

# **Ventura County Grand Jury 2015 - 2016**



## **Final Report**

### **Phoenix School Safety**

**April 28, 2016**

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## **Phoenix School Safety**

### **Summary**

When parents send their children to school in the morning, they trust their children will have a productive day of learning in a safe environment. Similarly, when teachers report to work they hope to focus their efforts on teaching without fear for their safety and that of their students. Unfortunately, with the increase in school violence over the past several years, children, parents, and teachers no longer feel as safe as they once did.

The 2015-2016 Ventura County Grand Jury (Grand Jury) opened an investigation based on a public complaint about safety in the Phoenix schools in Ventura County. The Phoenix schools serve students with serious emotional disturbance from all of Ventura County and the Las Virgenes Unified School District.

From this investigation, the Grand Jury learned that Phoenix schools provide an intensive educational program for their students through low enrollment and high staff-to-student ratios. Although Phoenix students often act out in frustration, the staff is well trained in, and regularly uses, techniques to de-escalate hostile behavior at the earliest possible stage. Despite the consistent use of positive behavioral interventions, administrators at the Phoenix-Airport campus call law enforcement an average of two to three times weekly for situations they are unable to de-escalate. However, responding patrol officers may not have Crisis Intervention Team training to be able to deal effectively with these emotionally disturbed students. The Grand Jury also learned that it is the position of the Ventura County Office of Education that having a dedicated School Resource Officer would escalate rather than defuse volatile situations in the Phoenix schools.

The National Education Association has established best practices regarding school safety. These practices recommend that schools partner with law enforcement (and social service agencies) to promote a safe environment. Ideally, a sworn School Resource Officer should be dedicated to one school and work collaboratively with staff and students to build positive relationships and to support administration with crisis intervention.

The Grand Jury recommends that the Ventura County Sheriff and the Ventura County Superintendent of Schools formalize a collaborative relationship to increase law enforcement presence on all Phoenix campuses. Additionally, the Grand Jury recommends that the Ventura County Sheriff ensure that any patrol officers who may be called to respond to a Phoenix school have Crisis Intervention Team training. Finally, the Grand Jury recommends that the Ventura County Board of Education authorize and seek funds for a dedicated School Resource Officer for the Phoenix-Airport campus.

### **Background**

The California Education Code Section 56195 authorizes the formation of Special Education Local Plan Areas (SELPA) to develop and administer programs and

services for teachers and parents of special education students. The Ventura County SELPA was formed in 1980 and serves all districts in Ventura County (County), the Ventura County Office of Education (VCOE), and the Las Virgenes Unified School District. (Ref-01)

According to the 2004 Individuals with Disabilities Education Act (IDEA), students have the right to a free and appropriate education in the least restrictive environment. Ideally, each student shall receive instruction in a general education classroom setting. If a student's parent or teacher believes that, to be successful, the student needs an Individual Education Plan (IEP), an IEP team is formed. The team is comprised of at least one of the student's parents or guardians, at least one of the student's general education teachers, a special education teacher, a school administrator, and the behavioral health specialist who assessed the student. Students age 16 or older may be included in the team. The IEP team may decide that specialist support is needed to supplement the general education classroom setting. If this additional support is insufficient, a student may then be assigned to a special education classroom. Ventura County provides three specialized schools called the "Phoenix" schools for students with serious emotional disturbance that interferes with learning in a special education classroom. (Ref-02)

In response to a public complaint regarding safety in the Phoenix Schools, the Grand Jury conducted an investigation into their policies and procedures.

## **Methodology**

The Grand Jury conducted this investigation by:

- interviewing various personnel responsible for the establishment and/or administration of policies and procedures regarding Phoenix school safety
- reviewing the policies and procedures for the use of the Behavior Emergency Report (BER) and the Behavior De-Briefing Worksheet
- evaluating data provided by the Ventura County Sheriff on calls for service, including 9-1-1 calls, from selected schools in Ventura County
- evaluating data received from the Ventura County SELPA and VCOE
- visiting the Phoenix school sites
- researching federal law regarding the Individuals with Disabilities Education Act
- researching the California Education Code
- reviewing newspaper articles
- conducting internet research on best practices for school safety, on school resource officers, and on interaction between school resource officers and special education students

**Facts**

**FA-01.** According to the California Welfare & Institutions Code Section 5600.3,

“...seriously emotionally disturbed children or adolescents...” refers to “...minors under the age of 18 years who have a mental disorder as identified in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders, other than a primary substance use disorder or developmental disorder, which results in behavior inappropriate to the child’s age according to expected developmental norms. Members of this target population shall meet one or more of the following criteria:

(A)As a result of the mental disorder the child has substantial impairment in at least two of the following areas:

- self-care,
- school functioning,
- family relationships,
- or ability to function in the community;

and either of the following occur:

(i)The child is at risk of removal from home or has already been removed from the home.

(ii)The mental disorder and impairments have been present for more than six months or are likely to continue for more than one year without treatment.

(B)The child displays one of the following: psychotic features, risk of suicide or risk of violence due to a mental disorder.

(C)The child meets special education eligibility requirements under Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code.”

(Ref-03)

**FA-02.** Phoenix Schools are operated by the VCOE in collaboration with SELPA. They provide an intensive educational program for students with serious emotional disturbance. Phoenix schools have a typical class size of eight students with a Teacher and two Instructional Assistants. Every student is assigned to an “Intensive School Based Therapist”, a licensed psychotherapist employed by the VCOE who works onsite to provide individual and group therapy. Phoenix schools also have quiet rooms with counselors for crisis intervention and de-escalation. (Ref-04)

**FA-03.** The VCOE operates three Phoenix schools:

<u>School</u>	<u>Grade Levels</u>	<u>2014/2015 Enrollment</u>
Phoenix-Airport	6-12	56
Phoenix-Los Nogales	K-5	22
Phoenix-Moorpark	2-8	15

(Ref-05)

**FA-04.** Nonviolent Crisis Intervention Training (NCIT) is a program that teaches techniques that are used to safely defuse hostile behavior at the earliest possible stage. All Phoenix teachers and staff receive two days of annual training in this program from VCOE trainers. *Note: VCOE refers to NCIT as Nonviolent Crisis Prevention Intervention (NCPI).* (Ref-06)

**FA-05.** CHAMPS (Conversation, Help, Activity, Movement, Participation, Success) is a positive behavioral intervention model used by VCOE staff. The model is based on setting clear expectations, providing support through building relationships, and using non-threatening de-escalation techniques. Phoenix administrators, teachers, substitutes, instructional assistants, bus drivers, and yard duty supervisors receive training in CHAMPS from VCOE trainers. (Ref-07)

**FA-06.** When a student acts out, staff interventions initially focus on active listening. When a student does not respond positively and the behavior continues to escalate to a potentially dangerous level, 9-1-1 is called.

After dealing with a student who has acted out, Phoenix school teachers and staff complete the Behavior Debriefing Worksheet to document actions taken and to facilitate their debriefing discussion. The worksheet contains the following:

- examples of potential acting out behavior
- space for staff to document the specific student’s behavior
- examples of suggested staff responses and interventions
- a checklist for staff to note the specific interventions used

Completed worksheets are forwarded to SELPA for review and further evaluation.

(Ref-04) (Att-01)

**FA-07.** Behavior Emergency Reports (BER) are completed when the behavior of a special education student requires the use of restraint to prevent injury to the student or others and/or when property damage greater than \$500 has occurred. Reports are forwarded to SELPA for further evaluation. (Ref-04) (Att-02, Att-03)

**FA-08.** Two hundred BERs were filed for all Ventura County schools for the 2014-2015 school year. Seventy-eight (39%) were from Phoenix schools. Of the 78 BERs filed by Phoenix schools, 18 (23%) reported bodily injury to the

student. None of the injuries were life threatening. The great majority of injuries were minor and self-inflicted. These minor injuries included abrasions or bruising from head butting or punching a wall. None of the bodily injuries occurred at Phoenix-Airport.

- FA-09.** Thirty-one BERs resulted in a call to law enforcement. Twenty-three (74%) were from Phoenix schools.
- FA-10.** For the period July 1, 2014 to June 30, 2015, Phoenix-Airport placed 102 “calls for service” to law enforcement – an average of two to three per school week. Phoenix-Los Nogales made 54 calls and Phoenix-Moorpark made 39 calls for the same period. None of the calls for service resulted in an arrest.
- FA-11.** Per the National Education Association, there are best practices for school safety that emphasize “...relationships are key to school safety and [it] advises its members to foster safe schools by creating partnerships with law enforcement and social services agencies.” The VCOE has acknowledged the need for stronger collaboration with law enforcement. (Ref-08)
- FA-12.** According to the National Association of School Resource Officers (NASRO), “...school resource officers also known as a “school safety liaison,” or “campus police,” refers to commissioned law-enforcement officers selected, trained, and assigned to protect and serve the education environment.” School Resource Officer (SRO) duties may include acting in the role of mentor, educator, and law enforcer. NASRO training includes 40 hours of classes on a variety of subjects including:
- understanding special needs students
  - SRO as an informal counselor/mentor
  - threat response: preventing violence in school settings
- (Ref-08, Ref-09)
- FA-13.** According to the National Education Association, “The decision about whether to place an SRO in a school building should be part of an overall community-developed plan to prevent violence against our children and ensure access to counseling, social services, and mental health services for any and all who need them.” (Ref-10)
- FA-14.** According to a 2012 study conducted at Mississippi State University and Eastern Kentucky University, “SROs who spend more time as law-related educators have more positive attitudes towards special education students than those who see themselves primarily as law enforcers.” (Ref-11)
- FA-15.** As stated by the *Los Angeles Times*, “Across the nation, campus officers are facing criticism that they’re pushing children into a “school-to-prison-pipeline” with citations, arrests and excessive force for issues that could be resolved by other means. National studies show that one arrest doubles a student’s odds of dropping out.” (Ref-12)

- FA-16.** The position of the Ventura County Office of Education is that the presence of a dedicated SRO on a Phoenix campus would escalate, rather than defuse, volatile situations and could result in arrests.
- FA-17.** An SRO was assigned to the Phoenix-Airport school and a neighboring school for the school year 2009-2010. The SRO position was not a dedicated officer, but was filled by various Camarillo police officers who volunteered to work overtime. (Ref-13)
- FA-18.** Approximately 74% of Ventura County Sheriff's deputies have received 40 hours of Crisis Intervention Team (CIT) training. CIT training is designed to educate officers about mental illness, developmental disability, and conflict resolution skills. This training protects both the mentally ill and responding officers from potential violence. The CIT training is a collaborative effort of Ventura County Behavioral Health and County law enforcement. (Ref-14, Ref-15)

## **Findings**

- FI-01.** The Grand Jury found that Phoenix school personnel are well trained and work collaboratively using NCPI protocol and CHAMPS behavioral interventions to teach positive behaviors and to de-escalate volatile situations involving students. (FA-04, FA-05)
- FI-02.** The Grand Jury found that the VCOE believes that using NCPI and CHAMPS positive behavioral interventions are preferable strategies to promote school safety rather than having a dedicated SRO on campus. (FA-04, FA-05, FA-16)
- FI-03.** The collaborative relationship between the Ventura County Office of Education and law enforcement is not as strong as the best practice recommended by the National Education Association. (FA-11, FA-16)
- FI-04.** Students at Phoenix schools often act out in frustration. Despite the high staff-to-student ratios and the consistent use of positive behavioral interventions, administrators at Phoenix-Airport still call law enforcement on an average of 2-3 times weekly for support with situations they are unable to de-escalate. (FA-01, FA-02, FA-08, FA-09, FA-10)
- FI-05.** School Resource Officers should be dedicated to a particular school in order to work most effectively with both students and faculty. In particular, when working with special education students, it is essential that the SRO focus his/her attention on developing relationships and acting as a mentor and educator rather than exclusively as a law enforcer. (FA-11, FA-12, FA-13, FA-14, FA-17)
- FI-06.** While SROs can be invaluable additions to enhance school safety and support faculty and administration, it may be difficult to justify employing a dedicated SRO at each Phoenix school because of the low enrollments, low number of incidents resulting in serious bodily harm, and the absence of arrests. (FA-03, FA-08, FA-10)

- FI-07.** The Grand Jury found that when a school calls for law enforcement support, responding patrol officers may not have CIT training. With seriously emotionally disturbed children, this lack of training may escalate rather than de-escalate a situation and result in violence. (FA-18)
- FI-08.** The Grand Jury found that a formally trained and dedicated SRO would be even more effective at preventing or de-escalating volatile situations than a patrol officer with only CIT training. (FA-05, FA-11, FA-12, FA-18)

## **Recommendations**

- R-01.** The Grand Jury recommends that the Ventura County Board of Education, the Ventura County Superintendent of Schools, and the Ventura County Sheriff formalize a collaborative relationship to increase law enforcement presence on all Phoenix school campuses. (FI-03, FI-04, FI-05, FI-07)
- R-02.** The Grand Jury recommends that the Ventura County Board of Education authorize and seek funds for a dedicated School Resource Officer for the Phoenix-Airport campus to serve as a mentor to students and to support administration with crisis intervention. (FI-04, FI-05, FI-07, FI-08)
- R-03.** The Grand Jury recommends that the Ventura County Sheriff ensure that all patrol officers, who may be called to respond to a Phoenix school, be CIT trained to be able to work safely and effectively with seriously emotionally disturbed students. (FI-03, FI-04, FI-07)

## **Responses**

### Responses Required From:

Ventura County Board of Education (FI-02, FI-03, FI-05, FI-06) (R-01, R-02)

Ventura County Sheriff (FI-03, FI-04, FI-05, FI-07, FI-08) (R-01, R-03)

Ventura County Superintendent of Schools (FI-02, FI-03, FI-04, FI-05, FI-06) (R-01)

## **Commendations**

The Grand Jury commends the personnel of the Ventura County Special Education Local Plan Area, Ventura County Office of Education, and Phoenix schools for their dedication in teaching positive behaviors and communication skills to the Phoenix staff and students.

The Grand Jury also commends the Ventura County Sheriff for his leadership and diligent efforts to provide Crisis Intervention Team training for all deputy sheriffs.

## **References**

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- Ref-03.** California Welfare & Institutions Code, Section 5600-3,  
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- Ref-06.** CPI [Crisis Prevention Intervention], “Non crisis intervention training”,  
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- Ref-09.** National Association of School Resource Officers, “Basic SRO Course”,  
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- Ref-10.** Van Roekel, D., “NEA [National Education Association] Letter to Vice President Biden on Reducing Gun Violence,” January 4, 2013,  
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- Ref-11.** May, D., Rice, C., and Minor, K., “An Examination of School Resource Officers’ Attitudes Regarding Behavioral Issues among Students Receiving Special Education Services,” *Current Issues in Education*, Volume 15, No.3, 2012,  
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- Ref-12.** Watanabe, Teresa, “A SOFT APPROACH,” *Los Angeles Times*, November 30, 2015,  
<http://www.latimes.com/local/la-todays-paper-20151130-htmlstory.html> (accessed March 31, 2016).

- Ref-13.** Knight, Michelle, "Agreement between police department and continuation school will make campus safer", *The Camarillo Acorn*, April 9, 2010,  
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- Ref-14.** 2011-2012 Ventura County Grand Jury, "Crisis Intervention Team," *2011-2012 Ventura County Grand Jury Final Report*, June 13, 2012,  
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## **Attachments**

- Att-01.** Behavior De-briefing Worksheet
- Att-02.** Behavior Emergency Report
- Att-03.** Behavior Emergency Report Checklist

## **Glossary**

**TERM**

**DEFINITION**

Acting out

Inappropriate and disruptive behavior

BER

Behavior Emergency Report

CHAMPS

Conversation, Help, Activity, Movement, Participation, Success; a positive behavioral intervention model

CIT

Crisis Intervention Team

Grand Jury

2015-2016 Ventura County Grand Jury

NASRO

National Association of School Resource Officers

NCPI

Nonviolent Crisis Prevention Intervention

SELPA

Special Education Local Plan Area

SRO

School Resource Officer

VCOE

Ventura County Office of Education

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**Attachment 01**

**Behavior De-briefing Worksheet**



**Behavior De-briefing Worksheet**

EXAMPLES OF OBSERVABLE BEHAVIOR	DESCRIBE STUDENT BEHAVIOR/DESCRIPTION OF INCIDENT	CHECK STAFF RESPONSE USED/EMERGENCY INTERVENTION	EXAMPLES OF STAFF BEHAVIOR/ INTERVENTION TECHNIQUES
Pacing, nervousness, shaking, change in eye contact, change in facial expression, change in posture, movement to specific area, change in rate of speech	ANXIETY:	<input type="checkbox"/> proximity <input type="checkbox"/> counseling <input type="checkbox"/> restructure <input type="checkbox"/> routine/environment <input type="checkbox"/> accommodate <input type="checkbox"/> materials/expectations <input type="checkbox"/> referral to: _____ _____ _____	Move close to student w/o invading personal space; active reflective listening; attend to complaints/requests; simplify work; change directions; offer help; separate from bothersome stimuli; calming techniques; give choices  Use simple clear language; reasonable; enforceable and understandable limits; restate positive consequences; separate from group; remove dangerous implements; assemble team members, allow venting.
Loud noises or speech, questions, refusals, swearing, name calling, challenging, threatening, increase in breathing and/or heart rate.	DEFENSIVE: (question, refuse, vent, intimidate)	<input type="checkbox"/> redirect, restate direction <input type="checkbox"/> set limits <input type="checkbox"/> minimize attention during calming within group <input type="checkbox"/> separate student from group <input type="checkbox"/> separate the group from student	
Hit/kick/throw objects at other people, running in dangerous area (e.g., street), self injury (e.g. pounding on windows, stabbing with pencil). Note: For "serious property damage," restraints may not be used.	ACTING OUT:	Intervention Team: <input type="checkbox"/> clear area <input type="checkbox"/> visual supervision <input type="checkbox"/> block <input type="checkbox"/> release <input type="checkbox"/> child control <input type="checkbox"/> team control <input type="checkbox"/> interim control <input type="checkbox"/> transport position <input type="checkbox"/> call administrator <input type="checkbox"/> other _____	Maintain safe distance from acting out person; remove bystanders if still in area, plan for team intervention if necessary, implement non harmful, physical intervention as a last resort.
Reduction of above behaviors, can answer simple questions rationally, can follow simple directions such as "Take a deep breath", briefly discuss incident w/o re-escalation, breathing and heart rate return to resting rate.	TENSION REDUCTION:	<input type="checkbox"/> review events <input type="checkbox"/> review schedule <input type="checkbox"/> make plan: _____ _____ _____ _____ _____ _____	
	INJURY/MEDICAL:		<input type="checkbox"/> sent to nurse/health office <input type="checkbox"/> first aid <input type="checkbox"/> CPR <input type="checkbox"/> 911 Paramedics

REMINDER: Refer to "Behavioral Emergency Report Checklist"

Reviewed by: \_\_\_\_\_

Designated Administrator

Copies to:  District Office

Site

SELPA

**Attachment 2**  
**Behavior Emergency Report**



**Behavior Emergency Report**  
Ventura County SELPA

EC56521.1 (a): "Emergency interventions may only be used to control unpredictable, spontaneous behavior that poses clear and present danger of serious physical harm to the individual with exceptional needs or others and that cannot be immediately prevented by a response less restrictive than the temporary application of a technique used to control the behavior." EC 56521.1 (e). To prevent emergency interventions from being used in lieu of planned, systematic behavioral interventions, the parent, guardian, and residential care provider, if appropriate, shall be notified within one school day if an emergency intervention is used or serious property damage occurs.

All school districts in the Ventura County SELPA or Non-Public Schools serving Ventura County SELPA students may only use techniques of emergency intervention taught by a certified instructor of the Nonviolent Crisis Intervention® program.

Student: \_\_\_\_\_ Date: \_\_\_\_\_ Time: \_\_\_\_\_

Age: \_\_\_\_\_ School: \_\_\_\_\_ SSID: \_\_\_\_\_ District: \_\_\_\_\_

Setting & Location of Incident: \_\_\_\_\_

Description of Incident: \_\_\_\_\_

Emergency Intervention used (if applicable): \_\_\_\_\_

People involved (names/titles): \_\_\_\_\_

Staff person(s) completing report (names/titles): \_\_\_\_\_

Amount of time emergency procedure was used (if applicable): \_\_\_\_\_

Injury/Medical involvement: \_\_\_\_\_

Law Enforcement Agency called:  Yes  No

If Yes - Name of Person Who Took The Report: \_\_\_\_\_

This student has an FBA-based Behavior Intervention Plan:  Yes  No

Staff Involved will review incident and complete the information on the Behavior De-briefing Worksheet.

Copies to:  District Office  Site  SELPA

**Attachment 03**

**Behavior Emergency Report Checklist**

**Behavior Emergency Report Checklist**  
Ventura County SELPA

- |  | <b>Note date and initial of person responsible:</b> |
|--|---|
| 1. The parent and/or residential care provider, if appropriate, shall be notified within one school day of the occurrence of the Behavior Emergency.   | _____ / _____                                       |
| 2. The Behavior Emergency Report shall immediately be completed and maintained in the student's file.  | _____ / _____                                       |
| 3. The Behavior Emergency Report shall immediately be forwarded to, and reviewed by, the designated responsible administrator.   | _____ / _____                                       |
| 4. If the Behavior Emergency Report was written regarding a student who <u>does not have</u> an FBA-based Behavior Intervention Plan, the designated responsible administrator shall, within two days, schedule an IEP team meeting to review the Emergency Report to determine the necessity for a Functional Behavior Assessment and to determine the necessity for an Interim Behavior Intervention Plan. | _____ / _____                                       |
| 5. If the Behavior Emergency Report was written regarding a student <u>who has</u> an FBA-based Behavior Intervention Plan, any incident involving a previously unseen serious behavior problem or where a previously designed intervention is not effective should be referred to the IEP team to review and determine if the incident constitutes a need to modify the plan.                               | _____ / _____                                       |
| 6. Responsible administrator will forward copy of the Behavior Emergency Report to the District Office and SELPA. If an NPS, a copy shall also be forwarded to a representative of the District of Responsibility.   | _____ / _____                                       |

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