

EQUIP FOR EQUALITY
A SPECIAL REPORT
from the Special Education Rights Clinic

**Youth in Crisis: Stop Civil Rights
Violations against Vulnerable
Students with Disabilities at the
Cook County Juvenile Detention
Center and Its Alternative School**

Advancing the Human & Civil Rights of People with Disabilities in Illinois.



Youth in Crisis: Stop Civil Rights Violations against Vulnerable Students with Disabilities at the Cook County Juvenile Detention Center and Its Alternative School

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Executive Summary

The children in the Juvenile Temporary Detention Center (“JTDC”) are some of the most vulnerable youth in Cook County, many having experienced significant trauma and violence as part of their daily existence. The JTDC is the juvenile jail for Cook County, housing youth awaiting adjudication of their cases, as well as youth who have been transferred from juvenile to adult jurisdiction and would otherwise be housed in an adult jail. The JTDC is perfectly situated to provide critical services to help steer these youth away from further court-involvement and into productive lives in the community. Tragically, not only is it failing in this regard, but it is often making this problem worse. Not providing appropriate educational and mental health supports and using excessive confinement and dangerous physical restraint practices all lead to further trauma, despair, and both physical and emotional injury. Unaddressed disabilities and inadequate services contribute to the system’s failure at rehabilitation. This is especially concerning since 30-50% of the youth at the JTDC at any given time have an Individualized Education Program (“IEP”) or 504 Plan. Reform is needed to transform the JTDC into a place where young lives are given positive direction and hope for a brighter future.

From November 22, 2021, through January of 2023, Equip for Equality conducted site visits at the JTDC and Nancy B. Jefferson Alternative High School (“NBJ”), the alternative high school operated by Chicago Public Schools (“CPS”) within the JTDC. After more than 1,000 hours of observations, interviews, and examination of records, EFE identified significant failures in four primary categories: (1) special education services, (2) “behavioral modification” and discipline systems, (3) restraint practices, and (4) facility accessibility. If these problems remain unaddressed, there is little hope for rehabilitation of our most vulnerable youth in the JTDC.

I. Special Education Services Are Grossly Inadequate and Violate Federal and State Law

NBJ violates federal and state special education laws by ignoring mandated timelines, not providing services based on students’ individual needs, and, at times, not providing any services at all. This results in critical missed educational opportunities for students who are often excluded from school and in desperate need of educational services to prevent them from cycling in and out of the criminal system. Violations include:

- Youth confined in the Reset, Recovery, and Stabilization pods often have no special education teachers or direct instruction. Reset, Recovery, and Stabilization are pods that serve youth with challenging behaviors or significant mental illness.
- NBJ fails to provide special education services to students in a timely manner, and sometimes not at all, often resulting in a significant regression in student progress putting them even further behind when they reenter their neighborhood school.
- IEPs often fail to reflect a student’s unique needs and instead reflect only the meager services currently available at NBJ. NBJ would benefit from more special education teachers and social workers, and has offered no direct services in speech, or occupational and physical therapy.

- There are few programs that would position these youth for productive lives outside the prison system such as vocational and independent living skills training, and the use of assistive technology.

II. “Behavioral Modification” and Discipline Systems are Ineffective and Harmful to Youth While also Violating State and Federal Law

The JTDC’s “behavioral modification” and discipline systems prioritize compliance over rehabilitation, and disproportionately penalize youth with disabilities rather than meet their needs. The current system is not only counter-productive but also violates the law and the JTDC’s own policies. Violations include:

- NBJ ignores the protections afforded to students with disabilities under the Individuals with Disabilities Education Act and Illinois law by relinquishing all discipline to JTDC staff. JTDC staff are not trained on the rights of students with disabilities and do not receive any information on the students’ disabilities, interventions, accommodations, or goals contained in their IEPs and behavior intervention plans.
- The punitive behavior modification system provides limited positive youth programming to build skills and does not account for a youth’s disability-related actions, resulting in the over-punishment of students with disabilities.
- The level system and behavior plans have limited positive programming, are inconsistently applied, and include arbitrary requirements that delay youth from moving to higher privilege levels.
- Lengthy and excessive use of room confinement and holding pods negatively impact youths’ academic and social-emotional growth and health.
- The JTDC does not have an adequate grievance system, at times causing youth to intentionally violate rules to avoid unsafe conditions.

III. The JTDC Restrains Students in Violation of the Law, Injuring and Traumatizing Youth

The JTDC’s punitive and excessively aggressive use of physical restraint, including prone (face-down) and supine restraints (according to youth), results in serious injuries to youth, as well as trauma to both the restrained youth and youth witnesses. Prone restraints can be fatal and must be prohibited. Contrary to the law, best practices, and policy, dangerous physical restraints are used illegally as a means of discipline instead of only in instances where there is an imminent danger of serious harm to the youth or others. Violations include:

- The JTDC and NBJ violate the law, Illinois Juvenile Detention Standards, and the JTDC’s own policies through its inappropriate use of restraint both during and outside the school day where there is no imminent danger of serious harm to the youth or others.

- The JTDC and NBJ fail to consistently and accurately complete incident reports, notify parents of physical restraints, and hold meetings on how to avoid the use of physical restraints, perpetuating this dangerous practice instead of working towards its reduction.
- Mental health support after incidents of physical restraint is insufficient for restrained youth and not available to youth who witness the incidents and may experience vicarious trauma.

IV. The JTDC Violates the Law Due to Accessibility Barriers that Exclude Youth with Disabilities

The JTDC’s accessibility barriers result in the exclusion of youth with physical disabilities from regular pods where youth “live,” engage in recreation, and receive programming. Violations include:

- The medical pods are used illegally to house students with disabilities who are not ill and, alarmingly, do not even have accessible bathrooms and showers.
- Youth with physical disabilities are not allowed to use elevators to access programs.
- Youth do not consistently have access to corrective eyewear and appropriate medical care.

Equip for Equality Calls for the Closure of the JTDC and NBJ and the Transition of Youth to Smaller Settings

Close to a year ago, the Blue Ribbon Committee appointed by the Chief Judge of the Circuit Court of Cook County—charged with examining the use of room confinement at the JTDC and other issues—released a scathing report that documented excessive confinement of youth in their cells without accurate tracking of such isolation. The report further found an excessively punitive “behavioral modification system” based on compliance and control rather than rehabilitation. The Committee recommended reforms and the downsizing of the JTDC.

During our on-site visits to the JTDC we observed the same problems and had the same serious concerns as the members of the Blue Ribbon Committee. Even during our recent site visits, we did not observe significant improvements in these areas.

Equip for Equality is calling for the closure of the JTDC and NBJ and a move to housing these youth in smaller, community-based settings based on our leading findings:

- The civil rights of students with disabilities and other youth are routinely being violated.
- There is an unjust and excessive use of physical restraints and seclusion, often as punishment, with a wanton disregard of state law, including prone restraint, according to youth, which is the most dangerous form of this practice. Unfortunately, recording keeping provides little detail.

- If our goal is to rehabilitate and support youth with disabilities and others in turning their lives around, spending time in the JTDC is antithetical to that goal.

While plans are moving forward to close the JTDC and before the new, smaller settings are in place for youth to transition to, it is critical that the youth be kept safe and some significant improvements are made. A challenge of enhancing safety at the JTDC is that there are an unusual, complicated mix of local and state judicial entities and executive agencies that play a role in the oversight of the facility making it more difficult to hold public officials accountable.

A joint action plan should be developed to ensure that on-site monitors and other experts are spending significant time at the facility to watch over the youth and alert local and state judicial and executive entities of emerging problems or situations that are harmful to the youth or will likely result in trauma.

Furthermore, Equip for Equality recommends that youth and their families be given easy access to free legal services to assist them in resolving specific problems as they arise.

Equip for Equality offers our assistance and support of this effort if it is undertaken.

If the Decision is Made Not to Close the JTDC, Immediate Steps Need to be Taken to Institute Fundamental Reforms

If the decision is made not to close the JTDC, it must be transformed into a place of rehabilitation and eliminate the punitive “behavior modification” and discipline systems. To do so, the JTDC and NBJ must fundamentally alter current policies, procedures, and practices to ensure all youth, including those with disabilities, receive the appropriate education to which they are legally entitled with trauma-informed, positive behavioral interventions and programming.

The widespread, punitive and excessive use of physical restraints—a dangerous intervention for the youth and the staff who employ them—must be limited to situations authorized by law, fully documented and reported. The use of dangerous, sometimes-fatal prone restraint must be prohibited.

The JTDC Superintendent must develop an action plan to comply with its own policies and state and federal laws in the identified four areas. To ensure the Superintendent and NBJ implement the critical improvements and sustain them, the existing mix of local and state judicial entities and executive agencies must each play their part in turning the JTDC and NBJ around— the Office of the Chief Judge, the Cook County Commissioners, AOIC, CPS, DJJ, Department of Children and Family Services and the Illinois State Board of Education.

There must be transformation of the JTDC and NBJ to a place of rehabilitation for our youth who may have little other opportunity for positive change. Collaboration among these responsible parties and stakeholders is critical to effectuate the necessary change.

Equip for Equality Calls for Review of Local Juvenile Detention Centers Statewide and the Streamlining and Enhancement of the Oversight System

While this report focuses on the Cook County JTDC and NBJ, Equip for Equality has concerns about reports of very serious problems at other detention centers across the state. The DJJ's monitoring reports highlight some of these problems, but these audits are limited to collecting information from detention center leadership, staff, youth, observations and review of data on narrowly defined standards developed by the state judicial and executive entities. A more complete understanding of what is happening at the juvenile detention centers is needed.

Even with their limitations, the DJJ audits in 2022 have identified the following concerns, among many others, impacting youth at juvenile detention centers throughout Illinois:

- **Significant staffing shortages:** Staffing shortages are leading to increased confinement and a dearth of positive programming.
- **Punitive use of confinement:** Inappropriate behavioral supports are leading to excessive and punitive use of room confinement, sometimes for as long as 32 hours, in response to behavioral challenges.
- **Lack of medical and mental health supports:** Some juvenile detention centers lack contracts to secure mental health or psychiatric services and have no therapists or doctors on staff.
- **Lack of appropriate education:** Some juvenile detention centers struggle to ensure full day access to education, some deny educational services to youth with behavioral struggles, and others do not have special education teachers on staff.
- **Dirty and threadbare clothing:** The lack of purchasing of newer clothing leads to youth wearing dirty looking and threadbare clothes; and
- **Lack of sufficient and nutritional food:** Due to staffing shortages, some juvenile detention center staff are preparing food for the youth instead of employing a cook, leading to unhealthy food options and even, at times, insufficient access to food.

Immediate steps must be taken to ensure the safety and wellbeing of all youth detained at juvenile detention centers throughout Illinois to address the concerns identified in this report and the 2022 DJJ audits.

Given the longstanding, serious and pervasive problems identified in this report and in DJJ audits and the profound impact they have had on the youth committed there, broader systemic reforms are essential to achieving fundamental and sustainable change. We therefore recommend the following:

- Consistent with the goal of the DJJ to move away from confining youth in large, congregate facilities and provide more humane and rehabilitative environments, Illinois should replace its current institutional model of juvenile detention with a system that provides youth with services in smaller community settings.
- To ensure that the rights of youth at juvenile detention centers to education, safety and appropriate services are protected and enforced, youth and their families must have easy access to free legal services.

- To achieve the change needed to interrupt the school-to-prison pipeline and provide youth with the education and services needed to accomplish the goal of rehabilitation, the State must adequately fund the reforms outlined in this report.
- The courts have a vital role as independent arbiter for violations of legal rights of youth in custody. They should not play a role in the administration of these settings or the oversight systems.
- Illinois needs to streamline and enhance the oversight of the juvenile detention centers.

Changing the culture, practice, and policies at the juvenile detention centers across the state will take considerable effort which is needed to prevent continued harm to youth. However, change is urgently needed to ensure that juvenile detention centers and their associated schools fulfill their goal of rehabilitation and the promise of a better future for these youth outside of the criminal system.

Equip for Equality has concluded that an insurmountable barrier to modernizing and reforming the state's system of local juvenile detention centers is that there are too many local and state judicial entities and executive agencies that play a role in the operation and oversight of the system. As a result, the accountability system is ineffective and determining who is responsible for conditions inside the facilities is elusive.

As the state's disability justice organization, Equip for Equality thinks it is vital for the courts to serve as an independent arbiter for violations of the legal rights of youth in custody. If the courts play a direct role in the administration of the local juvenile detention centers or their oversight, it gives the appearance of a conflict of interest as they are directly involved in the administration or oversight of the program.

Some states have a bifurcated judicial/executive system similar to Illinois. Other states do not have the judiciary directing the juvenile detention centers and playing an oversight role, even if it is limited in scope. Instead, such roles are performed by the executive branch either at the county or state level.

There is a need to further examine how to streamline and enhance the effectiveness of the oversight system for the juvenile detention centers. Illinois should look to other states to determine best practices and make a decision of what would work best in our state.

To ensure such structural changes are thoughtfully examined, alternative models considered and reforms advanced, Equip for Equality is respectfully asking the Juvenile Justice Leadership Council and its three co-chairs to consider taking on this project, ideally with support from Civic Consulting or other experts. Since the co-chairs consist of two members of the Illinois Supreme Court and the Director of the state Department of Juvenile Justice, they are an ideal entity to tackle this project on behalf of both branches of government. If the Leadership Council elects not to take this on, Equip for Equality respectfully asks Lt. Governor Julianna Stratton in conjunction with a Justice of the Illinois Supreme Court to consider taking on this critical project as part of her role over the Justice, Equity and Opportunity Initiative.

If the decision is made not to close the JTDC, Equip for Equality offers any assistance and support to immediately take the following reform steps.

Problem Area 1 Recommendations: Special Education Services

1. NBJ must revise its policies to ensure compliance with the timelines and procedures for: Child Find obligations, triennial and other special education evaluations, and IEP development.
2. CPS and the JTDC must create a Memorandum of Agreement or other interagency agreement outlining the responsibility for service provision and interagency coordination.
3. CPS must train NBJ staff to ensure they comply with the revised policies, with special emphasis on the following changes from current practice:
 - a) Students must be evaluated for Child Find, special education evaluations, and IEP development.
 - b) Students must be evaluated for and receive necessary related services (speech, physical and occupational therapies, social work services, etc.).
 - c) Students must be evaluated for and receive necessary assistive technology.
 - d) Students must receive critical transition services in their IEPs.
4. Students must receive the individualized services set forth in their IEP regardless of whether NBJ has historically provided such services. NBJ must document any services that were in the student's prior IEP or that were requested at NBJ but were not provided. NBJ must notify the receiving school of the above documented services that were not provided and request that the receiving school hold a compensatory education meeting.
5. NBJ must create an ongoing system of quality assurance monitoring to ensure that the above-referenced training was effective.
6. NBJ must hire sufficient special education teachers and related service providers to ensure that all students have a co-teacher in their core classes and receive needed related services in social work, speech, and physical and occupational therapies.
7. NBJ must provide special education teachers and direct instruction in the Reset, Recovery, and Stabilization pods.
8. NBJ must ensure students receive full school day instruction with special education teachers and related services while on the Reset, Recovery, and Stabilization pods.
9. The JTDC must prepare quarterly reports for the Administrative Office of the Illinois Courts and the Illinois State Board of Education on the number of youth receiving special education services, the number of those youth who have been evaluated for and are receiving related services and assistive technology, the number of those youth receiving transition services, and the number of vacancies for special education positions and related service providers.

Problem Area 2 Recommendations: "Behavioral Modification" Systems & Discipline

1. The JTDC must hire an external behavior modification oversight team to develop a plan to reduce the use of the current punitive behavior modification system and replace it with positive behavioral interventions that are trauma-informed.
 - a) Working with this oversight team, the JTDC must establish goals, with specific benchmarks, to accomplish the systematic reduction of room confinement and use of holding pods for discipline during and outside of the school day within a defined period.
 - b) The JTDC must track the total hours each youth is required to spend in holding pods and room confinement, including when youth are in their cells for sleeping hours to measure progress.

- c) Each quarter, the JTDC must assess its progress in reducing the overall number of incidents and time youth are required to spend in their cells and holding pods.
- 2. The JTDC must submit yearly reports to the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts on the progress made toward meeting those goals and benchmarks. The JTDC must modify their plans as necessary to meet the goals and benchmarks. The JTDC must provide disability-related accommodations with respect to discipline outside of the school day so that youth are not punished for actions that are manifestations of their disability.
 - a) As part of this, the JTDC must recreate the level system to ensure it is: (1) focused on rehabilitation as opposed to penalization, (2) applied in a measured fashion to meet the needs of a particular rule violation, and (3) allows the youth to regain privileges at an appropriate speed and in a manner that is individualized and accommodates youth with disabilities.
- 3. The JTDC must eliminate the practice of “sitting on the wall”—where youth sit in silence along the wall outside of their cells for as long as 15 days and receive no meaningful education or positive programming—as a form of punishment.
- 4. The JTDC must develop an accessible and safe system that is free from retaliation for youth to raise grievances or safety concerns, such as making an oral report to a trusted individual, particularly for youth with literacy issues.
- 5. The JTDC must eliminate using holding pods during the school day for disciplinary purposes and NBJ must replace these procedures with a school-based positive behavioral intervention system.
- 6. Until school day holding pod usage is eliminated, NBJ must complete an Illinois State Board of Education time out form every time a student is sent to the holding pod and implement a reduction plan for its usage.
- 7. NBJ must keep data on student removals from class, regardless of whether NBJ or the JTDC remove the student, and comply with procedural requirements pursuant to federal and state special education laws.
- 8. To avoid unlawful punishment of students with disabilities, NBJ and the JTDC must create a Memorandum Of Agreement that allows NBJ to share IEPs, Behavior Intervention Plans, accommodations, and all relevant information related to the student’s disability with the JTDC staff to ensure their plans are followed and their disability is accommodated (e.g. if a student is allowed a warning for a class outburst, the student would be given a warning instead of being immediately removed from class).
- 9. The JTDC must train staff, in coordination with NBJ, on these individualized plans, positive behavioral interventions that are trauma-informed, and students’ protections under the law.
- 10. NBJ must document any JTDC staff noncompliance with IEP discipline protections and re-train staff as needed.

Problem Area 3 Recommendations: Restraint Practices

- 1. As is required by the law, the JTDC must restrict the use of physical restraint to situations where:
 - a) The youth’s behavior presents an imminent risk of serious physical harm to self or others,
 - b) Other less restrictive and intrusive measures have been tried and proven ineffective,
 - c) There is no known medical contraindication to its use, and
 - d) The staff applying the physical restraint have been trained in its safe application.
- 2. The JTDC must ban prone restraints.
- 3. Upon admission, the JTDC must provide youth and their parents/guardians with information about the standards for when physical restraint may be used, the rights of parents/guardians and

- youth, the right to file a complaint and other information to assist parents/guardians in navigating the complaint process.
4. The JTDC must establish a complaint process with the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts for violations of physical restraint standards and/or other rights.
 5. The JTDC must conduct staff training on policies, practices, safety, and implications of trauma when utilizing physical restraint.
 6. The JTDC must amend Policy 6.09.02 to include all physical restraints of youth in its definition of unusual events so as to require an incident report for all physical restraints.
 - a) Incident reports for physical restraint must be given to the parents/guardians.
 - b) The incident reports must include information on the type of restraint used, all witnesses and participants to the restraint, length of restraint, any interventions tried prior to the restraint, and a detailed description of any injury occurring during the incident.
 7. The JTDC must amend Policy 5.06.01 to include all physical restraints of youth as a critical incident so a debrief and stress management are documented and retained with the incident report. As part of stress management, the JTDC must ensure youth who were restrained or observed a restraint have access to mental health support after each incident of restraint.
 - a) The post-incident debrief meeting must include the youth, if appropriate, the youth's parents/guardians, at least one staff member involved in the incident and at least one appropriate staff member not involved in the incident.
 - b) During the meeting, each of the individuals must have an opportunity to describe the events leading up to the incident, the incident, the events that occurred/actions taken after the incident, and how the youth spent the remainder of the day.
 - c) Individuals must also have an opportunity to discuss what could have been done differently to avoid the incident and what alternative courses could be taken to support the youth and avoid a future incident.
 8. The JTDC must notify parents/guardians no more than two days after an incident of physical restraint that they may request a meeting to discuss the incident and the meeting must be convened within two days after the notification unless the parent/guardian requests an extension of that time. The parent/guardian may request that the meeting be held by telephone or videoconference.
 9. The JTDC must require the use of body cameras during all restraint incidents, from start to finish.
 10. The JTDC must hire an external physical restraint oversight team to develop a plan to reduce the use of physical restraint.
 - a) Working with this oversight team, the JTDC must establish goals, with specific benchmarks, to accomplish the systemic reduction of physical restraint within a specified period.
 - b) In order to measure progress, each quarter the JTDC must track and compare to previous quarters the total number of youth that have been physically restrained, comparing results based upon the JTDC's average population each quarter.
 11. The JTDC must submit yearly reports to the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts on the progress made toward meeting those goals and benchmarks and to modify their plans as necessary to meet the goals/benchmarks. The JTDC must also notify parents/guardians upon intake that the plans and reports are available

for review.

Problem Area 4 Recommendations: Facility Accessibility

1. The JTDC must contract with an architect to conduct a comprehensive evaluation of the JTDC's physical accessibility and follow the architect's recommendations to bring it into compliance with federal and state laws.
2. The JTDC must discontinue segregating youth with physical disabilities on the medical pod who are not otherwise ill.
3. The JTDC must ensure that all students with disabilities are permitted the same access to recreation, programs, and services as other youth at the JTDC, including allowing them to use elevators to access these services.
4. The JTDC must conduct training for JTDC staff on inclusionary practices of youth with disabilities.
5. The JTDC must ensure youth timely receive corrective eyewear and access to appropriate medical care while detained.

Part I: Background and Introduction

Equip for Equality (“EFE”) is the private not-for-profit legal advocacy organization designated by the Governor to operate the federally mandated Protection and Advocacy (“P&A”) System for people with disabilities in Illinois. EFE advocates for the human and civil rights of people with disabilities, including children with disabilities. EFE recently utilized its federal and state statutory P&A monitoring authority to investigate youth safety and the quality of services provided at the Cook County Juvenile Temporary Detention Center (“JTDC”) and Nancy B. Jefferson Alternative High School (“NBJ”), a Chicago Public School (“CPS”) operated within the JTDC. The JTDC and NBJ have the capacity to serve 382 youth¹ and are currently serving 169 youth.² Of the youth currently being served, approximately 83% are Black or African American, 9% are White, and 8% are another race.³ On average, between 30-50% of the students enrolled at NBJ have either an IEP or a 504 plan.⁴ The most recent data provided by NBJ shows that 58 of 133 students have either an IEP or 504 plan.

Earlier, in response to receiving information that raised significant concerns about the quality of disability-based services and practices being employed within the facility during the Covid-19 pandemic, EFE and Legal Aid Chicago sent a letter on November 2, 2020 to the Illinois State Board of Education (“ISBE”), which ISBE treated as a State Complaint regarding the quality of special education and related services at NBJ during the pandemic.⁵ EFE later began its comprehensive review of the JTDC and NBJ after receiving additional reports regarding continued lack of special education services upon the return to in-person learning, lack of physical accessibility within the facility, unsafe restraint practices, and disciplinary policies that failed to conform to standard practices or appropriately consider students’ disabilities.

Comprehensive Review Activities

EFE dedicated over 1000 staff hours reviewing the JTDC and NBJ, assessing several areas through a variety of methods. Activities included on-site monitoring at the JTDC and NBJ on November 22, 2021, March 11, 2022, March 14, 2022, March 15, 2022, March 16, 2022, June 15, 2022, and January 12, 2023 with visits to the residential pods, the holding pods, the programmatic facilities, the medical unit, and the school. EFE also conducted formal interviews with 15 staff and administrators and 30 youth (past and present). EFE additionally conducted many informal interviews with staff members during tours and observations. EFE examined an extensive documentary record as part of the review, including but not limited to individual student school records, Individualized Education Programs (“IEPs”), service logs, restraint and seclusion records, policy manuals, student handbooks, staff training materials, programming schedules, licensure materials, staffing records, attendance records, and incident reports.

EFE has compiled and analyzed the above information with a summary of findings in four primary categories: (1) special education services, (2) “behavioral modification” systems and discipline, (3) restraint practices, and (4) facility accessibility. Each section includes an overview of observed practices within NBJ and the JTDC, and an analysis of compliance with state and federal law.

Part II: Findings

Problem Area 1: Special Education and Related Services

NBJ is failing to provide legally mandated special education and related services to students during their incarceration within the JTDC. Congress enacted the Individuals with Disabilities Education Act (“IDEA”) in 1975 to ensure that children with disabilities are provided a “free appropriate public education that emphasizes special education and related services designed to meet their unique needs.”⁶ These requirements explicitly apply to age-eligible students with disabilities in detention facilities such as the JTDC.⁷

EFE has identified several key areas of concern regarding the provision of special education services to students with disabilities at the JTDC, including the failure to:

- Abide by IDEA mandated special education timelines (e.g., initial case study evaluations, triennial evaluations, annual reviews, IEP development, and notice of conference);
- Provide appropriate minutes for mandated social work services;
- Provide any direct speech and language, occupational therapy, or physical therapy services;
- Consistently provide students with licensed special education co-teachers;
- Create IEPs that reflect a student’s unique needs rather than just the services available within the facility;
- Provide special education instruction aimed at addressing a student’s unique needs;
- Provide meaningful access to education to students currently housed within the Reset, Recovery, and Stabilization pods; and
- Provide other necessary services mandated in the IEP, such as vocational and independent living skills, and assistive technology.

Addressing these concerns is not only essential for students to get an appropriate education while detained, but also to ensure successful re-entry when they leave the JTDC.⁸ In this section, we will summarize how special education is provided within the JTDC and NBJ and cover specific concerns observed during monitoring activities.

1. Overview of Educational Services Provided at NBJ

NBJ is an alternative school run by CPS.⁹ The student population fluctuates as students enter and are released from the JTDC. While students in the JTDC generally do not receive a long-term education from the facility, some students are there for as long as several years and others often return to the facility multiple times, receiving much of their education while attending NBJ.

NBJ is a complete school building with a variety of class and extracurricular offerings. The school day runs from 8:00 a.m. to 2:00 p.m., with a 50 minute lunch period. Students attend school within their housing “pods.”

It takes students 8.5 weeks to earn a credit. This can be a major barrier for youth who are there for shorter periods of time, who learn upon release that none of their credits will transfer. When staffing allows, all core classes are co-taught by a general education and special education teacher. Students

receive instruction in three core classes (some combination of English, Science, Math, and Social Science) and an Elective, such as Art, P.E., and Computer Science. Since students attend classes with their pods, classes almost always include students at different academic levels. For example, a class might have students who are earning English 1 and English 3 credit in the same class and have a student at a first-grade reading level and a student at a twelfth-grade reading level. In addition to the academic curriculum, NBJ teachers receive training in the CEEAA Social and Emotional Learning Curriculum.

During interviews with EFE staff, students spoke highly of most teachers on staff but had significant concerns over access to special education services, related services, and individualized instruction and accommodations.

Youth Quotes:

- One student stated that work at NBJ never changes: the assignments were the “same as when I was here months ago.” Another student said that because he had been housed at the JTDC for several years, his classes “do the same thing over again – like a cycle.”
- Another student mentioned that the work is often at the wrong levels and either “too hard for some kids” or “like middle school work” for other kids.
- Several students raised concerns that the topics covered in class are not trauma informed and can be triggering. EFE observed a lesson, for example, where a teacher was discussing how your “brain splatters” when you are shot and where racial slurs were used by several students towards another student on the pod without any redirection from the teacher.
- “If school is cancelled or you miss it you don’t get makeup work.”
- One student told us that NBJ is “not really a learning experience like a high school – it’s too easy. You just always pass.”
- One student said that the “work is really hard” and that everyone gets the same assignments, which is frustrating because students enter at different academic levels and, “nobody teaches it if you haven’t learned it yet.”

Staff Quotes:

- A staff member noted that “you may have three levels of academics in a classroom,” making it difficult to provide individualized instruction.

2. IDEA Mandated Timelines and Requirements

Students in correctional facilities enjoy the same IDEA rights as their peers in the community.¹⁰ A comprehensive special education records review indicates that NBJ consistently violates required special education timelines and requirements for evaluations and IEP development under federal and state law. Further, EFE’s investigation and direct representation of students at NBJ revealed that staff responsible for enforcing these requirements are insufficiently trained and unfamiliar with their legal obligations.

a. Initial Evaluations

IDEA requires, under a provision known as “Child Find,” that educational agencies have policies and procedures to ensure that all children with disabilities who need special education are identified, located, and evaluated.¹¹ NBJ is not appropriately and timely identifying children with disabilities in violation of its Child Find obligation. Some students at the JTDC have their most consistent school attendance at NBJ and the delay or denial of services is particularly troubling for these youth, who have the highest need for services.

Staff interviews and records reviews show that initial evaluations are rarely completed at NBJ and typically only when requested by a student’s parent or advocate. Staff shared that NBJ generally only initiates evaluations for students who have developmental or intellectual disabilities, leaving out an entire segment of the student population who may require special education services due to learning disabilities, emotional disabilities, or mental health conditions.

Once an evaluation is requested, NBJ struggles to follow the required timelines and process for completing the evaluation.¹² Students in a detention setting must be evaluated in a timely manner, “even if the student will not be in the facility long enough to complete the evaluation.”¹³ EFE’s representation of students and records reviews revealed that evaluations are often delayed so that the school can collect additional data on the need for the evaluation – a direct violation of the Illinois State Board of Education’s guidance.¹⁴ Additionally, contrary to the School Code, evaluations requested prior to the end of the school year are not consistently completed prior to the start of the next school year.¹⁵

When NBJ agrees to conduct an initial evaluation, the team often conducts the evaluation process out of order. The law requires that the following steps be conducted in order: (1) hold a domain meeting with the parents/guardians to discuss which evaluations are needed, (2) conduct evaluations, (3) hold an eligibility meeting with the parents/guardians to discuss the evaluation results and to determine if the student is eligible for special education services, and (4) if the student is eligible, develop the IEP. In several instances, NBJ refused to schedule an eligibility meeting until staff received confirmation from a psychologist that the student should be eligible – effectively predetermining the student’s eligibility without a team consensus or discussion.¹⁶ In other instances, NBJ agreed to complete an evaluation, and then drafted IEP documents prior to the evaluation being completed – again predetermining both the student’s eligibility and needed services before gathering necessary information. EFE has received several “draft” copies of an IEP in advance of an eligibility meeting where the “Present Levels of Performance” section was left blank because the evaluations were not completed, but the goals were drafted. These goals were not individualized to the student’s needs given that an evaluation had not even been completed to determine the student’s needs.

General Academic Needs:

File records taken from both the school psychologist and school social worker report in [REDACTED] of 2022 for this current IEP indicate significant evidence for: -----

Such findings have lead to the determination that [REDACTED] has been diagnosed with ----- deficits that directly impact his academic progress in all core areas of academic instruction. Diverse learner academic goals along with accommodations / modifications , a Functional Behavioral Analysis (FBA) and a Behavior Intervention Plan have all been developed to address emotional deficits, executive functioning problems, and overall below average academic achievement in reading comprehension, letter word recognition, and math concepts / applications. Low average performances also prevalent in the areas of written expression and spelling.

[REDACTED] took the Kaufman Test of Educational Achievement, Third Edition, on -----, by the school psychologist for this IEP.

Results from his Reading Composite score reflected a standard score of ----- in the

[REDACTED] performance in Math Concepts and Applications on the Kaufman Test reflected a standard score of -----.

Math Computation is a measure of math achievement and includes problem solving, automaticity and reasoning.

Description: an IEP developed prior to the student being evaluated, with fill in the blanks for present levels of performance.

IEPs and eligibility paperwork regularly include statements that evaluations are not yet completed. One IEP reviewed by EFE stated: “The Speech evaluation as delineated on the Assessment Plan is in progress and was not completed by eligibility meeting date due to constraints within Detention Center guidelines.” It is difficult for parents and advocates to notice these procedural errors or to give feedback on substantive goal areas, because while NBJ sometimes provided parents and advocates draft IEPs prior to meetings, records show it rarely provided parents required copies of the evaluation reports three days before the eligibility meeting.¹⁷

b. Triennial Evaluations

Triennial evaluations are similarly completed outside of legal timelines and requirements.¹⁸ Such evaluations are often delayed beyond the required three years, occasionally by significant amounts even for students who are consistently enrolled at NBJ. One student’s record showed that he was first evaluated in November of 2017 with a required reevaluation date in November of 2020. He was not reevaluated until April of 2021.

Additionally, the triennial evaluations often do not comply with the legal requirement to include a variety of assessment measures, including formal testing.¹⁹ Many triennial evaluations include only informal measures such as records review, curriculum-based assessments, and student interviews. As part of its investigation, EFE reviewed 51 students’ evaluation records: 34 included no formal testing measures and only used records reviews and curriculum-based assessments.

Staff Quotes:

- “Initial evals don’t typically happen, but if someone makes a referral, they’ll start the process. This probably happens about once a year.”
- When asked to evaluate a student suspected of having ADHD and an emotional disability, NBJ staff responded: “We only evaluate students if they are suspected of having a developmental disability.”
- When EFE asked to schedule an eligibility meeting for a student at NBJ, staff said they were unable to schedule a meeting until the psychologist had made an eligibility determination, a clear violation of the IDEA’s protections against predetermination and the right to have a team eligibility determination with all providers and the student’s parents. “Once the psychologist lets me know that [student] qualifies for special education services, I will confirm that meeting date.”

- When EFE requested a domain meeting for a student to determine appropriate evaluations, staff violated Illinois regulations in responding that they needed more data before they would agree to evaluate or hold a domain meeting. In refusing to meet, staff stated: “We need to start progress monitoring and collecting data on the student. We want to have sufficient data so that he will not be denied an evaluation.”
- When EFE asked staff about the status of students’ IEPs, staff regularly confirmed that students are: “past due for [their] annual.”
- When EFE asked for the evaluation reports in advance of an IEP meeting, staff responded with statements such as:
 - “We will be holding the eligibility meeting prior to the IEP meeting on the same day. Once that paperwork is completed during the conference, I can forward you that document.”
 - “We will be sending out a draft of the IEP by the end of the day. I can email his eligibility and other paperwork to you once we have the meeting and everything has been finalized.”
- One staff member told EFE that many IEPs they see are “at least 1-2 years out of compliance” and that many kids “never even get IEPs.”
- Another staff member noted that often it is hard to complete the IEP progress reports on time because the system will not let them access the reports if the IEP is out of compliance, “The last IEP progress reports I couldn’t even do 4 out of 5 kids because they are so out of compliance that it won’t let me fill them out.”
- A staff member also shared that “tons of kids never even get IEP meetings” during the school year.

c. IEP Development

NBJ is failing to develop appropriate IEPs. These students’ IEPs must reflect their individual needs and the services they require to make appropriate progress. Additionally, NBJ must provide services listed in the student’s IEP when they enter the facility.²⁰

Despite these obligations, NBJ often develops IEPs according to the services and placement options available rather than the student’s unique needs. NBJ also often changes students’ IEPs to reduce services once they arrive at NBJ. NBJ staff have stated that students’ IEPs should reflect the services they receive at NBJ rather than the services the student requires to make appropriate progress. Often, NBJ’s IEP team includes notes in the IEP that the student should revert back to a higher level of service once released from the JTDC in an effort to preserve important services – underscoring that NBJ removes services from IEPs to reflect NBJ’s programming rather than an actual reflection of student needs.

NBJ’s program significantly alters some students’ IEPs. Specifically, a high percentage of students attended Therapeutic Day Schools (“TDS”) prior to their enrollment at the JTDC, where they received 100% of their education in a separate setting with all students with disabilities and a special education teacher. Of 51 NBJ students’ IEPs reviewed in December of 2021, 16 students should have been in TDS placements. Of 60 NBJ students’ IEPs reviewed in June of 2021, 15 students received 100% of their

education in a special education setting and an additional 5 students received greater than 50% of their education in a special education setting. When NBJ updated these students' IEPs, their placements were changed to 100% co-taught classes in the general education setting – a significant change of placement that will follow these students to their next educational setting, regardless of their unique needs.

Another policy and practice is for NBJ to remove or fail to develop Behavioral Intervention Plans (“BIPs”). Staff often state they are unable to implement BIPs in the correctional setting and therefore will not include one in a student's IEP despite evaluations indicating a need. Staff also remove pre-existing BIPs if the student has reduced disciplinary incidents while incarcerated, an expected result of the JTDC's highly structured setting. However, when a student's plan is removed, that student is ill-prepared to reenter their neighborhood school and left without the BIP's protections and supports.

NBJ also fails to include the students in their own educational decision-making. After the age of 14 ½, students have the right to participate in their IEP meetings.²¹ EFE's investigation revealed that students at NBJ are rarely permitted to participate in their IEP development. Citing scheduling and security complications, NBJ seldom permits students to attend IEP meetings, and many have never even seen their IEP.

The above practices not only violate the law, but also have consequences for the student's return to their next school placement. When a student is released from NBJ, their revised IEP follows them to their new school. That school does not know that the IEP reflects only NBJ's service levels and not the student's unique needs. At the new school, the IEP is often implemented as written, further delaying and denying students the services they require to make appropriate academic and social-emotional progress. This practice also delays students access to appropriate placements upon their release and contributes to why so many students disengage from school after leaving the JTDC. While it is laudable that most youth exiting NBJ are assigned a re-entry specialist by CPS to ensure their successful re-enrollment in school, those individuals are not generally aware of these types of consequential changes to a student's IEP and students thus may be re-enrolled in a school that cannot meet their educational needs.²²

NBJ should be making its best efforts to address the individualized needs of each student and follow their previous IEP as closely as possible. However, if NBJ will not provide services delineated in a student's IEP, the modified IEP should reflect that the changes are based on NBJ programming and not student need. This would preserve the student's service needs as detailed in the accurate IEP and provide the student and their family with information to support a request for appropriate compensatory education upon release.

Youth Quotes:

- Several students said to EFE that “I'm never allowed to go to my IEP meetings” and one said, “I know what I want to do and I like to advocate for myself.”
- One student, who has Wilson reading methodology in his IEP, noted that he hasn't received any 1:1 reading instruction since entering the JTDC. He said this was hard “because it's hard to read new works and hard to understand what the words mean.”

Staff Quotes:

- One staff noted that NBJ staff developed BIPs in the past, but that it rarely happens anymore because “it’s against JTDC policy” and they aren’t implemented while the students are at NBJ.
- One staff member stated that “students’ IEPs have to be written specifically for the services available at NBJ” rather than the student’s unique needs.
- Another staff noted that the JTDC restrictions “often” prevent them from implementing accommodations correctly.

d. IEP Goals and Specialized Instruction

NBJ fails to provide special education instruction based on individualized IEP goals to meet students’ specific needs. The IEP team must create annual goals to identify the instruction a student will receive and measure the student’s progress over the course of the year.²³ These goals must be individualized to the student and allow them to make appropriate progress.²⁴ A comprehensive review of student IEPs reflects NBJ’s failure to develop and implement individualized IEP goals, as students of varying ages, disabilities, and developmental levels had the same or substantially similar goals in their IEPs.

Repetition existed in student IEPs across the curriculum with verbatim goals in the subjects of reading, math, social studies, science, social emotional learning, and transition. While grade level curriculum may account for the appearance of similar academic concepts across student IEPs, the verbatim repetition of goals demonstrates NBJ’s failure to individualize IEPs to meet each student’s unique needs.

Additionally, the review of NBJ student records also revealed a significant number of vague IEP goals. IEP goals must be specific and measurable to ensure that they can be implemented, and student progress can be monitored throughout their education.²⁵ Vague goals such as “will be able to complete math problems” make it difficult to both ensure student needs are being addressed and gauge student progress. Some of these vague goals were repeated on multiple students’ IEPs.

IEP goals are meant to drive the educational services for students with disabilities. NBJ’s failure to provide individualized and specific IEP goals further demonstrates their failure to provide students with individualized and appropriate special education instruction. When interviewed, multiple students reported that everyone gets the same work in the classroom, even those that include multiple grade levels. Most students also reported that work at NBJ is “too easy”, and the work is “nothing new.” While it is important that students feel successful in school, not providing appropriately ambitious instruction causes them harm, preventing students from making real progress and being prepared to return to their neighborhood schools.²⁶

As with all other components of an IEP, inappropriate IEP goals and the lack of appropriate educational instruction follow students after they leave NBJ to their next placement.²⁷ NBJ’s failure to provide appropriate educational services based on individualized IEP goals prevents students from making appropriate progress and can impede a student’s ability to access their education and re-engage in their community for years to come.

Youth Quotes:

- One student said that the work at NBJ is a repeat of what they have already done.

- Another student shared: “NBJ is too easy” and the work is “not individualized.”
- Across interviews with youth, this sentiment was repeated with statements such as:
 - “NBJ is boring because it is nothing new”
 - “NBJ is easy”
 - “NBJ schoolwork is easy”
 - “All easy work”
 - “Work is easy at NBJ”

e. Social Work Services

NBJ fails to provide social work services mandated in student IEPs on a consistent basis. These services are often focused on helping students identify and manage their emotions. They provide instruction on coping strategies and mechanisms for self-regulation to allow students to respond appropriately to their emotions in adverse situations and prevent negative behaviors. These services also assist students in developing self-advocacy skills to communicate their wants and needs to adults and develop and maintain positive relationships with their peers. A comprehensive review of student IEPs revealed that NBJ students’ IEPs require individual and/or group social work services ranging from 7 to 60 minutes per week.

A review of the March of 2021 ISBE investigation, EFE interviews, and a comprehensive records review revealed that social work services are routinely not provided. During its investigation, ISBE found both incomplete service logs and that students were not receiving their required minutes of social work. Thirteen out of 18 students interviewed by EFE reported missed social work services. Students noted that while they may receive some group social work services, individual social work minutes are even less frequent. Social work sessions often involve sensitive topics, requiring individual sessions. While observing students on the Recovery Pod, EFE witnessed an individual social work session conducted to the side of the large common area where an academic class was taking place, in full view and hearing distance of the students on the pod and JTDC staff.

Students reported that social work services are not typically provided on Reset and Recovery (the “behavior pods”). NBJ’s service logs corroborate this frequent lack of services, often citing that services could not be provided because “student’s class was unavailable” or “missed services due to behavior.”

NBJ service logs indicate a variety of reasons students fail to receive their mandated social work services, including quarantine (at times lasting more than two weeks), staff work stoppage, and that the student’s mandated minutes exceeded what could be provided at NBJ. In other instances, no explanation is given. NBJ is legally required to provide the identified social work minutes outlined on a student’s IEP. The failure to provide social work minutes deprives students of critical services while enrolled at NBJ, and can also exacerbate their difficulties in school upon release, as these services are often designed to provide students with the skills they need to manage their emotions and successfully engage with staff and peers.

Example justifications for lack of services from NBJ Service Logs:

- Work stoppage

- One student’s log noted “missed services because he was on the behavior pod for physical aggression.”
- Another noted “missed services due to behavior – attempted to elope.”
- Several students’ logs include notes such as: “entered with excessive minutes that cannot be provided in this setting” or “student has [] minutes a week which cannot be provided in this setting.”
- It is also common to see that NBJ was not able to provide services due to JTDC security requirements. “Student not available for several session[s] in summer due to County restrictions.”

Youth Quotes:

- One student noted that they received social work only in groups and that they were supposed to get 1:1 services when the social worker was free and “she [the social worker] is never free.”
- Three students indicated that they received no social work services at all.
- One student said that they do not receive social work services 1:1 but do see “mental health” once or twice per week.
- One student said that there was no social work on the Reset Pod.
- When asked about social work, one student responded that it had been a “long time” since he met with the social worker.

f. Speech, Occupational, and Physical Therapy Services

NBJ also fails to provide any of the necessary speech, occupational therapy (“OT”), and physical therapy (“PT”) services outlined in students’ IEPs in violation of the law. Based on the comprehensive review of all student IEPs and associated records provided to EFE and interviews with staff and students, NBJ does not provide these related services despite mandated minutes in student IEPs and documented student need while enrolled at NBJ.

Of the 60 student IEPs provided by CPS for review, 10% were eligible for speech or OT, but none of them received these services. One student’s IEP noted significant communication needs, including difficulty with articulation, auditory discrimination, decreased intelligibility, and inappropriate rate of speech that necessitated the student receive 45 minutes of direct speech therapy each week, and 15 minutes of consult speech services each quarter. While at NBJ the student did not receive any of these mandated speech services. This same student was also supposed to receive 30 minutes per week of direct OT services to address deficits in fine motor skills and visual motor planning. The student received no OT minutes while at NBJ. The failure to provide these services violates the requirements of the students’ IEPs and the law.

Although during the March of 2021 ISBE investigation no students enrolled at NBJ required direct speech, OT, or PT services according to their IEPs,²⁸ this is no longer the situation. According to the documentation, NBJ does not provide speech, occupational, or physical therapy services despite the legal obligation outlined in student IEPs²⁹.

In addition to failing to provide services mandated in student IEPs, NBJ also fails to consider student needs and evaluate students for speech, OT, or PT services despite documented deficits. In one student’s

IEP, the team documented that the “[student] will stutter when trying to talk too fast or is excited about the topic” and in another IEP, the team documented a student’s “notable stutter,” yet for both students the IEP team declined to provide speech services or evaluate them.

The failure to provide these services prevents NBJ students from making appropriate progress and can result in regression of these critical skills. Speech, OT, and PT services allow students to access their academic curriculum and often are also designed to ensure that students successfully navigate and interact with their community as adults, enabling further education and employment. Failing to provide these services deprives students of needed services and sets them up for poor outcomes as adults.

Youth Quotes:

- One student indicated that they did not receive the OT and speech services they received at their previous school while at NBJ.
- One student said there was no speech therapy at NBJ but that they would like to participate in this type of programming if it were made available to them.

Staff Quote:

- When asked about available related services, one staff member noted that student IEPs must be written specifically for services available at NBJ rather than the student’s individual needs.

g. Vocational, Transition, and Assistive Technology (“AT”) Services

NBJ also fails to provide students with required IEP services due to JTDC restrictions and limited curriculum offerings. A review of records showed many students who entered NBJ with IEPs that required AT or transition services, such as independent living and post-secondary employment training, never received these services.

NBJ consistently fails to provide students with AT services listed in their IEPs. Students do not have access to accommodations such as audiobooks, speech-to-text, e-readers, or communication devices. For students who may need AT, but do not already have an IEP or do not have it included in their IEP, NBJ will not add it. None of the student records EFE reviewed included an AT evaluation. In cases where someone on the student’s IEP team advocated for AT, NBJ would include a recommendation for future implementation of that accommodation in the IEP notes but would indicate that such a service would not be provided within the facility.

Further, NBJ often fails to develop and implement mandated transition plans for students once they reach the age of 14.5 years so that they can attain independent living, further education, and employment. For eligible students, EFE saw at least 5 NBJ annual IEPs that did not include a transition plan. Several other students’ IEPs indicated minutes for independent living/functioning/post-secondary employment that are not being met. One student’s IEP called for 1605 minutes per week of independent living training when they entered the JTDC. Such a significant number of minutes indicates a student with extreme needs to build skills to successfully participate in their community – needs that NBJ left unaddressed. Based on EFE’s experience, NBJ does not implement independent living and transition training, and CPS does not later provide compensatory education for the missed services.

IEP Quotes:

- An IEP states in the Relevant Transition Information that a student will need “access to audio-based learning with regard to classroom text” in future placements.
- Another IEP stated, “When [student] arrives to his next placement he should be provided with audio captioning.”
- One 16-year-old student’s IEP Transition Plan stated: “He should have the same [access] as his general education peers.” He is “too young” for development of employment or post-school adult living goals. The team then failed to appropriately develop a transition plan.

Youth Quote:

- One student said that at his home school he gets an e-reader to access materials but that he wasn’t allowed to use it at NBJ, which made his work more difficult.

h. Special Education Co-Teachers

EFE’s investigation revealed that NBJ failed to consistently provide students with special education co-teachers despite student IEP requirements. IEPs include the level of instruction a student needs and in what environment, including the degree of direct instruction that a special education teacher must provide to meet a student’s needs. In reviewing 60 IEPs for students enrolled at NBJ in June of 2021, EFE found that 100% of students required some degree of direct instruction from a special education teacher. The number of minutes required in student IEPs ranged from 480 minutes per week to 2175 minutes per week, delineated by subject area. All of these students were legally entitled to daily direct instruction from a special education teacher, yet NBJ does not consistently meet this need.

NBJ claims to provide a special education teacher and general education teacher for each class. However, based on reports from staff and students, and EFE’s observations, this is not the case. Many students reported that there was only one teacher (a general education teacher) in some of their classes. More than 25% of students interviewed report no special education co-teacher in their classes and another 16% reported the co-teachers attended classes inconsistently. When EFE observed classes at NBJ the presence of a special education co-teacher was inconsistent. In all but one instance where EFE observed classes on the Reset and Recovery pods there was only one general education teacher present.³⁰ Students and staff confirmed this practice. Students with IEPs are legally entitled to the educational services outlined in their IEPs even while on one of the behavior pods. Although EFE observed some engaging lessons while at NBJ and some students reported that they really liked certain teachers and specific classes, this is not a substitute for the special education instruction many of these students need and are legally entitled to receive.

Staff Quotes:

- One staff member said that one general education teacher is provided per pod (referring to Reset and Recovery).
- One staff member noted that only some classes have two teachers.

Problem Area 2: The “Behavioral Modification” System and Discipline at the JTDC and NBJ

The discipline and “behavior modification” system at the JTDC and NBJ do not provide positive behavioral and rehabilitative interventions to youth and present specific challenges for youth with disabilities. In this section, we will review how the “behavior modification” system at the JTDC works, specific concerns related to its application to youth with disabilities, and how the behavior modification system is applied during the school day.

1. Overview of “Behavior Modification” System at the JTDC

a. JTDC Level System and Behavior Plan

The entire JTDC operates under a level system. There are four levels in general population and special pods for certain youth who have had major rule violations (“MRVs”). There is also an elite ambassador program for youth who have maintained level 4 for 28 days, apply to the program, and are accepted. A youth’s level determines their privileges such as bedtime, snacks, calls, special visits, and activities. All residents start at level 1. JTDC staff keep daily points for every resident on a point card. The points then determine if the youth is promoted to the next level. There are a minimum number of points a youth needs to maintain each level. If a youth is on level 2, but on a certain day does not meet the level 2 points, they will not be allowed to participate in the level 2-based privileges for the next day. This policy does not, however, work the same way in the opposite direction. If a youth is on level 2 and earns level 3 points on a given day, they still only have access to level 2 privileges. Residents can only move up levels once per week but can be dropped levels at any time.

In addition to the level system, youth can be put on a behavior plan. Anytime a youth earns a MRV, they are dropped to level 1 and put on a 30-day behavior plan. A youth will earn a MRV if they break any rule 5 times. They can earn an automatic MRV for a variety of behaviors including:

<ul style="list-style-type: none">• Moving without permission• Refusing to be in designated area• Verbal/physical assault of anyone• Refusing school• Moving through to the 5th step of consequence chain• Hazardous contraband• Removal of wristband• Destruction of county property (graffiti)	<ul style="list-style-type: none">• Misuse of county phone• Indecent exposure• Security risk (touching elevator buttons, crossing the yellow line, more than one resident in the bathroom, opening classroom doors)• False allegation• Gang representation• Starting a group disturbance
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When charged with a MRV, youth have due process rights, including notification of charges within an hour if confined to their room or 4 hours if not confined. Youth have the right to: an impartial hearing officer, a disciplinary hearing held within four hours of receiving notice (excluding 7:00 p.m. to 7:00 a.m.), attendance at the disciplinary hearing, present evidence and call witnesses, request representation by staff, a written record of the results, and an appeal. The hearing officer determines the punishment,

normally additional room confinement and/or referral to a special program. The only “special programs” that youth identified were the Reset and Recovery programs – which consist of restrictive behavior pods.

The 30-day behavior plan is served in Reset, Recovery, or on the general population pod. In interviews with youth, they explained that when you are on a behavior plan, you sit “on the wall” for the first 15 days, or however long it takes you to go through the work to get “off the wall.” Being “on the wall” means sitting against the wall in front of the cell. Youth are not allowed to talk or go in the common areas. Nothing is written in the resident handbook or JTDC policies about being placed “on the wall,” but it was consistently identified in interviews. The JTDC provided their behavior plan template, a one-page document that includes writing assignments and re-entry stipulations. One youth explained, “every time you are on BP, it’s usually the same work – you have to turn in the work to get off of BP.” Over half of the youth we interviewed had a behavior plan, several youth in multiple instances. Only two informed us they had never been on a behavior plan.

Youth Quotes:

- One youth told EFE that he found the behavior system distressing: “Always told to sit, be quiet, not allowed water – I am not a dog.”
- One youth described the behavior level system as arbitrary, “JTDC staff enforce what they want,” while another said it depends on the staff member: “Staff will just take points.”
- One youth said he was stuck because of a lack of participation: “I’m level 2 because I don’t participate enough to move up a level.”
- “They never really explain what you get points for.”
- “Any little thing that you do can make you drop a level – like saying negative words to someone – when they hit the points they can take as many as they want.”
- “You get points off for talking when the TV is on, movement without permission, rapping, cursing, singing, fighting. You earn points for chores or if you have no issues in the day you get average points.”
- “You have to hit 36 goals to move up a level.”
- One student explained that he felt the level system was impossible and said that to do well, “you gotta be a really big person, like you gotta be just right.”
- “Most kids who get in trouble get in trouble for cursing. Some staff are really strict on that.”
- “When on behavior plan, no gym or outside time, but staff will make exceptions if they see you trying. Only phone calls on one day. You have a folder with work in there – give you a blank sheet of paper and copy the paper onto your blank sheet. It’s just copying.”

b. Room Confinement and Holding Pod

Room confinement is another common form of behavior management in the JTDC. While we understand the JTDC is working to reduce the use of room confinement, at the time of most of our monitoring, room confinement was still being used extensively.³¹ The 2019 Annual Report by the Cook County Juvenile Detention Center Board focused exclusively on the JTDC’s overuse of solitary confinement and the negative impacts of the practice.³² The May 16, 2022 Blue Ribbon Report, a report commissioned by Chief Judge Evans, also noted concerns with the JTDC’s overuse of room

confinement.³³ In that report, Chapin Hall researchers examined data on room confinement from January to July of 2021 and found that youth were confined to their rooms over 100 times per month for Disciplinary Confinement (median time in room of 12 hours); over 200 times per month for Behavioral Management (median time in room of 1 hour); and over 300 times per month for Non-Punitive Events (median time in room of 16 hours).³⁴ The Blue Ribbon Report also notes that the JTDC tracking of room confinement hours does not include mandatory sleeping hours, which for youth on level 1 at the time of the report can add 12 hours (7:00 p.m. to 7:00 a.m.). One youth we interviewed said he was once on room confinement for 4 days and missed school because of it. The JTDC's use of room isolation violates national standards and Illinois laws.³⁵

The Illinois Department of Juvenile Justice ("IDJJ") audited the JTDC in May of 2022 for their compliance with Illinois County Detention Standards.³⁶ IDJJ found that the JTDC is in violation of the county detention standards for room confinement, which states "room confinement may be used only as a temporary response to behavior that threatens the safety of the youth and others... Room confinement shall not be used for a fixed period of time, but only until the youth is calm enough to rejoin programming without being a risk to the safety of others... At no time should room confinement exceed 4 hours without administrators and/or mental health staff developing an individualized plan to address the behavior."³⁷

Notably, there is a second set of state detention standards promulgated by the Administrative Office of the Illinois Courts ("AOIC").³⁸ The standards developed by IDJJ are "minimum standards for the physical condition" and "treatment of juveniles" in detention centers.³⁹ The AOIC standards go "beyond the minimal requirements" and are related to "the development of staff and for quality of care and services provided to detained youth."⁴⁰ The AOIC standards require a behavior management program that facilitates the development of prosocial behavior in "the least restrictive means possible."⁴¹ The JTDC's behavior management model that heavily relies on practices of placing youth "on the wall" and in room confinement does not promote development of prosocial behaviors. Thus, the JTDC is not only failing to meet the minimum standards set out by IDJJ, but also the more meaningful standards promulgated by the AOIC.

EFE shares the Cook County JTDC Advisory Board, IDJJ, and The Blue Ribbon Report's concerns on room confinement. There is no proven evidence of any benefit of using isolation to address youths' behaviors, and in fact, such practices can negatively impact educational access, academic growth, social emotional growth, and a youth's mental and psychological health during confinement and after release.⁴² In addition, EFE's investigation highlighted an additional form of room confinement, holding pods, that was absent from both of their reports. Holding pods are only open during school hours. There are two holding pods, with generally 2-12 youth in a holding pod at any given time. Each holding pod has several individual youth cells, tables in the common area (which were not available to students during our observations), and a staff desk.

The holding pods are used during the school day for youth who are serving an extended period of room confinement, have refused to go to school, are returning from court, waiting to be released, or who are being disciplined during the school day (see Problem Area (2)(3)(c) below for more information on school day discipline). The holding pod is used to keep youth in isolation.⁴³ They sit in isolation, locked in individual cells, until their time is served or a hearing officer comes. We were told, "it could be 30

minutes or it could be all day.” The amount of time a youth spends in the holding pod is determined by their infraction and when they see a hearing officer.

Youth are also sent to the holding pod for more minor infractions to “cool off.” In those instances, there is no formal write up, youth do not see a hearing officer, and they are in the pod for approximately an hour before returning to school. For more “serious” infractions where the youth is written up, they are sent to the holding pod, a hearing is scheduled within an hour of their arrival, and they see a hearing officer within 4 hours. The hearing officer then decides if the youth is guilty and determines the amount of time they will remain in the holding pod. If the time exceeds the length of the school day, the youth will continue serving the time on their residential pod in their own room. As the IDJJ audit noted, hearing officers only utilize room confinement as a sanction. They do not use restorative justice or individualized sanctions.⁴⁴

The holding pod has no programming or school, or even work packets.⁴⁵ Administration informed EFE that mental health professionals conduct periodic checks on the holding pod. Youth confirmed that mental health staff would sometimes conduct checks, but they were generally very short and consisted of simply asking if they were okay.

EFE observed holding pods on three different occasions. During our first visit, five youth were on the pod. Each was in an individual, locked cell. There were no mental health staff or caseworkers on the pod. One youth was standing on his bed, yelling and in crisis. We observed no response from staff to this young man. During our second visit, two youth were on the holding pod. One was in the main area because he had just returned from court. The other was in a locked cell. We observed a positive conversation between a team leader and that youth. They were discussing the youth’s past trauma and what led him to returning to the pod.

In talking with another staff member, we learned this youth was “lower functioning,” struggles, and is often in the holding pod. On this occasion, he had been in school, ignored directives, and told staff to write him up. He entered the holding pod around 9:30 a.m. and saw a hearing officer around 10:45 a.m. We observed part of the hearing, which was conversational in nature. The youth remained in his cell, with the hearing officer and the team leader remaining outside of the cell, offering little privacy. On our third visit, one student was in the holding pod waiting for release from custody.

c. Reset, Recovery, and Stabilization Pods

In addition to the level system and holding pods, the JTDC has two behavior pods named Reset (youth refer to this pod as “Basic Rights”) and Recovery, and a mental health pod called Stabilization. Youth are taught in these pods and do not leave for school. We observed that the pods mostly only have one teacher even though most youth have IEPs and should be co-taught by a special education teacher based upon their IEPs. During our June of 2022 visit, 11 of the 13 students on the three behavior pods had an IEP.

Youth are placed on Reset when they commit an Extraordinary Circumstance (“EC”) violation,⁴⁶ typically for aggressive behaviors. The average length of stay on the Reset pod is 10-12 days, with time extended for any write ups. Many youth indicated that they could return to the Reset pod multiple times. According to the JTDC’s policy manual, the Reset pod “provides intense programming in order to allow

youth to stabilize and reflect on their behavior as well as reestablish their compliance with programming.”⁴⁷ When youth leave the Reset pod, if they return to their regular pod, they typically remain on a behavior plan and “on the wall” on their pod until they work their way up from the behavior plan and earn level 2 standing. One youth explained that this usually takes 20 days.

From our observations and conversations with youth on the Reset pod, compliance takes precedence over any positive programming. The daily schedule is: waking up early, physical activity, review of behavioral expectations, breakfast and washing up, school, in cell for shift changes, and “on the wall” for Power Source work (curriculum for at-risk youth). There are daily brief mental health check-ins with mental health staff through the cell doors, and occasional weekend mental health groups. There are no positive development programs. Youth wear distinct uniforms and are not permitted to talk to each other. The Reset pod is a highly controlled, restrictive environment.

Although students are provided with some direct instruction while on the Reset or Recovery pods, many students indicated they often received only two or three class periods of instruction instead of the typical four. Students also said they rarely had a co-teacher and were less likely to receive accommodations and modifications. Because NBJ staff within the school building often do not have access to these students, they send work packets with the NBJ teacher assigned to the Reset and Recovery pods or wait for the students to return to their class for services. Students described the work on the behavior pod as often being random and unrelated to their regular class assignments.

We observed the Reset pod on three different occasions during the school day. On the first occasion, in March of 2022, there were seven youth on Reset, three staff and one teacher. Instruction was ending and youth were returned to their cells. We then observed mental health checks that consisted of a mental health counselor going from door to door and talking to the youth through their cell door.

We also observed the Reset pod in June of 2022. There were two case workers, one supervisor, and one education staff on the pod with eight youth. The youth were in computer class but there were no computers, no board, no technology, and no live instruction. We were told that there was not a certified teacher, only a teacher’s aide. The students sat in front of their cells “on the wall” looking at each other’s backs. Plastic chairs were turned on their side and used as desks. One student was doing a word search. Two students were sleeping. Two students were working on a work packet and the teacher’s aide was going back and forth between them. One student was reading Harry Potter and another student was working on a driver’s education packet. An eighth young man remained in his cell. We learned that he has refused school every day because two of the other youth on the pod jumped him prior to their transfer to the Reset pod. The youth stays in his room until 2:00 p.m. and receives a ticket for refusing to participate.

When observing the Reset pod in January of 2023, there was only one youth present. He stated that he had been alone in the pod for eight days. He was sitting at a desk in the TV room. Two teachers were present in the pod, but were sitting in the communal tables away from the student and did not interact with him while we were present.

If youth receive multiple referrals to the Reset pod, then they may be moved to the Recovery pod. Youth typically stay on the Recovery pod for up to 28 days, but sometimes longer with supervisory approval. The JTDC policy handbook describes the Recovery pod as an “enhanced component of the general

BMOD program for residents displaying continued maladaptive behavior that requires more extensive supervision and programming to assist in re-acclimating to the general population.” However, from our observations and interviews, there was little evidence of any enhanced programming focused on skill development. According to youth, for the first fifteen days that a youth is on the Recovery pod, they sit “on the wall” and must be silent. When not in school on the pod, the youth will work on Power Source curriculum worksheets. They are not allowed to play games or do anything “fun.” If they maintain good behavior during the fifteen days, they can play chess or checkers. Youth can earn their way to level 2 (second lowest level) by the time they leave the Recovery pod.

We observed the Recovery pod on three occasions. In March of 2022, three youth were independently completing worksheets or reading at their “desks” “on the wall.” In June of 2022, six students were attending a social studies class with one teacher. The students sat at tables. The teacher conducted an engaging lesson about the Constitution and politics. At one point, we observed a NBJ social worker talk with a student for five minutes at a table in the common room where the class was taking place. On our third visit, in January of 2023, there were four students sitting at the communal tables participating in an interactive math class with one teacher present.

Youth on both the Reset and Recovery pods shared how dehumanizing the experience is, echoing sentiments from youth interviewed by the JTDC Advisory Board’s Report on solitary confinement use.⁴⁸ The JTDC also has a third behavior pod called Stabilization. Stabilization is not necessarily used in response to a behavioral incident. Youth are placed on Stabilization if they have been identified through a health services assessment as an increased safety and security risk in the general population. Youth are also placed on Stabilization for known triggers, such as the anniversary of a parent’s death.

There are typically 0-5 youth and three staff on Stabilization, with visits from mental health staff. We were told that the Stabilization pod is more focused on developing coping skills while the Reset and Recovery pods are more focused on behavior modification. We did not, however, hear of any specific programs on the Stabilization pod that support youth in developing coping skills. When we visited in March of 2022, there were no students on the pod. During our June of 2022 visit, there were two youth on the Stabilization pod. One was at the hospital, but the other was on the pod doing a work packet with a teacher. In January of 2023, one student was on the pod doing work with a teacher. Youth on the Stabilization pod appear to work on work packets with the assistance of a teacher who remains on the pod during the regular school hours. One youth on the Stabilization pod shared that the teachers only sometimes come to the pod.

Youth Quotes:

- “I spent 28 days in the Recovery pod – you just sit on the wall.”
- A student who had recently attempted suicide stated “I sit on the wall all day, hearing the clock tick, ready to tip off. When I get bored, I do stuff” [referencing the fact that he gets in trouble more when bored].
- “I like school better on general population.”
- Two students explained that they had been on the behavior pods for eight days by themselves without other students and were lonely.

- EFE was told that sometimes on the Recovery pod, “you get schoolwork, but it is random and not what you were doing in class before and they don’t even always collect it.” The student also noted that “even if they collect it, you never get it back so you don’t know if you did it right.”
- “When you’re on the Recovery pod you just ‘sit on the wall’. Mostly you work on your discipline packet for the JTDC. Sometimes you have books you can read. You sometimes get schoolwork.”
- One youth explained to EFE that the behavior pods can be very lonely. He stated, “I was on the Recovery pod alone for 28 days. I met with mental health once per day for less than 10 minutes as a check in and had my normal mental health session for an hour once per week.”
- “You aren’t allowed to do any programming or outside time while you’re on Recovery. You just have to exercise for like an hour every morning super early.”
- “You can’t move levels on Reset.”
- One student said he found the behavior pods especially distressing because “you can’t take anything from our rooms with you, not even your sandals.”
- “I’ve been on Reset 3 times. When you are on Reset you just ‘sit on the wall’ all day. You only get one phone call on day 5 and one on day 9. You aren’t supposed to talk at all to staff or other students. You’re mostly in your cell – not really allowed in common space. You eat in your room. You don’t have TV.”
- “I’ve been on Reset 7 times. It is normally 10 days, but sometimes 15.”
- Another student explained that social work “group doesn’t happen on Reset.”
- “[On Reset], I feel like they treat us like dogs – they just throw food under the door and make us work out.”

2. Effects of the JTDC “Behavioral Modification” System on Youth with Disabilities

The JTDC “behavioral modification” system does not adequately account for or accommodate disabilities, nor does it provide sufficient positive youth programming to build skills. As is noted in the Blue Ribbon Report, the entire behavioral system at the JTDC is built on compliance and control. It punishes typical adolescent behaviors and does not account for the trauma inherent in the juvenile legal system. Additionally, many youth describe it as arbitrary. Points will be given and taken away based on the staff’s mood or if the staff likes you. Students said that some staff are more understanding whereas others will take points away for minor behaviors. While the system is inappropriate for all youth, youth with disabilities are even more likely to be unsuccessful in the existing framework.

a. Identification of Youth with Disabilities

There is no process for JTDC staff to identify youth with disabilities and make accommodations based on those disabilities.⁴⁹ We asked on multiple occasions how JTDC staff become aware of youth with disabilities to ensure they have equal access to programming and the level system as other youth. We were told that JTDC staff do not have access to student IEPs nor do they know about any of the youths’ specific disabilities. This information is only known by NBJ and Cermak Mental Health staff respectively and there is no MOA that permits sharing of this information. Yet, when asked if disability is considered in the level system, we were told, “We have to take it into account. Direct staff knows

about disability.” The administrator we spoke with said that even without any official documentation, “I know my kids though.”

The systems that exist at the JTDC do not account for disability or make accommodations. Youth with disabilities are routinely stuck at the bottom of the level system and/or are placed on the more restrictive pods.

b. Over-Punishment of Youth with Disabilities

As the Blue Ribbon Report notes, the existing behavior modification system is overly punitive for all youth at the JTDC. There is a complete lack of positive programming for the majority of the youth.⁵⁰ The positive programming we observed, a barber program and a DJ program, are only available to youth who maintain a level 4 status and tend to be filled by youth who are at the JTDC for longer stays. There is a dearth of programming for youth on the lower levels. This programming often needs to be earned rather than being provided to all youth as a tool to build skills.

The punitive impact on youth with disabilities is most significant. The level system requires youth to consistently perform certain prosocial skills. An emotional outburst, refusing to move immediately, refusing school, and other behaviors can all be cause for a write up or even an MRV. Many of the behaviors that are immediately punished in the JTDC are behaviors that are typical of youth with disabilities, especially emotional and behavioral disabilities as well as Post Traumatic Stress Disorder – all disabilities that are prevalent in the JTDC population. Further, when a youth is placed on a behavior plan, a large component of earning their way off that plan is by working through the Power Source curriculum, which entails a significant amount of writing. For youth with learning disabilities, writing can often be a challenge. Again, there are no systems in place to ensure that youth with such disabilities are accommodated and not held to an unachievable standard. The absence of accommodations and positive programming for youth with disabilities is in violation of the AOIC standards and IDJJ standards requiring the availability of robust positive behavior programming for all youth and that detention centers provide “reasonable accommodations in accordance with the Americans with Disabilities Act (“ADA”) that enable each resident to participate in programming.”⁵¹

Finally, and perhaps most concerning, is the overrepresentation of youth with disabilities on the behavior pods. About half of the youth at the JTDC have an IEP. Yet, when we visited the behavior pods in June of 2022, about 85% of the youth there had an IEP. Consequently, youth with the greatest educational and social emotional needs are disproportionately in a more restrictive environment with fewer resources. These youth are most often sitting “on the wall” during the school day and beyond, despite whatever movement and instructional needs they may have. Placement on a behavior pod can also interfere with access to related services, such as social work services, as described in Problem Area (1)(2)(e). We heard from several youth and staff that it is not uncommon for youth to cycle in and out of the behavior pods. This confirms that the system fails to build positive skills that prevent future misconduct and placement in the behavior pods.

The overrepresentation of youth with disabilities on the behavior pods is also reflective of the lack of accommodations and services for them while they are on the general population pods. Due to their disabilities, many youths cannot follow the rules in the general population pods without

accommodations, supports, or modifications. JTDC’s failure to provide any such accommodations leads to their overrepresentation in the behavior pods.

Youth Quote:

- Several youth described how the behavioral expectations were difficult in light of their disabilities. One youth stated, “cell time is hard because I like to move and have stuff to do to keep busy.”

Staff Quote:

- A staff member told EFE that, “youth who have trouble sitting quietly have issues – I see it every day.”

3. In-School Discipline

Juvenile detention centers must comply with the IDEA, including in how they discipline students.⁵² Such schools, despite the detention center context, must implement positive behavioral supports, behavior intervention plans, manifestation determination reviews, and all other discipline rights that students with disabilities have. If entities other than the Local Educational Agency are involved in the educating of youth with disabilities, then those entities are also bound by the IDEA and Section 504.⁵³ The latest guidance from the Office of Civil Rights on the discipline rights of students with disabilities notes that a “school’s responsibility not to discriminate against students with disabilities applies to the conduct of everyone with whom the school has a contractual or other arrangement ... schools cannot divest themselves of nondiscrimination duty by relying on such personnel when the personnel operate under a contract or other arrangement, such as a memorandum of understanding.”⁵⁴

a. CPS Deferral on Discipline

Interviews with NBJ staff, informal conversations with JTDC staff, and interviews with youth, consistently noted that NBJ defers entirely to the JTDC regarding discipline during the school day. There are generally 2-3 JTDC staff in each classroom with the teacher(s). Our observations confirmed that teachers have little input if a youth has a behavioral struggle during school. NBJ staff are trained to leverage Positive Behavior Intervention Supports and Champs intervention strategies to help students meet expectations for behavior and work habits. A teacher may engage in redirection, have a 1:1 conversation with the youth, or ignore the youth’s behavior, but the JTDC staff in the classroom decide if the youth is subject to further discipline.

The MOA between CPS and the JTDC tasks JTDC staff with the following:

- Provide redirection and support during classroom activities,
- Provide due process hearings and discipline for resident misconduct while in the classroom,
- Report any resident, medical or behavioral issues that affect the educational programming.

(See Appendix A).

Despite having no training on the rights of students with disabilities in school or any knowledge of the specific disabilities, accommodations, interventions, and goals that are in the individual student's IEP and BIP, JTDC staff are responsible for student discipline during the school day.

Youth Quotes:

- “I used to refuse school and when I did that, would be dropped a level and placed in the holding pod until 2:00 p.m.”
- “I guess CPS rules apply, but it doesn't really matter because the JTDC staff does all the enforcing and they just enforce what they want.”
- “Teachers don't do any of the discipline or redirection – it always comes from the JTDC staff.”
- One student commented on how the lack of positive behavioral supports impacted their behavior at school: “[At NBJ] I wasn't allowed to take breaks like in my IEP and that was difficult because I get overwhelmed and wasn't allowed to walk away.”
- “They never used any of the interventions in my BIP because the JTDC staff don't even really see it and the teachers don't do discipline.”
- “Teachers can't do nothing about discipline.”

Staff Quotes:

- A staff member stated, “CPS teachers are not allowed to redirect, according to the MOU.”
- Several teachers informed EFE that “writing BIPs is against JTDC policy.”
- “Part of rules of JTDC that youth cannot use curse words – sometimes us teachers have to step back and let [the JTDC staff] do it.”
- “If there's a fight the Rover [JTDC staff] comes in and takes them out. They normally come back after an hour, but if it's a bad fight then they don't usually come back. I'm not sure where they take them or what they do – that's a JTDC policy.”

b. NBJ Contributes to the JTDC's Point System

NBJ staff contribute to the JTDC point and level system. Thus, student behavior in school directly affects their levels, privileges, and placement outside of the school day, without any of the procedural rights afforded them by IDEA and Section 504. Each teacher maintains a point sheet that lists the name and level of each student in their class. *See Appendix B.* The point sheet is the same for each youth, regardless of their disabilities or IEP status. Teachers score the students in three areas: behavior, participation, and attitude. Students can earn up to three points in each category. A student who fully participates, needs almost no re-direction, and has a positive attitude would earn a 3 in each category. However, if there is a student with a disability who struggles to read, a student with a mood disorder who is sullen, or a student who has ADHD and requires redirection as an IEP accommodation, it would be nearly impossible for those students to earn a 3. While some teachers acknowledge they will consider disability in their points, it is not mandated.

Youth Quotes:

- “Getting in trouble [at school] always impacts your level.”
- “Getting in trouble at school make you lose points, lowering your level.”

Staff Quotes:

- “We do participate in the level system in that we give participation, behavior, and attitude points. But we collect that for the county and I don’t know how they choose to use it. It’s not applied to grade in class.”

c. Use of Holding Pods

NBJ and the JTDC’s use of the holding pods violates laws limiting the use of isolated time out and IDEA discipline protections. Youth and some teachers stated that JTDC staff in the classroom and/or Rapid Response Team (commonly called “Rovers” by students and staff) routinely take youth during the school day to the holding pod. Rovers are the county staff who respond to a behavioral crisis. While some youth may go to the holding pod to “cool off” and return to class after a short period, others may spend the rest of the school day in the holding pod, depending on the type of behavioral infraction. Until about four months ago, these cool-off periods lasted approximately an hour (often called a UTAH – or Up To An Hour – by youth). After the release of the Blue Ribbon Report and amongst great concerns around the time youth were spending in room confinement, this UTAH period has been reduced to 30 minutes according to students and staff at the facility. A write up triggers the JTDC due process procedures described above in Problem Area (2)(1)(a) and usually results in a longer term stay in the holding pod and back in their cell.

When youth are sent to the holding pod from school for more minor behaviors, they will not be formally written up or see a hearing officer. They will typically spend an hour in the holding pod and then return to class. Neither the JTDC nor NBJ document these informal removals as formal discipline.⁵⁵ Some days that EFE monitored, there were only a few students in the holding pods, while other days were quite busy. Youth informed EFE that they are sent to the holding pod for not completing work or refusing to come to school. One youth stated that he goes to the holding pod almost every day because he does not like to attend school. One JTDC administrator indicated that “the whole purpose [of the holding pods] is to keep kids in school.” Unfortunately, the holding pod seems to have the opposite effect.

The holding pods are effectively isolated time out rooms for the youth who attend NBJ, yet NBJ does not comply with Illinois law on their use.⁵⁶ The law requires school staff to complete a time out form for any instance in which a student is placed in isolated time out during the school day for any amount of time.⁵⁷ This does not happen at NBJ. NBJ staff do not treat the use of the holding pods as a time out because they believe the use of the holding pod is a JTDC decision. There is also a significant lack of coordination between the JTDC and NBJ, and NBJ thus may not always know when a student is placed in time out. Consequently, NBJ does not document the incidents as a time out and provide the required notification to the parent/guardian.⁵⁸

NBJ also does not document the time in the holding pod as a suspension or complete a misconduct report. NBJ staff and youth all informed EFE that NBJ does not suspend students from NBJ. However, several youth noted that either they or a classmate spent the entire day or multiple days in the holding pod, unable to participate in school. Because NBJ does not document these days as suspensions, NBJ is

also not holding manifestation determination reviews for students at NBJ even though there are youth who have spent more than ten days effectively suspended from school.⁵⁹

Use of the holding pod as a disciplinary response to behavior during the school day is also a violation of Illinois law stating that education is one of the basic rights that a youth shall not be deprived of as part of a disciplinary response.⁶⁰ If a youth is in a fight at night and is unable to see a hearing officer, the next morning they will often be sent to the holding pod instead of school to wait to see a hearing officer and receive their punishment. Several youth discussed being on the holding pod for days without school as part of their punishment. Youth on the holding pods are being deprived of an education when forced to remain in the holding pod and not permitted to attend class.

In addition to removing students from school for behavioral incidents, NBJ does not implement other IDEA requirements for addressing behavioral challenges. NBJ does not routinely draft or amend a youth's BIP to address behaviors that are landing a youth in the holding pod or resulting in other restricted access to education, even though the behavior is clearly impeding the youth's ability to learn. NBJ staff posit that the use of the holding pod is a JTDC decision and does not have anything to do with a youth's special education services, even though the holding pod may be directly affecting the youth's school progress. In some circumstances, the use of the holding pod gives the youth what they want: escaping schoolwork. Youth recognize the oddity of being sent to the holding pod for refusing to complete work or come to school, with one youth saying, "it's basically a reward." The holding pod is not an effective intervention for these behaviors.

Refusing school will often result in levels being dropped, being held in a holding pod, or even a move to one of the behavior pods (a more restrictive school environment with less schooling). School refusal is often a behavior that is closely tied to a student's disability, and many students have school attendance in their IEPs as a goal or in their BIP as a target behavior. It is problematic that when a student refuses school in the morning, the JTDC responds by essentially barring them from going to school for the entire day – often leading to bigger repercussions with no positive behavioral interventions or supports.

Youth Quotes:

- "I've been in the holding pod several times, usually from fights, but can also go there if the teacher says, 'he disrespects me.'"
- "A lot of kids get sent to the holding pod. Normally you get a 'UTAH' [up to an hour at that time] and come back down after an hour. You get a 'UTAH' for having your mask down, taking your wristband off, talking out of turn, calling staff by their first names."
- "You can't get suspended, you just get put on the holding pod. You don't get work to do if you're on the holding pod – you just 'sit on the wall.'"
- "I got put on the holding pod basically every week – you're either there for an hour, until the end of the school day, or if you get a write up then you have to wait until the hearing officer comes to talk to you. Sometimes you have to wait overnight. If that happens you get taken out of the holding pod and put in your cell."
- "The silliest punishment was being put on the holding pod for not doing work. That happens a lot, but obviously you can't do work while you're on the pod so it's basically a reward."

- “You get three warnings and then you go to the holding pod for an hour if you’re written up. You stay until the hearing officer comes back.”
- “Mental health does come and talk to you through the door if you get a write up.”
- “I got in a fight at night on the pod, the next morning had to go to the holding pod for like 2 hours until I saw a hearing officer, then went to school.”
- “If you don’t go to school, they drop your level.”
- A student expressed frustration at not being allowed to attend school, saying that he often runs late because it takes him longer than other youth to get organized. “One time I was late getting ready for school and they sent me to the holding pod even though I said I wanted to go to school. Then I had to be there for the whole day even though I was only like 30 minutes late getting ready.”

Staff Quote:

- “I’ve never heard the word suspended.”

4. Inability to Self-Advocate

The existing behavior modification system is often justified as necessary to protect the safety of youth and staff. Yet, we heard several examples of how the existing system fails to keep youth safe. In the next section, we will discuss the use of restraint, which was the biggest concern youth expressed to us during our visits. Additionally, we heard concerns about safety on the pod. Some youth shared that they will intentionally violate the rules to go to Reset or Recovery if they are stuck on the same pod with a youth who is a safety threat or feel a staff member is targeting them. EFE also heard stories and observed a situation where a youth was on a pod with youth he did not get along with, and when they eventually fought, they were all sent to Reset together, which only continued the security risk.

The only formal system that exists for youth to raise safety concerns is through the grievance system. Several students shared that they never learned how to file grievances. Additionally, for certain youth with disabilities, the grievance system is inaccessible. One youth we spoke with had significant safety concerns but could not read or write. He said he was unable to write a grievance and given the nature of his concerns, was uncomfortable asking another youth to help him write it. A system that relies entirely on a student self-advocating through writing will never meet the needs of all youth, especially those with diverse learning needs. This is further compounded in the JTDC by the deficiencies in special education discussed in Problem Area 1. If a youth who cannot read is also not getting proper reading instruction, he is very unlikely to gain the skills he needs to write a grievance.

It is imperative for the JTDC to address the safety needs of all the individual youth. Not doing so increases risks to individual youth and staff. To that end, we support the recommendation of the Blue Ribbon Report to focus on a complete downsizing of the JTDC and on finding more ways for youth to safely reside in their communities.

Youth Quotes:

- One student told EFE that he felt unsafe on his pod and that he would “keep refusing school until pod is changed.”

- “Nobody ever taught me how to use grievance and sick forms – the other boys taught me.”
- One youth noted that he couldn’t file a grievance because he can’t read or write.
- “I’m trying to get my center moved – I just can’t do good over there. I just stay in my room.”
- “On [one pod], you don’t really get the same privileges – their case workers suck. Less phone calls and stuff. I knew if I broke the TV they’d switch me out.”

Problem Area 3: Restraint

EFE's interviews with youth demonstrated a common theme of overuse and excessively aggressive physical restraint. According to several youth, some of these restraints led to serious injury to youth. Youth described physical restraints that resulted in the following injuries: a seizure during an incident where 7-8 Rovers were involved, which required a trip to the hospital; a broken arm after a staff person "slammed" a youth to the floor; a broken wrist after a Rover twisted a youth's arm behind his back; and other incidents resulting in an injured lip, several "busted" eyes, an injured shoulder, bleeding of various body parts, and dizziness. Most of the youth immediately began talking about the Rovers when EFE asked about the use of physical restraint, although some youth described concerning restraint incidents involving other JTDC staff as well. All youth and NBJ teachers clearly articulated that NBJ staff do not conduct any physical restraint. JTDC staff are called when incidents occur during the school day and JTDC staff are the ones who conduct physical restraint when they deem it appropriate.

In this section, we will review the concerning reports we received regarding the use of physical restraint within the JTDC and discuss how the restraint described violates applicable laws and standards.

1. Non-Compliance with Illinois Law

According to youth and some NBJ staff, Rovers often respond to incidents that occur during the school day. While some youth described incidents in which they felt Rovers had to restrain a youth because of a dangerous situation, many youth described incidents of restraint that fall outside the scope of applicable laws and standards, such as restraint for unauthorized movement.⁶¹ During school hours, state law limits physical restraint to situations when "the student's behavior presents an imminent danger of serious physical harm to the student or to others."⁶² Youths' descriptions of restraint did not always fall within the confines of state law because, at times, no behavior was present that was an "imminent danger of serious physical harm to the student or to others."

Based upon interviews with teachers, the rate of physical restraint during the school day varies depending on the composition of the pod and which teachers are in the classroom. While some teachers have only seen a few instances of physical restraint in their classroom each school year, one teacher told EFE that "if a kid is getting loud and rowdy and told to stop and not even fighting," Rovers will come and restrain the youth. This is in direct violation of Illinois law, which prohibits physical restraint "for using profanity or other verbal displays of disrespect of themselves or others."⁶³

Rovers, as well as all other JTDC and NBJ staff that are working within NBJ during the school day, must follow Illinois law on the use of physical restraint during the school day. Illinois law does not exempt public schools within county jails from its limits on the use of physical restraint, nor does the law permit school districts to avoid responsibility by saying that detention staff are the ones conducting the restraint. As noted above, the Office of Civil Rights has made clear that schools cannot avoid their obligations under the law by relying on non-school staff with whom they have a contract or MOU.⁶⁴ Therefore, NBJ still has an obligation to follow the laws regarding the use of physical restraint during the school day, even though the JTDC staff are physically restraining the youth.

2. Insufficient Notification and Documentation

Illinois law requires that school districts notify parents/guardians of the use of physical restraint within two days of the incident occurring and allow the parents/guardians to request a meeting to discuss the use of physical restraint.⁶⁵ School districts must also “make a reasonable attempt to notify the student’s parent or guardian on the same day the isolated time out, time out, or physical restraint is imposed.”⁶⁶ When EFE requested documentation of physical restraint and time out, the JTDC provided incident reports. NBJ did not provide any documentation for restraint occurring within the school day. The JTDC incident reports include no indication that the JTDC or NBJ are notifying parents/guardians of the use of physical restraint or time out, nor do the incident reports include information about the incident and the use of physical restraint that is required by Illinois law.⁶⁷ The incident reports also do not include enough detail to ensure that the JTDC is only using physical restraint in circumstances in which the law allows the use of physical restraint during the school day. For an example of the required physical restraint documentation, see Appendix D.

3. The JTDC’s Use of Physical Restraint

The reports EFE received also support that the JTDC’s use of physical restraint outside of the school day does not consistently comply with Illinois’ Juvenile Detention Standards⁶⁸ or the JTDC Policy Manual, and at times place youth at risk of significant harm. Youth described in detail incidents of restraint occurring outside the school day that appear to be a clear abuse and or/overuse of power by Rovers and JTDC staff. Several youth described Rovers and other JTDC staff putting a “knee in their back” and “taking [them] down” face down. Face down restraints, also called prone restraints, are particularly dangerous and associated with an increased risk of asphyxia and aspiration.⁶⁹ Likewise, placing pressure on a youth’s torso puts them at increased risk of death.⁷⁰ The severity of incidents of restraint as described by youth were also particularly concerning when considering the backgrounds of many of the youth who are witnessing and experiencing restraint. Some youth discussed with EFE how uncomfortable they felt with the way that the Rovers treated them or others because it reminded them of traumatic interactions they have had in the community. The JTDC Policy Manual specifically states that “Residents shall be restrained in a safe and humane manner” and many youths described restraints that were unsafe and entirely inhumane.⁷¹

EFE witnessed the aftermath of a physical restraint when observing in a pod during a visit. While EFE did not observe the initial incident and physical restraint, we saw 3-4 JTDC staff members walking a youth down the hallway in an aggressive manner. The youth had a large cloth bag over his head. A JTDC staff member explained that the youth had been spitting and had to wear a spit mask. While we understand the concerns about spitting, especially given the Covid-19 pandemic, we were disturbed to see so many staff members holding this youth and were especially concerned that the use of the spit mask did not appear to be safe or humane.

The Juvenile Detention Standards cover the rights of youth in detention throughout the facility and not just during the school day. Juvenile Detention Standards limit the use of force “to those situations where a youth’s behavior is an immediate threat to themselves or others.”⁷² The JTDC’s Policy Manual similarly limits the use of physical force.⁷³ According to youth descriptions, JTDC staff sometimes use force in situations where they are angry at a youth for noncompliance, but there is no immediate threat.

Even when the use of physical restraint may be allowable, Illinois law prohibits “restraining youth in a manner that restricts the airway.”⁷⁴ Similarly, the JTDC Policy Manual limits the use of force to avoid causing medical issues.⁷⁵ Several youths described face down takedowns in which a youth’s face was pressed against the ground. During the seizure incident, the multiple youth describing the incident stated that JTDC staff took that youth down to the ground face down, directly leading to the seizure.⁷⁶ Additionally, Illinois law states that “handcuffed youth must never be left alone.”⁷⁷ According to one youth’s description of an incident, he was left alone in his cell for 1-2 hours handcuffed after a physical restraint and it was painful. This violates the JTDC Policy Manual.

4. Physical Restraint Utilized as Discipline

Physical restraint is impermissible as a form of discipline, yet many youth reported its use as a commonplace method of discipline. According to the multiple youth who witnessed the restraint that resulted in a seizure, the youth was being restrained because he was not walking to his room fast enough and the JTDC staff was displeased. Illinois law prohibits restraint during the school day as discipline or punishment.⁷⁸ It further prohibits the use of restraint for disciplinary purposes for juveniles in detention at all times of day (not just within the school day).⁷⁹ The JTDC Policy Manual also prohibits the use of physical force as punishment.⁸⁰ Discussions with youth about the seizure incident, other incidents where restraint was used without an immediate risk of danger, and the comment from a NBJ teacher that restraint is used “if a kid is getting loud and rowdy and told to stop and not even fighting” indicates that restraint is used by at least some JTDC staff members for disciplinary reasons in direct opposition to Illinois law and the JTDC’s Policy Manual.

5. Body Camera Use

JTDC staff are not always using their body cameras to document the use of physical restraint. Several youth informed EFE that Rovers now have body cameras. Youth expressed concern that the cameras are used selectively, and some areas of the facility do not have video camera coverage. Many youth do not file grievances for incidents of restraint out of fear. As one youth stated, “ain’t no snitchin’ on the Rovers.” It is even more critical that body cameras capture footage of all physical restraints since youth are fearful of reporting incidents and the only documented proof of incidents may be through the body camera footage.

6. Mental Health Support

Youth are not receiving sufficient mental health support after physical restraint incidents. Many youth expressed concern that they did not have the opportunity to meet with someone from mental health after incidents of restraint. When talking about physical restraint, some youth explicitly stated that restraints make them feel unsafe and uncomfortable. The use of restraints may also trigger traumatic incidents from their past. Youth desired greater access to a mental health professional immediately following incidents of restraint. Additionally, the JTDC’s Incident Reports give no indication that staff meet with the youth after a restraint to discuss the incident and how to avoid the use of restraint moving forward.

Youth Quotes:

- “Rovers be hurting kids.”
- “Rovers have cameras now but they don’t turn them on.”

- [When discussing the Rovers] – “They big. We kids, just cuz we [listed his age], that don’t mean nothing. We not that strong. Y’all huge. Rovers like to slam kids. Some kids have busted chin, swollen eye. They like to do extra stuff, they be hurting kids. When you get in your room, ain’t no cameras. They bend your legs, put their elbow on your neck. They say ‘ain’t no cameras in your room.’” When discussing how traumatic restraints are, the youth went on to say: “Y’all ain’t going to do this to your kids. Why do it to us because we’re incarcerated. You don’t want nobody to do that to y’all child.”
- “They want to hurt us. They just got to grab us, they don’t got to slam us. They do too much.”
- “Four days ago, [youth] was restrained and held face down for two minutes. Four to five Rovers came and three held him down. After he was restrained, medical gave him a pain pill.”
- “Saw one kid get beat. Kid came out next morning all swelled up [describing incident with Rover].”
- “[Rover] comes and they ‘slam you’, handcuff you, and 3 or 4 adults are on top of you. Normally they put a knee in your back with your arms behind you.”
- One youth described how another youth was left in his room alone with handcuffs on for an hour or two. He could not really move around and said that his arms really hurt. The youth also stated that once Rovers threw him in the air and he landed “across the room.” They had to take him to medical for a hurt shoulder. They gave him ice and ibuprofen.
- Another youth stated that he had “never been taken to the ground but have seen other people taken to the ground and injured.”
- According to more than one youth, one youth was taken to the ground because he was not walking fast enough when told to go to his room; he was not threatening anyone. During the restraint the youth was saying he could not breathe and had a seizure. He was taken down on his stomach and then flipped over when he started seizing. Everyone was shouting for the Rovers to get off him. Seven to eight Rovers were there and were “over-abusing authority.” He was taken to the hospital.
- “Too much aggression from staff. Mostly the Rovers.”
- One youth stated that in one incident, the Rovers took his clothes and his blanket away, slammed him on the bed, and hurt his finger. They put him in a poncho because they said he was suicidal, but they would not send him to the hospital. In a second incident, the youth said he was “put on his head” and dropped onto the floor by two Rovers. They then held him on the ground with his face pushed to the side (on his stomach) with one Rover on his back and one holding his arms and legs for about 30 seconds. He was “super dizzy” after being dropped. He has been restrained a total of nine times. He saw one of his friends break his arm when he was slammed to the floor during a restraint.
- A different youth described a bad incident where he had nine JTDC staff on him. They pushed him on the wall. They hurt his lip. They threw him on the bed, then purposefully twisted his ankle on the bed to get him to stop resisting. He had no mental health visit afterwards. It took medical about 20 minutes to arrive.
- One student saw a “bad” incident with another youth. He saw a Rover break someone’s wrist and get away with it. The Rover had the youth’s arm behind their back and broke his wrist. It took about fifteen minutes for medical to come.

- A youth described restraint to EFE, stating that normally it is a physical hold. They call the Rovers. They put you on the floor or the wall and hug you really hard. They take everyone else out of the room. Normally it hurts pretty badly. This student has been restrained maybe 6 or 7 times. The worst was when they put his arms behind his back and then dragged him to put him in his room and left him there with his arms tied. A lot of times he would be bleeding and they would have to take him to medical. He's never gotten an incident report or any paperwork about it. Normally after a restraint you just sit in your room. They don't send mental health or a social worker to talk to you. He said he basically has never spoken to mental health or a social worker.
- "Usually when Rovers come in, you just get down on the floor. Sometimes Rovers overdo it – they are more aggressive than other staff. If you refuse to go upstairs, they'll restrain and handcuff you."
- One student said he has seen a restraint for fighting. "The Rovers have to wear body cams now, but they don't always turn them on – only when the fights start. When kids are restrained, they put them on the floor face down and put their knee in their backs."
- During another interview EFE spoke to a student who has been restrained several times. He said that it is usually with handcuffs, but that he has been taken to the ground on his face. He has not been injured but has seen a lot of injuries. There was someone with a broken jaw awhile back when they continued to fight. He reported a lot of issues with staff, especially the Rovers. He has tried to submit grievances in the past, but they do not stick because the camera is off and staff lie. He has seen this happen to him and others. At the time of the interview, the youth had been restrained the day prior for refusing to go back in his room and he was grabbed and put on his back in his room. One time they put their feet on his neck (another dangerous and inhumane "technique").
- "Once saw someone get slammed by a Rover. They were trying to fight the Rover and pushing him and grabbing him. The Rover picked him up by the waist and slammed him onto the ground. The kid had to go to the hospital. I think it happened like a year ago. Recently this kid [name] got slammed against the wall by a JTDC staff [name] and his hand was super swollen – I think he dislocated his thumb."
- "Once with [staff name], he was getting into it and then [staff] grabbed him and then picked him up and threw him on the bed. He was face down with his hands behind his back and they put a knee in his back."
- "Had a friend that was resisting and Rover beat him up and busted his eye."
- One youth described an incident where "a girl was going to spit so they held her and put a napkin in her mouth."

Problem Area 4: Accessibility

EFE's observations within the JTDC and interviews with staff members identified several conditions that fail to comply with physical accessibility and programmatic access standards required under Section 504 of the Rehabilitation Act and the ADA.⁸¹ During tours of the facility EFE observed that none of the youth residential pods meet criteria for accessibility. The medical rooms that were identified as being the JTDC's ADA compliant option for a youth with a mobility disability also failed to meet required standards. Further, interviews revealed that youth with physical disabilities face restrictions in their ability to access recreational and programmatic spaces. These conditions place youth with physical disabilities at increased risk of injury, reduce their independent mobility, and create structural barriers to programmatic access that violate federal law. Such barriers demonstrate JTDC's complete failure to meet the ADA's requirement of maximizing independence and allowing access to programs.

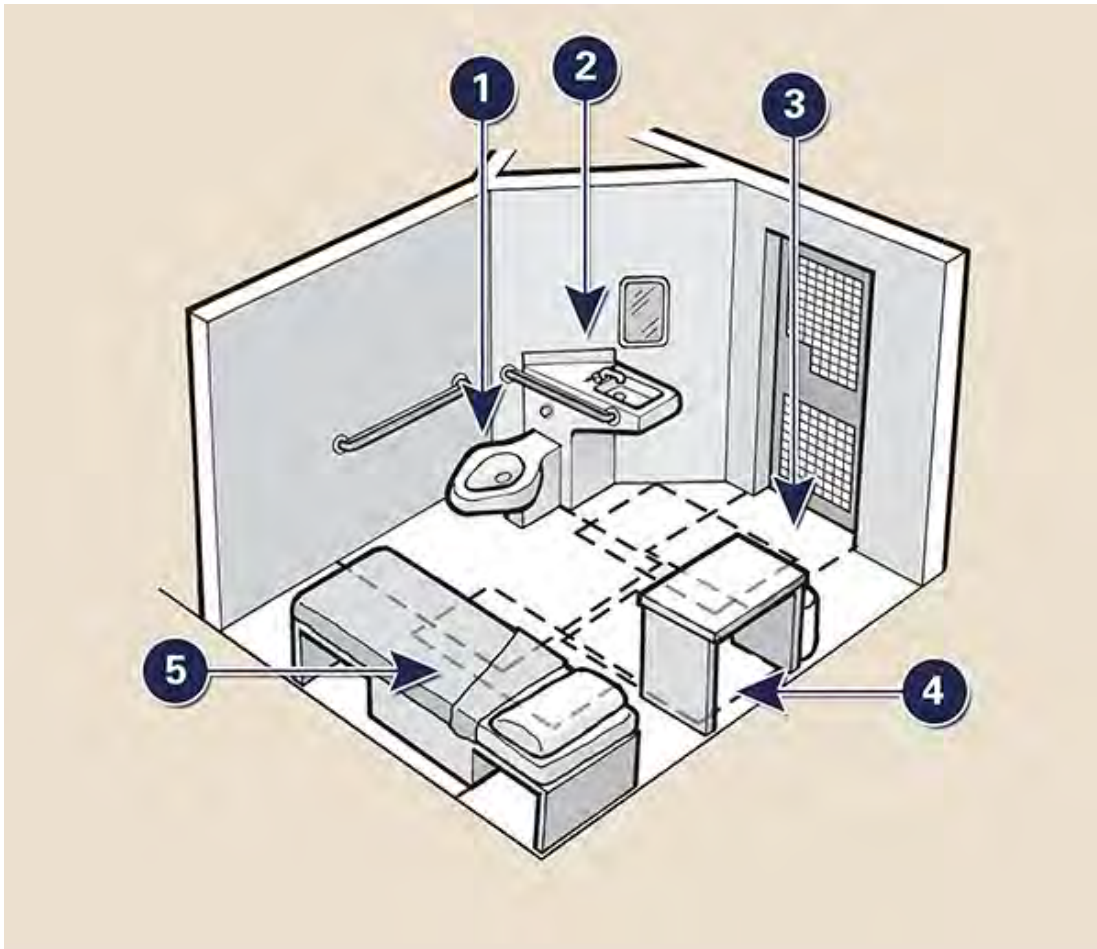
A summary of observations from EFE's monitoring activities is below; however, it should be noted that this review was not comprehensive. Many elements of accessibility are beyond the scope of this report and EFE recommends that architectural experts in accessibility conduct a more comprehensive review.

1. Youth Living Quarters

Youth living quarters at the JTDC do not meet accessibility requirements. All pods that EFE monitored lacked accessible cells that would meet the ADA requirements for physical accessibility. The cells are often designed in such a way as to prevent individuals with mobility disabilities from entering the cell, using the toilet, and for some, even getting into bed. The cells did not contain adequate floor space for the use of a wheelchair or proper transfers to and from the bed using mobility aides. Further, the toilets within the cell were too close to the beds and did not have grab bars to facilitate their accessibility.

EFE was told during a tour of the facility that should a youth require an accessible cell, they would likely be housed within the medical unit. This is concerning for two reasons. First, the cells within the medical unit are also inaccessible. Second, federal law mandates that individuals with mobility disabilities be integrated as much as possible with other residents.⁸² Department of Justice ("DOJ") guidance on accessible cells dictates that "inmates with disabilities who are not ill do not need to be housed in a medical ward" and that facilities must ensure that "inmates with disabilities are able to be housed with inmates of the same classification levels" in the standard housing wards.⁸³

DOJ published guidance on the construction of accessible cells states that cells must have appropriate clear floor space (as shown by the dashed lines in the image below) to access each cell feature.⁸⁴ This ensures that residents with a mobility disability can use, and move without obstruction among, the features of their cell. This requires adequate turning space within the cell – either a 60-inch diameter circle or a T-shaped turn area.⁸⁵



As noted in the above image, the DOJ also includes the following as requirements for an accessible cell under the ADA:

- Accessible toilet with rear and side grab bars, clear floor space for wheelchair transfer, and an accessible flush valve.
- Doors with 32 inches of clear opening width (when a sliding door is fully opened, or a hinged door is open 90 degrees). Clear floor space is required in front of the door.
- Bed with clear floor space for a side approach next to bed.
- Bed transfer space: A 30-inch by 48-inch clear floor space facilitates transfer from a wheelchair to the bed.⁸⁶

The two images below of the housing units on the JTDC residential pods and the JTDC medical pods demonstrate that cells within the JTDC fail to comply with the necessary features of an accessible cell as defined by the DOJ.



Image 1: A cell within the JTDC Medical Pod

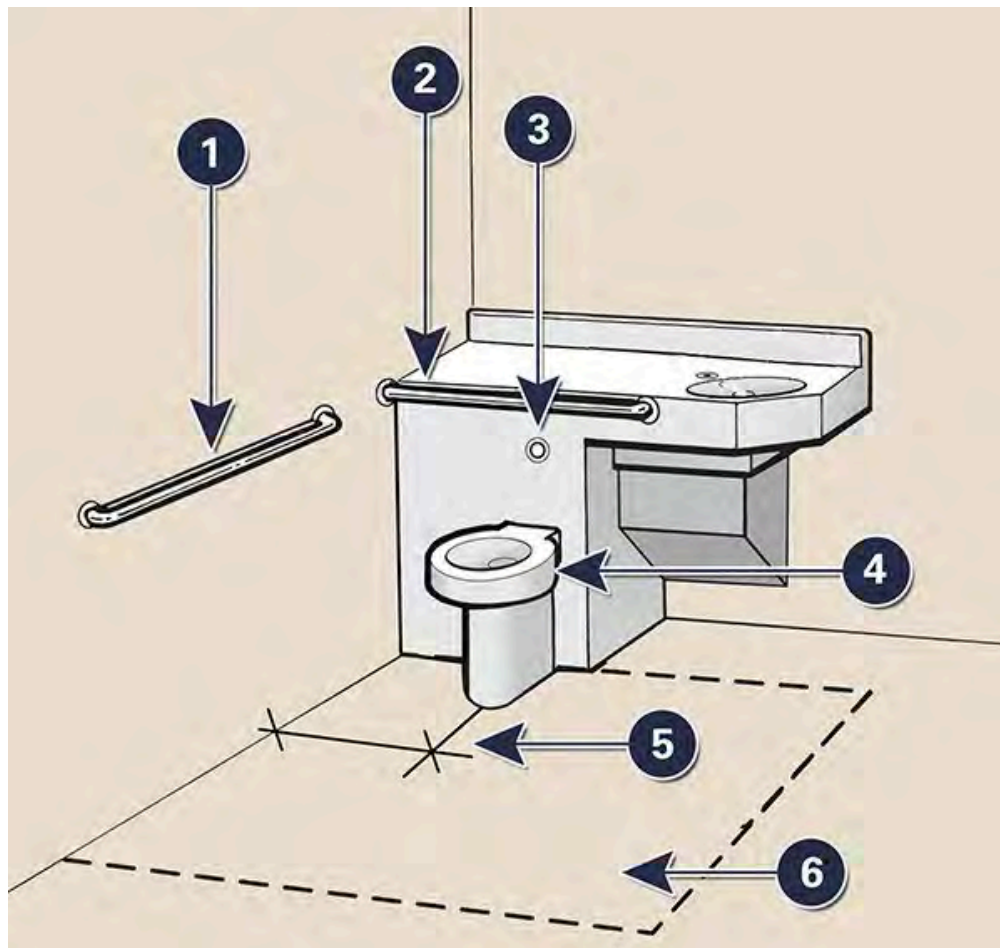


Image 2: A cell within a JTDC Residential Pod

2. Bathroom and Shower Facilities

The bathroom and shower facilities in the regular pods do not meet accessibility requirements. Equip for Equality did not tour the bathrooms in the medical pod, which the JTDC describes as accessible, but as described above, the actual cells in the medical pod were not accessible. The showers in the regular pods lacked any readily available and cost-effective accommodation that would make them accessible to residents with physical mobility restrictions. To enter the showers, youth must step over a large cement lip – approximately 6 inches tall. The showers and the toilets do not have safety grab bars installed, even within the medical unit. Safety grab bars are a simple installation that can significantly decrease falls and increase the ability of those with disabilities to independently navigate these spaces.

As with accessible cells, the DOJ has released clear guidance on the requirements for an accessible toilet.⁸⁷



As shown in the image, to be compliant with accessibility standards, a bathroom area requires:

- Side grab bar: There is a grab bar on the adjacent side wall that is at least 40 inches long and from 33 to 36 inches above the floor.

- Rear grab bar: There is a grab bar behind the toilet that is at least 36 inches long and from 33 to 36 inches above the floor.
- Flush valve is located in reach range and is operable without tight grasping, twisting, or pinching.
- Toilet seat height: The toilet seat needs to be from 17 to 19 inches above the floor to permit transfers to and from wheelchairs.
- Toilet centerline: The toilet bowl needs to be centered 18 inches from the side wall, so that inmates with disabilities can use the side grab bar.
- Clear floor space: Adequate space is provided to approach the toilet from a variety of wheelchair transfer positions (i.e., diagonal or side approaches). Generally, the toilet needs to be placed within a 60-inch-wide by 59-inch-deep clear area of the floor.⁸⁸

As with the residential pods, the images below demonstrate the accessibility barriers youth experience in JTDC restrooms.



Image 3: Shower Facilities within a JTDC Residential Pod



Image 4: Toilet Facilities within a JTDC Residential Pod

3. Recreational and Programmatic Spaces

Youth with physical disabilities face restricted access to recreational and programmatic spaces. During a tour of the facility, EFE observed several levels of the facility, including the gym area on the lower level of the JTDC. When EFE inquired about how students are transferred from one floor to another, staff stated that youth are taken through the stairwells and are not permitted to use the elevator.⁸⁹ When EFE asked about how a student with a mobility disability would access various floors staff responded with a variety of answers:

- One staff shared that a youth in a wheelchair would likely be housed on the medical floor rather than participating with a pod – implying that students on the medical floor do not have the same access to programmatic opportunities.
- Another staff member stated, “he’d [the hypothetical youth] stay on the medical floor.”
- Several staff repeated the sentiment that “youth aren’t allowed to use the elevators.”
- “Maybe they [the JTDC administration] would let that youth use the elevators but I’m not sure.”
- Multiple staff members indicated that they had never seen a youth use the elevators.

The JTDC informed EFE that youth have access to all secure elevators. However, these comments raise concerns both about the training of JTDC staff regarding accessibility for youth with mobility disabilities and the historical lack of access to programming spaces. Given that a youth who required a wheelchair was mentioned during the tour, it was concerning that this youth seemed to have been confined exclusively to the medical unit while at the JTDC.

4. Other Barriers to Medical Care

Youth also face barriers related to their medical conditions. Many youths reported being unable to obtain new glasses or to even receive them initially. Additionally, some youth expressed concern about receiving timely and appropriate access to medical care.

Part III: Conclusion

1. Limitations

This report focuses primarily on the education, discipline, and accessibility needs of students with disabilities who are detained at the JTDC. It is not a comprehensive review of every aspect of life in the JTDC. We based our findings on our hours of monitoring within the facility, interviews, and a thorough review of records. We acknowledge there are some limitations to this report. The primary limitation is the lack of insight we can provide on the mental health services provided in the JTDC. In our attempts to collect relevant mental health records and inquire about mental health programming, JTDC staff directed us to Cermak Health Services, the entity contracted to handle all health services in the JTDC. Despite multiple requests for records from Cermak, we received no response. We were unable to pursue this further at this time given our desire to release this report. Future monitoring will necessarily require the cooperation of Cermak Health Services to ensure a comprehensive understanding of the scope and quality of their services within the JTDC. The inability to obtain any records or policies related to the provision of mental health services from the JTDC, itself, is reflective of a larger pattern in the operation of the JTDC: the lack of collaboration and coordination among different county agencies working within the JTDC.

2. Equip for Equality Calls for the Closure of the JTDC and NBJ and the Transition of Youth to Smaller Settings

Close to a year ago, the Blue Ribbon Committee appointed by the Chief Judge of the Circuit Court of Cook County—charged with examining the use of room confinement at the JTDC and other issues—released a scathing report that documented excessive confinement of youth in their cells without accurate tracking of such isolation. The report further found an excessively punitive “behavioral modification system” based on compliance and control rather than rehabilitation. The Committee recommended reforms and the downsizing of the JTDC.

During our on-site visits to the JTDC we observed the same problems and had the same serious concerns as the members of the Blue Ribbon Committee. Even during our recent site visits, we did not observe significant improvements in these areas.

Equip for Equality is calling for the closure of the JTDC and NBJ and a move to housing these youth in smaller, community-based settings based on our leading findings:

- The civil rights of students with disabilities and other youth are routinely being violated.
- There is an unjust and excessive use of physical restraints and seclusion, often as punishment, with a wanton disregard of state law, including prone restraint, according to youth, which is the most dangerous form of this practice. Unfortunately, recording keeping provides little detail.

- If our goal is to rehabilitate and support youth with disabilities and others in turning their lives around, spending time in the JTDC is antithetical to that goal.

While plans are moving forward to close the JTDC and before the new, smaller settings are in place for youth to transition to, it is critical that the youth be kept safe and some significant improvements are made. A challenge of enhancing safety at the JTDC is that there are an unusual, complicated mix of local and state judicial entities and executive agencies that play a role in the oversight of the facility making it more difficult to hold public officials accountable.

A joint action plan should be developed to ensure that on-site monitors and other experts are spending significant time at the facility to watch over the youth and alert local and state judicial and executive entities of emerging problems or situations that are harmful to the youth or will likely result in trauma.

Furthermore, Equip for Equality recommends that youth and their families be given easy access to free legal services to assist them in resolving specific problems as they arise.

Equip for Equality offers our assistance and support of this effort if it is undertaken.

3. If the Decision is Made Not to Close the JTDC, Immediate Steps Need to be Taken to Institute Fundamental Reforms

If the decision is made not to close the JTDC, it must be transformed into a place of rehabilitation and eliminate the punitive “behavior modification” and discipline systems. To do so, the JTDC and NBJ must fundamentally alter current policies, procedures, and practices to ensure all youth, including those with disabilities, receive the appropriate education to which they are legally entitled with trauma-informed, positive behavioral interventions and programming.

The widespread, punitive and excessive use of physical restraints—a dangerous intervention for the youth and the staff who employ them—must be limited to situations authorized by law, fully documented and reported. The use of dangerous, sometimes-fatal prone restraint must be prohibited.

The JTDC Superintendent must develop an action plan to comply with its own policies and state and federal laws in the identified four areas. To ensure the Superintendent and NBJ implement the critical improvements and sustain them, the existing mix of local and state judicial entities and executive agencies must each play their part in turning the JTDC and NBJ around— the Office of the Chief Judge, the Cook County Commissioners, AOIC, CPS, DJJ, Department of Children and Family Services and the Illinois State Board of Education.

There must be transformation of the JTDC and NBJ to a place of rehabilitation for our youth who may have little other opportunity for positive change. Collaboration among these responsible parties and stakeholders is critical to effectuate the necessary change.

4. Equip for Equality Calls for Review of Local Juvenile Detention Centers Statewide and the Streamlining and Enhancement of the Oversight System

While this report focuses on the Cook County JTDC and NBJ, Equip for Equality has concerns about reports of very serious problems at other detention centers across the state. The DJJ's monitoring reports highlight some of these problems, but these audits are limited to collecting information from detention center leadership, staff, youth, observations and review of data on narrowly defined standards developed by the state judicial and executive entities. A more complete understanding of what is happening at the juvenile detention centers is needed.

Even with their limitations, the DJJ audits in 2022 have identified the following concerns, among many others, impacting youth at juvenile detention centers throughout Illinois:

- **Significant staffing shortages:** Staffing shortages are leading to increased confinement and a dearth of positive programming.
- **Punitive use of confinement:** Inappropriate behavioral supports are leading to excessive and punitive use of room confinement, sometimes for as long as 32 hours, in response to behavioral challenges.
- **Lack of medical and mental health supports:** Some juvenile detention centers lack contracts to secure mental health or psychiatric services and have no therapists or doctors on staff.
- **Lack of appropriate education:** Some juvenile detention centers struggle to ensure full day access to education, some deny educational services to youth with behavioral struggles, and others do not have special education teachers on staff.
- **Dirty and threadbare clothing:** The lack of purchasing of newer clothing leads to youth wearing dirty looking and threadbare clothes; and
- **Lack of sufficient and nutritional food:** Due to staffing shortages, some juvenile detention center staff are preparing food for the youth instead of employing a cook, leading to unhealthy food options and even, at times, insufficient access to food.

Immediate steps must be taken to ensure the safety and wellbeing of all youth detained at juvenile detention centers throughout Illinois to address the concerns identified in this report and the 2022 DJJ audits.

Given the longstanding, serious and pervasive problems identified in this report and in DJJ audits and the profound impact they have had on the youth committed there, broader systemic reforms are essential to achieving fundamental and sustainable change. We therefore recommend the following:

- Consistent with the goal of the DJJ to move away from confining youth in large, congregate facilities and provide more humane and rehabilitative environments, Illinois should replace its current institutional model of juvenile detention with a system that provides youth with services in smaller community settings.
- To ensure that the rights of youth at juvenile detention centers to education, safety and appropriate services are protected and enforced, youth and their families must have easy access to free legal services.

- To achieve the change needed to interrupt the school-to-prison pipeline and provide youth with the education and services needed to accomplish the goal of rehabilitation, the State must adequately fund the reforms outlined in this report.
- The courts have a vital role as independent arbiter for violations of legal rights of youth in custody. They should not play a role in the administration of these settings or the oversight systems.
- Illinois needs to streamline and enhance the oversight of the juvenile detention centers.

Changing the culture, practice, and policies at the juvenile detention centers across the state will take considerable effort which is needed to prevent continued harm to youth. However, change is urgently needed to ensure that juvenile detention centers and their associated schools fulfill their goal of rehabilitation and the promise of a better future for these youth outside of the criminal system.

Equip for Equality has concluded that an insurmountable barrier to modernizing and reforming the state's system of local juvenile detention centers is that there are too many local and state judicial entities and executive agencies that play a role in the operation and oversight of the system. As a result, the accountability system is ineffective and determining who is responsible for conditions inside the facilities is elusive.

As the state's disability justice organization, Equip for Equality thinks it is vital for the courts to serve as an independent arbiter for violations of the legal rights of youth in custody. If the courts play a direct role in the administration of the local juvenile detention centers or their oversight, it gives the appearance of a conflict of interest as they are directly involved in the administration or oversight of the program.

Some states have a bifurcated judicial/executive system similar to Illinois. Other states do not have the judiciary directing the juvenile detention centers and playing an oversight role, even if it is limited in scope. Instead, such roles are performed by the executive branch either at the county or state level.

There is a need to further examine how to streamline and enhance the effectiveness of the oversight system for the juvenile detention centers. Illinois should look to other states to determine best practices and make a decision of what would work best in our state.

To ensure such structural changes are thoughtfully examined, alternative models considered and reforms advanced, Equip for Equality is respectfully asking the Juvenile Justice Leadership Council and its three co-chairs to consider taking on this project, ideally with support from Civic Consulting or other experts. Since the co-chairs consist of two members of the Illinois Supreme Court and the Director of the state Department of Juvenile Justice, they are an ideal entity to tackle this project on behalf of both branches of government. If the Leadership Council elects not to take this on, Equip for Equality respectfully asks Lt. Governor Julianna Stratton in conjunction with a Justice of the Illinois Supreme Court to consider taking on this critical project as part of her role over the Justice, Equity and Opportunity Initiative.

If the decision is made not to close the JTDC, Equip for Equality offers any assistance and support to immediately take the following reform steps.

Problem Area 1 Recommendations: Special Education Services

1. NBJ must revise its policies to ensure compliance with the timelines and procedures for: Child Find obligations, triennial and other special education evaluations, and IEP development.
2. CPS and the JTDC must create a Memorandum of Agreement or other interagency agreement outlining the responsibility for service provision and interagency coordination.
3. CPS must train NBJ staff to ensure they comply with the revised policies, with special emphasis on the following changes from current practice:
 - a) Students must be evaluated for Child Find, special education evaluations, and IEP development.
 - b) Students must be evaluated for and receive necessary related services (speech, physical and occupational therapies, social work services, etc.).
 - c) Students must be evaluated for and receive necessary assistive technology.
 - d) Students must receive critical transition services in their IEPs.
4. Students must receive the individualized services set forth in their IEP regardless of whether NBJ has historically provided such services. NBJ must document any services that were in the student's prior IEP or that were requested at NBJ but were not provided. NBJ must notify the receiving school of the above documented services that were not provided and request that the receiving school hold a compensatory education meeting.
5. NBJ must create an ongoing system of quality assurance monitoring to ensure that the above-referenced training was effective.
6. NBJ must hire sufficient special education teachers and related service providers to ensure that all students have a co-teacher in their core classes and receive needed related services in social work, speech, and physical and occupational therapies.
7. NBJ must provide special education teachers and direct instruction in the Reset, Recovery, and Stabilization pods.
8. NBJ must ensure students receive full school day instruction with special education teachers and related services while on the Reset, Recovery, and Stabilization pods.
9. The JTDC must prepare quarterly reports for the Administrative Office of the Illinois Courts and the Illinois State Board of Education on the number of youth receiving special education services, the number of those youth who have been evaluated for and are receiving related services and assistive technology, the number of those youth receiving transition services, and the number of vacancies for special education positions and related service providers.

Problem Area 2 Recommendations: "Behavioral Modification" Systems & Discipline

1. The JTDC must hire an external behavior modification oversight team to develop a plan to reduce the use of the current punitive behavior modification system and replace it with positive behavioral interventions that are trauma-informed.
 - a) Working with this oversight team, the JTDC must establish goals, with specific benchmarks, to accomplish the systematic reduction of room confinement and use of holding pods for discipline during and outside of the school day within a defined period.
 - b) The JTDC must track the total hours each youth is required to spend in holding pods and room confinement, including when youth are in their cells for sleeping hours to measure progress.

- c) Each quarter, the JTDC must assess its progress in reducing the overall number of incidents and time youth are required to spend in their cells and holding pods.
- 2. The JTDC must submit yearly reports to the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts on the progress made toward meeting those goals and benchmarks. The JTDC must modify their plans as necessary to meet the goals and benchmarks. The JTDC must provide disability-related accommodations with respect to discipline outside of the school day so that youth are not punished for actions that are manifestations of their disability.
 - a) As part of this, the JTDC must recreate the level system to ensure it is: (1) focused on rehabilitation as opposed to penalization, (2) applied in a measured fashion to meet the needs of a particular rule violation, and (3) allows the youth to regain privileges at an appropriate speed and in a manner that is individualized and accommodates youth with disabilities.
- 3. The JTDC must eliminate the practice of “sitting on the wall”—where youth sit in silence along the wall outside of their cells for as long as 15 days and receive no meaningful education or positive programming—as a form of punishment.
- 4. The JTDC must develop an accessible and safe system that is free from retaliation for youth to raise grievances or safety concerns, such as making an oral report to a trusted individual, particularly for youth with literacy issues.
- 5. The JTDC must eliminate using holding pods during the school day for disciplinary purposes and NBJ must replace these procedures with a school-based positive behavioral intervention system.
- 6. Until school day holding pod usage is eliminated, NBJ must complete an Illinois State Board of Education time out form every time a student is sent to the holding pod and implement a reduction plan for its usage.
- 7. NBJ must keep data on student removals from class, regardless of whether NBJ or the JTDC remove the student, and comply with procedural requirements pursuant to federal and state special education laws.
- 8. To avoid unlawful punishment of students with disabilities, NBJ and the JTDC must create a Memorandum Of Agreement that allows NBJ to share IEPs, Behavior Intervention Plans, accommodations, and all relevant information related to the student’s disability with the JTDC staff to ensure their plans are followed and their disability is accommodated (e.g. if a student is allowed a warning for a class outburst, the student would be given a warning instead of being immediately removed from class).
- 9. The JTDC must train staff, in coordination with NBJ, on these individualized plans, positive behavioral interventions that are trauma-informed, and students’ protections under the law.
- 10. NBJ must document any JTDC staff noncompliance with IEP discipline protections and re-train staff as needed.

Problem Area 3 Recommendations: Restraint Practices

- 1. As is required by the law, the JTDC must restrict the use of physical restraint to situations where:
 - e) The youth’s behavior presents an imminent risk of serious physical harm to self or others,
 - f) Other less restrictive and intrusive measures have been tried and proven ineffective,
 - g) There is no known medical contraindication to its use, and
 - h) The staff applying the physical restraint have been trained in its safe application.
- 2. The JTDC must ban prone restraints.
- 3. Upon admission, the JTDC must provide youth and their parents/guardians with information about the standards for when physical restraint may be used, the rights of parents/guardians and

- youth, the right to file a complaint and other information to assist parents/guardians in navigating the complaint process.
4. The JTDC must establish a complaint process with the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts for violations of physical restraint standards and/or other rights.
 5. The JTDC must conduct staff training on policies, practices, safety, and implications of trauma when utilizing physical restraint.
 6. The JTDC must amend Policy 6.09.02 to include all physical restraints of youth in its definition of unusual events so as to require an incident report for all physical restraints.
 - a) Incident reports for physical restraint must be given to the parents/guardians.
 - b) The incident reports must include information on the type of restraint used, all witnesses and participants to the restraint, length of restraint, any interventions tried prior to the restraint, and a detailed description of any injury occurring during the incident.
 7. The JTDC must amend Policy 5.06.01 to include all physical restraints of youth as a critical incident so a debrief and stress management are documented and retained with the incident report. As part of stress management, the JTDC must ensure youth who were restrained or observed a restraint have access to mental health support after each incident of restraint.
 - a) The post-incident debrief meeting must include the youth, if appropriate, the youth's parents/guardians, at least one staff member involved in the incident and at least one appropriate staff member not involved in the incident.
 - b) During the meeting, each of the individuals must have an opportunity to describe the events leading up to the incident, the incident, the events that occurred/actions taken after the incident, and how the youth spent the remainder of the day.
 - c) Individuals must also have an opportunity to discuss what could have been done differently to avoid the incident and what alternative courses could be taken to support the youth and avoid a future incident.
 8. The JTDC must notify parents/guardians no more than two days after an incident of physical restraint that they may request a meeting to discuss the incident and the meeting must be convened within two days after the notification unless the parent/guardian requests an extension of that time. The parent/guardian may request that the meeting be held by telephone or videoconference.
 9. The JTDC must require the use of body cameras during all restraint incidents, from start to finish.
 10. The JTDC must hire an external physical restraint oversight team to develop a plan to reduce the use of physical restraint.
 - a) Working with this oversight team, the JTDC must establish goals, with specific benchmarks, to accomplish the systemic reduction of physical restraint within a specified period.
 - b) In order to measure progress, each quarter the JTDC must track and compare to previous quarters the total number of youth that have been physically restrained, comparing results based upon the JTDC's average population each quarter.
 11. The JTDC must submit yearly reports to the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts on the progress made toward meeting those goals and benchmarks and to modify their plans as necessary to meet the goals/benchmarks. The JTDC must also notify parents/guardians upon intake that the plans and reports are available for

review.

Problem Area 4 Recommendations: Facility Accessibility

1. The JTDC must contract with an architect to conduct a comprehensive evaluation of the JTDC's physical accessibility and follow the architect's recommendations to bring it into compliance with federal and state laws.
2. The JTDC must discontinue segregating youth with physical disabilities on the medical pod who are not otherwise ill.
3. The JTDC must ensure that all students with disabilities are permitted the same access to recreation, programs, and services as other youth at the JTDC, including allowing them to use elevators to access these services.
4. The JTDC must conduct training for JTDC staff on inclusionary practices of youth with disabilities.
5. The JTDC must ensure youth timely receive corrective eyewear and access to appropriate medical care while detained.

Part IV: Appendices

Appendix A: Memorandum of Agreement between CPS and the JTDC

Appendix B: NBJ/JTDC Teacher Point Sheet

Appendix C: Example Student Work Packet

Appendix D: ISBE Physical Restraint and Time Out Form

Appendix E: Complete List of Recommendations

¹ *Juvenile Temporary Detention Center (JTDC)*, State of Illinois Circuit Court of Cook County, <https://www.cookcountycourt.org/ABOUT-THE-COURT/Office-of-the-Chief-Judge/Juvenile-Temporary-Detention-Center/History-of-JTDC> (last visited Nov. 7, 2022).

² *Daily Data Dashboard – February 24, 2023 Demographics for JTDC Population*, JTDC (February 24, 2023).

³ *Id.*

⁴ This average was calculated using data EFE received through a FOIA request from Chicago Public Schools providing the number of students with IEPs and 504 plans at various enrollment dates throughout the 2019-2020 and 2020-2021 school years.

⁵ Illinois State Bd. of Educ., *Nancy B. Jefferson High School Systemic Complaint 1* (Mar. 31, 2021).

⁶ Individuals with Disabilities Education Act, 20 U.S.C. §§ 1400(d)(1)(A), 1412(a)(1)(A); *see also* 34 C.F.R. §§ 300.101-102.

⁷ 34 C.F.R. § 300.2(b)(1)(iv); *see also* Admin. Office of the Illinois Courts, *Juvenile Detention Standards*, Section 9.3(a): Rights of Residents – Federal Laws 33 (Jan. 2022), available at [LINKED Juvenile Detention Standards 2022.pdf - Google Drive](#) [hereinafter AOIC Standards].

⁸ *See 2021 Annual Report of the Cook County Juvenile Temporary Detention Center Advisory Board – “Youth Re-entry from Detention in Cook County”*, Cook County Juvenile Temporary Detention Center Advisory Board 1 (Mar. 17, 2022) [hereinafter JTDC Re-entry Report].

⁹ NBJ was previously run under a Memorandum of Agreement (“MOA”) with the JTDC. EFE requested this MOA several times and received a copy from the District which can be found in Appendix A. District staff referred to the expired MOA in several instances during EFE’s interviews and observations. At this time, the MOA is not in effect and has not been extended by the JTDC and CPS. The JTDC and CPS should create such an agreement in order to comply with federal guidance on interagency coordination. www.sites.ed.gov/idea/files/idea-letter.pdf.

¹⁰ Office of Special Educ. and Rehabilitative Serv., U.S. Dep’t of Educ., *Dear Colleague Letter on the Individuals with Disabilities Education Act for Students with Disabilities in Correctional Facilities 1* (Dec. 5, 2014), available at <https://sites.ed.gov/idea/files/idea-letter.pdf>.

¹¹ 34 C.F.R. § 300.111(a)(1)(i); Ill. Admin. Code tit. 23 § 226.100; *see also* 20 U.S.C. §§ 1412(a)(3), 1413(a)(1).

¹² 34 C.F.R. § 300.301(c)(1).

¹³ *Dear Colleague Letter* at 3-4.

¹⁴ Illinois State Bd. of Educ., *Special Education Eligibility and Entitlement within a Response to Intervention Framework: Frequently Asked Questions 22* (Jan. 2022), available at https://www.isbe.net/Documents/faq_sped_entitlement_rti.pdf.

¹⁵ 105 ILCS 5/14-8.02(b) of the School Code states that “the eligibility determination shall be made and the IEP meeting shall be completed prior to the first day of the following school year.”

¹⁶ Predetermination is a procedural violation of the IDEA that deprives parents of the opportunity to meaningfully participate in their child’s IEP. 20 U.S.C. § 1415(f)(3)(E)(ii). Predetermination can deny the child a FAPE. *Deal v. Hamilton County Bd. of Educ.*, 392 F.3d 840 (6th Cir. 2004).

¹⁷ 105 ILCS 5/14-8.02f(c).

¹⁸ 20 U.S.C. § 1414(a)(2).

¹⁹ 20 U.S.C. § 1414(b)(2).

²⁰ While 34 C.F.R. § 300.323(e) notes that only comparable services must be provided until a new IEP is developed when a student transfers between public agencies (i.e., school districts), it is important to note that most students within NBJ are coming from other CPS schools. This provision is inapplicable to any students transferring from within CPS and their IEPs

must be implemented as written. For any student transferring to NBJ from out of district, IEP meetings should be held promptly to update services as the reliance on comparable services is only an interim solution.

²¹105 ILCS 5/14-8.03(a)(5)-(b); *see also* 34 C.F.R. 300.321(b)(1).

²²JTDC Re-entry Report at 5.

²³34 C.F.R. 300.320 (a)(2)(i).

²⁴U.S. Dep't of Educ., *Questions and Answers (Q&A) on U.S. Supreme Court Decision Endrew F. v. Douglas County School District Re-1* 6 (Dec. 7, 2017) (citing *Endrew F. v. Douglas County Sch. Dist.*, 137 S. Ct. 988, 999 (2017)).

²⁵See 34 CFR § 300.320 (a)(2)(i); Ill. Admin. Code tit. 23 § 226.230 (a)(1).

²⁶*Endrew F.*, 137 S. Ct. at 1000.

²⁷JTDC Re-entry Report at 5.

²⁸*Nancy B. Jefferson High School Systemic Complaint* at 22.

²⁹ While CPS stated that NBJ is staffed with a speech therapist and occupational therapist, EFE's review of student records, observations, and interviews indicated that no speech or occupational services were provided to students throughout the review period.

³⁰ CPS claims two special education teachers are assigned to Reset daily, as well as four general education and one special education teacher assigned to Recovery and Stabilization. However, this degree of staffing was not observed during any of EFE's observations.

³¹Circuit Court of Cook County Press Release, *Chief Judge Evans announces improvements for Juvenile Temporary Detention Center* (Oct. 25, 2022) available at <https://www.cookcountycourt.org/MEDIA/View-Press-Release/ArticleId/2969/Chief-Judge-Evans-announces-improvements-for-Juvenile-Temporary-Detention-Center> [hereinafter Circuit Court of Cook County Press Release, 10.25.22].

³²See *2019 Annual Report of the Cook County Juvenile Temporary Detention Center Advisory Board – On the Use of Solitary Confinement with Youth in Detention in Cook County*, Cook County Juvenile Temporary Detention Center Advisory Board 1 (Nov. 30, 2019) [hereinafter JTDC Solitary Report].

³³Gene Griffin, *Final Report of the Blue Ribbon Committee Chair* 11-12 (May 16, 2022) [hereinafter *Blue Ribbon Report*].

³⁴*Id.*

³⁵See, e.g., Cook County Juvenile Temporary Detention Center Advisory Board, *Annual Report 2019: On the Use of Solitary Confinement with Youth in Detention in Cook County* (Nov. 2019); See also Ill. Admin. Code tit. 20 § 2602.170(i) (requiring de-escalation prior to utilizing room confinement, requiring that room confinement only be used until a youth is calm enough to return to general programming, and limiting the use of room confinement to 4 hours without an individualized plan to address behavior). Notably, the JTDC written policies mirror much of what is in the Illinois Administrative Code, but the practice does not mirror policy. See JTDC Policy 1.12.01.

³⁶John Albright, Ill. Dep't of Juv. Just. *2022 Inspection Report: Cook County Juvenile Temporary Detention Center* (Aug 11, 2022), available at <https://idjj.illinois.gov/content/dam/soi/en/web/idjj/djj-reports-starting-aug-2022/2022%20Cook%20County%20Juvenile%20Temporary%20Detention%20Center%20Inspection%20Results.pdf> [hereinafter IDJJ Audit 2022].

³⁷IDJJ Audit 2022 at 4.

³⁸See AOIC Standards, Section 1: Introduction at 4.

³⁹730 ILCS 5/3-15-2.

⁴⁰AOIC Standards, Section 1.3: Introduction – Authority at 5.

⁴¹AOIC Standards, Section 5.2: Programming – Behavior Management at 17.

⁴²See JTDC Re-entry Report at 10; *see also* JTDC Solitary Report at 5-7.

⁴³The Circuit Court of Cook County Press Release, 10.25.22 mentions limiting disciplinary confinement in the youth's room to 30 minutes but does not discuss limiting the JTDC's use of the holding pods.

⁴⁴IDJJ Audit 2022 at 5 and 6.

⁴⁵Limiting access to education in detention is a prohibited punishment by Illinois law. See Ill. Admin. Code tit. 20 § 2602.170 (e). Additionally, the holding pod is not the “least restrictive means possible” of behavior management. See AOIC Standards, Section 5.2: Programming – Behavior Management at 17.

⁴⁶JTDC policy 3.09.22 defines Extraordinary Circumstances as “unusual, unexpected and emergent situations that seriously jeopardize the safety and security of the JUTDC and the residents, staff or others present within the facility.” These violations include blind-sided attacks, assaults with 2 or more residents, assaults on adult, participation in a major group disturbance resulting in injury, possession or use of a dangerous weapon, and *other violations as determined by the Executive Director* (emphasis added).

⁴⁷JTDC policy 6.12.01.

⁴⁸One youth interviewed for the Solitary Report stated, “I hated being confined and once I was let out, I was angry and mad that they treated me like that. It made me feel like an animal.” JTDC Solitary Report at 11. The use of these behavior pods is also an overly restrictive model of behavioral management. *See* AOIC Standards, Section 5.2: Programming – Behavior Management at 17.

⁴⁹The language of Title II of the Americans with Disabilities Act (ADA) is clear: “[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.” 42 U.S.C. § 12132. In *Pennsylvania DOC v. Yeskey*, 524 U.S. 206 (1998), the Supreme Court held that the ADA applies to people in prison. Title II of the ADA defines “public entity” to include “any department, agency, special purpose district, or other instrumentality of a State or States or local government.” 42 U.S.C. § 12131(1)(B). In *Yeskey*, the Court wrote, “The text of the ADA provides no basis for distinguishing these programs, services, and activities from those provided by public entities that are not prisons.” Title II of the ADA extends to prisoners.

⁵⁰In the Circuit Court of Cook County Press Release, 10.25.22, the Chief Judge discusses the addition of evening programming to assist in the wind-down to bedtime. While we appreciate that programming is being added, this, alone, does not remedy the dearth of positive programming we observed and learned of during our visit.

⁵¹AOIC Standards, Section 5.5: Programming – Special Populations at 20. *See also* AOIC Standards, Section 5.2: Programming – Behavior Management at 17; AOIC Standards, Section 5.3: Programming – Educational Services at 19.

⁵²*See* U.S. Dep’t of Educ. & Office of Spec. Educ. & Rehabilitation Svcs., *Questions & Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions* 41 (Jul. 19, 2022) [hereinafter OSERS Report 2022]; U.S. Dep’t of Educ. & Office of Civil Rights, *Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline under Section 504 of the Rehabilitation Act of 1973* 2-3 (Jul. 2022) [hereinafter OCR Report 2022].

⁵³34 C.F.R. § 300.2(b)(1)(iv).

⁵⁴OCR Report 2022 at 3.

⁵⁵*See* OCR Report 2022 at 22-24 (noting that Section 504 protects students subject to informal removals); *see also* OSERS Report 2022 at 14-15 (noting that the IDEA protects students subject to informal removals).

⁵⁶105 ILCS 5/10-20.33; 105 ILCS 5/34-18.20; Ill. Admin. Code tit. 23 § 1.285(f)(1).

⁵⁷*Id.*

⁵⁸*See* Ill. Admin. Code tit. 23 § 1.285(g)

⁵⁹20 U.S.C. §§ 1415(k)(1)(E)-(F); Ill. Admin. Code tit. 23 § 226.400.

⁶⁰Ill. Admin. Code tit. 20 § 2602.170(e).

⁶¹105 ILCS 5/10-20.33; 105 ILCS 5/34-18.20; and Ill. Admin. Code tit. 23 § 1.285.

⁶²The JTDC’s Policy Manual 3.09.16(IV)(3) limits the use of physical management: “The use of force must be justifiable and reasonable and only be used as a last resort.”

⁶³Ill. Admin. Code tit. 23 § 1.285(d)(6).

⁶⁴OCR Report 2022 at 3.

⁶⁵105 ILCS 5/34-18.20(g); 105 ILCS 5/10-20.33(g); and Ill. Admin. Code tit. 23 § 1.285(g)(4).

⁶⁶Ill. Admin. Code tit. 23 § 1.285(g)(2).

⁶⁷Ill. Admin. Code tit. 23 § 1.285(f)(1) details the information that must be included when physical restraint or time out is utilized. Similarly, the Juvenile Detention Standards detail the requirements for record keeping for “any incidents related to the youth including, injury, misconduct, and discipline administered.” Ill. Admin. Code tit. 20 § 2602.40(a)(24).

⁶⁸*See* Ill. Admin Code tit. 20 § 2602.170(f).

⁶⁹This is a direct violation of Ill. Admin Code tit. 20 § 2602.170(f)(4) which prohibits the use of restraint by staff in such a way as to restrict the youth’s airway.

⁷⁰Equip for Equality, Inc., *National Review of Restraint Related Deaths of Children and Adults with Disabilities: The Lethal Consequences of Restraint* (2011), available at <https://www.equipforequality.org/wp-content/uploads/2014/04/National-Review-of-Restraint-Related-Deaths-of-Adults-and-Children-with-Disabilities-The-Lethal-Consequences-of-Restraint.pdf>

⁷¹JTDC Policy Manual 3.07.01(IV)(b)(i)(A)(3).

⁷²Ill. Admin. Code tit. 20 § 2602.170(f)(1).

⁷³The JTDC Policy Manual 3.09.16(IV)(A)(vi) states that: “The use of physical force is proper only when there is no medical contraindication to its use and under the following circumstances: a. To subdue violent residents; b. To separate participants in a fight; c. To prevent imminent injury to staff, residents or others; d. To prevent escape or attempted escape; e. To prevent property damage that jeopardizes the security of the institution.”

⁷⁴Ill. Admin. Code tit. 20 § 2602.170(f)(4).

⁷⁵The JTDC Policy Manual 3.09.16(IV)(B)(4) prohibits “physical restraint technique that risks placing any pressure on or near the neck, reducing a resident’s ability to breathe, or constraining circulation.”

⁷⁶The use of face down take downs (prone restraint) is incredibly dangerous. Numerous studies have shown the risk of serious injury, or even death, that can result from a prone restraint. See Protection & Advocacy, Inc., *The Legal Hazard of Prone Restraint: Positional Asphyxiation* (Apr. 2002), available at https://www.ndrn.org/images/Documents/Issues/Restraint_and_Seclusions/NDRN_Positional_Asphyxiation_701801_402.pdf; see also Nat.l Law Enforcement Tech. Center, *Positional Asphyxiation: Sudden Death* (June 1995), available at <https://www.ojp.gov/pdffiles/posasph.pdf>.

⁷⁷Ill. Admin. Code tit. 20 § 2602.170(g)(2).

⁷⁸Ill. Admin. Code tit. 23 § 1.285.

⁷⁹Ill. Admin. Code tit. 23 § 2602.170(g)(1).

⁸⁰According to the JTDC Policy Manual 3.09.16(IV)(A)(7), “The use of physical force as a disciplinary sanction, punishment, or as a training or behavior modification technique is strictly prohibited.”

⁸¹While the accessibility standard for new construction and alterations under the ADA is the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards), the accessibility standard for new construction and alterations under section 504 is the Uniform Accessibility Standards (UFAS). Section 232 of the ADA 2010 Standards; See also 28 C.F.R. § 35.151(k). The Juvenile Detention Standards further outline the requirements of facilities to comply with the ADA. See AOIC Standards, Section 9.3(b): Rights of Residents – Federal Laws at 33 (outlining the applicability of the ADA to juvenile detention). See also AOIC Standards, Section 5.5(a): Programming – Special Populations at 20 (adding a requirement for accommodations in programming).

⁸²28 C.F.R. § 35.151(k)(1).

⁸³Disability Rights Section, U.S. Department of Justice, *ADA/Section 504 Design Guide: Accessible Cells in Correctional Facilities* (Feb. 8, 2005), available at <https://www.ada.gov/accessiblecells.htm>.

⁸⁴*Id.*

⁸⁵*Id.*

⁸⁶*Id.*

⁸⁷*Id.*

⁸⁸*Id.*

⁸⁹ While the JTDC has stated that youth are permitted to use the elevators, interviews indicated that staff were either unsure or unaware of this permission. Interviews indicated that, in practice, students with physical disabilities are often held in the medical pod with limited movement through the facility. If in fact students are permitted to use the elevators as needed, staff should be trained in this policy.

**APPENDIX A:
Memorandum of
Agreement between
CPS and the JTDC**

**MEMORANDUM OF AGREEMENT
BETWEEN
THE BOARD OF EDUCATION OF THE CITY OF CHICAGO AND
THE COOK COUNTY JUVENILE TEMPORARY DETENTION CENTER**

This Memorandum of Agreement (MOA) is entered into between the Board of Education of the City of Chicago (“Board”) regarding Nancy B. Jefferson Alternative School (“NBJ”), located at 1100 S. Hamilton, Chicago, Illinois 60612, and the Cook County Juvenile Temporary Detention Center (“JTDC”), through its federal court-appointed transitional administrator.

WHEREAS, the JTDC provides temporary secure housing for youth from the age of 10 through 21 years (“JTDC Residents”), who are awaiting adjudication of their cases by the Juvenile Division of the Cook County Courts. The JTDC also provides care for youth who have been transferred from Juvenile Court jurisdiction to Criminal Court; and

WHEREAS, NBJ offers educational programming to meet the diverse educational and social/emotional needs of court-detained juveniles at the JTDC as required by Illinois State law; and

WHEREAS, the JTDC and NBJ wish to enter into this MOA setting forth services which NBJ will provide to JTDC Residents; and

NOW, THEREFORE, in consideration of these premises and the mutual undertakings hereinafter stated, it is hereby understood and agreed as follows:

I. RECITALS

The abovementioned recitals, as contained in the paragraphs constituting the preambles to this MOA, are full, true and correct and are hereby incorporated into this MOA as if fully restated herein.

II. SCOPE OF SERVICES

This MOA sets forth the respective obligations of the parties hereto. NBJ will provide educational services to JTDC Residents at no charge to the County, the JTDC or the JTDC Residents. JTDC will provide space, electricity, and phone at the JTDC suitable for NBJ educational services at no charge to the Board.

III. CONDUCT OF NBJ

NBJ will perform quality services meaning that NBJ will use the practices, skills, and effort consistent with that customarily used by leading providers of similar services to similarly sized customers; and will perform in a competent and professional manner utilizing personnel with sufficient education, training and experience to provide the services required under this MOA. If applicable, NBJ staff has and will continue to have at the times they are providing services pursuant to this MOA, current certifications to provide such services. NBJ will abide by all rules and regulations of the County facilities relative to this MOA and shall cause all of its employees, agents and subcontractors, to comply therewith.

The JTDC shall have the authority to prohibit an NBJ employee from contact with residents (“No Contact Order”) and from entering the secure area of the JTDC (“Stop Orders”) who fails to comply with JTDC policies, procedures, rules and regulations or who conducts herself or himself in an improper or unprofessional manner or in a manner which, in the judgment of the JTDC, threatens or potentially threatens the health, safety or welfare of a JTDC Resident, visitor or staff member. Failure by a NBJ staff member to comply with a Stop Order issued by the JTDC shall result in the staff member’s removal from JTDC premises. In the event of removal, NBJ will promptly furnish the JTDC with other acceptable personnel.

IV. NBJ SERVICE OBLIGATIONS

Educational Services

- NBJ shall maintain sufficient qualified staff to meet the needs of the population.
- NBJ shall provide individual mentoring to students as appropriate.
- NBJ shall provide all necessary curriculum materials.
- NBJ staff will develop a plan and appropriate materials for various educational levels, to be distributed and explained to youth in the medical unit, in room confinement, or otherwise unable to participate in normal school classroom activities.
- NBJ shall maintain a library.
- NBJ shall collaborate with the JTDC to provide educational opportunities for youth who have graduated from high school. NBJ shall maintain the schedule of instruction and activities 12 months a year.
- NBJ shall provide the Transitional Administrator/Executive Director with NBJ’s Continuous Improvement Work Plan, listing the goals, mission, strategic priorities and action plan for educational initiatives in the school.
- NBJ shall provide educational services in core subject areas in accordance with student needs.
- NBJ shall provide transcripts and reports as required by the court.
- NBJ shall provide transition services back to the home school upon the release from the JTDC.
- NBJ shall comply with all applicable state and federal laws.

Training and Collaboration with JTDC Staff

- NBJ shall work collaboratively with JTDC staff by participating in executive, administrative, center, and multidisciplinary team meetings as directed by the Executive Director
- NBJ shall participate in on-site, identified training during regular school hours relating to JTDC policies and resident behavior management programs. Other requests for training shall be submitted to the NBJ principal for approval.

Safety and Security

- NBJ shall discuss and report any concerns about student risk of harm to the Supervisor in Charge (SIC) immediately.
- NBJ employees, volunteers, and contractual staff shall submit to background checks and other security requirements prior to beginning the assignment at the JTDC.
- NBJ shall maintain inventory of items identified by JTDC to be a safety and/or security risk.
- NBJ staff shall conduct classes on the Pods when JTDC has identified safety and security issues which prohibit safe movement to the educational area.
- NBJ staff shall report any allegations of abuse to the Supervisor In Charge.
- NBJ shall cooperate with any internal investigations conducted by the JTDC.

V. JTDC's OBLIGATIONS

Safety and Security

- JTDC shall provide a minimum of one staff person in each classroom to provide direct and continuous supervision of residents.
- JTDC shall provide adequate security within the school premises (including hallways and classrooms) for all residents.
- JTDC shall respond to all requests for assistance and emergency.
- JTDC shall provide redirection and support during classroom activities.
- JTDC shall provide due process hearings and discipline for resident misconduct while in the classroom.
- JTDC shall provide applications including a background check for NBJ staff assigned to the JTDC.

Educational Support

- JTDC shall provide timely movement of residents to and from school that assures that residents will have the opportunity to receive the hours of educational services mandated by law and/or policies of the Board.
- JTDC shall provide orientation/training for all NBJ staff that will be providing services pursuant to this MOA.
- JTDC shall provide sufficient and appropriate physical space, electricity, and phone at the JTDC suitable for the services NBJ is providing pursuant to this MOA.
- JTDC shall provide adequate supplies for resident's hygiene needs (i.e. toilet paper, paper towels).
- JTDC shall provide custodial services to the educational area.
- JTDC shall provide keys and manage the key control of the educational area.

- JTDC shall participate in all multidisciplinary meetings requested by the NBJ.
- JTDC shall provide personnel for parent conferences if requested.
- JTDC shall approve extracurricular activities, personnel and materials prior to scheduled activities.
- JTDC shall report any resident, medical or behavioral issues that affect the educational programming.

VI. TERM AND TERMINATION

This MOA shall become effective when signed by the last of the parties and shall remain in effective for one (1) year unless terminated sooner as provided herein. This MOA may be extended for additional one (1) year terms as agreed by the parties in writing.

Either party may terminate this MOA by providing ninety (90) days written notice of termination to the other party. Furthermore, the Executive Director/Transitional Administrator of the JTDC or the Board may terminate this MOA immediately for cause. "Cause" shall include, but not be limited to, misconduct or a disruption of or interference with Resident care, or inadequate security protections for Board staff.

VII. INSURANCE AND WORKERS COMPENSATION

General. Each NBJ staff member assigned to the JTDC pursuant to this MOA shall be covered by professional liability insurance or a program of self-insurance for professional liability sponsored by the Chicago Public Schools, which shall cover their activities while assigned to the JTDC. Furthermore, the requirements for such insurance or self-insurance program shall be set forth in this Article. The provisions of this Article shall survive the termination of this MOA.

Policy or Self-Insurance Program Requirements. Each insurance policy or self-insurance program covering NBJ faculty for professional liability as required under this Article shall have limits of not less than one million (\$1,000,000.00) dollars per occurrence/three million (\$3,000,000.00) dollars annual aggregate. NBJ shall cause its insurer or self-insurance administration to provide a copy of NBJ's liability self-insurance plan evidencing such coverage to the County's Risk Manager immediately upon execution of this MOA.

The County shall self-insure during the term of this contract all insurance coverage required in an amount not less than \$1,000,000.00 per occurrence.

Workers Compensation and Occupational Disease Liability. NBJ shall be responsible for the payment of any and all compensation to NBJ faculty and employees, if applicable, including, but not limited to, wages, salary, health insurance and fringe benefits. Further, NBJ shall be responsible for the payment of worker's compensation and occupational disease benefits, if any is owed to NBJ faculty, in the event of compensable injuries or illnesses sustained while NBJ faculty are assigned to the JTDC under this MOA. Irrespective of any claimed status of the County and NBJ as "borrowing

employer “ and “loaning employer” respectively, within the meaning of the Workers’ Compensation Act and the Occupational Disease Act of the State of Illinois, NBJ shall be responsible for payment of any workers’ compensation or occupational disease benefits due to NBJ faculty as a result of illness or injury arising out of and in the course of their activities at the JTDC, if any is owed, and shall reimburse the County for the full amount of any judgment or award for workers’ compensation or occupational disease benefits, plus costs and expenses.

VIII. LIABILITY

No official, officer, employee, attorney, agent or assign of the County, the JTDC, the Board or NBJ shall be liable for any negligent or wrongful act chargeable to another party unless such liability is imposed by a court of competent jurisdiction. The Board and NBJ assume no liability for the actions of Cook County or the JTDC and their officials, officers, employees, attorneys or agents under this MOA. Cook County and the JTDC assume no liability for the actions of NBJ and its officials, officers, employees, attorneys or agents under this MOA. Each party agrees to be solely responsible for liability, suits, losses, judgments, damages, or other demands imposed upon it as a result of its own actions or omissions in the performance of its obligations specified in this MOA. This MOA shall not be construed as seeking to enlarge or diminish any obligation or duty owed by one party against the other or against third parties. In the event of a claim for any wrongful or negligent act, each party shall bear the cost of its own defense.

IX. HEALTH CARE/TB CLEARANCE

NBJ faculty instructors shall comply with all applicable JTDC rules, regulations and procedures with respect to infection control including but not limited to health screenings and vaccinations.

X. ACCIDENT REPORTS

NBJ shall comply with the established procedures relating to the prevention and response to injuries described in JTDC policies #3.11 and #9.22. Injuries, however slight, while on duty or on JTDC grounds shall be reported immediately to a JTDC assigned administrator without undue delay, but no later than the end of the assigned shift or workday. The responding supervisor or administrator shall ensure that there is an appropriate medical response to the injury.

NBJ employees will comply with Board policies and procedures for accident reporting. Board employees witnessing the incident shall contact the Board’s Law Department for assistance completing and submitting an incident report to the JTDC Supervisor in Charge. All witnesses to the incident shall be required to write an incident report in accordance with JTDC Policy #9.22. As soon as practical, the injured employee shall also be required to complete and submit to the Human Resources Department the “JTDC Accident/Injury Report.” The report shall clearly describe the incident and nature of the

injury. If the injured employee is physically unable to complete the report, another staff member may assist in writing the report.

XI. LIAISONS/ GENERAL NOTICE

The key contacts for each party shall be the individuals who have signed this MOA below or an individual designated by them. All notices required pursuant to this MOA shall be in writing and addressed to the parties at their respective addresses set forth below. All such notices shall be deemed duly given if hand delivered or if deposited in the United States mail, postage prepaid, registered or certified, return receipt requested. Notice as provided herein does not waive service of summons or process.

Legal Department
Cook County Juvenile Temporary
Detention Center
1100 S. Hamilton
Chicago, Illinois 60612

TO NBJ: Board of Education of the City of Chicago
125 South Clark Street, Suite 600
Chicago, Illinois 60603

And

General Counsel
Board of Education of the City of Chicago
125 South Clark Street, Suite 700
Chicago, Illinois 60603

XII. INDEPENDENT CONTRACTOR STATUS; NO THIRD PARTY BENEFICIARIES

NBJ and its employees, agents, subcontractors, for all purposes arising out of the MOA, are independent contractors and not employees of the County or the Office of the Chief Judge. It is expressly understood and agreed that neither NBJ nor NBJ employees, agents, subcontractors, shall be entitled to any benefit to which County employees may be entitled including, but not limited to, overtime or unemployment compensation, insurance or retirement benefits, workers' compensation or occupational disease benefits or other compensation or leave arrangements.

Nothing contained herein shall be deemed or construed by the parties hereto, or by any third party, as creating the relationship of principal and agent or of partnership or of joint venture or any relationship between the parties hereto other than that of independent contractors. Nothing herein shall be construed to confer upon any third parties the status of third party beneficiary.

XIII. CONFIDENTIALITY OF JTDC RESIDENT RECORDS

The parties agree that the JTDC does not keep any records of education pertaining to JTDC Residents. NBJ shall maintain the confidentiality of records kept by NBJ in accordance with applicable law.

The parties agree that all JTDC Resident information and all JTDC quality assessment and improvement information is absolutely confidential and shall not be disclosed or used, directly, indirectly or by implication, by NBJ, in any way, except as required to provide services defined in this MOA.

NBJ staff shall maintain confidentiality as to the identity of the youth detained at the JTDC. Medical records pertaining to a JTDC Resident shall not be released without a written authorization from a person who may consent to the disclosure of confidential information pursuant to Illinois Mental Health and Developmental Disabilities Confidentiality Act (740 ILCS 110/4 and 110/5), the Juvenile Court Act (705 ILCS 405/5-901) and the Health Insurance Portability and Accountability Act (“HIPAA”) where applicable.

XIV. GENERAL CONDITIONS

Amendments. The Parties may from time to time during the term of this MOA make amendments but only as provided in this section. Such amendments shall only be made by mutual Memorandum in writing signed by the key contacts for each party. The key contacts for each party shall be the individuals who have signed this Memorandum below or an individual designated by them.

Entire Memorandum. This Memorandum constitutes the entire agreement between the Parties, merges all discussion between them and supersedes and replaces any and every other prior or contemporaneous Memorandum, negotiation, understanding, commitments and writing with respect to such subject matter here.

Compliance with Laws. The parties shall comply with all applicable laws, ordinances, rules and regulations and executive orders of the federal, state and local government now existing or later in effect, that may in any manner affect the performance of this MOA.

Confidentiality. NBJ acknowledges and agrees that information regarding this MOA is confidential and shall not be disclosed, directly, indirectly or by implication, or be used by NBJ in any way, whether during the term of this MOA or at any time thereafter, except as may be required by law or in the course of NBJ’s performance hereunder. NBJ shall comply with the applicable privacy laws and regulations affecting the County and will not disclose any of the County’s records, materials, or other data to any third-party, except as may be required by law. If the JTDC is presented with a request for documents by any administrative agency or with a *subpoena duces tecum* regarding any confidential information which may be in the JTDC’s possession as a result of this MOA, JTDC shall immediately give notice to the Board’s General Counsel with the understanding that the Board shall have the opportunity to contest such process by any means available to it prior to submission of any documents to a court or other third party. JTDC shall not be obligated

to withhold delivery of documents beyond the time ordered by a court of law or administrative agency, unless the request for production or subpoena is quashed or withdrawn, or the time to produce is otherwise extended.

Governing Law. This MOA shall be interpreted under and governed by the laws of the State of Illinois. Venue shall lie in a court of competent jurisdiction located within the Circuit Court of Cook County, Illinois.


Severability. To the extent that a court of competent jurisdiction shall determine that any part or provision of this MOA is unenforceable as a matter of law, the portion deemed unenforceable shall be severable and the remainder of the MOA shall survive.

Waiver. No term or provision of this MOA shall be deemed waived and no breach shall be deemed consented to unless such waiver or consent is set forth in writing signed by the party claimed to have waived or consented. No waiver or consent shall be deemed a waiver of, or consent to, a subsequent breach.

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK

IN WITNESS WHEREOF, the Parties have hereto caused their duly authorized representatives to execute this MOA on the dates hereafter set forth below.


For The Juvenile Temporary Detention Center of Cook County:




Earl Dunlap
Transitional Administrator
Juvenile Temporary Detention Center of Cook County

Dated: 6-5-12

ATTEST:






Dated: 6-5-12

Print Name and Title

Dated: _____

For Board of Education of the City of Chicago:



Signature

Jean-Claude Brizard
Chief Executive Officer

Dated: 7/18/12

Dated: _____

Approved as to Legal Form:



James L. Bebley
General Counsel

Dated: 7/17/12

Dated: _____

**APPENDIX B:
NBJ/JTDC
Teacher Point
Sheet**

APPENDIX C:
Example Student
Work Packet

In the Book

Right There	Think & Search
What did.... Who did... How many... What was... Who are.... When did... What does... What kind.... Who is... What is... Where is... Name.... List....	How do you... What happened to... How long did... What time did... What happened before... What happened after... How would you describe... What examples.... Where did... How do you make... Why does... Explain... Compare...

In My Head

Author & Me	On My Own
Do you agree with.... Why did the main character.. What did they mean by... How did she/he feel when... Give the reasons why... What do you think... What if... What do you think will happen... What did the author mean by... What did the character learn about...	Have you ever... What are the reasons that... If you could... If you were going to... What are the pros & cons of.. Do you know anyone who... How do you feel about... What is your favorite...why... What do you do when... What can be exciting about.. What do you already know about.... What would you do if...

STUDENT RESPONSE PACKET VOLLEYBALL

NAME _____

DATE _____

WHAT TO DO

Center

Pod

The following questions will help you to have a greater appreciation and understanding of volleyball. Write your answers in the spaces below the questions. If there is not enough room, write on the backs of these sheets. Be neat, spell correctly, and write in complete sentences.

1. Why is volleyball considered to be such a good aerobic exercise?

To you could lose weight

2. How many total points can be scored in a game of volleyball?

24

3. What does "a match" in volleyball consist of?

play another Round

4. What clothing is typically worn for playing volleyball?

shorts and underwear
shin guard

5. What is "the ready position" in volleyball and how is it used?

Have your eyes on the ball
Bend your knees and cross your
hand together.

6. What is an overhand serve?

That's when the beginner
hits the ball.

7. What is an underhand serve?

great serve

8. What is a pass and how is it used?

Bend the ball up so you
could hit the ball over

9. How is a spike ball hit?

Smack it with your hand
and score

10. How is a block used?

When you blocked your
opent from scoring.

Week
of:

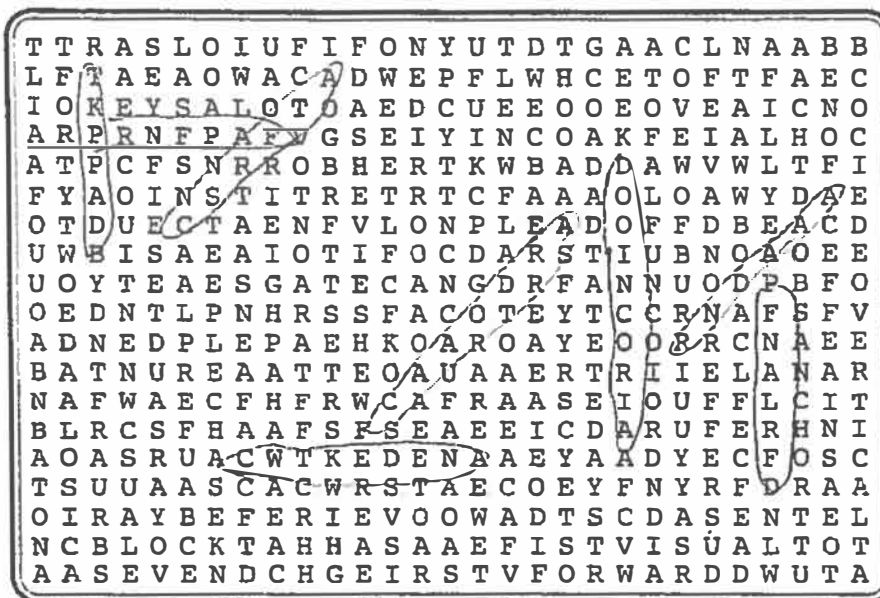
FR1



Circle the words in the above puzzle.

- | | |
|----------------------------|--------------------------|
| 1. BOTH | 11. MICHIGAN |
| 2. CENTER | 12. OFFENSIVE |
| 3. COMMON | 13. PENALTIES |
| 4. COORDINATION | 14. PHYSICAL |
| 5. ENERGETIC | 15. PLASTIC |
| 6. EUROPE | 16. PLAYERS |
| 7. FLOOR | 17. POSITIONS |
| 8. GOALIE | 18. PUCK |
| 9. HAND | 19. REFEREE |
| 10. HOCKEY | 20. SCHOOLS |

Physical Education 32 Word Search



Use the clues below to discover words in the above puzzle. Circle the words.

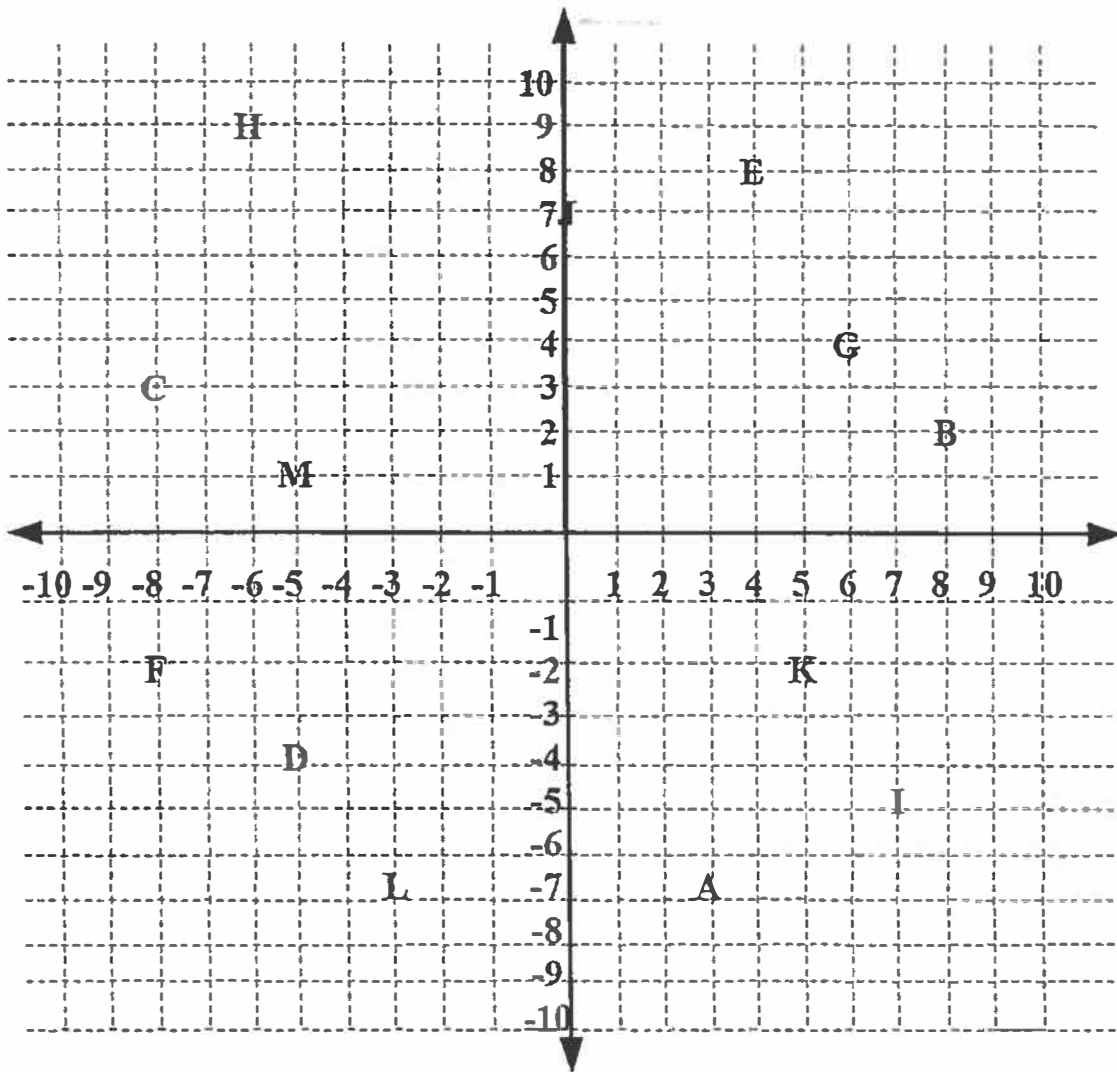
1. Type of relay pass
2. Direction of body weight after crossing hurdle
3. Name of first sprinter in a relay race
4. An association of colleges that supervises track events
5. One of the five track events covered in this packet
6. The last runner in a relay race
7. Federation that controls track all over the world
8. The sprinter puts his or her feet here at the start of the race
9. Track events held here in 776 BC
10. This is passed in a relay race
11. Second command when starting the dash
12. Number of water jumps in a steeplechase
13. This race involves water jumps and hurdles
14. One of the associations that control track events
15. Height in inches of hurdles
16. Position with hips slightly above shoulder level
17. Direction of minimum movement in crossing hurdle
18. Another name for the dash
19. Traditional number of hurdle types
20. Number of sprinters in a relay race

Academic Approach*

When many of us hear the word "diamond," we immediately think of a sparkly gem set in a ring or ~~earrings~~ but the diamond is so much more than a precious gemstone. Diamonds come from Earth's ~~mantle~~ ~~not~~ Earth's surface, and are formed in volcanic eruptions. They are mined (though we can ~~also make them in a lab~~) in many ~~locations~~ around the world. Diamonds, one of the hardest substances ~~known to humans~~ can be used for cutting, grinding, and drilling. A small ~~amount only about thirty percent~~ of diamonds mined today become gemstones; the rest are used for industrial tasks.

1. A) NO CHANGE
B) earrings,
~~C) earrings—~~
D) earrings;
2. ~~A) NO CHANGE~~
B) mantle; not
C) mantle not,
D) mantle, not
3. A) NO CHANGE
B) also make them in a lab—
C) also make them in a lab
~~D) also, make them in a lab;~~
4. A) NO CHANGE
~~B) known to humans)~~
C) known, to humans;
D) known to humans,
5. A) NO CHANGE
~~B) amount, only about thirty percent;~~
C) amount (only about thirty percent)
D) amount only, about thirty percent,

Ordered Pairs



For each letter, write the corresponding ordered pair.

A. 6 B. 8 C. -5 D. 4 E. -6

For each ordered pair, write the corresponding letter.

1.) $(6, 4) =$ 2.) $(5, -2) =$ 3.) $(0, 7) =$ 4.) $(-8, -2) =$

5.) $(-6, 9) =$ 6.) $(-5, 1) =$ 7.) $(7, -5) =$ 8.) $(-3, -7) =$

D, F

L, C

G, E

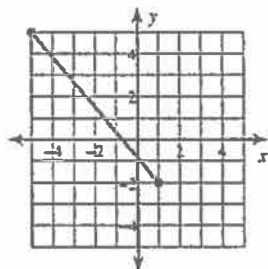
B, K

Wednesday day 3
The Distance Formula

Date _____ Perio _____

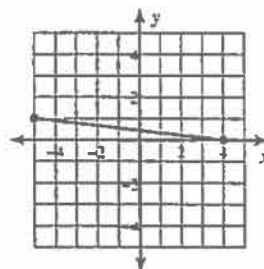
Find the distance between each pair of points. Round your answer to the nearest tenth, if necessary

1)



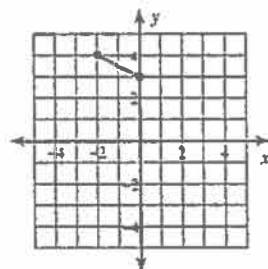
2, 2

2)



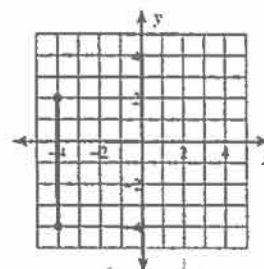
4, -2

3)



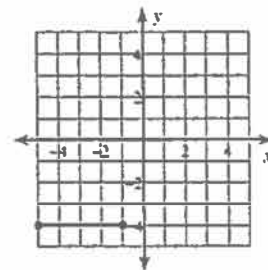
-2, 5, 5

4)



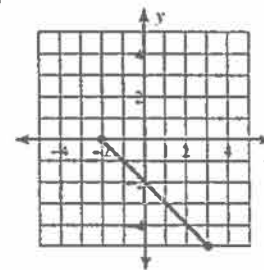
-4, -4

5)



-4, 4

6)



-2, 2

7) (-2, 3), (-7, -7)

$2, 3, 7, 7 \quad 42^2 + a$

8) (2, -9), (-1, 4)

$2, -9, -1, 4 = 18^2$

9) (5, 9), (-7, -7)

$5, 9, -7, -7 = 4 =$

10) (8, 5), (-1, 3)

$8, 5, -1, 3 = 3^2$

11) (-10, -7), (-8, 1)

$10, 7, 8, 1$

12) (-6, -10), (-2, -10)

$-6, -10, -2, -10$

Academic Approach*

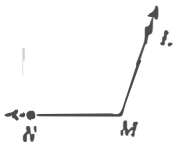
G.CO.A.1 Know precise definitions of different angles (Acute, Obtuse, Straight, Right, Complementary, Adjacent, Linear and Vertical) and apply the appropriate Postulates (Angle Addition Postulate) based on the undefined notions of point, line, distance along a line and distance around a circle.
G.CO.9 Prove theorems about lines and angles. Theorems include: vertical angles are congruent; when a transversal crosses parallel lines, alternate interior angles are congruent and corresponding angles are congruent; points on a perpendicular bisector of a line segment are exactly those equidistant from the segment's endpoints.

1. A line segment in the standard (x,y) coordinate plane has endpoints $(13,2)$ and $(7,-5)$. What is the length, in units, of the line segment?
- A) 36
 - B) $17\sqrt{5}$
 - C) $5\sqrt{17}$
 - D) $\sqrt{85}$
 - E) 49

Naming Angles

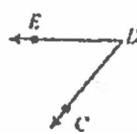
Name the vertex and sides of each angle.

1)



M, ML, MN

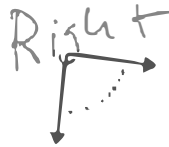
2)



D, DE, DC

Determine if the angle shown is acute, obtuse, right or straight.

1)



Right

2)



obtuse

3)

acute



4)

obtuse



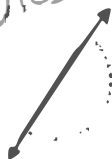
5)

Right



6)

obtuse



7)

acute



8)

acute



**APPENDIX D:
ISBE Physical
Restraint and Time
Out Form**



Illinois State Board of Education

100 North First Street
Springfield, Illinois 62777-0001

PHYSICAL RESTRAINT AND TIME OUT FORM

Instructions: Per 23 IAC 1.285(f)(1), a written record of each event involving a time out, isolated time out, or physical restraint must be maintained in the student's temporary record. Public school districts, nonpublic special education facilities, special education cooperatives, charter schools, Regional Safe School Programs, and any other educational program serving Illinois public school students must complete this form in its entirety. A copy of this form, along with other required documents, must be sent to the student's parent/guardian within one business day after the incident. **Within two business days, serving entities must enter the data into ISBE's Student Information System (SIS). Please DO NOT mail a physical copy of this form to ISBE.**

STUDENT NAME	DATE OF BIRTH	ISBE STUDENT ID
HOME SCHOOL	DISTRICT	
SERVING LOCATION	<input type="checkbox"/> District School or Program <input type="checkbox"/> Cooperative Program <input type="checkbox"/> Nonpublic Special Education Facility	

Does the student have an IEP? Yes No If yes, what is the disability category? _____

Does the student have a 504 Plan? Yes No

Document the incident(s) that occurred on a single day. If an incident occurs more than 30 minutes after the conclusion of the previous event, please complete a separate form for the new incident. Multiple forms may be used instead.

Incident #1	Incident #2	Incident #3	Incident #4
<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Physical Restraint	<input type="checkbox"/> Physical Restraint
<input type="checkbox"/> Isolated Time Out	<input type="checkbox"/> Isolated Time Out	<input type="checkbox"/> Isolated Time Out	<input type="checkbox"/> Isolated Time Out
<input type="checkbox"/> Time Out	<input type="checkbox"/> Time Out	<input type="checkbox"/> Time Out	<input type="checkbox"/> Time Out
Date of Incident:	Date of Incident:	Date of Incident:	Date of Incident:
Time Started:	Time Started:	Time Started:	Time Started:
Time Ended:	Time Ended:	Time Ended:	Time Ended:
Total Minutes:	Total Minutes:	Total Minutes:	Total Minutes:
Location:	Location:	Location:	Location:

Check Reason for Restraint or Time Out:

- Imminent Danger of Serious Physical Harm to Self
- Imminent Danger of Serious Physical Harm to Staff
- Imminent Danger of Serious Physical Harm to Other Student(s)
- Other: _____

1. Describe events leading up to the incident:

2. Describe the interventions used prior to implementation of isolated time out, time out or physical restraint and why they were deemed ineffective or deemed inappropriate (e. g., directives used, removed the trigger, use of proximity control, etc.).

3. Describe the incident or student behavior that resulted in isolated time out, time out, or physical restraint (this should be the behavior that posed an imminent danger to self or others).

4. For isolated time out, describe the rationale for why the needs of the student could not have been met by a less restrictive intervention and why an adult could not be present in the time out room.

5. Type of physical restraint used (check all that apply for incident)

- 1-person hold in standing position
- Team hold in standing position
- Supine restraint
- Other _____
- 1-person hold in seated position
- Team hold in seated position
- Prone restraint

6. Attach behavior log of student behavior during isolated time out, time out, and/or restraint and any interaction between the student and staff.

7. Evaluation by Certified or Trained Staff Member

If an episode of isolated time out or time out exceeds 30 minutes or a physical restraint exceeds 15 minutes or if repeated episodes occur during any three-hour time period, a certified staff person knowledgeable about the use of time out or trained in the use of physical restraint must evaluate the situation.

Certified or trained staff member evaluating the situation: _____

Time of evaluation: _____

Was the time out or restraint able to be safely continued? Yes No

The Certified or Trained staff member should also be listed with the participants in Question 12 on this form.

8. Did the student have access to nourishment, medication, and restrooms:

- Nourishment Yes No
- Medication Yes No
- Use of restroom Yes No

Did the student require:

- Nourishment Yes No
- Medication Yes No
- Use of restroom Yes No
- Clothing removed Yes No

Time out space:

- Visual monitor
- Room construction
- Door composition/lock/block
- Space large enough

Need for alternate strategies:

- Assessment by mental health crisis team
- Assistance from police
- Transportation by ambulance
- Other _____

For students who require the use of their hands to communicate such as the use of sign language, augmentative and alternative communication, or another way of nonverbal communication, was the student able to freely use their hands to communicate with staff during the event? Yes No N/A

For students who require the use of assistive technology to communicate with others, did the student have access to such devices as indicated in their IEP? Yes No N/A

9. Were there any injuries to student or staff or others? Yes No

If yes, evaluated by: _____

Describe injuries.

10. Was there property damage? If yes, describe. Yes No

11. Describe any planned approach to dealing with the student's behavior in the future, including any de-escalation methods or procedures that may be used to avoid the use of time out or physical restraint:

- Continue IEP
- Develop a BIP
- Refer to Problem-solving Team
- Other _____

12. School personnel who participated in the implementation, monitoring, and supervision of time out or restraint.

Event Participant	Evaluation Participant	Participant trained?
<input type="checkbox"/>	<input type="checkbox"/> Name _____ Title _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/> Name _____ Title _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/> Name _____ Title _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/> Name _____ Title _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
<input type="checkbox"/>	<input type="checkbox"/> Name _____ Title _____	<input type="checkbox"/> Yes <input type="checkbox"/> No

13. Parent/Guardian Notification

Same Day Parent/Guardian Notification:

ISBE Form 11-01 Sent:

Date _____

Date _____

Time _____

Time _____

Method _____

Date data was submitted into state reporting system: _____ By whom: _____

Copies of the form and attached behavior log to be kept in the temporary file.

Please note that per 105 ILCS 5/10-20.33(g) and 105 ILCS 5/34-18.20(g), following each incident of isolated time out, time out, or physical restraint, but no later than 2 school days after the incident, the principal or another designated administrator shall notify the student's parent or guardian that he or she may request a meeting with appropriate school personnel to discuss the incident. Parents who wish to file a state complaint regarding the use of time out, isolated time out, or physical restraint can submit the complaint to restrainttimeout@isbe.net.

**APPENDIX E:
Complete List of
EFE
Recommendations**

COMPLETE LIST OF RECOMMENDATIONS

Problem Area 1 Recommendations: Special Education Services

1. NBJ must revise its policies to ensure compliance with the timelines and procedures for: Child Find obligations, triennial and other special education evaluations, and IEP development.
2. CPS and the JTDC must create a Memorandum of Agreement or other interagency agreement outlining the responsibility for service provision and interagency coordination.
3. CPS must train NBJ staff to ensure they comply with the revised policies, with special emphasis on the following changes from current practice:
 - a) Students must be evaluated for Child Find, special education evaluations, and IEP development.
 - b) Students must be evaluated for and receive necessary related services (speech, physical and occupational therapies, social work services, etc.).
 - c) Students must be evaluated for and receive necessary assistive technology.
 - d) Students must receive critical transition services in their IEPs.
4. Students must receive the individualized services set forth in their IEP regardless of whether NBJ has historically provided such services. NBJ must document any services that were in the student's prior IEP or that were requested at NBJ but were not provided. NBJ must notify the receiving school of the above documented services that were not provided and request that the receiving school hold a compensatory education meeting.
5. NBJ must create an ongoing system of quality assurance monitoring to ensure that the above-referenced training was effective.
6. NBJ must hire sufficient special education teachers and related service providers to ensure that all students have a co-teacher in their core classes and receive needed related services in social work, speech, and physical and occupational therapies.
7. NBJ must provide special education teachers and direct instruction in the Reset, Recovery, and Stabilization pods.
8. NBJ must ensure students receive full school day instruction with special education teachers and related services while on the Reset, Recovery, and Stabilization pods.
9. The JTDC must prepare quarterly reports for the Administrative Office of the Illinois Courts and the Illinois State Board of Education on the number of youth receiving special education services, the number of those youth who have been evaluated for and are receiving related services and assistive technology, the number of those youth receiving transition services, and the number of vacancies for special education positions and related service providers.

Problem Area 2 Recommendations: “Behavioral Modification” Systems & Discipline

1. The JTDC must hire an external behavior modification oversight team to develop a plan to reduce the use of the current punitive behavior modification system and replace it with positive behavioral interventions that are trauma-informed.

- a) Working with this oversight team, the JTDC must establish goals, with specific benchmarks, to accomplish the systematic reduction of room confinement and use of holding pods for discipline during and outside of the school day within a defined period.
 - b) The JTDC must track the total hours each youth is required to spend in holding pods and room confinement, including when youth are in their cells for sleeping hours to measure progress.
 - c) Each quarter, the JTDC must assess its progress in reducing the overall number of incidents and time youth are required to spend in their cells and holding pods.
2. The JTDC must submit yearly reports to the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts on the progress made toward meeting those goals and benchmarks. The JTDC must modify their plans as necessary to meet the goals and benchmarks. The JTDC must provide disability-related accommodations with respect to discipline outside of the school day so that youth are not punished for actions that are manifestations of their disability.
 - a) As part of this, the JTDC must recreate the level system to ensure it is: (1) focused on rehabilitation as opposed to penalization, (2) applied in a measured fashion to meet the needs of a particular rule violation, and (3) allows the youth to regain privileges at an appropriate speed and in a manner that is individualized and accommodates youth with disabilities.
 3. The JTDC must eliminate the practice of “sitting on the wall”—where youth sit in silence along the wall outside of their cells for as long as 15 days and receive no meaningful education or positive programming—as a form of punishment.
 4. The JTDC must develop an accessible and safe system that is free from retaliation for youth to raise grievances or safety concerns, such as making an oral report to a trusted individual, particularly for youth with literacy issues.
 5. The JTDC must eliminate using holding pods during the school day for disciplinary purposes and NBJ must replace these procedures with a school-based positive behavioral intervention system.
 6. Until school day holding pod usage is eliminated, NBJ must complete an Illinois State Board of Education time out form every time a student is sent to the holding pod and implement a reduction plan for its usage.
 7. NBJ must keep data on student removals from class, regardless of whether NBJ or the JTDC remove the student, and comply with procedural requirements pursuant to federal and state special education laws.
 8. To avoid unlawful punishment of students with disabilities, NBJ and the JTDC must create a Memorandum Of Agreement that allows NBJ to share IEPs, Behavior Intervention Plans, accommodations, and all relevant information related to the student’s disability with the JTDC staff to ensure their plans are followed and their disability is accommodated (e.g. if a student is allowed a warning for a class outburst, the student would be given a warning instead of being immediately removed from class).
 9. The JTDC must train staff, in coordination with NBJ, on these individualized plans, positive behavioral interventions that are trauma-informed, and students’ protections under the law. NBJ must document any JTDC staff noncompliance with IEP discipline protections and re-train staff as needed.

Problem Area 3 Recommendations: Restraint Practices

1. As is required by the law, the JTDC must restrict the use of physical restraint to situations where:
 - a) The youth's behavior presents an imminent risk of serious physical harm to self or others,
 - b) Other less restrictive and intrusive measures have been tried and proven ineffective,
 - c) There is no known medical contraindication to its use, and
 - d) The staff applying the physical restraint have been trained in its safe application.
2. The JTDC must ban prone restraints.
3. Upon admission, the JTDC must provide youth and their parents/guardians with information about the standards for when physical restraint may be used, the rights of parents/guardians and youth, the right to file a complaint and other information to assist parents/guardians in navigating the complaint process.
4. The JTDC must establish a complaint process with the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts for violations of physical restraint standards and/or other rights.
5. The JTDC must conduct staff training on policies, practices, safety, and implications of trauma when utilizing physical restraint.
6. The JTDC must amend Policy 6.09.02 to include all physical restraints of youth in its definition of unusual events so as to require an incident report for all physical restraints.
 - a) Incident reports for physical restraint must be given to the parents/guardians.
 - b) The incident reports must include information on the type of restraint used, all witnesses and participants to the restraint, length of restraint, any interventions tried prior to the restraint, and a detailed description of any injury occurring during the incident.
7. The JTDC must amend Policy 5.06.01 to include all physical restraints of youth as a critical incident so a debrief and stress management are documented and retained with the incident report. As part of stress management, the JTDC must ensure youth who were restrained or observed a restraint have access to mental health support after each incident of restraint.
 - a) The post-incident debrief meeting must include the youth, if appropriate, the youth's parents/guardians, at least one staff member involved in the incident and at least one appropriate staff member not involved in the incident.
 - b) During the meeting, each of the individuals must have an opportunity to describe the events leading up to the incident, the incident, the events that occurred/actions taken after the incident, and how the youth spent the remainder of the day.
 - c) Individuals must also have an opportunity to discuss what could have been done differently to avoid the incident and what alternative courses could be taken to support the youth and avoid a future incident.
8. The JTDC must notify parents/guardians no more than two days after an incident of physical restraint that they may request a meeting to discuss the incident and the meeting must be convened within two days after the notification unless the parent/guardian requests an extension of that time. The parent/guardian may request that the meeting be held by telephone or videoconference.

9. The JTDC must require the use of body cameras during all restraint incidents, from start to finish.
10. The JTDC must hire an external physical restraint oversight team to develop a plan to reduce the use of physical restraint.
 - a) Working with this oversight team, the JTDC must establish goals, with specific benchmarks, to accomplish the systemic reduction of physical restraint within a specified period.
 - b) In order to measure progress, each quarter the JTDC must track and compare to previous quarters the total number of youth that have been physically restrained, comparing results based upon the JTDC's average population each quarter.
11. The JTDC must submit yearly reports to the Illinois Department of Juvenile Justice and the Administrative Office of Illinois Courts on the progress made toward meeting those goals and benchmarks and to modify their plans as necessary to meet the goals/benchmarks. The JTDC must also notify parents/guardians upon intake that the plans and reports are available for review.

Problem Area 4 Recommendations: Facility Accessibility

1. The JTDC must contract with an architect to conduct a comprehensive evaluation of the JTDC's physical accessibility and follow the architect's recommendations to bring it into compliance with federal and state laws.
2. The JTDC must discontinue segregating youth with physical disabilities on the medical pod who are not otherwise ill.
3. The JTDC must ensure that all students with disabilities are permitted the same access to recreation, programs, and services as other youth at the JTDC, including allowing them to use elevators to access these services.
4. The JTDC must conduct training for JTDC staff on inclusionary practices of youth with disabilities.
5. The JTDC must ensure youth timely receive corrective eyewear and access to appropriate medical care while detained.