

June 5, 2013

██████████
Bridgeport, CT

Ms. ██████████ –

I am writing to provide the information that you have requested about yesterday's incident with ██████████. I hope that we can resolve this matter. There is nothing more that we want then for ██████████ to come back to school and finish the year well.

You are concerned that ██████████ was restrained by me and other staff members on Tuesday. You have alleged that ██████████ was injured during this restraint. I disagree and dispute any allegation that I acted improperly or that my actions resulted in injury.

When I spoke to you on the phone yesterday I informed that you that I had to hold ██████████ back from running out of the office. Yesterday I was also eager to meet with you but you did not want to meet. I felt that holding ██████████ was to protect his safety since he was threatening to run out of school; and to protect the learning environment because ██████████ had already spent considerable time running through the hallways away from other staff members and myself.

The state of Connecticut requires that schools inform parents when "restraint" is used. This includes immobilizing students; but it does not include (quoted from State Dept. of Education guidelines):

- (1) briefly holding a child in order to calm or comfort the child; (2) restraint involving the minimum contact necessary to safely escort a child from one area to another

My actions were mostly the second category. I completely understand why you would want a full and detailed account of what happened.

I was called to ISS to take ██████████ because he was running out of the ISS room. When I came downstairs he was running down the hallway. He was acting as though he was playing "hide and seek" with teachers darting back and forth behind corners. But his teachers did not think this was a game.

After ██████████ ran away from me 3 – 4 times while I was escorting him to the dean's office I used a PMT approved "guided assist" that I have been trained to use to safely guide children when they are not safely moving themselves or wriggling to get out. Mrs. Flemming witnessed this guided assist.

Once in the dean's office I asked ██████████ to sit at the desk. ██████████ made multiple attempts to leave the office saying that he was going to leave school. At various times I held the door shut from the inside while ██████████ tried to push it open; and held the door closed from the outside while ██████████ tried pushing it open. I was concerned that ██████████ would hurt himself because he was throwing himself against the door. At one point ██████████ moved a chair to the door stood on the chair and jumped off of it. At another point when he was sitting he purposefully fell out of the desk on the floor and crawled around.

I re-entered the office and for 4 – 5 brief instances I held ██████████ to keep him from exiting. Each time ██████████ got up ran to the door and I physically guided him back to his desk. 1 – 2 times I did this by

wrapping my arm around his shoulders; 1 – 2 times by holding on this his upper arm and wrist (“guided assist.”) And 1 – 2 times I held the back of [REDACTED]’s belt as he attempted to push open the door. I held his belt very briefly (less than 2 seconds) for the time it took me to secure the door.

The last time that I attempted to hold [REDACTED] back from leaving the office he yelled “Let go!” I let go of [REDACTED]; because he was leaning and pulling away, he stumbled forward. In my opinion he fell very dramatically (as if he was acting out a cartoonish fall) and once he was down he kicked over the nearby trashcans. His behavior in falling over was consistent with the semi-playful way in which he was acting earlier. (Such as jumping off of the chair and playfully running away.)

I asked [REDACTED] to get up...and he did. He did not indicate in any way that he as hurt, but he continued running around the office in a hyperactive manner. Shortly after this he said he was going home and he ran out of the office. This time I did not hold him or hold the door. [REDACTED] ran down the stairs and up and down the hallway a few more times. He then went into his classroom (without permission during class) got his things and came to the front office.

In the front office area Ms. Nieves tried to get [REDACTED] to sit down several times...he ran away from Ms. Nieves and other office staff. The staff let [REDACTED] run into the gym. In the gym he ran around, took out a basketball and played. Among other things [REDACTED] spent time sliding around on the gym floor. While [REDACTED] did not have permission to be in the gym and while he ignored several requests to sit in the front office we felt it was best to let him run around while waiting to be picked up. This was not ideal because staff was not able to supervise [REDACTED] in the gym since he was not supposed to be there.

In all [REDACTED] spent nearly 2 hours in the front office and playing in the gym. Despite spending a lot of time in the nurse’s office and with Ms. Nieves he at no point said that his wrist or neck hurt.

I understand that you are also upset about my phone call to you. Please let me apologize for any offense – particularly the matter about the cab. When you said that you could not come I assumed (wrongly) that there may have been a transportation issue. There are many times when we meet with parents who do not have a vehicle and the school sends a cab. I understand why this was offensive to you and I hope you will understand that this was my own miscommunication. Additionally, on the phone I was pleading with you to get [REDACTED] since it was very difficult to supervise him. I communicated that I had had to hold [REDACTED] back from running away and that I did not want to continue to have to restrain him in this manner – this is exactly why I was hoping you would come soon. With that said I know I sounded frustrated on the phone and you have my full apology.

This was a very difficult situation. I hope you will understand that my only intention was to try to calm [REDACTED] down and to keep him from running around the building and to get him home quickly and safely. I feel very confident that my actions were both appropriate and within school policy and within the legal statute. The ways in which I was holding [REDACTED] and guiding him back to the office were not technically “restraint.” With that said I was certainly acting in a “hands-on” way. But I was doing so safely and appropriately. I hope you understand that we want [REDACTED] to be successful but that we cannot have him if he is running away from adults, leaving the designated area, entering unsupervised places, trying to leave the building or jumping off of furniture. With that said I understand your concerns; I hope this letter addresses them. I would be happy to discuss further. My supervisor, Marc Michaelson will be reaching out to you. You may also reach him at (203) 688-[REDACTED]

Regards,

Morgan Barth

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From: morgan barth <morganbarth@achievementfirst.org> on behalf of morgan barth
Sent on: Thursday, June 6, 2013 12:39:34 AM
To: Marc Michaelson <marcmichaelson@achievementfirst.org>
CC: Lynn Accatino <lynnaccatino@achievementfirst.org>
Subject: RE: [REDACTED] Incident Report 6_4_13
Urgent: High

Marc –

I want to fill you in on this situation and I hope we can connect very soon.

We met with [REDACTED] today ([REDACTED]'s aunt and guardian.) Lynn was able to de-escalate some of Ms. [REDACTED]'s language – but despite Lynn's heroic efforts the issue is not yet resolved. Lynn spent close to three hours today meeting with Mrs. [REDACTED].

Lynn asked Aidee met together with Ms. [REDACTED] for close to an hour to describe [REDACTED]'s behavior. Lynn was not here yesterday but was there to provide context – reminding Mrs. [REDACTED] that they have spoken nearly daily about [REDACTED] running around the building, purposefully falling out of chairs, needing to be physically escorted places etc.

I joined Lynn for the second hour. I delivered the letter that I sent to you and made myself available to all of Ms. [REDACTED] questions. I wanted to explain clearly and transparently what my physical holds looked like and why I used them. Lynn or I can fill you in on the details of this conversation via phone. It was not very successful since Ms. [REDACTED] simply believes aspects of [REDACTED]'s fabricated story over reality; she was out to pick apart very small inconsistencies in my incident report (very trivial things that she used to “prove” I was lying.)

Lynn met for a third hour after I left to explain more context and to de-escalate Ms. [REDACTED].

Ms. [REDACTED] realize that the police basically dismissed this issue (and she is upset about that.) She says she will file a complaint with DCF.

At this point I think it would be appropriate for me to recuse myself from responding to the allegation and from dealing with Ms. [REDACTED]. She not receptive to me at this point. I told her that you would be reaching out to her. Her number is (203) [REDACTED]. I also think it would be helpful for you to investigate this as my supervisor and report your findings to Ms. [REDACTED]. You can decide whether to speak with her before and after investigating, or just after...though my strong preference is that you make contact soon to help diffuse this.

The following people witnessed what was going on:

- Ryan and Heather were in the basement when I took [REDACTED] from ISS
- Challa was in the 2nd floor hallway when I reached the 2nd floor; she witnessed the “guided assist” safety hold that I used to bring [REDACTED] up the stairs and down the hall; Challa also assisted in the office and may have seen me hold [REDACTED] back in the office. She also supervised him alone (while I was on the phone with Ms. [REDACTED]) and was with him when he left the office; she brought him back in
- Aidee, Soren and Nurse Penny were all in the main office when [REDACTED] ran down; they saw his general behavior...they also saw him running around, playing the gym, etc
- Daniel and Jackie saw [REDACTED] behavior in the morning and Jackie brought him to ISS in the first place

August 31, 2017

Formal complaint by [REDACTED] regarding her son [REDACTED] and Morgan Barth

On August 31, 2017, [REDACTED] visited my office to complain about the way Mr. Barth was treating her son [REDACTED]. Specifically, she was upset about an incident on August 30, 2017 where Mr. Barth removed [REDACTED] from class. In a meeting with Ms. Smoke-Collins (School Counselor), [REDACTED] and [REDACTED] they shared the following information:

- [REDACTED] was in class and started falling asleep. The teacher, Mr. McGowan, privately asked him to pay attention. During this time, Mr. Barth also came over to [REDACTED], bent down and started staring at him intently for several seconds.
- When [REDACTED] began to collect himself and wake up, Mr. Barth yelled at him in front of other students and staff to move faster.
- Mr. Barth yelled at him to be removed from class.
- Mr. Barth physically moved [REDACTED] desk in an aggressive manner because [REDACTED] wasn't moving fast enough.
- Mr. Barth escorted [REDACTED] to ISC then proceeded to ask all of the other students in ISC to leave the classroom so that he could talk to [REDACTED] alone.
- He continued to yell at [REDACTED] in ISC saying "this is unacceptable, you need to stop doing this, do you understand" and then stated he would return later to see if [REDACTED] really understood.

[REDACTED] expressed her concern that [REDACTED] has a 504 Plan which Mr. Barth violated. In addition, she expressed concern that, although her son has had numerous behavioral issues this year, no teacher has contacted her to discuss his behavior. She has received detention calls and a call from a behavior specialist who left a voicemail saying [REDACTED] needed to stop skipping detention or there would be additional consequences. In her opinion, Mr. Barth was trying to intimidate [REDACTED] and she expressed that she is not sure that she feels that her son is safe in the school where staff members behave this way.

Report Prepared By

Report Confirmed By

Esther Massie
Director of School Operations

[REDACTED]
Date:

From: [REDACTED]
Sent: Friday, September 15, 2017 12:07 PM
To: Jeff Sudmyer <jeffsudmyer@achievementfirst.org>
Subject: RE: Concerned parent at Amistad High

Mr. Sudmyer,

Thank you for your response, I would like to know is it protocol to remove other students from the removal room, and continue to have a "STERN" conversation with a child? I do like your proposal of the examples of how [REDACTED] can feel safe and would like to set up a meeting.

Thanks,
[REDACTED]

From: Jeff Sudmyer [<mailto:jeffsudmyer@achievementfirst.org>]
Sent: Friday, September 15, 2017 11:25 AM
To: [REDACTED]
Subject: RE: Concerned parent at Amistad High

[REDACTED]
Please see my response attached.

I am hopeful that we can rebuild trust between your family and the school and get [REDACTED] on track.

Thanks,

Jeff

From: [REDACTED]
Sent: Monday, September 11, 2017 1:47 PM
To: Jeff Sudmyer <jeffsudmyer@achievementfirst.org>
Subject: Concerned parent at Amistad High

Good Afternoon Mr. Sudmyer,

My name is [REDACTED] I have two new freshmen's at Amistad High School. My son [REDACTED] has been in Amistad since kindergarten, [REDACTED] has been diagnosed with [REDACTED] and a [REDACTED] and is taking medication to help him with his diagnoses. [REDACTED] has a 504 plan, and seeks treatment outside of school. [REDACTED] has a sensitivity to noise and crowds of people, he also sees the Social Worker at the High School. I know that my son some behavioral issues, when I send my child to school I have the expectation that he is safe, unfortunately on August 30, 2017 Mr. Barth has me very concerned for my son's safety. I went to the High School on August 31, 2017 to speak with

someone regards to my concerns, I spoke with Ms. Massie in which she typed a complaint form and also I hand written a complaint form. Ms. Massie asked me if I would like to speak with Mr. Barth I declined due to the fact my son felt uncomfortable in me reporting these concerns. I also sent emails to Ms. Massie , and only once I spoke with Ms. Massie. When I went back to the school the first time to speak to her again for additional information I was told she was not available. On Friday September 8th I went back to the school and was told she would be right out I waited for twenty minutes and unfortunately I had to leave. I tried to resolve this since the incident happened with no resolution attached is a copy of the emails and complaint form to this email. Can you please review it. This has not been the first time this type of incident happened. Can you contact me and assist me in this matter. I can be reached at 203- [REDACTED] after 9 a.m. to 5p.m. or before 9 or after 5 I can be reached at 203- [REDACTED] Thank you in advance.

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AMISTAD ACADEMY

September 14, 2017

BY E-MAIL

Dear [REDACTED]

I received your formal complaint dated August 31, 2017. As laid out in the Amistad Academy High School Family Handbook, I am responding to you in writing within 10 business days.

I understand that you have a number of concerns about an incident your scholar, [REDACTED], had involving Mr. Barth on August 30, 2017. In the complaint, you describe that Mr. Barth stared at [REDACTED] "intently" for several seconds; that Mr. Barth "yelled at" [REDACTED] to move faster in front of other students and staff; that Mr. Barth "physically moved [REDACTED]'s desk in an aggressive manner;" and that Mr. Barth continued to yell at [REDACTED] in ISC. You said that the above was inconsistent with [REDACTED]'s 504 plan and you think Mr. Barth was trying to intimidate [REDACTED]. Finally, you also said that no teacher has contacted you regarding [REDACTED] behavior this year (aside from receiving calls about detention) and that you are not feeling that your son is safe in school.

First and foremost, I want to say that I am disappointed to hear that you are left feeling concerned about your son's safety in school and that you feel the school has not been communicative with you about [REDACTED]'s behavior this year (although I see from his records that [REDACTED] has not been suspended to date this year). It is essential to our mission that parents/families feel the school is a safe place and that they are in sync with the school in understanding their scholars' academic, behavioral and other progress at school. As I mention in more detail below, I propose that we schedule a meeting between you, Mr. Barth, and a teacher/staff liaison to address these issues and I am sorry that this has been your experience a month into the school year.

Second, I was present for much of the incident between Mr. Barth and [REDACTED] on August 30 as part of my routine observations of the school. Although I can appreciate your viewpoint, I did not experience the incident in the same manner. I observed [REDACTED] not listening during class and he did not appear to be falling asleep. In any event, after he was quietly corrected by the teacher, he continued to refuse to do work and argued back at the teacher. After Mr. Barth became involved, [REDACTED] continued to argue back at Mr. Barth and did not follow instructions. As an educator of 19 years, including 13 at Achievement First schools, I observed Mr. Barth to be controlled and purposeful in his corrections of [REDACTED] including how he spoke and how he moved the desk so [REDACTED] could get up. Mr. Barth did not act outside the normal bounds of professionalism and was not purposefully intimidating, although he was absolutely stern and direct with your scholar.

Finally, although [REDACTED] behavior on August 30 was not outside what we occasionally





AMISTAD ACADEMY

see at school, I hope you understand that, in Mr. Barth's reaction, he was trying to get [REDACTED] engaged and on track with his work. In doing so, Mr. Barth had a stern aspect, but should also have a warm aspect. Mr. Barth mentioned to me he followed up with [REDACTED] two more times that day. During the third time, he ended the meeting with a fist bump with [REDACTED] and an attempt to build their relationship.

I am disappointed that the warm has been left out from your perspective, including that communication from the school about behavior concerns has been inadequate. Additionally, Mr. Barth was not aware of the 504 plan at the time of his observation of the classroom and would have approached the incident differently had he been. I have instructed Mr. Barth to review the 504 plan in detail so that he can most effectively engage with [REDACTED] for any future incidents, and to ensure that the Dean of School Culture has also done so.

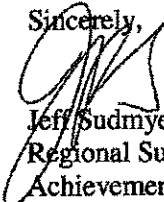
I understand that [REDACTED] has been with Amistad since Kindergarten. I hope we can rebuild the relationship by having a meeting between you, [REDACTED] Mr. Barth, and Ms. Caruso, the school's Director of Special Services. You would discuss in more detail at the meeting, but I would propose that we do the following:

1. A staff member will gather feedback from [REDACTED] teachers each week and share an update with you via e-mail that includes notes on [REDACTED] grades and performance in class. We will be sure to mention specific things he does well and areas he can improve.
2. A staff member (to be determined when you meet) will check in with [REDACTED] regularly to ensure he feels safe and comfortable at the school, and to select additional behavior or other supports that will help [REDACTED] excel in school.

These are two concrete ideas we would propose to help rebuild a strong relationship with your family and Amistad, and to get [REDACTED] on the right track as he starts high school. We are open to other ideas you might have, too.

If you would like to further discuss the content of the meeting, please contact me at jeffsudmyer@achievementfirst.org. If you are dissatisfied with this response, please refer back to the complaint policy in the Family Handbook, which include directions on how to appeal to the Board of Directors. You may e-mail the Board at amistadacademyboard@achievementfirst.org or write a letter (delivered, mailed or faxed to the school's Main Office, attention: the Board of Directors).

Sincerely,


Jeff Sudmyer
Regional Superintendent,
Achievement First

