



2024 OCR Update

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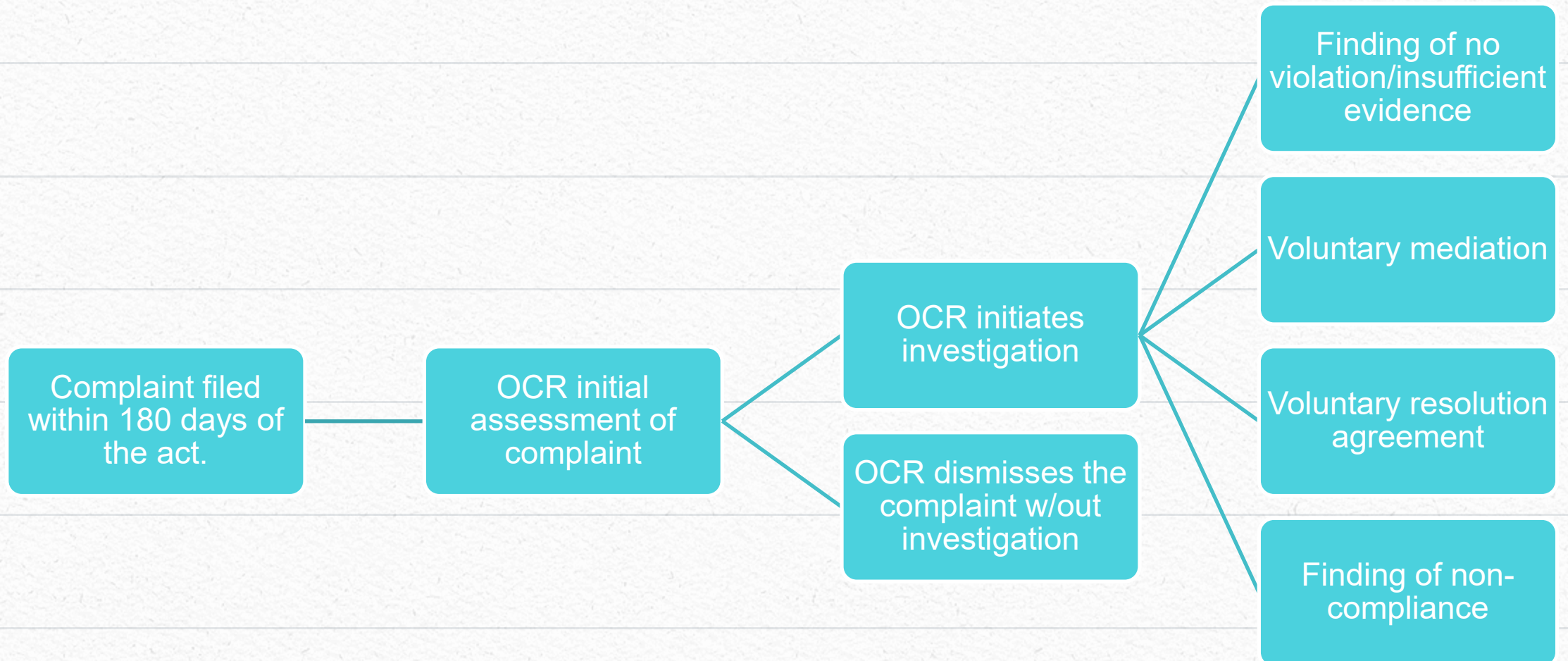
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What is OCR?

- Program within the U.S. Department of Education
- Oversees complaints regarding violations of federal civil rights laws in education, including laws prohibiting discrimination based on:
 - Race
 - National Origin
 - Sex
 - Disability



OCR Complaint Timeline



Resolution Agreements

- If OCR finds a violation, it works with the institution to create a voluntary resolution agreement to address the violations and ensure compliance.
- Most OCR complaints are resolved through dismissal, however, it is estimated that around 10-15% of all OCR complaints are resolved through resolution agreements.
- If no resolution agreement is reached, OCR may pursue enforcement actions, including referral to DOJ or suspension of federal funding.



Four Rivers Special Education District

OCR Compliance Review #05-23-5001



Background

- Four Rivers Special Education District serves special education students from 19 districts in its adjacent area.
- District houses two special education programs:
 - Learning in Functional Environments (LIFE) – 4 classrooms
 - Serves students with multiple disabilities, intellectual impairments, physical/medical needs
 - Emotional Disabilities (ED) – 8 classrooms
 - Serves students with emotional disabilities who require a high degree of structure and consistent behavior expectations.



OCR Investigation and Methodology

- OCR initiated the compliance review on February 13, 2023, and began its investigation on March 23, 2023.
- Investigation included:
 - Review of data;
 - On-site visit with the interviews of 27 District employees;
 - Interviews with parents, students, and former students.
- After review, OCR entered a voluntary resolution agreement with the District on September 5, 2024.



Issue 1: Use of Law Enforcement

- OCR found that the District's use of law enforcement was identified in many students' BIPs as a restrictive disciplinary measure.
- According to the District, administrators only contact police for the following student misbehavior:
 - Illegal drugs
 - Weapons
 - Physical aggression with intent to harm
 - Serious threats
 - Students leaving school grounds



Frequency of Law Enforcement Contacts

- 2021-2022 School Year:
 - Total Calls: 96
 - Key Reasons: out of bounds (60), noncompliance (12), physical aggression (10), possession of drugs (3), disrespect (3), disruption (2), inappropriate language (2), fighting (2), property damage (1), and phone violation (1).
- 2022-2023 School Year:
 - Total Calls: 50
 - Key Reasons: leaving class/grounds (20), noncompliance (11), disruption (8), physical aggression (3), disrespect (2), fighting (2), inappropriate language (2), threats to staff (1), and harassment (1).



Frequency of Law Enforcement Contacts

- District's reasons for calls:
 - Well-checks
 - Physical aggression
 - Mental health eval/assessment
 - Drugs
 - De-escalation
- District called LE about the same student on multiple occasions, including one student 5 times in 2021-22 and another 6 times in 2022-23.



Documentation and Record-Keeping Issues

- District policy requires the use of a *Police Incident Report* form to document when law enforcement is contacted to address student concerns.
- Police Incident Report Forms:
 - 88 forms for 2021-2022
 - 36 forms for 2022-2023
- Deficiencies:
 - Missing data on time out of school due to each encounter
 - Lack of cumulative instructional time missed over the school year tracking



Issue 2: Use of the Crisis Room

- Description of Crisis Rooms:
 - Size: 103" x 109"
 - Features: Bare rooms, steel frames, no doors
 - Location: Main hallway, adjacent to calming room
- Functions:
 - Intervention tool
 - Disciplinary measure



Procedures for Using the Crisis Room

- Student access:
 - Self-request to calm down or self-regulate
 - Removal from classroom and supervision by Crisis Team member
- Documentation:
 - Crisis Room Referral Form sent to parents by mail
- Staff involvement:
 - Crisis Team members supervise without IEP/BIP familiarity and did not implement IEP/BIP as part of supervision in Room



Frequency of Crisis Room Use

- 2021-2022 School Year: 366 uses
- 2022-2023 School Year: 606 uses
- Key Issues:
 - Lack of detailed incident descriptions, including behavior and environmental factors pre-escalation and de-escalation techniques implemented.
 - No tracking of time spent by students in the Crisis Room on individual instances or cumulatively.



Impact of Disciplinary Incidents on FAPE

- Lack of reevaluation criteria:
 - No automatic IEP team reconvening
 - Reevaluations only at parent's request
- Case studies -- students A-H:
 - Extensive time spent in Crisis Room, eloping from class, or with law enforcement during the school day.
 - Examples of repetitive incidents
- Impact on education:
 - Missed instructional time
 - No re-evaluation meetings or MDRs during 2022-23 school year



OCR's Analysis and Compliance Concerns

- IEP team considerations:
 - Failure to address frequent absences and need for placement changes
- Inappropriate law enforcement referrals:
 - Contacts for non-severe behaviors like disruption and inappropriate language
- Record-keeping deficiencies:
 - Incomplete documentation of incidents and law enforcement contacts



OCR's Analysis and Compliance Concerns

- Lack of established policies:
 - No evidence of policies or procedures regarding the use of the Crisis Room or law enforcement.
- Insufficient training:
 - No evidence that the District provided training for employees regarding the use of Crisis Room or law enforcement.



Resolution Agreement

- IEP meetings:
 - Convene meetings for all students missing instructional time due to time spent in Crisis Room or law enforcement involvement during 2021-22 and 2022-23 school years.
- Policy development:
 - Implement policies for Crisis Room and law enforcement contacts.
- Record-keeping:
 - Develop and implement record-keeping system to ensure accurate and timely documentation of each instance of law enforcement intervention and Crisis Room use.
- Trainings:
 - Train admin, teachers, paras, and social workers on compliance with SPED law and use of law enforcement/Crisis Room.



Takeaways

1. Ensure you have policies regarding how and when isolation rooms and law enforcement intervention should be utilized.
2. Ensure that all relevant employees are trained in the use of isolation rooms and law enforcement.
3. Ensure that your team monitors how much time students spend out of the classroom (eloping, ISS, Crisis Rooms, with law enforcement).
4. Ensure that you have some criteria to determine when you need to reconvene IEP teams or reevaluate a student who has missed excessive instructional time due to the use of law enforcement to address misconduct or isolation room.



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Thank you!