

Summary of the Class Action Suit at the Boys State Training School (BSTS) in Eldora

AS OF SEPTEMBER 16, 2022

The following is a chronology of the United States District Court for the Southern District of Iowa court order in response to a class action suit brought by former BSTS students. This chronology includes actions taken before, during, and after the trial to enhance the quality and scope of mental health services and restraint/seclusion practices. We continue to actively make changes to address the concerns raised in the suit. The Iowa Department of Health and Human Services (HHS) maintains its commitment to an open dialog with all stakeholders and building trust through transparency.

Note: The Department of Human Services (DHS) became the Department of Health and Human Services (HHS) on July 1, 2022. This document reflects the new agency name.

November 2017: The United States District Court for the Southern District of Iowa commenced a suit by then-current students at BSTS against Iowa officials responsible for the school's administration at various levels.

May 2019: The Legislature and Governor appropriated \$2M for improvements at BSTS with the passage of the May 2019 DHS appropriations bill.

June 10, 2019: The Department hired a professional in the mental health department.

June 2019: After over a year and a half of contentious litigation, this matter came before the Court for a nine-day bench trial.

June 2019: The Department hired a licensed psychologist (Clinical Director), which was a new/reclassified position, to oversee psychology and mental health therapy services for the six Mental Health and Disability Services (MHDS) facilities, including BSTS. This employee, Dr. Hess started in August 2019.

July 2019: BSTS received the \$2M in appropriations and started developing sensory room space/materials and hiring additional mental health professionals.

September 2019 – March 2020: The newly-hired clinical director in Central Office worked closely with BSTS' mental health department to enhance mental health services and onboard and train mental health staff.

January 15, 2020: The Department hired a licensed clinical professional (Mental Health Authority) to lead the BSTS mental health department.

March 30, 2020: The Court filed its order. The Department immediately began work on the remedial plan. The Department had 45 days to develop a plan and select a monitor. The order required the Department to discontinue use of 'the wrap' immediately and remove the device from campus within 10 days.

April 1, 2020: The Department discontinued use of and removed 'the wrap.' Students and staff were notified.

April 20, 2020: Jon Kies began duties as interim superintendent.

April 22, 2020: The parties jointly nominated a monitor, who was appointed by the Court. The Monitor hired a Mental Health Consultant to assist her.

May 1, 2020: The Department hired a professional in the mental health department.

May 5, 2020: The Department hired a professional in the mental health department.

May 12, 2020: The Court granted an extension of time for the remedial plan.

May 15, 2020: Cory Turner began as the Division Administrator for the division of Mental Health and Disabilities Services (MHDS) Facilities.

May 22, 2020: The Department shared draft policies and a draft remedial plan with plaintiff's counsel.

May 28, 2020: Superintendent, Mark Day, Treatment Program Administrator, Lynn Albee, and Treatment Services Director, Brett Lawrence retired.

June 5, 2020: The Department shared draft policies and a draft remedial plan with plaintiff's counsel.

June 19, 2020: The Department submitted the remedial plan to the Court and Plaintiffs' counsel.

June 29, 2020: The Department sent notification to BSTS staff of proposed remedial plan actions.

July 2, 2020: Director Garcia hosted a town hall, along with Cory Turner, Jon Kies, Dr. Hess and Gretchen Kraemer. Staff expressed anger and deep concern for their safety. They repeatedly referenced a small number of highly assaultive students, who staff say are destabilizing the school and preventing staff from effectively serving most of the students in their care.

July 27, 2020: The Court approved the Remedial Plan.

September 2020: Wendy Leiker was appointed as superintendent of BSTS.

November 2020: Jason Soddors was appointed as the deputy superintendent at BSTS, which was a newly created position to provide additional administrative support and oversight.

February 1, 2021: The Monitor submitted the Initial (6 month) Monitor's Report to the Court. This report outlined progress the BSTS has made implementing the Remedial Plan, recommended compliance ratings for each deliverable, and recommended steps toward achieving and maintaining substantial compliance.

March 23 – 25, 2021: Following improved pandemic conditions and vaccination rates, the Monitor conducted her first in-person visit of BSTS.

March 30, 2021: Iowa Governor, Kim Reynolds visited BSTS for a campus tour and meeting with some youth and staff.

June 18, 2021: BSTS held a tour for DHS team members and state legislators to hear the success stories, growth goals, challenges, and concerns, and see how BSTS works in real life.

June 22, 2021: The Monitor submitted an Interim Status Report to the Court. This report addressed a small subset of issues to supplement findings in the Initial (6 month) Monitor's Report with information gleaned from the March 2021 on-site visit and interviews with youth and staff. Recommended compliance ratings were not provided in this report. The Monitor identified staff and student concerns around student violence.

July 1, 2021: BSTS was awarded \$6.5 million from the Rebuilding Iowa Infrastructure Fund (RIIF) to renovate three open dorm-style cottages into individual sleeping rooms. Renovation plans to include 48 individual sleeping rooms (16 per cottage) with a sink, toilet, window with natural light, and electronic door hardware, as well as two showers per cottage. These renovations would also include video surveillance in common areas for safety purposes.

August 7, 2021: Superintendent Wendy Leiker resigned effective this date.

August 11, 2021: Deputy superintendent Jason Soddors was named interim superintendent.

August 17 – 19, 2021: The Monitor conducted another visit/review in preparation for the 2nd Monitor's Report, due to the court by November 2, 2021.

August 18, 2021: BSTS received approval from the court for limited use of Corbett-Miller Hall (CMH) for overnight sleeping of students. This is in response to safety concerns at the facility due to student aggression/violence. This is a pilot project that will require infrastructure and furnishing changes, as well as specific policy and service provision. Final policy approval is scheduled to occur by mid-March 2022, however use of CMH can occur prior with safeguards in place.

October 2021: BSTS began the candidacy period with Performance-based Standards (PbS), a continuous performance improvement process conducted multiple times each year. This period commenced with a month-long data reporting process to establish a baseline for performance. It will include approximately one year of data collection, reporting, and improvement plans until candidacy is established. PbS replaces accreditation with American Correctional Association (ACA).

November 1, 2021: The Monitor submitted the second Comprehensive Monitor's Report to the Court. This report showed positive improvements in many areas including implementation of strategies to incentivize positive behavior; and revamping the mental health treatment program. While a lot of work remains, this report shows BSTS is well on its way toward implementation of the Remedial Plan.

November 16, 2021: BSTS submitted the Quality Assurance (QA) policy to the court as part of the Remedial Plan requirements. This policy was subsequently approved by the court on November 19, 2021. The purpose of this policy is to ensure compliance with Remedial Plan objectives and generally accepted/best practices. BSTS and Central Office staff will audit multiple times per year based on identified metrics and indicators. The initial auditing process will occur in January 2022 and will continue at regular intervals moving forward.

January 7, 2022: Jason Soddors was appointed Superintendent of the Boys State Training School.

January 25 – 31, 2022: BSTS and HHS Central Office conducted their first internal quality assurance audit as required by the Remedial Plan. Audit results demonstrated growth and prompted internal plans of correction.

January 26, 2022: First meeting of the State of Iowa Supreme Court's Juvenile Justice Task Force – BSTS Subcommittee was held. This committee will meet over the next year to develop recommendations regarding evidence-based placement and post-placement treatment and services to meet youth needs.

February 16, 2022: The BSTS hosted the BSTS Subcommittee of the Juvenile Justice Task Force for a campus tour and meeting with administrative leadership and students.

March 28, 2022: BSTS opened its newly developed Intensive Therapeutic Program. This specialized housing and intervention program is designed to help youth with significant violent behavior, as well as those with acute or specialized behavioral health needs. This program includes limited use of CMH that was approved by the Court on August 18, 2021.

May 17 – 19, 2022: The Court-appointed monitor visited campus to review facility efforts to reduce aggression and violence among students.

July 11, 2022: Construction commenced on the \$6.5 million RIIF-funded renovation project to convert three open dorm-style cottages into 48 individual sleeping rooms (16 per cottage) with other trauma-informed and safety improvements. This project is expected to be completed by Fall 2023.

July 11, 2022: The Court-appointed monitor filed a special status report on BSTS' efforts to reduce facility violence. This report was filed under seal by the judge.

July 11 – 15, 2022: BSTS and HHS Central Office conducted their second internal quality assurance audit as required by the Remedial Plan. Audit results demonstrated significant improvement from the first audit in January 2022 and prompted internal plans of correction for continuous improvement.

September 6, 2022: BSTS was notified that they successfully completed their candidacy period for PbS, the continuous performance improvement program that replaced accreditation by the ACA in October 2021. BSTS will continue to participate in the semi-annual data collection, report, analysis, and facility improvement plan process.

October 4 – 6, 2022: The Court-appointed monitor will visit BSTS and review in preparation for the third Comprehensive Monitor's Report due to the court in December 2022.

EXAMPLES OF CHANGES TO COMPLY WITH THE COURT ORDER:

The Wrap: The wrap is no longer in use and has been permanently removed.

Black Belt: The black belt mechanical restraint is no longer in use and has been permanently removed. Vehicles have been outfitted with safety dividers to keep staff and students safe during transport without needing to use this mechanical restraint.

Suicide Assessments: Mental health staff conduct all suicide assessments. The Department has revised policy and procedure and trained staff.

Room Confinement: The Court approved new policy and procedure regarding using room confinement (seclusion) and staff have been trained. Seclusion is now used only if a student poses a serious risk of physical harm to a person and requires de-escalation.

Corbett-Miller Hall (CMH): The Court ruled that there can be no overnight stays at CMH. BSTS disbanded the CMH program as it was previously known. The physical space is now used as needed for day programming and students sleep in another cottage. The Department continues to explore ways to use the CMH space to best meet the needs of students. **NOTE:** *Effective August 18, 2021, the court approved limited use of CMH for overnight stays provided infrastructure (including furnishings), service provision, and policy is developed/revised for acceptable use as per the Court. The Intensive Therapeutic Program commenced on March 28, 2022, and includes the limited use of CMH.*

Aggression Replacement Training (ART): BSTS adopted the Aggression Replacement Training (ART) curriculum as their primary evidence-based skills intervention for teaching students more prosocial ways to manage aggression and other maladaptive behaviors.

UKERU: BSTS added the evidence-based UKERU program to their crisis management procedures. UKERU is a restraint-free, trauma-informed approach that uses verbal de-escalation and soft, cushioned pads to protect staff and students from assaultive acts, to prevent self-harming behaviors, and to assist students in safely discharging strong emotions.

Multisensory De-escalation Rooms/Tools: BSTS created rooms across campus to help students de-escalate and self-soothe following stressful events, experiences, or behaviors. Students are guided through a short-term intervention by trained staff who takes the student through gross motor, fine motor, and cognitive-based interventions to help them de-escalate.

Behavior Management/Motivation: The BSTS revamped their behavior management approach by creating a multi-tiered support system that includes learning intervention (consequences) and incentive programs, is informed by ART, and uses visual dashboards to track and display student progress.

Cultural Shift: BSTS continues to move away from a correctional model and feel toward a more trauma-informed, person-centered, and therapeutic model and approach. This change is designed to provide more effective services and supports for youth and make students and staff safer. Personnel changes, new programs, tools, and interventions, and training have furthered this transition. This process continues to evolve and will take time.

Training: The various changes that have occurred have included enhanced training on new policies, procedures, programming/tools, and topics, such as trauma, mental health, and behavior management/motivation. We have met the staff training requirements of the Remedial Plan to date, and continue to provide ongoing coaching, management, and training to refine staff practices.