

The Legal Center for People with Disabilities and Older People



Colorado's Protection & Advocacy System

PUBLIC REPORT OF AN INVESTIGATION INTO THE IMPROPER USE OF RESTRAINT AND/OR SECLUSION OF STUDENTS WITH DISABILITIES AT KENTON AND LANSING ELEMENTARY SCHOOLS

JUNE 26, 2007

I. INTRODUCTION

The Legal Center for People with Disabilities and Older People (“The Legal Center”) is the Protection and Advocacy System for Colorado. As Colorado’s Protection and Advocacy System, The Legal Center is required to investigate complaints regarding allegations of abuse and neglect in settings that serve people with disabilities.¹ The Legal Center’s authority to conduct abuse and neglect investigations extends to Aurora Public Schools (the “District”) because they provide services for students with disabilities.

This report presents the results of the investigation conducted by The Legal Center into the circumstances surrounding the restraint and seclusion of: A.B. and A.S. while in attendance at Lansing and Kenton Elementary schools for the 2005-2006 and 2006-2007 school years. The Legal Center releases this report as part of its efforts to prevent the abuse and neglect of people with disabilities in Colorado schools.

The Legal Center received a complaint that A.B. was subjected to the improper use of restraint while attending the Life Skills Program at Lansing Elementary. Specifically, The Legal Center was informed that A.B. was being tied to a restraint chair on many occasions and left for periods exceeding five minutes. During the course of the investigation, The Legal Center was also informed that A.S. had been restrained in a restraint chair and secluded in a tent on many occasions for unknown periods of time in the Life Skills Program at both Kenton and Lansing Elementary schools. The Life Skills Program is a self-contained classroom dedicated to the provision of educational and related services to students with a variety of disabilities.

The Legal Center initiated an abuse and neglect investigation at Lansing Elementary and Kenton Elementary after receiving these complaints.

¹ See Protection and Advocacy for Individuals with Mental Illness Act (“PAIMI Act”), 42 U.S.C. § 10801 *et seq.*; Developmental Disabilities Assistance Bill of Rights Act (“DD Act”), 42 U.S.C. § 15001, *et seq.*; and Protection and Advocacy of Individual Rights Program (“PAIR”), 29 U.S.C. § 794e, *et seq.*; and all of the accompanying regulations.

II. SUMMARY OF FINDINGS AND CONCLUSIONS

The Legal Center's investigation concludes:

1. The Aurora Public School District has not ensured compliance with the Colorado Department of Education's Rules for the Administration of the Protection of Persons from Restraint Act² and Protection of Persons from Restraint Act.³
2. The Aurora Public School District has not created and submitted an annual restraint and seclusion report as required by the Colorado Department of Education's Rules for the Administration of the Protection of Persons from Restraint Act.
3. Lansing and Kenton Elementary Life Skills Program staff engaged in a pattern and practice of improper use of restraint and seclusion.
4. Lansing and Kenton Elementary Life Skills Program staff used devices intended for occupational therapy as mechanical restraints.
5. Lansing and Kenton Elementary Life Skills Program staff did not have an adequate basis to use restraint in the incidents involving the two students.
6. Lansing and Kenton Elementary Life Skills Program staff failed to properly document the use of restraint in the Individual Education Plans of the two students.
7. Lansing and Kenton Elementary Life Skills Program staff failed to hold Individual Education Plan meetings after restraining the two students.
8. Lansing and Kenton Elementary Life Skills Program staff failed to provide the parents/guardians of the two students with same-day verbal notification and written notification of the restraint within 36 hours.
9. Lansing and Kenton Elementary Life Skills Program staff failed to gain parent/guardian informed consent prior to restraining the two students.

III. SUMMARY OF RECOMMENDATIONS

Based on its findings and conclusions, The Legal Center recommends a number of actions be taken by the Aurora Public School District and staff in each Life Skills Program within the District.

1. Ensure District-wide compliance with the CDE and District restraint and seclusion rules with the use of a corrective action plan.
2. Eliminate the use of occupational therapy devices as mechanical restraints.
3. Obtain Child Welfare League of America restraint and trauma training for all special education staff and building administrators in Aurora Public Schools.
4. Train all special education staff and building administrators regarding the requirements of the Colorado Department of Education's rules of the use of restraint and seclusion including:
 - i. Individual Education Program content requirements;

² See 1 Colo. Code Regs. 301-45.

³ See Colo. Rev. Stat. § 26-20-108.

- ii. Individual Education Program meeting requirements;
 - iii. reporting requirements;
 - iv. consent requirements;
 - v. and mechanical restraint requirements.
5. Ensure the proper use of the District's informed parent consent form for the use of restraint and seclusion.
6. Prepare and submit an annual District-wide restraint and seclusion report.
7. Ensure the inclusion of proper risk assessments that address possible psychological and health risks associated with the use of restraint or seclusion for a student.

IV. EXECUTIVE SUMMARY

The Legal Center learned of incidents involving restraint at Lansing Elementary from a complaint by an interested party who spent time in the Life Skills classroom. After initiating our investigation in response to this complaint, other concerns arose from parents of another student in the Life Skills Programs at both Lansing and Kenton Elementary schools.

Information contained in documents and interviews support the finding that at least two students in the Life Skills Programs at Kenton and Lansing Elementary schools were improperly restrained and/or secluded.

For purposes of this report, the term “restraint” refers to a mechanical restraint. Under CDE’s Restraint/Seclusion Rules, a mechanical restraint means a physical device used to restrict the movement of an individual or the movement or normal function of a portion of his or her body.⁴ CDE’s restraint rules clearly prohibit the use of occupational therapy devices for purposes of mechanical restraint.⁵

The term seclusion is defined by the Colorado Department of Education’s Restraint/Seclusion Rules as the placement of a student alone in a room from which egress is prevented.⁶ The tent at Kenton and Lansing Elementary schools was being utilized as a place for seclusion when at least one student was placed in the tent with the entrance zipped shut restricting the student’s ability to leave.

In Colorado, the use of restraint or seclusion is only permitted in emergency circumstances. An emergency is the serious, probable, imminent threat of serious bodily harm to self or others.⁷ The Individuals with Disabilities in Education Act 2004 clarifies serious bodily injury as being a substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.⁸ Restraint and seclusion may never be used as

⁴ See 1 Colo. Code Regs. 301-45-2620-R-2.00(6).

⁵ See 1 Colo. Code Regs. 301-45-2620-R-2.01(5).

⁶ See 1 Colo. Code Regs. 301-45-2620-R-2.00(3).

⁷ See 1 Colo. Code Regs. 301-45.

⁸ See 34 C.F.R. 300.530(i)(3).

a means to punish a student or to gain compliant behavior.⁹ Finally, any restraint or seclusion must end once the need to ensure for the safety of the student or others has ended.¹⁰

As noted in further detail below, the facts do not support that A.B. and A.S. were engaged in emergency behavior that would warrant the use of restraint or seclusion. Additionally, staff in the Life Skills Programs utilized devices meant for occupational therapy as mechanical restraints as a way to address problem behaviors.

Ultimately, The Legal Center has found that Life Skills Program staff at Kenton and Lansing elementary schools has violated many of the Rules governing the use of restraint and seclusion. The remaining portion of this report will go in to further detail as to the incidents giving rise to The Legal Center's findings and the recommendations given to Aurora Public Schools to correct these acts.

V. CASE SUMMARIES

A. A.B.

A.B. is a five-year old student with multiple disabilities that include cognitive impairments. A.B. started school at Lansing Elementary in the Life Skills Program shortly after the start of the 2006-2007 school year.

The Legal Center received a complaint in December of 2006 that A.B. was being improperly restrained in a restraint chair meant to serve as an occupational therapy device and certain staff in the Life Skills Program was very concerned about the use of this chair.¹¹ The complainant relayed information that depicted scenes of A.B. being placed in the restraint chair for lengthy amounts of time sometimes lasting over thirty minutes. The use of the restraint chair was in response to A.B.'s hyper-active behaviors. Staff later revealed in interviews that there were several other techniques that could be used to successfully re-direct A.B. other than the use of the restraint chair and A.B. never engaged in behavior that rose to the level of an emergency. Further, staff who observed the use of the restraint chair believed it was being used for punitive purposes.

Despite requirements to notify parents of the use of restraint verbally the same day of the incident and in writing within 36 hours of the incident, A.B.'s mother was never provided with any notice; nor were any Individual Education Program meetings held after those incidents involving the use of the restraint chair.

⁹ See 1 Colo. Code Regs. 301- 45 – 2620 – R- 2.01(4).

¹⁰ See 1 Colo. Code Regs. 301- 45 – 2620 – R- 2.02(1)(a)(vii).

¹¹ See Exhibit 1.

B. A.S.

A.S. is a ten year old student with multiple disabilities that include Down Syndrome and cardiac conditions. A.S. started attending Kenton Elementary in the Life Skills Program at the start of the 2005-2006 school year.

During the course of its investigation, The Legal Center was given information by staff that A.S. had been restrained in a restraint chair. Additionally, A.S.'s parents complained of an incident involving A.S. being zipped up in a small camping tent,¹² unable to exit, screaming, crying and over-heated. A.S.'s parents were not only concerned about the use of the tent, but the potentially lethal consequences of A.S.'s physical condition, which as a result of a serious heart condition renders A.S. very sensitive to increased blood pressure and body heat.

A.S. has a history of very difficult behaviors that include hitting, kicking, scratching and biting. When A.S. first started attending the Life Skills Program at Kenton Elementary, staff stated that A.S. was regularly strapped in a restraint chair in response to her difficult behavior, despite possessing information that specifically stated such conduct was unlawful. Staff further commented that the chair was not effective in addressing A.S.'s behaviors. The Life Skills staff began placing A.S. in a small camping tent as a place where A.S. could calm down. Staff believed that the use of the tent did help A.S. and that the overall number of difficult behaviors decreased with its use. Staff also said that there were times when A.S. wanted out of the tent and was not allowed out and that she would remain in the tent longer than the pre-determined time limit if staff did not believe she was ready to come out of the tent.

Similar to A.B.'s mother, A.S.'s parents were not provided with notification of the incidents involving A.S. spending time in the restraint chair or tent, nor were any Individual Education Program meetings held after any incidents involving the use of the restraint chair.

VI. SUMMARY OF INTERVIEWS

In preparation for conducting an investigation, the staff of The Legal Center reviewed a wide range of information provided by the District, conducted research regarding relevant restraint, seclusion, and time out information, and reviewed the records from the District and the student's parents. Starting in December of 2006, The Legal Center initiated its investigation. This investigation included a series of interviews with those who had been involved in the complaints pertaining to the improper restraint and seclusion of the two students. Interviews were conducted with twelve individuals.

The purpose of this investigation was to formulate recommendations that will improve the response of educators and administrators at Aurora Public Schools to individuals with disabilities who are experiencing challenging behaviors.

¹² See Exhibit 2.

A. Interviews Pertaining to the Restraint of A.B.

1. District Special Education Consultant

The District's Consultant is a special education consultant and has worked with the Life Skills Program in Aurora for 18 years. The District's Consultant was interviewed at Lansing Elementary on January 26, 2007. The District's Consultant works with eight different school programs, seven of which are Life Skills Programs and one Autism Program.

The District's Consultant stated that she works with staff in the Life Skills Program at Lansing on an as needed basis. At the start of the school year the District's Consultant said she worked with Teacher #1, the Life Skills Program teacher, three days a week because Teacher #1 was a new teacher in the Life Skills Program. Now, the District's Consultant consults with Teacher #1 about once every two weeks.

The District's Consultant said paraprofessionals at Lansing had voiced some concerns to her about the treatment of students in the Program, and the District's Consultant asked those staff to put their concerns in writing. The District's Consultant said that she received a written complaint from a Life Skills Program paraprofessional in November, 2006. The District's Consultant stated that she informed the Principal of Lansing, of this complaint but no other steps were taken beyond this notification by the District's Consultant.

The District's Consultant said A.B. came to Lansing from Peoria Elementary, and initially the District's Consultant didn't have any huge concerns about A.B. The District's Consultant described A.B. as active, but not any more so than any other student, until about the middle of October, 2006. The District's Consultant said A.B. had a lot of seizure activity and would engage in running and hiding in the classroom. The District's Consultant said a behavior support plan was developed with the help of the School Psychologist.

With regard to the use of the restraint chair, the District's Consultant stated that A.B.'s mother had given staff permission to use a chair with straps as part of the behavior support plan. The District's Consultant stated that staff explained to A.B.'s mother that the chair had a strap and would be used for a period of one to five minutes in response to A.B. engaging in problem behavior. The District's Consultant said that she did not give staff instructions about how to get A.B. to the chair or instructions about how to monitor the use of the chair, nor were any instructions given about when reports about the use of the chair should be provided to A.B.'s mother. The District's Consultant stated that she didn't have any research-based information that supported the use of the restraint chair but said she relied on personal experience when making the recommendation to use the chair for A.B. The District's Consultant said at that time she did not see a need for an outside consultant to work with staff to help A.B.

The District Consultant said she had heard A.B. was in the chair for 35-40 minutes. The District's Consultant went on to state that she was flabbergasted when she heard that, if it is true. The District's Consultant did not investigate this claim.

When asked if the restraint chair was used for other students in other schools, the District's Consultant said this type of chair was used for students who engaged in self-injurious behaviors, had severe developmental disabilities, needed help sitting up, or would run from the classroom. When asked how many students were placed in a restraint chair to prevent running, the District's Consultant speculated about five students. The District's Consultant said that some of those students were utilizing a desk with a locked tray and not chairs with straps.

When asked what the pattern and practice was to get students to a restraint chair, the District's Consultant stated that a hand-over-hand escort is utilized and in some cases, if staff is Crisis Prevention Intervention certified, a student may need to be carried.

According to the District's Consultant, since receiving a complaint from The Legal Center about the use of the restraint chair, staff in the Life Skills Program at Lansing is now utilizing a carpet square for A.B.'s time out space. The District's Consultant doesn't know if A.B.'s behavior has become worse without the use of the restraint chair.

When asked if the District's Consultant has seen CDE's rules governing the use of restraint, the District's Consultant stated that she had seen parts of the rules at a special education training about three years ago. The District's Consultant said that she had never seen CDE's guidelines for the use of timeout. The District's Consultant stated that she had seen the District's restraint policy within the last year and that she had received Crisis Prevention Intervention training in August of 2006.

2. Lansing Elementary School Psychologist

The School Psychologist has worked for the District for two years. The School Psychologist was interviewed at Lansing Elementary on January 24, 2007. According to the School Psychologist, A.B. is a student in the Life Skills Program at Lansing with multiple disabilities that include both cognitive and behavior problems. The School Psychologist works with A.B. about 2 times a week. The School Psychologist monitors A.B.'s behavior and tries to keep A.B. on task and redirect A.B. when needed. The School Psychologist provides A.B. with positive feedback, stickers, rewards and very direct instructions. The School Psychologist doesn't use or know about the effectiveness of the restraint chair and can usually redirect A.B. without having to use time out.

The School Psychologist stated A.B.'s problem behaviors include "typical stuff" such as not doing work, running in the classroom and hiding under tables. The School Psychologist said that she has not seen A.B. run but has been told from others that A.B. does run but has never left the building.

With regard to the use of time out and the restraint chair, the School Psychologist stated that A.B.'s behavior plan requires that a choice be presented to A.B. to comply with instructions and if she does not comply she goes to the restraint chair. The School Psychologist said the restraint chair is in the corner of the room near a divider so A.B. can't see what is going on around her and can calm down. The School Psychologist did state the chair has straps. The School Psychologist said the restraint chair should be used if A.B. is biting or flailing as a way to keep her and the adults around her safe. The School Psychologist said A.B. hasn't ever displayed such behavior and the School Psychologist has never observed A.B. in the restraint chair.

When asked how long A.B. may spend in the restraint chair, The School Psychologist stated the behavior plan dictated two minutes but A.B. may spend more time in the chair. The School Psychologist said A.B. will spend as much time in the restraint chair as necessary for staff to determine that A.B. has calmed down. The School Psychologist has never given instructions to strap A.B. in the chair and has not witnessed anyone else giving the teacher instructions to strap A.B. to the chair. The School Psychologist said she never told Teacher #1 to use the chair and that Teacher #1 told the School Psychologist about her use of the restraint chair and the need to put it in the behavior plan. The School Psychologist stated that she questioned Teacher #1 about the purpose of the restraint chair and was told it was being used for safety purposes.

When asked about communication with A.B.'s mom, the School Psychologist stated that at an IEP meeting the issue of A.B.'s behavior was discussed. The School Psychologist stated staff gave updates to A.B.'s mom on the supports that work for A.B. and those that do not. A.B.'s mom provided information about A.B. to staff. The School Psychologist said A.B.'s mom stated A.B. was hard to handle and talking sternly to her helps. The School Psychologist stated the use of the restraint chair was not discussed at this Individual Education Program meeting. According to the School Psychologist, A.B.'s behavior plan was updated in October, 2006. The School Psychologist stated that A.B.'s behavior did not improve after this behavior plan was implemented.

The School Psychologist said A.B.'s mom called a meeting in December because she wanted to discuss the behavior plan again. The School Psychologist said A.B.'s mom was told that staff would have to call her to pick up A.B. when A.B. got out of control. There were no changes to the behavior plan made at this meeting and there was no discussion about the use of the restraint chair. The School Psychologist thinks that Teacher #1 discussed the use of the chair with A.B.'s mom. The School Psychologist does not know if the restraint chair is still being used.

The School Psychologist did not receive any staff voice complaints or concerns to her about the use of the restraint chair and she is not aware of any other schools that use this type of chair.

When asked if the School Psychologist has ever seen CDE's rules governing the use of Restraint or Time Out she stated that she has not seen them recently or at anytime

while she has been working with Aurora Public Schools. The School Psychologist stated that she received CPI training and that the District's rules regarding the use of restraint were reviewed at this training. The School Psychologist stated that she has never seen the District's documents regarding the use of restraint.

3. Lansing Life Skills Paraprofessional #1

Paraprofessional #1 started working in the Life Skills Program at Lansing in October of 2006. Paraprofessional #1 was interviewed at Lansing Elementary on January 9, 2007. When Paraprofessional #1 started work with the District she stated she received training on how to tube feed students but did not receive any training regarding the use of time out, restraint or how to handle crisis situations.

Paraprofessional #1 said that Teacher #1, the Life Skills Program teacher at Lansing, told her to strap A.B. in the restraint chair when she was having attention span problems. Paraprofessional #1 stated she was not given any other instructions from Teacher #1 about how to respond to A.B.'s behavior. Paraprofessional #1 said she was simply told to move A.B. straight to the restraint chair.

When asked about A.B.'s reaction to the use of the chair, Paraprofessional #1 stated that A.B. would not fight staff but that she would go limp and staff wouldn't be able to move her from that position. Paraprofessional #1 said she felt uncomfortable about the use of the restraint chair and would continue to try to re-direct A.B. so she wouldn't have to use the restraint chair.

When asked about how long A.B. would be in the restraint chair, Paraprofessional #1 stated the time would vary from a couple of minutes to forty minutes. Paraprofessional #1 said that staff would watch A.B. while she was in the chair and A.B. would try to wiggle her way out of the chair. Paraprofessional #1 said that she did pick A.B. up and put her in the restraint chair, but only one time, and after that, Paraprofessional #1 refused to use the chair.

When asked if there was any parental notification of the use of the chair, Paraprofessional #1 stated there was no such notification. Paraprofessional #1 went on to say that on one occasion, A.B.'s mom came in to the classroom and saw A.B. strapped in to the chair. At this time, Teacher #1 informed A.B.'s mom that A.B. had tried to run out of the classroom and Teacher #1 then proceeded to say to A.B., "Tell your mom what you did!" Paraprofessional #1 said that she thought A.B.'s mom looked visibly upset.

Paraprofessional #1 stated there were no meetings to discuss the use of the restraint chair and no one knew it was being used outside of the Life Skills classroom until Paraprofessional #1 told the school Principal. Paraprofessional #1 said the Principal seemed concerned about the use of the restraint chair and told Paraprofessional #1 she would speak with Teacher #1 about the use of the restraint chair.

Paraprofessional #1 stated a time out log was not kept and she hadn't seen any District or CDE rules or policies pertaining to the use of restraint or time out.

4. Lansing Life Skills Paraprofessional #2

Paraprofessional #2 is a paraprofessional in the Lansing Life Skills Program. Paraprofessional #2 was interviewed at Lansing Elementary on January 9, 2007. Paraprofessional #2 stated that she received No Child Left Behind training when she started working for the District but did not receive any training about restraint or time out use.

When asked about A.B., Paraprofessional #2 described her as a student with lots of energy who can often be disruptive. Paraprofessional #2 stated that A.B.'s behavior often upsets Teacher #1, the Life Skills Program teacher, and in response to the disruptiveness, Teacher #1 has strapped A.B. in the restraint chair. Paraprofessional #2 stated because A.B. is five years old Paraprofessional #2 didn't think A.B. could be in the chair longer than five minutes. However, Paraprofessional #2 stated on one specific occasion A.B. had been in the chair for approximately eight minutes, when Paraprofessional #2 asked Teacher #1 if it was time to let A.B. out of the restraint chair, Teacher #1 did not allow A.B. to be released because A.B. "... had not been broken yet." Paraprofessional #2 stated A.B. ended up in the chair for 25 minutes. Paraprofessional #2 said she questioned Teacher #1 about the incident to which Teacher #1 told Paraprofessional #2 she had parent permission. Paraprofessional #2 stated A.B. was placed back in the restraint chair about ten minutes later and Paraprofessional #2 questioned the use of the chair again and was told by Teacher #1 that it was fine because she had permission. Paraprofessional #2 said she never saw any consent form regarding the use of the restraint chair. Paraprofessional #2 also said the use of the restraint chair appeared to be a disciplinary tool.

Paraprofessional #2 said that the use of time out or the restraint chair was never documented.

5. Lansing Elementary School Principal

The school Principal at Lansing Elementary was interviewed on January 9, 2007. The Principal stated that the District's Consultant handles the program supervision in the Life Skills Program. The Principal stated that she does attend the IEP meetings for kids in the Life Skills Program. The Principal said that she received Crisis Prevention Intervention training three years ago but has never received any training pertaining to the use of timeout or seclusion. The Principal stated that Lansing uses the District's policies pertaining to time out and restraint.

With regard to A.B., The Principal said that she first heard concerns in October when Paraprofessional #1 came to her with questions about the use of the restraint chair. The Principal instructed Paraprofessional #1 to talk over her concerns with the Life Skills

team. The Principal said that she also spoke with the District Consultant about the use of the restraint chair and was told it was being used for time out purposes.

The Principal said that she did have at least one meeting with A.B.'s mom, and the use of the restraint chair was not discussed. The Principal and other staff from Lansing explained to A.B.'s mom that staff was having a hard time trying to work with A.B. The Principal also said that staff explained to A.B.'s mom that if A.B.'s behavior couldn't be managed then A.B.'s mom would have to come pick A.B. up from school.

The Principal said she understood that A.B. was not supposed to be in the restraint chair for more than five minutes. The Principal was not aware of any documentation kept on when or how long A.B. was in the restraint chair. The Principal also said she does not know how long A.B. may have been in the restraint chair.

When asked if A.B. was seen by the school nurse, the Principal said A.B. saw the nurse any time she had a seizure. The Principal did not believe that A.B. ever had a seizure after spending time in the restraint chair.

The Principal does not believe the restraint chair was used for any other students. The Principal said that there was no known protocol about discussing the use of the restraint chair or time out with parents of students in the Life Skills Program.

The Principal stated she had seen the District's policies regarding the use of restraint and seclusion but doesn't know how or if such information would be communicated to other staff.

6. Lansing Life Skills Teacher #1

Teacher #1 is the teacher for the Life Skills Program at Lansing and has only been working for the district for one year. Teacher #1 was interviewed at Lansing Elementary on January 9, 2007. Teacher #1 received training on Individual Education Program use and the Life Skills Program from the District Consultant. Teacher #1 stated that she did receive Crisis Prevention Intervention training and thinks she has seen the District's policies on the use of restraint and seclusion.

Teacher #1 stated she relies upon the District Consultant for direction in the Life Skills Program and sees the District Consultant 2-3 times a month and speaks with the District Consultant regularly on the phone.

Teacher #1 indicated that she kept a spreadsheet about A.B. and notes in A.B.'s back and forth book. Teacher #1 stated that she, the District Consultant and the Life Skills paraprofessionals had access to the spreadsheets.

Teacher #1 stated she was told to use the restraint chair for A.B. to protect the safety of A.B. and others. Teacher #1 said she was told to use the chair for a two minute time period. Teacher #1 said the District Consultant instructed her to use the chair.

Teacher #1 further stated the chair is used when A.B.: attempts to run away from staff, squirms, hides under tables, or gets tunnel vision and has no idea how to refrain from hurting herself. Teacher #1 stated that she did speak with A.B.'s mom about the use of the restraint chair for A.B. Teacher #1 said that A.B.'s mom was 100% for the use of the restraint chair. Teacher #1 said that she told A.B.'s mom the chair would be used for a two minute time period.

Teacher #1 said the use of the chair was documented in A.B.'s back and forth book and the documentation of the length of time A.B. spent in the chair was included. Teacher #1 said A.B. was never in the restraint chair for more than two minutes. Teacher #1 said a timer was not used but that she would stand and watch the clock to keep track of time. When asked if Teacher #1 consulted with the District Consultant about the two minute time restriction for the restraint chair, Teacher #1 said she was sure she did but that she wasn't sure whether the District Consultant ever saw the restraint chair being used with A.B.

When asked how Teacher #1 got A.B. to go to the restraint chair, Teacher #1 stated that she thinks she would walk her by the hand and that she was not physically able to pick up A.B. Teacher #1 also said that so much was going on that she couldn't really recall how she would get A.B. to the restraint chair. While A.B. is in the restraint chair, Teacher #1 said that A.B. will scream, "NO Mom!" and "NO Sasha!" Teacher #1 said she would then ask A.B. if she was ready to come out of the restraint chair, whether A.B. was sorry for what she did and if A.B. realized what she did was dangerous.

When asked if Teacher #1 had met with A.B.'s mom to discuss A.B.'s behaviors, Teacher #1 stated that three meetings had been scheduled that A.B.'s mom failed to attend but that A.B.'s mom did attend a meeting with the Principal, the School Psychologist and the District Consultant. Teacher #1 said she was unable to attend that meeting.

Teacher #1 said that she had seen the CDE restraint rules and time out guidelines but wasn't sure whether she had seen them while she was at Lansing.

7. A.B.'s Mother

A.B.'s mom was interviewed on March 28, 2007. A.B.'s mom stated that A.B. started school at Crawford Elementary but switched to Lansing Elementary in late August 2006. According to A.B.'s mom, A.B. went to Lansing Elementary because it has a Life Skills Program and the District thought it would be a better placement for A.B.

A.B.'s mom said she has had some problems with Teacher #1 at Lansing Elementary. A.B.'s mom said that she feels Teacher #1 is too tough on A.B. A.B.'s mom said that she has complained to the Principal about Teacher #1. A.B.'s mom said she receives phone calls from school often asking her to come get A.B. because staff can't deal with A.B.