clearly acknowledges that part of de-escalation is to remove potential triggers to violence which includes creating distance from an angry individual and never touching them. While the HRA acknowledges that the aide's actions of interrupting the student on the way to the quiet room were at the directive of the school policy, it does not appear that engaging in restraint by placing hands on the student was needed for the safety of the student or others when the student was willingly walking to the quiet room.

Based on the findings above the East Central Human Rights Authority concludes that the consumer's rights were violated and, therefore, the complaint is **substantiated**. The HRA would make the following recommendation:

- Eastern Illinois Area Special Education and Kansas TLC review their policies written on escorting students to the quiet room. Policy should be clear on when staff should place their hands on a student and engage in restraint behaviors. These policies should align with Illinois Administrative Code (23 Ill. Adm. Code 1.285) regulations titled "Requirements for the Use of Isolated Time Out and Physical Restraints" and regulations that govern policies and procedures (23 Ill. Admin. Code 226.710). Policy and procedure should address that physical restraint shall only be used "to the extent that they are necessary to preserve the safety of students and others" and utilize the Therapeutic Crisis Intervention strategies that the staff are certified in for de-escalation prior to engaging in restraint behaviors.

#### **4. The aide, who has a reported history of nitpicking student's, grabbed and tore the student's shirt resulting in police intervention**

Illinois Administrative Code (23 Ill. Adm. Code 1.285) regulations titled "Requirements for the Use of Isolated Time Out and Physical Restraints" state that physical restraint shall only be used "to the extent that they are necessary to preserve the safety of students and others". Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment". Therapeutic Crisis Intervention encourages trained staff to utilize de-escalation techniques before restraint. TLC staff report that the student and the aide had a relationship outside of school and that the school was aware of the relationship and supported it from an academic perspective. Staff reported that the aide did place his hands on the student to escort him, that the student's shirt was torn while the aide was trying to free himself from the student's grasp. While the police report confirms that the student's shirt was torn, it also reports that police intervention was the result of the student causing physical harm to the aide.

After completing the interviews, records reviews, and assessing applicable mandates, there is evidence to support that TLC staff has violated the consumer's rights. There is no documentation

of the aide “nitpicking” the student prior to the incident. However, the student and the aide had a relationship outside of the school that likely represents a conflict of interest. The time that the student and aide spent together outside of the school would not be monitored by the school and, therefore, there would be no documentation of interactions. This outside relationship could also have diminished the aide’s ability to react to the escalated situation according to his training. The documentation supports that the aide did not use proper TCI de-escalation techniques (close proximity, inappropriate language, engaging in “wrestling” with the student after the student began to fight with the aide instead of creating distance). These behaviors likely heightened the situation and precipitated an emotional reaction for both the student and the aide.

Based on the findings above the East Central Human Rights Authority concludes that the consumer’s rights were violated and, therefore, the complaint is **substantiated**. While the torn shirt did not cause the police intervention, the aide did engage in a “wrestling” battle with the student that resulted in a torn shirt and injury to the student (scratch on his neck). The student’s choices should not be condoned; however, the aide is trained “more than the normal amount” in proper de-escalation and restraint and should have utilized his knowledge and expertise in this situation. The aide’s actions may be an emotional response to the aide being injured by someone he has a relationship with as evidence by the aggression and language that the aide used towards the student and the student’s resulting injuries. The incident report notes that the student was not restrained. The “wrestling” was not for the safety of the student or others and, therefore, violates Illinois Administrative Code (23 Ill. Adm. Code 1.285). HRA would make the following recommendations:

- Eastern Illinois Area Special Education and Kansas TLC address any conflicts of interest between their staff and students and properly document any concerns. There appears to be at least two circumstances in this case (the aide and the student’s current homebound schooling teacher) where the staff at Kansas TLC are interacting with the student outside of the school in a way that can, and likely did, seriously impact the student and the student and his relationship and interactions with the aide at school. In these situations the school reported that they verbally acknowledged that they have concerns with the possibility of a conflict, however, the school did not address the concerns with the staff.
- Eastern Illinois Area Special Education and Kansas TLC investigate any errors that occur by staff during an incident report in writing. This debriefing should include the error that occurred, the reason the error occurred, and document and follow up or action taken by the administration. Any improper de-escalation or restraints should be prompted by further training for the staff.

**5. No apparent action was taken by the school to investigate or address the aide’s behavior**

As previously stated, the aide did not follow Illinois Administrative Code (23 Ill. Adm. Code 1.285) titled “Requirements for the Use of Isolated Time Out and Physical Restraints” stating that physical restraint shall only be used “to the extent that they are necessary to preserve the safety of students and others”. Neither isolated time out nor physical restraint shall be used in administering discipline to individual students, i.e., as a form of punishment”. The aide engaged the student as an emotional reaction rather than to preserve the safety of the student and/or staff.

The aide also did not follow the TCI de-escalation and restraint guidelines that he was trained in. The Kansas TLC staff confirms that the aid reacted by giving commands and using profanity inappropriately. During the administration's debriefing for the incident with the aide, the aide admitted that he did say "set your ass down". Staff reported to the HRA that the aide was "talked to about it" as part of the incident debriefing but no formal reprimand was given and there is no documentation of the discussion. TLC also noted that post crisis intervention for staff has been increased as a result of this incident.

After completing the interviews, records reviews, and assessing applicable mandates, there is evidence to support that Kansas TLC has violated the consumer's rights. A Kansas TLC aide reacted in a manner that resulted in injury for both the staff and the student. The school reports that no investigation or corrective action was taken or documented.

Based on the findings above the East Central Human Rights Authority concludes that the consumer's rights were violated and, therefore, the complaint is **substantiated**. HRA would make the following recommendation:

- Eastern Illinois Area Special Education and Kansas TLC investigate any errors that occur by staff during an incident report in writing. This debriefing should include the error that occurred, the reason the error occurred, and document and follow up or action taken by the administration. Any improper de-escalation or restraints should be prompted by further training for the staff.

The HRA also suggests that the school secure available video recordings as part of reviews and investigations.

## **6. The program does not adequately train and monitor staff who work with students**

Illinois Administrative Code (23 Ill. Admin. Code 226.800) states that "Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F." Kansas TLC staff report that all staff are required to attend the 4 day TCI training and take an exam to certify their knowledge of TCI de-escalation and restraint techniques. Staff reported that not only is the aide in the 1/25/17 incident trained in TCI techniques but he is also a TCI trainer. No documentation was provided in regard to the teacher's aide's certification, training, and or reprimand revolving around the 1/25/17 incident.

After completing the interviews, records reviews, and assessing applicable mandates, there is evidence to support that Kansas TLC staff has violated the consumer's rights. The law requires that the aide be provided training experiences appropriate to the nature of their responsibilities and Kansas TLC requires that all staff complete the TCI training. Despite requests, the HRA has not received any documentation of the aide's training completion or status as a TCI trainer and cannot verify that the aide was educated in proper de-escalation and/or restraint. The lack of documentation coupled with the aide's failure to use proper de-escalation and restraint in this instance is cause for a finding.



Based on the findings above the East Central Human Rights Authority concludes that the consumer's rights were violated and, therefore, the complaint is **substantiated**. The HRA would make the following recommendation:

- Eastern Illinois Area Special Education and Kansas TLC keep proper training records and certifications for each staff member. These records should follow the Illinois Administrative Code regulation (23 Ill. Admin. Code 226.800) stating that "Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F". These records should be accessible to administration and provided as needed for any state investigation.

The HRA would like to thank Kansas Therapeutic Learning Center staff for their cooperation with this investigation.

---

## **RESPONSE**

**Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.**

---



# eastern illinois area of special education

5837 Park Drive • Charleston, IL 61920 • (217) 348-7700  
(217) 348-7704 Main Fax • (217) 348-7713 Business Fax  
www.eiase.com

1/11/2018

Eastern Illinois Area of Special Education  
5837 Park Drive  
Charleston, IL 61920

Re: EIASE Response to Case #17-060-9016

To Whom It May Concern:

This letter is EIASE's response to the Illinois Guardianship and Advocacy Commission Human Rights Authority Case #17-060-9016. Your letter dated November 17, 2017 states that we are to write a response to the recommendations in your letter. There were 6 complaints as a part of this investigation. The review found that complaints 1 & 2 were unsubstantiated, therefore there were no recommendations. Complaints 3 through 6 were substantiated and included recommendations. I have included the recommendations and our responses below.

#### **HRA Recommendation 1:**

*This recommendation is related to complaint #3.*

"Eastern Illinois Area Special Education and Kansas TLC review their policies written on escorting students to the quiet room. Policy should be clear on when staff should place their hands on a student and engage in restraint behaviors. These policies should align with Illinois Administrative Code (23 Ill. Adm. Code 1.285) regulations titled "Requirements for the Use of Isolated Time Out and Physical Restraints" and regulations that govern policies and procedures (23 Ill. Admin. Code 226.710). Policy and procedures should address that physical restraint shall only be used "to the extent that they are necessary to preserve the safety of students and others" and utilize the Therapeutic Crisis Intervention strategies that the staff are certified in for de-escalation prior to engaging in restraint behaviors. "

#### **EIASE's Response to Recommendation 1:**

EIASE agrees that all communication from EIASE and TLC relating to any restrictive interventions should align with 23 Ill. Adm. Code 1.285, 23. Ill. Admin. Code 226.710 and be consistent with Therapeutic Crisis Intervention training. In recent years EIASE has worked to update our policies and procedures so that they have consistent and up to date language. However, EIASE also recognizes that some of our written communication including our student handbooks, website, and forms may have outdated language which is no longer in compliance with current laws and training. EIASE will review all of our policies, procedures, forms, website, handbooks, and other documents beginning with the Restrictive

Intervention Committee meeting on January 16, 2018 and this review process will continue until the end of the school year. Our goal will be to have all documents updated before the beginning of the 2018-2019 school year.

**HRA Recommendation 2:**

*This recommendation is related to complaint #4.*

“Eastern Illinois Area Special Education and Kansas TLC address any conflicts of interest between their staff and students and properly document any concerns. There appears to be at least two circumstances in this case (the aide and the student’s current homebound schooling teacher) where the staff at Kansas TLC are interacting with the student outside of the school in a way that can, and likely did, seriously impact the student and the student and his relationship and interactions with the aide at school. In these situations the school reported that they verbally acknowledged that they have concerns with the possibility of a conflict, however, the school did not address the concerns with the staff. ”

**EIASE’s Response to Recommendation 2:**

EIASE work rules state, “Employees shall immediately report to their immediate supervisor any conduct by other employees which they believe, or has reasonable cause to believe, is dangerous to the health, safety, or welfare of students or other employees, including, but not limited to violation of these rules.”

EIASE Board Policy 5:120 states, “All Joint Agreement employees are expected to maintain high standards in their school relationships, to demonstrate integrity and honesty, to be considerate and cooperative, and to maintain professional and appropriate relationships with students, parents, staff members, and others. Any employee who sexually harasses a student or otherwise violates an employee conduct standard will be subject to discipline up to and including dismissal. The Executive Director or designee shall identify appropriate employee conduct standards and provide them to staff members.”

EIASE recognizes that there were two staff who interacted with the student outside of the school day. However, EIASE disagrees with the HRA in that EIASE does not believe these interactions, “seriously impact the student and the student and his relationship and interactions with the aide at school.” The recommendation states that, “school reported that they verbally acknowledged that they have concerns with the possibility of a conflict.” The principal did not say this to an HRA investigator. She told the investigator that the teacher aide was vested in the student and helped the student with his school work over the summer, on the aide’s own time, and provided the student with a few guitar lessons over the summer. The principal told the investigator that because of the time the teacher aide spent with the student over the summer the student told the principal that he viewed the teacher aide as “his big brother.” As far as the principal could assess, this particular student had no positive relationships with others, and the teacher aide reaching out to the student to help him with school work and teaching guitar lessons on approximately two dates over the summer was viewed by the principal as a positive thing. EIASE does not believe that the attempts of a teacher aide to establish a positive healthy relationship with this student had any bearing on the fact that there was an incident between the student and the aide seven months after the beginning of the school year.

The HRA also suggests that there was a conflict of interest because one of the TLC teachers volunteered to serve as this student’s teacher during the student’s homebound placement. EIASE strongly disagrees

with this finding. The resident school district was responsible for securing a teacher for the homebound placement. None of the teachers from the resident district volunteered for the homebound teaching job. Therefore, the resident district reached out to EIASE to ask if any of our teachers would be willing to do the job. An EIASE teacher volunteered for the position. That teacher was employed by the resident district for the homebound placement. The teacher met with the student after school hours in the public library from 3:30 to 4:45. EIASE wholeheartedly disagrees with any assumption that this was somehow nefarious, inappropriate, or caused some sort of problem for the student at the time or any future date when he returned to school. Rather, the employment of this teacher was consistent with expectations and policy, was beneficial to all parties, and was part of the District's compliance with the legal requirements for homebound instruction.

EIASE's current practice is and will remain, if any employees sees any conduct by other employees which they believe, or has reasonable cause to believe, is dangerous to the health, safety, or welfare of students or other employees, including, but not limited to violation of EIASE's work rules, they shall immediately notify their supervisor. Nobody notified anyone in the situations cited by the HRA because no reasonable person who was actually involved with either situation thought there was anything that even hinted at impropriety. The evidence does not substantiate HRA's findings.

**HRA Recommendation 3:**

*This recommendation is related to complaint #4.*

"Eastern Illinois Area Special Education and Kansas TLC investigate any errors that occur by staff during an incident report in writing. This debriefing should include the error that occurred, the reason the error occurred, and document and follow up or action taken by the administration. Any improper de-escalation or restraints should be prompted by further training for the staff."

**EIASE's Response to Recommendation 3:**

The TLC principals review the documentation resulting from every restrictive intervention. The TLC principal may require a "restrictive intervention review" following a restrictive intervention if the principal has a concern on issues such as staff or student injury, incomplete paperwork, missing information, or other potential areas. During the review the principal documents any findings and recommended follow up action or training. The principal's notes are maintained as their personal notes and not kept with the restrictive intervention paperwork.

EIASE will review this practice with the Kansas TLC principal as well as the other TLC principals. EIASE is in agreement with the HRA that EIASE should officially document any errors that occurred, the reason the error occurred, and follow up or action taken including retraining. The TLC principals will review this practice and develop new forms and procedures at the next scheduled Restrictive Intervention Committee meeting on January 16, 2018.

**HRA Recommendation 4:**

*This recommendation is listed with complaint #5. It is the same as the second recommendation listed in complaint #4, with the addition of the following sentence.*

"The HRA also suggests that the school secure available video recordings as part of review and investigations."

#### **EIASE's Response to Recommendation 4:**

EIASE maintains all video recordings for a limited period of time. There is not a set amount of time, but a set amount of available disc space. New recordings record over the oldest recordings. We currently have enough disc space to maintain about a month of recordings. The incident in question occurred in February and the HRA investigator asked if the recording was available during their investigation in October. Regardless, EIASE only has video cameras on the exterior of buildings, on the building entrances, and in the isolated time out rooms within the TLC buildings. The incident in question did not occur in an area that was covered by a camera. It is our practice that in situations where an incident occurs and the building principal wants to maintain a certain piece of video footage, the Principal notifies the Technology Department that video clip should be maintained, and the Technology Department saves that particular file. If relevant video recordings are available, EIASE will secure relevant video recordings as a part of any review and or investigation.

#### **HRA Recommendation 5:**

*This recommendation is related to complaint #6.*

"Eastern Illinois Area Special Education and Kansas TLC keep proper training records and certifications for each staff member. These records should follow the Illinois Administrative code regulation (23 Ill. Admin. Code 226.800) stating that "Each school district shall provide training experiences appropriate to the nature of their responsibilities to the individuals discussed in subsections (k)(1) and (2). Training shall be in lieu of the requirements for personnel not holding educator licensure set forth in 23 Ill. Adm. Code 1, Subpart F". These records should be accessible to administration and provided as needed for any state investigation."

#### **EIASE's Response to Recommendation 5:**

EIASE maintains records of all professional development provided and specifically professional development on Therapeutic Crisis Intervention and the results of the training (pass/fail) at the EIASE Central Office in Charleston, IL. These records are not maintained in the individual buildings. If any trainings occur in an individual building the records are sent to the EIASE Central Office to be maintained there. During the interview, when the HRA staff asked the principal for these records she explained to them that the records were kept at the EIASE Central Office. The Principal asked the HRA staff if they wanted her to obtain copies of those records for their investigation. They told her that was not necessary. EIASE will continue to maintain training records at the EIASE Central Office. The evidence does not substantiate HRA's findings regarding training or training records. HRA's findings in this regard are not due to a lack of training or a lack of training records, but is merely the result of HRA's failing to ask for those records which would indicate the breadth and substance of EIASE's training of staff.

EIASE believes that we do provide adequate training to our staff as specified in 226.800. In fact, during the investigation, the HRA staff commented to the principal and the teacher present at the interview how they thought that it was rare that the HRA finds schools that train all of their staff and spend as many hours training their staff as we do at EIASE. EIASE provides 40 hours of initial Therapeutic Crisis Intervention Training to new TLC employees, 8 hours of annual refresher TCI training to returning employees, and quarterly reviews of TCI practices within the buildings with all staff. This is in addition to annual training for all employees on blood borne pathogens, first aid, using an AED, recognizing child abuse and neglect, confidentiality, civil rights in child nutrition programs, and diabetes care. EIASE also

provides training for all employees every other year on ADD & ADHD, psychotropic or psychostimulant medications, behavior interventions for students with disabilities, ethics training, domestic and sexual violence, the needs of expecting and parenting youth, anaphylaxis and anaphylactic shock, professionalism in the workplace, and proper use of district computers. In addition, EIASE provides training to all new EIASE employees on AIDS & HIV awareness, alcohol & drug awareness, back safety & safe lifting, autism, communication, gang awareness, chronic health conditions, suicide prevention, sexual harassment, and head lice. In addition EIASE provides several annual trainings on educational topics. Teacher aides attend many of these trainings as well. If there are specific trainings that the HRA recommend that EIASE provide our staff in addition to what we are currently doing we are open to your suggestions.

Please feel free to contact me if you have any questions regarding this response letter.

Regards,

A handwritten signature in cursive script that reads "Tony Reeley".

Tony Reeley  
Executive Director

