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## Georgia 8th-grader's suicide spurs lawsuit

By [JOSE PAGLIERY](#)

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Jonathan King told teachers at his north Georgia alternate public school that he couldn't stand being locked within the four concrete walls of a small seclusion room.

In 2004, just weeks after threatening suicide, the 13-year-old eighth-grader hanged himself in the room, using a cord a teacher provided him to hold up his pants, court records show.

Now, four years later, as the Alpine Program in Gainesville starts its new school year, Jonathan's parents are suing the program and the agency that oversees it. Don and Tina King of Murrayville, just outside Gainesville, say the treatment their son received at the school was unconstitutional and the school failed to protect him from self-harm. A north Georgia judge is expected to decide soon whether the King's case should be dismissed or sent to a jury trial.

Alpine, which started its school year last week, serves each year about 200 northeast Georgia children ages 5 to 21 with severe behavioral or emotional disabilities.

The Kings initially sued Georgia's Department of Education, as well as Alpine and the Pioneer Regional Education Service Agency, under which the program operates. But Hall County Chief Superior Court Judge C. Andrew Fuller dropped the case against the state in February, ruling that the Department of Education was not mandated to create seclusion-room regulation.

Alpine officials would not comment on the King lawsuit. Phil Hartley, Alpine's lead attorney, said there is no law addressing the use of seclusion rooms in schools and that under Georgia law the school can't be held accountable for Jonathan's actions. Jonathan had threatened suicide several times and told teachers it was in jest, he said.

The school followed federal law and successfully carried out its policy of the room's use, Hartley said during a recent hearing related to the case. The school uses seclusion rooms, found in some psychiatric and special-education facilities, to help students regain control if they become a physical danger.

Hartley also said there was no evidence that Alpine staff knew Jonathan was suicidal.

### **A last resort**

The Kings agreed to send Jonathan, one of their two sons, to Alpine after his behavioral issues worsened during the sixth grade. They thought their son would get the attention he needed from Alpine's curriculum.

Diagnosed with attention deficit hyperactivity disorder at age 5, Jonathan attended special classes from kindergarten until teachers suggested he be sent to Alpine. The school has small classrooms staffed by social workers and instructors.

Dennis Cormier, Alpine's current director, said the program is "for students severe enough that they can't handle any time in a regular school," such as those who become physically aggressive. The program attempts to improve behavior and social skills, Cormier said.

"Here, they're very nurtured. Our kids know that they're safe here," he said.

Students stay at Alpine for a few months or years before returning to a traditional school setting. The most problematic are sometimes re-admitted.

Jonathan was in and out of Alpine three times.

During his final two-month stay, he was put in a seclusion room 19 times, according to court documents.

Although half of those sessions were less than 25 minutes, he was twice put in a room for more than seven hours a day, records show.

According to Howard "Sandy" Addis, director of the Pioneer education agency that oversees Alpine, procedures stated that seclusion rooms be used as therapy — not punishment — and as a last resort. Students also were not to be in the rooms for longer than 15 minutes without administrative approval, but no maximum limit had been implemented, Addis said.

Jonathan's parents said they were aware a time-out technique would be used, but they said they did not know their son would be kept in a seclusion room for hours at a time.

"It was like a jail cell. That's where the school system took my child's life," Don King, Jonathan's father, said in an interview.

Tina King added: "If they would have told me they couldn't calm him down in 15 minutes, I would've picked him up."

### **Data, oversight limited**

While there are data available on suicide in public schools, there are no specific data on suicides in seclusion rooms.

Officials for the Georgia Advocacy Office say Jonathan's case points to this lack of data and oversight.

"This is not an isolated incident. In Georgia, we don't have any particular rules about seclusion rooms

and restraint,” said Ruby Moore, executive director of the Georgia Advocacy Office, one of 50 state offices providing advocacy for the disabled.

State officials said that during the past five years no formal complaints have been filed against Alpine; no complaints regarding seclusion rooms in Georgia schools have been documented either.

Alpine and 23 other programs like it exist in Georgia, serving 5,668 students as of 2007, according to the state Department of Education.

The state doesn’t regulate the programs because the education service agencies, including Pioneer, are regionally governed. The Pioneer agency, funded through state and federal dollars, oversees Alpine and other North Georgia education facilities.

Although unrelated to Jonathan’s case, the Department of Education’s State Advisory Panel for Special Education now is developing guidelines for student restraint and use of seclusion rooms for all local education agencies and state-operated programs, said Matt Cardoza, a spokesman for the Department of Education.

The Kings’ attorney, E. Wycliffe Orr, argues that Jonathan’s death could have been prevented had there been different seclusion room policies at Alpine.

“This reveals the great importance of this case by what it suggests and what it means for behaviorally disturbed children across the state,” he said.

Alpine officials have since required that staff constantly observe students in seclusion rooms. Although other rooms are used, the room where Jonathan committed suicide is no longer used for students, said Hartley, Alpine’s attorney.

It is used as a storage space.

*AJC news researcher Nisa Asokan contributed to this story.*

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