



**U.S. Department of Justice
Civil Rights Division
Educational Opportunities Section**

AD:JE:SL
DJ 169-26S-40

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September 5, 2024

Via Email

Susan Traynor Chastain, Esq.
Lewis Kappes
One American Square, Suite 2500
Indianapolis, IN 46282

Re: North Gibson School Corporation: Termination of Agreement

Dear Ms. Chastain:

I write to notify you that after completing our review of the most recent status report of the North Gibson School Corporation (“the District”), the United States has determined that the District has fully complied with the 2020 settlement agreement (“Settlement Agreement”). We are therefore concluding monitoring of the Settlement Agreement under Paragraph XIV(E)(i). We commend Superintendent Dr. Eric Goggins, Assistant Superintendent Noah Velthouse, Intervention Coordinator Jeanette Lobeck, and the entire District for reaching this milestone and thank them for their hard work and dedication in implementing the Settlement Agreement’s protections for students with disabilities.

The District has made significant strides since entering into the Settlement Agreement in 2020. District schools no longer have seclusion rooms, and no student has been secluded since the Settlement Agreement was executed. There has also been a dramatic reduction in the District’s use of restraint, to the point that it is now a rare practice. The District has taken effective steps to ensure that staff only restrains a student when necessary to protect safety and has instituted prompt remedial measures in the rare case of an improper or avoidable restraint. When any restraint occurs, the District, through its debrief process and with effective leadership and oversight, identifies and implements measures that can prevent the need for future restraints. For example, the District relocated a classroom to address a pattern of unsafe student elopement that sometimes necessitated the use of restraint.

A critical factor in the District’s compliance with the Settlement Agreement has been its success in increasing its capacity to conduct Functional Behavior Assessments (“FBAs”) properly,

and to use those FBAs to create effective Behavior Intervention Plans (“BIPs”). The District has trained staff on how to conduct FBAs and develop BIPs, and supplemented that training with hands-on support and feedback. As a result, and despite the challenges posed by staff turnover, the District has consistently improved the quality of its FBAs and BIPs and its ability to implement BIPs with fidelity. This allows District staff to better manage student behavior through interventions, supports, and de-escalation techniques, thereby preventing the occurrence of crisis situations that might lead to the use of restraint.

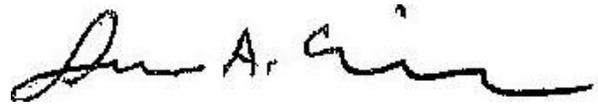
The District has also fully complied with the portions of the Settlement Agreement that address other practices that deprived students with disabilities of equal educational opportunities. Through improved documentation and effective oversight, the District has ensured that calls to parents/guardians to take a student home are not used as improper informal disciplinary removals, and that the root cause of the behavior leading to the call is addressed through effective interventions and supports implemented with fidelity. It has also put tighter controls on the use of shortened day and homebound instruction to ensure they are only used as a last resort and then only temporarily until effective supports can be put in place to give the student the same access to education as their peers. And, when one District school improperly involved law enforcement in student behavior, the District took prompt and effective remedial measures, including creating a memorandum of understanding with its law enforcement agency partner that specifies that, consistent with District policy, School Resource Officers only become involved in a “student behavioral or discipline issue if a crime is being committed that would necessitate a call to 911.”

The District has also fulfilled the remaining requirements of the Settlement Agreement. It has provided all required trainings. It developed a complaint policy and has used that policy to respond to concerns raised by parents/guardians. Moreover, the Intervention Coordinator has served in exemplary fashion, providing oversight and support to staff and advocating for the well-being of District students, particularly students with disabilities. Her efforts have not only helped ensure the District’s compliance with the Settlement Agreement but also improved the overall services the District affords students with disabilities, including by educating them in more integrated environments.

Based on the District’s compliance with the Settlement Agreement as described above, we are closing this matter. As a reminder, if the United States receives a complaint about the District’s treatment of students with disabilities, or alleging any civil rights violation, the United States may open a new investigation.

We hope that the District shares our view on the success of the Settlement Agreement and that the improvements made through its implementation will be sustained for the benefit of the District's students, its staff, and its community. Once again, we thank you for your partnership and wish you and the District the best in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Eichner". The signature is fluid and cursive, with a long horizontal stroke at the end.

JAMES EICHNER
Trial Attorney