

August 2010

Families Against Restraint and Seclusion

**Presents the following testimonials received from
parents and news articles from all over the United
States about children harmed by school use of abusive
restraint, seclusion and aversives**

There are many families from all over the United States who have children with Autism, Autism Spectrum Disorders, Emotional Disabilities and other disabilities that are being restrained, put into locked and unlocked seclusion rooms, closets, suspended and arrested in the public school system. Our children are being injured physically and mentally because of their disabilities and the lack of appropriate programs and qualified school staff available to educate them in the public school system. Many states have no laws, no regulations, no tracking system, no consent from parents and no parent notification. The trauma this has caused our children and the emotional drain to families should never happen to any child or family.

A lot of families are afraid to speak up because they fear retaliation from their school districts. Many families do not even know that their children are being restrained and put in seclusion. Below are some of the parents that are speaking up about what has happened to their children.

3/17/2010

My name is Lavanda Sxxxxxx and I live in Broward County. On March 17 2010, my son Decarlo age 13 was physically restrained at Sawgrass Middle school, by the security guard (Mr. Cxx).

DeCarlo was put in a chock hold position, pushed face down on the floor and kneed in his back. I was not notified by the school until the end of the day at around 4:12 pm. This incident happened about 12:30pm. As a parent I should have been contacted sooner. The Principal of the school Mrs.Dxxxxxx called and said that Decarlo had to be physically restrained and basically said that it was Decarlo's fault.

My son said that he couldn't breathe properly and that Mr.Wxxxx, the In house suspension teacher also made the comment that this action was not called for. I called the Coral Springs police department and an officer was sent to my house to take a statement. I also took my son to the doctor who stated that his bruises were quite visible. My son is now complaining of mid back pain. I have never experienced anything like this before and I don't have

any problems at home with my son. If these problems are only occurring at school, I would like to know the reason?

I don't think this should have happened! My son was put at risk. Decarlo said he asked Mr. Cxxx "what did I do?", but didn't get an answer. Mr. Wxxx, the school's guidance counselor came over and asked Decarlo if he was ok and patted him on the back. Mr. Wxxxx also assured DeCarlo that he will get to the bottom of the matter.

Decarlo also said that Mrs.Dxxxxxx called him in her offices and told him that this was his fault. There has to be some kind of law that will protect our children from anything like this ever happening again.

Lavanda

Florida

March 18, 2010 9:15 am

Today I dropped Decarlo off at school and he was told by Mrs. Dxxxxxx the Principal that she would have him arrested for trespassing on school campus if he didn't leave. Because of all the stress from the incident that happened the day before I was suppose to take Decarlo to Alternative External Suspension programs but I was very upset and forgot. This was my mistake not Decarlo's. I think that the school could have called me but instead the principal told my son this. I feel like my son has no rights at this school.

Lavanda

Florida

2010 Florida

Recently, I attended a meeting at my son's school with one of the Behavior Specialists from Broward County Schools. She was trying to convince me to put PCM on my son's behavior plan. She told me that PCM is a treatment that benefits children with Autism. She told me that she has always used prone restraint with children and how it was so effective in "changing autistic behavior" The school is "pushing" me to add PCM on his behavior plan I have refused to put PCM on his behavior plan. PCM is not a treatment; it should only be used in a crisis situation not on a daily basis to calm my son down. My son with Autism is already affected as it is from their lack of training. I have no options for his schooling because the school down the street is also having issues such as these. Schools are not training their teachers to work with our children. They are teaching them to be "master trainers" and tackle children until the children fear going to school.

Florida Lawmakers listen to us and pass HB81 we need to protect our children.

2/2010

This teacher was my son's teacher for the 2 years that she was in his school. We knew there was something going on, but could not prove anything. He couldn't tell us because he is nonverbal. I don't understand how a teacher can abuse students and not have some sort of criminal charges filed? How do schools get away with doing their own investigations and determining their own punishments? I still have pictures of the bruises he received at school, I called and complained, I pulled him out for a week, but no one would listen to me and I didn't know what to do. My son lost all of his skills in this school. I don't know at this point if we will ever catch him up to where he was. He is no longer in this district.

Please let me know if you have any problems with the link and also what would your reaction had been if you had gotten up one morning and read this, which is what happened to me. I feel like I have absolutely no recourse. I would like to know what happened to him just so maybe we can try to fix whatever damage this teacher did. The only thing I can think of is to try to contact the aides that were in the classroom, but I can't even think of how I could get their names.

Lisa

Pennsylvania

http://www.pennlive.com/midstate/index.ssf/2009/12/west_shore_school_district_tea.html

2009 Florida

My youngest son is a 7 year old moderately autistic non-verbal boy. He has severe rage/aggression issues. It has been a huge problem for us at home and at school. The I.E.P. includes using restraints, when my son becomes uncontrollable. I understand why they have to resort to this method, since he has/ and will hurt others. The problem I have with it is how it's implemented. Last year, Aaron's kindergarten teacher was ill-prepared to handle Aaron's behaviors. She was a social worker, turned teacher, who didn't have any experience with autistic children. There were 12 students (in the mild-VE self contained room), the teacher and one aide. One day, the aide didn't show up to work, so the teacher was on her own. Aaron went into a rage, and the teacher put him into a restraint hold for 30 minutes. I don't know how she could have managed this, as there were 11 other students wandering around the room. Anyway, the principal happened to walk into the classroom, and told her to release my son. We had an emergency I.E.P. meeting, and I told the teacher, I would not allow her or anyone else to hold my child in such a hold for more than a couple minutes...least 30 minutes. Fearing a lawsuit, she was fired at the end of the day. It is true about schools not properly training their staff in restraint procedures. I was so scared that she could have prevented him from getting enough oxygen, etc. This year, the teacher has regularly used the restraint method (aprox once a week) on Aaron. I feel that the behavior specialist hasn't done her job in doing an adequate FBA, to prevent this behavior from happening. She's had two years (of working with Aaron) with no success. It seems like the schools in general, don't understand the needs, problems associated with autism. I have another autistic boy who is 8, and is in a multi-VE classroom (at the same school). Since he is not a behavioral problem, they just want to keep him happy...period. There is nothing expected from him. It is worse than being in a pre-k program. He comes home with

the same dotted letter M (for Mark) that he 'traces' with assistance. I am so discouraged with the whole situation.

August 25, 2009

Mickey was asked to pick up Logan early from school because of behavioral issues. When Logan came home his daily ritual is to remove his shirt and other uncomfortable clothing, which exposed these injuries. I took Logan to the Doctor because he kept saying "no touchy" and I was fearful his ribs may have been broken. I phoned Logan's teacher to ask if he had knowledge of what could have happened to Logan, the teacher laughed at me and stated that after tying Logan in a chair he used mindset restraints as a last resort, which occurred several times that day. He also documented this in his daily agenda.

September 9, 2009

Once again Mickey was asked to pick Logan up from school early because of behavioral issues. When Logan removed his shirt I immediately noticed that his spine was bruised and also bruising around his kidney area. Logan's Doctor was out of her office on this day, however it is documented that I attempted to bring Logan into her office for an examination. I made it clear after the August 10, August 25 assaults on my little boy, RESTRAINTS ARE TO BE USED AS A LAST RESORT WITH ADMINISTRATORS PRESENT AND FOR SCHOOL PERSONNEL TO CONTACT ME IMMEDIATELY. THIS DID NOT HAPPEN.

Sheree
Georgia

11/2008 Florida

I had a long talk with a new teacher here in Marion County. She told me about what they call the "cardboard caves". It seems we don't use a room – they cut both ends out of a large box and place it over the child. A small group of us are planning to meet with the School Board – they are still in denial, they claim we do not restrain or seclude in Marion County.

Howard

2008

My nephew is currently in the 1st grade, he is having behavioral problems and has since kindergarten. His teacher last year solved his behavior by putting him in the hallway with 2 tumbling mats stood up around him against a wall. He would remain there for the whole day. His mother was not informed of this until the end of the school year. Now he has started the new school year in 1st grade and the teacher is doing the same thing. This year the teacher only uses 1

mat. They say he screams and tries to kick the mats away... so they have two faculty members stand on either side of the mat to restrain the mat from falling. I have been surfing the web to find out what to do and am lost. I was wondering if anyone has a suggestion.

Tiffy

2008

Very interesting, I popped the question one day to my child's teacher. I asked how many times has my child ever been restrained. I was surprised to find out it was more than a few times and it was explained she was restrained for safety issues. My child had a wonderful teacher so I know she was in the best care but when I asked her why I was not notified she explained the school district does not require the teachers to have to report it to the parents. I found that very unacceptable and instructed her the next time she is having a problem I need to be notified.

Patricia

2008 Vermont

Public schools have been putting my Autistic son in a basket holds restraint since Sept. 07 without my knowledge. Found out a month ago and told them not to do it. My request went unheard. My son has a lot of medical issues. I started due process. Received a Doctors order not to restrain no basket hold or hands on restraint. Principle refused to honor Dr. order and states well if I break his neck I break it and suffer the consequences latter. Nice Principal hun. Does he know a statement like that is a threat to any mom? Dr. called him and he still refuses. There is a lot more to help and handle a child. I wish to hear that I'm not alone in

Judy

2008 Texas

Today I received a phone call at work from my son who asked me if I could go pick him up from school, there was early release today and I figured he could either take the bus home or walk since we live at walking distance from the school, so I told him "No".

To my surprise he said "Please mom, they have me in handcuffs because of the shirt you bought me" I was horrified to hear that and asked him where he was and he said "at the High School" (San Benito High School).

My coworker asked me if I wanted her to close down my system and I told her "No, don't close it just lock it I will be right back". Little did I know of the unfolding events before me.

When I arrived at the high school I erroneously assumed my son was in handcuffs as he had indicated in his phone call, but probably sitting in the principal's office, but to my HORROR as I was walking inside the high school I noticed a group of people (school police officers and principles) standing in the grass area to my right and I noticed a body on the ground. As I approached the group screaming at them "that better not be my son on the ground" when I reached them to my HORROR it was my son on the ground, face down, with handcuffs to his back and school police officers with their knees on top of him restraining him and my son faintly saying "mom I can't breathe". I remember screaming at them to stand him up to get off of him and to stand him up...after what seemed to like an eternity they did as I requested after they told me to calm down, which of course I couldn't. They arrested him and charged him with disorderly conduct and resisting arrest and I believe assault to an officer, they are claiming my son had kicked an officer in the face.

My son says he was talking to his girlfriend and noticed the time, he told her he had to get to class so he proceeded to go to class when a female officer told him "Ernie shouldn't you be in class?" and he said "yes ma'am, I was just getting my uniform (ROTC)" she responded "I saw you talking to your girlfriend go to class" and he said "ok" at that time a male officer was asking him about his shirt and telling him he could not wear that shirt to school because of the wording on the shirt :P.O.L.I.C.E Preach to others the love that lives in Jesus Christ, because someone might confuse him with a police officer and my son responded "nobody will confuse me with an officer I have a backpack and besides everybody knows me, and my son ,Christian as he is, told him he was going to keep wearing that shirt because there is nothing wrong with it and continued walking to his class, my son states that the officer followed him and when they were close to the office that officer and other officers tackled my son down to the ground and restrained him. They picked him up and dropped him to the ground outside where I found him with 4 school police officers on top of him restraining him.

My son suffered Traumatic Brain Injury when he was 1 year 4 months and has been disabled since then. He is now 17 years old and has been in special ed since he started school. We are very lucky he even survived the car accident years ago. He loses control when faced with a stressful situation and he can't help it. The restraining methods used by the school police were wrong, excessive and unnecessary.

I went to the San Benito Police Department to talk to a detective and was told there is nothing they could do, that I had to deal with the school district, I asked "is there something the police department can do for us and officer J. Ledesma stated "No".

Please add this school to your list so parents can be aware of the situation we are in right now. This incident occurred 10/10/2008

My son attends: San Benito High School, Cameron County San Benito, Texas He is a senior who know wants to drop out because he doesn't want to go to that school anymore.

Thank for your time and your website.

2008 Indiana

As a parent of a child diagnosed with "intermittent explosive disorder," I'm increasingly concerned about the school's use of excessive force with regards to handling conflict with my 11 year of son during school hours. He's in a self contained special education class due to his disorder, but maintains A & B grades and working 2 grade levels ahead of his grade level. It is the opinion of this parent that the school staff are not educated or properly trained in dealing with children with special needs. I do believe and have observed myself that teachers and staff in an effort to handle the conflict often become emotionally out of control themselves. I have observed teachers saying degrading comments, publically ridiculing a child in front of others and provoking my son with these sorts of behaviors. For example, my son feels he has to get everything right the first time and when struggling with a particular problem in math, he became frustrated. Rather than the teacher making every effort to help with the problem, she snatched the book right out from under him which then sent him into a cycle of anger. Yet, the numerous situations I've been dealing with the school thus far this year, the school staff don't fully see their part in "prevention" of such problems and aren't taking full responsibility in how they are dealing with the conflict. The very same "techniques" (as the school calls them) used to "restrain" my son during a conflict would be the very same things that could land a parent in prison for child abuse. I don't understand and would really appreciate anyone out there that has information of child advocate groups and laws or legislation regarding the physical restraint of children by school staff in the state of Indiana. I believe that schools have taken their role of authority too far in some cases and it's getting out of hand. After all, it's my job as a parent to raise my child and not the schools.

Parent advocate

2008 Florida

My name is Jessica and I have a boy 5 years old that was attending Hagen Road Elementary – PK inclusive program. He was diagnostic with autism at the age of 2 and because of his progress he qualified for an inclusive classroom. He started complaining about going to school, saying that he did not like the teacher, also he faked in the morning sickness just to not attend to the school when I asked him what was wrong he said that the teacher hit him on his hands, face and lap, it was hard to believe and I didn't do anything that day, but after a week one of the volunteers moms from the classroom brought my boy into the principal assistance office saying that his ear was red, she notice when he was napping of course the principal assistance called the police and the police call DCF department to just get out of the problem and they call my husband and they were not very explicit about the situation. My husband left work and since we were having a lot of doubts about the teacher and the school for what our child told us he decided that Nicholas won't go to school again, well DCF came home that day in the afternoon to continue the investigation and after questions he said twice that Ms. Alina hit him (teachers name), then Friday my neighbor asked him and he said the same thing.

We went next day Friday to talk with the principal and he was not available, his assistant came out and we told her that Nicholas won't come back to school until they can get him a safe classroom with a different teacher, she promised us to call us that day but she never did. A week past by and I called a teacher in the area who recommend Nicholas to be in a inclusion program and after he went over a asked questions they call just to tell me the police has the investigation and we cannot do nothing, the detective who has the case called me once with really no answers, he said that when he went to the school for question the teacher was off.

I want to everybody knows about this case and if I can get to the head of the school district I will but the most important thing is I don't want another child and their families put through what the school put my son through. He is just a number to them for us he is everything.

Jessica

2008 Pennsylvania

My son Brian suffers from shaken baby syndrome and an array of issues stemming from that incident. He has behavioral issues among other issues. I received a phone call on Friday telling me I had to come pick him up from school because he destroyed a classroom and was poking his teacher in the butt. Brian is 5 years old and just started kindergarten two weeks earlier. My mother-in-law works for the school district as an aid and they finally called her into the room where his private aid and the special ed teacher were holding him down by his feet and hands. Brian doesn't have the best communication skills and he falls in the 1-3 year range on his testing depending on the topic. The school district had just started him in the special room the day before. In my opinion he was overwhelmed by the situation and he reacted poorly. (I think they should have had him the same room from day one.) I just feel like they took a scared boy that was acting inappropriately and made him feel even worse holding him down. They told me he was destroying the room but he wasn't threatening anyone. According to my mother in law destroying a room was throwing a box of toy animals and pushing items off tables. And he was poking someone in the butt but couldn't the teacher have sat down so he couldn't reach her butt. They told me that he was sexually assaulting her because he was poking her in the butt. I know that is inappropriate behavior and it isn't acceptable but what happened to redirecting students. They are trained in special needs for these children. I have him signed up for wrap around behavioral services but I don't know how long all of this will take to kick in. I don't know the entire situation because I wasn't there but I just feel like they shouldn't have done that to them. And I'm afraid that by sending him home they are just showing him that he can over react to situations because daddy is going to come save him. I am even more surprised that they are allowed to hold down children that aren't actually harming other children. Just curious what your take is on this issue.

Thanks, Laurynne

2008 Missouri

My child in the first grade 6yrs. old with no iep, was locked in a cell like room with bars I will email you the pictures she came home wetting her pants she was took to doctors and reported to have post traumatic stress from this teacher constant bullying she was not allowed to go to music recess breakfast until she got her work done she was strapped to her chair also-we had no idea this was not against the law, we have wore our selves slick trying to get something done-the teacher was M.O.at North Mercer School--Mercer

2008 Kansas

My asprie son now no longer attends the self-contained classroom where he received kicking, taping, seclusion, group restraint, and sensory deprivation (lights out) from staff.

Thank you for your efforts on behalf of children.
Robin

2008 Charleston, SC

Please add the school that my son attends to your list of schools using physical restraints. We're in Charleston, SC. Last week my 11 year old son's chin was split open, to the point of needing stitched, during a physical restraint. This tragedy could've been avoided simply with a 'therapeutic walk' prior to restraining. No de-escalation techniques were used, and the staff improperly put him in a 'prone' position face down on the floor. The staff had both of his arms so his chin broke his fall/pull-down to the floor. He's come home multiple times with bruises from being restrained. He's now receiving home services from the school district. Liberty Hill Academy,

2008

Good evening. My son Richard Rector a student with autism used to speak but because of how he was treated by Liberty Middle School in 8th grade he no longer does. We attended parent teacher night at the beginning of the year. The teachers and the vice principal for special education all spoke of how there had been behavior problems last year and that they were going to be stricter this year. That kept coming up so I asked his teacher what behavior problems? She said rocking and hand flapping. I responded that, that was not a behavior problem that's autism you are supposed to be able to work with that. She insisted it was a behavior.

Everyone knows that autistic people are withdrawn and if you are too harsh with them they will withdrawal more. They started sending him home with his shoes duct taped to his feet to keep him from taking off his shoes. We told them to stop that. They refused. We went to my wife's Stepmothers funeral and the day we returned they sent him home taped again. That was the last straw I went to the school thinking that if I can show the principal what cruel treatment he is getting it would stop. It was after 5PM most everyone was gone but the library was open with a meeting going on. I called out for

help. The librarian came out I explained and showed her my son with his taped feet. She said she knew about it and agreed with it. She went to get someone. While I was waiting a teacher came by I told her about it. Again she knew about it and agreed with it. The regular education vice principal told me they had a meeting to discuss his shoe problem and that was what they had decided to do. I told her it was child abuse and teachers in Florida are in prison for using duct tape on students. She said that was the policy and it would stand.

I complained to the governor, the state education commissioner and every member of the school board. They only said we should meet with the school. They never apologized only claimed to have stopped doing it. At the last parent teacher meeting they said they would leave my son unattended in the hallway. I asked aren't you afraid he will wander off? They simply said no. We found out latter from a substitute teacher that the reason they were not worried was because they were tying him to a chair with his shoelaces. Because of that treatment my son stopped talking. We are now in the process of getting him a Dynavox computer to help him start talking again. The school should be paying for his Dynavox and therapy as he would not have this problem if not for the abuse by Liberty Middle School employees.

Years later they have still not provided the support needed to get my son talking again. There has been no training in verbal behavior, no extra speech therapy, etc. We only learned about the Dynavox when seen by experts privately. Three years later we are finding an alternative because Centerville didn't bother. They are only waiting for him to age out. Centerville can't even provide us with data to support his IEP goals. We have been asking for data for 2 years and help for three years. We aren't sending our son to school to regress.

Parent

2008 Minnesota

Crosby Elementary school in Crosby MN. 2 years ago one child was restrained over 100 times. He spent over 40 hours in the Time out room that year..... it was sad. It continues to overuse aggressive means to control kids.

Rick

2008

I live in Charlotte County but also help parents in neighboring counties (Sarasota, Lee, Collier). This is a systemic problem. I am not saying that all teachers are abusing these kids (I have the utmost respect for teachers and personnel for whom our kids are their passion), what I am saying

is that the ones that do are not getting removed from their work with our severely disabled children. I personally witnessed an aide hurting a child on one occasion as did another mom on a separate occasion (a different child). All of the parents in the room demanded an investigation, which was done by the district. The aide was removed from our kids' classroom and to this day works in another classroom, as the case was disputed by the aide and so was dropped. Another teacher in Charlotte moved on while being investigated and went to DeSoto schools, was let go from there and went on to abuse two children in Lee County Schools and is under investigation to this day. These people just move on and our kids continue to be their victims!

There is a teacher in Sarasota County who is under investigation right now for abusing the severely disabled children in her class. When are we going to take a stand for these kids? SB 2028 sponsored by Senator Ted Deutsch and HB1139 by Representative Susan Bucher died in the committees that they were sent to in the legislature last session. This was a bill to protect our kids, yet our lawmakers did not look at it! The Districts can NOT be responsible for policing themselves! Our kids deserve better, ALL kids deserve better!!!

Sharon

Lee County, Florida

2008 Indiana

On Thursday, March 20, 2008 at around noon, my youngest daughter was in her class and refused to participate in a class activity called Center Time. The teacher asked my daughter what was wrong and she started crying and said she wanted to see her Aunt. The teacher said she couldn't go see her right now and put her in time-out for five minutes. After five minutes, my daughter was still crying, so the teacher called the special education teacher across the hall and asked what to do. The special education teacher had another student at the time, so she told my daughter's teacher to call the office. The principal came to the classroom and tried to get my daughter to go with her. My daughter refused to get up, so the principal grabbed her by her hands and dragged her out of the classroom into the hallway.

At this point, my daughter starts kicking her feet, trying to get away from the principal. The principal tells the special education teacher to "help me get her down." The two adult women held her on the ground for 40 minutes. At one point during the initial holding down of my daughter, the office was called and another adult came down to help hold her. As they attempted to let her up, she started kicking and trying to get away again, which resulted in the principal getting kicked in the nose. The three of them again took her down and held her there for another 1 hour and 15 minutes before contacting her mother or her father. During which time, my daughter had stated she couldn't breathe and her stomach hurt. After holding my child down and restraining her through these excessive physical means, my child has bruises along her arms/wrists, and abrasions in many locations. Therapeutic hold is only supposed to be used as a last resort if a child is in eminent danger to themselves or a danger to others. It should not be used for punishment or to enforce compliance to orders.

This incident was perpetuated by requests for compliance which my daughter did not have the ability. Once hearing "help me take her down," my daughter tried to stop them from further action by physically lashing out in an unconscious defensive mechanism. If I were a seven year old 58 pound child and I had three grown adults holding me on the ground, I would be frightened enough to try and kick them off or use

any means at my disposal to get them off as well. Autistic children require special handling, as they do not have the same mechanisms of response to stressful situations as other children and adults do. As education providers, the teachers and principals involved in this incident should have better training and experience in handling children with Autism. Their inexperience is obvious, as poor judgment was used in this situation. I or my husband should have been contacted immediately before the episode escalated to the point where excessive force was used to restrain my daughter. When we asked the school officials to see a copy of the CPI training information used by Richmond Community Schools, we were informed we could "look it up on the web". This is an inadequate response, and demonstrates a lack of understanding to the grievous offense that they perpetrated upon my child.

Clearly, the law is flawed which allows school officials to injure children, and traumatize those with special needs. The use of physical restraint at any time, much less for such long periods of time as occurred with our daughter, should not be allowed to continue in our schools. Currently, we have no protection or recourse from this practice. If you would like to help make a change to the law that allows excessive physical restraint by schools, please join us in contacting Indiana legislators and let them know we do not want our children hurt due to the risky and faulty practice of CPI, or therapeutic hold. We have the power and right to stop any new incidents from happening. It would be terrible for this to occur with another child, or even worse, something more tragic than bruises and mental trauma, not excluding loss of life.

Sincerely,
Amaris

2008

I have an 8 yr old autistic child in an alternative placement setting for school. She attends John B. Ward in Du Quoin, IL. We are currently in the middle of trying to get the school/teachers/aides investigated for an incident on 04/02/2008. My daughter was physically restrained for physical aggression towards herself and property within the classroom and with this I am not upset because I don't want her hurt (she was only restrained for 3 minutes so she would stop) but then 1 hour later she was put into a seclusion room (there is no window into this room so no one can be viewed inside the room) for using profanity. Students at this school use profanity on a daily basis, but does that mean it's appropriate to seclude a child for cursing...she was secluded for a period of 20 minutes which also enraged me because she is only 8. This was used as a form of punishment instead of a place a child can go to "cool off". The teacher informed me the seclusion room "time" does not actually start until the child is calm and if that's the case the room is not being used appropriately. This room is supposed to be used as a place to cool off and not a place for punishment. The other point is physical restraining was used to control physical aggression earlier that day, so why was seclusion used for verbal aggression (not threatening, only profanity). I was under the impression that verbal aggression warrants verbal interventions...so why seclusion...if you ask me the use was inappropriate.

Tara Du Quoin, IL

2008

I am currently homeschooling my son(8- diagnosed Aspergers-ASD) who was restrained without my knowledge, was handcuffed by in school safety officer, was put in a seclusion BOX for hours on end-not allowed to use the restroom-Box was locked and had its window covered. Came home all bruised with rug burns under arm pits from being pinched under them while being told to stand. This school is what nightmares are made of.

:(Please put this school on your list as I would like ALL parents to know abt this form of inhumane treatment being done to children there.

Foothill Elementary Brigham City, Utah Box Elder County

Thank you for all you are doing in making people aware and advocating for our children :)

Tammy

Utah

2008

I felt very moved to tell my story in hopes other parents will be very involved on what is going on in their child's classroom. I reside in the Saint Lucie county school district there seems to be a number of schools on your list in that county. My daughter was 3yrs old when she started in a special education prek, she has pdd and was never in a school setting before. I was very excited that day to get her in a program that would help her but it turned into a nightmare. My child is not aggressive very into her own world and just a sweet little girl. I introduced myself to the teacher and para professional. I then was leaving when something told me don't leave so I told them I will be in the next room to observe till I feel good about leaving. It was circle time and they wanted my daughter to sit at circle time, she had no idea what circle time was she was never in a classroom setting., without prompting or positive enforcement the para professional sat my daughter on her lap in a hold like a bear hold because she wouldn't sit at circle on her first day. My daughter was screaming and squirming to try and break free. I could see her little shirt rising up and just red marks all over her stomach. I ran into the room and told the women to let go of my baby now, she said no and that I'm going to mess up what she is trying to do. I suddenly felt like a wild animal ready to attack and I screamed louder during a tug of war of pulling my child away from her. Thank god for her she knew to let go. I seriously was going to hurt her if she didn't give me my baby back. I left the school crying and I called the school board and put a complaint in, I was told both her and the teacher was fired. I asked why the teacher and they said because she should have intervened. My point is trust your instincts parents if it does not feel right.

2008

Hi could you please get back to me as soon as possible. I know a child that has Autism and I am concerned for him. The school he goes to has been jerking the family around for the last few years. The child is now in first grade. He was just passed on. He seems to be just pushed aside when it is possible by his caretakers. His parents have been called on several occasion saying something was medically wrong with him they had to pick him up from school's they have brought him to the ER to make sure he was OK and if not he could be treated. On many of these occasions

he was fine the doctors didn't find anything medically wrong like the school said. This was their way of not having to deal with him for the day.

My question to you is restraining him legal in the state of Vermont. They use Crisis Prevention Intervention it is a hug restraint procedure. There have been cases documented where the child has died from this restraint. The child has a helmet he is to have put on when he is harming himself and the person taking care of him doesn't put it on him. She doesn't try to calm the child in other ways she immediately restrains him. This person told the parents it was in the IEP plan that restrains could be used. The parent looked into this and it isn't in his IEP and they have never given permission for this to be done to their child. So could you please get back to me as soon as possible to let me know what you know about the law here in Vermont? I want to help the parents before something bad happens to him.

I have been with this child several times and seen him get upset and harm himself and the use of the helmet helps him to stop. I know that when he is very upset about something just holding him and talking to will calm him down. He hates to be held so I think this person is just being awful to do this to him.

Thanks you so much and I will wait for your response.

Thanks

Arlene - Vermont

2008

I just wanted to introduce myself. I have a six year old son with autism. We just changed his placement to an ED self contained program. He has full-time para and up to 3 other boys in the class with him. When we looked at the school we were shown a gray, padded closet with a window in the door. The lock on the door is a button that must be held on the outside. A teacher must hold this button (about four feet from the door) to keep the door locked (they cannot keep the door locked and leave). Another teacher is supposed to be looking in the window and documenting what the student does and supervise (from the outside). We were assured that this room is only used as a last resort, when the student is a danger to himself or others. My son has been in this room at least four times in his first week, for yelling loud enough to disturb another student to resort to head banging. His teacher says they tried to redirect the behavior before sending him to this room. This is not setting well with us. Is there any time this can actually help reshape behaviors? His autism consultant actually said that it's against the law? What do we do at this point? Any ideas? BTW, we are in Kansas.

Thank you,
Amy

2008

The first time they called the police on Ian and handcuffed him he was 7, but at least the Baker acted him instead of arresting him. Parents should not live in fear that on any given day their child will be arrested because of their disability. Every time the phone rings, I am in a panic. We do not have appropriate programs and placements and every school just wants to ship them off somewhere else. The kicker is Royal Palm is the school for SED children.

Heather, Florida

2008

I am considering homeschooling my now 3rd grader. We have tried for years for teachers and staff to see him as an avid learner with learning disabilities NOT an obstinate child who can do all of the work but just "doesn't want to." He was secluded and restrained in Kindergarten, until we removed it from his 'crisis' plan and forbade it in writing. He dislikes school and is spiraling downward.

Ange

2008

I felt so alone. I am the mother of a special needs child who was abused in public school in Ms. His teacher locked him in the bathroom after he soiled his diaper. He was cognitively 18 months old although he was 3 years old at the time. This has been a nightmare to say the least. The school did nothing, and even worse chalked it up to being "Old school teaching". I wanted to die when the principal said the word "Punish". They had to punish my child, my baby boy who was obviously in the special needs program for a reason. He was significantly delayed in most all areas. I have filed a civil suit against the school after nothing was done. This teacher is still teaching. I called every parent I could find, and two of them had knowledge of her doing the same to their children. They are not going forward. I am very thankful that I found this organization. It is going to take a multitude of parents to stand up and say, NO MORE! Did you now in Ms, teachers do not have to have restraint training? I am outraged over this and any advice you could give to me would be wonderful. Thanks for doing what you can.

Jenny

2008

I live in Ms, and also have a special needs child. He was also abused by his teacher. He was locked in the bathroom after soiling himself. Nothing has been done to this teacher and she is still working with children.

Jenny

2008

On or about October 6, 2004, Justin became frustrated at school, and banged his head on the wall. According to eye witnesses, three full sized adults all piled on top of him, holding him down, to the point that Justin was unable to move, or to breathe. When finally, they moved off of him, Justin was unable to catch his breath, and began to hyperventilate, and became so confused and upset, he panicked, and became violent with the staff. Justin, who was only 7 years old at the time, was arrested, handcuffed, and taken to Martin County Jail, an adult jail!

That was followed by continuing restraint and seclusion from the school staff, more arrests, and the additional stress of monthly court appearances all took its toll. There was the constant threat of Justin being adjudicated as a "Juvenile Delinquent".

Virginia,
Martin County, Fl.

2/25/2008

My now 7 year old daughter, who was reassigned from Timber Trace Elementary in Palm Beach Gardens to an EH program at Limestone Creek Elementary in Jupiter when she was in Kindergarten, has been restrained numerous times. She had incidents when she was not restrained but rather removed from the classroom to spend "alone" time in a room with her one on one. We have had ongoing problems, including her teacher (a 20+ "veteran" in Special Ed) walking her out one afternoon at dismissal time and state to me in a very loud voice (in front of other parents also waiting for their kids) that she was thinking of filing charges against my daughter because she kicked or hit her (I was under the impression that because she was in an EH program that was not unexpected). The last incident was in December, 2007 when I was called by school and, upon arrival, found her in a room with the Assistant Principal, teacher, a supposed crisis intervention councilor and a police officer (it looked like an interrogation room). Upon my arrival, she was Baker acted and taken to Columbia Hospital. Despite the fact that I told the school that I felt restraining my daughter on the mat (with someone holding her down) exacerbated the situation, the school continued to restrain her in that manner. My daughter has not been back to that school since. I admitted her to Sandy Pines Residential Treatment and expect that she will be attending Indian Ridge when discharged. However, there is a chance she will be returning to Limestone Creek. I had no idea I was to be given a copy of each report of restraint. In an entire year, I was never given anything. Once I requested her file, I found she was restrained many more times than I was aware of.

Leslie
Palm Beach Gardens, FL

2008

On Thursday, March 20, 2008 at around noon, my youngest daughter was in her class and refused to participate in a class activity called Center Time. The teacher asked my daughter what was wrong and she started crying and said she wanted to see her Aunt. The teacher said she couldn't go see her right now and put her in time-out for five minutes. After five minutes, my

daughter was still crying, so the teacher called the special education teacher across the hall and asked what to do. The special education teacher had another student at the time, so she told my daughter's teacher to call the office. The principal came to the classroom and tried to get my daughter to go with her. My daughter refused to get up, so the principal grabbed her by her hands and dragged her out of the classroom into the hallway.

At this point, my daughter starts kicking her feet, trying to get away from the principal. The principal tells the special education teacher to "help me get her down." The two adult women held her on the ground for 40 minutes. At one point during the initial holding down of my daughter, the office was called and another adult came down to help hold her. As they attempted to let her up, she started kicking and trying to get away again, which resulted in the principal getting kicked in the nose. The three of them again took her down and held her there for another 1 hour and 15 minutes before contacting her mother or her father. During which time, my daughter had stated she couldn't breathe and her stomach hurt. After holding my child down and restraining her through these excessive physical means, my child has bruises along her arms/wrists, and abrasions in many locations. Therapeutic hold is only supposed to be used as a last resort if a child is in eminent danger to themselves or a danger to others. It should not be used for punishment or to enforce compliance to orders.

This incident was perpetuated by requests for compliance which my daughter did not have the ability. Once hearing "help me take her down," my daughter tried to stop them from further action by physically lashing out in an unconscious defensive mechanism. If I were a seven year old 58 pound child and I had three grown adults holding me on the ground, I would be frightened enough to try and kick them off or use any means at my disposal to get them off as well. Autistic children require special handling, as they do not have the same mechanisms of response to stressful situations as other children and adults do. As education providers, the teachers and principals involved in this incident should have better training and experience in handling children with Autism. Their inexperience is obvious, as poor judgment was used in this situation. I or my husband should have been contacted immediately before the episode escalated to the point where excessive force was used to restrain my daughter. When we asked the school officials to see a copy of the CPI training information used by Richmond Community Schools, we were informed we could "look it up on the web". This is an inadequate response, and demonstrates a lack of understanding to the grievous offense that they perpetrated upon my child.

Clearly, the law is flawed which allows school officials to injure children, and traumatize those with special needs. The use of physical restraint at any time, much less for such long periods of time as occurred with our daughter, should not be allowed to continue in our schools. Currently, we have no protection or recourse from this practice. If you would like to help make a change to the law that allows excessive physical restraint by schools, please join us in contacting Indiana legislators and let them know we do not want our children hurt due to the risky and faulty practice of CPI, or therapeutic hold. We have the power and right to stop any new incidents from happening. It would be terrible for this to occur with another child, or even worse, something more tragic than bruises and mental trauma, not excluding loss of life.

Amaris & Darrell
Richmond, Indiana

2008

Discipline? Are you kidding? My 12 year old son (adopted with a long history of abuse) was restrained because he freaked out when the school staff yanked the school phone out of his hands when he tried to call me to ask for help when a teacher tried to blame him for kicking a girl who walked behind him when he threw his lunch tray away. He was not allowed to provide his version. Then they dragged him to a seclusion room, causing his skin to rip open on the carpet, and threw him in this room with instructions to do 30 minutes of school work before they would let him out. Is this discipline? This is child abuse. This is NOT permitted under IDEA. Heck with FL DOE. File for a due process hearing and take FL DOE down with the school district.

Yolanda
Orlando, FL

2008

I have been dealing with the "local autonomy" issue in Missouri. Unless the laws change here, the department of education will do nothing to protect the kids in public school. My district has seclusion rooms in every building but 1. Whether or not a kid is placed in one is up to the IEP team... and it is so easy for parents to be mislead (we were) down that road and the room (and restraint) be way misused, overused, and abused. I am so happy I found Families Against Restraint and Seclusion... I wasn't nearly as overwhelmed when starting to DO SOMETHING and take a stand.

Angie
Missouri

2008

On several occasions, six-year-old Elf was dragged into a small room. Frequently he was locked inside for his "poor choices" because the staff did not know what to do with him. At first, the special ed "experts" were able to convince me that a brief time alone would help him calm down and rejoin his class. But guess what? It didn't cure him of his autism and in fact made things much worse. So when an "expert" at your local school does something to your child you just feel is WRONG, don't go along with it. They don't want to treat your child with dignity or give him any help he needs if it COSTS them money or staff time.

Mrs. C.
Missouri

2008

My son, age 5, has autism. High-functioning, yet tantrums and self-abusing are daily realities. Tried him in pre-k nursery, at 3 yrs, a special needs class. He was yelled at, jerked around by the arm, and roughly handled, made to sit in bathroom for time out. He was potty-training at the time. His isp stated he had sensory issues involving noise, touch, etc. after voicing concerns didn't change problems I took him out. Only 3 weeks had past. Now we home school. Lucky we can do it. We live in N.W.FL

10/2007

Dear Dr. Rxxxxx,

On Thursday October 18, 2007 Angelina came home from school with several bruises on her arms. (between her elbows and wrists). I asked her what had happened and she said "Mrs. XXX held her down, and it hurt." I pulled out her point sheet and nothing was written on it about any kind of restraint or problem, but points from 11:00am - 12:14 were circled indicating that she, at those times, was having some kind of difficulty.

I called Mrs. XXX to see what had happened, she said that she had Angelina in a hold for 30-45 minutes. She said she was trained to restrain students in a new manor not using bear and baskets holds anymore. She told me that she INTENTIONALLY used pressure points under Angelina's armpits to cause discomfort in hopes that this would deter her from exhibiting future bad behaviors.

I then looked at Angelina's armpits and there was bruising and a broken blood vessel under her left armpit. (I took pictures). Angelina did not want to show me this, she was very upset crying and saying she's never going to school again. She is very distraught!!!!

Again, my daughter is being physically and emotionally abused at school. I am hoping that you will agree with me that this type of hold being used as punishment and is not acceptable in any way, shape, or form. Holds in school are supposed to be used in a therapeutic way so the student does not endanger them self or someone else and only as a last resort, and never used as a form of punishment. Mrs. XXX even told you that she had Angelina in a hold for 3 hours a couple days prior. This needs to STOP!!!

Tuesday and Brad Williams
Lee County, Florida

2007

My eleven year old son has a brain the size of a nine month old baby. Thanks to the work of Dr. Marjie Morales and the Early Intervention Program my son's world began to change for the better.

However, upon transitioning from Early Intervention into the Public School system, our real nightmare began. Life changing services were cut over our objections and those of grandparents and other professionals. Parent and teacher input, was ignored - "duly noted", but quashed by administrators more interested in finances and school reputations. As a result, my son's needs were ignored with the hopes he'd be transferred to another school for more disabled children.

As a six and seven year old, instead of receiving the classroom help he needed, he learned to crawl under desks and lock himself in the bathroom to avoid further humiliation in front of his peer group. His teachers routinely violated his gluten and casein free diet, and then punished him for the behavioral reactions he had to the foods he couldn't eat. They

psychologically scarred him by punishing him when his learning disability prevented him from completing an assignment and they frequently served his classmates cookies, twinkies and other treats they knew he couldn't eat.

One day my son came home from school with three large thumb print bruises on his arm and leg and he said he got the marks from his teacher who was "holding him down". We had to call the police twice to even get a police report. The case was quickly closed without any action even though our pediatrician had referred us to our local Child Protection Team who assessed our son and said he gave a strong disclosure and that his injuries were indicative of child maltreatment and abuse, the result of inappropriate restraint and seclusion techniques. The Florida Department of Education ignored our complaints and referred them back to the local Superintendent who declared our allegations as being "without merit", despite doctors' letters.

The school refused to change our son's IEP to address his behavioral issues and they ignored the Child Protection Team's directive that he should have no contact with the perpetrator. Out of fear for our son's safety we refused to send him back to school until these changes were made. The result: the district ignored our waiver requests for a transfer to a new school as supported by our son's doctor, un-enrolled him from the school district and declared we, the parents, were violating the law by refusing to require our son to attend school. Our options were to go through the school lottery choice system and have him placed at some unnamed school, in a regular education classroom with his non-disabled, same age peers, WITHOUT an IEP or face criminal charges.

Our son, and family continue to struggle with the emotional scars of his abusive restraint and seclusion school experience and we have no confidence in our public education system to adequately protect children with disabilities from being inappropriately restrained and secluded. Unfortunately, these types of incidents are common throughout Florida, and the United States. Our current system excludes parents and protects abusers.

Julie
Lee County, Florida

2007

Unfortunately seclusion is being used at my son's elementary school. He is special needs as well. I found out about these rooms and made it very clear in his IEP that he is NEVER to be put in there (an alternative that can be used is a "chill out rug" (just a fluffy rug which is also used in therapy. The problem is the principles don't give teachers and staff the support/ training that they need to understand the behaviors/ methods to "control" them. Look at that word... CONTROL a 5 year old that has special needs? These rooms need to be outlawed. If a child needs to be in seclusion for any reason I would argue that there are classrooms with teachers who are trained in these areas and if not... then they need to get it! File complaints and make noise. Our children only have us! We are their only "true" advocates. My son cannot verbally express when this takes place. Imagine if you could not verbally express yourself and you were put in a room of isolation. Positive?

Amy

Arizona

According to a recent (August 9, 2007) article in the Boston Globe, there's a school where autistic children are placed in a tiny, windowless room—a closet, really—and the door is shut. This school is the New England Center for Children, one of the most popular and most highly respected ABA schools on the planet. Michelle

2007 - 2008

My son entered the public school system at the age of 3 years, 3 months and received an IEP for Developmental Delays and Speech/Language Impairment.

He entered kindergarten and shortly thereafter, he was initially diagnosed with ADHD and ODD. He displayed many traits on the spectrum, however, he was not diagnosed with Asperger's Syndrome until March 2008.

The overuse of manual restraints and CSI was very apparent in the first grade. The use of any restraining methods on an already aggressive child only increases the aggression. He was also sent to ISS on several occasions. At the time, my son was not very verbal and was not able to express himself. He still remembers the teacher and paraprofessional who restrained him. It wasn't until a few years later that he was able to tell us what he went through and the pain he endured.

Our son was accepted at a magnet school for second grade. I met with the principal to discuss our son and if this would be a good fit. I also told his teachers and paraprofessional that his last school consistently used manual restraining methods which escalated his behaviors. They never used any types of restraining methods on my son and he had a very good year. Unfortunately, this year has been more consistent with what he endured in first grade. My child has been manually restrained multiple times (without my knowledge) and put in ISS for his behaviors related to his disorder.

As parents, we need to advocate for our children and help educate the schools to find more suitable ways of dealing with aggressive behaviors. Manual restraints, CSI, time out rooms, etc. are not appropriate consequences for our children. More and more children are being diagnosed with disorders that incorporate "not so typical" behaviors. Instead of punishing these children, the schools should be trained in how to deal with our children and provide them with a safe learning environment. You cannot control aggression with aggression.

Children who experience these types of interventions are scarred. They do not forget the pain they endured. My son would flinch when someone approached him from behind for a very long time. This is abuse and it needs to stop.

9/2007

My son has been in school for less than three full weeks, and so far has been restrained twice. I know the school does not use CPI restraint as a "last resort." The teacher said, "He was getting closer to where the other children were, so rather than empty the room, we decided to use our CPI training and restrain him."

Joni
Florida

2007

The padded time out rooms exist up north as well. My autistic son who is NON VIOLENT was restrained and dragged to the time out room for crying in class his 3rd day of school in a new building! I didn't know the room existed until he came home from school and complained that his arms hurt. Anyone who has knowledge of Autism knows they have a hard time handling change & transition. The kid walked into a new building/classroom with the entire room rearranged; new seat everything the 3rd day & started to cry. As a double punishment they took away his lunch & recess and made him eat alone in a conference room & miss playground time. The school has violated his IEP so many times in the last 12 weeks it makes me sick! His K-2 building the teachers were awesome, this 3-5 building has zero tolerance for disabilities. Half the staff didn't even know he was autistic when he walked in the door in September even though the principal has had his IEP since APRIL.

JM
New York

2007

It was during this meeting that she let it slip that my son was restrained in a "hot dog roll." I had to ask what that was...I could imagine, but I wanted to hear it. They rolled him up in blankets, like a hot dog...thus, the name. I couldn't imagine my son liking that AT ALL because he never liked to even be swaddled as a baby. I said this and they claimed they did it in fun and he liked it. I don't think so...that's when we started noticing the odd reactions to blankets and towels. But, since it wasn't in writing, only said verbally -- the school would deny or ignore it when I brought it up. I sent a letter detailing the meeting and the points on which we could not come to an agreement. Two months later, I got a response. Basically, it said that although our objection to the "calm room" was noted, because they did not feel it was being used in a punitive manner, they would continue to use it whenever they felt it necessary despite our written insistence not to do that.

Lily
Florida

2007

My son has suffered 4 restraining in a month & a half period. The last one was so severe they caused a cervical strain, busted lip, bleeding under the skin on his arms torso, face, neck/shoulder

area and almost suffocated him. The force was so excessive that they imprinted his polo shirt into his body. I have filed 3 police reports and made 3 reports to DCF. My son was 7 and weighed 52lbs when the restraining started. If my son wasn't visibly injured I may never have known the school had no intention on contacting me on a few of the restraining. The county I live in is working off of a 12 year old behavior policy that involves barbaric aversive on disabled children. I did a public records search on the Behavior analyst that injured my son on 4/07 and it turns out he has at least 3 DUI charges in his background one as recent as 7/07. How ironic a Behavior Analyst who can't control his own behavior?? There are no regulations on these matters and it is hard to hold anyone accountable. It almost seems as though no one cares.

Anna
Port St Lucie, Florida

2007

My son came home from school, laid on the floor, crossed his arms and asked me to grab his ankles on the floor. He told me - "tell them to stop doing this to me at school". Thank goodness Benjamin can descriptively talk enough to say when his school work is too hard; he wants to "breathe outside". When he tries to leave the room, the teachers lock the door and "yell" at him and Ben tries to push his way out. That escalates into more fear and Ben shoves or strikes at them. Ben is then dragged to the ground and put into a "physical restraint" position - for at least 2 days in a row now. He says that the visiting Area ESE Specialist, from his old school told the teachers (in front of him) to restrain him. Ben also tells me he has trouble breathing (which I told Mary Ann Parks just this week, he has recently been complaining of) in overstressed school situations, and in these situations. Unfortunately, I have had to research in a short time "physical restraints" - and nothing about what HCSD is doing is right. Ben has had escalated autism related issues all year, and no one should be surprised that he needs intensive, specialized direct behavioral supports - not physical restraints as a therapeutic intervention. Not only have I never given the school permission for physical restraint and was not notified (thank God Ben can talk - or I may have never been told at all), but the issue nationwide has caused fatalities. This is yet another attempt for the school to avoid appropriate Behavioral Therapy services at any costs. This is an OCR violation - and should stop immediately.
Suzette Mother of Benjamin (10 year old student with High Functioning Autism)

2007

Some of you may have seen the WINK news reports about mentally handicapped children who were placed by their teachers in brick walled "time out" rooms" when they "misbehaved." My daughter Caitlin was prone restrained and placed in such a room on a frequent basis. I think it's important that members of our legislature understand how disabled children are routinely treated by the Lee County School District. Caitlin is now 8 years old. Her diagnoses include autism and schizoaffective disorder. That means she is a very disabled child with both a developmental and a serious mental disability. It is common knowledge that autistic and mentally ill children engage in self injurious behavior, so putting them in brick walled rooms the size of jail cells is a recipe for disaster in addition to being cruel and inhuman. It's astounding that in the 21st Century, in 2008, we still have programs that are using aversive conditioning, with anyone let

alone children with disabilities. The emotional and physical pain this failure treatment has caused our daughter is overwhelming. Shawn and Kellie Elders - Lee County, Florida

11/28/07

I am an advocate for children with special needs trying to educate people about the over use of restraint and seclusion in the public school system. I recently had to go to (Simmons Career Center) in Plant City, Hillsborough County to check on one of my cases when I saw the staff restraining 2 of the children. What I saw was very disturbing. To me it looked like the staff was provoking these children into doing something wrong and then restraining them over and over. I was told that "these 2 children are restrained almost daily and put in time out." I was told that the time out room was a concrete room. The staff actually looked like it was a power thing for them. Some of these children have no families and no one to advocate for them and what is being done to them is called child abuse. I brought it up to another staff member's attention and I was told "It's not your concern. We will take care of it." I don't know what to do because I am afraid of retaliation. These children need help!

Advocate
Hillsborough County, Florida

2007

My daughter who is 3 years old has come home from school numerous times in the last 5 months (most occurring since the school year began) with bruises. After numerous phone calls and emails questioning the bruises, we had a meeting with her teachers on Tuesday. Most of the bruises the teachers claim to not know where they came from and 2 instances were documented by the teacher, stating that they had to "grab" my daughter to prevent her from injuring herself. On Tuesday, we discussed alternate ways to deal with her behavior, and I am hopeful that this will no longer be an issue. I had no idea prior to this meeting that my daughter was being restrained. Why one would anyone have to grab a 3 yr old, 34 lb toddler's arms with such force that they leave bruises, is still beyond me.

Monica
Polk County, Florida

2007

I am the mother of a child with autism. Some time ago, I had donated Items to my son's class and was invited to stay for coffee. While there I was shocked to see a child, who looked to be about eleven, being wrestled to the ground. He came to the room with a Para to collect something form her purse. She stopped to chat for a minute and then told the child to leave. He had wondered over to an activity and didn't respond. When he made no attempt to leave, the Para began dragging him from the room. The boy began flapping and screeching when another staff member came over and pulled him into an open space. He started kicking at the staff person who was holding him at arm's length. Both women tackled him to the floor and one of them pulled his arms behind his back and sat on him. She had to have weighed 160 lbs. the child screamed out in pain and started to cry. When his cries turned to sobs, the woman got up

and pulled him up from behind by the arms causing the boy to cry out again. With his arms pulled up and back in what I could only imagine was very painful, the boy was removed from the room.

The situation was completely avoidable and even after the child ignored the request to leave the room, didn't warrant the actions of the staff.

Kathy
Broward County, FL

2007

Vinnie cried himself to sleep the night before his 8th birthday and that was over Christmas break. He was removed from class physically.

Susan
Lake County, FL

2007

I have a 10 year old son that he has autism. He used to attend the River Street School in Hartford, CT where he was restrained on six different occasions for things that would not be considered "emergency" situations. Not all the staff was properly trained and majority of the parents never questioned any of the Behavior Plans that the BCBA put in place for their child....since the River Street Program were considered the "experts" when it came to children with autism. Finally, we have a law that will somewhat hold schools accountable for how they treat our most vulnerable and sometimes non-verbal children. It is not 100% what we wanted, but it's a start.

Angela
Connecticut

2007

My husband and I walked in on my son being restrained by an untrained aide. We were shocked, it was unexpected. He was quiet and calm and not upset at the time my husband and I happened to walk in on this. He was seated in a chair, pushed up against a table, with the aide sitting behind him holding his arms behind his back. There was a box pushed up against the chair wedging him in. He had a behavior plan in place written by a bcba which did not mention restraint (which is why we were shocked). Under questioning at a PPT the teacher admitted to restraining him before without mentioning anything to us. In the same period of time I had to take him to a hand specialist because he had a dislocated finger. The teacher claims this could not have happened during restraint. I am disgusted that this behavior is tolerated as well as hidden, by the people that have a fiduciary responsibility to protect our kids.

Denise
Connecticut

2007

My son Gianni as well as many other Wilton children have been secluded and restrained inappropriately by barely trained staff because the school administrators knew they were immune from accountability under the previous law. Jamie my friend Jill's son furthered my resolve to get to the bottom of what was happening to our children. These rooms made from closets, not inspected by fire marshals or building inspectors must be made known to parents and finally we have a law. Now we need enforcement on that law. A child such as the one in Darien, put in seclusion for crying for mom must be protected! Only time will tell how the courts will take this seriously.

Maryann
Connecticut

2007

My son Aaron was put in what they are calling a "quiet room" at the Oxridge Elementary school in Darien 17 times over a 6 month period. While we had been told that he might occasionally need a quiet room to help him regroup if he appeared to be getting overwhelmed by the noise and activity level of the classroom, we were told it would be a room with a poof chair where he could play quietly with a favorite toy or listen to calming music and regroup. What we discovered was that staff would remove him to what is effectively a time out room when they were unable or unwilling to deal with our son's behaviors; behaviors caused by his inability to communicate and the staff's mishandling and misunderstanding of autism and how it affects children. They had no understanding of what would cause sensory overload, and claimed that his echolalic responses were actually requests to place him into seclusion. In February of 2007, the school converted the time out room into a padded cell where our son was placed twice. It was one of the scariest places ever - no natural light, dark dirty gym mats affixed to the floor and walls, no discernable heat or ventilation, and a slide bolt on the door. The school never even had it inspected by the fire marshal before using it. We removed him from school immediately when we saw this room and he will not go back.

Aaron was six years old at the time. He is severely autistic and cannot communicate beyond the level of a 2 year old, weighs 48 pounds and has never injured himself, another child, a staff member or any other adult. He just drops to the floor and screams and stomps his feet or bangs his hand on the floor. The last time he was put in this room was because he was crying for his mommy and it was disruptive to the other special needs students in the mini gym. In preparing for Due Process, we found out he was repeatedly strapped without our knowledge or consent. Any of these things if done in the home would result in his removal by DCF, but apparently are ok as long as a 25 year old untrained special education teacher is in charge. By the way he has an FBA and a BIP neither of which mentions seclusion or restraint. STOP THE INSANITY! Close these rooms down and mandate a minimum level of training before a teacher is left alone with special education students - particularly those who are unable to communicate. Mandate video surveillance to ensure their safety - any classroom with a computer and a little camera can set up streaming video of an environment for a nominal cost. Parents could volunteer to install them if necessary. My son's teacher's only prior teaching job was as a remedial reading teacher for 4th graders. Hardly suitable training to handle his needs. Make our schools safe for our kids.

Lisbeth
Connecticut

2007

My son, who was 17 years old at the time was restrained and put into seclusion by staff at Wilton High School in Wilton. The staff was untrained. There was no mention in his behavior plan of the use of restraint. His plan read something like this "he will have the opportunity to sit in a quiet area where he could "regroup". Does that sound like he was going to be put in a room with a closed door for up to 45 minutes to an hour? During one of the 4 incidents in a 3 week period of time; my son was injured. The school administration said that he hurt his hand on the door frame. My son told me that he hurt his arm because he was attempting to get out of this room. Beware of behavioral plans.

Jill
Connecticut

2007

Both my children were put into seclusion rooms and watched through a window when they were much younger. This seemed to be the method used here in Seymour when they were very young 3-5 years old at the O'Brien Learning Center. They were brought there for crying or shutting down. I have been told in recent years that they removed that room from the O'Brien Learning Center office, but, do not know if that is true or not. Do not know if I have any written documentation but, I was told at PPT's. I was NOT happy they put them in there to "observe" their "unacceptable behaviors" until they "calmed down".

Don't know if this is of help to you.

I now also wonder how scared they must have been because they were NEVER left alone as small children at home. I think there was a two way mirror so my sons did not even see anybody around them. I never saw this room, only heard about it.

Donna
Connecticut

2007

Both my boys are HFA and have been in restraints and seclusion rooms more times than I can remember. My problem right now is with my younger son. He is a runner and in the past year has started hitting teachers when he is upset (he is 8 years old). Last week he was upset with his teacher and ran out of the classroom into the hallway. The aide and the behavior specialist put him in a timeout room that is as wide as my coat closet and maybe 3 times as deep. It was a small storage closet. It still has the shelves at the back wall and a bean bag chair under the shelves for him to sit in. He was placed in this room alone and the door closed (they changed the

door so it has a window for this purpose) and his aid waited outside the room. According to his note home he was in that room for an hour and a half and then put into in school suspension in the office for another hour and 20 minutes. According to the principal the note is wrong and he was only in the time out room for 15-20 minutes although she bases this on her not believing that any of her staff would put a child in that closed, unventilated room for more than that. Of course she is a brand new principal this year and doesn't even know her staff. Is this legal?

Phyllis
Connecticut

2007

My son Jack is a beautiful, lovable, four year old boy with Autism. He is verbal, but he is not yet capable of conversation or answering most questions. He attends a special education preschool program in the public schools in Middlebury, CT. On September 6, 2007, six days after the start of school, Jack was unable to sit still and was having difficulty being quiet during circle time. We were later informed he was disruptive (he was talking to himself which is not a new behavior) and did not respond to limits so the teacher sent him to the kitchenette located in the back of the room. We also found out he was put in this small room alone and the door was closed behind him where his aid watched him through a window. He was not to come out until he was quiet. Jack was secluded because the teacher didn't want to deal with him. He is four years old and has Autism!!! What exactly are the expectations?? In addition, the school did not put any modifications or accommodations in place that would help him to be successful. It is quite clear that this teacher does not want to be bothered yet she is allowed to continue to teach. He was not a danger to himself or others, (never has been) yet he was locked away as if he was a crazed animal. Like many other children, Jack had a behavior plan and seclusion was never discussed and it was certainly not part of a plan that my husband and I approved of. We also found out that this sanction was used a number of times last year, Jack was obviously three years old at the time. We will probably never know what really happened or how he was treated. What I do know is that these so called qualified teachers really are not qualified at all. And all the adults in the class that watched this happed and allowed it to happen also need to be held accountable. No one is keeping our kids safe and that is our reality. My husband and I are outraged that our son, who is truly a wonderful little boy, was treated so terribly by people we are suppose to trust. The worst part of this experience is we have learned that we're not alone and it happens everywhere. That is disgusting in this day and age. What will it take for changes to be made?

Wendy

2007

I very much agree that schools and school systems in the Suncoast region make totally inappropriate use of restraint and seclusion in the special ed classrooms. These interventions are not used to benefit the student, but instead benefit teachers and administrators.

I reviewed the Technical Assistance Paper from the Florida Department of Education on the use of Timeout with Special Education Students. I was appalled by what I found. Not only is this Technical Assistance Paper totally out-of-date in terms of best practices, but it recommends behavioral interventions for problem behaviors that are very likely to aggravate the problem instead of solving it. This is a very serious problem that needs to be addressed ASAP. The TAP also describes a number of procedures that need to be followed whenever a student is removed from the classroom (level 3 timeout, seclusion). I am sure that schools and school districts have not followed these procedures at all which will put them in a very awkward position should anyone asked any questions.

I want to work with you and your organization to get to the bottom of this issue, as I have been much disturbed by what I have seen in many schools in this area.

Frans XXX Ph.D.,
BCBA
Florida

2007

I live in mountain city, Tennessee and I also have a 7 year old down syndrome/autism child whom the school has been restraining in a chair for time out. I saw one incident last school year of this and questioned these methods. By staff members own admittance, it is happening again this year. This very much needs to be stopped. My daughter cannot talk and therefore, cannot tell me anything about it. You wind up sending your child to school and never knowing what is happening to them. I feel this is cruel and inhuman treatment. Special needs children are humans and should not be treated like animals.

Kim
Mountain City, TN

2007

I have a parent who has a child (9 years old) who has been labeled as having "severe emotional handicap". The child was placed in a "Quiet room" at school, and expected to remain in this room on the floor for a specified amount of time. The room is 6'x6' concrete walls, no furniture, door closed and locked door. The child's behaviors are escalating from this treatment and the school will not listen to mom.

Laurie
Pinellas County, Florida

2007

My 9-yr-old son's special ed teacher has routinely locked him in a closet referred to as the "time-out room" over the last two years. Until recently, I assumed the room was an actual room; not a closet. My son informed me that children are locked inside without any means of getting to the restroom or of getting help if an emergency should arise. There is no window for the teacher to monitor the child in the room. He now is terrified of being closed up in any room-he can't even be in his own bedroom with the door closed. He has developed claustrophobia in addition to his already diagnosed anxiety disorder. It is my contention that this punishment has caused my child intense emotional pain and mental distress.

South Carolina

2006

My child was injured in school a few years ago. My son, wouldn't stop talking in class and was sent to "timeout" where he continued to protest that it wasn't him that was talking, but the child next to him and rather than ignore him or LISTEN to him, they put him in a chokehold and lifted him off the ground with that chokehold and then they let go. My child fell to the floor, where he hit his face and received a black eye and cut lip. I called the school when I found out what happened and they basically told me that my son was THAT bad. So rather than call the police or call ME, they proceeded to cause him injury. Knowing my son and the trouble he tended to cause, I left it there, BUT I kept him home and allowed him to finish school with an Option 2 diploma. I know now that I should have held the school accountable, called the police and filed assault charges. I did not and for the rest of my life, I'll be trying to rectify my actions with my son. This is unacceptable for ANY child, I did tell them that my son responded quite well to PBS, but no one was willing to do the work to institute it in the school. It is easier to intimidate these kids.

Regards,
Jacqui
Lee County

2006

I saw that you requested families who have difficulties with restraint and safety issues regarding their child in ESE.
I have a 13 year old son with Down syndrome who is staffed into a TMH class with one teacher and one assistant.
The program was totally inappropriate for him (or for TMH students in general) and he became a behavior problem in the fall. In addition, there were safety issues for him (elopement) and for the students and teachers (he threw classroom items). Now the school wants me to sign a release to allow CPI (Crisis Prevention Intervention), which, I understand is in essence physical restraint. I have many concerns about this, and how it will be used.

I am in Brevard County, Florida.

2006

.On October 17, 2006, my then seven-year-old daughter (now 8), who weighs less than 50 pounds, was physically restrained by two women in an empty classroom while I was in the building for an IEP meeting. My child has been diagnosed with high-functioning autism, ADHD, and intractable epilepsy, and has had numerous life-threatening seizures. She was a straight-A student in a regular education classroom full-time during the 2005-2006 school year with few behavior problems in first grade, and was again placed in a full-time regular education classroom for her second grade year during 2006-2007.

Two women, believed to both be classroom aides, (one of whom has never been identified) grabbed my daughter by her upper arms hard enough to leave fingerprint indents and red marks on her arms, and held her down in a chair that had been pushed into a desk so far that she literally couldn't do anything but kick her feet and scream for "Mommy." I know of this particular incident not because the district sent me an incident report or called an IEP meeting as required, because they refuse to provide me with an incident report, even ignoring a written FERPA request for said information, but because her grandmother witnessed this restraint firsthand. When I asked why this had happened, the only explanation the Director of Special Education would give me was that sometimes "desperate times call for desperate methods."

The Department of Education has informed me that this type of restraint is in violation of Chapter 14 regulations. Because the district knows they are "in the wrong" they have had the employees involved (or at least one of them) transferred elsewhere in the district and perpetuate lies about what happened to other district personnel, insisting that a "basket hold" was used, and that they never laid a finger on her. Unfortunately, this is NOT what my mother-in-law saw with her own eyes, nor does it explain why there were two different-sized fingerprint marks on my daughter arms, which I also witnessed with my own eyes.

I believe that this restraint was deliberate, if not retaliatory. I was in the building that day to meet with a behavior specialist the district had contracted for the functional behavior assessment I had requested to determine why our district kept insisting my child needed a placement change to either a partial residential psychiatric treatment center's day program or a therapeutic emotional support program without benefit of any incident reports, a manifestation determination, a functional behavior assessment with baseline data to indicate what "behaviors" she was exhibiting, a behavior plan (the Director of Special Education admitted to me she had her previous plan removed because she didn't think my child needed a behavior plan any longer), a determination if any other placement in the district, such as learning support part-time (which was successful for part of her kindergarten year) would be appropriate, additional staff training or consultation with an autism consultant, or how changing my child's placement from a regular education classroom full-time to a classroom where there would be no interaction with non-disabled peers full-time and was highly restrictive was not a violation of the terms of the Gaskin Settlement Agreement (yes, I put this in writing).

Over the years, my daughter has come home with numerous unexplained bruises including on her wrists, and arms (I have seen school personnel "guiding" her by her wrists and arms), once

came home from school with a black eye that she said resulted from her aide punching her (the aide was interviewed and said one of our cats had scratched her, which was really funny because I had taken photos (still have them on my hard drive), and there wasn't a scratch on her, but her eye was really bruised, as if she had been punched or fell into something), and a bruised cheek the district claims resulted from her tripping and falling face first into a desk (this was also in kindergarten) – an explanation I received two days after the event, and only because I requested in writing a written explanation for the bruising. This was especially concerning as my child's seizures were not as well controlled as they are now, and any type of fall should have been reported to me, as it could have been a drop seizure and may have required a medication change. We even got a call from some "anonymous concerned" woman on March 21, 2007 (the same day we received notice from the hearing officer remanding the due process case back to the district for insufficiency), who left a message on my home phone (which is unlisted) to beg me to stop sending my child to school after school hours (the district did not offer any educational or related services from 10/23/06 to 1/10/07 and only would allow my child to attend school Monday through Thursday from 3:45 pm to 4:15 pm); that the district was "brainwashing her, giving her truth serum, asking questions about our family, and medicating her." I have this on both my home answering machine and on tape. When I tried to file a police report, the police said there was nothing to investigate and wouldn't write an incident report. My daughter has also told the school social worker that she can't go to school "because all they do is grab me by my arms and drag me everywhere. They grab my arms and drag me down the hall, they grab my arms and drag me to the cafeteria, they grab me by my arms and take me to the principal's office, then they call Mommy and Daddy to take me home." THIS is what my child learned from school this year.

Jennifer
Pennsylvania

2006

Ian is in 2nd grade. We are in Lee County. He is in a school for SED students. Per his IEP he is to have a safe place to go to calm down. They use a normal timeout room for this even though his therapist said this was not appropriate. If Ian becomes aggressive because of failure to intervene he is placed in a quiet room. It is the size of a closet with only a window for light. Ian is scared to death of the dark and being alone. At previous schools the staff was not trained in restraint and they restrained him causing bruises.

Heather
Lee County, Florida

2006

We are very much AGAINST the physical restraint and seclusion practices used with our son Mark and any other disabled child. We recently got a back dated FBA with goals and information that we disapproved. Mark's IEP was changed so that the behavior specialists could

continue to physically restrain him and remove him from class based on the "safety of other students and his teachers and staff." We told them that Mark was being improperly handled and that they "had created their own monster" by not understanding the manifestations of Autism and a child who has Sensory Integration Dysfunction, a Sensory Auditory Disorder, and organic brain damage. This also fell on deaf ears.

Kathy
Pasco County Florida

2005/2006

Our son Christian was restrained 89 times in 14 months because of behavior issues that are part of his disability (Autism, Cornelia de Lange Syndrome and OCD). At the time we didn't know he was being restrained or put in seclusion. I quit my job and we pulled our son out of Lantana Middle school in Palm Beach County in October of 2005 when he just started 8th grade because we thought he was having a nervous breakdown. He started out with small behavior problems, but by the time the school staff at Lantana Middle school was done with him his behaviors had escalated at school and we started having behavior problems at home where there were none before. He once was a very happy child but as time went on and we continued to send him to school that happy child disappeared. He became very depressed, easily upset; he started having sleep problems and would cry continuously in the morning not wanting to go to school. Christian was so distraught when we pulled him out of school that we had to seek psychiatric help for him and he was put on medication. At the time we didn't know anything about children being restrained and had no idea what Personal Crisis Management was (Type of restraining they use in Palm Beach County schools) and didn't even know schools were allowed to restrain children with disabilities or any children. Several times he did come home with bruises on his arms and legs and once on his back but when I asked him what happened he told me he fell. His speech is very limited and his expressive language is very poor making it very difficult for him to explain things. I check with his teachers about the bruises and they told me they didn't know what happened to him.

A year after we pulled him out of school we were instructed to request copies of the PCM restraint logs. Four weeks later we received the documents and were shocked to find out how many times he had been restrained over a 14 month period. We never knew that school staff was restraining him. We were never notified by phone or in writing. We believe that the actual PCM restraint numbers are much higher because the 6th grade PCM restraint logs are missing from the school files and we can't get the school district or the FLDOE to do anything to help us locate them. We now had answers to why Christian's behaviors had escalated over the year, why he was so unhappy about going to school, why he was so depressed and why he came home from school on several occasions with bruises.

We filed a complaint with the Department of Education on 4/6/07. There were six issues that the FLDOE said they investigated. All six issues came back with No Corrective Action for the Palm Beach County School District. Lantana Middle School falsified information to the FLDOE telling them that we were aware of all the 89 restraints that were performed on our son. A large

majority of these were prone face down restraints, which is a very dangerous restraint that should never be used on any child with a disability in the public school system. At the time Christian was about 4 feet 6 inches and weighed about 50 pounds. We were not aware of any restraining that was going on. PCM log book sheets were falsified by circling yes on every line that parent was notified and the school also falsified information by telling the FLDOE that they demonstrated PCM restraints on me so we were aware of what they were doing to our son. This never happened. The FLDOE accepted this information without asking for any proof from the school district and our case was closed.

Gianni and Phyllis
Florida

Florida - Sanctioned Venice teacher may return to classroom

By [Christopher O'Donnell](#)

Published: Tuesday, August 3, 2010

<http://www.heraldtribune.com/article/20100803/ARTICLE/8031057/2416/NEWS?p=1&tc=pg>

Under a settlement agreement struck with the state education department, O'Neill would serve a two-year probation, receive a letter of reprimand and pay a \$500 fine. She would also have to pay \$600 to cover the cost of probation.

Attorneys for the Florida Department of Education struck the deal last week that would allow O'Neill to resume teaching, though she would be prohibited from supervising children with communication disorders. The agreement must still be approved by the Education Practices Commission at its Sept. 16 meeting.

Parents of some of O'Neill's former students were angered at what they described as a slap on the wrist for a teacher who was suspended for hitting her [special education](#) students on the head with water bottles, kicking one student and pulling the skin off the lip of another. O'Neill's behavior was reported to the district by support staff who were with her in the classroom.

"She's getting off quite easily," said Patty Sherknus, whose son was kicked by O'Neill, according to a Sarasota schools investigation. "Nobody wants her and yet here she's going to be allowed to apply for different positions."

O'Neill, who earns about \$80,000 per year, is working in the district's records department as her case progresses through the state disciplinary system.

The 47-year-old teacher was arrested by Venice police in 2008 on charges that she abused her profoundly disabled students; she was acquitted after a trial.

The district then tried to fire O'Neill, but an arbiter ruled she should keep her job. The official said she could not be fired because the district knew about O'Neill's behavior but never disciplined her or gave her a verbal warning as required.

The arbiter did rule that O'Neill should serve a four-week unpaid suspension. The district was obligated to comply with the ruling.

District officials would not comment on O'Neill's future with the district, pending the outcome of the proposed settlement. But Superintendent Lori White has said O'Neill will not return to Venice Elementary.

Teachers union director Barry Dubin said that for what O'Neill is making, she should be doing more than working in records. He said she has every right to return to teaching, even though she was not fully exonerated.

"She has been through arbitration, she has been through a court case -- everybody has reached the same conclusions," Dubin said. "They all agree she should suffer a penalty but then get back in the classroom."

Sherknus said she and other parents hope to attend the EPC hearing and say she will write to the EPC to express their anger at the decision.

"The fact that the school system cannot fire her is appallingly sad," Sherknus said. "Everything about this process has been in her favor and nothing has been in favor of the children or the families."

Attempts to reach O'Neill were unsuccessful.

Related Links:

- [How does it make sense that she can still teach?](#)
- [Ernst: In power, and getting off light](#)
- [Sarasota County School District explores its options on teacher](#)
- [Embattled teacher will retain her job](#)
- [Sarasota district to pay teacher's legal fees](#)
- [Parents seek guidelines for special-needs teachers](#)
- [Schools chief urges dismissal](#)
- [Teacher found not guilty of hurting students](#)
- [Teacher's tactics fueling debate](#)

Key Documents:

- [State ruling in Diana O'Neill case](#) (PDF - 170kb)

District wants to fire teacher who twisted girl's arm

By [Christopher O'Donnell](#) Published: Tuesday, August 3, 2010 at 2:33 p.m.

<http://www.heraldtribune.com/apps/pbcs.dll/article?AID=2010100809919&tc=ar>

PALMETTO, Florida - Manatee County School District officials say Palmetto Elementary School teacher Carol Braden twisted a girl's arm behind her back last school year, and now they want to fire her for it.

Braden, a fifth-grade technology teacher, used excessive force on the girl May 3 when the teacher responded to a comment the girl made, according to a district report.

When the girl complained about her arm, the 55-year-old teacher replied it was OK because Braden had an "Aggressive Control Technique" certificate, a qualification awarded to teachers who take a course on dealing with aggressive students.

But said school district attorney Scott Martin: "There's no certificate that would entitle anyone to injure a student."

Braden, who makes \$61,000 a year, was put on paid leave May 5 while a district investigation was conducted.

In early June, her husband, Brian Braden, telephoned and made an uninvited visit to the home of a teacher who witnessed the incident. That violated a district policy prohibiting teachers under investigation from having direct or indirect contact with witnesses.

Carol Braden, who has worked for the district since 1980, was nominated for teacher of the year in 1996. But she also was sanctioned by the district on two occasions.

She received a written reprimand in 2001 for using excessive force on three occasions, including one incident in which she grabbed a child by the neck and chin, "abruptly turning his head."

She was also suspended for 10 days without pay in 2005 for releasing a kindergartner to an unauthorized adult, rather than taking the student to the after-care provider on campus.

Neither Braden nor her attorney returned calls for comment. School Board members will vote Monday whether to suspend her without pay and grant her an administrative hearing, the next step toward a firing.

Autism Teacher Charged With Child Cruelty

08-02-2010 [Kenny Gamble](#)

<http://www.wusa9.com/news/local/story.aspx?storyid=106232&catid=158>

Centreville, Va. (WUSA) - A pre-school autism teacher has been suspended pending charges of child cruelty and a lesser charge of child abuse, according to Fairfax County Police.

Police said Jennah Christine Billeter, of Fairfax, physically assaulted and mistreated two boys, ages four and five, who were assigned to her class at Deer Park Elementary School, in the Centreville area.

School officials said they suspended Billeter the moment they found out about the charges. Officials said they immediately launched an investigation as a result of the allegations.

Billeter is charged with one count of misdemeanor assault and two charges of felony cruelty to children.

Anyone with more information is encouraged to contact Crime Solvers at (866) 411-TIPS (8477), or call Fairfax County Police at (703) 691-2131.

Girl, 16, dies during restraint at hospital already criticized for problems

BY BLYTHE BERNHARD • bbernhard@post-dispatch.com 314-340-8129 AND JEREMY KOHLER • jkohler@post-dispatch.com > St. Louis Post-Dispatch | Posted: Sunday, August 1, 2010

http://www.stltoday.com/news/local/metro/article_4a10ccdd-5d08-52bd-bfc5-c435014aa09b.html?mode=story

The charge nurse found Alexis Evette Richie alone in a small room at SSM DePaul Health Center, motionless and sprawled facedown on a bean bag chair.

Minutes earlier, the 16-year-old foster child had tried to hit, scratch and bite staff members in the adolescent psychiatric ward. Two aides grabbed her arms and took her down a hall and into a small room called the "quiet room."

They held her facedown in the chair while a nurse injected a sedative into her hip. Alexis continued to struggle and then went limp.

The nurse and the two aides left without checking her pulse or making sure she was breathing.

Charge nurse Iris Blanks checked on her minutes later and didn't think Alexis looked right. An aide helped Blanks roll the girl over. Alexis wasn't breathing. Her pulse was faint.

It was 12 minutes after she stopped moving before anyone tried to revive Alexis. By then it was too late.

"Why did they leave her like that?" Blanks wailed over the phone to her daughter that night, according to a police report.

The "little girl," she said, "didn't have to die."

The medical examiner agreed, concluding that Alexis had suffocated on the bean bag chair. Her death on Oct. 26 was ruled a homicide.

Alexis' death came less than two years after the Bridgeton hospital had been warned by the state and federal regulators that patients weren't safe. In January 2008, a patient with doctor's orders for constant supervision died alone after five days in seclusion. That led to a state inquiry that uncovered instances of improperly secluding and restraining patients and failing to report deaths to authorities.

A health inspector was already investigating an operation in which a urologist removed the wrong kidney from a patient.

Last week, officials with SSM Health Care, the St. Louis-based corporation that operates DePaul and several other hospitals, said they could not speak about specific patient cases because of federal privacy laws. "The desire to defend ourselves and paint an accurate and full picture does not outweigh our patients' right to privacy," they said in a statement.

They said safety is the first and most basic promise that they make to patients and cited the training throughout SSM that empowers all employees to protect patient safety.

In early 2008, DePaul was required to explain to state inspectors how it would improve patient safety.

It satisfied the state by passing a full inspection. Its written improvement plan included suspending certain surgeries until surgeons earned proper credentials. DePaul also promised to continuously monitor patients in seclusion and make sure all its behavioral health employees were trained in first aid and restraining patients.

As is the case in most instances when hospitals are found to be unsafe, nothing was done to alert the public.

Even though DePaul had updated its safety procedures, many things went wrong the night Alexis died. Patients held facedown need extra care to make sure their breathing isn't constricted, according to standards established by a national group that credentials hospitals. Failing to check on a patient after giving a sedative is a breach of basic care because the drugs can slow a patient's breathing.

A state health inspector especially wanted to know what caused the 12-minute delay before CPR was started on Alexis.

"I don't think they knew what to do," one aide said.

The government found — again — that DePaul patients were in immediate jeopardy. A federal agency placed a three-paragraph legal notice in the Post-Dispatch classified section indicating that DePaul was scheduled to be "terminated" from the Medicare program because it was "not in substantial compliance with Medicare Conditions of Participation."

There was no explanation of why.

And, once again, neither the state nor the hospital alerted the public that inspectors had determined DePaul patients might be in danger.

errors unreported

At least two of these episodes at DePaul were so-called "never events" — a list of 28 serious errors or incidents that the health care industry agrees should never occur at a hospital, from baby abductions to wrong-site surgeries.

How often these occur nationwide is unknown. Only about half the states, including Illinois, mandate reporting of never events to state authorities.

Missouri does not, but hospitals can voluntarily report to the Missouri Center for Patient Safety, a nonprofit group in Jefferson City created to study never events. It plans to release general figures on medical mistakes — without naming hospitals or doctors — sometime next year.

Even among states that require hospitals to report never events, compliance is spotty. A report by the U.S. Inspector General for the Department of Health and Human Services in 2008 acknowledged that many errors go unreported.

Missouri health officials in the past year have found 11 cases of hospitals with such serious problems that patients were considered to be in immediate jeopardy.

While those inspection reports are public records, they are difficult to access.

The state is too strapped for cash to put its inspection reports online, said health department spokesman Kit Wagar.

It's another way that Missouri patients are in the dark. Earlier this year, the Post-Dispatch highlighted failures of hospitals to report when they discipline doctors. Reporting of serious disciplinary actions is mandatory, yet the newspaper found just eight reports a year by Missouri hospitals, a number experts said was low.

Some states provide much more detailed information about problems at hospitals. California and Minnesota — two states that require hospitals to report never events — publish reports online that name the hospital and infraction.

"If you have routine regular public reporting, I do think that builds public trust," said Louise Probst, executive director of the St. Louis Area Business Health Coalition, which represents local employers' interests in the health care debate.

SSM executive Robert G. Porter said in an interview Thursday that the company would support an effort such as Minnesota's in which there is open sharing of information by all hospitals, so long as it didn't create a culture where people were afraid to report mistakes.

"If health care workers were fearful that any mistake they made would be automatically publicly scrutinized, what incentive would they have to openly and honestly report errors — or even near errors — so that we can learn from them and improve?" SSM said in its statement.

Becky Miller, who directs the Missouri patient-safety nonprofit group, said the issue is also about lawsuits. "A lot of these safety issues can be very litigious events, so there is a reluctance to openly talk about them and to report them," she said.

The federal agency U.S. Centers for Medicare and Medicaid Services, or CMS, investigates most cases of an unexpected patient injury or death reported to it.

The agency's website, Hospital Compare, has some information for patients but none about never events.

CMS has the authority to cut off federal funding to any hospital that fails to fix a serious problem, essentially shutting it down.

It rarely wields that power. Each year, CMS cuts off two to four hospitals out of more than 6,000 nationwide. No St. Louis-area hospital has ever been terminated, according to CMS; DePaul came close after Alexis' death.

FIVE DAYS IN SECLUSION

When a patient dies during or soon after being secluded or restrained at a hospital, it's a red flag that could signal negligence. That's because those patients need constant supervision for their protection.

Hospitals must report the deaths to CMS as a condition of participating in Medicare and Medicaid. But DePaul didn't report two such deaths in January 2008.

Few details are available about one of them: the death of an 87-year-old cardiac patient who had been in wrist restraints, according to an inspection report.

The second death involved a patient who was supposed to get continuous, one-on-one supervision in a room apart from other patients.

On the fifth day of seclusion, an aide reported seeing the patient, who had a history of seizures, 'slithering around on the floor like a snake' and falling when he tried to stand up, according to the health inspector's report. When the shift ended, the aide reported that the patient was asleep.

No one checked for at least 12 minutes after the aide left. A staff member on rounds found the patient dead on the floor.

The aide who had been monitoring the patient later told an investigator that it wasn't the first time that a patient needing "one-to-one" monitoring had gone unsupervised. A nurse said the staff was short because of budget cuts.

Investigators warned that DePaul psychiatric patients were in "immediate jeopardy." In addition to the failures involving the two deaths, the hospital did not always document reasons for restraining patients and did not always check the vital signs of restrained patients as required.

The hospital promised to review all restraint episodes every week and retrain its staff on restraints.

In their statement last week, SSM officials said they "regularly monitor and review our staffing levels to ensure we are providing safe patient care."

A TROUBLED LIFE

Alexis was abused and abandoned in her short life.

Her medical and foster-care records indicate that after Missouri child-welfare officials removed her from her home at age 7, she bounced around foster homes and institutions.

Around age 11, she tried to kill herself by running into traffic. She was admitted to DePaul on Oct. 16, 2009, after stabbing a teacher at Evangelical Children's Home with a pencil.

In therapy at DePaul, Alexis said she knew she needed to behave. She wanted to go home to her foster family in time for her 17th birthday on Nov. 4.

She could be cheerful and attentive — but was often angry or tearful, according to the records. Being around younger girls would trigger flashbacks of when she was 7 and a family friend sexually abused her.

She was constantly seeking attention, primarily from boys, and was often defiant to staff.

Staffers sometimes encouraged other patients to ignore her — a therapeutic tactic.

Nurses and aides sedated and restrained her several times during her 10-day stay.

The day before she died, Alexis removed a screw from a window panel in the nursing station, taunting workers with it. She wouldn't calm down. An aide named Leon Harriel held her down. She got shots of two drugs, Ativan and Geodon, according to her medical records.

After she quieted, Alexis was asked whether she felt safe while she was restrained.

"Safe," she answered.

The next night, when Harriel told Alexis to go back to the girls hall for bedtime, she cursed him and said, "I'll kick your ass."

He told her he was going to get a shot to calm her down. That made her angrier.

"You can't give me a booty dart!" she yelled.

He went to tell a nurse to get her one. As he walked past Alexis, she punched him in the jaw. Several witnesses said she tried to bite, punch and kick him and others. She scratched Harriel's hand, drawing blood.

At 9:10 p.m., Harriel and another aide, Mike Manetta, grabbed Alexis' arms.

They took her to a small room and held her facedown in a large bean bag chair.

Alexis "continued kicking her legs as we held her," Manetta told a Bridgeton police detective.

Nurse Pam Wooten told investigators that she drew shots of Geodon and Ativan and followed them into the room. She saw Alexis lying facedown with her face and upper chest in the bean bag chair. The aides were kneeling on either side of Alexis, holding her arms as she struggled.

Alexis yelled, "Let me go! I am going to kill you!"

Wooten pulled back Alexis' waistband and injected the drugs.

Wooten said she left to get arm restraints, stopping briefly to wrangle other patients into their rooms.

Harriel told DePaul officials that he and Manetta told Alexis that they would let her go if she calmed down.

Manetta said Alexis "went limp." He told investigators that he and Harriel didn't check on or speak to her because they thought she was playing. Alexis remained facedown. Harriel left to get his hand bandaged. Manetta stayed outside the door. He told investigators later that he could see Alexis' back rising and falling.

Both aides should have recognized that Alexis was in distress because she did not reposition herself after they released her, investigators said later.

The time was 9:16 p.m. When Wooten came back minutes later, Manetta told her that Alexis had calmed down. Wooten told investigators that she didn't check on her.

Blanks, the charge nurse on her rounds, described finding Manetta at the door. She said Manetta told her that Alexis had passed out after getting shots from Wooten.

Blanks went in and got no response when she called Alexis' name and tapped her on the arm. She asked Manetta to help roll Alexis over.

The girl's pulse was weak. Her pupils were fixed, her reflexes gone. She was soaked in her own urine.

Blanks described the girl's face as "lifeless."

"I'm not sure why I didn't start CPR," Blanks told investigators later.

Instead, she left the room to get a light to look at the girl's pupils and sent Manetta to get a blood-pressure machine.

Blanks left again to get a stethoscope. She left a third time to find Wooten and tell her 'something is not right.'

PANIC AND QUESTIONS

Wooten came back and tried to wake Alexis up, shaking her and calling her name. Then she went to the nurses station to call a "code blue," summoning an emergency team.

An aide who heard the alert, Christine Foster, asked if she should start CPR. Foster said nurses told her no because there was no breathing mask. Foster started chest compressions and mouth-to-mouth anyway. It was 9:28. She said she stepped in because "panic took over."

It took nine more minutes for a doctor to put a breathing tube down Alexis' throat. The team tried to restart her heart.

Alexis was pronounced dead at 10:06.

Hospital administrators arrived, followed by the St. Louis County Medical Examiner, who called the police.

Early speculation from the failed attempt to revive Alexis was that she had choked on chewing gum. The doctor who put the tube down her throat said the gum wasn't blocking her airway.

The death affected patients in the unit, and two children were blaming themselves the next day.

"It's my fault," one of them said during an interview with police and hospital officials. "I gave her a piece of gum at lunch — Hubba Bubba — and she was still chewing it."

Lamented another: "It was my fault. I gave her the piece of gum. A piece of Juicy Fruit."

The autopsy later confirmed that she died from being sedated and suffocated in the bean bag chair.

Because Alexis was a ward of the state, an agent from the Children's Division started a child neglect investigation.

Hospital officials insisted no crime had occurred. In the days that followed, DePaul refused to turn over the bean bag without a subpoena or give the Children's Division access to its personnel.

While the state health inspector said the most egregious error was leaving Alexis for 12 minutes after she stopped moving, the children's division investigator found a host of problems.

She blamed Harriel for inciting Alexis by threatening her with a tranquilizer. She said there was no evidence that anyone tried to calm Alexis by other means before restraining her.

She said Harriel, Manetta and Wooten neglected Alexis by leaving her sedated and alone facedown in a beanbag chair.

Bridgeton police, after a months-long investigation, presented the case for involuntary manslaughter to St. Louis County prosecutors, who declined to file criminal charges.

Prosecuting Attorney Robert McCulloch said no charges were filed because there were too many people involved in the case to determine who was responsible.

"We couldn't just narrow it down to the actions of one," he said.

The aftermath

The Children's Division sustained neglect allegations against Harriel, Manetta and Wooten.

Blanks was immediately fired, and the state Board of Nursing charged her with misconduct for failing to perform CPR. The disciplinary case is set for a hearing in November. She declined to comment.

Wooten was reported to the nursing board but charges have not been filed. She also declined to comment; Harriel and Manetta, whose jobs are not regulated by the state, did not return messages left at their homes. The men, in interviews with authorities, said they were distraught over Alexis' death.

Alexis' biological family wouldn't meet with reporters or share a picture. They've hired an attorney who said he was investigating the case.

Her foster mother said Alexis was 'special to me' but said she didn't have permission from the foster agency to say anything more.

DePaul officials also aren't talking publicly about Alexis or any of the other cases.

Porter, the SSM executive, said errors are inevitable in an environment as complex as a health care setting. "Our concern is that this telling of disparate incidents will result in portraying a hospital as an unsafe environment, which we know is grossly inaccurate," he said.

Mistakes are made in every hospital. For now, many are hidden from view.

Alexis Richie is buried under a shade tree alongside a road in Laurel Hill Cemetery. Her grave is unmarked, and cemetery workers were not sure exactly where she rests.

More parents report student restraints; Maine Dept. of Education downplays concerns

By Emily Parkhurst, Sun Media Wire

Published Jul 20, 2010

<http://www.sunjournal.com/approved/story/881246>

SCARBOROUGH, Maine — After a story detailing one family's experience with therapeutic restraint was published last week, many other parents came forward to share their experiences, while state agencies downplayed the problem.

Wayne Jackson said his family moved after his son was reportedly restrained improperly in 2008 at Whitefield Elementary School, which is now part of the Sheepscot Valley Regional School Unit 12.

Jackson said his then 8-year-old son, Brandon, who had been diagnosed with Attention Deficit Hyperactivity Disorder and early-onset bipolar disorder, was being disruptive in class when the principal allegedly grabbed him and restrained him in a prone position on the floor.

"Prone restraint was not even supposed to be used on Brandon. He has asthma, so they're not allowed to restrict his airway," Jackson said.

He said he had spoken to the school about the possible use of restraint to bring Brandon under control, but that he had asked to be called before any restraint was used.

"They didn't call until after the restraint. I was only three minutes away," he said.

Jackson said after the restraint, his son was transferred to Chelsea School, which is run by Spurwink.

"They were able to redirect him. They never used restraint," Jackson said.

However, the family is still concerned that there are no regulations in place to protect children in public schools. Jackson said he wants to see teachers receive proper training.

"If they're not trained, they definitely should not be restraining our children," he said.

The Forecaster received calls and e-mails from parents in Lewiston, South Portland, Cumberland, Scarborough, RSU 16 (Poland, Mechanic Falls, Minot) and Brunswick, as well as from parents as far away as Florida, all of whom had similar stories of restraints and seclusions used on their children – primarily, although not exclusively, boys between the ages of 5 and 18.

Some of the children were diagnosed with autism or emotional disorders, but others were not special education students. Some were held many times, some held in prone positions for more than an hour at a time.

"We're very concerned about this," Maine Department of Education spokesman David Connerty-Marín said Monday.

However, he said the DOE does not have plans to require schools to report this information because schools already have a lot of reporting requirements. He added that the department is not allowed to exceed federal reporting requirements.

"The authority to deal with complaints is primarily at the local level. When there's a serious violation, parents bring that forward," Connerty-Marín said.

Several southern Maine school departments do not compile or report restraint data and refused to release restraint documents after The Forecaster made a Freedom of Access Act request. The schools did agree to add up the number of restraints done in the past year, but some, including parents whose children were restrained, claim the data is drastically understated.

"If a school is not reporting it to you, they're not going to report to the state either," Connerty-Marín said.

When asked if the DOE is aware that none of the six schools in the initial FOAA request had updated their policies to reflect a DOE-requested prohibition of restraints that restrict a child's airway, Connerty-Marín said the agency would look into that.

The U.S. Senate has looked into this issue. Sen. Chris Dodd, D-Conn., earlier this year introduced a bill that would prevent harmful restraint and seclusion in schools. However, if a co-sponsor does not come forward, the legislation will likely die in committee.

Dodd's bill would require each school to report the number of seclusions and restraints each year to the public and to the Department of Education.

It would also prohibit schools from using restraints that restrict breathing, require staff to receive state-approved training, require parent notification of restraints, and require that a school notify the protection and advocacy system if a child is injured or killed as the result of a restraint.

The bill states that "seclusion and physical restraint are not therapeutic; and these practices are not effective means to calm or teach children and may have an opposite effect while simultaneously decreasing a child's ability to learn."

The bill would also prohibit restraints unless they are included in a student's Individual Education Plan. That provision, however, is causing some debate.

Advocates for disability rights are trying to keep this prohibition in place, but lobbyists have been pushing to allow restraints in a student's IEP.

The Baizley family of Scarborough, whose son Brandon was subjected to more than 25 restraints, including prone restraints, said when they began working on Brandon's IEP, there were up to 12 school staff members present.

"Our repeated requests for no holds fell on deaf ears," Bob Baizley said.

Baizley said it was not until representatives from the Disability Rights Center attended the IEP meetings with them that the school responded to their concerns.

"We feel very strongly that the prohibition remain," Denise Marshall, executive director of the national Council of Parent Attorneys and Advocates, said of the Senate bill.

Marshall said to include restraint in a student's IEP would legitimize a dangerous practice.

"These techniques are not good for anything. They are not therapeutic," she said. "If a student needs restraint again and again, there is something wrong."

She also questioned the IEP process, explaining that parents cannot always express dissent.

"Too often parents are far outnumbered. The only way they can dissent is to go through due process," she said.

Phyllis Musumeci started Families Against Restraint and Seclusion four years ago after her autistic son was restrained 89 times in 14 months at a school in Florida.

"After that happened to my son, I said, 'you can't do that to children.' But what I found out was that, yes, they can," she said.

She said she receives letters from parents whose children were tied to chairs, locked in closets, and put in crates, all in the name of therapeutic restraint.

"There's no such thing as therapeutic restraint," she said. "If anything, it escalates behaviors."

Mary Robinson, who is also a parent of a special education student in Auburn, suggested parents form a support group.

"I've gotten a bunch of e-mails from other parents looking to get together," Robinson said. "I think a lot of parents are frustrated."

Emily Parkhurst can be reached at 781-3661 ext. 125 or eparkhurst@theforecaster.net

Are student restraints a state secret?

By Editorial Board

Published Jul 18, 2010

<http://www.sunjournal.com/our-view/story/879218>

Since 1974, the Family Educational Rights and Privacy Act has guaranteed students that their academic records will be confidential, but students and their families are permitted access to those records. The act, known as FERPA, applies to students attending any private or public school, elementary grades right through college, and to any educational agency that receives federal funds.

What that means is that if Johnny Student doesn't get promoted to the seventh grade because he failed math and history classes, no one other than the school, Johnny and his family is entitled to that information.

FERPA protects students.

It was not drafted, nor was it ever intended, to shield school policies, practices or personnel.

And, yet, interpretation of the law has become perverted over time and public officials are increasingly denying requests for information about what happens in our schools.

On Wednesday, the Sun Journal published an eye-opening investigation by Forecaster Reporter Emily Parkhurst about the use of therapeutic restraints in public schools in Portland, Scarborough and Lewiston.

Therapeutic restraints are used, according to the Maine Department of Education, to restrain out-of-control students to prevent them from injuring themselves or others. In some cases, a staff member can hold a student prone, face down on the floor, immobilizing the student's legs and arms. In other cases, a staff member can seat a child in a chair, and restrain them from behind by locking arms around the seated child.

No straps or other devices are used to restrain students, just the physical strength of a staff member.

In gathering information for her report, Parkhurst filed a Freedom of Access Act request with six Portland-area school departments seeking access to documents related to the use of therapeutic restraints, including a list of staff members certified to perform restraints.

The FOAA requests were denied.

According to attorney Peter Felmly of DrummondWoodsum, the requested records are confidential under FERPA, citing a 2008 revision that specifically excludes journalists, researchers and other members of the public from access to “education records for school accountability or other matters of public interest ...”

He stops short in his explanation, however.

According to the Federal Register, rulemaking under FERPA allows for removing personally identifiable information from education records, allowing “an appropriate balance that facilitates school accountability and educational research while preserving the statutory privacy protections in FERPA.”

In other words, school records — minus students’ personal identifying information — are accessible. What is specifically shielded are education records that are directly related to a specific student, not procedures of the staff as it relates to the student body.

The worry about identifying students, especially difficult students who need intervention in schools, is real and FERPA is essential in protecting these students.

However, FERPA is not an all-encompassing blanket of secrecy for everything that happens in our schools.

According to attorney Frank LoMonte of the Student Press Law Center, “so far the courts have been clear that, once the identifying information is removed from the record, it is no longer a FERPA record, regardless of whether a person with some independent level of knowledge might be able to match it up with a particular student.”

And, according to David Cuillier, chairman of the Society for Professional Journalists Freedom of Information Committee, FERPA “was intended to protect students from being embarrassed by their grades being made public. It was never intended to hide teachers who hurt students.”

At least one student in the Scarborough system has been hurt by the use of therapeutic restraints, and the Maine Disability Rights Center clocked in 53 complaints of abusive restraints statewide in the past two years.

Abuse is not happening in every school, but it *is* happening. And the public has every right to know about the situation, even though it does not have the right to know specifically which students are harmed.

Portland-area schools denied naming teachers who are certified to use therapeutic restraints because they don't have such a list already created, and FOIA doesn't require schools to create records in response to records requests. That's true, but if school officials can't or won't simply tell the public which teachers are certified to use physical restraints on students, that's a whole different problem.

Knowing which teachers are using physical restraints, how often and on how many students must not be a secret.

If we quietly allow it to be, Cuillier has a good question: Where is this country headed?

editorialboard@sunjournal.com

Children held down: Families question therapeutic restraints in schools

By Emily Parkhurst, Sun Media Wire

Published Jul 14, 2010

SCARBOROUGH — Brandon Baizley is smart, but even his parents admit he is a difficult 6-year-old.

Brandon was diagnosed with attention deficit hyperactivity disorder and oppositional defiance disorder more than a year ago. His parents, Bob and Mary Ann, know that Brandon will constantly test their rules and boundaries, he will push their buttons and try to get that piece of candy, that trip to Build-a-Bear.

But they also know that someday Brandon, whose IQ is significantly higher than the average child his age, will be a successful and productive member of society.

However, the Baizleys believe Brandon's life could be at risk from the therapeutic restraints imposed on him at school.

The holds, which began when Brandon was 5 years old, have occurred more than 25 times in the past year and a half, and have led to a sprained wrist, hospitalization and a diagnosis of post-traumatic stress disorder. Fearing for his safety, Bob and Mary Ann pulled Brandon out of school for more than a month this spring.

For Brandon and hundreds of other special education students like him, therapeutic restraint by school staff have become a regular part of their public school experiences.

Prone, basket holds

Therapeutic restraints are defined by the Maine Department of Education as the physical restraint of a student for the purpose of preventing that student from injuring himself or others.

The methods range from prone restraints — where a staff member holds a child face-down on the floor and prevents the child's arms and legs from moving — to seated basket holds, where a staff member wraps his or her arms around a child's arms from behind.

The Department of Education requires each school district to develop and maintain a policy on restraint and seclusion.

Scarborough schools require that therapeutic restraints are only to be undertaken in accordance with an individualized, written plan that specifically calls for it. Schools in Portland, South Portland, Cape Elizabeth, Brunswick and Falmouth all have identical policies.

However, these restraints are often used in emergency situations to prevent children from hurting themselves, their classmates or their teachers — even when they're not included in the child's individual education plan.

The U.S. Government Accountability Office issued a report in March detailing 10 cases where children died or were seriously injured from the use of therapeutic restraints, citing prone holds as the most dangerous forms of restraint. The study found that often these holds were performed by staff members with little or no training.

The Maine Disability Rights Center has handled 53 complaints about abusive or neglectful restraints in Maine schools in the past two years.

“These are cases in which a student or family member contacted the agency about the use of restraint or seclusion that the caller believed to be abusive or neglectful, and after a review of the facts, we agreed to represent the family,” said Diane Smith, an attorney for DRC.

The Department of Education sent a letter to all Maine school superintendents, principals, directors of special education and teachers in July 2009, recommending that schools update their policies to prohibit these dangerous restraints.

“The Department not only strongly supports the effort to prohibit this type of restraint, we would broaden the prohibition to include all children and any position which restricts the free movement of the diaphragm or chest so as to interrupt normal breathing and speech,” the letter stated. It went on to explain that these restraints can cause death.

But the policies used by Brunswick, Cape Elizabeth, Falmouth, Portland, Scarborough and South Portland do not reflect this prohibition.

The schools' policies state that “at least two adults should be involved in the use of therapeutic restraints ... and, if possible, both adults should have completed an appropriate training program.”

In emergency situations, the policies continue, “if an untrained adult is involved in the intervention, his/her conduct shall also be protected to the full extent allowed by state law on the use of reasonable force in emergencies.”

While some schools, including Falmouth and Cape Elizabeth, performed only one or two therapeutic restraints last year, a Freedom of Access Act request by The Forecaster found that other schools are using the method more often: 22 times in Brunswick, 27 in Scarborough and 46 in Portland.

South Portland, which has a specialized day treatment facility, used therapeutic holds 63 times last year.

“This year is very much an outlier for us,” said Allison Marchese, special education director for the Scarborough School Department. “It's not typical.”

Marchese said the school has paid to move the students involved in the majority of the holds into day treatment centers such as Spurwink.

Investigation stalled

When Brandon Baizley entered kindergarten in the fall of 2008 it became immediately apparent there was a problem.

He was acting out in class, being disruptive in a way he never had been in preschool. In October 2008, Bob and Mary Ann requested a functional behavioral assessment from the Blue Point School to determine the best way to move forward with Brandon's education. These assessments are typically done for special education students.

While they waited for the assessment they say was never done, Brandon was being physically restrained regularly at school.

After Brandon was injured in a series of three restraints on Dec. 19, 2008, his parents requested an investigation by the Scarborough School Board and superintendent.

However, when school officials asked that the Baizleys provide the hospitalization forms, which included Brandon's detailed medical history, their lawyer advised them to refuse, and the lawyer at Maine Medical Center told the Baizleys the hospital would refuse to release documents until proper legal protocol was followed. As a result, the school district did not complete an investigation.

Scarborough Superintendent David Doyle did not respond to multiple requests for comment.

The Department of Education has no system in place to take parent complaints on violations of Chapter 33, which regulates restraints in public schools.

“Maine has regulations, which puts it a step ahead of a lot of other states,” said Smith of DRC, “but there's no capacity for parents to file complaints. There's no formal process.”

Smith added that restraints are only supposed to be used when a child is a danger to himself or others, not in instances when property may be damaged or when a child is being defiant. However, her organization has found that in many cases restraints are used as a punishment to discourage certain behavior.

Trained to restrain

When asked if she knew of any students having been injured in Scarborough due to a restraint, Marchese, the special ed director, said, “not that I have seen documentation of, or talked to medical personnel about, no.”

In 20 restraint documents provided by the Baizleys, 11 people were listed as directly involved in restraining Brandon, which included multiple instances of prone restraints.

Of those 11, the Maine Department of Education could only find certification records for eight, and only one was a certified special education instructor.

Marchese said any Scarborough staff member who might have to do a therapeutic restraint is trained.

“We always had all our staff trained in programs that teach strategies for calming, for moving away,” she said. “Therapeutic intervention is always our goal. We want to keep everyone physically and emotionally safe.”

Next year, Brandon's parents say the Scarborough School Department has asked that Brandon attend a day treatment program at Spurwink rather than going to public school. Scarborough and Medicaid will pay for the treatment.

Brandon's mother said she is disappointed that her son wouldn't be attending public school.

“We feel like Scarborough gave up on Brandon,” she said.

The Baizleys said they hope Brandon's new school is a good fit, and that eventually he'll be able to return to Scarborough. In the meantime, they offer advice to other parents in similar situations.

“You need to educate yourself,” Bob Baizley said. “The best advocate for a child is a parent. People were willing to help us because we've done so much work and really advocated for Brandon.”

“We only wish we had reached out sooner,” he added.

100 restraints a year in Lewiston

By Emily Parkhurst, Sun Media Wire

Published Jul 14, 2010

<http://www.sunjournal.com/city/story/877830>

LEWISTON — While the Portland School Department reported 46 therapeutic restraints last year, and the South Portland School Department, with its on-site day treatment center, reported 63 restraints, the Lewiston School Department says its numbers are well over 100 restraints per year.

"It really depends on how you define and record restraints," said newly appointed Special Education Director George Veilleux, who consulted with Assistant Special Education Director Jackie Pare extensively before agreeing to be interviewed. Veilleux has been employed in a variety of positions, including as a special education instructor, in the Lewiston School Department for 30 years and took over from retiring Special Education Director Mel Curtis last week.

Veilleux said Lewiston runs a program specifically for students with emotional disabilities, which is the primary contributor to the number of restraints done at the school.

He said all the special education staff are trained in the therapeutic crisis intervention program, run by Cornell University, which teaches them how to de-escalate situations before restraints are required, and, then if a restraint is required, how to do it safely. The staff must be re-certified each year.

Veilleux said prone restraints, which were shown by a Government Accountability Office report to be dangerous, were part of the training program, but were not something that generally happened in Lewiston. They are allowed, however, under the school's restraint policy.

Some of the school's special education students do have therapeutic restraints included in their individual education plans.

"When it is a part of a student's IEP, it is discussed with the parents. The plan is more detailed," Veilleux said.

The district's policy, which was last updated in 2002, includes specific language encouraging instructors to "use the least amount of physical contact that is required to bring behavior under control" and says that the restraints "should be implemented by persons who have successfully completed an appropriate training program." Veilleux said most restraints in Lewiston are with students in primary grades.

"They're almost nurturing. They're more of a reminder (for the students). It really falls into the category of a hug," he said.

Over the years, Veilleux said, there have been some parents who have requested their children not be restrained at school, and that the school has respected that request.

Lewiston also places approximately 80 special education students out of district at a variety of specialized schools. These types of placements are typically paid for by the school department and the child's insurance.

Georgia schools ban seclusion rooms (Also banned - Prone Restraint and Mechanical Restraints)

<http://www.ajc.com/news/georgia-schools-ban-seclusion-566901.html>

July 8, 2010 By [Nancy Badertscher](#) The Atlanta Journal-Constitution

Georgia public schools have outlawed the practice of placing students in solitary confinement, six years after a Hall County boy's schoolhouse hanging.

The State Board of Education voted Thursday to ban the use of solitary confinement and limit the use of restraints against unruly students.

For the first time, the state also will require schools to notify parents when their children have been restrained by a school administrator or teacher.

Brad Bryant, newly appointed state schools superintendent, said Georgia is "one of the first states in the nation to step forward aggressively" on the issue.

The state board worked for about two years developing the policy, which was supported by the parents of Jonathan King, a 13-year-old Hall County boy who hanged himself in 2004.

Jonathan was attending the Alpine Program, a public school in Gainesville for students with emotional and behavioral problems, when he killed himself with a cord a teacher gave him to hold up his pants.

His final hours were spent in an 8-by-8 seclusion room at the school. The room had no windows, bathroom, food or water.

The new state rules prohibit seclusion; the use of chemical restraints such as prescription psychotic drugs; mechanical restraints such as handcuffs; or prone restraints. With the latter, a student is placed face down on a floor or surface, and physical pressure is applied so the student can't get up.

Physical restraint would be limited under the new rule, except in situations where students are in imminent danger to themselves or others or are unresponsive to less intensive, calming techniques.

U.S. Secretary of Education Arne Duncan last July called for all states to review rules on restraints and seclusion. That followed congressional hearings and a report from the Government Accountability Office on deaths and abuse related to the use of seclusion and restraints.

School systems are not required to report how often they use restraints or seclusion, but Bryant said he expects a data collection system to be put in place.

Father of first-grader handcuffed at Sarah T. Reed files lawsuit against RSD officials

Published: Thursday, July 08, 2010

http://www.nola.com/education/index.ssf/2010/07/father_of_first-grader_handcuf.html

The father of a first-grade boy who was handcuffed and shackled to a chair by a security officer at Sarah T. Reed Elementary school in May has filed a federal lawsuit against **Recovery School District** Superintendent Paul Vallas and other school officials.

The suit, filed by Sebastian Weston in federal court today, alleges that Reed's principal, Daphyne Burnett, enforced a policy of handcuffing misbehaving students. The suit claims that Burnett ordered a school security officer, identified only as "Jane Doe," to chain the boy by his ankle to a chair on May 4 after he failed to follow his teacher's directions.

Two days later, on May 6, the boy was handcuffed and shackled by another security officer, identified as "Defendant Willis," after arguing with another student in the cafeteria, according to the suit.

Willis acted at Burnett's direction and the boy was shackled in Burnett's office, the suit claims.

Burnett is also a defendant in the lawsuit, along with the RSD's security director, former NOPD chief Eddie Compass, the Louisiana Board of Elementary and Secondary Education and the two security officers allegedly involved in the incidents.

The Weston family's attorneys, Thena Robinson of the Southern Poverty Law Center and Carol Kolinchak of the Juvenile Justice Project of Louisiana, argue that the incident is part of a long-running RSD policy to physically restrain and sometimes arrest students who are only guilty of minor misbehavior. They are seeking to have the lawsuit certified as a class action.

One of the security officers involved in the incident was fired. Ken Jones, a spokesman for the RSD, would not say which officer was fired.

Jones issued the following statement:

"The Louisiana Recovery School District investigated the allegations involving a student at Sarah T. Reed Elementary school last semester. The RSD concluded that this was an isolated incident, the student was not arrested and the employee involved was terminated. In reference to the announcement of a lawsuit filed in this matter the RSD does not comment on pending litigation."

UN Calls Shock Treatment at Mass. School 'Torture'

School for Special Needs Students Defends Practice as Unharmful and Effective

By **KATIE HINMAN** and **KIMBERLY BROWN**

June 30, 2010

<http://abcnews.go.com/Nightline/shock-therapy-massachusetts-school/story?id=11047334>

It may look like any leafy New England campus, but inside one Massachusetts school for special needs children, the method of teaching at work is anything but ordinary.

The Boston-area's [Judge Rotenberg Center](#) educates and treats enrollees ages 3 to adult, all of whom are struggling with severe emotional, behavior, and psychiatric problems, including autism-like disorders. And for about half of the 250 students here, undesirable behavior means getting hooked up to a special machine and administered an electric shock.

The skin shock treatment, used only after both a court and the student's parents have approved, has drawn criticism for years. But after the release of a recent study by [Mental Disability Rights International](#), Rotenberg has come under the scrutiny of no less than the [United Nations](#), which is calling the school's practices "torture."

Watch the full story tonight on "Nightline" at 11:35 p.m. ET

"To be frank, I was shocked when I was reading the report," said Manfred Nowak, the UN's Special Rapporteur on Torture. "What I did, on the 11th of May, was to send an urgent appeal to the U.S. government asking them to investigate."

Teacher Fined For Using Bungee Cord As Leash

June 29, 2010

<http://www.wftv.com/news/24084244/detail.html>

VOLUSIA COUNTY, Florida. -- A Volusia County teacher has been fined for using a bungee cord as a leash to punish a student.

The Florida Education Practices Commission fined Teresa Volkman \$500 for an incident at Silver Sands Middle School in Port Orange in 2008.

Volkman ordered a student to use a bungee cord as a leash to guide a misbehaving student around class. Volkman was also suspended for one day over the incident.

The Jonathan Carey Story: The Killing of an Innocent Boy with Autism

Restraint and Seclusion are Dangerous and must be Banned – video released
June 17, 2010

<http://www.youtube.com/watch?v=gf4JxtSRyY>

Child punished, locked in plywood box in the principals office

June 11, 1:50 [Special Education Examiner](#) - Robin Hansen

<http://www.examiner.com/x-4959-Special-Education-Examiner~y2010m6d11-Child-punished-locked-in-plywood-box-in-the-principals-office>

Sounds incredible doesn't it? Unfortunately this act was witnessed by attorney Leslie Lipson, the director of the Safe Schools Initiative as well as an at the Georgia Advocacy Office. This is her statement was given at a public hearing on the issue of restraint and seclusion in Georgia Schools.

My name is Leslie Lipson. I am the director of the Safe Schools Initiative as well as an attorney at the Georgia Advocacy Office. The GAO is a non-profit group mandated under federal law to provide protection and advocacy services to people with disabilities throughout Georgia. Our highest priority under that mandate is the protection of people from abuse, neglect, and death. Under our federal statutory authority, we regularly investigate the harms and, in some cases, the deaths caused by the use of restraint and seclusion on children. We share the Department's desire to develop a rule that keeps children safe while at the same time fostering positive learning environments.

The Safe Schools Initiative has met with nine of your members and appreciates the Board’s willingness to meet with concerned citizens. At each meeting, Georgia families shared their personal, real world experiences of physical and emotional harm inflicted upon their children as a direct result of being subjected to restraint and seclusion in the public school system. Restraints and seclusion are neither educational nor effective. On the contrary, the harms and dangers of these practices are well-documented, and in many instances, legally tantamount to child abuse. During my 10 years at GAO, we have witnessed Georgia schools restraining children with Velcro, duct tape, hand cuffs, and hog-tying. We have also seen schools lock children in windowless cells, in storage closets, and even in a plywood box in the principal’s office. As the executive director of National Disability Rights Network said, “It is unconscionable that school children are left unprotected from the same abuse banned in hospitals and institutions.”

We are encouraged by the support of the Board for this rule in its current form. However, one key safeguard is noticeably missing: There are no provisions for reporting incidents of restraint, beyond informing parents. Monitoring, data collection, and analysis are essential to identifying schools that need additional support in maintaining a safe educational environment or that might repeatedly violate this new rule. The information reported can be used to offer training to schools needing improvement and also as an incentive for schools not resorting to restraint and seclusion.

The harmful use of restraint and seclusion in Georgia has been an issue for decades and the time for change is now. The courage and leadership of this Department is commendable. But it is as though we have ascended one summit and are now looking at a higher peak that we must strive for. Our next triumph is attainable, and leadership from the Board and the Department will allow us to push forward even though many would say that this summit is accomplishment enough.

The rule in its current form is a significant step in protecting Georgia’s children. We urge the Board to adopt a stronger rule that includes accountability and leads us to the peak—to where all children will be safe at school.

Mom alleges Gilbert school abused autistic daughter, 5

May 12, 2010 by **Emily Gersema** - The Arizona Republic

<http://www.azcentral.com/community/gilbert/articles/2010/05/12/20100512gilbert-school-abuse-alleged.html>

Arizona - Jessica Anderson wonders whether she should send her daughter to Gilbert's Sonoma Ranch Elementary for the rest of the school year.

She fears that school and Gilbert [Public Schools](#) district officials will retaliate now that she has publicly shared her experiences.

On Tuesday, Anderson told the five-member governing board that her 5-year-old daughter, who has an autism spectrum disorder, has been coming home with bruises and is afraid to go to school. At one point in September, her daughter came home from school with a bruise on her arm that was shaped like a handprint.

Bruises have continued to appear since.

The girl is non-verbal, unable to explain to anyone how she got the bruises. The Andersons suspect school staff members are responsible and have been trying to cover up the incidents.

On Jan. 28, two days after the Andersons and the school agreed to both keep a journal to document the bruising and try to identify why it was occurring, [school](#) staff called the Andersons asking for consent to "search" both of their children.

Anderson's husband weighed whether to say no, Anderson said, adding her husband feared "I'm going to look guilty to" state Child Protective Services investigators if he said no.

The Andersons were called around 9:30 a.m., according to a voice message left on Jessica Anderson's cell phone. A staff log of the incident shows the search actually took place around 8:40 a.m. - an hour before she and her husband were called, Anderson said.

"Without parental consent or knowledge, the school not only took my disabled child to the nurse's office but also her [sibling](#) and had the girls remove their pants," Anderson told the board.

"Sonoma Ranch Elementary admitted in writing that there was no visible marking or indications of abuse," she told the board. "This school violated both my daughters' civil rights, and as a parent I feel extremely violated."

The board generally does not respond to residents after they make a public comment on issues that aren't on the agenda. Board President Thad Stump asked Superintendent Dave Allison to look into the matter and report back to the board.

Anderson said she and her family fear retaliation. The school dismissed her youngest daughter from preschool on April 28, alleging there were no available tuition spots.

The next day, Anderson filed a retaliation complaint with the U.S. [Department of Education's](#) Office for Civil Rights.

Her case is the fifth federal civil rights complaint filed against the district since August. Federal officials so far have refused to release to the *The Arizona Republic* information about the ongoing investigations.

Anderson is the second parent in a year to come forward with concerns about treatment of autistic children at Sonoma Ranch Elementary.

Last year, Kim and Robert Eacott told the board their then 7-year-old son had been held down and sat on by school staff members twice in two years. The couple learned this after Kim Eacott viewed her son's school file and weeks of e-mail exchanges in which staff at first denied the incidents and then began, through inconsistencies, to reveal them.

Kim Eacott spoke to the board Tuesday after Anderson finished.

She said the district this year ended up moving her son to a different campus to address her concerns about mistreatment and thanked officials for transferring him.

"The difference in our son is remarkable," she said.

But Eacott said that the Andersons' experience is proof that the district, despite promises last year to consider implementing a practice of parental notification, is still failing to be forthcoming with families.

"These are our children, just like you have yours," she said. "Please help."

While other states have laws that restrict the types of responses - either through physical holds or the use of seclusion rooms - that school staff can resort to with unruly children, Arizona has no such protections.

Last year, new state legislation prompted a state task force of educators to form and recommend a series of best practices that [school districts](#) were asked to adopt by the end of this year. The task force emphasized that restraint and seclusion - often called time-out - are the methods of last resort.

The task force called for intensive crisis prevention training for teachers that trains them to identify signs that a child is about to misbehave or have a "meltdown" and take steps to minimize the incident through scientifically-proven practices that can prevent the situation from escalating.

The goal of such training is to reduce the number of incidents of child restraint and seclusion, and insure child safety.

The task force also called for requiring schools to notify parents when incidents of physical restraint or seclusion occur.

School districts have until June 30 to adopt the series of best practices.

However, they face no sanctions if they ignore them because state Sen. John Huppenthal, R-Chandler, the chairman of the Senate [Education](#)

Committee and Chandler Republican who led the legislation did not include penalties.

Huppenthal said he left out any consequences for non-compliance because he supports local control and opposes mandates.

Gilbert Public Schools so far has taken no action, despite advocates' pleas last fall that it take swift action.

District officials have promised to look at the recommendations at a later board meeting, before the deadline.

Teacher-Beats-Student Video; Allegedly Lashed out After Student Teased Girl

May 10, 2010

HOUSTON (CBS/KHOU) When their teacher backed one of their classmates into a corner, students at a Houston-area charter school thought it was a joke - but it allegedly turned into a shocking and brutal beating that was caught on tape.

Cell phone video of alleged beating at Houston-area school. (KHOU) Please click on the link to view video. http://www.cbsnews.com/8301-504083_162-20004788-504083.html

Sherri Davis, a science teacher at Jamie's House Charter School, allegedly backed 13-year-old Isaiah Johnson into a corner and began beating him while his classmates watched.

At the beginning of the video you can hear the laughter and applause from the students as Isaiah is backed into a corner by Davis after Isaiah reportedly teased a female classmate. But Janiqua Johnson, a student who shot the video on her cell phone, says Davis "snapped" and started beating the 13-year-old, according to CBS affiliate [KHOU](#).

The teacher "just started beating him up," Janiqua Johnson told KHOU. "His behavior may have been bad but he didn't deserve that," Johnson said, referring to the teasing that preceded the alleged beating.

Davis was placed on administrative leave when school officials learned of the incident in late April, but was fired Monday when officials saw the video.

"It was horrifying," said Sue Jones, spokesperson for the school. "There's just no other word for that."

Janiqua Johnson and other witnesses told KHOU that four or five school employees were present in the classroom. The students claimed they felt intimidated by some teachers after the video became public.

The school is looking into allegations that other teachers watched the beat-down without stepping in, according to a school spokesperson, and said that it will punish any teachers found to have done that.

The Harris County Sheriff's Department is also investigating the incident, although a spokesperson declined to comment further.

Restraints used by NJ educators set up son for failure, mother says

May 7, 2010

His mother told him it was important. A bill was being introduced that day that would place restrictions on how and when schools could use forceful means to control kids with behavior problems. That meant kids like Deuce. Please click on the link below to read the complete article.

<http://www.app.com/article/20100507/SPECIAL20/100504079/Restraints-used-by-NJ-educators-set-up-son-for-failure-mother-says>

Special Needs Student Restrained 66 Times In 19 Days

May 3, 2010 RANDY WALLACE Investigative Reporter

HOUSTON - 8-year-old Garrett Fowlers' mother is the first to admit he can be a handful. The first grader has autism, aspergers and attention deficit disorder.

Donna Fowler adopted Garret at birth. She's been a single parent since her husband's death in 2007.

"Being a single parent I don't have a lot of options," Fowler said. "That's just the bottom line we're at everybody's mercy."

Fowler gave Humble I.S.D. her permission to restrain Garrett. Being a special education teacher herself Fowler said she thought her little boy would only be restrained in emergency situations.

But according to Fowler's attorney Humble I.S.D's own records show Garrett was restrained 66 times in just a 19 day period.

"In all my wildest dreams I would have never imagined on a 7-year-old that that would have been done that many times," Fowler said.

Fowler said she learned the exact number of times Garrett was restrained after filing suit against the district.

"It was devastating," Fowler said. "I just couldn't believe it,"

"I've been doing this for 15 years, this is really the worst case I've ever seen," said special needs advocate Lou Geigerman. "When I saw this case my jaw dropped."

So how often do area school districts restrain special needs students? Fox 26 Investigates decided to find out.

School districts are supposed to file a report with the Texas Education Agency every time a special needs student is restrained.

Based on those reports submitted to the T.E.A., In 2009 Houston I.S.D. used restraints 116 times.

That's fewer than some smaller surrounding districts like Klein I.S.D. with 240, Fort Bend I.S.D. with 188 and Pasadena I.S.D. with 128 restraints.

Humble I.S.D. reported 136 restraints to the state in 2009.

So does that mean 66 of the 136 restraints Humble I.S.D. reported last year were done on Garrett? Not according to the district which disputes the 166 figure.

The district counts each report submitted to the state as one restraint. But Fowler's attorney said when you count all the times a restraint hold was checked on each report, Garrett was restrained 66 times in 19 days.

"There is just no reasonable way that I could legitimize what the district did to this child," Geigerman said.

Even though Garrett's mother believes educators were using restraints to punish her son she lost her legal battle with Humble I.S.D.

A hearing officer for the T.E.A. ruled in the district's favor. In a prepared statement Humble I.S.D. told Fox 26 Investigates,

"This parent has made allegations over time to state and local officials. None of the allegations have been substantiated and T.E.A. found the educational program to be appropriate. Restraint is only used when students are endangering themselves and others. It is never used for discipline it is a safety measure period."

"Look nobody is going to sit here and say the kid didn't have issues," Geigerman said. "But restraining the kid that many times just didn't make sense."

According to his mother Garrett is still being restrained multiple times a day.

Teacher, Aide Charged In Restraining Boy With Autism

April 30, 2010 | Jack Rinehart

<http://www.freerepublic.com/focus/f-news/2504311/posts>

INDIANAPOLIS -- A teacher and an aide at Perry Meridian Middle School have been charged with neglect after police said they strapped a student with autism to a chair and left him on the floor.

Veteran teacher Catherine Littleton, 52, and Jeffery Stokes, 27, were charged with battery, criminal confinement and neglect of a dependent in connection with a Feb. 18 incident in a classroom, 6News' Jack Rinehart reported.

According to the probable cause affidavit, Stokes taped socks over the hands of a non-verbal 12-year-old student, strapped the boy's arms to his chest and belted him to a chair. The boy was then tipped over backward in the chair and left on the floor, police said.

"It happened several times over the year, and even though there may be no signs of physical harm, there's concern over the mental anguish he may have gone through," said Sgt. Matt Mount.

Another teacher's aide reported the incident to school administrators, who contacted Child Protective Services, which prompted a police investigation.

10-Year-Old Girl Arrested For Kicking Teachers

April 29, 2010

<http://www.wftv.com/news/23307152/detail.html>

DELAND, Fla. -- A 10-year-old central Florida girl faces two felony charges of assault on an education worker after she was accused of kicking and pushing her elementary school teachers.

Authorities were called to the Woodward Avenue Elementary School in DeLand on Wednesday. A teacher said the girl was disruptive and ran out of class. The girl allegedly said she wanted to go home. Authorities say the girl was found and she kicked and pushed some teachers when they tried to bring her to the front office.

Authorities say the girl told them she kicked the adults because she was scared. She also allegedly said she wanted to go home to see her mother's friend, who was visiting.

She was taken to the Division of Youth Services detention facility.

Bus Driver Charged with Assaulting Autistic Child

04/29/2010

<http://www.afro.com/sections/news/Baltimore/story.htm?storyid=1081>

Baltimore County - Daniel Harris Sr. hopes the second defendant in his son's assault case doesn't get off as easy as the first one.

After agreeing with the prosecutor that a surveillance video shows Susan Nelson hitting 13-year-old autistic child Daniel Harris Jr. on a Baltimore County school bus, District Court Judge G. Darrell Russell Jr. ruled "not guilty" after a 10-minute hearing.

"She's doing her job trying to maintain discipline," Russell said dismissively in court on March 11, according to transcripts acquired by the *AFRO*. "It wasn't a forceful hit. Nobody was injured. She's got her hands full."

But police agree with Harris Sr., who said not only was his son assaulted by Nelson on Nov. 20, 2009, but attacked by Christina Brocato, a bus driver with a prior child abuse record. Her trial is scheduled for May 19.

Harris Sr. said his son was strapped into his seat next to Nelson, who was substituting for Harris Jr.'s regular aide, as Brocato drove the bus of special education students on I-695 and Perring Parkway.

"The aide gave my son her [hair] scrunchy," Harris Sr. said. "He started playing with it because it's made out of elastic material. He started trying to unravel it and she slapped him and that set him off. He became uncontrollable at that point."

Lt. Jim Dewees of the Maryland State Police Golden Ring Barrack said it is difficult to determine by surveillance camera how hard Nelson hit Harris Jr., but the tape clearly captures an assault and unnecessary restraint forced upon the teen.

"[Nelson] basically stands up and hits him several times," DeWees said. "She didn't stop; she was mad. It looked like the child [fell] to the ground. You can see them scuffling on the floor and you can see him being physically assaulted."

At that point, Brocato then pulled the bus over. Lori Mazan, operator and safety supervisor of Durham School Services which runs the school bus company, claims that Harris Jr. got out of his harness and ran to the front of the bus, prompting Brocato to pull the bus over.

"As the driver expressed it, [he] 'had to be disarmed'," she wrote.

However, DeWees said the encounter went beyond discipline and became child abuse; the tape “clearly shows” Brocato pull the bus over and immediately begins to assault Harris beyond acceptable reproach.

“She gets up and it appears as though she assists in the assault or restraining [of] the child,” Dewees said. “It’s not like she comes and intervenes and tries to make peace with what was going on.”

Brocato has been charged with two counts of second-degree assault, adding onto her busy criminal record. On Oct. 26, 2003, she was charged with child abuse of a minor, contributing to the condition of a child, and second degree assault. She pled guilty to the 2003 assault charge and was sentenced to probation after being convicted on July 12, 2004.

Communications Specialist Ann Kinder said it is Durham School Services’ policy not to comment on pending litigation, but released the following statement regarding Brocato’s former employment with the company: “Durham School Services takes the safety of the children we transport very seriously. All of our drivers and monitors are required to pass a full background check and drug and alcohol screens before they are hired. In addition, they must complete an extensive training program that includes instruction on student management techniques.”

Harris Sr. was called to come pick his son up from school when the bus arrived there and had to drive his son to school for two months after the incident. He is now back on the bus without any problems, and former Durham School Services spokesperson Laura Osheaski confirmed that Nelson and Brocato have been “terminated.”

During her trial, Nelson told the judge she gave Harris her scrunchy because that was the only way she could keep him in his seat and doesn’t remember hitting him.

“I loved my job and I loved my kids on the bus,” she testified. “If I did hit him it was just in a response. He was hitting me down here on my leg.”

On the court transcripts, Russell admits that the tape did not show Harris Jr. hit Nelson, but said he accepted her testimony because she was under oath. Harris Sr. said his son is nonviolent and only used force after Brocato “got on top of him.”

“He was defending himself,” he said. “He doesn’t understand a strange person hitting him. She wasn’t supposed to do that.”

If Brocato is found not guilty, her job could be reinstated.

“I don’t want to see that woman go to jail,” Harris Sr. said. “I just want to see her [give] a guilty plea so she can stay the heck off of these buses and not do that to another child again.”

Ex-teacher arrested, accused of slamming boy's head on desk

04/21/2010 By Daniel Borunda and Maggie Ybarra \ El Paso Times

http://www.elpasotimes.com/education/ci_14925356

EL PASO -- A former middle school teacher was arrested Monday, accused of slamming a special-needs student's head onto a desk.

Socorro Independent School District police arrested Robert Brito Jr. on a charge of injury to a child after a parent made a report to authorities.

Brito, 53, resigned from his teaching position at Salvador H. Sanchez Middle School in Socorro on Friday before his arrest, said Daniel Escobar, spokesman for the Socorro school district.

"He was put on paid administrative leave during the investigation, and he voluntarily chose to resign," Escobar said.

Escobar said he did not immediately know how long Brito had worked for the district.

The investigation began April 14, according to a complaint affidavit filed by school police and obtained Tuesday by the El Paso Times. The student's name was not disclosed because he is a juvenile.

The police document alleged the incident took place April 2 during an afternoon class while students were watching a video.

According to the document, Brito was upset because a boy was talking and would not let the other children listen to the video. Brito continued to ask the student to be quiet and place his hands on the desk or "he was going to do it for him."

"The victim did not listen and (Brito) stood up, walked towards the victim and grabbed him by the back of his neck. (Brito) in an aggressive manner and with force slammed the victims (sic) head on the student's desk," the affidavit stated.

The document stated at least one witness told police that after the assault, the boy appeared to be scared and in pain and stayed with his hands outstretched on the desk. The document stated there were no visible injuries reported by the boy's parent.

A log showed Brito was jailed for a few hours Monday before he was released on \$3,500 bail. Brito was contacted on Tuesday but declined to comment, saying he was seeking legal representation.

Daniel Borunda may be reached at dborunda@elpasotimes.com; 546-6102. Maggie Ybarra may be reached at mybarra@elpasotimes.com; 546-6151.

Preschool teacher charged with shutting 5-year-old in closet

April 01, 2010 [Corey Friedman](#)

<http://www.gastongazette.com/articles/closet-45498-gastonia-old.html>

A Gastonia NC preschool teacher is accused of hitting a 5-year-old girl and shutting her in a storage closet as a form of discipline.

Kizzy Clark Corry, 31, of 3046 Catskill Court, Gastonia, allegedly placed the child in a closet March 5 at the Rankin I Head Start Center, 714 W. Rankin Ave. She also struck the girl's leg, according to an arrest warrant and affidavit.

Kasha Hatten said she filed the charge against Corry after her 5-year-old daughter, Destiny, told her she didn't want to go back to Head Start because her teacher was "being mean."

"She didn't want to go back in that closet," Hatten said. "It made me really upset to the point where I was going to go up there, but I thought I better go about it the right way."

Hatten said she met with the Head Start center's director, who allegedly denied that the abuse had taken place. However, Hatten said her daughter was moved out of Corry's classroom.

"If the teacher wasn't guilty, they would have had to talk it out with her," Hatten said. "They would have said, 'Don't tell lies.'"

Corry did not return phone messages in time for this story.

Carol Kilgo, Head Start director at Gaston Community Action, said Corry was suspended March 11 pending the results of a criminal investigation. An employee of the Rankin I Head Start Center said she wasn't allowed to comment and referred questions to Kilgo.

Head Start is a preschool program for 3- and 4-year-olds funded by the federal government. Across North Carolina, 17,546 children were enrolled in Head Start programs in 2008-09, and an additional 1,417 children were enrolled in Early Head Start programs for younger children, according to the N.C. Department of Health and Human Services.

Corry was arrested Wednesday and charged with contributing to the delinquency of a juvenile. The charge applies when a person 16 or older knowingly "caused, encouraged and aid(ed) a

juvenile to be in a place and be in a condition whereby that juvenile could be adjudicated abused and/or neglected.”

Hatten believes the teacher should have been charged with child abuse, but both charges are Class 1 misdemeanors and carry identical penalties.

Corry was booked in the Gaston County Jail and released on a \$500 unsecured bond.

You can reach Corey Friedman at 704-869-1828.

A Seminole County, Florida special education teacher is expected to be fired soon for screaming at a disabled student (Video)

March 16, 2010

http://www.wftv.com/video/22858039/index.html?treets=orlc&tml=orlc_8pm&ts=T&tmi=orlc_8pm_1_07000103162010

Warrant out for Waco ISD teacher's arrest

March 16, 2010

Click on the link to see news video. <http://www.kxxv.com/Global/story.asp?S=12151444>

WACO, Texas - An arrest warrant has been issued for a Waco ISD teacher after she allegedly slapped a special needs student in her class.

Police informed Waco ISD that the teacher, Katheryn Shurley, is charged with injury to a child.

Shurley admitted to slapping the child three times in class at Meadowbrook Elementary.

A week and half ago News Channel 25 broke this story after the child was slapped on March 2, 2010.

After the incident, Shurley was immediately removed from the classroom and placed on indefinite suspension.

According to Waco ISD, she is expected to turn herself in this week.

The child's mother, Jennie McCollaum, told News Channel 25 her 6 year old son Bryan came home from school with a bruise on his face.

According to McCollaum, Bryan had an outburst in class and spit in a teacher's face, and that's when he was slapped.

Teacher accused of instructing kids to kick fellow student

March 10, 2010 Shern-Min Chow / 11 News

<http://www.khou.com/news/Teacher-accused-of-instructing-kids-to-kick-fellow-student-on-leave-87287707.html>

HOUSTON, Texas -- A Memorial Middle School teacher is on administrative leave following allegations that she instructed all of her students to kick one boy for having kicked another child last Friday.

“All of us had to walk around and kick this kid,” said Taylor Reed, a 13-year-old student who was in the 8th grade U.S. history class. “Some people drop-kicked him and kicked him really hard. He sits next to me and when I saw his legs they were all red and bruised up ... his face was really red and he was starting to cry.”

Emily Glendinning, another student, said the boy was in trouble with the teacher.

“He apparently kicked someone in the class, and he kicks a lot of people and the teacher was like, ‘Since you kick people we’re going to let people kick you.’”

Alex Arazola, who has the same teacher, said she wasn’t surprised by what happened.

“You definitely don’t want to push her. She gets mad if you don’t follow her,” she said.

On campus the students were quiet about the incident during school hours.

“I heard they are giving out detentions if we do talk about it,” Arazola said.

Spring Branch ISD issued a formal statement which reads in part:

“A middle school teacher was notified and placed on paid administrative leave on Friday, March 5, following an alleged incident involving inappropriate discipline of a student.”

Becky Andress, a parent who is also a substitute teacher, said she is waiting for the full results of the investigation.

“My initial reaction is not ‘oh that bad teacher’ -- but there must have been a special circumstance surrounding that,” Andress said

It amazes me when the school districts are interviewed how they always mention the child 6'3" (or 200 pounds) but they fail to talk about the children in Pre-K or kindergarten that are under 4 feet and under 50 pounds. In my school district staff are prone restraining children in Pre-K.

Should schools use seclusion rooms, restraints for difficult kids?

March 10, 2010

http://host.madison.com/ct/news/local/education/local_schools/article_1b3c4886-2bc8-11df-bd32-001cc4c03286.html

By age 2 Donovan Richards was kicked out of day care for hitting. At age 3, he was obsessed with dinosaurs and utterly uninterested in other children. At 4, he was hospitalized for mania after he threatened to kill himself with his toy sword. And by 5, he was on medicine for bipolar and autism spectrum disorders. One doctor told Paula Buege her son would end up in an institution. Buege vowed to help him remain at home and go to public school in Middleton instead.

He was a handful there. School records from a grim stretch in November 2001 show Donovan, then 7, was given frequent timeouts and suspended several days in a row. “Donovan was being escorted to the calming room. When the special education aide tried to remove a ball from the room, Donovan lay on the ball and bit the EA on the wrist. He also hit her arm with the door when she was trying to get out of the room,” read one report. The next school day, Donovan threw wood chips in a classmate’s face and was put into the “quiet” room again. “He repeatedly kicked the wall and slammed the window with great force, spit on walls and shouted profanity,” his teacher wrote.

When Donovan returned to school the next week, his mom figured he could make a fresh start back in his regular classroom. But that Monday night he didn’t eat or sleep. “Mom, you can’t keep me safe,” he said. He told her he heard “mean” voices and saw a giant eyeball following him around. He went berserk, throwing furniture and breaking dishes. The next day Buege found out teachers had kept her son in seclusion the entire day Monday Buege says teachers told her their “plan” was to keep the second-grader in there all week until he learned to stop being angry. “They were punishing him for having a mental illness,” Buege says, “and they made it worse.”

Officials with Middleton-Cross Plains Area School District, citing confidentiality issues, declined to comment on Donovan’s experience but say the district has worked over the years to improve its policies and practices regarding special ed kids.

Buege says Donovan's days in seclusion triggered a psychotic breakdown in her son. He spent two weeks on the psych ward at Meriter Hospital. Now almost 16, Donovan still suffers from post-traumatic stress disorder as a result, she says. Buege almost filed a lawsuit against the district but decided to push for change from within the system instead. Today she works as a parent liaison and special education assistant in the Middleton-Cross Plains district and is a member of the Wisconsin Council on Mental Health. These days Donovan is doing pretty well at Middleton High. He says he is learning to express the anger and hurt inside him through art and playing a mean guitar in a rock band. "When I was little, they didn't know crap," he says.

Over the past decade, parents who once might have confined their children with development and psychiatric problems to institutional settings have pushed to get them mainstreamed into schools. Public schools in the U.S. now educate more than a half-million more students with disabilities than a decade ago, according to the National Education Association. Yet in an ironic twist, many schools overwhelmed by the tremendous needs of this population are resorting to the sorts of practices that once existed only in the institutions parents had hoped to avoid: takedowns, isolation rooms, restrictive chairs with straps, physical restraints and holds, and other aversive measures, say disability rights advocates. Another irony: Prisoners and patients in psychiatric institutions have more legal protection from these tactics than do schoolchildren.

About two-thirds of Madison's public schools now use seclusion rooms; most also have teams of staff trained to use physical force to hustle misbehaving children into them. School officials report similar numbers at other districts across the state. Educators say the measures are used only as a last resort to keep children and staff safe. But parents and advocates say they are being misused by poorly trained staff, that there is a woeful lack of oversight, and that too many children like Donovan suffer as a result.

Wisconsin legislators recently proposed a controversial bill that would regulate and monitor the use of these practices on public schoolchildren. Currently there are not laws or regulations that restrict their use in public schools the way there are for mental health facilities and prisons. The Department of Public Instruction has posted directives, but the state's school districts are under no legal obligation to follow them, advocates say, and many don't. Policies and practices vary wildly from district to district, from school to school and from teacher to teacher.

About 20 other states have adopted laws or regulations that limit the use of seclusion and restraint in public schools. The U.S. House of Representatives just passed similar legislation, prodded by a recent Government Accountability Office investigation that documented hundreds of cases of abusive uses of restraint and seclusion across the country. A similar report, "Out of Darkness ... Into the Light," by Wisconsin advocacy groups, listed more than two dozen instances in which schoolchildren here were abused by the use of restraints and seclusion. The vast majority of these cases occurred in public schools with special education, or special ed, kids. In some cases, "children were left in isolation rooms so long they defecated and urinated in them," says Jeffrey Spitzer-Resnick, an attorney with Disability Rights Wisconsin. In one case, staff broke an autistic boy's elbow.

Spitzer-Resnick says pursuing these cases in court is tough. He could file a lawsuit under both civil rights and disability rights laws and has, in fact, started to pursue legal action three times in Wisconsin. In all cases, school districts reached a settlement before the cases went to trial.

He says it's unclear whether the Wisconsin law would make it easier to sue, which is a key concern to educators. "What it will do is clarify the field for everybody," he says. "It provides a safe zone if educators follow the rules. Then there is immunity from lawsuits."

Under the Wisconsin bill, which has been introduced in the Senate and Assembly, locked seclusion areas would be banned, and timeouts and restraints could be used only in cases of emergency, defined as situations where students or staff face an immediate risk of physical harm. Parents would have to be notified in advance that such methods might be necessary and called the same day they are used. These methods could be used only for 15 minutes at a time and as a last resort, after more positive behavioral interventions are tried. In addition, schools would be required to keep track of the incidents and report them to DPI — requirements that are not in place now — and set standards for teacher training.

Jan Serak with FACETS, a Milwaukee-based advocacy group, says her organization receives 20 calls a month from Wisconsin parents upset that seclusion or restraints are being used with their kids. The DPI has received 22 formal complaints about the use of seclusion and restraint since 2005. And Resnick estimates that Disability Rights Wisconsin receives about 10 calls a year from parents seeking legal advice on these issues, about three of them from Dane County. But autism consultant Glenis Benson says that these figures are "just the tip of the iceberg."

Parents, say advocates, are often afraid to come forward, fearing retaliation from teachers and school administrators. Moreover, nobody really knows how often these instances occur since nobody is keeping track of them. "That's one of the problems. We don't know how often seclusion and restraint is happening unless a child or staff member is injured," says Sen. Julie Lassa, D-Stevens Point, co-sponsor of the bill with Rep. Sandy Pasch, D-Whitefish Bay.

Many people don't even realize the neighborhood school down the block has such a seclusion room, or that staff there are trained to use the kinds of moves on schoolchildren that prison guards and psychiatric aides once employed. "It's not exactly something they show you on the kindergarten registration tour — here's the gym, here's the library, and oh, here's the seclusion closet," says Molly Immendorf, who was stunned to discover six years ago that her son's Madison elementary school locked her autistic first-grade son into a 4-foot by 8-foot room when he acted out. One night, he winced when she helped him put on his pajamas. "Will you ask my teachers not to hurt me when they hold me down?" he asked his mom.

Shelly Manser didn't realize exactly what was happening to her first-grade son, either, until she went to pick him up after an outburst at his Cross Plains elementary school. Matt has been diagnosed with attention deficit and bipolar disorders. She says she found him locked in a dark closet in the girl's locker room. "It was pitiful," Shelly recalls. "Matt was yelling, kicking, screaming, spitting on the door, and crying. I was in a state of shock. I had no idea that schools could do that. If we were to do the same thing to our children at home, we would be turned in for child abuse."

Staff still use control techniques on her son, she says, though less often than before. Asked how many times she figures Matt has been secluded or restrained in the seven years since that incident, Manser laughs. “Oh, that’s funny,” she says. “I can’t begin to recall them all. Hundreds of times.”

The bill faces an uphill battle. Lined up against it is a powerful array of foes, including the Wisconsin Education Association Council — the state’s largest teachers union — and lobbyists for school administrators, special education teachers and school boards. Educators say the measure goes too far in regulating their ability to react quickly to crises in the classroom, and that it would be unwieldy and expensive to implement. Teachers have hair-raising stories to tell, too. Mary Draeger has worked as a special education assistant in Oshkosh schools for nearly a decade. She loves her students, she says, and frequently uses her own money to buy them things like snow boots. But they are not an easy bunch to teach. “I have been assaulted five times just in the past year. I have been bitten twice, requiring me to go through AIDS testing,” Draeger testified during an emotional six-hour public hearing on the issue held last month by the Senate Education Committee. “I have been punched with fists, slammed against a cement wall, kicked, spit at and recently suffered an injury to my back,” Draeger added.

Seclusion and restraint can be used on any Wisconsin student. However the vast majority of kids who require the techniques, according to state educators, are special education students. Special ed kids make up roughly 14 percent of children attending Wisconsin public schools. In Madison, their share is 17.5 percent, or 4,655 students. Under federal law, they are entitled to a public education in “the least restrictive environment” possible, which means they cannot be automatically segregated into special schools or classrooms.

Stephanie Petska, state director of special education for DPI, says that within this group there have been “enormous changes.” The number of children traditionally classified as mentally retarded, for example, is dropping, while the number of those diagnosed with autism is exploding. Children diagnosed with autism spectrum disorders suffer from severe behavioral, social and communicative deficits and can be a challenge for even the best teachers. In 1996, there were 596 children between the ages of 3 and 21 diagnosed with autism disorders in Wisconsin public schools. Barely 15 years later, there are 7,679 — a 1,188 percent increase. The number of students with severe mental health and behavioral difficulties has also increased as new medicine makes it more possible for them to remain in the community and as fewer spots are available in residential facilities.

These students can be scary. Take Donovan, now a 6’3” high school student with size 17 feet. For the most part, the teen has learned to control his anger. But what about others who haven’t, or can’t? Petska says her office regularly fields calls from parents who are upset that their kids are being restrained and secluded; other parents are concerned that these same children are a danger to their kids. A 2001 WEAC survey found that 58 percent of special education directors across the state reported they or staff had been assaulted at least once by a student that year. These issues have led some teachers and even some parents to question whether mainstreaming all children is working, particularly during lean budget times.

Teachers say they are already struggling to address their students' needs and that the pending state bill would cripple their ability to respond quickly to crises. "Our goal is to keep everyone safe," says Pat Burlew Cox, a social worker in the Sun Prairie School District.

Educators also say seclusion rooms are not dungeons, but retreats for children unable to cope with the noise and even the happy chaos that make up a regular school day. Staff leave rooms bare, save for pads on the floors and walls, not to be cruel but because out-of-control students might otherwise destroy things left in the rooms or hurl themselves into walls or objects. In Madison, educators do everything they can to avoid putting students into the seclusion rooms, says Jim Haessly, coordinator of behavior interventions, for the school district. Whenever possible, Haessly says, children experiencing problems are placed instead in more pleasant "sensory rooms," full of devices like weighted blankets, candies to suck on, music, and wiggly cushions and chairs that can calm them down.

Only about 70 students have behavioral plans that call for the routine use of seclusion rooms in Madison, Haessly says. About 100 have restraints written into their educational and behavioral plans, which are prepared in consultation with parents. That is a small fraction of the city's special education population. That doesn't mean, though, that school staff can't and won't use the methods on other students as necessary; the Madison School Board policy grants local educators generous leeway, Haessly says.

Troy Polson has worked as a youth corrections officer and, for the past nine years, has been a special education teacher in De Pere. At the hearing he described his use of seclusion and restraint as a kind of tough love. Just a few weeks ago, Polson said, an angry student came to him for help. The only way he knew to ask, Polson said, was to overturn two heavy lab tables and throw a chair and a puzzle at another student. Polson then employed a restraint: "As I held his arms, he voluntarily sat on the floor and I used a technique in which I gave him active resistance while he pushed and pulled the major muscles of his body for 10 minutes. The student then relaxed and lay quietly for 20 minutes." At the end of the day, Polson said, the teen gave him a hug. "It was the first time I saw him hug anyone at school."

If the bill limits the ability of teachers like Polson to use these kinds of moves in crisis situations, opponents say, children will end up exactly where they started and where nobody wants to see them again: in institutions and other more restrictive settings, including the prison system. "I ask you, what do you believe is more emotionally damaging for children, having them spend time in a padded, monitored timeout room or being zip-tied with their hands behind their back and hauled out of the school by police officers?" asked Kari Pettit, a police school liaison officer with the Oshkosh Area School District, who spoke against the bill at the February public hearing.

Simon Kemp is executive director of the Crisis Prevention Institute, a Wisconsin firm that has done training across the country for more than 30 years. CPI uses sessions and workbooks to teach Wisconsin teachers the tenets of positive behavioral interventions, preventive strategies like setting limits and empathic listening that head off problematic behaviors before they blow up. But in sessions and a training workbook full of diagrams, the company also teaches Wisconsin teachers the old classic moves once used in prisons and psychiatric institutions — ways to grab and twist children's arms behind their backs and ways to hustle them down a hall.

The techniques have names like “team control position” and “transport position” and include illustrations on how teachers can escape a variety of attacks from students who try to bite and choke them or pull their hair.

Kemp dislikes the aversive measures and says schools need to catch up to psychiatric institutions and prisons, which have significantly cut back on their use, spurred by Medicaid and Medicare regulations as well as scientific research suggesting the techniques are dangerous and do little to reduce negative behaviors. “There’s nothing therapeutic about a restraint,” says Kemp, whose company has not taken a formal position on the bill. “It is only a reactive strategy that should be avoided at all costs. It is a horrible thing for somebody to have to do. It is a horrible thing for staff to have to do.”

Particularly since children with autism or other behavioral and mental health problems cannot always control their behavior. “To this day I can still remember struggling to keep control and wondering why I couldn’t make myself stop,” recalls Erin Miller, 24, an adult with autism spectrum disorder who testified in favor of Senate Bill 468. Miller attended a Milwaukee-area school that she says failed to provide what she called “accommodations” for her needs. Accommodations like the earphones she put on during her testimony to screen out the other distracting noises in the room that made her anxious, or the credit card she ran up and down her arm to calm herself, and the long pauses legislators gave her as she paced the room between her testimony. Miller read from a statement in which she recalls the panic she felt as a child when her teachers didn’t understand her and punished her. “My heart going from zero to 350 in two seconds. A shadow of a thought: I must not lash out. I must retain speech. If I didn’t my teachers wouldn’t understand. If I needed to leave or was unable to calm myself down, I could [be] physically hurt, forced down or beaten into submission. There were times I literally thought I was going to die.”

DPI guidelines recommend that students like these be placed in seclusion or restraints only if they are posing a physical danger to themselves or others. But autism consultant Benson, who has traveled the state since 1977 to work with schools, children and families, sees these guidelines violated all the time. She sees teachers engaging in what she calls “power struggles” with the youngsters. “I’ve worked with a boy who was put into seclusion because he wouldn’t take off his boots. A child who was given timeout because he was enchanted by the first snowstorm of the season and didn’t want to come in from recess. It’s a huge problem and it happens all the time all across the state. And yes, that includes Madison.”

Kris Rutherford says that last March, the principal at Bluff View Intermediate School in Prairie du Chien forced her daughter into one of the school’s two seclusion rooms for laughing in class. “He dragged Kayla screaming out of the classroom on her back by her ankles,” she says. Kayla suffers from attention deficit hyperactivity disorder (ADHD), which makes it tough for her to focus on schoolwork and control her impulses and behaviors. The next day, Rutherford says, the principal and a male teacher picked up Kayla by her wrists and ankles and put her in isolation again for not doing her work. The principal is a burly man who coaches the local high school football team. Kayla was an 80-pound fourth-grader, her mother says, whose anxiety got so bad after these episodes that she picked at her skin until it bled. Rutherford filed a complaint with DPI, which suggested staff get proper training in the use of restraints.

Principal Aaron Amundson says he has now gotten that training but makes no apology for his actions. “If she’s causing this much of a ruckus it’s not just difficult for her but for all the other students to learn,” he says. “One student’s actions shouldn’t infringe upon the rights of the others.” Rutherford disagrees. She says other children are being treated in the same ways, but their parents are afraid to speak out. “It’s barbaric,” she says. “They do whatever they want out here. It’s a good-old-boy town. That’s why we need a state law.”

Under federal law, parents have a right to be part of the team that puts together special education plans for students, but they don’t have the final say. Some families end up being so frustrated they pull their children out of school to home school them or enroll them in another school district or private school. But that’s not feasible for all families, including Shelly Manser and her husband, Steve, who have deep roots in Cross Plains and two other sons in public school.

The Mansers have had countless conversations with school staff since the day Shelly found Matt crying in the closet; they demanded that he never be put there again, and he has not. But he has been secluded and restrained plenty more times in other rooms. When he tore up one conference area, staff built him a room within a room with padded walls his mother refers to as “the box.” Shelly Manser says she rarely sees this destructive behavior at home. She believes multiple episodes of seclusion and restraint since the day she found her son sobbing in the locker room closet have only made it worse. That’s what one of the special education aides who worked with him thinks, too. Deb Bent says she couldn’t stand to see students like Matt, whom she calls one of the “sweetest” boys she knows, restrained and put into isolation. Bent says she went to one of the crisis intervention training sessions offered by the Crisis Prevention Institute and volunteered to be a “student” for the demonstration of a takedown. “It hurt!” she recalls. “They brought me down so hard. I was thinking, we actually do this to students?”

Bent says Matt was never aggressive toward her or to the younger disabled children he read books to. She still gets upset when she recalls the many times he was forced into isolation and insists that those measures wouldn’t have been necessary so often if staff had focused instead on trying to understand the anxiety that triggered his outbursts in the first place. “You would hear him screaming in his high voice, ‘no, no, no!’” she recalls. “And it just broke my heart. Because I knew he was just scared. If they had just tried to give him more time and work with him instead of locking him up, it never would have had to happen.” His mother agrees, noting that in the years when Matt had teachers willing to “think outside the box” — like a kindergarten teacher who set up a work station where he could cope with his anxiety by taking apart cell phones and small appliances — he had hardly any outbursts.

Matt, now 14, doesn’t like to talk about these incidents. Asked recently by a reporter how teachers get him into the “timeout room,” he starts tugging at his hair and rubbing his face, signs that the question makes him anxious, his mother explains. Matt plays with the buttons on a TV remote for 30 seconds. “Sometimes they grab me very hard,” he finally says. “So I don’t hit them I guess. They hurt me in school.”

Middleton-Cross Plains district officials were unable to talk about Matt for confidentiality reasons. But Nancy Wyngaard, director of special programs for the district, says the district has improved its practices when it comes to mainstreaming this challenging population of students.

“Now that we as a society have decided we want to keep these children in the public and in the schools, there’s going to be a learning process involved for everybody — for students, for parents and for educators,” she says.

One thing everybody can agree on is that educating these kids — and their teachers — the right way will require more money and training. Federal data suggests that it costs two to three times more to educate a child with the sort of grave mental health and behavioral issues exhibited by kids like Donovan, Matt and Kayla than it does to educate a child without special needs. Without legislation that sets minimum standards and strict monitoring and reporting requirements, advocates and parents warn that school districts will continue to do their own thing.

Rhonda Greenhaw saw that firsthand, when her daughter Alana started kindergarten in Cedarburg two years ago. Alana is autistic. One of the manifestations of that disorder is a condition called pica, where she tries to eat inedible things; once she was rushed to the emergency room for swallowing a light bulb. She runs, climbs, and quickly darts into trouble, which is partly why teachers put her with a handful of other special ed kids in a small storage room across from her classroom. On the fourth day of school Greenhaw found her daughter in that room gnawing on a toy dog bone while her classmates across the hall were drawing the “special person of the day.”

After Greenhaw complained, teachers moved Alana into the regular classroom and strapped her into a Rifton chair, a device normally used for individuals with cerebral palsy and other physical disabilities. “I was frozen,” Greenhaw recalls. “I could not believe what was happening.”

A Cedarburg school official says that district policy was to use these chairs only to provide support to students with physical disabilities. The official says they are not used at all now.

Nevertheless, Greenhaw and her husband put their house up for sale and moved to Germantown, where they say Alana is no longer isolated or restrained. Alana’s story, Greenhaw says, illustrates an unpleasant truth about public education in Wisconsin. “We have no problem shelling out money for sporting events, but we don’t want to support special education students so that they can truly be included,” she says. “We’d rather just pull out the Rifton chairs.”

Plainfield school accused of food denial, using ‘jail cell’

Parents, ex-staffer say program mistreated special education students

March 06, 2010 By **EMILY GROVES** [Norwich Bulletin](#)

Plainfield, Conn.

<http://www.norwichbulletin.com/news/x324650860/Plainfield-school-accused-of-food-denial-using-jail-cell>

Withholding food, a “jail cell” time-out room and unnecessary restraint of special education students are among the allegations being made against Shepard Hill Elementary School’s Clinical Day Treatment Program by paraprofessionals, parents and a Board of Education member.

“It’s an ugly mess,” Board of Education Vice Chairwoman Angela Klonoski said. “It’s just been a nightmare.”

The Shepard Hill program is one of five in the district for children with emotional or intellectual disabilities, Plainfield Superintendent of Schools Mary Conway said.

Philip LaFemina, coordinator for the programs, said the Shepard Hill program includes eight students who spend most of their day with the program. It also provides support services for another five to six students who spend most of their day in regular classrooms. He said eight full and part-time paraprofessionals work in the program, though other paraprofessionals assist when students are immersed into classrooms.

The Shepard Hill program, for first- through third-grade students, has been gaining a lot of attention in recent months from parents, school and state officials.

Klonoski said the state Department of Children and Families and the Office of Protection and Advocacy for Persons with Disabilities are conducting investigations into the program. State officials said they cannot confirm whether investigations are occurring because their investigations deal with children and are protected by shield laws.

It all started with Diane Smith-Sanders, a former paraprofessional at the program.

Smith-Sanders said she was hired in early December and within a few weeks, began to notice some troubling practices.

Among them was the withholding of food. Smith-Sanders said she witnessed four occasions where students were not given lunch because an assignment wasn’t completed.

“I was told that food was a privilege, and they had a choice; if they finished their assignments, then they could eat their lunch,” she said.

Smith-Sanders said she voiced her concerns about the practice and within three days was told that because of the rearranging of staff, her position had been eliminated. She was offered a position with another school in the district but declined.

“I know without a doubt that my position was eliminated because I said something,”

Smith-Sanders said. “I didn’t like what was going on, and that caused them trouble.”

Smith-Sanders has been substitute teaching in the district since then and is applying for a position in another school.

Conway said when Smith-Sanders raised concerns, the district immediately started an investigation. Conway said a teacher had told students they must demonstrate they are in control to have food.

“It was stopped immediately,” Conway said. “That has not occurred again and will not occur again.”

LaFemina said he expects to receive the report at the end of the month from the DCF investigation into food withholding.

“I’m confident that charge will not be substantiated,” LaFemina said.

‘Jail cell’

But Smith-Sanders’ list of concerns also included a time-out room the size of a refrigerator, complete with a door, bolt and a window covered with paper.

Smith-Sanders described it as “like a jail cell” and said she believed children were being locked inside too often. It was used not just for children acting up but for those who had not completed assignments.

Conway said there was a door on the time-out room, but it has since been removed, another move prompted by Smith-Sanders’ concerns.

LaFemina said the legal term is a seclusion room, and the Shepard Hill program had used one until about six weeks ago.

“The main reason we had a seclusion room was to prevent physical holding,” LaFemina said.

But Smith-Sanders and others also have concerns about the way physical holding, or restraint, is done at the program. **Smith-Sanders said she witnessed children being restrained by as many as five adults**, and she questioned whether any restraint at the school was legal because she was not sure the paraprofessionals were trained.

LaFemina said every paraprofessional is trained in restraint yearly, under the Physical/Psychological Management Training model.

Lisa Wickham pulled her son, Anthony, 6, out of the program in December after he came home with a bruise on his wrist and a note in his daily book that said he had been restrained by five adults that day. Wickham said Anthony weighs 48 pounds.

LaFemina said typically two to three adults are involved in a physical hold. On rare occasions, four adults hold the child while one person observes to ensure the child's breathing does not become distressed.

Last straw

For Wickham, the bruised wrist was the final straw in what had been a series of disturbing reports from her son. Wickham said there were many days when Anthony returned home without eating his snack and had made comments about having snack time when he was "a good boy" and not when he was "a bad boy." Anthony also told his mother he didn't like when the teachers sat on him.

"It was stuff like that that came out afterward that made me say, 'he's not stepping back into that school,'" she said.

Making connections

In her efforts to get her son transferred to Moosup Elementary School, Wickham connected with Klonoski.

Klonoski, a disability policy specialist for the Connecticut Council on Developmental Disabilities, said five adults to one child should never be necessary and restraint should be used only as a last resort.

"And that was never the case with this child, not in any of the files I've read," Klonoski said. Pam Corey, a paraprofessional at Shepard Hill for 12 years, said though she did not work in the Clinical Day Treatment Program, she had frequent dealings with its staff because some of its students spend part of the day in regular classrooms.

Corey said she witnessed children being locked into the time-out room and restrained by several adults, but something she observed in the lunch room, when she approached a crying child with a teacher standing over him, most disturbed her.

"He had a sandwich from the day before that they were making him eat before he could eat his hot lunch," Corey said. "That was so unacceptable. It made me sick."

Corey moved from Shepard Hill in October 2009 to Plainfield High School, where she works now.

LaFemina said there have not been any disciplinary issues with staff in the last year. He said the program and the staff members work very hard to meet state standards and to provide the best educational opportunities for these students who would struggle and likely fail in a traditional educational program.

"We have helped more than 150 families with the program," LaFemina said. "The goal is to help these children better control their behavior and be mainstreamed as soon as possible."

Mom: APS Put 1st Grader In Timeout Room All Day, Every Day

District To Investigate Allegations

By [Lance Hernandez](#), 7NEWS Reporter

March 3, 2010

<http://www.thedenverchannel.com/news/22711633/detail.html>

AURORA, Colo. -- How long is too long to spend in timeout?

An Aurora woman told 7NEWS that her 7-year-old son's teacher has been putting him in a timeout room at school for most of the day and has been doing so since last October.

Raven Rainer said her son has Attention Deficit Disorder and that she knew the timeout room could be used if Debran became disruptive in class.

But Rainer said she had no idea Debran would be spending nearly his entire school day in isolation.

The boy's grandmother said she learned that that was the case last month.

"I got a call around 9 on Feb. 17," Valorie Collins said. "They told me my grandson was on the school bus holding onto his seat and wouldn't get off."

Collins said that when she drove to Park Lane elementary school her grandson told her that he didn't want to go into the room.

"I thought he was talking about his classroom," she said. "I had another appointment, so I told him to go to class and I'd come and check up on him later."

Collins said that when she went to visit later that day, she was surprised to find Debran's teacher handing him flashcards through the door of the timeout room.

"I said, 'What happened? What's going on?' She said, 'Oh, this is where we keep him but we let him out to eat and to go to the bathroom,'" Collins said.

"I said, 'excuse me?' She never looked at me, she just kept sticking flashcards through the door," Collins said. "I just burst out in tears. I told her that's inhumane."

7NEWS contacted several mental health professionals to ask if lengthy stays in timeout were appropriate or inappropriate.

None would talk specifically about this case.

But Dr. Shawn Worthy, a clinical psychologist at Metro State College in Denver said timeouts are typically brief.

“The rule of thumb,” Worthy said, “is about two minutes of timeout for every year of age. So if you’re talking about a 5-year-old, that’s 10 minutes of timeout.”

Worthy wouldn’t second-guess Aurora Public Schools.

Neither would Dr. Ed Steinberg, the state director of special education.

While Steinberg said that daylong timeouts are very much out of the ordinary, he added that, generally speaking, lengthy timeouts are indicative that there is some behavior that is out of control.

When asked if her grandson was disruptive in class, Collins said, “Yes, he could be.”

Collins said Debran’s behavior has changed dramatically over the last two months.

“He’s had difficulty sleeping. He won’t let us shut the doors or turn off the lights. And he’s been wetting himself and throwing feces,” Collins said.

The grandmother said she believes Debran’s behavior changes are a result of the long periods in timeout not the other way around.

Paula Hans, Media Relations Specialist at Aurora Public Schools, faxed a statement to 7NEWS that said, “Although we are unable to address a specific student matter due to privacy laws, we do take reports of this nature very seriously. We are investigating the allegations and will respond appropriately. Our top priority is to ensure a safe learning environment for all APS students.”

Teacher Accused Of Giving Student Concussion

March 2, 2010

<http://www.wftv.com/countybycounty/22715680/detail.html>

FLAGLER COUNTY, Fla. -- A special needs teacher in Flagler County was arrested, accused of abusing a disabled student. Eyewitnesses said the abuse happened in February in the cafeteria of Bunnell Elementary School and the student had to be taken to a hospital.

Parents like Barbara Hall told WFTV they were very angry.

"If I was the mother, something needs to be done about her and the system, if they allow a criminal like that to be around kids, could have killed the kid," she said.

Police arrested 37-year-old Jennifer Phillips. She is accused of getting so rough with a 3-year-old special needs student that the child suffered a concussion.

Witnesses said, when the young girl became visibly upset in the school cafeteria, Phillips aggressively forced her to the floor, causing the girl to strike her head on a glass door. Several witnesses told police they heard a loud thump when the child's head hit the door.

"I don't think you can tell the cause of something just by the result. People get hurt all the time. Students get hurt. That doesn't tell you much about how it occurred," Assistant Superintendent Mike Judd said.

The incident happened on February 11. The teacher was suspended with pay on February 26.

"What took so long?" WFTV reporter Berndt Petersen asked Judd.

"During the time we were investigating, it became apparent she was going to be arrested. So, the suspension was a result of the arrest," Judd replied.

Barbara Hall is glad the school system finally took some action.

"And thank God it was seen where somebody saw it. Right or wrong," she said.

Phillips told police the child was on her lap squirming when she fell off and hit her head. She is facing a felony charge of child abuse.

School officials would not comment on the extent of the child's disability.

Florida Teacher accused of abusing special-needs student

By KENYA WOODARD , STAFF WRITER

March 2, 2010

<http://www.news-journalonline.com/news/local/flagler/2010/03/02/teacher-accused-of-abusing-special-needs-student.html>

BUNNELL, Florida -- A Flagler County teacher has been suspended with pay following her arrest on charges of felony child abuse when a special needs student in her care suffered a concussion, authorities said.

Jennifer Phillips, 37, a Palm Coast resident and teacher at Bunnell K-8 School, was arrested Friday by Bunnell police after the parents of a student complained their daughter was handled roughly last month.

Mike Judd, the Flagler school system's director of facilities, said the district is conducting its own investigation and is "sharing information" with police.

Phillips, who has taught in Flagler schools for five years, will remain out of the classroom "pending the outcome of the investigation," Judd said.

According to a charging affidavit, witnesses told police the student became visibly upset after Phillips denied her permission to sit with another teacher in the cafeteria.

Phillips picked up the student and carried her through the cafeteria, then placed the student "down on the floor in a very aggressive manner causing the child to strike her head on the metal door," the police affidavit states.

Witnesses told police that they heard "a loud thump" when the student's head hit the door, the report states.

Phillips then picked up the student and took her to the school nurse.

According to a Bunnell police incident report, the nurse called the student's parents and informed them that their daughter had hurt her head.

A doctor later diagnosed the student with a mild concussion. The parents contacted police on Feb. 11.

Witnesses told police that Phillips appeared to handle the student roughly "but that she did not push her or intend for (the student) to hit her head."

A phone number for Phillips was not available.

Phillips does not have any prior incidents with Flagler schools, Judd said. She was released from the Flagler County Inmate Facility after posting \$2,500 bail.

kenya.woodard@news-jrnl.com

Dad Says Teacher Held Girl's Head Underwater

Owen Wants Teacher Fired

February 25, 2010

<http://www.wapt.com/news/22660778/detail.html>

JACKSON, Miss. --

The father of a Smith Elementary School student has filed a simple assault charge against a teacher accusing her of holding his 8-year-old daughter's head underwater.

Kaylan Owen, 8, said the incident happened at the school Feb. 17.

"I turned on the water to wash my hands and my assistant teacher, Ms. Levy said, 'Girl, you getting on my nerves.' She started to put my head under the water and the water kept getting higher and higher. I couldn't breathe and I started coughing and then she held my head up from under the water and she slammed me into the file cabinet and I felt really sad," Kaylan said.

Kaylan said Betty Levy was upset with her because she got out of her seat without permission.

Kaylan's father, Robert Owen, said Levy apologized and the principal told him a letter of reprimand was put in Levy's file, but Owen wants the teacher fired.

"Basically, they're giving me the run-around," Owen said. "They said they talked to the students and none of the kids said it happened, but I spoke to one of the kids in front of her parents and she said she saw this."

Jackson Public Schools officials said that student safety is always a top priority.

"We take all allegations seriously, and we conduct thorough investigations into all allegations. The district is following its usual procedure by conducting a thorough investigation of this allegation. Employee and student confidentiality rights prohibit us from discussing any of the specifics of the investigation," JPS officials said in a statement to 16 WAPT News.

"I just want her held accountable for what she did. If she's doing this, she might do it again to other students," Owen said. "If I did this, my child would be taken from me, and I'm going to jail."

JPS would not allow 16 WAPT News to speak to Levy or the school's principal.

Jackson Police Department spokesman Officer Joseph Daughtry said any time charges are filed against a teacher who is accused of doing something while on duty, that person has a probable cause hearing. That means a judge will decide if there is enough evidence to make an arrest.

Special needs teacher charged

Published Friday February 26, 2010

By Chad Nation - WORLD-HERALD NEWS SERVICE

<http://www.omaha.com/article/20100226/NEWS97/100229716>

Omaha, Nebraska - COUNCIL BLUFFS — A 53-year-old Council Bluffs teacher is facing multiple counts of assault and child endangerment involving a special needs student.

The teacher, Donna M. Thomas, turned herself in to authorities on Thursday and was released on her own recognizance after appearing before a judge.

Thomas is a special education teacher at Thomas Jefferson High School but has been on paid leave since the middle of November.

She is accused of placing a 15-year-old special needs student in a "choke hold" on two or more occasions and forcing the student's "head down onto a table." Thomas was arrested on suspicion of two counts of child endangerment, two counts of serious assault, two counts of child endangerment with injury, and neglect or abandonment of a dependent person.

The incidents reportedly occurred between Aug. 12, 2009, and Nov. 11, 2009. The child's father said he has been advised not to talk about the case, but he did say his child no longer attends Thomas Jefferson.

Court documents stated the student's father brought the matter to investigators. The father told investigators his son is autistic and has a titanium plate in the left side of his head.

Thursday, Feb. 25, 2010

Former Monroe County teacher accused of child cruelty

By PHILLIP RAMATI - pramati@macon.com
<http://www.macon.com/2010/02/25/1036977/monroe-teacher-accused-of-child.html>

Georgia - A former Monroe County special education teacher is scheduled to turn herself in to the Monroe County Sheriff's Office following allegations of cruelty to children, officials said.

The sheriff's office issued an arrest warrant Wednesday for Janice Ricks on two counts of cruelty to children, said Allison Selman-Willis, spokeswoman for the sheriff's office.

Selman-Willis said investigators are keeping some of the details of the case quiet until it's turned over to the District Attorney's Office, but one of the counts involved "thumping" a child.

"Some of the other children had marks on them," Selman-Willis said.

Ricks, who resigned from her teaching job at T.G. Scott Elementary School a couple of weeks ago, taught special needs children ages 3-5.

Jackson Daniel, assistant superintendent for the school system, said he isn't able to discuss aspects of the case, citing the ongoing investigation.

He said Ricks began working for the school system as a full-time employee during the 2005-06 academic year, but had worked with the system before that as part of the Middle Georgia Regional Educational Services Agency.

Daniel wouldn't comment on whether there had been previous complaints against Ricks, nor if there have been subsequent complaints since her resignation.

Selman-Willis said another employee of the school system noticed the bruising on the children and reported it to the school system, which brought in the sheriff's office to investigate Jan. 20.

"This is an involved case," Selman-Willis said. "We've interviewed a lot of people, and we are still investigating. ... But the case is not closed."

Selman-Willis wasn't aware of previous complaints against Ricks.

Selman-Willis said anyone who has information about the case could still contact sheriff's investigator Allen Henderson at (478) 994-7287.

To contact writer Phillip Ramati, call 744-4334.

This child is only 6 years old, has autism and was only acting in **self defense**. This kind of treatment to children and families cannot be allowed to continue in and by the public school system.

Dallas (Obanion) Williams, autistic child, facing felony assault charges following physical restrain

February 24, 2010

Nevada, Missouri - Tina Obanion is a mom. Her son, Dallas is currently facing felony assault charges at the age of six stemming from an alleged bite to a paraprofessional who was attempting to physically restrain him at the time. **Please click on the link below to read the full story and see pictures.**

<http://www.examiner.com/examiner/x-10560-Special-Needs-Kids-Examiner~y2010m2d24-Dallas-Obanion-Williams-autistic-child-facing-felony-assault-charges-following-physical-restrain?#comments>

Head Start employee accused of duct taping four-year-old's wrists

Feb 18, 2010

<http://www.wthr.com/Global/story.asp?S=12006338>

Indianapolis - A Head Start employee is accused of using duct tape to restrain a four-year-old student.

Darrell Johnson faces one count of C Felony Criminal Confinement. The Marion County prosecutor's office filed charges Thursday.

Police say Johnson is assistant director of Head Start located at the former IPS School #75. Detectives believe Johnson taped the child's wrists together because she misbehaved, and made her wait in his office because she touched some of his boxes.

A witness told police she saw Johnson removing duct tape from the child's wrists.

"Duct taping a four-year-old child is never an acceptable means of punishment," said Marion County Prosecutor Carl Brizzi.

Note: Our original story indicated Mr. Johnson was an IPS employee. We have since learned that he is employed by Head Start, not IPS. We apologize for the error.

Family of boy strangled at Tenn. center settles suit for \$10.5 million

By Troy Graham Inquirer Staff Writer

Fri, Feb. 12, 2010

http://www.philly.com/philly/news/homepage/20100212_Family_of_boy_strangled_at_Tenn_center_settles_suit_for_10_5_million.html

The family of a Philadelphia teenager who was strangled after being placed in a restraint hold at a Tennessee treatment center has settled a federal lawsuit against the facility for \$10.5 million.

The family of Omega "Manny" Leach, 17, agreed to drop claims against the city and its Department of Human Services, which sent the troubled teen to the Chad Youth Enhancement Center despite warnings that it was dangerous.

A key piece of evidence, said family attorney Thomas R. Kline, was a photograph from a surveillance camera showing a Chad mental-health technician with both hands around Leach's neck as he pinned him to the floor.

Tennessee authorities ruled Leach's death a homicide, but the mental-health worker, Randall Rae, has not been charged with a crime.

Rae no longer works at Chad, and Philadelphia stopped sending emotionally troubled children there shortly after Leach's 2007 death.

At the time, 44 Philadelphia children and teenagers were at Chad, in Ashland City in north-central Tennessee, all under DHS oversight.

Chad, now the Oak Plains Academy, has been owned by Universal Health Services Inc., a for-profit company based in King of Prussia, since 2005. Leach's family agreed to drop the suit against UHS.

Daniel Sherry, an attorney for Chad and UHS, said the settlement, which was completed last Friday, did not include an admission of wrongdoing.

"It was a resolution of a disputed claim with a tragic outcome, but no one admits fault," he said. "Obviously, there were differing views of what occurred. It was felt, for everyone's sake, that it was best to put this behind us."

But Kline said the settlement amount "speaks volumes to the family" and should have "a prophylactic and a deterrent effect on institutions like this around the country." Leach, he said, "should have been rehabilitated, rather than ending up in the grave."

A Family Court judge sent Leach to Chad for mental-health treatment after he violated his probation for missing a court hearing and testing positive for marijuana.

The confrontation with Rae began a month later when Leach refused to leave his room, according to court documents filed by the plaintiff.

Rae pushed Leach into the hallway, threw him to the ground, and began choking him, according to the documents.

The staffer then forced Leach back into his room, where eyewitnesses reported that he slammed Leach's head into a wall and pinned him facedown on the floor for seven minutes. A nurse who entered the room noticed that Leach was not breathing and did not have a pulse, according to the plaintiff's documents. Leach died the next day at a hospital.

Between 2001 and Leach's death, the city sent scores of youngsters with emotional problems to Chad, saying no Pennsylvania facility would take them. The city paid Chad \$6 million in the last three years that it used the center.

The city had numerous warnings that children were being violently subdued and injured at Chad but continued sending children there until Leach's death.

In September 2005, the city learned that a 14-year-old Long Island, N.Y., girl had died of a heart attack after a confrontation with staff.

Although Chad was cleared of any wrongdoing, New York and Tennessee stopped sending children there.

After Leach's death, many of the allegations of problems at Chad were first reported in *The Inquirer*.

In 2005, a tipster warned DHS that staff members were using "improper and illegal" force against Philadelphia children.

In response to that anonymous caller, who identified himself as a Chad employee, DHS sent an investigator to the facility. The investigator found that all 14 Philadelphia youths there had been restrained, some as many as five times. One was cut while being restrained, and Chad did not report the injury to regulators. Despite the findings, the city continued to send youths to the facility.

The plaintiff's court documents described Chad as having "a history of frequent and improper restraints of its residents" long before Leach arrived. From June 2006 to June 2007, the center's staff used restraint procedures 1,363 times, resulting in 129 injuries and 10 trips to the emergency room, the documents said.

As a result of Leach's death, DHS greatly reduced the number of children sent to out-of-state facilities. In the last year, the agency has cut the number by half, officials said.

Kline, speaking for Leach's family, said the settlement provided members "some measure of justice."

"It validates that there was wrongdoing, in their minds," he said. "We established conduct that cannot be defended."

St. Lucie County Florida Schools

6-year-old handcuffed at PSL school, sent to mental facility after temper tantrums

By Colleen Wixon
February 11, 2010

PORT ST. LUCIE — Kathy Franklin says she wants to get her daughters back in school. But after her 6-year-old was handcuffed and then sent to a mental health facility, she no longer feels her children are safe at Parkway Elementary.

"These people are going to the extreme," Franklin said. "She is so tiny. They didn't have to use force on her."

St. Lucie County Sheriff reports say Franklin's daughter, Haley, was being disruptive on several occasions at school, throwing objects, hitting administration personnel and screaming uncontrollably. Last week after Haley wouldn't calm down, a deputy handcuffed the 40-pound girl to get her under control.

On Tuesday, after another disruption, the girl was put under a law enforcement involuntary Baker Act and taken to a mental health facility. Franklin says the latest events have traumatized her daughter. She is afraid of law enforcement and school, she said.

"There is absolutely no reason for what they did," Franklin said.

But St. Lucie County sheriff's reports disagree. They say Haley was being disruptive on Feb. 3. She walked out of class and kicked a wall and school officials. She screamed and wouldn't calm down for more than an hour.

The sheriff's deputy handcuffed her in an attempt to get Haley under control, so she wouldn't hurt herself or others, the report said.

"Haley was crying and saying that the handcuffs hurt. When I looked at her hands, she had one hand pulled almost all the way out, therefore, the handcuff was around her thumb and hand instead of her wrist, causing discomfort," the report said.

The girl eventually calmed down after the handcuffs were removed and she returned to class. Haley said she doesn't like school. It's boring and the children make fun of her.

"They tease me. They call me spitball because I spit when I talk," she said. Haley said she walked out of the classroom because of the teasing.

She said she didn't like it when school officials carried her to the office.

"They grabbed my arm, and they grabbed my feet. They carried me like luggage," she said.

Deputies were called again Tuesday to the school, for another disturbance involving Haley, the report said. School Principal Ucola Baxter, who is eight months pregnant, told the deputy the girl kicked her in the stomach on the previous day.

This time, the deputy took the girl to New Horizons, an adult mental health facility.

Franklin called the action a retaliatory move because she filed a complaint last week against the school principal.

The report said Franklin had been contacted "several times" by the school and once by the deputy about Haley's behavior problems. However, the parents have not showed up for meetings.

The parents also were criminally charged with failing to appear in court near the end of 2009 for a truancy hearing involving Haley not attending school, the report stated.

Franklin said she and her husband removed Haley and her 9-year-old sister from the school. She said they are trying to get an alternative placement for the girls, but were told it will take a few days to find one.

Teacher Suspended After Locking Student in Closet

2/11/2010 By Susan Gager

<http://kezi.com/news/local/162302>

WALDPORT, Ore. -- A Waldport teacher is under investigation for allegedly mishandling students.

The boy who was locked in a closet and his mother spoke out Thursday on behalf of the teacher. The parents are now saying their biggest concern isn't the teacher. Caleb Bullock is an eighth grader at Crestview Heights. He says when he got out of line in his P.E. class, his teacher locked him in a utility closet with the lights out for 25 minutes.

"I was pretty scared. I wanted to get out of there. I was knocking on the door and then she opened the door told me to be quiet because i was disrupting the class," said Crestview Heights student Caleb Bullock.

After the incident, they had the option to have the teacher fired. However, they decided not to pursue the action after the teacher was investigated and suspended.

Caleb and his mother say the teacher has apologized profusely and both are now back to friendly terms. Caleb's mother says the bigger issue is the school did not tell her about her son getting locked in the closet. She contacted the superintendent afterwards but says no one returned her phone call.

The teacher is under investigation for another incident with a different student.

3 acquitted in Ohio teen's restraint death

By MEGHAN BARR (AP) – 2/9/2010

<http://www.google.com/hostednews/ap/article/ALeqM5hb8wtsD0sfXtqdk2Pd3dR4-m5nFwD9DOTN280>

CLEVELAND — A jury on Tuesday acquitted three former employees of an Ohio treatment center for troubled teens of involuntary manslaughter in the death of a 17-year-old girl who suffocated and choked on her own vomit after being restrained facedown on the floor.

Cynthia King, Lazarita Menendez and Ebony Ray were also found not guilty of child endangering in the December 2008 death of Faith Finley. Menendez was also found not guilty of felonious assault and inciting to violence.

Menendez faced additional charges because she initiated the incident by taking Finley's CD player, which the disruptive 17-year-old used to calm herself, and shoved the girl's hand under her as she lay on the floor, prosecutors said.

The women, who pleaded not guilty, were fired from the Parmadale Family Services center after Finley's death. The Cuyahoga County coroner ruled Finley's death a homicide.

The type of restraint prosecutors say the women used was later banned by Gov. Ted Strickland at the recommendation of state agencies that said the technique carries a high risk of serious injury or death.

Ray, of Broadview Heights, and Menendez, of Bedford Heights, were accused of wrestling Finley to the ground on her chest and applying pressure to her back — a technique known as prone restraint — while King watched.

Assistant Cuyahoga County prosecutor Maureen Clancy said King told the other two women to leave after Finley calmed down. King, of Warrensville Heights, dozed off in a nearby chair as Finley lay on a tile floor, and she checked on the girl about two hours later when another youth alerted her, the prosecutor said.

"All of these ladies were very sorry for what happened but it was just something that didn't rise to the level of a crime," said Ray's attorney, Patrick Talty. "They are certainly happy it came out the way it did. I think it came out the correct way."

Kevin Spellacy, who represented King, agreed with verdict.

"It's still not a happy day when there's a dead child, but what the jury said is that it was an accident," he said. "It doesn't make things any better, but it was an accident."

There was no immediate comment from Menendez' attorney, David Doughten.

Jill Flagg, an attorney representing Finley's family, said Tuesday that the family was disappointed with the verdict, but nothing would have brought the girl back.

"A mother is still without her daughter," Flagg said. "A sister is still without her identical twin and best friend."

Cuyahoga County Prosecutor Bill Mason's office said there were no winners in the case, noting that King, Menendez and Ray would have to live with the memory of Finley's death.

Cleveland-based Catholic Charities, which operates Parmadale, says the organization has cooperated with authorities and taken measures — including extensive training of staff members — to ensure that residents are kept safe.

Center director Tom Mullen said Tuesday that the workers violated the center's personnel policies and will not be rehired.

A wrongful death lawsuit filed by Finley's family last year against Parmadale, Catholic Charities and the three workers was settled last month. The lawsuit had sought at least \$50,000 in compensatory and punitive damages, but both parties were prohibited from discussing details of the agreement.

Associated Press Writer Thomas J. Sheeran contributed to this report from Cleveland.

D.C. school officials reported 220 abuse allegations against teachers

<http://www.washingtonpost.com/wp-dyn/content/article/2010/02/08/AR2010020803671.html>

By [Bill Turque](#)

Washington Post Staff Writer

Tuesday, February 9, 2010

D.C. school officials reported more than 200 allegations of students being choked, shoved, slapped, kicked or verbally abused by teachers to impose discipline last year, according to information compiled by D.C. police.

- [District reported 220 allegations of abuse by teachers](#)
- [Reported incidents of corporal punishment or verbal abuse](#)

School and police officials said last week that they don't know how many of the 220 accusations of corporal punishment and verbal abuse during the 2008-09 school year resulted in disciplinary action or criminal charges against teachers. Nor could school officials explain the variable nature of totals from prior years. In 2005-06, 219 cases were reported, and the number dropped to 89 in 2006-07 and rose slightly to 96 in 2007-08, according to police figures.

The numbers are also difficult to compare with those of other school districts. Montgomery County Public Schools did not respond to requests for information about allegations of corporal punishment. A Fairfax County Public Schools spokesman said the system didn't keep any such data because such incidents were exceedingly rare.

The allegations, provided to the police by Hawk One, the school system's former security contractor, were obtained by The Washington Post under the Freedom of Information Act. They provide no names or results of follow-up investigations. But they nevertheless offer a vivid glimpse into an issue usually out of public view. That issue surfaced last month when Schools Chancellor Michelle A. Rhee told a business magazine that an unspecified number of teachers laid off during October budget reductions "had hit children."

At H.D. Cooke Elementary School in Ward 1 on Oct. 24, 2008, according to the records, a staff member reported passing a boys' bathroom and hearing a child say "ouch" and cry. She said she then heard an adult male voice say: "Now you know how it feels to hit someone."

At Columbia Heights Education Campus in Ward 1 on April 22, 2009, a female teacher observed a male student spitting and "popped him in the back of the head." The Hawk One narrative said that the teacher reported herself and that the police were notified.

At River Terrace Elementary School in Ward 7 on Sept. 29, 2008, a parent reported to security that his or her child had been grabbed by a female teacher who "jacked him up and threw him against the locker."

Columbia Heights Principal Maria Tukeva and River Terrace Principal Shannon Foster declined to comment Friday. Cooke Principal Kathleen Black did not return a phone message.

Discourteous treatment

Although [D.C. law](#) doesn't put verbal abuse in the same category as corporal punishment, reports filed by Hawk One characterized six alleged incidents that way. For example, at the now-closed Birney Elementary School in Ward 8 on Sept. 9, 2008, a parent reported to security officers that a female teacher had told her daughter that she "was going to be a whore when she grows up" because she had not done her homework.

Jennifer Calloway, a spokeswoman for Rhee, said the school system regarded Hawk One's designation of such incidents as corporal punishment as a "housekeeping" matter and not binding. Verbal actions are regarded by the school system as "discourteous treatment," she said.

[Rhee told Fast Company](#) magazine that some of the 266 [teachers laid off](#) in October's budget crunch were educators "who had hit children, who had had sex with children, who had missed 78 days of school."

The comment alarmed parents and teachers and District officials because of its implication that a significant portion of the instructors had committed such offenses. When Rhee finally offered numbers to support the claim, they were relatively small: Six of the 266 teachers had been suspended for corporal punishment at some point in their careers, she said, two were chronically absent without leave and one had been suspended and was under criminal investigation for allegations of sexual misconduct.

District law defines corporal punishment as the use or attempted use of physical force against a student, "either intentionally or with reckless disregard for the student's safety, as a punishment or discipline." Teachers are permitted to use force in self-defense, the defense of others or as necessary to maintain or regain order.

All schoolteachers and administrators are considered "mandatory reporters" under the law, required to share any information about possible abuse. Principals must report all allegations of corporal punishment or sexual misconduct to officers from the school system's private security firm, which was Hawk One from 2005 to October 2009. (The firm went out of business and has been replaced by two other companies.) The security officers are supposed to file incident reports to the police, who determine whether a criminal investigation is warranted.

Steps for discipline

For cases that are substantiated by school system investigators but not pursued by police or prosecutors, the District's [contract with the Washington Teachers' Union](#) requires "progressive discipline," usually meaning a fine for a first offense, followed by suspension or dismissal for subsequent offenses.

Union officials say that until the law was amended several years ago, teachers could be charged with corporal punishment for virtually any form of contact, including breaking up a fight. Many instructors say they are still constantly vulnerable to false claims of mistreatment. Students use the rules to settle scores; administrators can trigger corporal punishment investigations to intimidate or harass instructors they'd like to get rid of, teachers say.

After Rhee's comments to Fast Company, D.C. Council Chairman Vincent C. Gray [asked Rhee and Police Chief Cathy L. Lanier to detail the actions](#) taken in response to allegations of abuse or sexual misconduct. Lanier and Rhee have both told Gray that they are working to compile the data.

Rhee said that she would like to move the District toward a system that makes it easier to remove abusive teachers whose conduct doesn't rise to a criminal standard of proof but is still unacceptable. That would require a conversation in the community and a change in the collective bargaining agreement, she said.

"Right now in the school district, we use a criminal standard, which is a very high one to meet, even if you have evidence that is pretty alarming," Rhee said. "Unless you have someone admitting it or there are pictures, it's hard to say. Most of the things end up being 'he said,' 'she said.' "

Asked whether she were pursuing such a change in the contract under negotiation with the union, Rhee declined to comment.

Nathan Saunders, general vice president of the teachers union, said that nothing is wrong with the current regulations and that Rhee was "trying to distract the conversation away from her outrageous comments."

"The corporal punishment rules and regulations that exist are not problematic," Saunders said.

Staff writer Dan Keating contributed to this report.

Child's treatment spurs WBR parents to sue School Board

By [KORAN ADDO](#) Advocate Westside bureau

Published: Feb 3, 2010

<http://www.2theadvocate.com/news/83413452.html?showAll=y&c=y>

BRUSLY, Louisiana — The parents of a disabled boy filed a federal lawsuit claiming the West Baton Rouge Parish School Board acted with "malice and/or reckless indifference" in subjecting the boy to "a degrading, neglectful and physically, and emotionally abusive" environment.

School Superintendent David Corona on Tuesday said allegations in the lawsuit filed in U.S. District Court in Baton Rouge have no merit.

The lawsuit filed by William and Angela "Nickie" Deshotel on behalf of their son, Ty Deshotel, named in the lawsuit as "T.D.," asks that the School Board pay the family an unspecified but

“reasonable” amount of money in reimbursement for the alleged abuse and the family’s legal fees.

Further details of the lawsuit are:

Ty Deshotel has been diagnosed with severe nonverbal autism, a condition that adversely affects the boy’s communication and social skills.

During the 2007-08 school year, Ty was enrolled as a pre-kindergarten student at Brusly Elementary School.

While at the school, the school’s staff physically restrained the boy in a postural support chair and isolated him from his classmates without the knowledge or consent of Ty’s parents.

During the same period, the family noticed a change in Ty’s behavior.

On March 2, 2009, a behavior analyst diagnosed Ty as suffering from post-traumatic stress disorder “as a direct result” of the actions of the school system.

The school system further failed to enact an appropriate policy for the education and care of Ty and other disabled students, did not provide adequate training to its staff to deal with such students and “exhibited indifference” when school officials learned of the alleged abuse.

The actions, the lawsuit states, amount to the “intentional infliction of emotional distress, battery and negligence of Ty.”

In December, Angela Deshotel said Ty, 6, cannot communicate his wants and needs, and as a consequence, the boy tends to “act out” aggressively.

She said Ty’s teachers did not know how to deal with his disability and punished him out of frustration.

Deshotel took particular issue with Ty’s teachers’ actions in isolating the boy from his peers and strapping him into a Rifton chair, which is commonly used to support children with cerebral palsy.

Since the alleged abuse, Deshotel said, Ty had developed a fear of the school, causing the family to spend about \$60,000 in private therapy sessions for the boy in Baton Rouge.

Corona said Tuesday he had not seen the lawsuit, but called allegations of abuse it lodges against the school system “ridiculous.”

In December, after the Deshotels went public with their claims against the school system, Corona noted Angela Deshotel’s admission that Ty resorts to kicking and hitting teachers.

“Clearly, behaviors of this kind are unacceptable at school,” Corona said, “and separating a child with such behaviors from other students for limited periods of time is an appropriate way of dealing with such conduct.”

Corona said a Rifton chair was used for the protection of the child, and not to punish him.

The school system has a long and proven record of working successfully with children who have special needs, including children with autism, Corona said.

Marshall Teacher Charged

<http://www.news-register.net/page/content.detail/id/533205.html>

MOUNDSVILLE, WV - Marshall County teacher Pamela Williams has been charged with two counts of battery following the alleged physical abuse of a special needs child at Sherrard Jr. High School.

If convicted, Williams could spend a year behind bars.

Williams, of Cameron, appeared Thursday in Marshall County Magistrate Court for a pre-trial hearing on two counts of battery. The charges stem from an alleged altercation on Oct. 8 at Sherrard Jr. High School that reportedly involved Williams and an 11-year-old boy who suffers from autism, Down syndrome and other developmental disorders. Williams, who was 57 years old at the time of alleged battery, pleaded innocent to the charges.

Today, Marshall County Prosecutor Jeff Cramer said the situation began in a speech class.

He said the student refused to take his seat and attempted to take off his pants. Cramer said the criminal complaint indicates the boy attempted to kick and bite before he was taken out of the classroom by Williams and aides in the room.

Cramer said the boy was taken to another room where Williams reportedly placed the boy's hand in his mouth. He said it apparently was an attempt to prevent him from biting. That act did not result in charges, according to the prosecutor.

Cramer said the two counts of battery are the result of Williams allegedly smacking the boy's bottom and placing her hand on his forehead and pushing his head into the wall. The smack on the bottom left a handprint, according to the complaint.

Cramer said no students witnessed the alleged battery.

"It's an unfortunate situation all the way around," he said.

Cramer said he does not believe Williams has a prior criminal history. She faces one year in the Northern Regional Jail and a fine, according to the prosecutor. Williams is scheduled to appear in a pre-trial hearing at 11:30 a.m. Feb. 11 in Marshall County Magistrate Court.

Marshall County Schools Superintendent Fred Renzella could not be reached today for comment. However, the Marshall County Board of Education granted Williams' request for a medical leave during Tuesday's regular board meeting.

West Shore School District special-ed teacher suspended, complaints dropped

By [ELIZABETH GIBSON, The Patriot-News](#)

December 20, 2009

http://www.pennlive.com/midstate/index.ssf/2009/12/west_shore_school_district_tea.html

A former West Shore School District special-education teacher who was accused of mistreating students with disabilities has lost her right to teach in the state for two years.

Danielle E. Harmer gave up her right to a state Education Department hearing on the complaints in exchange for the suspension of her teacher certificate until June 2011 and dismissal of complaints, according to a department report issued Nov. 30.

Harmer's suspension followed a complaint to the department which prompted an investigation into the allegations. She wasn't criminally charged and, in a response to the department, denied the accusations.

West Shore spokeswoman Crista DeGregorio confirmed that Harmer left the district Oct. 12, 2006, but said rules governing personnel records prevent her from revealing more information.

Harmer could not be reached for comment. She no longer lives in the North Middleton Twp. rental town house that was listed as her address when the department notified her of complaints. The town house leasing agent did not have contact information for Harmer.

Her Carlisle attorney, Galen R. Waltz, refused Dec. 11 to discuss her case or supply contact information for Harmer.

Harmer denied mistreating students in a response she filed with the Education Department, saying she used educationally sound and accepted classroom practices with students.

According to documents supplied by the state Education Department, Harmer was accused of inflicting physical and psychological pain on autistic students in her class during the 2005-06 school year. She also was accused of verbally abusing aides and of willfully refusing to follow district orders.

A complaint that Harmer had engaged in professional misconduct was filed with the department in November 2006. The department, which did not reveal the source of the complaint, notified Harmer in November 2008.

Harmer, in a response filed with the state Dec. 23, 2008, denied the accusations and said seven positive evaluations she received during two years with West Shore didn't provide notice of the complaints.

Some complaints and Harmer's responses include:

Complaint: "Allowing [a student] to run around the classroom in his underwear or nude."

Harmer denied the allegation.

Complaint: "Using students' shirts to wipe up water and requiring the students to wear the shirts when the students spilled water."

She denied that she punished students by requiring them to clean up spills with their shirts.

Complaint: "Removing students' shirts as punishment."

Harmer said no student was punished by removing shirts, but distracting clothes may have been temporarily removed.

Complaint: "Force-feeding [a student] left-over food, causing [the student] to gag and cry."

She denied any improper feeding.

Complaint: "Pushing [a student] into his chair and grabbing him by his hair and shirt collar."

Response: "It is denied that [the student] was pushed into his chair and it is denied that he was grabbed by his shirt collar; however, it is admitted for safety purposes [the student] may have had his shirt grabbed from the rear bottom in order to protect him from harm."

Complaint: "Placing mints in [a student's] mouth, which [he] did not like, to stop [him] from spitting," and "Shaking a container of mints at [him] when he was misbehaving."

Response: "It is denied that mints were placed in [a student's] mouth ... however, it is admitted that it is acceptable practice to correct a child by doing the opposite and therefore allowing them to clean an area several times to which they may have spit." Harmer also denied shaking a container of mints.

Complaint: "Placing a student's hand in his mouth to stop him from biting."

Response: "Denied; by way of further answer there is a technique that is employed to block an individual from biting by pushing the individual's hand towards themselves but not into their mouth."

Harmer's case marks the fourth time this fall that attention has been focused on district special-education services.

In another matter unrelated to the Harmer case, the school board in November approved a \$31,506 settlement with parents of a special-education student to compensate them for legal expenses. Tom Burnheimer, director of pupil services, refused to release additional terms of the agreement, the family's name or the reason for the hearing with the state Department of Education, citing privacy issues. He said the agreement is not an admission of wrongdoing.

The district denied a request from The Patriot-News for a copy of the settlement. The newspaper has appealed the denial to the state Office of Open Records.

Parents in October confronted the board with what they described as obstructions to obtaining proper special-education plans for their children. They said district staff have ignored or delayed taking action on requests for services.

And, in September, a district couple filed a grievance with the state Human Relations Commission claiming their daughter, who has autism, was bullied by students and a school's color guard instructor.

About 1,650 of the 8,000 students at West Shore receive special-education services. That number includes students who receive gifted services, DeGregorio said. There are 96 special-education teachers and eight teachers who instruct gifted students and West Shore employs 70 aides and other workers who assist special-education teachers and students.

Parents of special-education students who were contacted for this story said special-education teachers generally have not been the cause of their complaints.

Judy Chabanik, whose son, Mike, has autism and is legally blind, said Mike's teacher called recently with a reminder that Mike should dress warmly for a field trip, Chabanik said.

"I know there are others [like her] in the district. We do have a lot of teachers who know what they're doing in the West Shore School District," she said.

Parents' chief gripe, she said, is having their cases handled inconsistently by district administrators.

"It's like there are 17 different districts we are dealing with. Some parents have just a terrible experience and some just sail right through," Chabanik said.

"I think it's just how the personalities align as to whether or not you're able to talk [school officials] into doing what you think needs to be done for your kid," she said

YOUTUBE VIDEO SHOWS PITTSBURGH TEACHER SLAPPING AUTISTIC CHILD

<http://www.breitbart.tv/youtube-video-shows-pittsburgh-teacher-slapping-autistic-child/>

Aug 24, 2009 ... WPXI-TV: YouTube Video Shows *Teacher Slapping Autistic Boy* ... would have done that to my *child* I WOULD BE IN JAIL *charged* with assault ... I'm sorry, but I it's not like an *autistic child* can help himself from rocking. ...

www.breitbart.tv/youtube-video-shows-pittsburgh-teacher-slapping-autistic-child/ - [Cached](#)

Autism Ruling Appealed by Atlanta Schools

August 12, 2009

Lawyers for the Atlanta Public Schools have filed an appeal to a decision by a judge who earlier this year ruled the school system was responsible for abuse to an 11-year-old autistic boy.

If you'd like to read the earlier parts of this story:

http://www.11alive.com/rss/rss_story.aspx?storyid=130355

Is my child being abused at school?

July 13, 2009

The question may sound shocking but statistics show that children with special needs have a higher chance of being abused at school than the general population, and the inappropriate use of seclusion and restraint by schools is one of the primary culprits.

In June 2009 the [Alabama Disabilities Advocacy Program](#) (ADAP) released a [report](#) revealing incidents of abuse involving seclusion and restraint in Alabama schools. The report was released shortly after the US House Education and Labor Committee heard [testimony](#) in May regarding the use of such techniques - including moving testimony from parents whose children had been severely injured or killed by their use.

The ADAP report includes cases in Alabama of children, some as young as five, being confined in refrigerator-sized boxes, tied to chairs for hours, and left unsupervised in supply closets. ADAP is currently reminding parents of children with special needs in the Birmingham area that

they are available to assist with any questions or concerns you may have regarding the use of seclusion or restraint with your child. As the State's federally funded protection and advocacy agency they not only work to ensure the appropriate education of your child with special needs but are also available to address concerns of abuse and neglect. ADAP can be reached by calling 1-800-826-1675. They may also be contacted via their [website](#).

Even if you believe your child has never been subject to abuse by seclusion or restraint, it may be a good idea to review your child's written behavior plan or initiate a written plan if one is not already on file at the school. You may attach a letter to the behavior plan, or to your child's IEP or 504 plan, requesting that seclusion and restraint not be used with your child as added protection. An example of such a letter can be found [here](#). It was originally written for a family with a child who has autism but can be tailored to fit your child's needs.

If seclusion and restraint are to be used against your wishes, you should be notified by the school. Ideally this should happen *before* either technique is used. Make sure your schools knows that you understand your rights and the rights of your child in this matter.

RISON ELEMENTARY TEACHER TERMINATED, ACCUSED OF TAPING STUDENTS TO SEATS

By Wes Clement/OF THE COMMERCIAL STAFF
Friday, July 10, 2009

<http://www.pbcommercial.com/articles/2009/07/11/news/news5.txt>

RISON, Arkansas — The Rison Elementary School teacher accused of taping students to chairs was terminated early Wednesday morning following a six-hour Cleveland County School Board meeting.

The board voted unanimously to approve Superintendent Johnnie Johnson's recommendation to terminate the contract of Laura Gatlin, who was accused by parents of taping several students to their chairs during the last several minutes of a math lesson.

One mother said her daughter told her the mouths of a few of the students had also been taped.

Gatlin and Attorney Mark Burnette of Little Rock presented the teacher's case before the school board during a closed personnel meeting that began at 6 p.m. Tuesday. The meeting ended at about 12:30 a.m.

Gatlin had been on administrative leave with pay since March 4 after several parents appeared before the board to voice strong concerns about Gatlin's alleged behavior and the district's lack of responsibility.

Parents consistently stated other faculty were aware of the incident and nothing was done.

The board voted in April not to renew Gatlin's contract for the 2009-2010 school year. Gatlin filed a motion June 22 in U.S. District Court at Pine Bluff in pursuit of a "due process hearing before the Board prior to having her contract terminated" in accordance with the Arkansas Fair Dismissal Act.

The requested hearing took place Tuesday.

The taping incident allegedly happened Feb. 25 and a similar incident allegedly occurred the next day.

One parent said her daughter was afraid to go back to school for several days following the incident.

Gatlin has stated she was playing a "seatbelt game" with the children and that the kids were willing participants in the game designed to make students stay seated and stop talking.

Another parent said her son told her one of the kids wanted his mouth to be taped.

Parents/guardians Francis Sorg, Christina Harrington, Kerri Farrer and Bama Ballard were asked by Johnson to be present at the meeting.

Board members present during the unanimous vote to terminate Gatlin's contract were Mark Palazzi, John Kinley, Rickey Spencer, Cliff Hopson, Rison Police Chief Jeff Prescott, Willie Rainey and Mark Rivers

Original story <http://www.todaysthv.com/news/local/story.aspx?storyid=81306&catid=2>

Press release:

July 10, 2009

Calling for National Ban on Deadly Restraints and Seclusion: Two 13 year old boys named Jonathan dead as a result of such inhumane treatment.

I came here today from upstate New York, to show my support for the King family, who lost their son Jonathan when he was negligently put in a seclusion room where he hung himself. Jonathan King was only 13, and was repeatedly secluded over many days for extended periods of time. Even after Jonathan gave verbal warnings of possibly killing himself, he was placed in a seclusion room unsupervised with a rope. The facts of the extreme negligence and deliberate

indifference regarding this case must be heard by a jury for proper justice to be served. A judge previously dismissed a lawsuit in which is now being appealed. As a parent of another child named Jonathan who was also only 13 when he was killed by his caregiver during an illegal restraint, **I am calling on President Obama and Congress to ban the use of seclusion rooms and deadly restraints.** The tragic deaths of Jonathan King and my son Jonathan Carey speak loud and clear for the need for critical changes nationwide. This extremely cruel, inhumane, and deadly treatment of innocent children must be stopped now.

~Michael Carey – Father of Jonathan Carey, killed at age 13 during an illegal restraint.

Contact info: 518-852-9377

Video: Alabama children secluded and restrained in classrooms

http://www.nbc13.com/vtm/news/local/article/video_ala_children_secluded_and_restrained_in_classrooms/80842/

By [LINDA WHITE](#) Published: July 1, 2009

The Alabama Disabilities Advocacy Program found 12 cases in the last three years where restraint and seclusion were used in the classroom. In a majority of cases the student and/or the teacher were injured.

Child reading book, “In school, we are learning about garbage”

As her mom and baby sister look on, this 8 year old is reading, “Where Does the Garbage Go?”

Child read, “There’s 20% tires, 10% glass”

This mom, we’ll call “Katie”, has asked us to shield her face and the faces of her children. That’s because in the first grade, her daughter was secluded in a time-out closet. This is how the 8 year old described it.

8 Year Old placed in time out closet said, “I have to sit there quietly, and five minutes start and when the alarm clock beeps, I can come out”

“Katie” knows her autistic child can be disruptive in the classroom. The first time she heard of the time-out closet was when her daughter was in the first grade. When the school called her about the incident, her daughter had been secluded for hours.

“Katie” said, “She was just in freak out panic mode, she was stuck in this room for almost two hours at this point.”

To protect the school system and “Katie”’s 8 year old daughter we won’t tell you where she attends school however this is the building behind me. “Katie” just wants things to change when the new school year begins, that’s why she contacted ADAP in Tuscaloosa.

ADAP Staff Attorney, Nancy Anderson said, “I want parents to know, no, it’s not normal for a child to be restrained in school.”

ADAP or Alabama Disabilities Advocacy Program is a federally funded not for profit law office. It protects the civil rights of people with disabilities.

Anderson said, “We get a lot of reports about children being handcuffed.”

Over a three year period, ADAP found 12 such cases of seclusion and restraint. It’s goal - get legislators to change laws to protect children with disabilities in the classroom and help school districts properly train staff.

Anderson said, “So yes get rid of certain types of restraints, make sure if they are done they are only done in emergency situations where somebody is going to get hurt.”

“Katie” has similar goals for her daughter...

Katie said, “I want to work with them, I’m not working against them, at the same time, I’ve been trying to do that, I feel like a long time now and I just keep getting the run around.”

“Katie” hopes ADAP will get her daughter the help she needs in the classroom.

Teacher Burned Mentally Disabled Boy's Butt, Cops Say

June 2009

http://www.myfoxdfw.com/dpp/news/Teacher_Burned_Boys_Butt_Cops

ALLEN, Texas - A former teacher at Allen’s Lowery Freshman Center faces formal charges for allegedly burning a 14-year-old mentally disabled boy on the buttocks with a cooking pan.

A Collin County grand jury indicted 45-year-old Susanne Means earlier this month on injury to a child charges.

Police said Means was a special education teacher at the freshman center in March when the incident allegedly happened.

The mentally disabled boy’s father told police his son had two 12-inch circular “scald” marks on his buttocks. The boy said Means had burned him with a hot pan, according to the arrest warrant affidavit.

Means denied hurting the boy, but police said cookware that could have caused the burn marks was found in a kitchen in her classroom. The affidavit also states she failed a polygraph test.

Means resigned from the school district earlier this month.

Allen teacher faces child abuse charge

http://www.courier-gazette.com/articles/2009/06/26/allen_american/news/36.txt

By Stephanie Flemmons, Staff Writer
June 26, 2009

A Lowery Freshman Center teacher was indicted on child abuse charges for allegedly burning, choking and punching a mentally challenged teenager in 2008.

The father of the 14-year-old notified police when he discovered burn marks on the child's buttocks. A doctor confirmed the allegation, identifying the mark on the teen's skin as a 12-inch circular burn mark.

During a forensic interview in March, the teenager told detectives his teacher Susanne Means, 46, was responsible for hitting him with a hot pan. He described the incident as "painful." He told detectives she hit him one time on both sides of his butt.

Means denied the allegations to officers when she was interviewed March 13, 2008.

When officers searched her classroom they found it was equipped with a full kitchen including a stove and various cookware, such as pots, pans and skillets.

A U.S. Secret Service agent administered a polygraph examination, which Means failed.

When officers were investigating the allegations, a family friend of the teenager provided a written statement stating the boy told him he had been punched in the right shoulder and choked by the teacher as well.

Means was booked into the Collin County Detention Center July 30, 2008 and released that same day after posting a \$5,000 bond.

Injury to a child is a first degree felony punishable from 5-99 years in prison.

Contact Stephanie Flemmons at sflemmons@acnpapers.com

Under the Desk

June 16/2009

<http://www.styleweekly.com/ME2/dirmod.asp?sid=&nm=&type=Publishing&mod=Publications%3A%3AArticle&mid=8F3A7027421841978F18BE895F87F791&tier=4&id=7483084630854E5C9BE153A841F484CF>

How Chesterfield and school systems across the country are skirting federal laws to avoid educating the disabled.
by Chris Dovi

After fighting the Chesterfield County Public Schools to restore her child's basic civil rights, an out-of-court settlement should have meant a happy ending for Anna Long.

Instead, it opened another sad chapter for Long's daughter, Adriana, a rising sixth-grader with profound physical disabilities at Swift Creek Middle School. The school system, Long says, is still working hard to deny her daughter an education.

"It's starting all over again," says Long, shuffling through boxes of documents collected during the yearlong legal battle. "We're not going to let it happen again."

Indeed, Adriana's past troubles at the school took on epic proportions. A child with severe disabilities — her many conditions include brittle bones and skeletal deformities that restrict range of motion and leave many of her vital organs unprotected — Adriana suffered various medical setbacks and underwent multiple surgeries while attending Swift Creek Middle.

On at least one occasion, Long has documentation of an attempt by school officials to rediagnose or upgrade Adriana's condition to justify decreased services.

While the case was being litigated, court records show, the school district attempted to prove Adriana's condition was not as dire as claimed — in one instance, forcing her to perform sit-ups — resulting in visits to the emergency room.

The settlement was supposed to allow Adriana to go back to school with the assistance she needed. Now, the district has backed away from what it promised to Adriana, Long says, and she can't afford further legal remedies.

The Longs aren't alone. Adriana's case offers a glimpse into a nationwide pattern of intimidation of parents and denial of rights by school districts, which is beginning to catch the attention of federal lawmakers.

In Long's case, it starts with a simple question of semantics: What is an aide?

Long won't talk about her out-of-court settlement with the school system but says her daughter received a full-time, one-on-one aide to assist with Adriana's profound physical disabilities. But now the school district is balking at providing an aide to assist Adriana, and instead is only

offering to provide an “adult assistant” — in other words, it won’t promise a full-time aide with training to deal with children with special needs.

“They’re trying to provide her with less than they provided before,” says Judith Greenberg, founder of Maryland-based School Finders and a national educational advocate and expert witness who represents parents all over the country. “I see it as an attempt to slowly erode what they agreed to in the settlement.”

The Chesterfield schools avoidance of written promises to Adriana is well documented. In an Oct. 20, 2006, e-mail obtained by Long’s lawyers during the suit, Carolyn Urban, the county’s then-assistant director of special education, tells a Clover Hill Elementary administrator that “you should would [sic] refrain from putting anything in writing.”

And just eight days before Urban’s e-mail, Mike Asip, the county’s director of exceptional education, warns administrators that the Long family will seek guarantees of a one-to-one aide “which we must refuse.”

Adriana’s case is not isolated.

Last month, Priscilla Greene attended what she vowed would be her final Chesterfield County School Board meeting to give its members a piece of her mind.

Green’s battles against Chesterfield began not over denial of services, but instead over what she believes is another attempt to deny rights to her child, who suffers from Down syndrome.

Coleman, an 11-year-old with no history of violence, repeatedly has been physically restrained by Chesterfield teachers and administrators. In one instance, Greene witnessed the restraint — a teacher she was talking with in a hallway suddenly dropped Coleman into a restraint hold before her disbelieving eyes. But there are other instances — more than a dozen instances of restraint and 20 or more instances of seclusion — she’s uncovered only by obtaining internal memos and documents between school staff and administrators about her child.

“They think they’re untouchable,” says Greene, whose son now attends a private school for special-needs children, which the county is paying for, at a cost of nearly \$6,500 a month.

“This is so devastating,” she says, labeling the school district’s treatment of disabled children cruel, its policy and actions regarding restraint potentially illegal, and the fact that those regulations seem to be applied only to special-needs children a violation of civil rights.

“To me, this is discrimination,” she says. “You can’t hold a [discipline] policy for a certain body and not for the rest.”

It would seem others may agree.

Last month, Congress convened investigatory hearings on use of seclusion and physical restraint on children, prompted by a number of nationally publicized pupil deaths and injuries. The

investigation may soon expand to examine a disturbing trend allegedly uncovered during the hearings: willful retaliation by school districts against parents of children who speak out or advocate for their children.

Preparing for the hearings, the Virginia Department of Education in April completed a report on localities' use of seclusion and restraint on special-education pupils. Among concerns were that many school districts lacked any policies for when to use restraints. Chesterfield was among the few that did have such policies, but what Greene discovered in defending her son is that the policy was developed by the state specifically for students with emotional disabilities, and that it's since been applied generally to all disabled students.

The state report found that many school districts avoid adopting policy as a matter of legal self-preservation.

“Several school divisions said their school board attorney or the [Virginia School Board Association] advised them not to establish a policy, regulation, etc. ... on this issue,” the state report says, giving the reason from five school board lawyers as concern that adopting such policy “is giving the potential plaintiff a standard against which the [school system's] action can be judged.”

In other words, “preserving the school division's immunity defense is critical,” the state reports.

That self-preservationist technique — used both in creating policy as well as in agreeing to provide services to pupils such as Adriana — is endemic to Chesterfield and to school districts statewide, says Kandise Lucas, a special education advocate for parents in Chesterfield and Henrico counties.

The reason, she says, is simple: “The bottom line is about the bottom line. If they can avoid paying out money for special-education needs, they're going to avoid doing it.”

And there's very real financial incentive to such avoidance. The federal government provides additional subsidies for pupils classified as having special needs, but that money rarely is enough to cover expenses associated with the services such children require.

“The biggest issue we have is [school officials] are being told don't put it in writing,” Lucas says. “The school districts are trying to do just enough to get by, but in the process they're breaking the law.”

Lucas, an advocate for scores of Chesterfield and Henrico parents, says the tide will turn against districts that systematically seek to limit services.

“Passing the [federal special education] laws was the first step, but the hardest part is getting the districts to enforce the laws,” she says. The current congressional hearings, she says, could eventually lead to a broader civil rights investigation.

One reason there's already not outcry over civil rights issues, Lucas says, is money. Civil rights organizations, she says, are "nervous about taking on [school] districts and the financial obligation."

This nervousness gives districts the upper hand, she says. In Priscilla Greene's and Anna Long's cases and in others, it's left parents fighting alone for their own children's rights rather than shoulder-to-shoulder for reform.

"They bully us and tell us don't say anything and we'll give your child tutoring or give her civil rights back," Long says. "And they know that most of us are scared and will be quiet."

Autistic Boy Dies After Being Given Lethal Drug Dose

By [Kevin Leitch](#) , Parent and Autism Activist - June 08, 2009

Disability Scoop [reports today](#) on the awful story of an [autistic](#) child killed at a group home

<http://www.opposingviews.com/articles/opinion-autistic-boy-dies-after-being-given-lethal-drug-dose-r-1244481975>

Denis Maltez, who had [autism](#), died in 2007 at age 12 after being restrained by staff members employed by the group home where he lived in Miami. An autopsy determined that he was experiencing [serotonin syndrome](#), a condition where the body produces too much serotonin, the chemical that regulates a person's mood. The syndrome can be caused by a combination of psychiatric medications. "This is a clear case of a 12-year-old child who perished because he was given a lethal combination of off-label, dangerous, anti-psychotic drugs to control his behavior without appropriate consent, administration and supervision," said Howard Talenfeld, Quesada's [the boy's mother] attorney. "Tragically, this case is one of many cases where foster [children](#) and developmentally disabled children are given powerful drugs to control their behavior instead of utilizing appropriate behavioral interventions.

With echoes of the inappropriate 'care' dolled out to [Jesse Moores](#), this seems to me another example of a young person with [special needs](#) treated with scant thought or care. Its sickening that there seem to be so many of these stories on both sides of the Atlantic recently. I sincerely believe that there needs to be an *international* coalition of voices – made up primarily of autistic people and their immediate families – to offer oversight on how autistic people are treated. This cannot be allowed to continue. Closing down homes, jailing perpetrators etc *after* the fact is all well and good. We need something proactive not reactive.

School Board Considers Ban on Pics, Video on Campus

Rich Jones, News Director

June 8, 2009 Jacksonville, Florida

The Duval County School board will consider banning students from taking pictures and videos while on campus.

The proposed change in the student code of conduct comes after a video allegedly showing a teacher choking a student was turned in to administrators.

The school district says teacher Michael Brown has been removed from the classroom at Forrest High, but it's still investigating the charge.

If the district approves the change tonight, students will not be able to take those videos or photographs without the permission from school administrators and the people in the photos.

The changes would start this fall. Please watch the video below.

[Fan Video: Classless Act](#)

http://www.comcast.net/video/1148030556/classless_act

(If clicking on the link doesn't work, try copying and pasting it into your browser and hit "enter.")

Teacher, prosecution in deal over autistic child's discipline

By Daniel Tepfer

STAFF WRITER

Updated: 06/10/2009

http://www.connpst.com/ci_12562511

BRIDGEPORT, CN -- A former Fairfield special education teacher, arrested for allegedly removing the shirt of an autistic 6-year-old girl and forcing the girl to sit partially naked in the classroom, has agreed to take anger-management classes in exchange for the state dropping criminal charges against her.

Elizabeth Valeriay, who resigned as a special education teacher at the Dwight Elementary School in Fairfield after the incident, has arranged to take the classes with a Guilford therapist.

Valeriay, 55, of Madison, was charged with cruelty to persons for the incident last Oct. 6.

Assistant State's Attorney Craig Nowak said he agreed to nolle or drop the charge against Valeriay after the girl's parents didn't object.

"The girl's father said he only called police because he didn't think the town was doing enough," Nowak said. "The girl's father said he didn't want her prosecuted, but wanted to make sure she had some kind of anger-management program," he said. "My main concern was the child and her parents."

Under a nolle, the state can revive its prosecution within 13 months. After that time, if no action is taken the case is dismissed.

The charge was filed against Valeriay over an incident that took place during a one-on-one instructional session with the girl. The girl had become preoccupied by the stripes on her shirt, according to police, but after ignoring Valeriay's instruction to stop, pulled off the girl's shirt in the classroom and forced her to sit topless in the classroom for more than 15 minutes. The window shades were open at the time.

One paraprofessional heard Valeriay tell the girl, "If you keep stimming on your shirt, I'm going to rip it right off of your body," police said. They said a special education trainer recalled hearing the girl scream for her shirt to be returned. When the witness entered the classroom to see what was going on she saw the girl sitting topless and crying while Valeriay stood nearby, police said.

Prior to her resignation, Valeriay signed an agreement with the town promising not to take legal action against the town in exchange for undisclosed monetary benefits.

Mother Finds Autistic Child Naked in Classroom

<http://www.nbcactionnews.com/mostpopular/story/Mother-Finds-Autistic-Child-Naked-in-Classroom/preOYivxX0avfv0-iZwDQA.csp>

July 10, 2009 by: Ryan Kath Email: kath@nbcactionnews.com

KANSAS CITY, Mo – The mother of an autistic student is speaking out after discovering her daughter naked in a North Kansas City School District classroom.

Kim Elliott and 10-year-old Alyssa will spend the summer flipping through flash cards and learning new words. As Alyssa prepares to enter the sixth grade, Elliott can't stop thinking about a May 19 incident at Linden West Elementary.

The school had held its Field Day events, which included several water activities. Elliott had volunteered during the event. Before she left the building, she stopped to drop something off at her daughter's classroom.

"When I went to the classroom, I opened up the door and I was just completely shocked beyond belief," Elliott said. "I can't even express the words because my daughter was standing there just maybe six feet from the door and she was completely naked."

Alyssa was one of seven students with special needs in the classroom. They were accompanied by an instructor with 20 years of special education experience and three teaching aides.

The students were changing out of clothes that had become wet during water activities. The staff members had placed a divider in the classroom to keep the boys and girls separated. However, Elliott said it didn't work.

Did The School Act Appropriately? Leave Your Comments Below.

"My daughter was on full display. There was a boy who was looking at her when I walked in the classroom. There were also uncovered windows and an unlocked door," she said.

When Elliott questioned why the students were not changing in a bathroom, she said the teacher told her there was "urine on the bathroom floor."

On Monday, the North Kansas City School District said it had investigated the situation and determined "there could have been a better plan in place to help each child get the privacy she deserved and will get in the future."

"First and foremost, I would like to share our apologies to the family. We never intended for this to happen," said Julie Badders, an assistant principal at Linden West Elementary.

According to district officials, the school is also reconsidering the use of water activities during future Field Day events.

Elliott wants to know if the teacher will be disciplined for the incident involving her daughter. However, any actions taken are confidential because it is considered a private personnel matter, according to district spokeswoman Mary Jo Burton.

"If there is not some type of consequence more severe than just going over policies and procedures or things like that then it's never going to change," said Elliott.

While hoping to get the word out to other parents who may have had special needs students in Alyssa's classroom, the mother also wonders what else her daughter has been unable to tell her.

"It's terrifying to stop and think what has happened when we weren't there," she said.

Elliott plans to tell her story during the public comment portion of Tuesday's North Kansas City School Board meeting.

Study shows harm of restraint

State has no rules limiting schools' use of restraint, seclusion

<http://www.tuscaloosaneews.com/article/20090621/NEWS/906209978/1007?Title=Study-shows-harm-of-restraint>

By Jamon Smith Staff Writer

June 21, 2009

Alabama - B.A., a second-grader at an elementary school in Alabama, has autism and doesn't know how to verbally communicate.

While in class one day, B.A. began to scream and wouldn't stop when her teacher asked her to be quiet.

B.A.'s teacher asked a classroom aide to restrain her. The aide took B.A. to a bathroom, tied her to a chair and left her there unsupervised.

When the teaching aide returned to the bathroom sometime later to check on B.A., she had flipped the chair over, was hanging by the restraints and had urinated on herself.

A report released last week by the Alabama Disabilities Advocacy Program relates this story about B.A. as an example of the harm that can result from the use of seclusion and restraint in public schools.

Alabama is one of 19 states that do not have laws regulating the use of seclusion and restraint in public schools, according to the report by ADAP, a federally mandated program that seeks to protect and expand the rights of Alabamians with disabilities.

The report claims that seclusion and restraint are used disproportionately on children with disabilities. It cites more than a dozen incidents of restraint and seclusion being used on students with disabilities in Alabama schools in the past three years and calls for a ban on the use of seclusion, chemical restraints, mechanical restraints and prone restraints.

"Our goal, among others, is to see reform in the use of restraint," said Nancy Anderson, a staff attorney for ADAP. "Some forms of restraint, like prone restraints — where a person is forced face-downward onto a surface, should be outright banned. That's particularly dangerous because that person can asphyxiate.

"We would also like to require that record-keeping be kept,

so if there's a lot of restraint

going on in a school, we can find out what's going on," she said. "What gets accounted for gets paid attention to."

At a congressional hearing on May 19, parents and education officials from around the country shared reports about hundreds of students who have been abused through the use of seclusion and restraint in public schools. After the hearing, U.S. Education Secretary Arne Duncan asked state school chiefs to address the issue.

Anderson said the Alabama Department of Education has already begun considering how to enhance the safety and behavioral needs of students when it comes to seclusion and restraint practices.

“Prevention is key,” Anderson said. “Train teachers and staff on how to defuse the situation before it escalates to a place where a teacher feels like restraint must be used.”

Like most school systems in the state, the Tuscaloosa city and county school systems don’t have policies on how to use seclusion and restraint. However, each system strongly encourages prevention and the use of trained personnel to handle a situation in which a student gets out of control.

“We do not have a policy on restraint; however, in every school there is a school plan, which we tell personnel what to do in certain situations,” said Ruth Graves, supervisor of special education for the Tuscaloosa County School System.

“We handle each incident case-by-case,” she said, adding that if they know certain students are prone to behaviors that could lead to them or others being hurt, they put measures in place to deal with the situation.

“We also train staff on how to handle those situations in extreme circumstances,” she said.

Graves said teachers and other personnel at schools throughout the county are trained on how to use de-

escalation methods, which are the first steps they use to deal with out of control students.

“We start with de-escalation procedures, then move to a more restricted restraint if needed, which may include physical restraint,” Graves said. “We totally frown on [physical restraint] unless it’s by trained personnel. So we call a trained personnel in to handle it.”

Debbie Anderson, the director of special education for the Tuscaloosa City School System, said personnel in the city schools use a similar approach, but they base their methods on an established behavior correction model.

“The Tuscaloosa City School System is the largest system in the state to implement ‘Positive Behavior Support Interventions’ for all students,” Debbie Anderson said in a written statement. “If a student is in need of assistance, the assistance is provided by a staff member who has been trained by a certified interventionist. The training includes restraint procedures as well as de-escalation techniques.”

Reach Jamon Smith at jamon.smith@tuscaloosaneews.com or 205-722-0204.

Child abuse in our schools: Restraint and seclusion in boy's special education classroom

June 8, 4:09 PM - Chicago Special Education Examiner

<http://www.examiner.com/x-9926-Chicago-Special-Education-Examiner~y2009m6d8-Part-I-Child-abuse-in-our-schools-Restraint-and-seclusion-in-boys-special-education-classroom>

Sebastian, is a six-year-old boy who was restrained by a teacher's aid and the school principal for behaviors that he could not control. He was put in an isolation room and told to sit still and be quiet. When he was unable to do that right away, the adults went into the room and held him in a face down, prone position to 'calm him down'. It didn't matter to them that he had a behavioral plan in place that they were supposed to follow or that they might be traumatizing him by treating him this way. It also didn't matter to them that this was a little boy who needed special understanding instead of a heavy hand.

When the Government Office of Accountability reported their findings to congress concerning use of restraints and isolation in special education classrooms, they testified using very little identifying information. The facts needed to be heard, and those facts were given. Sometimes, however, to get a complete grasp of events, one needs more than just the barest facts. The abused here are real children, just like the ones you and I hug every day as parents, grandparents, aunts, uncles, teachers, and friends. They are part of real families and their stories, their whole stories, deserve to be heard.

According to the testimony before congress, the following story is a just number. To him and his family, this is the story of Sebastian, a brown haired, five-year-old little boy with deep brown eyes who was excited to start kindergarten and attend school all day despite his health issues and diagnoses. Sadly, in just year's time he came to hate school and anything associated with attending school.

Sebastian entered kindergarten with a formal diagnosis of Asperger's Syndrome and an IEP from his preschool. Unfortunately, the school that he was entering did not understand anything about high-functioning Autistic children or how to handle them. In fact, many staff members within the school district made it clear that they didn't believe Asperger's Syndrome existed, much less that Sebastian had it.

Originally, the school avoided giving Sebastian's parents a meeting to discuss an Individualized Education Plan (IEP). They gave his mother the run-around by denying he need one and then telling her that an IEP was already in place. She knew better than to take anyone's word for anything and kept asking questions.

Eventually, upon her insistence, a meeting was called. The principle members of Sebastian's team did not come to the meeting. Those that were there did not know how to write an IEP. Being a well-informed parent, when she received the documents Sebastian's mother actually rewrote them in their proper format and took them back to the school. Like most parents, Amy

thought that having the plan in writing was all she needed to make sure that things were going the way they should be at her son's school.

Sebastian's parents relaxed a little. They finally had the plan in place that their son needed and deserved. However, even though the IEP and behavior plan were in place, they were both ignored by the staff and administration. In fact, reading through his mother's diary of the events makes it seem like the school was deliberately trying to make him have melt-downs so that they could send him home and/or place him in another school.

Sebastian's parents were told on many occasions that it was their fault that Sebastian exhibited the symptoms he did. Administration told them that if they were better parents, these issues would not come up. Then it went from bad to worse. The principal began following Sebastian around, keeping an extra-close eye on him, causing paranoia and practically rendering a meltdown unavoidable. Sebastian was routinely punished for things beyond his control. One effect of Autism in some children is the inability to have proper physical responses to emotions and situations. When Sebastian was sitting in the office being berated by his principal for things that he couldn't control, he would often laugh or smile or look around nervously. The principal would then punish the poor boy further for his attitude.

Through-out all of this, Sebastian's parents did their best to stay informed and help where they could. They were turned away from visiting or helping out in the classroom when they offered, which [according to NCLB, is not legal](#). Some days they were unable to send him to school at all due to the stress and panic it caused him just to be there without the proper accommodations in place. (The stress that one school psychologist actually said “might be good for him”.) They were completely unaware that he was being physically abused, and were only told a year later when the school was being investigated in reference to this case.

Sebastian's IEP called for routine sensory breaks to prevent meltdowns and additional sensory breaks to help him through a meltdown. Sensory breaks were to be a special room that contained special equipment to help calm him. Often though, the school would not allow him to go into this room. Because sensory equipment can look like 'toys' to the average adult who does not understand Autism, it is likely that they believed sensory breaks were for punishment (even though they had been told otherwise) and chose to send him somewhere without 'toys'. One day Sebastian's mother arrived to find him sitting in a room with no furniture and a mat on the floor where he was told to “sit and don't move”. She later found out that the school had, on at least one occasion, made him eat lunch on that same, ant infested, floor.

As if all of these things were not distressing enough for a young Autistic child, the behavior of the staff soon turned from neglectful and dismissive to abusive. While seclusion and restraint can be used in a classroom in special circumstances (to prevent a child from causing immediate harm to himself or others) reports show that incidents of use go unmonitored and unreported throughout most of the country on a daily basis. In Sebastian's case it meant being held face down on the floor or on a bean bag chair to help calm him down.

Sebastian is now being home-schooled through an online charter-school program. He is doing much better this way, but the effects of the abuse he suffered at the hands of his teachers and the

administration during kindergarten and first grade are far-reaching. Sebastian has what he calls “slide-shows” or flashbacks of the incidents. He has been diagnosed with Post Traumatic Stress Disorder stemming from these attacks.

Schools like this are the reason that states need to make laws about restraint, seclusion, and special education training. If Sebastian's mother had been allowed inside the school to observe, there is no way that the treatment he suffered would have lasted so long. In addition, the complete lack of knowledge by the teachers, staff, and administration make one wonder how any special needs child could survive in such a place.

Special Ed Student Handcuffed to School Door

June 4, 2009

DETROIT (AP) - Public schools officials are investigating a claim that a principal ordered a Detroit special education student handcuffed to a door following a fight.

CLICK ON THE LINK AND WATCH CHERYL CHODUN'S REPORT IN THE VIDEO PLAYER ON THE RIGHT

<http://www.wxyz.com/news/local/story/Special-Ed-Student-Handcuffed-to-School-Door/HYF8hzfa3U-0kSL3p3jDNQ.csp?rss=785>

School board member Marie Thornton says the claim has been forwarded to emergency financial manager Robert Bobb.

Thornton says staff at Sampson-Webber Elementary told her the principal ordered a Detroit Public Schools police officer to handcuff the boy to a door in her office.

The boy remained handcuffed from 11:45 a.m. to 3:30 p.m. when he was allowed to go home.

Thornton says she was told about the incident Tuesday night.

District spokesman Steve Wasko confirms Thursday the principal was one of a number of principals whose contracts were not renewed for the coming school year.

Teacher and Classroom Aide Arrested for Allegedly Abusing Student with Autism and Blind Student

May 21, 2009

http://www.disaboomlive.com/Blogs/disabled_politico/archive/2009/05/21/teacher-and-classroom-aide-arrested-for-allegedly-abusing-student-with-autism-and-blind-student.aspx

A Georgia teacher and her classroom aide have been arrested for allegedly duct-taping a boy with Autism to his chair on multiple occasions. [The abuse was not reported for over a year after it occurred.](#) The two educators are also accused of confining a blind girl under the teacher's desk. Laurie Peavy [left] and Nancy Cheek [below right] have both been charged with first-degree cruelty to children and false imprisonment. Peavy faces two counts of each, while Cheek is charged with one count of each offense.

The alleged abuse happened approximately one year ago, but wasn't reported until two other Woodstock High staff members came forward with information. According to another special education teacher, the staff members reported the past abuse after learning that the alleged victims, who had been in a different class, [were transferred back to Laurie Peavy's classroom.](#) Although teachers are legally mandated to report child abuse, the other staffers will not face charges for failing to report the abuse immediately.

Lt. Jay Baker of the Cherokee County Sheriff's Office says, "The decision not to charge [the staffers who reported the incidents] was made based on the fact that had they not come forward, we would not have a case. Certainly, we wish they would have come forward earlier."

Both teachers have been placed on administrative leave pending a school system investigation. According to school spokesman Mike McCowan, it's "highly likely" that the school committee will recommend both be fired.

Related:

[Five School Staff Members Fired for Allegedly Abandoning Disabled Student on Field Trip](#)

[Teacher Accused of Tying Autistic Kids to Chairs](#)

Tucson Region - Student routinely restrained to fence

<http://www.azstarnet.com/metro/294757>

Five TUSD employees are put on notice for treatment of special-needs youth 05-28-09 By Rhonda Bodfield

Tucson, Arizona - Five Tucson Unified School District employees were put on notice after an investigation revealed that a special-needs student at Sabino High School routinely was left restrained to a fence by his backpack from when the bus dropped him off for school to when teachers came to take him to class. The bus monitor involved said the exceptional-education student, whose feet remained on the ground, was attached to the spoke of the fence so he wouldn't fall over or wander away while he waited for his escort. Some teachers knew about the practice and documented their concerns in March by taking a photograph of the student restrained on the fence. The photo ended up in the assistant principal's office in early May, according to an e-mail from Principal Valerie Payne to district officials, in which she warned of

the trouble it would cause if such a photo were to get out. In a written explanation in the district's investigative file, monitor Thomas Giacoma noted that for most of the school year he had used the fence and nobody voiced disapproval, adding it was done in full sight of everyone at the bus bay, from teachers to bus drivers, supervisors and students. "I would never intentionally do anything to a student that would give him discomfort or embarrass him in any way," Giacoma wrote in a letter of explanation to district officials. He added that the student never seemed distressed. Giacoma said he stopped the restraint in March, when a teacher told him she was outraged that he would humiliate a student in such a manner and warned him that she would get him fired if she saw it again. It wasn't clear in district records why the teachers didn't report their concerns to administration in March. Payne was out of the office and could not be reached for comment Wednesday. Two exceptional-education teachers and two teaching assistants received letters of direction in mid-May. The letters are not a form of discipline, said TUSD's interim chief human-resources officer, Nancy Woll, but serve as a warning that discipline could occur if the behavior didn't change. The bus monitor received a verbal warning. Woll concluded that attaching the student to the fence violated a Governing Board policy requiring that staffers maintain a courteous and professional relationship with district students, parents, employees and patrons. The failure of the Sabino staff members to speak up about their earlier concerns violated another policy requiring staff to report unprofessional conduct.

According to internal e-mails in the investigative file, the student's mother met with staff to help work out more appropriate interventions and appeared to be satisfied with the district's response. Neither the student nor his mother was identified in the records.

Advocates for the disabled said the restraint described in the probe isn't appropriate.

"The fundamental question to ask is, 'Do you want to be attached to the fence, with no means of escape?' And if the answer is no, then we don't have the right to do that to anybody else — and especially for someone who can't advocate for themselves," said Northern Arizona University professor Dan Davidson. He has a doctorate in behavioral disabilities and teaches positive behavior support to teachers who work with people with disabilities. Davidson cautioned that while he didn't know the specifics of the Tucson case, "in general, it's my professional experience that many instances of restraint can be prevented with better training and support to the adults who are entrusted to teach and care for the students." Sue Kroeger, director of the Disability Resources center at the University of Arizona and who teaches disability studies in the College of Education, said the restraint described in the investigation is "disrespectful, undignified and totally unacceptable." Kroeger said she was less inclined to shake her finger than to see the incident as symptomatic of a larger problem — the stigmatizing of people with disabilities. "I think what's huge is how we frame disability in such a way that it would make that response seem OK," she said, adding that people should stop and ask themselves if their response would be the same if they were dealing with a person of color or a woman. "Faced with that difference, we act in ways we wouldn't act with anyone else." As a mother and a professional who happens to be in a wheelchair, she said people need to reframe their perception of disability from a deficit to just one more variable along the human spectrum. "This is what we get when we don't stop and think about how we're conceptualizing disability. If we look at it as a subhuman, abnormal condition, this is the behavior we'll get," she said. "It's how we've been socialized, and it's not anything that's going to change overnight. We continue to improve, but we have a long way to go."

Contact reporter Rhonda Bodfield at rbodfield@azstarnet.com or at 806-7754.

Abuse of students cited in lawsuit

Wednesday, May 27, 2009 By **JAMES CRAVEN** Staff Writer

NEW BRITAIN, CT — Attorneys for the families of special-needs students allegedly abused by a city teacher filed a petition Wednesday for a class-action complaint against the teacher and members of the board of education on behalf of what they believe may be a large number of victims.

“The number of children who were abused may be in the hundreds,” said attorney James Sullivan of Howard, Kohn, Sprague and FitzGerald in Hartford.

The complaint was filed in the United States District Court, District of Connecticut in Hartford and names Michelle Campbell, a teacher at Chamberlain Elementary School for allegedly using unreasonable force, unlawful restraint and physical, psychological and emotional abuse against special needs students dating back to 1999. Within three other counts in the lawsuit, it alleges civil rights violations, negligent infliction of emotional distress and breach of fiduciary duty, all against Superintendent Doris Kurtz, Chamberlain Principal Jane Perez and the Board of Education of the Consolidated School District of New Britain.

Sullivan, who is representing the family of Esther and Anthony Opoku on behalf of their son, said he expects other victims and their families to come forward.

“I am seeking class certification so that I can represent everyone that falls within that class,” Sullivan said.

According to the class action complaint, Campbell unlawfully restrained the boy, known as John Doe, and subjected him to physical, psychological and emotional abuse while in the classroom.

The boy, who about six years old at the time, is diagnosed with autism and was enrolled in the special education program at Chamberlain during the 2007-2008 school year.

The class action complaint alleges that Campbell, among other things, yelled at the boy, crossed his arms around his neck causing him to be unable to breathe and restrained him in a Rifkin chair without the parent’s permission. The complaint also alleges that Campbell restrained and slapped other class members.

Arrested on Oct. 9, 2008, Campbell, 36, of Plantsville, has been charged with three counts of risk of injury to a child and four counts of intentional cruelty to a child. She has pleaded not guilty to all counts.

The alleged abuse came to the attention of school officials in May, and Campbell was placed on administrative leave. After a five-week investigation by the Department of Children and Families, Campbell was assigned to a different school at the start of the 2008-2009 school year

by school officials.

However, when another parent of an autistic child learned of the allegations and that Campbell was still working at a school, she brought the incidents to the attention of police.

In December, Campbell was barred from having unsupervised contact with children in the classroom, with any of the alleged victims and must tell any prospective school employer that she has felony charges pending.

Kurtz said at the time that the school district had already imposed restrictions on Campbell by having her in a classroom with another certified teacher.

Sullivan, however, maintains in the class action complaint that Kurtz and Perez failed to supervise, discipline or train their employees.

“I have an affidavit from a paraprofessional, that I will not name now, that this occurred while she was in a classroom with Michelle Campbell in 1999,” Sullivan said, adding he has information that she complained but nothing was done by school administrators.

Campbell, who was hired in 1999 by the school district, was working at Gaffney Elementary School.

Sullivan said that what happened to some of these students was “torture.”

Calls to Dr. Doris Kurtz and attorney’s for the school district were not returned Wednesday.

James Craven can be reached at jcraven@newbritainherald.com or by calling (860) 225-4601, ext. 231.

School Seclusion Rooms Outrage Parents .T.V. News.

May 20, 2009

Click on the link to watch the video

http://www.nbcphiladelphia.com/news/local/School_Seclusion_Rooms_Outrage_Parents_Philadelphia.html

Philadelphia - Emotions ran high after autistic children were placed in seclusion rooms at a West Chester school. Now parents want answers as to why officials felt it was wise or even safe.

Police: Teacher Duct Taped Child To Chair

<http://www.wsbtv.com/news/19492599/detail.html>

May 18, 2009

WOODSTOCK, Ga. -- A Cherokee County high school teacher and her paraprofessional have been arrested after allegedly duct taping a special education student to a chair.

Cherokee County officials said Woodstock High School teacher Laurie Peavy and her paraprofessional, Nancy Cheek, duct taped a special education student to a chair in 2008. During the investigation, police said another allegation surfaced that Peavy confined another student under a desk in the classroom.

SLIDESHOW: [Metro Atlanta Teachers Who Have Been Arrested](#)

Monday, the Cherokee County Sheriff's Office arrested Peavy, 44, and charged her with two counts of false imprisonment and two counts of cruelty to children in the first degree. Cheek, 49, was charged with one count of false imprisonment and one count of cruelty to children in the first degree.

Peavy was released on \$60,000 bond and Cheek is being held on \$30,000 bond.

Restraint can dispirit and hurt special-ed students

May 18, 2009 By [Greg Toppo](#), USA TODAY

http://www.usatoday.com/news/education/2009-05-18-restraint-special-ed_N.htm

Toni Price was at work that afternoon in 2002 when she got the call from her foster son Cedric's eighth-grade teacher: Paramedics were at his middle school in Killeen, Texas. Cedric wasn't breathing.

When Price arrived at school, there he was, lying on the floor. "I'm thinking he's just laying there because he didn't want to get in trouble," she says, fighting back tears.

Actually, Cedric was dead.

A 14-year-old special-education student who'd arrived at the school with a history of abuse and neglect, Cedric had been taken from his home five years earlier with his siblings.

He'd just been smothered by his teacher, police said, after she placed him in a "therapeutic floor hold" to keep him from struggling during a disagreement over lunch.

Congress to air 'widespread' allegations

His case is one of 10 to be highlighted today during a hearing on Capitol Hill over the use of restraint and seclusion in the USA's public and private schools — techniques often used to control children with disabilities.

GAO: [Schools restraining, confining disabled children](#)

A new report from the Government Accountability Office, Congress' investigative arm, also out today, finds "widespread" allegations of abuse involving the practices in schools — even when students aren't physically aggressive or dangerous to themselves or others.

Investigators say they uncovered hundreds of allegations of abuse involving restraint or seclusion at public and private schools nationwide between 1990 and 2009.

But investigators don't have a ready figure for the number of students disciplined this way.

"That's the million-dollar question, because there's no data collection," says Jane Hudson of the National Disability Rights Network, a Washington-based student advocacy group. "It's a hidden problem."

GAO in 2007 investigated similar allegations in residential treatment facilities.

Often in schools, investigators found, teachers aren't fully trained in the techniques. Only seven states even require training, and 19 have no laws or regulations on restraint or seclusion in school.

"The evidence suggests it's a lack of training, a lack of understanding," says U.S. Rep. George Miller, D-Calif., who requested the report.

In many cases, parents haven't given consent to the techniques or are shocked to find them taking place — as in 2001, when a Cupertino, Calif., teacher put Paige Gaydos, then a 7-year-old with mild autism, into time-out after the girl refused to do schoolwork.

After she found Paige wiggling a loose tooth in time-out, the teacher put her into a face-down "prone restraint" hold and sat on top of her.

Her reason for sitting atop a 43-pound child?

"Time-out didn't work if she had something to play with," says Ann Gaydos, Paige's mother, whose family sued the district in 2003. A federal jury awarded them \$700,000, but they settled for \$260,000 to avoid an appeal. In the bargain, the district agreed to modify discipline policies. Cupertino Union School District Superintendent Phil Quon says he now requires administrators to take part in "restraint training" each fall.

Now 15, Paige is home-schooled. Her family lives in Colorado and she's more withdrawn, says her mother, less able to trust adults. "She came out of there very listless, kind of discouraged, kind of cynical."

Ann Gaydos is scheduled to testify in today's congressional hearing.

Experts: It should be a last resort

A few experts say restraint and seclusion should be a teacher's last line of defense against upset or unruly kids, but that the techniques can be effective when used properly.

Bill East, executive director of the National Association of State Directors of Special Education, says they should be allowed "in those rare instances when school-based positive behavioral support has not worked."

But five states now ban prone restraint, which caused Cedric's death. The disability-rights network last January called on the Obama administration to ban it — or any other restraint that can suffocate a child — except when the immediate physical safety of students or staff is jeopardized.

In the Texas case, witnesses said Cedric, who weighed 129 pounds, repeatedly told the teacher he couldn't breathe, pleading, "I give." He soon became silent, but police say the 230-pound teacher continued to restrain him.

After teachers lifted his limp body, a school nurse administered CPR. But Cedric was dead, and a dozen classmates had watched. "You're putting children more at risk when they're allowed to witness something of that nature, to hear a child begging for his life," says Price.

Police labeled Cedric's death a homicide, but a grand jury declined to indict the teacher. The district investigated and found "reason to believe" the teacher physically abused him. They placed her name in a registry of people who have abused or neglected children, but she now teaches at a Virginia public school.

The Killeen district no longer allows teachers to restrain children on the floor and now requires a full report when restraint is used, says spokeswoman Leslie Gilmore.

In the years since Cedric's death, Price has talked to several of the teacher's former colleagues who call the incident a horrible accident and say the teacher was just doing her job.

Price won't have any of it. "It's not your job to take a child down if they're not in danger or endangering someone else," she says. "She was not just 'doing her job.' "

Mother Records Autistic Child's Alleged Abuse

May 18th, 2009

<http://www.theautismnews.com/2009/05/18/mother-records-autistic-childs-alleged-abuse/>

ATLANTA — Stefan is an 11-year-old boy with Autism. A judge ruled he was physically and verbally abused at school.

He is an Atlanta Public School student but because of his special needs, he goes to schools run by a state agency called Metro North.

[* CLICK HERE to read the judge's ruling.](#)

They line the outside of each leg — bruises from knee to hip. A judge has ruled a school employee caused these injuries to 11-year-old Stefan Ferrari the day before pictures were taken.

Stefan cannot speak. He has Autism, and is non-verbal.

He could not tell his parents — couldn't tell anyone — what happened to him. But he had a mother who believed, before this happened, that something was terribly wrong at his school.

Stefan went to Margaret Mitchell Elementary School in Buckhead, where he was doing well, but he was transferred to the Marshall School in DeKalb County in August 2008, due to renovations.

That's when the Ferraris say things started to fall apart.

"I knew something was really wrong for the first time on September 8th," said Stefan's mother, Carolyn Ferrari.

That's when she said Stefan came home with bloody scratches, bruises and ripped shorts. His behavior over the next month deteriorated.

"It was getting worse and worse," Carolyn said.

Marcelo and Carolyn Ferrari say they repeatedly told school officials they were concerned. So the mother of a boy without a voice found a way to give him one.

"It's about the size of a quarter," Carolyn said about a microphone she sewed into Stefan's shirt. She sent him to school with it on October 21.

It would be his last day at Marshall.

"As soon as he took his boxers off to get in the shower, I noticed it," said Stefan's father, Marcelo Ferrari. "And I was like, 'oh my God'."

Marcelo was shocked by the severe bruising covering his son's legs. He and his wife went straight to the tape.

"Sit down stupid," was one of the things they heard on the tape.

"It was horrifying," Carolyn said. "I was visibly sick. I felt like I was going to vomit."

Carolyn and Marcelo stayed up all night listening to hour after hour of what they say was the neglect, ridicule and abuse of their son.

With the microphone hidden at the base of Stefan's neck, picking up the sounds around him, the Ferraris listened to the adults in the room talk about the size of a boyfriend's genitals.

"The man I'm dating is intelligent. But he has a small penis. You can't throw a pebble into the ocean. Does it matter? Does size matter? Yes it does."

The adults talked about drinking.

"Russian vodka with olive juice. That's a dirty martini?"

At one point in the day, Stefan ate some pizza out of the trash can. The adults joked about it.

"I mean he was chill. Finger lickin' good. He was chillin' with that."

But what the Ferraris heard that horrified them was this:

"You want a be-quiet hit?" (followed by the sound of a thump) ***"There you go. Get it now, go on."***

And two minutes later, listen as an adult tells others to leave.

"Please make him be quiet. Go away. Go. Take a minute. Go. Go on."

And 15 seconds later, there were 18 seconds of thumps and the sounds of Stefan making noises.

"It was numbing, and yet at the same time, you can't stop listening to it, because you're thinking, 'oh my God, if my child went through this, I need to hear what happened to my child,'" Carolyn said.

The Ferraris called DFACS and Atlanta police. Both investigations went nowhere. They sued the Atlanta Public Schools — which recommended the program to the family. What was done to Stefan Ferrari and who did it would be decided in a small state administrative courtroom.

First up, Marshall's principal, Gail Healy.

"At no time after interviewing my teachers, talking to them do I feel he was abused at my program," Healy said.

Attorneys for Atlanta Public Schools said maybe Stefan cause the injuries to himself, but the Ferraris said Stefan was never self-injurious — and the judge agreed.

Stefan's pediatrician, Dr. Alison Koenig testified.

"It seems to me something like that, he could not have done to himself but somebody had done it to him," she said.

The school's attorneys suggested maybe Stefan's father did it.

In his ruling, Judge John Gatto found, "Stefan was not injured at home... (He) was injured at school... His injuries were caused by multiple infliction of trauma. They were caused by his being struck by a hand or an object by an adult."

The week-long hearing was filled with experts — educational, psychological, criminal. But the most anticipated witness took the stand on the final day of the hearing: teacher Sherri Jones. And the Ferrari's attorney, John Zimring, got right to it, asking her if she was the one talking about a man's genitals.

"I can't recall if I said it or not," Jones said.

If she was the one talking about drinking.

"I may have," she said.

If she was one of the people joking about Stefan eating out of the trash.

"I don't recall saying that," Jones said.

But after Sherri Jones is made again and again to listen to the audio, her answers changed.

"And that was your voice?" Zimring asked.

"Yes, it was," Jones answered.

"So you did say that?" Zimring asked.

"It came out of my mouth, yes," Jones replied.

"You said that did you not?" Zimring asked.

"Most likely, yeah," said Jones.

"It was you wasn't it?" Zimring asked.

"Umm, that could have been what I said, yeah," Jones admitted.

Jones denies ever hitting or threatening to hit Stefan — and the judge did not find that she did. His decision stated only that Stefan was injured at school by an adult.

"That is your voice is it not?" Zimring asked when the voice on the tape referred to striking Stefan.

"No, it's not," Jones said.

“Whose was it?” Zimring pressed on.

“I don’t know,” Jones said.

“You are under testimony to his honor!” Zimring said.

“I do not know whose voice is on that tape,” Jones said. “It is not me.”

“So you felt empowered to take advantage of these children with disabilities?” Zimring asked.

“No,” Jones replied.

Atlanta school attorneys gave Sherri Jones a chance to explain herself.

“I understand how it may come across,” Jones said. “But I love what I do, and this will not stop me from continuing to do what I do for the rest of my life.”

In his ruling, Judge Gatto used the word appalling — given that Stefan is non-verbal, and did not have the ability to inform his parents of his mistreatment by employees on October 21. The school’s failure to take the steps to discipline the adult educators involved leads the court to conclude that the schools can only promise more of the same.

“He’s a different child,” Carolyn Ferrari said.

Seven months after he was injured, Stefan Ferrari has made tremendous strides, and is excelling at his new private school. Failed by those who were supposed to support and protect her son, a determined mother did something no one thought could be done — she gave him a voice.

Source: <http://www.11alive.com/news/local/story.aspx?storyid=130355&catid=3>

Please share this news with friends, family and also with your contact list on Twitter, Facebook and MySpace.

School Employee Accused Of Abusing Students

Police Investigate Concerns Of Special Education Students' Abuse

May 15, 2009 [Reported by Josh DeVine](#)

<http://www.wsmv.com/news/19472110/detail.html>

GALLATIN, Tenn. -- A local school employee is off the job, accused of abusing special education students at an elementary school.

Related: [Error! Filename not specified. Watch This Story](#)

"It appears that it may have been a pattern," said Sgt. Bill Storumt. What may or may not have happened in a special education classroom at Station Camp Elementary School is now at the center of a police investigation. Someone stepped forward last month and alerted the school of concerns a female employee mentally and physically abused special education students. The school, in turn, told police. "(The) Sumner County Board of Education is aware of the investigation and is cooperating with us," said Storumt. "And I don't know that they've determined how many children may be involved. Right now, police also can't identify the woman or specifically describe the accusations. Storumt said he can't go into detail. Police said the students are OK. But because they live with special needs, they're not able to provide much help to investigators. "They are vulnerable children, yes," said Storumt. It's not clear whether the accusations center on discipline or something worse, but police do have other witnesses they said they believe will help them get to the bottom of it. "I would be of the opinion this type of behavior was unusual and probably rather harsh," Storumt said. Police haven't arrested or charged the employee. The Sumner County school district wouldn't say much concerning the school employee's name, job title or history, but the district's spokesman said he's not aware of other complaints against her. For now, though, she's off the job, suspended without pay. According to police, the investigation is moving quickly and could wrap up within the next week.

Head Start teacher charged with kicking his students

5/12/09 - BY CAROL MARBIN MILLER AND JENNIFER LEOVICH

cmarbin@MiamiHerald.com

<http://www.miamiherald.com/news/miami-dade/breaking-news/story/1045269.html>

A teacher at a Head Start preschool in Miami has been charged with hitting three children in his care, including a 5-year-old girl whom police say he kicked in the face as she lay on her cot during nap time.

Jean E. Dorvil, 56, a preschool teacher at the Head Start program at Charles R. Drew Elementary in Miami, was charged Friday with aggravated child abuse with great bodily harm, three charges of battery and two charges of child abuse with no harm.

Four of the charges are felonies. Dorvil is in jail without bond.

During their investigation of the girl's case, school police discovered that a staffer at Drew knew about two other children who had been kicked by Dorvil earlier in the school year -- but had failed to report the incidents as required by state law.

When police confronted Dorvil, they say he admitted kicking those two children.

The latest incident occurred on April 16, when 5-year-old Mikel Blue told authorities Dorvil kicked her in the face after she went to the restroom without permission during nap time, the girl's mother, Cynthia Blue, said. The youngster, who needed to use the restroom, said Dorvil kicked her in the mouth after she returned from the bathroom and was resting on her cot.

Cynthia Blue said her daughter came home from school that day with a cut on her mouth and blood on her blouse.

"It stunned me," Cynthia Blue said. "Her lip was cut on the outside, and it was bleeding." Blue said she asked her daughter how her lip was cut. She replied: "He got mad at me because I went to the bathroom," Blue said.

During the course of their investigation, officers with the Miami-Dade Schools Police interviewed staff members. One employee told the detective that two other students had complained that Dorvil kicked them earlier this year, said Sgt. Ivan Silva, a Miami-Dade Schools Police spokesman.

The staff member did not notify anyone at the time about the abuse complaint, Silva said. Under Florida law, anyone who comes into regular contact with children -- such as teachers, doctors, social workers and therapists -- must report any suspicions of child abuse or neglect to the state's abuse hot line.

The detective interviewed the two boys -- both 5 years old -- and their parents. The boys said they had been kicked by Dorvil sometime at the beginning of the school year. Later, during an interview with detectives, Dorvil "admitted to those incidents, and that's why he was charged," Silva said.

Child welfare administrators said Tuesday that they are worried that the abuse reports from this school year may not be the first time Dorvil abused kids.

Dorvil, who had been teaching at Drew for more than a decade, was reprimanded in 2002 for failing to report that another child had been hurt in his care. "The child hurt his mouth and was bleeding," a January 2002 report says. "You assessed the accident to be minor even when the child clearly had blood from his mouth.

"You did not obtain the assistance of the nurse who is on site; you did not try to contact the parent, you did not inform me (your supervisor)" the report adds. "I hope you understand the gravity of the occurrence and the consequences of your negligence."

Jacqui Colyer, the Department of Children & Families' top Miami administrator, said similarities between the 2002 incident and the one last month concern her. Calling the 2002 report "identical" to the more recent one, Colyer said her agency did not investigate the incident because Head Start administrators failed to report it.

Though the DCF investigation of Dorvil remains open, Colyer said the agency was about to close the case without verifying any allegations of abuse or neglect. She said DCF investigators had run into inconsistencies in Mikel's description of what happened last month.

Flora Beal, DCF's spokeswoman, said the agency will discuss the case with schools police before closing their investigation. "We are working with law enforcement to gather all the available information so that we can make our findings," Beal said.

In the wake of Dorvil's arrest, Beal said DCF will be working with Head Start and Miami-Dade schools as a whole to emphasize the importance of reporting suspected child abuse.

Dorvil has been suspended from the Drew Head Start program, in accordance with county policy, said Julie Edwards, executive director of the Community Action Agency, which oversees Head Start in Miami-Dade. And Head Start administrators are trying to determine whether other children have been harmed in Dorvil's classroom.

Edwards said every staff member undergoes a thorough background investigation before being hired, including criminal histories, and all employees are made aware of the more than 1,300 federal Head Start regulations and state laws, including the one that mandates reporting of suspected child abuse.

Edwards said she had not been aware that two boys said they had complained previously to staff that Dorvil had kicked them.

"We have taken this very, very seriously," she said. "This is forcing us to take a closer look at operations and determine what areas we need to improve on."

Another person dies while being restrained

Patient's death under investigation, Concerns raised on level of force

May 7, 2009

http://www.boston.com/news/local/massachusetts/articles/2009/05/07/patients_death_under_investigation/

CHARLTON, MA - A mental health patient at Bridgewater State Hospital, a corrections facility that sought to keep the man committed there out of concern for his safety, died Monday night after a scuffle with corrections officers.

This was not the first time Messier, left, had scuffled with hospital caretakers.

Mental health troubles

The Charlton man, 23-year-old Joshua Messier, stopped breathing as officers restrained him after he allegedly hit one of them, according to officials with the state Department of Correction and the Plymouth district attorney's office.

Messier, who was diagnosed five years ago with schizophrenia and paranoia, was brought by ambulance to Signature Healthcare's Brockton Hospital, where he was pronounced dead about an hour after the reported scuffle.

State and local officials said the matter is under investigation. An autopsy was performed Tuesday to determine the cause of death, but the results are still pending, said Bridget Norton Middleton, a spokeswoman for the district attorney's office.

Diane Wiffin, a spokeswoman for the state Department of Correction, said yesterday that her agency is also investigating and would examine the use of force.

"There is no indication that there was any excessive force at this time," Wiffin said.

Messier's family and Massachusetts Correctional Legal Services, an inmate advocacy group, raised concerns of brutality after learning that Messier reportedly screamed for help, saying he could not breathe, as officers tried to subdue the young man, who wanted to become a computer technician.

Leslie Walker, executive director of the advocacy group, said, "Enough information has come to our attention that has made us concerned that an independent investigation into the possible use of excessive force needs to be pursued in this matter."

For Messier's family, the death raised deeper concerns with the ability of state mental hospitals to manage patients before they cross criminal lines. The family question whether more could have been done to help a mental health patient who showed no sign of violence before his schizophrenia began five years ago.

"If Joshua ever hurt himself, or hurt me, it wouldn't be him . . . It would be the schizophrenia," his mother, Lisa Messier, said in an interview. "There is a reason: He was psychotic, and no one would help him. No one was willing to help him."

It was not the first time Joshua Messier had scuffled with his hospital caretakers. Last year, he was charged with three counts of assault and battery after hitting two workers at Worcester State Hospital and a police officer who attempted to arrest him. He was

sentenced to a year of probation with the condition that he continue his psychiatric treatment.

Then in March, after three stays within a month at the Harrington Memorial Hospital psychiatric ward in Southbridge, he was charged with hitting three staff members in one violent weekend and was sent to Bridgewater.

Messier's family feared Bridgewater, because it is a corrections facility, and tried earlier to send him to a mental health facility such as McLean Hospital in Belmont, in an attempt to determine the origins of his disease.

This was not the first time Messier, left, had scuffled with hospital caretakers.

Mental health troubles

"I just wanted to get him help," his mother said. "Everything's been against him for so long."

But he was never transferred.

On April 1, a Dudley District Court judge sent Messier to Bridgewater for an evaluation to determine whether he was criminally responsible for hitting the Harrington staff. On April 17, the day the evaluation expired, the hospital filed a court order to have him committed for six months.

"Joshua Messier . . . is mentally ill, and is not a proper subject for commitment to any facility of the Department of Mental Health, and that failure to retain him in strict security would create a likelihood of serious harm to himself or others," the petition said.

Two weeks later, as the petition was still pending, Messier died, less than two hours after his mother had visited him in the hospital. She saw the ambulance drive away.

Kristina Barry, a spokeswoman for the state Department of Mental Health, said yesterday, without speaking about Messier's case directly because of privacy concerns, that her agency would forward any criminal action such as an assault on staff to law enforcement agencies and that a judge would decide the most appropriate facility for a patient.

Wiffin said that state law requires that inmates in need of strict security because of the potential for endangering themselves or others be sent to Bridgewater, which has its own mental health staff.

The family has no history of schizophrenia, but instead believes the disease surfaced after Joshua suffered head injuries in a golf cart accident six years ago, following his senior year at Shepherd High Regional High School. He then went on to the University of Massachusetts in Dartmouth, but was forced to drop out in his second semester after having hallucinations and hearing voices.

His family said that in the five years since he was diagnosed, the preppy boy with dirty blond hair and green eyes who wore khaki pants and Adidas sneakers, who brought two girls to his senior prom, had started to smash things over his head because he thought God had told him he should do so.

He once looked at his mother in fear, thinking she was the devil, the family said, and soon the violence against hospital staff began.

After each time, he would say that he did not remember it, that it wasn't him.

"He couldn't handle it, that's what he told me," said his sister, Danielle Messier.

Milton Valencia can be reached at mvalencia@globe.com. Error! Filename not specified.

Man restrained at Bridgewater dies

**By Laura Crimaldi
Thursday, May 7, 2009**

http://news.bostonherald.com/news/regional/view/2009_05_07_Man_restrained_at_Bridgewater_dies/srvc=news&position=also

A Charlton man awaiting trial on charges he assaulted staff at a Southbridge psychiatric facility died Monday night after he was restrained by correction officers for allegedly acting up at Bridgewater State Hospital.

Joshua K. Messier, 23, was pronounced dead at 10:26 p.m. at a Brockton hospital, 96 minutes after he had visited with his mother at Bridgewater. Security staff there say they were forced to place Messier in four-point restraints for attacking a Bridgewater correction officer, officials said.

Messier had been at Bridgewater since April 1. He was arraigned that day on three misdemeanor assault and battery charges for attacking psychiatric staff at Southbridge's Harrington Memorial Hospital on March 28, said the Worcester County District Attorney's office.

After that incident, a Dudley District Court judge ordered Messier, who has no criminal convictions, to undergo evaluation at Bridgewater. On April 17, Bridgewater filed a petition in Brockton District Court seeking to civilly commit Messier for at least six months, officials said.

The Monday assault on the Bridgewater correction officer happened at about 9 p.m., after Messier concluded a visit with his mother, said Plymouth County D.A. spokeswoman Bridget Norton Middleton. Two counties are involved because the courts are in two jurisdictions.

Messier was subdued and escorted by correction officers to the Intensive Treatment Unit at Bridgewater, where he was placed in four-point restraints, Norton Middleton said. Once Messier was restrained, a nurse checked his vital signs. The nurse found he was not breathing, Norton Middleton said.

Personnel initiated an emergency medical response, the Department of Correction said in a statement.

The ambulance arrived at Signature Healthcare Brockton Hospital at 9:59 p.m., Levy said. Messier was pronounced dead 27 minutes later. Autopsy results are pending.

Steve Kenneway, president of the Massachusetts Correction Officers Federated Union, said officers responded properly.

“There is no reason for us to believe at this point that there was any wrongdoing by correction officers responding to a life-threatening attack,” he said. State police are investigating the death.

Mapaville parents to file complaint against school nurse

<http://suburbanjournals.stltoday.com/articles/2009/02/25/jefferson/news/0225jef-map0.txt>

Lawsuit filed in federal court

By [Chris Campbell](#)

Tuesday, February 24, 2009

Missouri -A group of parents involved in a federal lawsuit alleging abuse of special needs students at Mapaville State School plan to file an additional complaint against a school nurse.

Craig Henning, an advocate for the disabled with the Crystal City-based Disability Resource Association (DRA), said multiple parents will file complaints with the Missouri State Nursing Board against Sally Forshee, a school nurse employed by the Mapaville State School.

The school has been at the center of controversy for almost one year, after secretly recorded audiotapes revealed what Henning and many parents believe is abuse and neglect.

Most of the children educated at the Mapaville State School are profoundly disabled, and many cannot communicate clearly.

Mapaville is one of more than 30 such schools across the state.

A lawsuit recently filed in federal court by Scott and the parents of eight other students is asking the court to fire implicated staffers, install classroom cameras and eventually dismantle the entire

state school system.

After becoming concerned with the quality of care their children were receiving, several parents placed recording devices in their children's backpacks.

After listening to the tapes, some of the parents expressed shock over their content.

"I was in disbelief, just disbelief," said Sheila Scott, whose son, Chandler Scott, was featured prominently on the tape. "I couldn't believe these people who loved and cared for my son would treat him this way."

More than 40 hours of tape was eventually turned over the the Jefferson County Sheriff's Office for investigation.

While no criminal charges were issued, the tapes became evidence in a series of due process hearings for parents who filed abuse complaints against the district.

The incident that Scott found most troubling was the repeated ringing of a bell near her 12-year-old son's face by Forshee.

After saying "watch me send him into a seizure," Forshee rang the bell an estimated 30 times.

Scott said other school staffers present laughed.

When called to give evidence before a panel hearing, Forshee admitted she knew such behavior could trigger seizures.

Chandler Scott suffers from epilepsy.

Jill Randall, whose son Blake is a classmate of Chandler Scott, is outraged that district officials have not fired staff members facing abuse allegations.

"We are all making complaints," she said.

When reached by phone, Forshee declined to comment, referring questions to Charlie Taylor, superintendent of state schools.

When asked why Forshee remained employed, Taylor declined to answer, citing ongoing litigation and personnel issues.

Henning said he believes the reason for the state's unwillingness to act is obvious - liability.

"They don't want to admit wrongdoing," he said.

Scott, a former aide at Mapaville who said her suspicions were initially aroused when she picked up her son and found him covered in dried urine, said she is unwilling the return her child to

school barring drastic changes.

"Our trust is shattered," she said.

Restraining of students questioned Some wonder whether schools cross the line

http://www.boston.com/news/education/k_12/articles/2009/05/04/restraining_of_students_questioned/

By James Vaznis

May 4, 2009

Sometimes it is a child with a behavioral problem, flailing her arms, hitting anyone who comes near her. Or it could be a teenager, threatening to physically hurt a classmate. Or a fistfight that breaks out between two feuding junior high boys.

Each day in Massachusetts schools, teachers are faced with the daunting question of whether to cross that barrier and physically restrain any students who are threatening to hurt either themselves or others. Too often, advocates say, teachers are making the wrong decision.

With a surge in the number of students with behavioral issues, and a teacher corps that is on edge because of increasing school violence, the question of whether and how to physically restrain students has become the subject of growing controversy in Massachusetts and will be the subject of a hearing in Congress in coming weeks.

Since 2001, when school districts were required to start reporting the most extreme cases, schools have reported more than 900 cases of restraining students that resulted in injury or lasted for an extended period of time.

Advocates worry that special education students will be especially susceptible to discipline, and question the integrity of a system that relies on self-reporting. They believe many schools do not follow the reporting requirement and accuse the state of not properly monitoring them.

The concerns reflect a national debate over whether school personnel are too quick to restrain students they deem unruly, resulting in physical or psychological injury. Critics say schools have failed to properly train teachers, leaving them ill equipped to handle the growing number of children who physically act out or are in emotional distress. Staffing shortages, because of budget cuts, are also compounding the problem, they say.

In response to those concerns - highlighted in a report this winter by the National Disability Rights Network, an advocacy group - the US House Committee on Education and Labor will hold hearings on developing restrictions on when students can be restrained. The Government Accountability Office, the investigative arm of Congress, is preparing a report.

"This has become an increasing problem in schools, particularly as schools cut back on teachers," said Richard Robison, executive director Federation for Children with Special Needs, an advocacy group based in Boston. "Teachers get frustrated and can't deal with everything. What happens is teachers revert to using restraints illegally or inappropriately."

Under rules adopted by the state education board in 2001, school districts must receive parental permission before restraining students, unless they pose an imminent threat of harming themselves or others. The regulations call for only physically restraining a student, except in cases where a physician has explicitly authorized a chemical or mechanical restraint and a parent approves the use in writing. One popular mechanical device is a Rifton chair, which is designed to help children sit still; it sometimes comes with straps.

The rules also prohibit physically confining a student alone in a room without access to a staff member. Schools only need to report to the state a restraining that results in an injury or lasts for more than 20 minutes. The state is then required to conduct an investigation, which can range from a desk review of the case to a site visit.

When passed, state education officials and other parents expected the regulations would curb the restraint of students because training would include techniques to quell a situation before it gets out of control.

Only in rare cases does the department find that a school acted inappropriately, according to state education officials, who defended their monitoring efforts and regulations for restraining students, including teacher training requirements. "We investigate every report we receive," said Marcia Mitnacht, the state's director for special education who drafted the regulations on restraining students. "I have no evidence that suggest schools are quick to restrain."

North Reading is embroiled in a dispute over the restraining of a 3-year-old autistic boy three years ago. On Feb. 8, 2006, a North Reading elementary school teacher thought he was too disruptive in a preschool classroom. As the boy cried hysterically, she strapped him into a chair designed to help special-needs children sit still and put him into a dark closet-sized room, according to a lawsuit filed this winter by the parents in Middlesex Superior Court. Then she walked away, shutting the door behind her, leaving the boy alone.

The boy's parents did not give permission for the J.T. Hood School to restrain their child, their lawyer said. They do not know how long their child was restrained in a Rifton chair. Another teacher freed him from the closet-sized room, according to the lawyer.

"He's had night terrors," said Sean T. Goguen, a Woburn lawyer representing the family, who asked that their son not be identified. "At the time the incident happened, he couldn't talk and couldn't convey the experience to his parents. . . . It doesn't seem right to me that a 3-year-old boy has to go to a therapist because of someone else's actions."

The state education department ultimately found that the teacher inappropriately restrained the child after the boy's parents - and not the school district - notified the department about the

incident, according to an Aug. 22, 2006, letter the state sent to the school superintendent. The teacher never received training on restraining because she had a medically excused absence on the day it took place and should have made up the training before returning to the classroom, according to the letter.

In an interview, the district's superintendent, David Troughton, declined to comment about the case, but did speak in general about the district's philosophy on restraining students and its policy, which was adopted by the School Committee shortly after the passing of the new state regulations.

"Restraints should be used with extreme caution and only in emergencies when other less intrusive actions have been tried," Troughton said. "You don't use a physical restraint as a means of punishment. It should only be used in clear situations where the safety of a child is at stake."

Glenn Koocher, executive director of the Massachusetts Association of School Committees, said he believes school administrators and teachers need the authority to restrain students to maintain order in their schools when certain situations escalate, such as a fight or a student who intends to use a weapon or has a violent emotional outburst.

"Sometimes it's a very close call," Koocher said. "If a student is accidentally hurt while being restrained, you can have lots of complaints."

Duval teacher charged with abuse of autistic student

Witnesses said boy was left in potty chair for hours

http://www.jacksonville.com/news/metro/crime/2009-03-19/story/teacher_charged_with_abuse_of_student

By [Dana Treen](#) Friday, Mar. 20, 2009

Florida - A veteran Jacksonville teacher has been charged with child abuse after police were told an autistic student in her class was strapped into a toilet training chair for hours over several days.

The student at Kernan Trail Elementary was restrained in the chair with his pants down during a three- or four-day span in September, according to the arrest report charging Rhona Silver, 55, with child abuse. Silver was arrested Tuesday and released on her own recognizance, according to the Jacksonville Sheriff's Office report.

The police report said the student, whose name and age were not provided because of confidentiality rules, is autistic and was buckled to the seat with his pants down and only allowed

up for lunch. He was placed in the seat at 9 a.m. and released at the end of the day, according to the report.

Silver remains employed by the school system but has been out of the classroom since late October. That's when the school was told the student had been placed in a Rifton chair, used to assist children going to the toilet. It's unclear why the investigation took five months for charges to be filed.

Witnesses said they saw Silver put the student in the chair, which was in a bathroom in the classroom. When she was confronted by staff, they were told the child was being potty trained, the arrest report said.

Two teaching aides and an intern were in the classroom at the time and interviewed by investigators.

Police said an autism expert employed by the Duval County school system said the special chair was to be used for assistance and not punishment or training. The expert told police none of the students in Silver's class had a disability that would require the use of the chair.

School system spokeswoman Jill Johnson said the chairs are in use in some schools but only on a case-by-case basis and are being phased out.

"They are obsolete," she said. "We are in the process of getting rid of them."

In January, a report by the National Disability Rights Network urged Congress to ban the inappropriate use of restraint in schools, including the tying down of students. The nonprofit organization said the practices could result in physical and emotional injuries as well as death.

Autism is a brain disorder that begins in early childhood and is marked by an inability to have normal social interactions. Those with autism are self-absorbed, have communication disorders and short attention spans.

The police report said the student who was placed in the chair requires special teaching and constant supervision.

Silver has taught exceptional education students in Duval County since 1977 and has no other disciplinary action on her record, Johnson said. Silver has been placed in a job where she does not have contact with children, she said.

Silver has been listed as a contact for an autism and asperger syndrome support organization.

A phone message left Thursday morning at a number listed for Silver was not returned.

Times-Union writer Deirdre Conner contributed to this report.

dana.treen@jacksonville.com, (904) 359-4091

One mother's story about her special needs son sheds light on seclusion rooms

By [Susan Weich](#) ST. LOUIS POST-DISPATCH
Sunday, Mar. 01 2009

Missouri - Carla Clapp's 9-year-old son is a special education student in the Francis Howell School District, and she's worried about a proposal to ban timeout rooms in Missouri.

Her son suffers from severe attention-deficit hyperactivity disorder and has speech and developmental delays. When he gets upset, the room allows him a quiet space to work through it, she said.

"Unless you witness one of these outbursts and are a part of it, you cannot comprehend it; it really is a safety issue," she said.

Clapp, 38, of St. Peters, said her son has been placed in a padded seclusion room three times, and she was present once.

It was the end of the day, and she came to the classroom to take him home. It took less than five minutes for him to calm down, and a teacher watched him the whole time, she said. He was allowed to come out as soon as he was calm.

Two other families in the school district have said their sons were emotionally traumatized by the rooms. One said their child suffered bruises. Both filed complaints against the school district.

One of them, Ange Hemmer, said her son still gets upset when he talks about the incident, which happened three years ago.

Clapp said her son has never expressed anything — good or bad — about his time there.

"With my son, it's almost a blind rage," she said. "I don't even know if he has a memory of what is going on during that time, to be perfectly honest."

Complaints from parents have gotten the attention of state Sen. Scott Rupp, R-Wentz-ville. He filed a bill last week to ban the rooms, even though he told me that taking away this option might not be the right answer.

He said the deadline to introduce legislation was looming, and he wanted to file something to keep the discussion going.

"We're having a conversation that needs to be had on what these things are: Do they serve a purpose, who's creating the rules, are they being used properly and not as a punishment?" he said. "We may be able to find a middle ground."

The Special School District of St. Louis County and other area districts use similar rooms. Clapp says a ban could hurt more children than it would help.

Using the room wasn't part of her son's individual education plan when he was in kindergarten, so when he threw a tantrum, the school called her to pick him up.

"I could not get him to calm down for anything," she said. "I had to try to put him in a car in my back seat and drive him less than a mile to my house, and it was unsafe for him, it was unsafe for me."

She said without the rooms, more parents would be placed in the same situation and teachers or police would have to try to control the student until the parent arrived.

"What do they do in the meantime other than trying to hold the child down?" she asked. "My son would be running all over the school, endangering himself and others. It scares me to death that they might take those rooms out of the schools."

Clapp said medication helps her son control his problems, but that does not mean the room will never be necessary again. It remains something she allows to be used.

Byron Koster, a disability advocate with Missouri Protection and Advocacy Services, said there are better options.

He said that many students can be calmed by moving them to a different room, holding them or letting them rock in a swing. He said his group has documented abuse in seclusion rooms nationally, including keeping children in the rooms long after they are calm or using the rooms for punishment.

"It's not appropriate, it's not therapeutic, and, in fact, it can be very dangerous to the individual," he said.

In the 25-plus years the rooms have been used in the Francis Howell district, there have been no injuries reported other than those in the current complaints. In fact, the district says the rooms are rarely used, and only after a set of steps to calm the child have failed.

This does not mean the potential for abuse doesn't exist, and Rupp is right that more discussions should take place.

At the very least, the state should require districts to have guidelines, like Francis Howell does, for the use of the rooms and then make sure someone is monitoring the districts. Training for teachers is also necessary.

Karen Spaulding, 45, of St. Peters, says she worries that without the rooms, schools will be less inclusive of children such as her 13-year-old daughter, who is a special education student in Francis Howell.

"She loves people, she loves being in the middle of things, and she is able to do that because she is included in her local school," she said. "Her life is richer because of it."

While a seclusion room is not in her daughter's plan, Spaulding said the discussion about them, to this point, has been one-sided.

"If you take this concept out of context, it does sound barbaric and inappropriate," she said. "But it follows a series of interventions that help get the child back to where they need to be."

Parents, school districts and state lawmakers need to work together to make sure that the needs of all students are being met, and that special needs children are safe at school.

Florida Special ed teacher faces termination today

Four other educators face suspension at a school board meeting.

http://www.jacksonville.com/news/metro/2009-02-03/story/special_ed_teacher_faces_termination_today

Tuesday, Feb. 3, 2009

Duval County Public Schools wants to fire a special education elementary teacher who it says pinned a student against a wall while twisting his arm around his back and, later, locked him in a closet.

Deborah Bailey, a special education teacher at Chaffee Trail Elementary School, faces termination today when the School Board votes on the district's recommendation.

According to the district, on Nov. 18 Bailey pushed one of her special education students into a corner and trapped the student with a chair.

"You also held him on the floor while he screamed and cried for help and you twisted his arm," Superintendent Ed Pratt-Dannals wrote to Bailey in a Jan. 16 letter. "You subsequently locked the same student in a closet." It is unknown how long the student was in the closet.

Attempts to contact Bailey were unsuccessful.

The district is also recommending that four other Duval educators be suspended without pay for misconduct.

Patricia Noel, a sixth-grade teacher at Arlington Middle School, faces a 10-day suspension for "pulling a chair from beneath a student who was lying down watching a movie during class" on Oct. 30, according to district documents.

Noel also slapped a female student on the arm and directed the student to leave her classroom on Nov. 14 after the student refused to turn in a test, the district said.

Jacqueline Williams, a language arts teacher at Lake Shore Middle School, faces a five-day suspension for calling the office of Grand Park Alternative School and pretending to be the "mother of a student and giving permission for the student to ride the city bus home," according to the district.

Natalie Jackson, a paraprofessional at Terry Parker High School, faces a five-day suspension for throwing a phone book at a student.

Robert Harrison, a math teacher at Twin Lakes Academy Middle School, faces a five-day suspension for scratching the neck of a student he grabbed and bruising the hand of another student he grabbed by the arm, according to the district.

topher.sanders@jacksonville.com (904) 359-4169

Aide accused of striking special education students

45-year-old charged with child abuse, assault, battery

Friday, January 23, 2009

BY DAVID JESSE AND ART AISNER **The Ann Arbor News**

<http://www.mlive.com/news/annarbornews/index.ssf?/base/news-31/123272526594220.xml&coll=2>

An aide with the Washtenaw Intermediate School District is facing child abuse and assault charges after he was accused of slapping and shoving two special education students under his care, Ann Arbor Police said.

Parents of the students, ages 12 and 13, went to police after an internal WISD investigation cleared the aide, and he was transferred to another classroom, where he still worked with special education students.

Michael Beasley, 45, was arraigned in 15th District Court Thursday morning on two counts each of child abuse and assault and battery, police said. He pleaded not guilty and was released on a personal bond, police said.

His lawyer, Doug Mullkoff, did not return calls seeking comment Thursday.

Beasley is on paid administrative leave, WISD spokeswoman Gerri Allen said.

In a letter sent home to parents, WISD Superintendent Bill Miller said he "found these allegations to be extremely troubling.

"We are taking appropriate action to internally investigate the circumstances surrounding these allegations, including a review of district investigation and reporting procedures."

That statement didn't mollify parents of the students, who said the WISD should not have allowed the aide to continue working with students after the allegations were raised.

"They should have fired him from the get-go," said parent Mike Hayes. "He did a lot of things he shouldn't have been doing. They just tried to sweep it under the rug."

The Pittsfield Township man is accused of slapping a 13-year-old autistic child with an open hand at Scarlett Middle School on Oct. 30.

The child, from Saline, suffered redness and swelling of his face but did not need medical treatment, reports said.

Detective Sgt. Jeff Connelly said that during his investigation, a detective discovered another incident in which Beasley was accused of shoving a 12-year-old Ann Arbor girl with special needs to the gym floor at Scarlett in mid-October. The girl suffered bruises to her arm, and her parents received a letter about the incident signed by her teacher, police said.

Several parents of students in that class said the aide slapped, pinched, swore at and was physically abusive to children.

Allen said Beasley's WISD personnel file had no other complaints in it.

The class at Scarlett has six students, one teacher, two teacher aides and other support staff. It's one of nine classrooms the WISD runs at local schools to help students with moderate and severe disabilities get skill training, access to general education curriculum and opportunities to participate in activities with non-disabled peers.

Parents initially approached the WISD in the fall with complaints about Beasley.

"On October 30, 2008, he was immediately placed on administrative leave pending the outcome of an internal investigation," Allen said. Following this investigation the employee was placed on disciplinary leave for failure to follow the district student behavior management policy and was given an employee assistance plan.

"On November 12, 2008, the employee returned to work but in a different location (High Point School) at his request."

Parents disagreed with that move.

"We just thought that wasn't right," Hayes said. "That's when we started filing police reports. We thought if the school wasn't going to do anything about this, we would."

Parents said they took their concerns to Miller, who on Dec. 8 placed the aide back on administrative leave while the police investigated.

Parents also appeared before the school board in closed session last week asking for action. None has been taken yet.

"It was very scary," Hayes said. "We just thought something wasn't right in the classroom. With children that have a hard time communicating, it makes it just that much harder.

"We shouldn't have had to go through this."

David Jesse can be reached at djesse@annarbornews.com or at 734-994-6937. Join the discussion at blog.mlive.com/study_hall.

Harlandale ISD Parents Protest, Claim Teacher Abuse

<http://www.ksat.com/news/18543421/detail.html>

January 23, 2009

SAN ANTONIO -- A group of parents in the Harlandale Independent School District protested outside an elementary school Thursday afternoon while claiming a teacher physically abused their children.

The parents claim a pre-kindergarten teacher at Gilbert Elementary has hit children with rulers and twisted arms and fingers.

"She is simply disrespectful. She's hitting my daughter, my daughter's coming home crying, telling me she doesn't want to come to school because she abuses her," said parent Jessica Olveda. "She tells her she hates her, she doesn't like her."

The protesters claim district officials are not listening to their concerns.

"We want this teacher out," said Olveda. "We went to the school board, we have many complaints on her; the same teacher, different incidents, different times, and the school board is not doing anything and nobody is listening to us."

A district spokesman said the parents' claims are being investigated and wanted the protesters to know their concerns will be addressed.

"When we have parents who are out here right now, it's telling us they have something to say and we need to sit down and listen to those concerns," said district spokesman Pete Barcenez

Boy, 11, arrested after alleged problems at school

Fort Myers, Florida - Rachel Myers January 6, 2009

An 11-year-old student was arrested at Treeline Elementary School in Fort Myers on Monday on two felony counts of battery on an education officer and one count of resisting arrest.

The child, who is not being named because of his age, was arrested after a **behavioral specialist** at the school was called into the classroom by another teacher because the student needed a time-out for hitting another student in physical education class the week prior and for nearly getting into a fight that day.

But the boy refused, according to Fort Myers police officer John Zaleski. The boy then bit his teacher's arm, and when another teacher was called in, the child reportedly bit him as well and head-butted him. At that time, police were called, and the boy was arrested.

Aides testify about concerns for autistic students

<http://www.dailyherald.com/story/?id=257295>

12/11/2008

Schaumburg, IL - The mood grew tense in Rolling Meadows Courtroom 110 Wednesday during defense attorney Thomas Breen's cross-examination of a onetime teacher's aide to Patrick McCarthy, the former special education teacher charged with aggravated battery and unlawful restraint of three autistic students last year at Schaumburg's Robert Frost Junior High.

Teacher's aide Carol Greco said McCarthy made a student jump for 40 minutes on a trampoline wearing a weighted vest and she consider that unprofessional. Earlier, teacher's aide Habib Behrouzi testified similarly about the incident. Another aide, Jean Ramirez, contradicted them saying the student spent 10 minutes on the trampoline.

Greco said the student cried and tried to get off the trampoline. The incident upset her, especially when she learned that student - who suffered from a seizure disorder - had a seizure later that night.

"You blame Patrick McCarthy for causing that seizure," said Breen. "I think it may have," said Greco, a 10-year veteran. Greco said she also believed McCarthy behaved abusively once when he used his body to run a student into a wall several times.

"You cared a great deal about these children," said Breen. "You hated to see any one of them in discomfort or crying, didn't you?"

"Yes sir," she said.

The exchange became strained a few minutes later when Breen stated, "you really hate Patrick McCarthy today, don't you?"

"Patrick McCarthy was my friend," Greco fired back. "He was like a son to me."

Responding to assistant state's attorney Shandra Leary's redirect, Greco testified "it was hard to turn in a friend," but said that she did it because she felt the students were in danger. Greco also said she believed McCarthy's responses to the students' behavior escalated the situation rather than diffusing it.

Testimony concluded with defense witness Ramirez, another McCarthy teacher aide, who had socialized with McCarthy and other colleagues at least one occasion and knew that he was going through a divorce. The nine-year veteran testified that she never saw McCarthy abuse his students and she said as much to Schaumburg's investigating officer.

Due to an attorney conflict, testimony resumes at 1:30 p.m. Dec. 17 in Rolling Meadows courtroom 110.

School Has Autistic Child Arrested

<http://www.babble.com.au/2009/01/20/school-has-autistic-child-arrested/>

By JeanneSager January 20, 2009

Charges of battery against an eight-year-old with Asperger's syndrome have been dropped, and her parents are now pursuing legal action against the Idaho school district that called law enforcement.

What's wrong with this picture?

[Evelyn Towry was told](#) she couldn't wear her special jacket in class last week, prompting the little girl (whose diagnosis of [Asperger's](#) falls on the autism spectrum) to become resistant and act out in the classroom. But instead of telling the child she could just wear her jacket, school officials said they called the cops, alleging she assaulted school staff during the incident.

She's eight. And autistic. Shouldn't school officials, of all people, understand that?

While Asperger's syndrome [falls on the milder end of the autism spectrum](#), its symptoms are akin to what many people identify with autism - a need for structure, difficulty identifying and expressing feelings. It's also classified as a disability, allowing children who have been diagnosed to qualify for special services from their local school district, including special consideration for their special needs.

So why should a jacket on a child with Asperger's syndrome become an issue? Even if this child were to have become violent, the details of the case would indicate that school officials set this child - who they knew had a difficulty expressing feelings - off. They caused the problem. That would seem a direct violation of civil rights section 504, which protects kids in schools from discrimination for their developmental disabilities.

Should autistic child bear some responsibility for their actions? By calling the cops and pressing battery charges, that's what the school district was suggesting - that Evelyn Towry was responsible for battery. But who's to blame? Should a school district be held liable for the action that caused the equal and opposite reaction?

Faith Finley died after being restrained in controversial position (center for troubled children)

http://blog.cleveland.com/metro/2009/01/faith_finley_died_after_being.html

Posted by Rachel Dissell January 10, 2009 07:00AM

Ohio - Courtesy of the family Fatih Finley, 17, suffocated after being restrained in a face-down position that has been banned by one state agency.

A 17-year-old girl who suffocated while being restrained at a center for troubled children was held in a potentially deadly face-down position that was recently banned by at least one state agency.

The restraint has been blamed for the deaths of at least 40 children in facilities nationwide since 1993.

Cuyahoga County Coroner Frank Miller said Faith Finley had been held in what is known as the prone restraint.

He ruled her Dec. 13 death a homicide Monday, saying she was suffocating while she was restrained at Parmadale Family Services in Parma and choked on vomit. Parma police are investigating.

A movement to ban the dangerous "prone restraint" has grown among agencies that serve children. The Ohio Department of Mental Retardation and Developmental Disabilities banned it in November.

The danger of the restraint led to the ban, according to a memo sent to agencies that the department licenses. Copies went to at least a dozen additional state officials.

"Research supports the belief that prone restraints are potentially fatal due to the impact this maneuver has on reducing a person's ability to breathe," the memo reads.

Unclear is whether Parmadale was aware of the memo.

Staff is trained on all the dangers and methods involved in restraints, said Tom Mullen, president of Catholic Charities, which runs Parmadale.

Staff is taught to use a face-to-the-ceiling restraint where staff members secure a child to the floor by pinning their arms and legs to the ground and not compressing the torso in any way, he said.

If staff did not follow the policy, action would be taken, he said. Two workers involved in the restraint on Faith are on paid leave pending the police investigation.

The face-down restraint, which puts pressure on the stomach area, can be especially dangerous if used on a person taking psychotropic drugs. The drugs can cause some to easily vomit while relaxing the gag reflex, making it harder for them to clear their throats. Faith was taking medication in that category.

Nationwide, since 1993, at least 64 children died and thousands were injured while being restrained in face-down and other methods. About half of the restraints that caused deaths were unnecessary, a review of restraint deaths by Cornell University Residential Child Care Project found.

Cornell's trainers, who have worked with Parmadale, teach both the face-up and facedown techniques as a part of their Therapeutic Crisis Intervention system but warn neither is safe. Facilities choose which methods suit their philosophy. Some choose never to use restraints. "Every single restraint assumes a certain level of risk, including death," said Michael Nunno, the project's principal investigator. "You never want your intervention to be more risky than what the child is doing."

According to the coroner's ruling, Faith was restrained after an "outburst of disruptive behavior." Faith had been tossing things around her room and may have approached the staff aggressively, said Parma police and Parmadale officials.

That type of behavior alone is not enough to restrain a child, Nunno said.

Workers often get into power struggles with kids they supervise, especially if the atmosphere in the facility is chaotic. Staff involved in such struggles should remove themselves from dealing with the children, he said.

According to police records and other sources, the situation in Parmadale's Cottage 14, where Faith lived, was particularly tense.

In the days leading up to her restraint, several children escaped, one stole a car, a child-care worker was injured by a teen and -- just before Faith died -- another girl in the cottage was beaten so badly, she was taken to the hospital.

People can be trained and tested over and over, Mullen said, but in the heat of a situation, it's hard to maintain control of an agitated child who is struggling with staff.

"What people need to understand is that these are interactions between humans," he said.

Bellefaire JCB in Shaker Heights, which also treats troubled children, uses restraint as a last resort, said Jeffrey Cox, clinical director.

"For us, disruptive is not enough," he said. If a child were to punch a staff member and walk away, that would not be a restraint situation because the immediate danger would be over, he said.

When restraints are used, the child's vital signs are carefully monitored, and children are not left alone immediately after being restrained, Cox said.

Faith was allowed to rest on the floor after she was released from the restraint, and workers later discovered her breathing was shallow. Parmadale staff lacked access to life-saving measures such as an automatic defibrillator to try to restart her heart.

The number of restraint-related injuries in Ohio is unclear because no agency collects the data. Information about major incidents, such as deaths or serious injuries, is supposed to be reported to the agency or agencies that license a facility. But that information is not shared.

In 2006, the Ohio Association of County Behavioral Health Authorities, an umbrella group that includes county mental health boards, pleaded for the creation of a statewide system to report child injuries in facilities.

The report pointed out that thousands of restraint-related injuries each year, including rug burns, black eyes, bloody noses and broken teeth, are not required to be reported. It concluded that fear of liability and the potential of losing facilities, which are already in short supply, were reasons that reforms were not being pushed.

"We tinker around the edges, but nobody is biting the bullet and fixing this problem," Cheri Walter, CEO of the group, said at the time. Asked this week if any changes had been made since the 2006 paper was printed, Walter said, "Frankly, nothing has changed." But now, officials are facing the death of a 17-year-old. "It's unfortunately taken kids' deaths to prompt these kinds of changes," Nunno said.

Treatment or trauma? Children and mental-health arrests

New York - By [Tim Louis Macaluso](#) on December 10, 2008

<http://rochestercitynewspaper.com/news/articles/2008/12/Treatment-or-trauma-Children-and/>

Lynn Marie Webster says that her son seemed to be developing normally until he was almost 3. Then subtle signs began appearing: he started swearing, he was easily distracted, and he all but stopped listening to his parents.

"We were going to our pediatrician constantly because I thought I was doing something wrong," Webster says.

In October 2006, after only two-and-a-half weeks in his Greece kindergarten class, Adam (not his real name), then 5, was suspended from school.

Webster told her son's teachers before the start of the school year that she wanted to be an involved parent and that she expected lots of phone calls and e-mails. "But I wasn't expecting that call," she says.

Adam, his teacher said, was flipping over desks, throwing books, swearing, and spitting.

The month that Adam was suspended was one of the hardest, Webster says, because Adam was having one of his worst episodes, as Webster calls them - kicking, biting, spitting, and even urinating in the middle of the room. She called the Mobile Crisis Team at the University of Rochester Medical Center and they helped calm Adam down. But five minutes after the team left, Webster says, her son became even more violent. Webster called 911 and Adam was arrested under the state's mental hygiene law and he was hospitalized for the first time.

Thousands of adults are arrested every year under the state's mental hygiene law. The law permits police to restrain individuals and take them by ambulance to a hospital for a mental-health evaluation.

But the public might be surprised to learn that children in Rochester - some as young as 4 - are also subject to mental-hygiene arrests. The practice horrifies some teachers, social workers, and mental-health professionals. But to parents like Webster, it is the beginning of getting their children the help that they need.

Under the mental-hygiene law, police officers with reasonable cause to believe that the people in question may harm themselves or someone else as a result of mental-health problems can be arrested, says Sergeant Daniel Berardini, with the Rochester Police Department. But arrest may be a misleading word, he says, since criminal charges aren't filed.

In the Rochester area, most people are taken to Strong Memorial Hospital, where there is a comprehensive psychiatric emergency care program. The unit at Strong is staffed around the clock with psychiatrists, psychiatric nurses, and social workers. Patients have to be evaluated by a staff psychiatrist within 48 hours of admittance. And patients can be held involuntarily up to 72 hours or longer if specific standards are met.

Mental-hygiene arrests of young people, children, and adolescents are often made in schools, Berardini says, because that's where they spend most of their day. Principals are typically the ones who make the emergency call to police when children's behavior can't be managed in a classroom setting.

But determining exactly how many young people in Rochester are arrested under the mental-hygiene law every year is difficult. The Rochester City School District does not keep records of these types of arrests, says Tom Petronio, a spokesperson for the district. City Schools Superintendent Jean-Claude Brizard and several school board members said that they weren't aware that the arrests are taking place.

But teacher Lori Thomas questioned the practice at a board meeting six months ago - with Brizard present. She wanted to know why children needed to be held down and strapped to a gurney. No one responded to her concerns, Thomas says.

Another reason why tracking down the number of mental-hygiene arrests is difficult is because the call for an arrest can originate from several sources. URM's records show that more 1,700 children and adolescents were taken to the Strong psychiatric unit in 2007 for evaluation.

Of that number, more than 130 young people came from schools countywide, including students in the city schools. More than 550 came from the Rochester Police Department, which could also include students picked up from the City School District. But the majority of calls - more than 700 - were made by parents and family members.

Obtaining data on the arrests is further complicated by confidentiality constraints. And the stigma associated with mental-health issues has also played a role in keeping the arrests in the closet.

"We forget that mental health is still a taboo subject in this country," says Webster. "The stigma that surrounds these kids is just unimaginable. I can't even tell you how many times people have heard my son swearing and they'll say, 'Why doesn't she just discipline her child?'"

Even Webster's husband had difficulty understanding his son's problems until he saw Adam's behavior on videotape, says Lynn Marie Webster. Adam was eventually diagnosed as having bipolar disorder, a condition characterized by extreme mood swings. He understands that he has

a problem, says Webster, and he often apologizes after he has calmed down. Adam once asked her, she says, if she would trade him for another, presumably better-behaved child.

"That's the reason I'm speaking out, to lesson the stigma," Webster says. "I love him. Our kids are amazing kids when you think about it."

Debra Sims (not her real name) says that her son's behavior began to change when he was about 3-and-a-half. Jake (not his real name) started having severe mood swings and played well with other children only as long as he could dominate them, Sims says. Now a first-grade student in the City School District, Jake has been arrested three times - the most recent was last month.

"They say he was flipping chairs and throwing stuff," Sims says.

Jake will scratch, pinch, punch, and kick others when he is upset, she says. He is also prone to self-inflicted injury, she says, such as biting himself. Sims says that she is anxious because Jake requires so much attention and she has other small children.

"I have to keep my silverware up because I just don't know what he'll do," she says.

When Sims was called to the school last month because Jake was having an outburst, she says that could hear him swearing before she even got to the room. As she tried to help him put his shoes and coat on, he struck her hard across the face.

"I took him home and got him something to eat and he calmed down," Sims says. "I get to the point where I can't handle it."

Sims doesn't have much family support. When she visits a family member's home for dinner, she sometimes has to leave if her son begins misbehaving, she says.

Sims' mother tells her that Jake just needs a good spanking, Sims says.

Parents can usually tell that something is going terribly wrong in their children's lives well before mental-hygiene arrests enter the picture, experts say. "With children, behavior is a communication of unmet needs," says Debbie Bartlett, vice president of the Mental Health Association. "The baby is hungry, so the baby cries. But even as they get older, a lot of our kids don't always have the skills to tell us what they need."

And frequently, parents don't know who to turn to or how to get help for their children. The tantrums and behavior problems seem to take over, causing the children to fall behind in school socially and academically.

It's like watching a slow death, says Melanie Funchess, director of community engagement for the Mental Health Association.

"Each time your child can't do something, the dream you have for them dies a little," she says.

Often the mental-hygiene arrest is the first step in a long process that can help parents and professionals focus on the child. If a clinical diagnosis has been made, says Bartlett, the child is legally entitled to certain state benefits that will help with health-care costs.

"What people need to understand when we talk about mental-health arrests is that we're not talking about a kid with a case of the fidgets," says Dr. Eric Caine, chair of the URMC's psychiatry department. "We're talking about behavior that is frequently out of control and violent. We're trying to prevent what is happening from escalating during adulthood."

But not everyone sees mental-hygiene arrests as a useful tool with small, school-age children.

Mark Primus is an assistant professor with Nazareth College's department of social work. He has worked with the City School District and the Rochester Police Department, and he says that the experiences he had with mental-hygiene arrests left him uncomfortable.

"I believe MHA's are a catch-22," he says. "It's done to protect the child, but it can have the opposite result. Instead of getting the positive reinforcement they need, the child is getting massive amounts of negative reinforcement."

We assume that children come to school ready-made for learning, Primus says, and that's not true.

"These children come to school and they are now in an environment where there is a lot of structure," Primus says. "A lot of students need help learning how to adjust to structure and what they're really saying is, show me how to adjust to sharing or show me how to play - because I really don't know how."

While most school districts have special-education programs for mentally challenged students, there often aren't enough resources, including specially trained teachers and counselors, to work with students who are experiencing mental disorders.

Primus says that it is a little easier to work with older children because they are more verbal and might be able to talk about what's upsetting them. But with very young children, it could be anything, he says. It's important not to respond punitively, he says, because these children are unable to control what is happening to them.

"You have to give them space for calming down," he says. "But afterward, you need to be able to talk to them about what you saw them doing. Sometimes you can determine what triggered their response and sometimes you can't."

Mental-hygiene arrests should be the last option, Primus says. And he says that he does think that there is the potential for misuse - pointing out the poverty that plagues the City School District.

"Socioeconomics does play a role because parents may not have been able to teach that piece about sharing or how to play with others," Primus says. "We have to be careful that we are not misreading the situation."

Teacher Lori Thomas says that she decided to speak before the Rochester School Board because she is concerned that the arrests are occurring with greater frequency in the city schools, though she admits that's only a gut feeling.

The arrests could be creating long-lasting emotional scars, she says, and they leave too many children from poor, minority families with diagnostic labels that are limiting.

"We are failing our children," she told board members last June.

But Caine says that there are misunderstandings about the purpose of mental-hygiene arrests and that they shouldn't be viewed as a bad thing. It's a topic that hasn't been talked about, he says, "Which is another way of saying we don't want to hear about it."

Should Schools Use Time-Out Rooms?

November 20, 2008
DES MOINES, Iowa

http://www2.tbo.com/poll/2008/oct/17/35/should-schools-use-time-out-rooms/#poll_35
(Click on the link and cast your vote)

After failing to finish a reading assignment, 8-year-old Isabel Loeffler was sent to the school's time-out room - a converted storage area under a staircase - where she was left alone for three hours. The autistic Iowa girl wet herself before she was finally allowed to leave. Appalled, her parents removed her from the school district and filed a lawsuit.

Some educators say time-out rooms are being used with increased frequency to discipline children with behavioral disorders. And the time outs are probably doing more harm than good, they add. "It really is a form of abuse," said Ken Merrell, head of the Department for Special Education and Clinical Sciences at the University of Oregon. "It's going to do nothing to change the behavior. You're using it as an isolation booth." Segregating children removes them from the positive aspect of the classroom and highlights that they're different from other children, said Stephen Camarata, director of the Kennedy Center for Behavioral Research at Vanderbilt University. And isolating an autistic child might be particularly counterproductive. "They don't like being around other people so they might increase their negative behavior because they view it a reward," he said. Though there is no data on the use of time-out rooms, Camarata speculates that they've become widespread as schools confronted a growing enrollment of children with behavior disorders. "I believe it's because classrooms are much less flexible with more focus on compliance," he said.

The Disability Rights Education and Defense Fund in Berkeley, Calif., receives calls from parents across the country who complain about time-out rooms, said Cheryl Theis, an education advocate for the organization. "Parents call and say their child's disability has been exacerbated by this and are traumatized by this," she said. Merrell said he's encountered time-out rooms he

felt were unsafe. "I once consulted with a school in another state and had a weekly appointment with a child to do some counseling and when I got there they told me he was in a time-out room," he said. "He was in a janitor's closet with no windows, no ventilation, open cans of paint, a mop bucket with disinfectant and he had been in there for over an hour." Merrell, who has published nearly 100 studies and 10 books on teaching social and emotional skills, said time-out rooms can be used effectively but seldom are. The key, he said, is to combine the time outs with social skills training. Patti Ralabate, a special education analyst with the National Education Association, said time-out rooms are common but should be used sparingly. "And when they are used, all of the educators involved need to have appropriate professional development to see how this is used and how to use them appropriately," she said. Ralabate said a time-out room can be effective if it is intended to provide a space for a child to calm down and reflect on their behavior. "If it is used to isolate the child, punish the child for a behavior, then we would view it as not productive and not positive," she said.

In Iowa, Doug and Eva Loeffler started to notice changes in their daughter in December 2004, soon after she began school in the Des Moines suburb of Waukee. It prompted them to take Isabel to University Hospitals and Clinics in Iowa City for evaluations. "We laid awake at nights thinking we'd have to institutionalize her," Doug Loeffler said. "We went to three evaluations at the hospital and all of a sudden we find out she's being mistreated." Loeffler said they weren't told in school evaluation reports that their daughter had been restrained and placed in a time-out room. During one incident in December 2005, Isabel wet herself because she was locked in the room for three hours and not allowed to use a restroom, he said. Loeffler said the time-out room rules required that before she could be released, she must sit on the floor with her legs crossed without moving a muscle for at least five minutes. "If she said something, grimaced at them, they would restart the clock and she was not capable of doing that," Loeffler said. "That's why it was three hours." Loeffler said the couple homeschooled Isabel until he took a new job and the family moved last year to California. Isabel has shown signs of progress and is back in public school, he said. David Wilkerson, superintendent of the Waukee school district, declined to speak about the accusations because of the pending lawsuit. But he said time-out rooms are a "pretty common practice" and that the district complies with the state's guidelines for such rooms. Loeffler said he is pressing ahead with the lawsuit and hopes to draw attention to the need for nationwide standards for time-out rooms.

Some experts call school time-out rooms 'abuse'

By Michael Crumb, Associated Press

10/20/2008

DES MOINES — After failing to finish a reading assignment, 8-year-old Isabel Loeffler was sent to the school's time-out room — a converted storage area under a staircase — where she was left alone for three hours.

The [autistic](#) Iowa girl wet herself before she was finally allowed to leave. Appalled, her parents removed her from the school district and filed a lawsuit.

Some educators say time-out rooms are being used with increased frequency to discipline children with behavioral disorders. And the time-outs are probably doing more harm than good, they add.

FIND MORE STORIES IN: [California](#) | [Berkeley](#) | [Des Moines](#) | [Vanderbilt University](#) | [Iowa City](#) | [University of Oregon](#) | [National Education Association](#) | [Doug](#) | [Defense Fund](#) | [Clinics](#) | [University Hospitals](#) | [Disability Rights Education](#) | [Wauke](#) | [Clinical Sciences](#) | [Stephen Camarata](#)

"It really is a form of abuse," said Ken Merrell, head of the Department for Special Education and Clinical Sciences at the University of Oregon. "It's going to do nothing to change the behavior. You're using it as an isolation booth."

Segregating children removes them from the positive aspect of the classroom and highlights that they're different from other children, said Stephen Camarata, director of the Kennedy Center for Behavioral Research at Vanderbilt University. And isolating an autistic child might be particularly counterproductive.

"They don't like being around other people so they might increase their negative behavior because they view it a reward," he said.

Though there are no data on the use of time-out rooms, Camarata speculates that they've become widespread as schools confronted a growing enrollment of children with behavior disorders.

STUDY: [Boys' parents more likely to report problems](#)

ARCHIVES: [Antipsychotic drugs carry some risks for kids](#)

"I believe it's because classrooms are much less flexible with more focus on compliance," he said.

The Disability Rights Education and Defense Fund in Berkeley, Calif., receives calls from parents across the country who complain about time-out rooms, said Cheryl Theis, an education advocate for the organization.

"Parents call and say their child's disability has been exacerbated by this and are traumatized by this," she said.

Merrell said he's encountered time-out rooms he felt were unsafe.

"I once consulted with a school in another state and had a weekly appointment with a child to do some counseling and when I got there they told me he was in a time-out room," he said. "He was in a janitor's closet with no windows, no ventilation, open cans of paint, a mop bucket with disinfectant, and he had been in there for over an hour."

Merrell, who has published nearly 100 studies and 10 books on teaching social and emotional skills, said time-out rooms can be used effectively but seldom are. The key, he said, is to combine the time outs with social skills training.

Patti Ralabate, a special education analyst with the National Education Association, said time-out rooms are common but should be used sparingly.

"And when they are used, all of the educators involved need to have appropriate professional development to see how this is used and how to use them appropriately," she said.

Ralabate said a time-out room can be effective if it is intended to provide a space for a child to calm down and reflect on their behavior.

"If it is used to isolate the child, punish the child for a behavior, then we would view it as not productive and not positive," she said.

In Iowa, Doug and Eva Loeffler started to notice changes in their daughter in December 2004, soon after she began school in the Des Moines suburb of Waukee. It prompted them to take Isabel to University Hospitals and Clinics in Iowa City for evaluations.

"We laid awake at nights thinking we'd have to institutionalize her," Doug Loeffler said. "We went to three evaluations at the hospital and all of a sudden we find out she's being mistreated."

Loeffler said they weren't told in school evaluation reports that their daughter had been restrained and placed in a time-out room. During one incident in December 2005, Isabel wet herself because she was locked in the room for three hours and not allowed to use a restroom, he said. Loeffler said the time-out room rules required that before she could be released, she must sit on the floor with her legs crossed without moving a muscle for at least five minutes.

"If she said something, grimaced at them, they would restart the clock and she was not capable of doing that," Loeffler said. "That's why it was three hours."

Loeffler said the couple home-schooled Isabel until he took a new job and the family moved last year to California. Isabel, now 12, has shown signs of progress and is back in public school, he said.

David Wilkerson, superintendent of the Waukee school district, declined to speak about the accusations because of the pending lawsuit. But he said time-out rooms are a "pretty common practice" and that the district complies with the state's guidelines for such rooms.

Loeffler said he is pressing ahead with the lawsuit and hopes to draw attention to the need for nationwide standards for time-out rooms.

http://www.usatoday.com/news/education/2008-10-20-time-out-discipline_N.htm

Even with witnesses our children still don't stand a chance against the school districts. What kind of justice is this? This case is a perfect example of why more people in the school districts do not and will not come forward and report the abuse that is taking place behind closed doors in the public school system on children with disabilities. Who is going to protect our children from this continued abuse and neglect?

Special education teacher cleared of abusing autistic kids

Clerk magistrate finds no probable cause for filing assault charges

By Nancy Reardon
The Patriot Ledger
Nov 08, 2008 QUINCY MA

<http://www.patriotledger.com/homepage/x1403420306/Special-education-teacher-cleared-of-abusing-autistic-kids>

A teacher accused of physically abusing six autistic students in a Randolph classroom will not face assault charges after a clerk magistrate found no probable cause.

In reaching his decision, **the clerk questioned the accounts of three whistle-blower aides, calling parts of their stories “not believable”** and in contrast with others’ portrayal of the teacher, according to a copy of his decision obtained from a parent.

“If the observations of the aides are accurate, it would indicate that Gibbons ... underwent a complete personality change in February and March,” wrote Assistant Clerk Robert Bloom.

The parents of the students in Ann Gibbons’ satellite classroom for the South Shore Education Collaborative plan to appeal the Quincy District Court decision, which can be heard next by a District Court judge.

“I think it’s the wrong decision. **The system has failed these kids,**” said John Quill, of Norwell, who believes Gibbons caused lip and leg injuries to his 11-year-old son, Sean.

Gibbons, visibly emotional after the hearing, declined to comment. So did eight of her friends and supporters who anxiously awaited Bloom’s decision outside the courtroom during the closed hearing Friday.

Gibbons’ attorney, Todd Bennett, said he believed the case came as far as District Court because of “parental pressure” on the Randolph Police Department.

“Both sides got to present all the evidence before a neutral magistrate and he applied the lowest standard – probable cause. And he couldn’t find any evidence for a criminal complaint,” he said.

Three aides – Mary Ericson, AnneMarie Grant and Erin Royer – reported to parents and Collaborative officials that Gibbons pushed and shoved students, leading to bruises, cuts and limping. All six students in Gibbons’ class were nonverbal.

Both the school and the state Department of Children and Families – formerly known as the Department of Social Services – conducted investigations and found no evidence to support the allegations. But the parents pushed for criminal charges to “give a voice” to their nonverbal children and autistic children in general, they said.

Bloom said the aides’ reasons for not reporting the alleged abuse sooner “lack conviction.” The aides said they feared they would lose their jobs if they spoke up and said Gibbons intimidated them. Bloom also noted the discrepancy between the aides’ portrayal of Gibbons and that of other staff members at the school, who praised the teacher.

He also said the threatening statements attributed to Gibbons by the aides “sound as if they came out of a dime novel.” “‘Like it or lump it’ and ‘I’m bigger, badder and stronger’ just don’t ring true,” he wrote.

Grant, one of the aides, said she feared the hearing’s outcome would deter other aides from reporting abuse in special education classrooms. “I’m disheartened,” she said outside the court. “I’m afraid for any other child who can’t go home and tell their parents.”

The parents – all from the South Shore – removed their children from Gibbons’ class in the spring, and none of the students are enrolled this year at the South Shore Collaborative.

Gibbons, who has been with the school for six years, was placed on academic leave in March for the remainder of the school year. Neither school officials nor her attorney would confirm her status this year.

Grant and Royer are no longer with the collaborative. Ericson is pursuing a related claim against the school, which transferred her into an adult program, she said.

Undo zero-tolerance policy in schools

<http://www.news-press.com/article/20081103/OPINION/811030321/1015>

By David Utter • Guest opinion • November 3, 2008

FLORIDA - The arrest and detention of a 9-year-old girl with mental illness at Royal Palm Exceptional School earlier this month was more than just a personal tragedy for the family.

It was a sad reminder that children with disabilities are not getting the special care they need in our schools and that too many are being shoved needlessly into the juvenile justice system.

I'm not casting blame on individual police officers or school officials. I am saying, however, that the system is broken. It's time to change the attitude pervasive in our schools that the police and the courts are the most appropriate way to handle children who have behavioral problems.

In this case, the girl was charged with two felony counts after she was accused of spitting at teachers and fighting their efforts to restrain her during a confrontation.

A statement issued by the Fort Myers Police Department after the girl's arrest says a lot about the situation: "This was the end of the line, and it is a very fine line we walk. Now, she can be mandated by a judge to get the assistance she needs."

School officials echoed that sentiment. A spokesman said the juvenile justice system must be involved "in order to get the dominoes lined up in order to get the child the help they need."

I'm sure school officials thought they were doing the right thing. But it shouldn't take handcuffs and felony charges for a child with mental illness to get the help she needs.

In fact, this harsh approach - encouraged by zero-tolerance policies that have been in vogue for the past decade or so - is just flat wrong. And it's not working for anyone, least of all the children who get caught up in the cold bureaucracy of courts, judges and jails.

It is this approach that is feeding Florida's most vulnerable children into the state's "school-to-prison pipeline" and, ultimately, into its adult prisons.

As a direct result of such policies, Florida schools sent almost 23,000 students to the juvenile justice system in 2006-07 school year. This is a shocking number. Most of these children committed nonviolent offenses.

Typically, children in Florida are held in jail-like settings even before their cases have ever been heard by a judge - even though decades of research shows that detention harms young people and can contribute to future delinquency.

In Lee County last year, 19 children younger than 9 were processed for criminal offenses by the county's Juvenile Assessment Center, according to The News-Press. That number dropped to nine children this year. However, 13 children who were 10 years old were processed by the center, as were 21 children who were 11 years old.

Why can't "the dominoes" be lined up sooner for these children? Florida already spends more than \$2 billion annually to incarcerate 93,000 adult inmates. The Department of Juvenile Justice spends another \$700 million, processing more than 91,000 youths each year. How much more can we afford to spend? How many more young lives will be shattered before we try something different? There's a better way, and it begins in Florida's schools.

First, zero tolerance needs to be reserved for the most serious crimes, not for minor, nonviolent offenses. Gov. Charlie Crist's Blueprint Commission recommended earlier this year that zero-tolerance statutes and policies be revised to eliminate the referral of youngsters to the juvenile justice system for "petty acts of misconduct and misdemeanors." It further recommended that suspension and expulsion should be avoided if possible and that discipline should be based on the particular circumstances of the misbehavior - a major departure from the one-size-fits-all scheme that is zero tolerance.

Second, schools must begin providing the individual counseling, psychological and social services to children with learning disorders that are required under the federal Individuals with Disabilities Education Improvement Act.

The fact is that 70 percent of youths referred to the Florida juvenile justice system each year have at least one mental health disorder. It will be far more economical, more humane and more effective to make sure these children get the help they need in school rather than to pay for incarceration later.

This is why the Southern Poverty Law Center and a coalition of civil rights groups have recently filed administrative complaints against the Hillsborough and Palm Beach county school districts. And it is why we've filed similar actions in Mississippi and Louisiana - actions that have brought significant reforms.

The stakes are simply too high to rely on the criminal justice system to handle behavioral problems in our schools. Students with mental disabilities need the appropriate services before they're arrested and making headlines in the local newspaper.

Orlando, FL police officer uses Taser on autistic student

The Associated Press
Sunday, October 19, 2008

Orlando, Florida— An Orlando police officer stunned an autistic middle school student with a Taser after the teen refused to leave a bathroom and broke the officer's hand.

The incident happened Friday at Glenridge Middle School after a teacher called police. The 6-foot-5, 250-pound student was washing his hands when an officer confronted him. The boy then swung around and punched the officer in the face and struck his hand.

Police say the student was not injured but that they would ask prosecutors to charge the student with battery.

<http://www.tcpalm.com/news/2008/oct/19/orlando-police-officer-tasers-autistic-student/>

EXCLUSIVE: Alleged abuse on special needs student in school

By Melissa Cabral, WINK News Sep 23, 2008 at 6:33 PM EDT

LEE COUNTY, Florida - FIRST ON WINK: Allegations of abuse at a Lee County Elementary School.

A parent claims seeing two teachers laying on top of his 5-year-old special needs child.

WINK News confirms the Department of Children and Families is investigating.

Terry Mattox says he dropped off medication at Gulf Elementary School and when a nurse called his daughters classroom, "I heard my daughter over the phone just screaming her head off. It was pure terror." He says other children were in the room witnessing it happen. Mattox says his daughter suffered injuries including run burn, bruising, and scratches. According to the police report, the little girl began having a violent episode and instructors were trying to restrain her.

Mattox says, "I can see if you're trying to keep a child from hurting themselves and restrain them but that's no way to go about it. Don't lay across her head."

WINK News asked for the Florida Department of Education's policy on restraining children. The recommendations state teachers are allowed to use reasonable force as necessary to maintain a safe and orderly learning environment... and reasonable force cannot be excessive cruel or unusual in nature. It also says it's the school districts responsibility to maintain an orderly, safe environment.

The Lee County School District denied our request for an on camera interview but provided this written statement: *"As you are aware, the law prohibits the District from providing information on a specific student or a situation involving a specific student. That being said, when the District was made aware of the situation you've referenced, it followed procedure and conducted a preliminary investigation. After District officials spoke with the parties involved while compiling preliminary information, it was determined that no further action was necessary. Staff responded appropriately and in accordance with the training they received for physically restraining students who are acting out in a physically violent way (e.g. hitting their heads on the ground or against the wall, flailing their arms or kicking wildly, etc.) Restraint is only performed to prevent a student from injuring themselves or others. I believe the Cape Coral Police Department was also involved in some capacity and I am unaware of that outside, independent agency finding any cause for further action. I would refer you to the Cape Coral Police Department for more information on their investigation concerning this matter."*

High school teacher arrested for assaulting student in classroom

Reported by: Chad Cookler

Last Update: 9/22/08

Terry Morrow

TARPON SPRINGS, FL -- A Tarpon Springs High School teacher was arrested this afternoon for assaulting a student inside his classroom.

According to police 44-year-old Terry Morrow hit a 10th grade student with an open hand and pushed him into a wall.

The incident happened on Friday, September 19th inside Morrow's world history classroom.

No one witnessed the assault, detectives said.

Morrow is facing a felony charge of child abuse

Special ed parents criticize Acalanes

By John Simerman Contra Costa Times 09/21/2008

Walnut Creek,CA

Few can argue with the academic track record at the Acalanes Union High School District. Its four main schools — Acalanes, Campolindo, Las Lomas and Miramonte — rank among the state's best. Nearly every student graduates. Many go on to elite colleges and universities.

But as the district preaches excellence, one group of Lamorinda parents claims the district denies some of the most vulnerable students a chance to learn alongside the rest, possibly shunning state or federal law in the process.

The group, a handful of parents with severely disabled children in the district or with children approaching high school age, claims district officials follow an unwritten policy to discourage parents and push for outside placement of their children in private schools or county programs, dismissing their hopes to educate them in local public schools, if not regular classrooms.

The conflict in the district, which runs from Orinda to Walnut Creek, echoes a concern across the country among parents of special-education students and those responsible for providing them free public educations: How far must school officials go to serve physically or mentally disabled students, and what steps can schools take if those students disrupt the classroom?

With new laws granting more rights to disabled students and a strong push by parents and

advocates to "mainstream" their children, the population of special-education students in classrooms has risen. Now, special-education students make up about one in nine California high schoolers.

One couple, Geneva and Gary Peare, said Acalanes officials called police at least four times on their son, Garrison, last school year at Acalanes High, built a barricade to keep him in a utility closet after one outburst, and violated the law in its handling of his case. In April, state investigators agreed and cited the district for a failure to comply with state and federal law.

Garrison, 15, who has Down syndrome, no longer attends the school. He was placed on home instruction, and the district now pays for him to attend a special Berkeley school and take a cab there and back, the Peares said. The closet incident "caused humiliation and embarrassment for my son. They put a mentally retarded boy into a closet. They knew that Garrison wasn't going to come home and say, 'Hey Mom, they put me in a closet,'" said Geneva Peare, an Oakland teacher.

The couple said they were forced to hire a criminal attorney after the police reports were sent to juvenile probation officials. His episodes, about one a month, included "hitting, kicking, pushing, choking, spitting, throwing objects, knocking over classroom furniture or throwing materials and supplies," a state report said. The couple claims school officials, by failing to follow a plan for his behavior, contributed to the "meltdown" in January, when officials kept him in the closet with rotating aides.

"Garrison's behavior is not OK, but it's not criminal," she said. "For them to do what they did to him is outrageous, and for taxpayers to have to pay for this is more outrageous." School officials "never even tried," Gary Peare told the Acalanes school board at its meeting Wednesday.

A few parents with students who are not yet high-school age say district officials have pressured them to look elsewhere. Many of the children hail from Stanley Middle School in Lafayette, where parents say the staff focused on serving the disabled. Another, Lisa Rudell, said the Acalanes district simply refused to educate her severely disabled daughter, Natalia, at Acalanes because of concerns over her bathroom needs. Rudell said the district told her it had no program for her daughter.

She wants her daughter, who has cerebral palsy and uses a gastronomy tube to eat, at Acalanes High. The district wants her at another program in Walnut Creek and recently filed a state action to force Rudell to accept the placement. "I don't think anybody here is being unreasonable," said Rudell. "I want what is legally required."

Several calls and messages to district Superintendent Jim Negri throughout the past week were not returned. An official with the private school Garrison Peare attends would not say how much the Acalanes district pays for his education.

Rhoda Benedetti, the Peares' attorney and a local disability-rights advocate, said that many

school districts across the country have adopted "zero-tolerance" stances for special-education students, and that such tactics often intimidate parents into pulling their children out of district schools.

"We're seeing a real tidal wave of suspensions or expulsions nationwide," she said. "I'd love to say it's completely uncommon, but it's not. Right now it's happening at Acalanes. It seems to be happening in a systematic manner, where they are selecting who they're willing to serve and rejecting whoever they're not."

No statistics have been found to back up the claim of a trend, either nationwide or in the Acalanes district. But disability advocates say the anecdotal evidence runs across the country. Some have documented cases of schools resorting to dramatic means — including severe restraint and seclusion of disabled students — to control their behavior.

While the state prefers to educate students in public schools, that's not always best, said Chris Drouin, special education coordinator for the state Department of Education.

"For a student who has extreme health issues where it might create a health and safety problem for that child, I think the school would be well advised to find the kind of place for that student to learn where they're not going to be compromised," he said. "Some of our children in California pose a safety issue in the classroom. You're going to get some real extreme stuff. Clearly we have people who spend a lot of time working on behavior-intervention plans, positive-behavior supports. There are situations where that isn't sufficient."

According to the federal Individuals with Disabilities Act, districts must, to the extent possible, educate disabled students in the school the students would attend if not disabled. They must be placed in the "least restrictive environment" possible, to encourage inclusion. Teams of specialists, advocates, district staff and parent advocates help decode what that means, crafting individual plans for each student.

In some cases, severely disabled students require almost constant one-on-one attention. The district must call in specialists to review the behaviors and develop clear plans for handling the students, then continually revise the plans if they don't work. Suspensions are limited. Criminalizing the behavior of disabled students can cause lasting harm, said Leslie Morrison, director of investigations for Oakland-based Protection & Advocacy Inc. "It seems to me schools are calling police because they don't have the skills to deal with this behavior, and yet I believe they are required to by law," she said.

The Peares said the district simply ignored the plan to deal with Garrison's behavior, instead calling police, then placing him in the closet — a move that state investigators found within the law. But a state report in April found the district violated the law by suspending Garrison for his behavior last fall, failing to update his behavior plan and failing to educate him during his suspensions.

Among the Acalanes district's 5,900 students last year were 458 special-education students,

or 7.8 percent — among the lowest in Contra Costa County for high schoolers. After rising in the early part of the decade, special-education enrollment at Acalanes fell almost 10 percent during the last two years, while overall enrollment declined slightly. Throughout the same period, high school special-education enrollment declined by three percent countywide.

It's unclear whether the decline in special-education enrollment in the district is anything more than cyclic — the result, perhaps, of fewer special-education students rising from feeder districts, or moving into the district from elsewhere.

Asked why she would want her son to attend Acalanes now, Geneva Peare lamented the daily cab rides her son takes to and from Berkeley. "He's been a part of this community for 15 years," she said. http://www.contracostatimes.com/education/ci_10524976

Mom accuses Anderson County school of restraint

Learn Center sued after 2007 incident with autistic boy, 9

By Bob Fowler September 12, 2008 (See original story below in 2007)

CLINTON TN - A 9-year-old severely autistic boy was restrained face-down in an Anderson County school's "time out" room by at least two people for nearly four hours, according to a federal lawsuit filed Thursday. While the boy was being restrained at Anderson County's Learn Center, school officials refused to let the mother see her child or take him home, the complaint alleges. The boy, who weighed just 51 pounds at the time, sustained red marks and bruises on his body, it continues. Much of the incident was videotaped, said Oak Ridge attorney Bill Allen, who represents the boy and his mother. "This case does not rest on the word of one person against another," he said in a news release. "Any group of average citizens will be shocked when they see how this child was treated." According to Allen, "this child and his mother were subjected to a terrifying experience." The child is identified in the complaint as J.E. His mother is Malissa Denise Evans of Anderson County. The lawsuit is against the Anderson County School Board and Learn Center employees, including Principal Gary Houck and Assistant Principal Clemmer Adams. The complaint alleges the boy was falsely imprisoned and that there were violations of the federal Civil Rights and Americans with Disabilities acts. The complaint also contends the boy suffered emotional distress and assault and battery. The News Sentinel first reported the allegations last October. Anderson County School System officials were at a loss then to explain why the boy was the only autistic child ever sent to the Learn Center. The Learn Center in Clinton is for students with behavioral problems or disciplinary issues. Since the incident, the school system has revised the way it provides services to autistic children. "Changes were made as a result of this incident," Sue Voskamp, director of special education, said Thursday. She said there are about 40 autistic children in the school system. There are programs for different ages, Voskamp said. Allen said J.E. is now in the program offered for elementary students and is in a much more appropriate learning environment. The lawsuit alleges J.E. was enrolled at Claxton Elementary last September but that school officials

recommended he go instead to the Learn Center. The boy's mother expressed her concerns about that move but reluctantly agreed to it, according to the complaint. Evans heard her son screaming and crying while she was filling out forms Sept. 13, 2007, at the Learn Center, the lawsuit alleges. Evans was taken to the school's "time out" room, but school officials refused to let her in the locked room to attend to her son, it continues. The complaint alleges the boy was "restrained by two persons holding him down on the floor with one person across his upper torso and the other person across his legs." The lawsuit seeks unspecified punitive damages and up to \$500,000 in compensatory damages. Also sought: court orders to keep the boy from being placed at the Learn Center and prohibiting the defendants from contacting Evans or her son. Bob Fowler, News Sentinel Anderson County editor, may be reached at 865-481-3625.

<http://www.knoxnews.com/news/2008/sep/12/mom-accuses-school-of-restraint/>

Georgia 8th-grader's suicide spurs lawsuit

By JOSE PAGLIERY 9/19/08 The Atlanta Journal-Constitution

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.

http://www.ajc.com/metro/content/metro/stories/2008/08/15/8th_grader_suicide.html

Rhode Island - September 17, 2008

Note: The only reason this room became public is because they got caught. I wonder how many other public schools have these rooms that parents do not know about.

In the aftermath of a simmering controversy over the creation of a locked isolation room in the **basement of the Block Island School**, Supt. Leslie A. Ryan has resigned as the district's special-education director. The existence of the isolation room was first made public by The Providence Journal on June 14, just as the school was closing for the summer. The Journal inquired after receiving an anonymous DVD showing a corridor leading to Room 20, showing a door with two bolts and a hole where a doorknob should be. Inside, one window is boarded up with plywood, and there are pillows and blankets in a jumble on the floor. A letter accompanying the video wondered whether this room was being used for "unruly students." **Read the complete story by clicking on the link below.**

Autistic Kids Allegedly Cuffed, Told to Fight

A North Carolina Advocacy Group Alleges Special Needs Students Suffered Abuse

By **EMILY FRIEDMAN** Sept. 18, 2008

A disability rights group in North Carolina is investigating claims that several autistic students at a Raleigh middle school were restrained with handcuffs and encouraged to wrestle one another, according to legal documents obtained by ABCNews.com.

Disability Rights North Carolina (DRNC) filed a lawsuit in federal court Tuesday against the Wake County Board of Education and Robert Sturey, the senior director of special education services.

The group says both have refused to hand over the names of the families who have children in the class at Carroll Middle School in Raleigh, N.C., where the alleged abuse occurred.

DRNC is also suing for the right to enter the classroom in question and monitor student-teacher interactions during school hours -- a request that it says has been rebuffed by school officials.

According to the complaint, one parent of a child attending the school reported that her son had allegedly been handcuffed around his ankles to prevent him from kicking during a temper tantrum, said John Rittelmeyer, a lawyer who represents the DRNC, and another parent claimed his son had bruised arms from teachers grabbing him.

One parent said the school had a "WWF room" -- a reference to the former World Wrestling Federation -- in which students were encouraged to wrestle with one another, according to the claim.

"Specifically, these allegations include claims that the wrestling was done with the classroom teacher's knowledge and that the classroom teaching assistants were directly involved in wrestling with the students," the complaint states.

Mom Alleges Son With Autism was Traumatized

Betsy Johnson, whose son Stone was 12 when he attended Carroll Middle School, told ABC News that she believes her son was so traumatized by what he saw teachers do to his classmates that his autism became more pronounced.

"My son came home one day and told me about a child being wrestled to the floor by a teacher," said Johnson, who has since moved out of Wake County and enrolled her son in a different public school. "That really scared my son because the child was squirming and couldn't communicate verbally."

Ann Majestic, the lawyer representing the Wake County public school system, declined to comment on the specific allegations.

"I can't speak about individual student situations," said Majestic, adding that no school employees have been suspended since the alleged incidents were first reported in late August.

The investigation is being hindered, according to the complaint, by the school board's refusal to provide the DRNC with the names of the parents of children who were in the classroom where the alleged incidents occurred.

"We want the names and contact information for all the children in the class," said Rittelmeyer. "We would like to obtain releases so we can view the educational records for all the children in the class." He said about eight children are in the special needs class.

According to a spokesman from the Wake County public school system, there are 1,481 students with autism in the school district; 13 of which attend Carroll.

The county school board is refusing to give the student information to DRNC, citing portions of the Family Educational Rights and Privacy Act that it says prevents it from releasing student and personnel information.

"[DRNC] is operating under a statute that gives them some investigation authority and we're acting under the Family Education Rights and Privacy Act, which protects student records," said Majestic.

North Carolina Rights Group Wants Access to Class for Children with Autism

DRNC's Rittelmeyer said that in addition to the names of the students, the agency also wants access to the classroom during school hours so that the students and staff can be questioned, but this request was also denied by the school.

But Majestic said that the school will allow DRNC to speak with the teachers and visit the classrooms -- but only after school hours, a stipulation Rittelmeyer says would be "totally useless."

"They never said to us that they didn't think [going into the facility during non-school hours] was insufficient, they just filed their lawsuit," said Majestic.

Rittelmeyer believes that part of the reason the school board will not give the requested information is because DRNC is a fairly new agency -- it was instituted by the federal

government 15 months ago under a law that exempts such agencies when it comes to privacy laws.

Majestic said that the schools simply want to be certain that they are in compliance with the law.

The likelihood of embarrassment should the alleged abuse be proved, said Rittelmeyer, is another reason he believes the school board is not cooperating.

"I'm not sure they're hiding something -- I think we probably know most of the events that are going on in that classroom -- but to confirm them would be an embarrassment to the school system," said Rittelmeyer.

As for Johnson, she says she has no doubt that the stories Stone told her about his class at Carroll are true.

"I hope this lawsuit makes this stop," said Johnson. "We are hurting children first of all and a lot of them can't even advocate for themselves or sometimes even speak for themselves."

<http://abcnews.go.com/TheLaw/Story?id=5825945&page=1>

Families sue Waukee schools over use of timeout rooms

By STACI HUPP shupp@dmreg.com September 11, 2008 12:43 PM

Two families have sued the Waukee school district for the way teachers used "timeout" rooms to discipline unruly children, court records show. The cases are working through federal court as state Board of Education officials in Iowa and other states weigh limits on how school officials restrain children who are a threat to themselves or others.

Iowa's proposal would limit certain types of physical restraint, such as holding students facedown on the floor. Iowa school officials who use timeout rooms also would have to document each incident and attempt to contact the children's parents. Members of the state education board are expected to vote on the plan today. The Iowa proposal is similar to guidelines approved recently in Illinois, Michigan and Pennsylvania. The changes would become part of Iowa's corporal punishment rules, which haven't been tweaked since 1991.

"There have been some issues that have come to our attention," said Rosie Hussey, who heads Iowa's state education board. "I think that safety would be our number one concern - safety for staff and safety for students." Two families allege safety wasn't enough of a concern at Waukee schools. One couple, who sued the district in February, alleges that their grandson was locked in timeout 64 times during his first-grade year at Waukee Elementary School in 2006, but that they were told about only 17 of them.

The timeouts ranged from a few minutes to nearly an hour and a half at a time, according to the allegations. Court records don't identify the family, which wants an unspecified amount of

money. "The frequency of using timeouts is just as important as the duration," said the family's attorney, Eric Updegraff. "Fifty-eight or 68 times is an excessive number and something that a parent or guardian should know about." A second family sued Waukee school officials last year.

Doug and Eva Loeffler complained that their 8-year-old daughter, who has autism, was alone in timeout for more than three hours because she refused to finish a reading assignment. Waukee school officials are named in both lawsuits, along with officials from Heartland Area Education Agency, whose employees work with disabled children in schools. Randy Allison, Heartland's special education director, declined to answer questions about the lawsuits. But he said Heartland employees are trained to use timeout rooms as a last resort.

"Our intent would never be to use them unless we were needing to keep the children or the people who work with them safe," he said. Allison said success stories involving timeout rooms outnumber the complaints, which he said are rooted in misunderstanding. "It seems that people will often view them as never correct or something that shouldn't be done without readily understanding the intent or the situation," he said. At least two judges have disagreed in the Loeffler case.

Waukee and Heartland officials last month lost an appeal of an administrative law judge's decision that sided with the Loefflers. A federal judge ordered them to pay the couple's attorney fees, which topped \$50,000. The family's civil lawsuit is pending. Doug Loeffler has moved his family to California. He said he didn't drop the legal fight for the sake of his daughter's alleged suffering. "I feel like we owe her something for that," he said.

Mom sues N. Aurora school over child's broken arm

Chicago - 9/9/2008

A South Elgin woman claims in a recently filed lawsuit that two employees of a North Aurora private school broke her 11-year-old son's arm. The woman, Cindy Lapotka, seeks more than \$50,000 in damages from the school, Aurora Education Center, and related parties named in the civil suit filed late last month. The suit claims that, in April, two school employees picked up Lapotka's son by each arm and pushed him into a wall, fracturing a humerus bone in the child's right arm.

Elgin attorney Loren Golden, who represents Lapotka, said Tuesday the incident occurred after the boy was transferred to the school by Elgin Area School District U-46. It is one of several where children can be sent to receive special attention for behavioral and emotional problems, he said.

"(The student) wasn't doing anything violent," Golden said of the child's behavior. "He would just act out" verbally.

The Menta Group, a nonprofit organization that oversees Aurora Education Center, 191 Poplar Place, declined to comment Tuesday, citing federal restrictions regarding special education students that prohibit the group from even confirming or denying a child is enrolled. Also named in the lawsuit is the U-46 school board and the school itself.

As for the boy, "It was a rough go, but his injuries have healed," Golden said.

The case goes before Kane County Civil Judge F. Keith Brown Nov. 17.

<http://www.dailyherald.com/story/?id=233806>

Isolation room deemed to violate school, fire rules

01:00 AM EDT on Thursday, August 21, 2008

http://www.projo.com/education/content/ROOM_20_08-21-08_34B9VAH_v23.3e83332.html

TEACHER AIDE 'TIED UP' TYKE - New York Post

8/17/2008

Five-year-old Christyn Date speaks in broken phrases and garbled words, fighting through a speech disability. So when her mother saw that the tiny girl had tied a long hair scarf around her doll Shiloh's waist and she asked her why, Christyn said simply, "Shiloh's bad." The mother realized Christyn was playing out on her doll what a Queens kindergarten aide had done to her. It was her way of communicating her distress to her parents, said the girl's mom, Marissa Chunisingh. Before Christyn had started tying up her dolls, someone from her school, PS 123 in Ozone Park, told Chunisingh that a school aide had restrained the special-ed kindergarten by binding her to a cafeteria bench with her own sweater. But that wasn't the worst of it. Chunisingh was told that the girl was strapped down after she was found locked in a classroom by herself - screaming at the top of her lungs.

Apparently, the staff did not notice that the girl had been missing from an assembly for 15 minutes, left behind. She was later strapped to the bench so someone could keep track of her, the mother said. "For a long time, she thought that's how kids who do the wrong thing are punished," Chunisingh said.

"What made this person think they could do this, especially to a child with a speech delay? It's like the ultimate betrayal." Christyn's language problems have prevented the child from being able to give her mom details about how long she was tied up or whether it happened more than once.

The school has not provided her with any answers, either. No one from PS 123 has explained what happened or apologized or answered her questions as to whether the incident was being investigated. She believes the aide allegedly at fault has been reassigned within the school, but she can't be sure. Chunisingh said she felt she had "a moral obligation" to file a \$6 million notice of claim against the city in June. The filing reserves her right to sue over the incident.

"I just wanted an answer, and I didn't get one," said Chunisingh, who said her request for a written description of the incident was ignored. "The school hasn't done anything about it." The incident has shaken the once-low-key child.

"She used to be a lot more calm and cool, more collected. She used to be happy," Chunisingh said. "Now she whines a lot, she's antsy, always looking for attention or an affirmation. She is such an easy kid to get along with - that someone would do this is outrageous."

A Department of Education spokesman told The Post that the incident is under investigation. Meanwhile, Christyn will transfer to another school this fall.

http://www.nypost.com/seven/08172008/news/regionalnews/teach_aide_tied_up_tyke_124800.htm

Attorney for parents calls hearing process 'tainted' Parents want classroom cameras to protect children

By Chris Campbell August 13, 2008

A controversy involving allegations of abuse at an area school for the disabled could lead to civil litigation, according to an attorney involved with the case.

Meanwhile, some parents of students pulled from school in the wake of the controversy are unsure where or when their children will begin the new school year.

Parents and local advocates for the disabled are expressing displeasure with a series of due process hearings looking into abuse allegations at Mapaville State School. The allegations were made public in March.

As many as 25 percent of the school's 30-plus students were pulled from the school after secretly recorded audiotapes containing evidence of alleged neglect and verbal abuse were turned over to the Jefferson County Sheriff's Office.

While no criminal charges were issued, parents and advocates involved are demanding firings and the installation of in-classroom cameras.

Craig Henning, executive director of the Crystal City-based Disability Resource Association (DRA), said he holds little hope those demands will be met through the due process hearings. The hearings, held before a panel of three arbiters, are required before any legal action can be taken.

Henning said the hearings are little more than a formality.

"The bottom line is taxpayers are paying for a ridiculous circus," he said. "I have little hope anything will be resolved."

Under the due process hearing configuration, the Department of Elementary and Secondary Education (DESE), the school district and the parents all select one judge to oversee the proceeding.

It's a set-up Henning said is inherently biased.

"It's skewed against the parents," he said. "The state picks two and you pick one."

As many as 10 hearings involving Mapaville are scheduled.

Andy Kuhlmann, an attorney representing district parents, echoed Henning's complaint, calling the configuration "structurally tainted."

The hearings are expected to last until the end of the year, at which time Kuhlmann said a class-action lawsuit on behalf of all state-school students in Missouri may be filed.

"I don't think settlement is an option at this time," he said. "I don't think DESE wants to admit fault."

Though the complaints from Mapaville parents involve specific instances of alleged neglect, Kuhlmann said the whole state school system is failing to adequately serve the needs of disabled children.

"The schools aren't properly funded," he said. "They don't pay administrators enough. You can't provide meaningful education to students with permanent uncertified substitute teachers."

Charlie Taylor, superintendent of state schools, declined to comment on the hearings or the possibility of camera being installed in the classrooms, referring questions instead to a representative of the state Attorney General's office, who was not reachable by press time.

Jill Randall, whose son Blake was pulled from school in the wake of the controversy, is awaiting her due process hearing.

She doesn't think the hearing will result in major changes such as cameras or new personnel, but she is hopeful federal litigation will ultimately change state law.

One option Randall and other parents are considering is enrolling their children in special education classes offered at their individual school districts.

That may also prove difficult.

Henning said school districts have the ability to keep students at Mapaville, at least temporarily, by invoking a state provision called "Stay Put."

"The Windsor School District decided to employ 'Stay Put' in one student's case on Friday and we're quite upset about that," Henning said.

The DRA recently met with state legislators in an effort to introduce a bill requiring classroom cameras.

Because many of the students at Mapaville are severely disabled and cannot speak for themselves, Henning said cameras are critical to ensure student welfare.

<http://jeffcountyjournal.stltoday.com/articles/2008/08/13/news/sj2tn20080812-0813ndj-process0.ii1.txt>

Corporal punishment has no place in our public schools

By: Phyllis Walters, Naples Florida school psychologist 8/30/08

Thomas Brinker didn't understand why he was arrested either. Thomas has fetal alcohol syndrome. At 19, he threw paint on a teacher's sweater during a tantrum at his District 287 school.

Thomas was cited for disorderly conduct. His father told the I-TEAM the school never told him about it.

"I was not notified of the citation, and Thomas was living at a group home at the time," said father James Brinker.

After missing a court date, Thomas was arrested and put in the Hennepin County Jail.

"I was just furious at the school that they would involve the judicial system as behavior management," said Brinker.

The disorderly conduct charge was eventually dropped after Thomas was found incompetent to stand trial. That was just the beginning of the Brinker's ordeal.

"They recommended that he went to the METO program," said Brinker.

METO is the Minnesota Extended Treatment Options program. Its one place courts send people to live if their developmental disability turns dangerous. Thomas' family doesn't think throwing paint rises to that level.

"I had to sign a piece of paper in fact, [saying] that I knew there were sexual offenders on the premises," said Brinker. "He got to METO because of a court system that failed him, a school that definitely failed him."

Roberta Opheim is the state's ombudsman for Mental Health and Developmental Disabilities. She told the I-TEAM Thomas shouldn't have ended up there, but a lot of people like him do.

"When they don't or can't participate in their own trial, they are sometimes sent to mental health facilities," she said.

Opheim recently reviewed the METO program and found problems with the frequent use of metal handcuffs and leg hobbles.

"It became so routine that people didn't even identify it as a problem," she said.

Thomas was restrained on one occasion.

"There always used to be a premise in the law that you had to have the criminal intent to harm someone. We've lost that standard," said Opheim.

"Intent is important, but I think it's very difficult for us to evaluate and render that judgment,"

said Wade Setter.

Setter runs the Minnesota Center for School Safety which helps guide school resource officers. He said school resource officers go through no special training to handle children with special needs.

The I-TEAM learned no uniform policy exists as to what schools can and should share from a student's medical history with police.

There's all sorts of restrictions at the federal and state level about sharing different types of information, which is a particular challenge," explained Setter.

Teachers sometimes don't follow their own behavioral intervention plan for how to calm down a particular student. Setter wants school resource officers to see those plans and to be trained in emotional disorders.

We're in the process of developing it," said Setter.

Thomas is spending more time with his family and is about to be released from the METO program into a new group home. Dakota is still struggling.

"I sometimes try not to think about it, but sometimes it just pops up in my mind and it just makes me feel sad," said Dakota.

Dakota's felony drops off his record after six months, if he doesn't bring another weapon to school.

Thomas is still at the METO facility for throwing paint. His care costs taxpayers more than \$900 a day.

Former teacher sues Booneville School District

<http://www.djournal.com/pages/story.asp?ID=282642&pub=1&div=News>

11/28/2008 Daily Journal

BY LENA MITCHELL

BOONEVILLE Mississippi - A former teacher in the Booneville School District has filed a lawsuit in U.S. District Court, saying that the school district violated her First Amendment right of free speech and also violated federal and state public policy.

Kathy Anderson Lamb, represented by Tupelo attorneys Jim Waide, Shane McLaughlin and Nicole McLaughlin, filed the complaint in October.

A summons issued to the school district on Nov. 19 requires an answer to the complaint within 20 days. The case has been assigned to U.S. District Judge Sharion Aycock and Magistrate Judge Jerry A. Davis.

In the lawsuit, which presents one side of a legal case, Lamb says her contract to teach special education students was not renewed because of a stance she took against using corporal punishment on a severely autistic child.

Lamb said she was instructed to administer the punishment, but refused to do so based on scientific literature that says corporal punishment aggravates an autistic child's problems.

However, the school's principal questioned Lamb about her stance and then, Lamb said, insisted that corporal punishment was appropriate.

Lamb refused to administer the punishment, as stated in her complaint, because federal and state laws that require an Individual Education Plan be prepared for each special education student do not include corporal punishment.

Though Lamb said administrators told her the reason her contract was not renewed was due to funding cuts, she later learned that a "much younger teacher" was hired in the position.

She is seeking a jury trial and asks for an award for damages for mental anxiety and stress as well as lost income.

Contact Lena Mitchell at (662) 287-9822 or lena.mitchell@djjournal.com.

I-TEAM: 'Time-Out Rooms' In Schools

Nov 17, 2008 Minnesota

See video <http://wcco.com/iteam/time.out.rooms.2.866996.html>

- [Map Of Schools With 'Time-Out Rooms'](#)

If you locked you children in a small room, denied them food or bathroom breaks and let them eat paint off walls, you could be charged with a crime.

The WCCO-TV I-TEAM found if those same things happen in what's called a "time-out room", schools can get away with it.

"Looking back, I'm a very naïve person," said Cathy Myrick. When her son, Logan, was in fourth grade, he stopped wanting to go to school at Lincoln Magnet Elementary in Willmar, Minn.

"He wanted to stay at home, period," Myrick said. "He did not want to be there ... at all."

Logan was on a behavioral plan for medical reasons. It allowed for the use of what's often called a "time-out room", under a strict set of circumstances.

"When he exhibited behaviors that would not be safe for the other children or safe for him," Myrick explained.

Time-out rooms are allowed by state law. Some are unlocked but many are equipped to lock students in for what's called "time-out for seclusion".

The I-TEAM surveyed all 433 school districts and charter schools in the state to see which ones had "time-out rooms".

Of the 249 that responded, about a quarter said they had "time-out rooms".

"I was very concerned with this 'time-out room,'" Myrick said. "That's why it was written in his behavioral plan that he was supposed to be let out every three minutes."

"Time-out for seclusion" is only supposed to be used when students are a danger to themselves or others.

Research shows it is only effective when used a few minutes at a time, but Myrick said that's not what happened with Logan.

"Logan indicated to me that he would spend his days in that 'time-out room,'" Myrick said, saying Logan had told her that he couldn't go to lunch because he was in time-out or he couldn't use the restroom because he was in time-out.

"Quite frequently, he would come home with soiled clothes," Myrick said.

Logan's teacher was Lisa Van Der Heiden, a special education teacher, who was already the focus of another maltreatment complaint within the Willmar school district. That case involved Van Der Heiden's use of the "time-out room" with an 8-year-old girl.

The Willmar School District refused to show the I-TEAM the room that was used.

Both mothers filed complaints with the Minnesota Department of Education. In the case of the girl, district staff told the Department, "When the student was in the 'time-out room', staff did not continuously monitor her ... Student would use her teeth to peel paint off of the walls ... Then the student ate the paint."

It was so much paint that staff said, "the 'time-out room' needed to be repainted."

The Department found the girl was locked in the room "at least 44 times in the 2004-2005 school

year" in violation of state of state rules and it concluded "using time-out for seclusion ... was not authorized."

The Department approved a corrective plan for the district requiring more training for Van Der Heiden and other staff working in special education.

"You just don't think that a teacher is going to harm your kid," Myrick said.

In Logan's case, the Department determine, "there wasn't a preponderance of evidence to substantiate his claims ... He couldn't remember the dates, the times, the incidents."

"I just hope he comes out on the better side of this," Myrick said.

Lisa Van Der Heiden no longer teaches at the Lincoln Magnet School but the I-TEAM learned she still teaches in the district, for Lakeview School, where students are vulnerable kids in treatment for mental health issues.

Through her attorney, Van Der Heiden said in the case of the 8-year-old girl, she only acted within the scope of the girl's individualized education plan.

That was also the determination in throwing out a lawsuit brought against Van Der Heiden in federal court by the girl's mother.

"It's an outrage," said education attorney Margaret O'Sullivan Kane, who represents the girl and is appealing the federal court ruling on her client's behalf. "We've got a Department of Education that is a toothless monster."

O'Sullivan Kane said cases involving the misuse of "time-out rooms" are on the rise and she and other education attorneys each handle more than a handful of cases a year.

"Children are left in there without lunch," she said. "They urinate and defecate on themselves. Sometimes they strip naked. Sometimes they're there all day."

The Department of Education said it did work on a proposal last year that focused on more positive types of behavioral interventions and which clarified when and how "time-out rooms" should be used.

"When they find out there's been excess abuse in these rooms, they don't sanction anybody," O'Sullivan Kane said. "They just order corrective actions, which is a polite slap on the wrist."

The Department said while advocates for children with disabilities like PACER and ARC support the changes, "several organizations and individuals representing *school districts* opposed the rules."

"I wonder, at times, what it is we actually put in the hands of people," said Dr. Richard Amado, a psychologist and expert in behavior analysis who once advocated the use of "time-out rooms" in

schools.

"I don't want to paint too broad a stroke, but in many cases, education has adopted it as an answer," Amado said. "It's not the answer. It's a stopgap measure."

Amado said a lack of training in how to use the rooms and the frequency of their use are a difficult problem to deal with.

"I've been all over the map in this arena and it's just like what did we do? We've created a monster," Amado said.

Right now, schools don't have to let the state know they're using "time-out rooms", so the Department of Education admits there isn't a good way to make sure those rooms are following state rules.

The Department hopes lawmakers change that next year.

[Click here](#) to find out if your district has a "time-out room".

Restraint and Seclusion?

Posted by Brett Singer July 22, 2008

This is something that you would hope wouldn't happen anymore, like lobotomies. This isn't that bad, of course, but the fact that it happens as often as it does is pretty alarming.

According to an [article](#) in the New York Times, a large number of students with autism, ADHD and other diagnoses are being forcibly restrained when they misbehave. I say "misbehave" because, according to the Times, "defying a teacher's instructions – 'noncompliance' – can invite a takedown or time alone in a locked room."

And before you say, "well, look, what's the big deal?" the article mentions three children who died because of these "disciplinary measures", including a 9-year-old autistic boy in Montreal who suffocated under a weighted blanket that was being used to restrain him. The harm done is psychological as well as physical: Tim Miller, a 12 year old boy with Asperger's from upstate New York, told his father that he didn't want to go to school anymore "because he thought the school was trying to kill him."

Isn't it illegal to tie kids up? Nope. "Federal law leaves it to states and school districts to decide when physical restraints and seclusion are appropriate, and standards vary widely. Oversight is virtually nonexistent in most states, despite the potential for harm and scant evidence of benefit."

OK, but these are just a few isolated incidents, aren't they? Wrong again. The article states that

"one or two a week surface on some parent e-mail lists," which sounds like a lot to me. The Times also implies that for some kids, locking them up is the norm. An 8-year-old California boy was locked in a "seclusion room" 31 times – "at least" 31 times. His parents only found out when another parent "saw the boy trying in vain to escape."

Frankly, once a kid dies, you would think that would spark a major outcry, but that doesn't appear to be the case. This makes the incident where the teacher called a kid to the front of the classroom and invited the other children to berate him seem almost mild by comparison.

While there is a legitimate point about teachers not being properly trained to deal with special needs children, why is violence and dangerous restraint ever the answer? I went to a New York City public school, and I saw some pretty intense behavior, some of it violent. As far as I know, nobody was ever put in restraints or locked in a room. While I of course don't think its appropriate for one child's behavior to dominate a classroom, whatever the reason, there has to be a solution other than what's described here.

My name is Amaris Snyder and I am a mother whose two youngest children have Autism. My husband, Darrell, and I are very concerned about the policies in place in Indiana law that allows physical restraint to be used on any child attending Indiana schools. This procedure is known as Crisis Prevention Intervention (CPI).

Please visit my blog site: Stop Excessive CPI In School
<http://www.freewebs.com/stopschoolabuse/>

Some Calif. Schools Locking Children In Closets

Please watch the video and then wait for the second video to come on.

Jun 27, 2008 Anna Werner

<http://cbs5.com/local/school.quiet.room.2.758380.html>

Locking children in closets doesn't sound like something that could possibly happen in California's school system. But CBS 5 Investigates has uncovered evidence that it is a hidden problem, not reported by schools, and unknown to many parents.

A closet in a classroom that brings the memories back for a student we will call Chris.

"The door is closed, it's totally dark. There is a little tiny beam of light that comes under the door, but that's it." Chris told CBS 5 Investigates. When he was asked if he was trapped, he responded, "Pretty much."

Chris was a 6th grader at Mendenhall Middle School in Livermore. Despite his high IQ, behaviors resulting from a diagnosis of ADHD landed him in a special education class. He quickly discovered that anything considered 'misbehavior', like getting up out of your chair or not completing class assignments meant a trip to the closet.

"You really don't understand what it's like until you actually go through it," Chris said. He says he was put in the "Quiet Room" a lot, and there was no getting out. "They would sit on the door so you couldn't get out and then sometimes they would put a chair up against the door," Chris recalled. "I sat in there for a whole school day one time."

And once, he tried to resist going in and a teacher got physical.

"He twisted my arm up behind my back and then he just pushed me and I hit the wall pretty hard," Chris said. "I felt intimidated kind of, because I mean he is bigger than me and he knows that."

How can that happen? Most parents can't imagine it: Their child shut into a room, sometimes as small as a closet. Under California law, it's only supposed to happen if the child is a danger to themselves or others. But advocates tell CBS 5 Investigates it's happening far more frequently than that.

Leslie Morrison is an investigator with [Protection and Advocacy Inc.](#), a non-profit that works with the disabled. "I think it's an enormous problem," she said. "In all of the cases that we investigated, the underlying incident that triggered restraint and seclusion is non-compliance with staff direction. They didn't do what the teacher asked them to do."

For example, there is a fenced area that looks kind of like a dog run at the John F. Kennedy School near Modesto. A U.S. Department of Education investigation found children were left here without access to a toilet, water or food, even some who had medical conditions including diabetes, seizures and asthma.

"Seclusion is very psychologically traumatizing, especially for children. Children fear being locked in a closet," Morrison said.

And it's not just seclusion. Morrison said teachers also sometimes physically restrain children improperly. Such as a 6-year-old who came home with duct tape on his clothing. It was used to literally tie him into a chair at a school in Southern California.

And staff at many schools also engage in so-called "take downs." Morrison said, "The most common one is face down on the floor and then you lean into their back or sides so that they can't breathe."

But Morrison said without proper training, "As the child is struggling to breathe the person is holding them down on the floor to stop the struggling. And what happens is you actually stop them breathing."

Morrison's group is backing SB 1515, legislation by California State Senator Sheila Kuehl that would limit restraints and ban seclusion. But some who work in the field oppose it.

Carroll Schroeder heads the California Alliance of Child and Family Services, a lobbying group

for non-profit providers which opposes SB 1515. "If and when the time comes, you need to have at least those two options available to you," Schroeder said. "If those kids don't have that option of that room, either the schools call the police, and the police will pick them up, or they will be suspended from school."

But not according to Frank Marone, a recognized behaviorist with [B*E*T*A Behavior Education Training Associates](#). The group works with students with disabilities. "We have been able to illustrate that restraint is not necessary," he said.

They work with students such as Mario McMillan, who is autistic. "He would start hitting, throwing chairs, throwing his shoes," his mother Rufina McMillan told CBS 5 Investigates. At his former private school in Oakland, Spectrum, documents show teachers physically restrained McMillan on numerous occasions.

"I was very worried," Rufina McMillan said. "Maybe he would stop breathing."

But at the Via school, where Mario goes to school now, and where Marone trains teachers only positive behavior techniques and not to use restraint or seclusion, a big change. "He's calm now, totally calm," his mother said.

Meanwhile, Chris is now home-schooled and doing better. But he said that he can't forget that closet. "Human beings aren't supposed to be treating each other like that, you know," Chris said. "I mean it's just not supposed to happen."

After Chris's family filed a complaint, the Livermore School District shut his special education program down. John F. Kennedy School in Modesto said they have changed their practices as a result of the government investigation. As for Spectrum, they say they use safe and approved techniques to restrain students when there is danger.

Editor's Note: The following are statements from schools reacting to the CBS 5 Investigates report on children being restrained or shut into closets at California schools.

*Statement by Chris Holmes
Regional Director, West
Spectrum Center Schools*

Mahopac schools sued over abuse allegations

By Timothy O'Connor • The Journal News • June 27, 2008

A teacher and other staffers at a Mahopac elementary school subjected seven autistic students in a special-education program to verbal abuse, falsified their records and engaged in sexual horseplay in front of the 5- and 6-year-old children.

The charges are contained in a civil rights lawsuit filed in U.S. District Court in White Plains by the parents of the seven children against the Mahopac school district, the interim [principal](#) of Mahopac Falls Elementary School, the district superintendent, a teachers aide and four other district employees who also face criminal charges in the case.

Palm Beach County teacher fired for putting student in closet

June 6, 2008

BOCA RATON, Fla. (AP) -- A Palm Beach County teacher has been fired because school officials say she put a student in a closet as punishment -- again.

Rutha Scott was suspended for 71 days without pay in 2006 for placing a misbehaving student in a storage room at a Boca Raton high school. The school board voted unanimously on Wednesday to fire Scott after an investigation showed that she placed a student in a dark storage room in February.

Scott denied the allegations when questioned by a school police officer. Authorities say there wasn't enough evidence to bring criminal charges against the teacher.

Scott's attorney says she plans to appeal the firing.

Boy suffocated during school punishment

June 20, 2008 **Coroner's Report**

School Staff lied to parents about what happened to their son and the reason he died. Parents were told their autistic son had stopped breathing after hiding under a heavy therapeutic blanket.

MONTREAL - After nine-year-old Gabriel Poirier was discovered lifeless in his classroom last April 17, his parents were told their autistic son had stopped breathing after hiding under a heavy therapeutic blanket.

Now a coroner has revealed that Gabriel's teachers had tightly wrapped him in the buckwheat-stuffed blanket, leaving only the tips of his ears sticking out, as punishment when he became disruptive. They left him unsupervised in a corner for 20 minutes, returning when a timer sounded.

Gabriel was unconscious and blue in the face. He was rushed to hospital, where he died the following night surrounded by his family.

In a report published yesterday, Coroner Catherine Rudel-Tessier concluded the child suffocated. She said the teachers at the special-needs school in Saint-Jean-sur-Richelieu, Que., failed to follow guidelines for the blankets, which are used commonly to calm autistic children.

"He was only 53 pounds, he was so small," Gilles Poirier, the boy's father said at a news conference yesterday. "How can they wrap him up like that in a 40-pound blanket? How can this treatment be tolerated?"

Ms. Rudel-Tessier said proper use of the blanket called for a child to be rolled at most once and for his head to be left uncovered. The blanket was to be used as a relaxation therapy, not as a punishment, and teachers were supposed to keep an eye on children using the blankets.

"A child rolled 'at least four times' in such a heavy blanket is under restraint," the coroner wrote.

Jean-Pierre Menard, a lawyer representing Gabriel's parents, is calling for changes to legislation to control the use of restraints in schools. The parents are also planning to sue the Hautes-Rivieres school board.

The coroner said use of the blankets should be ceased until clear guidelines are established. Basic rules would include ensuring the blanket is not too heavy for the child, never covering the child's head, ensuring that vital signs can always be observed, never rolling the child in the blanket and ensuring the child can get out if he wants to.

Kathleen Provost, executive director of the Autism Society of Canada, said weighted blankets can be calming for autistic children when used under the guidance of an occupational therapist. "They have a therapeutic use and can be relaxing," she said.

Mr. Menard said the parents were surprised to learn Gabriel had been placed in the blanket as a punishment. The school board had initially said it was a natural death and that Gabriel had gone under the blanket on his own.

"The principal said they found Gabriel under the blanket and he wasn't breathing. The parents thought that something had happened while he was sleeping and that was how he died," Mr. Menard said. He said the school board later told the media that Gabriel had hidden under the blanket.

Mr. Poirier said he cannot understand why his child was placed in a restraint. "He was a very gentle boy," he said. "Sometimes he was loud, but he was never aggressive or violent. I just don't understand how this happened," he said, tears streaming down his face.

Block Island officials defend room in school basement

June 14, 2008 - Rhode Island News

NEW SHOREHAM — Room 20 in the basement of the Block Island School is small and bare. Its concrete floor is painted green, its ceiling sky blue with white clouds, its main window covered with plywood. And, until earlier this week, its knob-less door had double bolts on the outside.

An anonymous letter raising questions about the room and a DVD showing it arrived at The Providence Journal, three television stations, and the attorney general's office last week. In the brief video, a camera silently pans the room, showing the locks.

http://www.projo.com/news/content/BLOCK_ISLAND_SCHOOL_ROOM_06-14-08_H0AFVHL_v43.3734e71.html

Teacher's aide charged with bruising 6-year-old student in Virginia

The boy's grandmother said both of his shoulders were "completely black and blue."

May 23, 2008 By [Donna Alvis-Banks](#) 381-1661

A teacher's aide at Falling Branch Elementary School has been charged with a misdemeanor amid allegations he bruised a student.

Jesse Lamont Crutchfield, 34, of Blacksburg was charged with contributing to the delinquency of a minor Tuesday after a May 14 incident. The charge is punishable by a maximum of 12 months in jail and a \$2,500 fine.

The 6-year-old kindergartner at the school was in a special education class, where Crutchfield served as a teacher's aide, according to the boy's grandmother and legal custodian, Debra Long.

Long said her grandson has Hirschsprung's disease, an intestinal disorder that causes an inability to control bowel movements. Long said she had informed the school earlier in the year that the boy had special needs regarding bathroom access. Long said she had noticed that her grandson's underpants were stained with dried feces in recent weeks. Long said she received a call about 1 p.m. May 14 from a school nurse who told her that her grandson "might have a little tiny bruise on his arm because one of the teachers had to get him by the arm to get him where he was supposed to go." Long said the boy told her the aide would not allow him to go to the bathroom.

"I did not think a whole lot about it," she said, noting that she did not become concerned until her grandson was getting into his pajamas later that afternoon. When he removed his shirt, she said "both of his shoulders were completely black and blue."

Long said she called the Christiansburg Police Department that evening. Police spokesman Barry O'Rourke could not be reached for comment Thursday.

"The school saw pictures of my grandson. The school board saw the pictures, also," Long said. "I went down to the school this past Monday and he [Crutchfield] was still there." Long said she is furious that the aide was allowed to remain at the school after the incident. She said she was told that he had been assigned to another classroom.

Mark Pasier, human resources director for Montgomery County schools, confirmed Thursday that Crutchfield had submitted his resignation, effective for the next school year. He said the aide, paid \$9.70 per hour, had worked for the school system since August 2006.

He would not say if Crutchfield was on paid leave but did say the school was working with authorities on the matter. Pasier said he could not comment further on a personnel matter.

Falling Branch Principal Julie Vanidestine sent a letter home with students Wednesday in reference to "an incident that is a personnel matter." She said in the letter that she could not comment for that reason.

Someone answering phones at the school said Crutchfield was not there Thursday.

May 2008

The Florida Department of Education has agreed to a settlement with a Lee County teacher it was investigating on allegations she had hit at least two disabled students while she worked in Charlotte County.
<http://www.news-press.com/apps/pbcs.dll/article?AID=/20080525/NEWS0104/80525014/1075>

Father sues over face-down restraint of autistic boy - Ocean View School District, teachers named in suit claiming boy's broken nose, emotional wounds.
June 18, 2008 Santa Ana,CA

The father of an 8-year-old autistic child has filed suit against the Ocean View School District, two teachers and the city, claiming that a restraint technique used on the boy resulted in emotional and physical damage.
<http://www.oregister.com/articles/restraint-teachers-incident-2071345-child-velasquez>

Police Say Florida Teacher Abused Students
Staff Report
Feb. 22, 2008

<http://www.heraldtribune.com/article/20080222/BREAKING/338604838/-1/news>

VENICE, FL — A Venice Elementary School teacher is under arrest this morning, charged with the abuse of mentally handicapped students in her classroom. Venice police say Diana Z. O'Neill hit students on more than one occasion, kicked a child and twisted a child's arm behind his back. Two teacher aides in O'Neill's classroom came forward because they were concerned that the students were in danger, according to police. One of the aides gave school officials a written log of the incidents of alleged abuse. Police documents list four of the five students in O'Neill's classroom as victims in the case. The school district placed O'Neill on administrative leave last week. She turned herself in at the Venice Police Department on Thursday. She's charged with four counts of aggravated child abuse. Police reports say that O'Neill routinely hurt four of the students in her class.

Girl, 7, punished with "body sock"

Parents of a 7-year-old girl, who has the motor skills of an 11- to 14-month-old child, say the teacher's physical abuse caused their daughter to lose enthusiasm. She had trouble sleeping and became quick-tempered, police reports state.

Aides reported O'Neill had kicked the girl in the legs, hit her in the head with objects, pushed her to the floor and used a "weighted blanket" and a "body sock" — two therapy tools that restrict movement — to punish her.

The aides told police that O'Neill told the girl to get out of a chair on Oct. 12 and gave her "a good push," causing the girl to trip and hit her head on the floor so hard she started to cry, although she rarely cries.

The girl went to the school nurse, who filled out an incident report based on what O'Neill told her — that the girl "tripped on chair leg — fell backwards on floor," police records state.

The aides told police O'Neill struck the girl numerous times in December, including three times with a board and with her hand on Dec. 5; with her hand, an arm brace and twice with a binder on Dec. 12; with an arm brace on Dec. 17; and with a water bottle on Jan. 14.

When O'Neill pushed the girl on Jan. 18, she hit her head on a metal door frame and caused a lump, but O'Neill reported the girl "fell into a wall" and had "zero sign of head injury, applied ice," police said.

A week later, O'Neill got out a blue weighted blanket and wrapped up the girl from head to toe with her hands at her side, and then let her go, one aide told police.

The girl lost her balance and hit her head as she fell to the floor, police reported. As she tried to free herself, she hit the base of a swing, and O'Neill chuckled, the aide told police.

O'Neill also used the body sock to cover the girl, pinning her arms to her sides, then gave her a little push, and the girl fell into a shelf and hit her head, the aide told police.

The girl's parents told police that since O'Neill was removed from the classroom, the girl has been happier, more verbal, more social, a better sleeper and less aggressive when agitated.

Autistic boy allowed to hit head on wall

A boy in O'Neill's class who is diagnosed with autism, seizure disorder and developmental delay, has the abilities of a 15- to 24-month-old child, police reports said. His mother says the

boy does not know right from wrong in most cases, and has little understanding of consequences. Aides told police that O'Neill would wheel his chair into the corner when the boy acted up at lunch, leaving him there. The boy would respond by hitting his head on the wall and O'Neill would say sarcastically, "don't hit your head," but allowed him to continue.

Once in the corner of the cafeteria, out of sight of most people, O'Neill would also twist his arm behind him or twist fingers until he cried out in pain, the aides said.

There is a chair the boy can be restrained in as an alternative way to control him, the aides said. The boy has his own nurse with him at all times because of a seizure disorder, but O'Neill would not allow the nurse in the classroom because she said he is a distraction to learning, the aides said.

Girl backhanded in head, reports say

An 11-year-old girl who is in a wheelchair, who had half of her brain removed when she was 11 months old, still has a soft spot in her head where the sections of the skull do not meet. She is also prone to seizures.

O'Neill backhanded the girl in the head, fed her in a rough manner that caused the girl's lip to bleed and degraded her in front of others, according to police reports.

An aide told police that O'Neill was feeding the girl on Jan. 28 and backhanded her in the head when the girl did not follow prompts to choose between a bite of food or a sip of her drink.

The aide said O'Neill would ram the spoon in the girl's mouth during meals so hard that her gums bled.

Boy, 8, came home with bruises

An 8-year-old boy in O'Neill's class has Down syndrome and a seizure disorder. His mother told police he has come home from school with bruises on the back of his thighs.

The aides told police O'Neill has hit him in the head with a variety of objects, kicked him in the buttocks, slapped him and pulled a rag from his mouth so hard that it removed a tooth.

O'Neill also used a gait belt as a leash that left bruises and scratches on the boy's back and neck.

The boy just learned to walk and gets tired, and one day O'Neill placed a cloth belt across his chest and under his arms when he sat down on the floor to rest, the aides told police.

O'Neill used the belt to yank the boy to his feet several times, telling him, "You're going to stand," aides told police.

Another time, the boy bit down on a wash cloth O'Neill was using to clean out his mouth and she yanked it out so hard that a bottom tooth went flying over her right shoulder, the aides told police.

Last modified: Friday, Feb. 22, 2008 at 2:51 p.m.

Father claims teachers broke autistic child's nose

Complaints filed against district, Huntington Beach after Ocean View School District teachers used restraint technique to hold boy down.

<http://www.ocregister.com/articles/restraint-prone-teachers-2018585-report-boy>

By ANNIE BURRIS
The Orange County Register
Tuesday, April 15, 2008

HUNTINGTON BEACH, CA – A 7-year-old boy with autism and severe disabilities was left with a broken nose, bruises and scratches after two Ocean View School District teachers used a controversial restraining technique to calm him down, officials said.

Former Lake View Elementary School teacher Gina Messig and assistant teacher Mai Vo used "prone restraint" to control a special education student when he started throwing objects in the classroom and hitting teachers, according a school report of the Sept. 6 incident.

The two teachers held the child's leg and arm while the student was face down on the floor, the school report said. Prone restraint – which means the person is held face down – is rarely used and is usually the last resort to control a child, experts say.

The boy's father, Robert Velasquez, filed claims – a precursor to a lawsuit – against the Ocean View district and the city of Huntington Beach on Jan. 24, asking for a minimum of \$505,000 in damages in each of the two claims. The claims allege that the district failed to supervise, educate, and provide adequate safeguards against child abuse and battery.

The city and district have rejected the claims. District officials, the city and Messig said they would not comment on the claims. Vo could not be reached for comment.

The Orange County Register is not naming the child in the story because he is a juvenile and possible victim.

The claims allege that Messig and Vo caused emotional and physical injuries when they used the technique to restrain the boy.

"Our whole position is what occurred to (the child) is aberrant and unnecessary restraint," said Alexander Gelman, attorney for the family. Velasquez declined to discuss the incident.

The use of prone restraint on children has been the subject of national and state attention.

A bill proposed by state Senator Sheila Kuehl from Los Angeles and Ventura counties that limits physical restraint techniques is set to go before a committee Wednesday. The bill would require teachers to "avoid the deliberate use of prone restraint techniques whenever possible."

Kuehl proposed the bill after Protection and Advocacy, Inc., a nonprofit agency that promotes the rights of people with disabilities, published a yearlong study on restraints.

The report cautions schools "about the significant risk of death associated with certain physical restraint positions, in particular prone containment."

The use of prone restraint can be prevented by identifying what motivates the behavior and addressing the behavior early on, said Leslie Morrison, director of the group's investigation's department.

Marian Williams, a professor at USC who studies developmental disabilities, said it takes specific training to use prone restraint.

"It can be very dangerous if it is not used appropriately," she said. "There are very specific parameters that have to be followed."

Sept. 6, in the classroom

Officials with the Orange County Department of Education say the use of prone restraint depends on the situation and must be specified in a plan already agreed to by the parents and teachers.

The teachers were allowed to use "reasonable restraint" according to documents signed by Velasquez, Gelman said.

On the morning of Sept. 6 the boy – who cannot talk because of his autism — had been running in his special education classroom, trying to escape out the door and hitting the teachers and students before he was restrained, Messig wrote in a report about the incident.

He began to throw folders, toys and chairs, and attempted to knock over a wheelchair, the report said. Then he grabbed a girl by the hair and pulled her to the ground, according to the report.

The teachers tried to calm the boy and eventually dismissed the rest of the children from the classroom to play outside, the report said.

"Teacher quickly instructed aide in BASIC self-defense technique of two person prone containment," Messig's report said.

According to state law, prone containment can only be used by trained personnel, and it is unclear if the teachers were trained before restraining the child.

J. Michael Declues, attorney for the school district, said all Ocean View School District special education teachers have appropriate training "for all issues pertaining to their students, including prone restraint."

The boy initially resisted, but after 15 seconds he placed his head on the floor. Two minutes later the boy calmed down and went to recess, the school report said.

The teachers' initial reactions to the child's behaviors – using calm voices and letting him know he could go to the playground – were appropriate, said Dennis Roberson, chief of special education services for the county.

"(Prone restraint) is something we don't recommend or encourage," he said. "We would focus on more positive approaches, unless the behavior escalated to where he was a danger to himself or others."

Robert Velasquez was told the next day, Sept. 7, that the teachers had used prone restraint. Whenever this type of restraint is used, the parents must be notified within one school day, state law said.

The father did not know the extent of the injuries on Sept. 6 because the boy was unable to tell him, Gelman said.

Velasquez began to notice the child's injuries three days later, when the boy's face, chest and stomach had bruises and swelling, Gelman said.

Dr. Shawki Zurabi, a physician at Orange Coast Memorial Hospital who examined the boy, said it is not unusual for bruising to develop over several days and that the injuries were consistent with someone who had struggled, according to the police report.

No criminal charges

Messig was put on leave from the school after the incident and has since left the district, officials said.

The Orange County District Attorney's office announced March 21 that they would not file criminal charges against Messig, after a review of a case that had been submitted to them by the Huntington Beach police, spokeswoman Farrah Emami said. There was insufficient evidence to prove she had committed a crime, Emami said.

The review was sparked by information provided by the Huntington Beach Police Department about Messig and the incident. No review of Vo was requested, she said.

Velasquez said he did not want to talk about the claim.

"There was a good reason, though," he said about filing the claim.

Contact the writer: aburris@ocregister.com or 714-445-6696

Teacher Accused Of Duct-Taping Boy To Desk

2/12/08

JACKSONVILLE, Fla. -- A middle school teacher accused of using duct tape to bind a student to his desk was suspended for more than a week without pay for the alleged incident.

The Duval County School Board voted on Tuesday to suspend Kasey Goodin for 10 days without pay. The school board made its decision after hearing the teacher's version of what happened inside the Kirby-Smith Middle School classroom, WJXT reported.

<http://www.local6.com/news/15287294/detail.html>

Tennessee State legislators take a something-is-better-than-nothing approach to protecting special education students from Seclusion and Restraint

May 1, 2008 by [Elizabeth Ulrich](#)

Disability advocates who have spent more than a year trying to convince Tennessee legislators about the troubling fact that special education students are being physically restrained, strapped to chairs and locked in janitor closets hit a small landmark last week as the state Senate passed a bill to address a growing problem in classrooms across the state.

Designed to limit the unchecked use of physical restraint and isolation, the bill offers only a few modest regulations. But disability advocates see the mere acknowledgment of the problem as “gargantuan,” considering their struggle to get lawmakers even to accept that teachers are using such methods on the most vulnerable of students.

Nearly 40 families across the state recently weighed in with horrific tales of the use of restraint and isolation in public schools in a survey commissioned by the state Disability Coalition on Education (DCE). Perhaps the most heart-wrenching tale was that of an 11-year-old autistic boy whose Williamson County teacher locked him in a dark janitor’s closet for up to three hours at a time on several occasions. The teacher even held him down in restraints for behavior she described as not “as much autistic as...ornery” (“Physical Education,” Jan. 24).

Teachers never told the boy’s family about the incidents. Once the otherwise happy boy began to dread school, and as his behavior escalated into unusual fits of screaming and acting out, the family knew something was up. Unlike many of his counterparts, the boy was eventually able to articulate what had transpired. Holly Lu Conant Rees, the director of DCE, says such stories, coupled with the well-publicized death of Omega Leach, made the danger of the ungoverned use of restraint impossible to ignore. A Philadelphia boy undergoing treatment at Chad Youth Enhancement Center, a Clarksville facility for troubled kids, Leach mysteriously died on the floor of his dorm room, away from the watchful eye of the facility’s surveillance cams. The state medical examiner ruled his death a homicide by strangulation after Chad counselors restrained and roughed him up.

Interestingly, the new Senate bill passed April 24 does little to protect kids such as Leach, perhaps because lawmakers see the children in these facilities as criminals. The bill, however, does establish guidelines for the use of restraint and isolation with special education students so

long as they don't have a rap sheet. Specifically, it prohibits schools from using chemical restraint via shots of sedatives to control violent behavior, noxious substances such as pepper spray, locked seclusion and prone restraint, a controversial hold method that can lead to asphyxia—none of which has been expressly outlawed by the state for disabled youth in private treatment facilities. It also requires schools, for the first time ever, to keep records of these incidents. But at this point, the bill gets a little hazy.

Though Sen. Diane Black, who sponsored the bill, says she and other members of the Senate Select Committee on Children and Youth were moved by testimony from special education parents, the original fiscal note for the bill, which Conant Rees put at a staggering \$50 million, was too large to be viable. So training teachers on the proper use of restraint went out the window—along with many other provisions advocates had hoped for—in the quest to get the fiscal note down to \$50,000, where it now remains.

But Black says the bill is a good starting point. “This at least brings consistency and does bring something that everybody is going to be using across the state, and that’s really important,” she says.

But is it enough to protect students? Conant Rees says the legislation does not completely ban the use of mechanical restraint. This is troublesome to the activist, who has seen students strapped to chairs with lap and shoulder belts or placed in stationary chairs as a means of classroom crowd control. Some of these contraptions look like a hybrid between a high-end toddler car seat and an electric chair, and at least one Tennessee family has told Conant Rees that their elementary-age child has spent hours on end in one of these chairs because teachers deemed the student “a runner.”

The law still allows teachers to restrain students, especially “in emergency situations, if necessary to assure the physical safety of the student or others nearby.” (That’s the same practice Chad officials supposedly followed, which clearly doesn’t work.) Schools would have to notify parents about such an incident. But for special needs students who may react more adversely to touch—some of whom don’t have the verbal skills to tell parents what happened—these actions can have an incredibly noxious effect.

Janice LeBel, a licensed psychologist who has worked 20 years in child and adolescent mental health, says restraint can be “a terrible thing,” especially for autistic children. “Their sensory acuity can be much more developed, and so the impact of restraint and seclusion can be much more powerful,” LeBel says. “You could be adding insult to injury.”

LeBel says any use of restraint or seclusion in classrooms is problematic. “It’s extraordinarily high-risk,” she says. “You don’t want to be using it capriciously. If mom and dad were to [restrain a child] at home, they would be explaining that behavior to a judge.”

Overall, the bill doesn’t do enough to ensure that the use of restraint is limited to emergency situations, which worries advocates. Too often they’ve seen such measures become a regular part of a child’s school day when used at a teacher’s discretion. The bill also does not define what constitutes an emergency situation.

The good news is that there's still time to get it right—or at least to make marginal improvements. Before the bill takes effect, which Black says should happen before next school year, a rule-making committee will be established to pick up the pieces and to flesh out the details.

Two teachers charged with abusing special-education student

By Will Richmond Jan 17, 2008 Westport, Mass.

Two Macomber Elementary School teachers face charges they physically abused a special education student.

Teacher Renee Rego, 47, of 91 Horton St., Fall River, Mass., is being charged with a single count of caretaker who permits or commits an assault and battery, and mistreatment or neglect on a disabled person. Assistant teacher Linda Liberty, 46, of 9 Sylvania St., Westport, Mass., is facing two counts of simple assault and battery on a mentally retarded child. All three charges are felonies. Both women have been scheduled to appear in court on Feb. 5 in Fall River for their arraignments.

Superintendent Linda Galton offered few comments on the matter, but did say both women are still teaching at the Macomber School and will continue to do so unless further allegations should lead to their removal. “At this time we have completed our investigation, and the staff remains in place,” Galton said. “Whenever issues like this are brought to our attention we take them very seriously and investigate and make assessments, and we have done that.”

Westport Police Department spokesman Sgt. Jeffrey Majewski, in a brief statement before referring comments to the Bristol County District Attorney's Office, said the investigation was thorough and justified the bringing up the charges.

District Attorney's Office spokesman Gregg Miliote said that office will pick up where the Westport police left off. “We are investigating this alleged incident, and once they're in for arraignment we can proceed with the case,” Miliote said.

In the meantime, the father of the child — whose identity is being withheld by The Herald News to protect the identity of the child — is keeping his child out of school. “My son is not returning until those teachers are removed, but I'm told they are not taking any disciplinary action” the father said. “I'm concerned for his emotional well-being in the classroom and I fear of him getting some kind of action put on him for doing something wrong. My son is autistic, he can't come home and say ‘Daddy my teachers hurt me.’”

The father said a meeting has been scheduled with School Department officials to take place this morning, though, he was not sure who would be in attendance. He said he is not yet sure if his family will take any legal action against the school or teachers. For now, though, the father is not happy with the way this matter has been handled. “I feel that we’ve been left totally in the dark and ignored,” he said. “I’m chasing them (school officials) and it’s almost like from their point of view that it’s not a big thing and we should just let it go. They have no sense of urgency. ... I would expect the school to be more willing to fix this than to say there’s nothing wrong here.”

According to a police report filed in District Court by Westport Police, Jill Alberto, a substitute teacher employed in a special education classroom Jan. 8 and 9, witnessed the two teachers participate in what the report described as “disturbing events.”

During the course of the two days, Alberto said she observed Liberty stepping on the feet of a student who kept removing his shoes due to sensory issues related to the child’s disability.

“Ms. Alberto explained that she witnessed Ms. Liberty step on (the child’s) feet at least ‘twenty times’ during both days while she was wearing sneakers on her feet,” the report penned by Majewski reads. “Ms. Alberto told me that (the child) was visibly in pain while Ms. Liberty was stepping on his feet.”

Alberto alleged that Rego forced the child to go over to the class fish tank and feed the fish even though the child has an aversion to water.

The allegations also include a paraprofessional reporting that she witnessed Liberty grabbing the same student by the arm as the he exited a bathroom. Lucy Cordeiro told police Liberty pulled the child “so forcefully that she ‘thought it had the possibility of dislocating his shoulder.’”

The report continues to state that “Ms. Liberty looked mad when she grabbed and pulled (the child).”

According to the report, the child’s parents were told his shoes were taken off because the child had food on his feet and that the staff didn’t put his shoes back on because the child thought it was funny.

Rego also told police that one of the strategies to keep the child from removing his shoes was to “go over to him and ‘tap his feet with their feet.’” However, the child’s mother told police that the foot tapping was not part of the student’s individual education plan.

In regard to the bathroom incident, Liberty, according to the police report, said the child had begun to run and she simply put her arm up to stop him from getting away.

Under a later round of questioning, however, Cordeiro, according to the report, said the child “was not doing anything wrong” when the child turned his head and Liberty “grabbed his arm and pulled him hard.” After further questioning about whether the

incident could have been as Liberty described it, Cordeiro continued to deny that could be the case. “Ms. Cordeiro was adamant that was not the case and that there was no need to grab and pull (the child) the way Liberty had done,” the report states.

Alberto also accused Rego of placing her fingers in a jar of peanut butter and then proceeding to put them in the mouth of another child. The report states that Alberto said this caused the child discomfort and resulted in a lot of peanut butter in and around the child’s mouth and that the tactic was done right after the child had acted out in class. Alberto said in the report that this was done as a form of punishment because the child had eating issues and basically required food be in a pureed form.

According to the police report, police were stonewalled by Westport school officials.

The report indicates that the parents of one child had spoken with Special Education Coordinator Ralph Tripp III and were told by him that he was unaware of any allegations, only for the parents to then learn that a meeting between Tripp, Principal Sue Wilkinson and Galton had taken place the previous day.

Both Galton and Tripp responded that they were at the school on an unrelated matter. During initial questioning during a phone conversation, Tripp allegedly told police he was not going to comment on the matter. “With no disrespect, I am not going to speak with you any further about this,” Tripp told police, the report states.

Galton also told Majewski that she had filed a complaint with Town Administrator Michael Coughlin because the police chief had not notified her of the investigation. In that conversation, Galton told Majewski that the School Department had conducted its own investigation and determined there was no wrongdoing.

Galton would not comment Thursday about allegations of School Department officials refusing to cooperate with police.

School District Under Investigation For Restraint And Seclusion Use

By Dave Reynolds, Inclusion Daily Express
April 29, 2008

FORT COLLINS, COLORADO--A Fort Collins school district is being investigated by Colorado's protection and advocacy system, the U.S. Department of Education's Office for Civil Rights, and the Department of Regulatory Affairs over the use of restraints and seclusion on elementary students with intellectual disabilities.

The Legal Center for People with Disabilities and Older People released a report earlier this month from its first investigation, in which it found that Werner and Linton elementary schools,

both in the Poudre School District, did not properly use, or properly document, instances when students were restrained or placed in "time-out".

In fact, according to Fort Collins Now, the agency found it difficult to make many conclusions about when, how, and why children were restrained or secluded because of the lack of documentation. "It becomes 'he said she said,' or a guessing game," said Thom Miller, Special Education Program Coordinator for The Legal Center.

Interviews with parents led investigators to believe that some students were being restrained more often than needed, were placed in "time-out" for long periods of times, and may have been locked into seclusion rooms and not monitored properly when they were inside.

The report did conclude that teachers used these techniques to punish or discipline students. While the state's education department only allows restraint or seclusion to keep students from hurting themselves or others, the district's policy allowed teachers to use them to maintain discipline.

District officials publicly disagreed with the Legal Center's findings, but said they would work on implementing some of its recommendations.

Down But Not Out

May 9, 2008

Fort Collins, Colorado

Family continues fighting for special-ed students' rights despite investigations vindicating local schools

Daniel and Susan Swearingen were hopeful that months of frustration and ongoing discord with Poudre School District would finally end now that two investigation into their complaints that teachers improperly used seclusion and restraint techniques on their son have been completed.

But those investigations didn't support their allegations

<http://www.fortcollinsnow.com/article/20080509/NEWS/920774705>

Autistic students at center of schools battle

Emily Gersema - Mar. 14, 2008 Phoenix, AZ

A 5-year-old autistic boy has been physically restrained four times this school year at Settler's Point Elementary in Gilbert, despite his mother's repeated requests for the staff to stop it.

The mother, Amy Eddy, told the *Gilbert Republic* she has asked the district to stop sharing sensitive, extended family medical history that is in her son's student file in spite of federal health privacy laws. In an e-mail response, officials refused.

Another Gilbert parent, Juliet Chapman, complains that Finley Farms Elementary in Gilbert continually assigns her autistic son to occupational therapy to teach him skills such as tying his shoes even though he already has tested out of it. She adds that the school also continues to ignore her suggestions to set higher goals for her son in his Individual Education Plan.

Eddy and Chapman are among about a dozen parents of autistic children in various Gilbert Public Schools who are demanding that the district provide better training to staff to help address their concerns and ensure their kids can succeed.

Some parents are afraid to speak publicly because they fear that the school staff or administrators will retaliate against their children, placing them in self-contained classrooms where they'll be isolated from typical children and denied the opportunity to develop the social skills they lack as part of their disorder.

Parents of autistic children have been raising these concerns with the Gilbert district for more than a year, according to district e-mails and documents and interviews with the *Republic*. Some are so frustrated they've formed a local support group, Supporting Autism Now through Education, which also has been lobbying at the Statehouse for better coverage of health problems related to autism.

District officials complain that the parents are involved in an organized effort against GPSchool.

But the parents say they wouldn't have come together if they weren't experiencing similar problems that persist despite their efforts to work with staff and administrators to address their children's individual struggles in the classroom. They've even offered to pool their money to pay for teacher training.

Melissa Van Hook and Holly Reycraft are two parents who have filed formal complaints for which state education officials found there were no violations.

Reycraft is a former special-education teacher for GPS. Among her allegations is that the school district failed to ensure she and her ex-husband were both present at the planning meeting for her son Hunter, then 10.

Van Hook had a similar complaint, saying that she and her husband were not given the opportunity to provide input on their son's plan. Their son is a fifth-grader at Ashland Ranch Elementary.

She later filed a notice of claim through an attorney, essentially a placeholder that leaves her the option of filing a civil rights complaint against the district.

Both women say they took the step of making a formal complaint because they got nowhere with district officials. After several meetings with staff, and then administrators, Van Hook says she and other parents who've tried to work with the district have felt treated like they're troublemakers.

And now, membership in their organization, SANE, is increasing as more parents come to them for help with their problems.

"I don't understand why it has to be so adversarial," said Van Hook, who has two boys with autism disorders. "Why can't they listen to these parents and get a clue that maybe they have some merit?"

The district launched an investigation into parents' complaints about special education, hiring Mesa attorney Richard Lyons to interview Van Hook, Reycraft and others about their concerns.

He was paid through a special insurance program retained by the school. His report refers to their complaints as "the conspiracy." Van Hook says the investigation seemed biased to start with. Lyons has represented school districts in civil rights complaints. Despite Lyons' ties to school districts, Dave Allison, GPS associate superintendent, says he believes the report was fair.

Reycraft says she feels the district needs some sort of representation of families with special-needs children, and has applied for the board seat left open by Traci Klein, who resigned last month without explanation.

5 Year Hancuffed by School

**BY CARRIE MELAGO
New York DAILY NEWS STAFF WRITER**

"I was so upset. There's no reason to handcuff a baby of 5 years old, traumatize him that way," she said. The handcuffs were removed before Dennis was walked out of the school and driven by ambulance to Elmhurst Hospital Center. He was evaluated at the hospital and released about four hours later, his mom said. School sources said Dennis had punched an assistant principal the day before he acted out in class. The sources also said he broke glass in an office door a week earlier. A spokeswoman for the city Education Department declined to comment on why school safety agents needed to handcuff Dennis, saying the incident was under investigation. The NYPD, which oversees school safety agents, also declined to discuss specifics. Deputy Police Commissioner Paul Browne said, "We hope common sense would prevail and we are looking at what happened." Vasquez immediately withdrew Dennis from PS 81 and enrolled him in a private school, Grand Street Settlement. "I asked him, 'Do you want

to go back to that school?' He broke down in tears," Vasquez said. "He said, 'I don't want to go! I don't want to go!'"

Queens boy still out of school

BY CARRIE MELAGO

New York - Monday, April 21st 2008, 4:00 AM

Dennis Rivera, 5, is still waiting to get back in the classroom.

He was handcuffed, hauled out of his kindergarten - and then left sitting home for months without any way to get an education.

Three months after a school safety agent ignited an uproar by shackling a 5-year-old Queens boy for throwing a tantrum in kindergarten, Dennis Rivera is still waiting for a seat at a new school.

"His education has basically been put on the back burner because what he needs, he's not receiving," said Dennis' mom, Jasmine Vasquez. "My son is falling behind."

After Dennis, now 6, was handcuffed and sent to a psych ward for misbehaving at Public School 81 in Ridgewood, his mother withdrew him from the school and had him evaluated for special education services. Then she waited. The family is still waiting for the city Education Department to get Dennis help.

When called by the Daily News, the Education Department said it had found an appropriate school for Dennis, but insisted it would take a few more days before it mailed the information to his parents. The officials said they must first notify Dennis' new school.

A spokeswoman said that under state law, the Education Department has 60 school days to find an appropriate special education placement after a case is opened. For Dennis, that period would end May 7.

That's not soon enough for Vasquez, who is concerned her son is missing out on much-needed physical, occupational and speech therapy.

Just days after the Jan. 17 handcuffing - which occurred after Dennis knocked items off a principal's desk - officials began creating an "individualized education program" for him to address his special needs.

His mom was excited after a Feb. 6 meeting with educators, who said they'd place her son in a smaller setting that could help him deal with his problems.

"Nothing has happened. It's been going on three months, and I haven't gotten anything in the mail. I haven't even gotten courtesy calls," she said.

A schools spokeswoman said the state provides the 60-day window because making a good match can be complicated.

"If a student needs a variety of services, we have to make sure the school can provide them," said Maibe Gonzalez-Fuentes. "A number of arrangements have to be made. It takes time."

Dennis has been attending a Head Start program at the Grand Street Settlement program in Brooklyn while waiting for a classroom seat.

"Unfortunately, we see far too many children who suffer from delays in placement. It's particularly sad in a case like this where the child has been through so much trauma," said Kim Sweet, executive director of Advocates for Children.

Parents Battle Special Ed. Program After Student is Seriously Injured

Feb 8, 2008 12:16 AM EST

By [Natalie Arnold](#)

Neenah, WI - A group of parents is refusing to send their children back to the special education program at a Neenah elementary school after one student was seriously injured by a teacher.

So far everyone agrees it was an accident but the parents say this was not the first time their children have been hurt, and they are demanding a change.

Even though her daughter is ten, Ann Lutz feels that day care would be much better for Nicole than a Neenah public school.

"I've lost complete trust in the school, the staff, and actually the school district," Lutz said.

Two months ago, a teacher at Coolidge Elementary broke Nicole's jaw when he tried to remove her from a piece of equipment that helps disabled children stand.

"Nicole's teeth, gum, and the bone that the teeth are into completely came out of her mouth," Lutz described.

As soon as two other parents found out, they took their children out of school, too. All say their kids have been hurt in the past.

"I told Ann I would not send Brittany back to school until something is done. Something has to be done," parent Christine Becker said.

Despite claims to the contrary, as far as the district is concerned, what happened to Lutz's daughter was an isolated incident. Officials defend the teacher and the program.

Anne Lang is director of pupil services. "There really wasn't anything that was done wrong in terms of, as I said, negligence of that sort. We really feel that the teacher has been doing a great job. The educational assistants have been spoken to."

The parents say that's just not true. They won't bring their kids back until there's a change. The best option, they believe, would be a complete change in staff.

"I'm just amazed at the response of the school system. I'm really disappointed," Lutz said.

Police: Teacher's Aide Attacks Autistic Student

May 30, 2008

COCONUT CREEK, Fla. -- A [Coconut Creek](#) teacher's aide is under investigation after an autistic student was attacked with a metal chair at school earlier this month, police said.

The 17-year-old student's mother, Sandy Teich, said her world has been turned upside down after hearing what happened to her son, Michael.

The incident happened at [Monarch High School](#) on May 6, police said. According to Teich and police, a teacher's aide threw a chair at the boy during a confrontation in the gym.

Teich said her son's injuries were minor, but the incident has taken an emotional toll. She said she has asked the school board to remove Michael from the school.

Police said they have turned the case over to prosecutors and have recommended the aide be charged with child abuse.

Prone Restraint Used on 7-year-old Autistic Boy

April 16th, 2008 by Kristina Chew, PhD

Two teachers from the Ocean View School District (Southern California) used a technique called [prone restraint](#) on a 7-year-old boy with autism and severe disabilities on September 6, 2007. The student suffered bruises, scratches, and a broken nose. According to [MSNBC](#), the student, who does not speak, was throwing classroom items, hitting and running when teacher Gina Messig and assistant teacher Mai Vo used prone restraint to calm the student:

The two teachers held the child's leg and arm while the student was face down on the floor, the school report said. Prone restraint – which means the person is held face down – is rarely used and is usually the last resort to control a child, experts say.

The student's father, Robert Velasquez, was not informed of the incident until the following day, September 7th; according to state law, parents are to be notified on the

same day that prone restraint is used. Velasquez only noticed his son's injuries after three days, when the boy's face, chest and stomach had bruises and swelling. On January 24, Velasquez filed claims as a precursor to a lawsuit against the the Ocean View district and the city of Huntington Beach for a minimum of \$505,000 in damages. On March 21, the Orange County District Attorney's office announced that criminal charges would not be filed against Messig, the teacher, after Huntington Beach police reviewed the case.

In a previous school district, physical restraints—the [basket hold](#)—were used on my son when he engaged in self-injurious and aggressive behaviors We were not informed by the school district that such methods would be used: The use of such procedures should have been written into a behavior intervention plan. My son's behaviors worsened to the point that, in November of 2005, we had to take him out of school because the school simply could not handle his behaviors and did not know what to do. So began an odyssey to find Charlie a school to go to that culminated with us moving in with my in-laws in June of 2006, so that Charlie could go to the autism program in their town.

Charlie's current teachers have been able to teach him to communicate his frustrations and needs and other techniques and things are much, much, much better (that's an understatement).

After we took Charlie out of his old school district, he often pretended to restrain himself. He does this less and less, but, needless to say, my husband Jim and I can only wonder at the effects of the [physical force and restraints](#) on him, and I suspect that Robert Velasquez must be wondering the same.

Four-year-olds handcuffed for refusing to nap

Mar 12th 2008 - Sandy Maple

<http://www.parentdish.com/2008/03/12/four-year-olds-handcuffed-for-refusing-to-nap/>

On November 17, 2006, Jaden Diaz and Christopher Brito were both four-year-old preschoolers at a public school in Bronx, New York. On that day, they had a substitute teacher, who they say was unhappy with them and another boy for refusing to take a nap. They claim the teacher led them to an empty room and left them alone there. According to lawyer Scott Agulnick, that is when things took a [turn for the worse](#). He says a school-safety officer came into the room and handcuffed the boys, telling them that they would never see their parents again.

"He was police," Jaden, now 6, says. "He said, 'You know what happens when you don't go to sleep in there? . . . 'When you go to jail, you're not going to have no fun, no TV, no toys.' "

Although Jaden says that he wasn't handcuffed, his mother, Sasha Diaz, claims that is not what he told her shortly after the incident."It took me about a day to get it out of him. He didn't want to tell me . . . I don't know if he thought it was his fault," she said.

Christopher Brito, now 5, says he *was* restrained. "I wasn't shot, but my hands were tied," he told his mother, Vasso Brito.

It isn't clear who the third boy was or what his story is, but the parents of Jaden and Christopher are now suing the city for unspecified damages. "Failure to comply with nap time is hardly an offense that warrants being handcuffed, or threatened, for that matter. Nothing would've warranted that," says Agulnick.

The boys' claims may sound far-fetched and unbelievable, but they aren't the only children in a New York school to make such accusations. A 10-year-old, mentally-challenged [girl in Brooklyn](#) and a [5-year-old boy in Queens](#) have also recently claimed to have been handcuffed by school safety officers

Student Says a School Employee Broke His Arm

February 12, 2008 - 10:14AM

St. Lucie County, FL Schools are investigating an incident involving possible excessive force used on a student. The student's mother, Pam Redding, says a school employee restrained her son Devontae and he somehow ended up with a broken arm.

It happened at Dale Cassens School in Fort Pierce, a school for the emotionally, mentally, or physically disabled. The school specialists are trained to handle conflict by restraining upset students. Pam Redding signed a release to allow restraint, but says she did not expect violence. Devontee says the "specialist" made him pulled his arm back until it made a popping noise. When they finally let him up, he asked twice to go to the nurse's office ,but they wouldn't allow him to leave his desk.

The district says it can't go into the specifics of this case.

Child abuse charges against WWV special education teacher forwarded to court

02/21/2008 By Coulter Jones, Staff Writer

Child abuse charges against a special education teacher in the Wyoming Valley School District will go to court.

Three former students of Angela Kairo-Scibek testified during a preliminary hearing at Central Court that she hit them with a wooden "ruler" or "roller" during the 2005-2006 school year.

Kairo-Scibek faces three counts of endangering the welfare of children and other charges stemming from the allegations. Her court date is set for April 18 at the Luzerne County Courthouse.

Her attorney Frank Nocito said the children's testimony had inconsistencies.

"There were numerous inconsistencies and that's something we'll explore for the trial," Nocito said.

Kairo-Scibek is on unpaid suspension from her teaching position.

Abuse case chronology

Published: Sunday, February 8, 2009

The following information is compiled from Sarasota County school and Venice Police documents:

Related Links:

[Abuse case will be tough to prove](#)

[Trust is on trial in abuse case](#)

1990: Diana O'Neill starts at Venice Elementary as a special education teacher.

2001/2002: Former Principal Emile Quinn sees O'Neill yell derogatory things at a pupil and sends a memo to elementary schools director John Zoretich. The teachers union accuses Quinn of harassing O'Neill. The memo is not put in her file.

2002/2003: Former aide Vicki Burns says she sees O'Neill twist a child's arm; slap children's hands and flick a child in the forehead. She talks to O'Neill about her concerns, but no one else. She leaves the school at the end of the year.

2003/2004: Former nurse Francesca Gordon says she sees O'Neill yell at students, pinch their noses so they cannot breathe and hold a mirror in front of a crying boy's face, telling him he looks pathetic. Gordon tells Principal Theresa Baus, who later tells police that Gordon was a disgruntled employee.

2005/2006: Teacher Pam Mirville and aide Tamara Cooke say they see O'Neill shove a card into a child's mouth, causing it to bleed. Mirville reports the occurrence to Baus, who talks to O'Neill. Cooke talks to therapists Theresa Miers and Eugenia Batalia about how O'Neill treated students, but later tells Baus that she is not sure what she saw. Baus chastises Miers and Batalia for spreading rumors.

[http://www.heraldtribune.com/article/20090208/ARTICLE/902080299/2055/NEWS?Title=Abuse case chronology](http://www.heraldtribune.com/article/20090208/ARTICLE/902080299/2055/NEWS?Title=Abuse%20case%20chronology)

Jury picked in student abuse case

(The next 5 articles are a continuation of this first article. They are all in order of earliest date)

By [Tiffany Lankes](#)
February 10, 2009

SARASOTA, Florida - Six jurors and two alternates were selected Monday to hear the abuse case against Diana O'Neill, a former Venice Elementary teacher accused of abusing four children in her classroom for profoundly mentally handicapped students.

O'Neill, arrested in February 2008, is charged with four counts of child abuse. Aides who worked in her classroom say they witnessed O'Neill kick, hit and push children, logging the episodes in handwritten entries.

O'Neill, an 18-year teacher, was suspended from her teaching post and has been working in an office since her arrest.

Assistant State Attorney Dawn Buff and O'Neill's attorneys, led by Clearwater attorney Denis deVlaming, questioned a pool of 40 potential jurors before making their selections. Among those who were excused as jurors were people who worked for the school district and who had worked with special needs children.

Attorneys for the state and for O'Neill will give opening arguments this morning, and prosecutors plan to call the four students and their parents to the stand.

Since the students cannot speak, they will be escorted into the courtroom after their mothers are called to testify. Their parents will then introduce their children to the jurors.

"This is what the case is about," said Prosecutor Dawn Buff.

"Just as in any other case, the jury is entitled to see the victim."

Defense attorneys objected to having the children in the courtroom, arguing that the only reason was to elicit sympathy from the jury. DeVlaming also pointed out that because they are so severely disabled, the children's behavior can be unpredictable.

The case is being heard by Circuit Judge Deno Economou.

[http://www.heraldtribune.com/article/20090210/ARTICLE/902100350/2055/NEWS?Title=Jury picked in student abuse case](http://www.heraldtribune.com/article/20090210/ARTICLE/902100350/2055/NEWS?Title=Jury%20picked%20in%20student%20abuse%20case)

Aide testifies that teacher hit students with board

By [Tiffany Lankes](#)

February 11, 2009

SARASOTA, Florida - The children in Diana O'Neill's special education class started their mornings like many other students.

After breakfast, the children settled into their desks to review the calendar.

But O'Neill's students are severely developmentally disabled. They cannot speak or feed themselves, much less tell the difference between January and February.

So when O'Neill asked them what month it was, they could not respond. That, classroom aide Tamara Cooke said, is when O'Neill would go to her desk, pull out a board and hit the students over the head, causing them to whimper and cry.

"She just picked it up with both of her hands and hit them over the head with it," Cooke testified in court Tuesday in the first day of O'Neill's trial.

"Whenever we did a real circle time, someone would get hit with something."

O'Neill, 46, taught special education at Venice Elementary School before her February 2008 arrest. She is charged with four counts of child abuse.

O'Neill's attorneys will get a chance to cross-examine Cooke today when she goes back on the stand. The other aide, Cindi Anderson, is also expected to testify.

Attorneys from both sides first presented their opening arguments, laying the groundwork for a case that will largely come down to the word of the aides against that of O'Neill.

Prosecutors cast O'Neill as a veteran teacher who used her position of authority in the classroom to abuse her students and intimidate her co-workers.

"These are children who have no power," prosecutor Dawn Buff said. "They are the most vulnerable. This is a case about power, and the abuse of that power."

O'Neill's lead attorney, Denis deVlaming, countered that the aides -- who have significantly less training -- mistook acceptable techniques for working with disabled students for abuse.

DeVlaming said O'Neill was a stern but dedicated teacher who taught her students to walk, communicate and feed themselves.

"This trial really is going to be about teaching techniques and the philosophy of teaching these kids who are really never going to be normal in the sense of the word we know normal," deVlaming said.

The mothers of the four children O'Neill is accused of abusing took the witness stand first, with family members bringing their children into the courtroom to introduce to jurors.

Prosecutors then called Cooke.

She described a disorganized classroom where O'Neill rarely followed her planned daily activities and often left the aides alone with the children for hours.

Cooke also recounted the times she saw O'Neill repeatedly strike students on the head with objects, feed them so roughly their mouths bled, kick them and push them.

The aide described one time when O'Neill put a student in a body sock -- a tight-fitting clothe used to comfort children with sensory issues -- covered her face and pushed her to the ground.

The child hit her head repeatedly on the floor and on the base of a swing as she struggled to free herself.

As she "got closer to that base she kept, wham, wham, whamming her head," Cooke said. "I'll never forget her eyes bulging. She hated it so bad."

Buff had Cooke demonstrate what she said O'Neill did to the children, including striking the prosecutor on the head with a board, causing a loud thump that elicited gasps from courtroom observers.

When Buff asked her if that was how hard she saw O'Neill hit the children, Cooke told her sometimes it was even harder. Buff also asked Cooke to step down from the stand to wrap her in the body sock.

The prosecutor also questioned Cooke about why the aides waited months before coming forward if the abuse was so disturbing.

Cooke told the jury that she was afraid of O'Neill, and afraid of losing her job if no one believed her.

The aide said she also struggled because she liked O'Neill, and considered the veteran teacher a friend.

"I didn't want anything to happen to her," Cooke said. "I just wanted her to stop hurting the kids."

<http://www.heraldtribune.com/article/20090211/ARTICLE/902110348>

Expertise of teacher aides is questioned in abuse trial

By [Tiffany Lankes](#)

February 12, 2009

SARASOTA, Florida - Tammy Cooke never worked with severely disabled children before she took a job as a special education classroom aide at Venice Elementary.

A stay-at-home mother who studied business, she applied for the job because it was convenient. She received her training on the job, with veteran teacher Diana O'Neill showing her how to feed, care for and teach the students.

When O'Neill did things Cooke thought were too rough, the teacher said they were appropriate techniques for educating a challenging group of students. Cooke did not know any differently.

She was one of two classroom aides who ultimately reported O'Neill for child abuse and testified against the teacher this week in court. O'Neill, 46, is charged with four counts of child abuse.

Cooke's situation underscores something parents and advocates say is a larger problem in special education -- the inexperience of aides charged with helping teach the school system's most vulnerable children.

In a phone interview, Sharon Boyd, who works with Autism Speaks, a national advocacy group for students with disabilities, said, "We need to make sure the people we're putting in these classrooms with these children have the training and support they need."

In a field that drives more educators away than any other part of the school system, finding teachers is tough and hiring aides to assist them for significantly less pay is even more difficult.

By and large, school districts have minimal standards for the people they hire as aides in special education classrooms. While teachers like O'Neill must have an advanced degree, special training and a state teaching license, in Sarasota the minimum requirement for a special education aide is a high school diploma or equivalent. They do not have to have a state teaching license.

The disparity is also reflected in their salaries. While O'Neill made an \$80,000 salary, which included a special seniority bonus, the two aides in her classroom make less than \$12 an hour, or about \$15,600 for a typical school year.

And like most other school districts, Sarasota does not have any specific training requirements for special education aides. They say that schools decide on a case-by-case basis what skills their aides may need to learn, and try to arrange it.

Parents and disability advocates say that this inexperience can hurt children's progress in school.

Sarasota parent Julie Klick has found that some of the aides who have worked with her elementary school son, who cannot speak or walk, did not know how to use many of the teaching tools, therapy techniques and technology he needs to learn.

"The teacher has got all these other students to work with, and the aides don't know how to do it," Klick said in a phone interview. "They don't know how to get him as involved and they don't know how to adapt things for him. It's just kind of frustrating."

They also say the inexperience puts students in dangerous situations.

In September, police arrested former Venice High School aide Richard Green after co-workers said they saw him slam an autistic student into a wall. Green's attorney said he told supervisors he did not have the appropriate training to work with the student, but they placed him with the teenager anyway. The district had scheduled his crisis prevention class for the week after his arrest, about a month into the school year.

O'Neill's classroom aides from over the years say they repeatedly saw the teacher do things they thought were unnecessarily rough, but never reported it because they were not sure whether it qualified as teaching.

Defense attorneys have focused on the inexperience of the aides during their cross-examination of witnesses, questioning how two aides -- the prime witnesses in the case -- would know better than O'Neill, a teacher with 18 years of experience.

They describe O'Neill as a dedicated teacher who would not stop at anything, including tough love tactics, to make sure her students were learning.

Attorneys also questioned whether the aides knew how common therapy tools -- including a weighted blanket and body sock aides say O'Neill used to abuse students -- could help them.

"You really don't know what these items are used for," O'Neill's attorney Denis deVlaming told Cooke in court.

Prosecutors are expected to call more witnesses from the school today.

[http://www.heraldtribune.com/article/20090212/ARTICLE/902120350/2055/NEWS?Title=Expertise of teacher aides is questioned in abuse trial](http://www.heraldtribune.com/article/20090212/ARTICLE/902120350/2055/NEWS?Title=Expertise%20of%20teacher%20aides%20is%20questioned%20in%20abuse%20trial)

Ex-Venice Teacher Takes Stand In Abuse Trial

By Tiffany Lankes -- Sarasota Herald-Tribune
Tampa Bay Online
updated 5:46 p.m. ET, Fri., Feb. 13, 2009

After three days of testimony from co-workers, parents of students in her class and experts, former Venice Elementary School teacher Diana O'Neill took the witness stand today in her own defense.

O'Neill, 46, faces four charges of child abuse. Prosecution witnesses, including two of her classroom aides, have said O'Neill repeatedly hit her severely developmentally disabled students in the head with various objects, and was generally rough enough with them to cause injuries and bruises.

O'Neill explained most of the things she is accused of as accidents or legitimate techniques for working with disabled students. Some of the things she denied happened all together, or said they were mistaken or exaggerated.

O'Neill's testimony provides some insight into a woman at the center of a trial revolving around special education in the school system. Testimony in her trial has raised questions about the preparation of aides put in these classrooms, along with what kinds of actions are appropriate for teaching them.

She began her testimony this morning by talking about how she got interested in special education.

That interest was first sparked in the summer of 1979, when O'Neill said she made her first trip to the Special Olympics.

A high school junior then, she was full of energy and enthusiasm for her future. She came home and told her parents she wanted to spend her life helping disabled children.

So she went into special education.

About a decade later she graduated from Iowa's Drake University, and headed to Florida's annual teaching fair to scout for a job and landed one in Sarasota teaching profoundly mentally disabled students.

O'Neill ended up at Venice Elementary, where she spent 18 years, and earned a reputation as a respected teacher with a tough love approach to teaching. She said she went to great lengths to to teach her severely disabled students life's most basic tasks, like walking, speaking and feeding themselves.

"You give them time to struggle a little bit. We all struggle in our life," she said. "They have to learn how to problem solve, just like everybody else. Maybe even more so."

O'Neill said she is a dedicated teacher who drinks six cups of coffee every morning and gets excited at even her student's most minor accomplishments. She also said she applied for special grants to purchase new tools for her classroom.

O'Neill kept a calm and commanding demeanor on the stand, speaking to jurors in a loud, clear and succinct voice as she explained her role in the classroom.

She raised her voice to add affirmation to certain responses, like when her attorney asked her if she felt like she was getting burnt out.

"Absolutely not," O'Neill said quickly.

Instead, O'Neill said she felt revitalized by new teaching techniques and opportunities to help her students, including the interactive white boards the school district recently installed in all of its classrooms. She called the Activboard "a shot in the arm" that motivated her.

"I just felt it had a ton of potential for the kids in my room," she said. "I get all excited all over again. It's a new trick for my bag."

O'Neill talked about the time a co-worker went to a training conference and called to tell her about a special program for teaching disabled students to read, something many would consider out of reach for the children in her classroom. O'Neill went online and ordered a training manual so she could practice the techniques in her classroom. After she met with the co-worker for dinner to talk, she rearranged her classroom so she could start using the strategies.

She talked about the excitement she felt when she watched one student with severe brain damage find the switch on a music box and turn it on.

"I watched her and I saw her searching for it," O'Neill said. "She found it and she hit it. I was so excited."

O'Neill said she took offense when people called her an "overpriced baby sitter" and when her supervisor, Principal Thersa Baus, questioned how she did her job.

And she talked about the things she is accused of.

She talked about how she kept the blinds drawn over the windows because she did not want her children to be distracted.

She talked about how she lightly "bopped" her students on the head with a board to get their attention.

She said she used tools like a weighted blanket and body sock as therapy tools to try to calm an agitated child, not to punish or injure them. And the child never fell and hit her head, as aides reported.

O'Neill did acknowledge that she sometimes called her students names, or used double entendres, as a joke. She acknowledged that on several occasions she told people she was "God" in her classroom, to convey the point.

The trial broke for lunch and resumed at 1 p.m.

O'Neill is expected to be the last witness called in the trial. That means after she is cross-examined by the prosecution both sides will deliver their final arguments before putting the case in the hands of the six-person jury.

<http://www.msnbc.msn.com/id/29187019/>

Teacher found not guilty of hurting students

By Tiffany Lankes

Saturday, February 14, 2009 at 1:00 a.m.

SARASOTA, Florida - A well-spoken and assertive Diana O'Neill spent nearly four hours arguing her innocence Friday before a jury found her not guilty of four child abuse charges.

The six-person jury deliberated for about three hours before rendering its verdict.

The former Venice Elementary School special education teacher sat with her hands folded as the clerk read off each of the counts and the jury's not-guilty decision. After jurors left the room, O'Neill cried and hugged her husband.

"I'm glad that justice was served and the jury was able to see the truth," O'Neill, 46, said through tears as she left the courtroom.

The parents of the students she was accused of abusing sat on the other side of the courtroom Friday holding hands and hugging each other before the jury announced its verdict.

Some of them sobbed after the jury left the courtroom. One grandmother asked whether the verdict meant O'Neill could keep teaching. They all declined to comment.

O'Neill was accused of hitting, kicking and otherwise abusing four severely developmentally disabled students between October 2007 and January 2008. She had been a special education teacher at the school for 18 years before her arrest in February 2008.

Friday's verdict closes the criminal case against O'Neill, but not everything has been resolved.

The school district must decide whether to give O'Neill her old job back and the state could still revoke her teaching license.

Additionally, the parents of the children O'Neill was accused of abusing have hired attorneys and said they intend to sue the school district.

Four of those parents testified against O'Neill and sat through the trial, including when O'Neill took the stand Friday to defend herself.

O'Neill, the last witness to testify, described herself as a dedicated teacher who drinks six cups of coffee every morning and gets excited at even the most minor accomplishments of her students.

"I get all excited all over again," she said. "It's a new trick for my bag."

O'Neill maintained a calm and commanding demeanor as she explained the educational benefits of the techniques she was using with the children.

She raised her voice to add affirmation to certain responses, including when her attorney asked if she was getting burned out.

"Absolutely not," O'Neill said forcefully.

O'Neill did acknowledge that she sarcastically called the students names, including calling one child named Olivia "Oblivia," and another child "tons of fun." O'Neill also said that

she sometimes "bopped" them on the head with water bottles, boards and objects to get their attention.

Both the prosecution and the defense called as witnesses educators from Venice Elementary School, who were split over whether the actions O'Neill was accused of taking were appropriate teaching methods.

The verdict followed a weeklong trial during which prosecutors attempted to prove that O'Neill's actions could have caused physical injury or mental harm to her students.

That standard was made more difficult to prove than in some other cases because all of the students involved are so severely disabled that they cannot speak.

They also have so many physical problems that there is no way to know whether she would have seriously injured them when aides say they saw her hit them on the head with objects, kick and push them.

Although prosecutors argued some of the children received bumps on the head, bruises and scratches in O'Neill's classroom, the defense said that those do not qualify as injuries.

The prosecution did not try to prove mental harm upon the children. Their mental capacity is unclear, and the prosecution would have had to prove that O'Neill's actions prevented them from acting in a "normal" manner.

"The standard itself is really hard," said prosecutor Dawn Buff after the verdict. "And this case was difficult."

The prosecution's case relied heavily on the testimony of classroom aides Tammy Cooke and Cindi Anderson, who spent three months keeping a detailed log of times they say O'Neill abused her students. There were also other school employees who say they saw O'Neill get too rough with her students over the years.

But defense attorneys argued that the aides mistook appropriate techniques for working with students with disabilities for abuse. They also repeatedly pointed out that no one came forward sooner to report that O'Neill was abusing her students.

An alternate juror who sat through the trial but did not participate in the decision said he was torn by the educators' testimony. Gerald Paquette said he could see how O'Neill's actions could be appropriate in a special education classroom, where students need a lot of physical interaction.

"Maybe that is what you need to do to teach those kids," Paquette said after the verdict.

The case drew the attention of child advocates, parents and court watchers, with the trial audience increasing every day.

On Friday the courtroom was filled nearly to capacity, including many people who said they were parents or former teachers.

Sarasota school union leaders sat in the courtroom behind O'Neill nearly every day. The union has supported O'Neill since she was arrested a year ago, including paying her attorneys fees early on. Union officials have declined to say whether they are still paying them, or how much the union has spent on O'Neill's defense.

School Board attorney Keith DuBose also watched the trial to gather information for the school district, which will now have to decide O'Neill's employment status.

While criminal courts must prove beyond a reasonable doubt a defendant's guilt, the standard is much lower for school districts or the state to revoke a teacher's license.

DuBose said he was also gathering information for possible civil lawsuits by the parents against the school district.

[http://www.heraldtribune.com/article/20090214/ARTICLE/902140367/2055/NEWS?Title=Teacher found not guilty of hurting students](http://www.heraldtribune.com/article/20090214/ARTICLE/902140367/2055/NEWS?Title=Teacher%20found%20not%20guilty%20of%20hurting%20students)

Evelyn Towry, 8-Year-Old Autistic Girl, Arrested and Handcuffed for Throwing Tantrum

By [Caleb Hannan](#), Jul. 13 2010

http://blogs.seattleweekly.com/dailyweekly/2010/07/cops_arrest_and_handcuff_8-yea.php

Kootenai, ID - Little 8-year-old [Evelyn Towry](#) just wanted to be able to go to the party like all the other kids. But for some reason, a teacher at the Boise third-grader's elementary school wouldn't let her while she was wearing her favorite sweatshirt, a hoodie that her mom had sewn cow ears on to look like a cartoon character. Instead, the teacher put Evelyn in a classroom and asked two staffers to watch her and make sure she didn't leave.

This wasn't cool with Evelyn. She tried to leave the room but staffers blocked her path. And it was then that her parents say their daughter -- who has Asperger's, a high-functioning form of autism -- freaked out.

According to the staffers, Evelyn spit on and "inappropriately touched" her two guards. Probably the kind of behavior that happens every day in schools all across the country. And likely not to leave a mark unless the kid happens to be the daughter of an NFL lineman which, based on these pictures, she is not.

But the panicked flailing of a scared little girl was apparently too much for the grown-ups to handle on this day. As the school's principal called police and asked to have Evelyn arrested on suspicion of battery.

The cops, presumably not possessing a single critical-thinking bone in their bodies, went along with the administrator's wacky demand, patting and frisking Evelyn before putting her in what we can only imagine were kiddie-sized handcuffs

A prosecutor wisely refused to press charges. And Evelyn was released to her parents before having to spend too much time in the county's juvenile lockup.

They're now suing the school district and the sheriff's department for violating the Americans With Disabilities Act. But really, it'd be just as accurate to say they're suing for a lack of common sense.

Police arrest and handcuff 8 year old autistic girl

January 16, 2009

<http://www.policebrutality.info/2009/01/police-brutality-beaten.html>

An autistic 8-year old girl, Evelyn Towry, was arrested in Kootenai Elementary School because of accusations that she was assaulting school's staff. What happened was that she had been refused entry into a school Christmas party because she refused to take off her beloved cow costume that was a hoodie with cow ears and a tail. Evelyn was put in a separate classroom away from the party, but when she tried to leave, the teachers told her to stay put. When Evelyn protested, the adults physically restrained her. She was very scared so she reacted in a violent way to the physical restraint. Evelyn got bruises on her legs, and is tormented by memories of the incident. The staff immediately called the police who put handcuffs on Evelyn and took her to the station.

First after a couple of hours her mother was allowed to take her home. The Towry family is considering legal action against the school. At a hearing on the case the prosecutor said that he didn't think at this time it would be beneficial to pursue it because of Evelyn's age and her condition.

Physical Restraint Education - When special-ed teachers seclude and restrain students, the state says no one needs to know

January 24, 2008

by Elizabeth Ulrich

Rob Zimmerman's son Jack is the kind of smart, happy child who loved school. But two years ago, Jack's dad says, that suddenly changed. When the now 11-year-old moved to another special-ed classroom at his Williamson County school, Zimmerman says Jack's new teacher did not believe he was "as much autistic as he was ornery."

The teacher told the family that Jack was “trying to trick her.” Jack’s behavior changed, as he began to dread school and act out—screaming and spiraling out of control.

Zimmerman and his wife were shocked to learn why: Jack’s teachers had taken him down the hall to a janitor’s closet, placed him inside and shut the door, leaving the boy to sit alone in the dark for up to three hours at a time on more than one occasion. “They said he liked it better when it was dark,” an animated Zimmerman told a group of state lawmakers Tuesday. “We’re talking about human life—my son’s life,” Zimmerman said.

And it wasn’t long before Jack told his parents that his teachers were also “umpping him,” describing the groaning sound his teachers made as they held him down for “ornery” behavior. In his own way, Jack alerted his parents to a growing problem in special-ed classrooms all over the state: the unreported, undocumented use of seclusion and restraint.

Jack’s case is rare in the sense that he was able to tell his parents he had been restrained and stuffed into a closet that his father says school employees called a “calming room.” Many autistic children are not as verbally developed as Jack and are therefore incapable of reporting abuse. Often, these are children who, as Zimmerman puts it, are “set up for abuse.”

After reports like Zimmerman’s began to trickle in, the Disability Coalition on Education (DCE), a statewide organization of educators, advocacy groups and families, reviewed state law and found that there are no guidelines to regulate how—or *if*—schools should report such incidents or document how often they occur.

To push state lawmakers to draft legislation to require such oversight, representatives from several advocacy organizations for the disabled and mentally ill met Tuesday with a House-Senate study committee. They discussed the methods of restraint and seclusion now used with Tennessee special-ed students.

The committee also heard a tearful Gary Hassell talk about his son, a special-education student with autism at Oakmont Elementary in Dickson County, who had been physically restrained, face-down, on the classroom floor. School employees held his son down for an hour in what is called the “prone” position, a controversial hold that some experts say can result in asphyxia in as few as six minutes.

Similar methods of seclusion and restraint have led to the deaths of two teens at Chad Youth Enhancement Center, a residential treatment facility for troubled youth just outside of Clarksville and have been key components in claims of abuse and neglect at Hermitage Hall, a Nashville private residential facility that treats male sex offenders .

State records for Chad and Hermitage Hall, both of which are licensed by the state’s Department of Mental Health and Developmental Disabilities (DMHDD), describe hundreds of cases where young residents are physically restrained, often violently, by facility staff. Neither DMHDD nor the Department of Children’s Services finds anything out of the ordinary or troubling about these incidences, according to interviews with officials there, and Gov. Phil Bredesen’s office also has

been unswayed by reports of abuses at these juvenile facilities, directing questions back to the departments.

But Tennessee public schools are not required to report incidents of seclusion and restraint to the state—or even to parents such as Zimmerman. Carol Westlake, the executive director of the Tennessee Disability Coalition, told the study committee that, while state law requires in-patient facilities and residential juvenile programs to report how often such incidents occur, public schools remain one of the only places in the state without that mandate.

And, while facilities such as Chad and Hermitage Hall purport to have stringent requirements for teaching workers how to properly administer restraint holds, schools are not legally required to train employees.

DCE Chair Holly Lu Conant Rees says her organization has repeatedly requested a copy of the Metro schools' policy on seclusion and restraint but has received nothing. Conant Rees tells the *Scene* that her organization has started to collect data from parents across the state to push state lawmakers to draft legislation.

Thirty families, several of whom have students in Metro public schools, completed a DCE survey saying that their children have experienced multiple incidents of restraint and seclusion in the classroom. DCE describes the findings as “uniformly disturbing.” Of those families reporting incidents to DCE, 40 percent said school staffers injured their children, who showed signs of bruising, contusions, abrasions and nail and grip marks. And 60 percent of families reported that their children experienced significant psychological and behavioral setbacks after being restrained or secluded. The children had acted out with violent tantrums and experienced anxiety, night terrors and psychosis.

It's a familiar story to parents like Zimmerman, who says it only takes one encounter with a “bad apple” in the special-education classroom to change a child's life forever. “If you don't have documentation, you don't have accountability.”

http://www.nashvillescene.com/Stories/News/2008/01/24/Physical_Education/

EXCLUSIVE: Time-Out Rooms

By Melissa Cabral, WINK News

Story Updated: Jan 17, 2008 at 6:14 PM EDT

FORT MYERS, Fla. - It's an Eye on Education Exclusive investigation.

WINK News received several tips from parents about time-out rooms at Lee County Schools.

We found out they're also called Quiet Rooms or Learning Labs", but to parents we spoke with they're jail cells used to torture children. Our four month investigation uncovered a total of 14 time-out rooms in elementary schools throughout the district. Kellie Elders tells us she witnessed teachers sitting on her autistic daughter 7 year old Caitlin's back while she was being restrained on the floor of a time out room at Pelican Elementary School. She says Caitlin was sent to the room multiple times a week and her child isn't the only one. The district would not comment on these specific allegations, however we have been told teachers are specially trained to restrain children and help them calm down. Lee County School District Spokesperson Joe Donzelli says, "It's an area where we can isolate them from others because we don't want them to hurt themselves or the staff or other students." Parent Kellie Elders says, "No child should ever have to go through this." WINK News found out there isn't a district policy on the use of rooms, instead it's up to the principals. We asked to see if the principals had a written policy or procedures of using the room, we were told there isn't one.

According to the Lee County School District these schools have Time-Out Rooms: Colonial, Franklin Park, Harns Marsh, Pelican, Ray V. Pottorf, Rayma C. Page, Trafalgar, Michigan, Academy, Mirror Lakes, North Fort Myers Academy for the Arts, Gulf, Veterans Park Academy J. Colin English, Pinewoods

Special education teacher charged with child abuse

Feb 22, 2008

VENICE, Florida –Investigators say a special education teacher at an elementary school in Venice is accused of beating several of her students.

Detectives say Diana O'Neill turned herself in to Venice Police on Thursday. Witnesses told investigators she hit one student in the head with a catalog, backhanded another student, and twisted the arm of third boy behind his back. They claimed to have seen O'Neill lash out at students and punish them inappropriately throughout the school year.

According to police, the students involved were between the ages of 7 and 11, and they attend Venice Elementary School's special education program. Investigators say some of them are confined to wheelchairs, and others have various mental disabilities.

Investigators say two of O'Neill's aides confirmed the reports when they were questioned by authorities. The Department of Children and Families was called in to investigate after the school's principle received reports of the alleged abuse.

O'Neill is charged with four counts of aggravated child abuse, and she was previously placed on administrative leave from her position at the school while the investigation was ongoing.

06/27/2008

Locking children in closets doesn't sound like something that could possibly happen in California's school system. But CBS 5 Investigates has uncovered evidence that it is a hidden problem, not reported by schools, and unknown to many parents.

Some Calif. Schools Locking Children In Closets

<http://cbs5.com/local/school.quiet.room.2.758380.html>

Top School Official Dismissed

BUFFALO (2008-03-14) A Buffalo Public School District Administrator has been fired over the alleged fondling of a 5-year-old autistic boy by a classroom aide.

The Buffalo News says Executive Director of Human Resources Joyce Trotter has been dismissed over the incident at Discovery School 67.

The principal reported the abuse to Trotter in November, but an internal review shows she did not follow through. The boys parents and police were not notified for more than three-months and the class-room aide remained on the job until recently. A district official says School Superintendant Dr. James Williams dismissed Trotter because he felt he needed to take swift and severe action.

Athens educator put on leave for allegedly striking special education student

By Rich Flowers

An Athens Middle School teacher has been placed on paid administrative leave while the school district investigates an allegation she struck a middle school student.

Superintendent Dr. Fred Hayes did not identify the teacher under investigation, but said the complaint involves a special education teacher with 17 years experience and a 13-year-old boy.

“The allegation is that the teacher struck the student after he head-butted her. She popped him in the back of the head with an open hand,” Hayes said. “We take it very seriously. We’re dealing with it.”

The teacher was not escorted from the campus, but has been removed from the classroom. Hayes said there had been no prior allegations of student abuse concerning the teacher. “She will remain on paid leave until we complete the investigation,” Hayes said. “The investigation involves one particular incident and one particular student. Even though it’s very important, I don’t want anyone to think there was widespread abuse going on.”

The incident allegedly occurred March 5 and the investigation began the following afternoon. Hayes is conducting the probe in conjunction with the special education department.

“I’m anticipating that probably by Wednesday we should have it wrapped up,” Hayes said of the investigation. “We never like to deal with anything like this. You hope that no teacher would ever strike a student even if it’s a reaction like to being head-butted. In a special ed situation where the student is more apt to hit you, sometimes there’s a response. But if there is, there’s a consequence.”

The complaint came from a nurse who said she witnessed the incident. He said the nurse meets with the child in the classroom a couple of times a week. The nurse told the parents, who in turn told the principal. From there the message was relayed to Hayes.

“Anytime you have something like this, there are rumors out there that are rampant. I would like to have people understand that our job is to keep your child safe,” Hayes said. “We’re going to do everything we can to do that. Sometimes, unfortunately, that means removing the teacher from the classroom, such as in this case.”

If the investigation should result in the termination of the teacher, Hayes said, the information would be forwarded to the state agency that governs teacher employment. The agency would make the determination concerning whether the teacher could be employed elsewhere.

Parents want cameras in special-ed classes

March 2, 2008 By Tiffany Lankes

SARASOTA COUNTY, Florida

Abuse charges against a Venice Elementary School teacher have renewed a push among parents for security cameras in special education classrooms. After police arrested Diana O'Neill last week on charges she hit, slapped and kicked the profoundly mentally handicapped students in her class, parents asked the district to install cameras in the room. School superintendent Gary Norris said the district is considering it, though the issue raises concerns among teachers who do not relish the idea of having Big Brother watching over their shoulders while they do their jobs. Parents say that since disabled students are more vulnerable, require more physical contact during the school day and often can not speak for themselves, the schools need to add this layer of accountability. "Every time you put your children on the bus you just have to trust that the people at school are going to take care of them," said Sharon Boyd, a Charlotte parent and member of the Autism Speaks advocacy group. "That doesn't always happen. "In the past decade, security cameras have become commonplace in schools, with most having high-tech systems of dozens of cameras that monitor nearly every stretch of campus. Administrators can monitor the cameras via the Internet. Cameras are also being installed more often on school buses, where drivers cannot see everything that goes on in the back. But the classroom is one place that continues to stay out of the camera's eye. School administrators say that is largely

because of objections from unions, which argue that teachers' should have the freedom to do their jobs without being monitored. "Some teachers would feel funny knowing someone is always watching," said Pat Barber, president of the Manatee union. "It would make many people feel uncomfortable and curtail some of the innovative things people do in the classroom. "Some officials also say that abuse cases are rare, and a classroom is the safest place on campus because it is where students have the most supervision. That is why districts have spent money on cameras in more public areas -- like hallways -- where students may go without an adult or teacher. But that is little comfort to parents like Jim Hatfield, whose daughter was in O'Neill's classroom. Police say that O'Neill struck his daughter, who had half of her brain removed because of damage, in the head. Now Hatfield thinks the district should put cameras in all its classrooms -- not just those for special education -- and give parents access to monitor them. As far as he is concerned, that might have prevented the alleged abuse of his daughter. One thing parents and educators agree on: Cameras would at least provide proof of what really happened. In the O'Neill case, two of the teacher's aides reported what they thought was abusive behavior. But O'Neill says she was using accepted techniques for working with disabled children. Most of the children in her care do not talk, so they will not be able to testify. Barber, with the Manatee union, said she has had teachers actually want to videotape their own classes because they were having problems with students and wanted a record of their work to show parents and supervisors. "Unfortunately, cameras aren't always given the credit for what they can do," said Steve Cummings, security supervisor for the Charlotte School District. "It can be a real win-win."

Group takes second look at PSD's use of restraint

May 11, 2008

A Denver-based watchdog group is leading a second investigation into Poudre School District's use of restraint and seclusion of students and is pondering a third after more parents' complaints about the district's use of the tactics. The Legal Center for People with Disabilities and Older People investigated the restraint and seclusion of three special-education students at Linton and Werner elementary schools after receiving complaints from families. The restraint happened during the 2005-06 and 2006-07 school years.

<http://www.coloradoan.com/apps/pbcs.dll/article?AID=/20080511/NEWS01/805110335/1002/CUSTOMERSERVI CE02>

Suit: District ignored abuse of special-ed kids

**By MENSAH M. DEAN
Philadelphia Daily News Mar. 8, 2008**

Special-education students at Martha Washington Elementary School this fall allegedly were forced by their teacher to fistfight in the middle of the classroom. They allegedly were forced to stand with their hands raised in the air for two hours, missing lunch.

Their teacher at the West Philadelphia school also verbally abused the students, calling one "black, crispy and ashy," and another "turtle," who, because of mental and physical disabilities, moved and spoke slowly, according to allegations made in a whistle-blower lawsuit filed Thursday in U.S. District Court. The defendants are the School District of Philadelphia and Community Council for Mental Health and Mental Retardation, Inc., a nonprofit company the district employs to provide care for special-needs children.

In the lawsuit, Peryn Severe-Clarke, 36, a clinical therapist, and Tracy Brice, 39, an associate counselor, allege that they were fired by Community Council in December after complaining to a supervisor about the alleged ongoing abusive behavior and language exhibited by the classroom teacher, who also worked for the company.

The terminations came less than a week after Brice used her cell-phone camera to record one of the teacher's instigated fights, the lawsuit claims.

"I believe that the conduct on the teacher's part was disturbing to them," Jill Fisher, the plaintiffs' attorney, said yesterday. "They reported it to their superiors on several different occasions . . . and they were rewarded for their efforts by being fired."

Handcuffs in Middle School?

by Kristina Chew, PhD on February 1st, 2008

11-year-old Gunnar Moody was handcuffed by school police because he would not leave a P.E. class at Bret Harte Middle School. As reported yesterday by NBC11.com, Gunnar said that he was singing while doing sit-ups and handcuffed and dragged out when he did not respond to requests to leave.

Gunnar's parents said what happened at Bret Harte Middle School is unacceptable. "The bottom line he's in phys ed. And all the kids are making noise yelling, screaming and talking and he gets singled out for going 'la-la-la?'" Michael Moody, Gunnar's father, said.

His mother, Laura Moody, asked a campus police officer if Gunnar had threatened anyone.

"I specifically asked the officer, 'did he threaten you?' She said no. I said, 'did he threaten any other child?' And she said no. I think there should be a better line drawn on what kind of force to use. And especially with children with disabilities," Laura Moody said.

Gunnar has been suspended for three days.

The San Jose Unified School District issued a statement that " The officer's actions helped to maintain a safe atmosphere for the other 30 students in the class" and that "the use of restraints is extremely rare and would only be used when deemed absolutely necessary by the officer for the protection of the student and his other classmates." But handcuffs on a middle school student—I think, I know, that something else could and should have been done.

AUTISTIC CHILD ALLEGEDLY BEATEN BY AUGUSTA GEORGIA SCHOOL SYSTEM

January 2008

When Kayla, my Autistic daughter was 5 yr, I put her into Hephzibah Elementary School in Richmond Cty ,Georgia. Starting in August 2003, teachers denied her right to use the restroom, causing her to urinate and defecate on herself on a daily basis.. In September 2003, Kayla came home with bruises on her face, arms, chest, and neck. I witnessed, as well as other parents, the teachers beating on children, and testified to this under deposition.

Kayla would report which teacher beat her or made her fellow classmates bleed...To this day she talks about bad people making her friends bleed and thinks other children hate her because she couldn't stop it... I found out the teacher would lock Kayla in a dark room called the "jail room",because I confronted the teacher. Kayla was routinely denied food by the teachers, as other parents witnessed, she would have to watch the teachers and others eat.

The teachers testified they denied her use of special equipment and locked it away She and another black male child had to sleep on the bare floor by trash cans while white children slept on the carpet by a sunny window.

When I filed complaints, all Board members ignored it. Kayla was told by school staff that her Mommy was "damned to hell for marrying a nigger". When the school personnel found out that I had filed complaints with the superintendants, they filed a false child abuse report on me.

I taped recorded a police officer telling me the School Principal filed the false allegation because I made them mad by complaining about children being beaten and choked. I went to our sheriff's dept, tried to file charges and was told they couldn't do anything, even though my daughter had bruises all over her chest, face, and neck. I was later told by the dept that here in the south they don't want to hear about civil rights violations because it reminds people of children being sprayed with fire hoses and dogs let loose.

I went to the Office of Civil Rights, & Dept of Justice to no avail, no one wants to stop the abuse. I filed a law suit against the district but they are protected by sovereign immunity, the federal judge wrote in her opinion page that I PROVED ASSAULT AND BATTERY perpetrated by these teachers, with the intent to cause emotional harm to Kayla, and still cannot get justice, these teachers and personnel who allowed the assaults are still working with children. As a result, Kayla regressed back to not being potty trained, has nightmares, draws pictures of the teacher beating her. To this day my daughter is denied education by this district, their own lawyer wrote me to stop bugging them. I went to my District Attorney to file charges, he said he couldn't do it either.

When I removed Kayla from the school, the district filed charges against me for educational and cognitive neglect. I tape recorded all the teachers, superintendant's and other district personnel admitting and even bragging about what they did. Two other parents were threatened when trying to file charges, and told that they dealt with me and could do the same to them, that it was in the parents best interest to go away. I found out that two other mothers of black children have tried to get police reports on the abuse of their autistic children by the teachers, they were told: "we can't help you"

**The outraged Concerned Parents and Residents of the Nation demand :
Immediate Prosecutions against Teachers Annetta Williams and Kelly Towns, and
Principal Lynn Duncan
Permanently barring from ever working with or around children again
Federal audit of administrators and social workers' cover up, falsifying documents and
medical reports, (Independent FBI Investigation)
Investigation of the school by City & County Child Protective Services
Policy & Procedure Audit of the school
Federal investigation of the Sheriff Department for failure to enforce Child Abuse
reporting laws.**

**Little Kayla is protected by the ADA ACT
The Nation is watching you
We will not be bullied into silence again**

San Jose School Police Handcuff Autistic 11 Year Old Boy

February 4, 2008 San Jose, CA

The parents of an autistic San Jose sixth-grader are expressing outrage that their son was put in handcuffs because he would not leave a class.

Gunnar Moody, 11, told NBC11 that it all started when he was singing a song while doing sit-ups in physical education class.

"She was like, 'Gunnar, you have to leave now.' I didn't do anything wrong. Why do I have to leave? Everyone else is being loud; why do I have to get in trouble?' Then she said it three more times and then she handcuffed me. And it was kind of humiliating because it was in front of all those kids and she was, like, picking me up and dragging me out," Gunnar said.

Gunnar's parents said what happened at Bret Harte Middle School is unacceptable.

"The bottom line he's in phys ed. And all the kids are making noise yelling, screaming and talking and he gets singled out for going 'la-la-la?'" Michael Moody, Gunnar's father, said.

His mother, Laura Moody, asked a campus police officer if Gunnar had threatened anyone.

"I specifically asked the officer, 'did he threaten you?' She said no. I said, 'did he threaten any other child?' And she said no. I think there should be a better line drawn on what kind of force to use. And especially with children with disabilities," Laura Moody said.

NBC11 obtained a copy of Gunnar's behavior support plan that outlines what to do if he misbehaves in school. Using physical force is not one of them.

The San Jose Unified School District issued the following statement:

The officer's actions helped to maintain a safe atmosphere for the other 30 students in the class.

The use of restraints is extremely rare and would only be used when deemed absolutely necessary by the officer for the protection of the student and his other classmates.

Gunnar's parents plan to meet with school district leaders Friday to talk about what happened. Gunnar is suspended for three days.

Asked if he want to go back to Bret Harte Middle School, Gunnar said, "No. Because the kids will like pick on me and stuff. Because that happened."

Honored teacher accused of striking student

by Amie McLain 3/2/2008

LEE COUNTY, Florida: A Lee County teacher singled out for one of the highest honors in education has been taken out of the running after the program's director learned the teacher was accused of hitting a student. The Golden Apple award is one of the highest honors a Lee County teacher can receive. But Lee County teacher Catherine Hile off the

list because of allegations she hit one of her students while a teacher in Charlotte County. "Our plan was to terminate her for hitting another student," said Charlotte County Schools spokesman Mike Riley. Riley says it happened three years ago when Hile taught autistic children at a special needs school. A teacher's aide claims Hile punched a young autistic boy at least three times in the arm after he punched another student. Charlotte County Schools conducted a lengthy investigation. Riley says the school system found evidence of inappropriate behavior dating back to 1993, including accusations that Hile cut a child's hair and insulted students by calling them names. Riley says the district planned to fire her, but she resigned. The security, the well-being, the safety of our children is our priority and we had to act against her," said Riley. Hile didn't face any criminal charges, but school workers turned the case over to Florida's Department of Education. Their investigation is still active. Hile left Port Charlotte and soon became a teacher at Gulf Elementary in Cape Coral. But some wonder with this type of investigation underway how Hile easily jumped from the Charlotte County Public Schools to the Lee County School District. "I don't think they made contact with our HR because we would have let them know about that," said Riley. Riley says he's not sure how Hile's record slipped through the cracks, but he admits she's a quality teacher. "She has letters from parents to prove that. There are parents that would go to the wall for her. This was just an unfortunate moment that she got caught up in," said Riley. Hill could lose her teaching license if the state's investigation finds her guilty. We tried to get Hile's side of the story, but she has not returned our phone call. We're also told the Lee County School District can't comment on the case until the state's investigation is over.

Sarasota School District reacts to child abuse charges

Sat Feb 23, 2008

Sarasota School District reacts to child abuse charges

VENICE, Florida - Sarasota County School Board releases statement about charges of child abuse at Venice Elementary School:

Venice Elementary School teacher Diana O'Neill surrendered to Venice police Thursday evening in connection with allegations that she may have physically abused students in her class. Other staff members at the school reported that they had witnessed O'Neill engaging in behavior with students that could be considered abusive. Principal Theresa Baus reported the allegations to the Florida Department of Children and Families in late January. O'Neill was placed on administrative leave immediately, pending further investigation. The Sarasota County School district cooperated fully with the Venice Police and DCF investigations. The results of the DCF investigation indicated that charges were warranted. A probable cause affidavit was issued Feb. 21 by the Florida State Attorney's office. Sarasota County Schools Superintendent Gary Norris said the district typically suspends any administrative inquiry during a DCF or police investigation to avoid interfering with those proceedings. Once the police investigation is concluded, the district conducts an investigation to determine if disciplinary action is warranted independent of

the resolution of the legal case. "Action may be necessary to respond to professional misconduct even in cases where an individual is not convicted of a crime," Norris said. "Obviously teachers and other school staff must be held to the highest possible standards in matters of student safety and well-being. "Requests for information about criminal charges against O'Neill are being referred to Captain Tom McNulty of the Venice Police Department.

Suits ask Mason schools be held liable for teacher's abusive actions

3/14/2008 7:00 By Lawrence Smith -Mason Bureau

POINT PLEASANT - The Mason County Board of Education has been named as a co-defendant in two civil suits alleging responsibility for injuries two special needs students suffered at the hands of their teacher.

That teacher, who is named a co-defendant, has a pending suit against the Board challenging an administrative law judge's decision upholding the Board's decision terminating her for the alleged acts.

On Dec. 19, two Mason County residents, identified only as M.F. and A.C., filed separate lawsuits alleging their children, identified only as C.F. and J.C., respectively, were improperly disciplined by their New Haven Elementary preschool teacher, Katherine Parrish.

According to the suits, which are identical in wording expect for the names involved, the infants suffered "physical and emotional abuse" as a result of Parrish's actions.

In their complaint and suit, filed with the assistance of Matthew L. Clark, with the Point Pleasant law firm of Kayser, Layne and Clark, the residents allege that Parrish on several occasions between August and December 2006, "placed the infant [C.F./J.C] into a body sock, which brutally restrained [C.F./J.C.] in an abusive manner inconsistent with the child's Individualized Educational Plan or any accepted teaching practice."

Also, the suits allege Parrish, "covered the infant's face and head in an unreasonable manner for an undetermined amount of time while [C.F./J.C.] was restrained in the body sock." During the time they were each restrained, eyewitnesses observed Parrish leave the room.

Likewise, eyewitnesses observed Parrish "pick up [C.F./J.C.] and slam [C.F./J.C]

down on the bleachers in an abusive manner."

Because of the "physical and mental abuse [C.F./J.C.] suffered at the hands of Katherine Parrish, [C.F./J.C.] frequently recalls the abusive events and becomes frightened, and utters phrases consistent with the abuse endured," the suits allege.

According to court records, Parrish's actions were not halted until Susan Howard, a teacher's aide, reported it to the Board on Dec. 14, 2006. However, Clark says the school's principal, Robert Vaughan, was alerted to this matter a week earlier, but did nothing.

"Defendant, Principal Robert Vaughan's inaction allowed the emotional and physical abuse of Defendant, Katherine Parrish, to continue until the Mason County Board of Education suspended and eventually terminated the employment of Defendant, Katherine Parrish," Clark said. Because of his alleged inaction, Vaughan is named a co-defendant in the suits.

According to court records, the Board terminated Parrish, who lives in Ripley, on Jan. 18, 2007. On July 9, the West Virginia Education and State Employees Grievance Board upheld the school board's decision.

In the suit, Clark alleges that the actions of the three defendants has resulted in the infants to incur "Physical pain and suffering; Medical bills and costs; Mental pain, Suffering and anguish; Anxiety; and Loss of ability to enjoy life."

As compensation, Clark is asking that the three defendants be held jointly and severally liable for their actions so the infants may be awarded "an amount above and beyond the jurisdictional limits of this Honorable Court with prejudgment interest at the legal rate set forth by statute, post judgment interest, costs and attorneys fees incurred in the prosecution of this action."

"Further," Clark added, "Plaintiff[s] demand judgment against Defendant Katherine Parrish, for exemplary and punitive damages in an amount to be decided by a jury, and such further relief as the Court may order just and proper."

Teacher challenging termination

Though the suit was filed in December, neither of defendants has filed a reply. However, in a separate lawsuit, Parrish has challenged her termination.

As first reported by the West Virginia Record, Parrish, with the assistance of James

M. Casey and Jeremy Vickers of the Casey Law Offices in Point Pleasant, filed an appeal of the Grievance Board's decision to Mason Circuit Court on Aug. 8. Casey and Vickers challenged personal observations Denise M. Spatafore, the administrative law judge, made in her ruling as "arbitrary, capricious and characterized by abuse of discretion and clearly warranted exercise of discretion."

Other than the Board via its attorney Gregory W. Bailey with Bowles, Rice, McDavid, Graff and Love's Morgantown office filing a motion to dismiss on Aug. 13, and Casey and Vickers submitting the entire record of the Grievance Board's finding into the court record on Oct. 25, no new action has been taken in the case.

All three cases are before Mason Circuit Judge David W. Nibert.

Autistic children's parents battle Albuquerque Public Schools

By Susie Gran January 3, 2008

A 9-year-old autistic child who does not speak has been moved from school to school as his family searches for a safe place for him to learn.

In October, he finally enrolled in a new class at the University of New Mexico for autistic children.

When he attended Atrisco Elementary School last school year, he received "unexplained bruising which appeared the result of forcible restraint or other physical punishment," claims a lawsuit pending in U.S. District Court in Albuquerque.

The boy is one of four Albuquerque Public Schools students described in the lawsuit filed in September on behalf of all autistic children in the district.

The lawsuit claims the district and the state Department of Education are discriminating against autistic children and denying them an education.

"They are not getting a full school day all the time," said attorney Gail Stewart, who represents the autistic students. "These kids' futures are suffering for lack of an education," she said. "This case is hugely important to them."

A planning conference in the case is scheduled Wednesday in U.S. District Court. A trial date has not been set.

Bernadette Brown, the mother of a 12-year-old autistic girl, said she hopes the legal action will bring the necessary training for teachers and staff who work with autistic children.

"We lose educational time every day," she said. "The expertise is out there and the district needs to provide the resources for our teachers."

On her daughter's first day in August at Taylor Middle School, the staff "seemed like they did not know what to do with her or for her," Brown said. However, a transition plan was in place for her daughter to make the move smoothly from elementary school to middle school, she said.

The plaintiffs are asking that a special master be appointed to audit district attendance records for autistic children; oversee a national panel of experts to examine services and develop staff training for autistic children and determine compensatory education for students and monetary awards for parents who have been unable to work because of their children's sporadic schooling.

Plaintiffs claim they've been illegally deprived of their right to a full year of education annually since 2006 and that the district failed to provide the schooling by trained staff.

"APS does not mandate any specialized training on autism or appropriate teaching strategies to meet the educational needs of students," the lawsuit says.

Autistic children have been suspended, arrested or threatened with law enforcement action for their behaviors because staff cannot control them because of a lack of training and educational programming, the plaintiffs claim.

Parents of autistic children have been forced to home school them "out of desperation and reasonable fear for the safety and well-being of their child," the lawsuit says.

"APS purposefully withholds public education from these students, on the basis of disability, throughout the school year by its ongoing failure to train and support the employees providing education to students with autism."

The district and its co-defendant, the state Public Education Department, have denied the allegations.

"APS provides educational instruction to each student based upon that student's individual needs. If additional training or support is needed to meet the needs of an individual student, it is provided," said APS attorneys in their answer to the allegations.

"APS denies that its teachers are not appropriately trained to fulfill their responsibilities."

Based on nationwide data, there is one autistic student for every 150 students between the ages of 5 and 22.

Although APS and the New Mexico Public Education Department do not count autistic children, estimates place the number in Albuquerque at more than 400 students.

Tennessee State legislators take a something-is-better-than-nothing approach to protecting special education students from Seclusion and Restraint

May 1, 2008 by [Elizabeth Ulrich](#)

Disability advocates who have spent more than a year trying to convince Tennessee legislators about the troubling fact that special education students are being physically restrained, strapped to chairs and locked in janitor closets hit a small landmark last week as the state Senate passed a bill to address a growing problem in classrooms across the state.

Designed to limit the unchecked use of physical restraint and isolation, the bill offers only a few modest regulations. But disability advocates see the mere acknowledgment of the problem as “gargantuan,” considering their struggle to get lawmakers even to accept that teachers are using such methods on the most vulnerable of students.

Nearly 40 families across the state recently weighed in with horrific tales of the use of restraint and isolation in public schools in a survey commissioned by the state Disability Coalition on Education (DCE). Perhaps the most heart-wrenching tale was that of an 11-year-old autistic boy whose Williamson County teacher locked him in a dark janitor’s closet for up to three hours at a time on several occasions. The teacher even held him down in restraints for behavior she described as not “as much autistic as...ornery” (“Physical Education,” Jan. 24).

Teachers never told the boy’s family about the incidents. Once the otherwise happy boy began to dread school, and as his behavior escalated into unusual fits of screaming and acting out, the family knew something was up. Unlike many of his counterparts, the boy was eventually able to articulate what had transpired. Holly Lu Conant Rees, the director of DCE, says such stories, coupled with the well-publicized death of Omega Leach, made the danger of the ungoverned use of restraint impossible to ignore. A Philadelphia boy undergoing treatment at Chad Youth Enhancement Center, a Clarksville facility for troubled kids, Leach mysteriously died on the floor of his dorm room, away from the watchful eye of the facility’s surveillance cams. The state medical examiner ruled his death a homicide by strangulation after Chad counselors restrained and roughed him up.

Interestingly, the new Senate bill passed April 24 does little to protect kids such as Leach, perhaps because lawmakers see the children in these facilities as criminals. The bill, however, does establish guidelines for the use of restraint and isolation with special education students so long as they don’t have a rap sheet. Specifically, it prohibits schools from using chemical restraint via shots of sedatives to control violent behavior, noxious substances such as pepper spray, locked seclusion and prone restraint, a controversial hold

method that can lead to asphyxia—none of which has been expressly outlawed by the state for disabled youth in private treatment facilities. It also requires schools, for the first time ever, to keep records of these incidents. But at this point, the bill gets a little hazy.

Though Sen. Diane Black, who sponsored the bill, says she and other members of the Senate Select Committee on Children and Youth were moved by testimony from special education parents, the original fiscal note for the bill, which Conant Rees put at a staggering \$50 million, was too large to be viable. So training teachers on the proper use of restraint went out the window—along with many other provisions advocates had hoped for—in the quest to get the fiscal note down to \$50,000, where it now remains.

But Black says the bill is a good starting point. “This at least brings consistency and does bring something that everybody is going to be using across the state, and that’s really important,” she says.

But is it enough to protect students? Conant Rees says the legislation does not completely ban the use of mechanical restraint. This is troublesome to the activist, who has seen students strapped to chairs with lap and shoulder belts or placed in stationary chairs as a means of classroom crowd control. Some of these contraptions look like a hybrid between a high-end toddler car seat and an electric chair, and at least one Tennessee family has told Conant Rees that their elementary-age child has spent hours on end in one of these chairs because teachers deemed the student “a runner.”

The law still allows teachers to restrain students, especially “in emergency situations, if necessary to assure the physical safety of the student or others nearby.” (That’s the same practice Chad officials supposedly followed, which clearly doesn’t work.) Schools would have to notify parents about such an incident. But for special needs students who may react more adversely to touch—some of whom don’t have the verbal skills to tell parents what happened—these actions can have an incredibly noxious effect.

Janice LeBel, a licensed psychologist who has worked 20 years in child and adolescent mental health, says restraint can be “a terrible thing,” especially for autistic children. “Their sensory acuity can be much more developed, and so the impact of restraint and seclusion can be much more powerful,” LeBel says. “You could be adding insult to injury.”

LeBel says any use of restraint or seclusion in classrooms is problematic. “It’s extraordinarily high-risk,” she says. “You don’t want to be using it capriciously. If mom and dad were to [restrain a child] at home, they would be explaining that behavior to a judge.”

Overall, the bill doesn’t do enough to ensure that the use of restraint is limited to emergency situations, which worries advocates. Too often they’ve seen such measures become a regular part of a child’s school day when used at a teacher’s discretion. The bill also does not define what constitutes an emergency situation.

The good news is that there's still time to get it right—or at least to make marginal improvements. Before the bill takes effect, which Black says should happen before next school year, a rule-making committee will be established to pick up the pieces and to flesh out the details.

Down But Not Out

Family continues fighting for special-ed students' rights despite investigations vindicating local schools

By Erin Frustaci May 9, 2008

Daniel and Susan Swearingen were hopeful that months of frustration and ongoing discord with Poudre School District would finally end now that two investigation into their complaints that teachers improperly used seclusion and restraint techniques on their son have been completed.

But those investigations didn't support their allegations.

They view it as just another hurdle to overcome; by now, the Swearingens have become accustomed to disappointment.

The couple submitted two complaints of discrimination on behalf of their 12-year-old son Ryan last spring: One to the federal Department of Education's Office of Civil Rights (OCR) and another to Colorado's Department of Regulatory Agencies' Division of Civil Rights (DORA).

Among the allegations, the Swearingens said teachers at Johnson Elementary School improperly restrained and secluded Ryan, who displays symptoms of autism and was diagnosed this month with Pervasive Developmental Disorder.

OCR completed its investigation in November and concluded that there was not sufficient evidence to support the Swearingens' claims of discrimination.

The family hoped DORA would report in their favor, but that agency also found no violations in the case. They were informed of the investigation's result last week. Undaunted, they say they plan to file an appeal to the Colorado Civil Rights Commission. (See the related article, "PSD Vindicated by Oversight Agencies," by typing the title into the search bar.)

Susan said the family is considering all of their options, which could include legal action.

"We do plan on finding ways to hold the district accountable and if that is through civil action, then that is our plan," Daniel added.

Laura Richardson, PSD's director for integrated services, said that DORA's findings show that there was no wrongdoing on the district's part.

These results mark the third time the family has failed to get oversight agencies to see things their way. They contacted The Legal Center for People With Disabilities and Older People after writing letters of complaint to state and federal politicians. The Legal Center told them there wasn't enough evidence to launch an investigation into their claims. But as reported in Fort Collins Now on April 25, the Swearingens' complaints led the watchdog group to investigate the claims of other families with similar complaints. It found that two PSD elementary schools violated strict rules governing how and when teachers can physically restrain and seclude children.

Among other findings, The Legal Center found that Werner and Linton elementary schools failed to properly document when children were restrained and secluded, and failed to inform their parents when such techniques were used.

Those same complaints are at the heart of the Swearingens' allegations as well.

The family of four moved to Fort Collins from Red Feather Lakes in August of 2003 and Ryan enrolled in Johnson Elementary school. His parents say the first year went pretty well overall, but as time went on things seemed to slide. Because Ryan has special needs, his parents worked with educators to develop what's called an Individualized Education Program, or IEP. Meetings to discuss Ryan's educational needs with special education teachers, the principal and other staff members became part of their normal routine. They kept abreast of his progress through the use of a communication notebook which was sent back and forth between the teacher or paraprofessional and the parents.

Susan says the comments in the notebook were often quite positive. However, Ryan was not without his bad days and the number of those bad days began to increase, a circumstance his parents said may have been exacerbated by turnover among the school's specialized staff.

Soon, Ryan began trying to leave school—a new and worrisome behavior that eventually escalated to more serious incidents, including physical confrontations with teachers.

Susan said the documentation of incidents or outbursts did not always explain why they occurred or how the school handled them. She also said she was not always informed of the incidents. In fact, the Swearingens say they did not have a clear picture of what was really happening between Ryan and his teachers until they requested copies of their son's file from the school last April. Though it was a long process, they began collecting bits and pieces of documentation on their son through the school and the district.

They were alarmed by what they learned.

“We realized something serious was going on,” Susan said. “You are realizing how much

your child was going through. If we had known, at least we could have explained why these things were happening and there could have been a different outcome for him. It was quite disturbing.”

One incident that stood out to the Swearingens occurred on Dec. 8, 2004. According to the Swearingens, Ryan left school and Teresa Matzdorff, the moderate-needs teacher, followed him to where they lived just more than a block from the school and then restrained him in order to get him back to school. Documenting the incident, school staff wrote, “They were coming back—Ryan in a hold and resisting.” That documentation also says the parents were informed of what happened.

But the Swearingens say not only were they never told of this incident, but Ryan’s IEP plan did not include restraint as an option to dealing with his behaviors. They also say they were not informed that that school resource officer was notified and that Ryan was placed on in-school suspension for a day for leaving school grounds.

Such discrepancies between the school’s accounts of incidences and the Swearingens’ have become a common theme, making it difficult to sort out the truth of many events involving Ryan. Adding to the complication are two very different pictures painted of the same child. Often, the school’s reports—copies of which were obtained by FC Now from the Swearingens, who got them from the school and the district—depict an aggressive, confrontational and belligerent child who kicked his teachers and threatened to bring a knife to school.

His parents, on the other hand, say he is the victim in the situation.

“It’s not just us that sees a different child” from the one depicted in the school’s accounts, Daniel said. He admits that Ryan gets frustrated and yells at times, but nothing more than any other child.

“Any provider or outside person who works with him sees the same child we see,” he said. “What district employees put on paper is that he is an out of control, disruptive behavioral and social problem. We definitely have dueling stories.”

Despite continuing to work with the school to fine-tune Ryan’s educational plan, the breaking point came in March 2007 when Ryan tried to leave the school again. His teacher and a paraprofessional grabbed him by the wrists, apparently afraid he was going to run into oncoming traffic. The school alleges that one of his arms broke free and he punched his teacher in the ribs. They brought Ryan back in and placed him in the time-out room. Ryan was ticketed for assaulting his teacher. After a few trips to court and a competency evaluation, the case was dismissed last June.

Based on past conflicting reports, Ryan’s parents aren’t convinced things happened the way the school described. They are also concerned that at the time of this restraint, not everyone who was involved was properly certified in how to apply the techniques safely.

“It was absolutely horrible,” Susan said of the incident. “He was terrified. ... The experience was unbelievable, to put thing nicely.”

Since then, Ryan has not attended Johnson. He’s now on the homebound program, where a teacher employed by the district comes to the home to work with him individually.

Although the Swearingens put the blame for Ryan’s situation squarely on the school district, the investigating agencies concluded that the school did nothing wrong and in fact took “extra steps” to try and accommodate Ryan.

Richardson, the district’s director for integrated services, agreed that there may be different perceptions at work. Richardson is relatively new to the position and wasn’t working for the district when many of the disputed incidents took place. She joined PSD in January; coming out of retirement after 18 years with the Windsor School District to replace Chris Schott, who retired after serving for three years.

“Coming in new to the district, I was impressed with the professionalism,” she said of the special-ed program. “The focus is always on what’s best for the students. That really impresses me.”

Gail Follett, Ryan’s homebound teacher, said although there were significant problems when Ryan attended Johnson, he hasn’t been a problem in the homebound setting.

“He’s very attentive,” she said. “He wants to learn a lot. He is extremely cooperative and willing. He is a joy to work with and never caused a moment of trouble or stress at all. He’s a teacher’s dream student, at least with me in homebound.”

She also said he is the type of child that really benefits from the one on one setting and given his developmental problems, could have difficulties functioning in a classroom with quite a few kids.

Though his parents are seeing improvement, they are still set on bringing about some kind of change within the school and the district.

“Parents need to be aware that they are not alone,” Susan said. “This is not an isolated incident. It’s widespread.”

That’s exactly what Jennifer Taylor, a mother of four discovered after hearing about the Swearingens’ story. Her 10-year-old daughter, Gracie, was diagnosed with epilepsy. The family moved from Utah when Gracie was in second grade. She attended Zach Core Knowledge school. Taylor said the staff restrained Gracie when she was having complex partial seizures even though she repeatedly told them her doctor said this is the worst thing to do.

Last year, the situation had gotten so bad that Taylor considered moving out of Fort Collins. She said she was watching her daughter deteriorate in front of her eyes. She said

she just wanted the district to do the right thing.

“She’s a good kid and doesn’t deserve what’s happened to her,” Taylor said. “I’m not saying she’s 100 percent easy. That’s never been my claim, but I’ve also tried to give them ways to deal with things. All we want is for her to have an opportunity to be educated like every other kid—nothing special.”

Like Ryan, Gracie is on a homebound education program, and her placement will be reevaluated for the next school year. After hearing the stories of other families, Taylor also recently filed a complaint with The Legal Center.

“It’s a system that desperately needs some kind of check and balance in place,” Daniel Swearingen said. “One of the greatest motivators for us is seeing justice is righted for our son and other kids.”

The district defends its staff as highly qualified and constantly working collaboratively with parents in the best interest of the students.

“We all have different perceptions that can get in the way,” Richardson said. “We will continue to work with them in the best interest of their child and hope we can collaborate to have a great education for their child.”

Richardson said one thing that is being considered that could strengthen communication with parents is developing some trainings for parents. She said overall, there are good open lines of communication within the special education program.

Still, the Swearingens maintain that more needs to be done.

“Either we are a couple of crackpots, or we are telling the truth,” Daniel said.

Correction: In the first article in this series published April 25, “When Time-Out Goes Too Far,” FCN incorrectly reported that the investigation by the Office of Civil Rights was ongoing. In fact, it had been completed.

Group takes second look at PSD's use of restraint

BY TAYLOUR NELSON May 12, 2008 Denver, CO

A Denver-based watchdog group is leading a second investigation into Poudre School District's use of restraint and seclusion of students and is pondering a third after more parents' complaints about the district's use of the tactics.

The Legal Center for People with Disabilities and Older People investigated the restraint and seclusion of three special-education students at Linton and Werner elementary schools after receiving complaints from families. The restraint happened during the 2005-06 and 2006-07 school years.

The center found that the district wasn't adequately documenting restraint and seclusion as required by law and, in some cases, incorrectly used time-outs, restraint and seclusion.

In turn, PSD revised its policy on the use of physical intervention, restraint, seclusion and time-out and said special-education staff would be trained in the revised policy.

"We reviewed the report and while we don't agree with the findings, we believe the recommendations are reasonable," said PSD Director of Integrated Services Laura Richardson, who oversees special-education programs but was not director when the events happened.

The Legal Center's special-education director said what his group found in PSD was "not as serious" as what it sees in other districts.

"Parents should be in fairly regular contact with people that support their sons and daughters," Thom Miller said. "They should know their rights with state and federal rules and also the restraint act. I don't think parents need to be nervous, I think they need to be aware and involved."

Rules misunderstood

The use of restraint, seclusion or time-outs are used to keep students and staff safe in emergency or dangerous situations, according to PSD.

The Legal Center's report after its first investigation said parents were concerned that children in special-education programs were placed in time-out rooms for excessive periods of time or frequently through the day or put in rooms with egress blocked and without proper supervision.

Parents were also concerned that less-restrictive alternatives weren't used and that time-outs "were often used for punishment or behavior modifiers, rather than for educational purposes or when the child was a danger to himself or others."

The Legal Center said it was unable to keep in contact with all three families throughout the investigation but did proceed based on the families' initial concerns and said the investigation was "adequate."

According to the Protection of Persons from Restraint Act, adopted in 2000 by the Colorado Department of Education, a school must submit a written report and verbally notify parents by the end of the day when a student is restrained. A written report must also be mailed, faxed or e-mailed to the parents within 36 hours of the use of restraint, with a copy placed in the student's file.

In the cases the Legal Center looked at, the restraint or seclusion often followed outbursts or tantrums during which the student pushed or hit other students, teachers or staff.

After speaking with PSD legal council Tom Crabb and reviewing documents provided by the district and families, the Legal Center found that the district staff used restraint and seclusion more than they reported, that district staff sometimes used the methods incorrectly and that they didn't review the events.

"What seemed to be the problem here were the reporting paperwork kinds of issues and misunderstandings of what the regulations required," Miller said. "What the recommendations boiled down to is that, generally speaking, they didn't have a tight grasp on responsibilities on freedom of seclusion and restraint act."

The spark

Susan and Daniel Swearingen, whose 12-year-old son, Ryan, was recently diagnosed with pervasive development disorder, dyslexia and dysgraphia, which includes characteristics of autism, originally contacted the Legal Center about the use of restraint and seclusion at Johnson Elementary School.

In March 2007, Ryan was charged with harassment after he allegedly hit a teacher, his parents said. The charges were eventually dismissed, but it prompted Susan and Daniel to look into their son's file.

"At that point the parents discovered that there had been a lot of incidents they had not been aware of," said Libby Stoddard, the Swearingens' parent and family advocate.

The Legal Center did not go forward with an investigation of the Swearingens' complaints but were instead referred to the three families whose complaints were looked at.

Susan and Daniel Swearingen have since removed Ryan from Johnson Elementary and placed him on the homebound program.

The couple also took their complaints to the Department of Education's Office for Civil Rights, which concluded an investigation in November and found that there were no violations made by PSD, and the Colorado Department of Regulatory Agencies' Division of Civil Rights, which did not launch an investigation after looking into the family's complaints.

The Swearingens are appealing DORA's decision. They also say there's a lack of oversight of the district on the issue.

"There are laws and procedures in place for restraint and seclusion," Susan Swearingen said. "They're very specific in what's required. These are laws that are to be followed and there's no enforcement being placed on them (PSD) to follow these laws."

<http://www.coloradoan.com/apps/pbcs.dll/article?AID=/20080511/NEWS01/8051103>

School put autistic boy in time-out 'closet,' mom says

Mother complains that school isolated son in room 78 times

By Deborah Yetter • dyetter@courier-journal.com • April 13, 2008 Louisville, KY

An Oldham County mother has filed a complaint with the state after learning that Crestwood Elementary officials put her 8-year-old autistic son in a small, empty room nearly 80 times last fall because of his behavior -- sometimes locking him in.

"They keep calling it a time-out room," said Jeanie Montgomery of Centerfield, who has pulled her son from Crestwood. "It is a closet."

Montgomery has filed a sworn complaint with the state Department of Education, alleging the school has violated her son's rights when it locked him in the 32-square-foot room built specifically to deal with disruptive behavior.

Her complaint cites school records showing that Matthew was placed in the room 78 times during an 11-week period last year.

Montgomery said she also has filed several complaints with state child-protective-service officials over the school's use of the time-out room, as well as recent instances in which she says Matthew came home with cuts and scrapes that she believes happened at school.

"I am afraid for his safety," said Montgomery, adding that her son has limited speech because of his autism and can't describe what happened.

Oldham school officials deny any abuse and are cooperating fully with child-protective services, spokeswoman Rebecca DeSensi said

DeSensi and Anne Coorsen, general counsel for the Oldham school system, said they couldn't comment on details of Matthew's case because of federal laws that govern student confidentiality.

The school follows state Department of Education guidelines for using time-out rooms, which are part of most of the district's classrooms for special-needs students, DeSensi said.

"Our policy in this district is to ensure student safety," she said.

Should be last defense

Department of Education guidelines, issued in 2000, state that placing a student in seclusion is a "drastic measure that should only be used as a last defense measure" and that schools should "never lock a student in a closed setting."

Montgomery said the school removed a lock from the time-out room's door in December after she complained.

Coorsen said the lock on the outside of the door was placed there to keep students from entering the room -- not to lock people in. She said school officials ordered it removed as soon as they learned of it and are investigating to determine who placed it there.

"There was a lock placed on the door," she said. "If they were using that to lock a student in, that would be a problem."

She said school officials have not taken action against any employees in the matter.

Chris George, a private therapist who spent several hours observing Matthew in class Nov. 12 at his mother's request, said he saw the boy locked in the time-out room four times.

After hearing George's report, Montgomery said she visited the classroom Nov. 28 and found Matthew again locked in the time-out room. She said she had to wait while the teacher released him.

Coorsen said the school board has reviewed its policies on time out with principals and teachers and reminded them of the state education department guidelines.

DeSensi said Oldham County officials are trying to work with Montgomery to resolve her concerns about her son's education.

"We have cooperated with the family," she said.

But Montgomery and George, who is one of two therapists working with Matthew, attended a series of meetings with school officials to resolve problems and said they met only bureaucratic delays.

"They never would give me direct answers," Montgomery said.

She acknowledges her son can be disruptive but said his education plan calls for teachers to try other methods of calming him, such as distracting or soothing him, before using time out.

Though the time-out room is only supposed to be used for aggressive behavior, the school's records show in many cases, Matthew was placed in it for minor transgressions, such as not following directions or dropping a pencil, the complaint said.

On March 28, Coorsen sent Montgomery's lawyer a letter offering to settle her March 10 complaint to the Education Department in part by an "immediate transfer to another elementary school." But Montgomery would first have to sign an agreement that "the time-out issues have been satisfactorily resolved," Coorsen's letter said.

Montgomery said she's not willing to do that.

"It's just not right," she said. "If they were using the right interventions with him, I don't think we would have this problem."

The state Education Department has assigned a mediator to try to resolve the complaint.

Heavy-handed approach

Officials with Bullitt and Jefferson County public schools say their policies do not allow a disruptive or upset child to be placed alone in a locked room.

"That doesn't seem to be something I could justify," said Janet Leitner, a former school principal who serves as elementary school liaison for Jefferson County Public Schools. "I would wonder what the child is learning in that situation."

In Bullitt or Jefferson counties, students may be placed in time out -- but that generally involves seating them in a separate area of the classroom or, in more serious cases, sending them to the principal or counselor's office, officials said.

Terry Brooks, executive director of Kentucky Youth Advocates, said the use of time-out rooms is a concern for his agency, which often gets calls from parents about alleged abuse of the rooms. Brooks said he hasn't tracked how many, but the calls come in fairly regularly.

"My guess in this particular instance is that it's happening in far too many schoolhouses across the state," Brooks said.

George and Meghan Launius, the other therapist working with Matthew, say they are troubled by the boy's treatment, particularly by the locked time-out room. They said the room, when they last viewed it, had no carpet, was poorly lit and had paper taped over a narrow window, blocking the view into the room.

"It is a very heavy-handed approach," said George, a certified behavior analyst with a master's degree in education. "He deserves much better than what he's getting."

DeSensi said the room is 32 square feet in size, is carpeted, well-lit and has a window in the door that is not to be blocked. But she wouldn't let The Courier-Journal see or photograph the room, saying the school was closed for spring break so the floors could be waxed.

Coorsen said time out is used for students only with parents' permission.

Montgomery acknowledged that Matthew's "Individual Education Plan" allows for time out, but she said she thought that meant separating him from other students to allow him to calm down -- not locking him in a room.

Injuries were reported

Coorsen said she couldn't comment about Montgomery's allegations that Matthew had come home from school with cuts and scrapes, including what appeared to be nail gouges in his arm.

But she said staff and teachers are trained on how to safely manage children without injuring them.

In one of her complaints to state child-protective-service officials, Montgomery alleges that on March 28, Matthew got off the school bus with his face and chest covered with small red marks and what appeared to be abrasions on his back and shoulders.

On the advice of her pediatrician, Montgomery said she took him to Kosair Children's Hospital for evaluation.

Discharge paperwork shows the hospital reported the injuries to the Cabinet for Health and Family Services as suspected abuse.

Montgomery said she's frustrated because she doesn't believe state child protection workers are taking the abuse allegations seriously. She said a supervisor told her at one point to work out the problem with school officials.

Jim Grace, a supervisor in Frankfort who oversees child-abuse investigations, said confidentiality laws prevent him from discussing individual cases. But he said the state takes all abuse allegations very seriously.

And cases involving an outside entity, such as a school or day care, get an extra level of review from supervisors, he said.

Montgomery said she would like Matthew to return to school but doesn't want him to go back to Crestwood Elementary and is asking the district to provide alternatives.

"He has a right to be at school and he has a right to be safe," she said.

Reporter Deborah Yetter can be reached at (502) 582-4228.

<http://www.courier-journal.com/apps/pbcs.dll/article?AID=/20080413/NEWS0105/304230003>

Teacher Ordered to Trial for Assaulting Students

Feb 21, 2008

Luzerne County, Wyoming

By Scott Schaffer

A teacher will stand trial on charges she assaulted some of her students who were part of a special education program in one Luzerne County school district.

Angela Kairo-Scibek, 41, left central court in Wilkes-Barre today after hearing from a judge that she will stand trial on charges of simple assault, and endangering the welfare of children.

Three students testified in court that Kairo-Scibek smacked them with a ruler when she was their teacher at Main Street Elementary School in Plymouth.

According to the testimony, some of the abuse was severe enough to leave bruises and the students were instructed not to tell anyone about the abuse or it would continue.

Two of the children testified that Kairo-Scibek would tell them it was time to play a game called "child abuse" and they were it.

Some parents became emotional in court listening to their children tell the tales of the alleged abuse. One 13-year-old girl testified that Kairo-Scibek put a pillow over her face, told her not to scream and smacked her with a ruler.

"How difficult was it for her to hear her students on the witness stand testifying against her today? Nocito: "There were numerous, numerous inconsistencies and they're the one's that we'll be exploring. They will be explored at trial," said Frank Nocito, Kairo-Scibek's attorney.

He pointed out that a police search of the classroom turned up no pillow and no ruler.

Assistant District Attorney Jenny Roberts said she's confident the testimony from her young witnesses will hold up at trial.

"It's always difficult when your witnesses are children and especially in this particular case because as you know in this case the witnesses are special needs children," Roberts conceded.

No one was available for comment this afternoon from Wyoming Valley West School District.

Newswatch 16 reported in December that Kairo-Scibek was suspended with pay last year after the allegations came to light.

When ‘Time Out’ Goes Too Far

Investigation: PSD fails to document times when students are restrained and secluded

Fort Collins,CO By Erin Frustaci Apr 25, 2008

An investigation by a federally-funded watchdog group has found that two Poudre School District elementary schools improperly utilized, or did not properly document, instances of “restraint and seclusion” techniques applied to children with developmental disabilities.

The inquiry by the Legal Center for People with Disabilities and Older People found that PSD failed to follow proper procedures with in several instances involving three children who were isolated from other students or physically restrained . In some cases, the students’ parents weren’t notified that their children were being secluded or restrained, as required by law, and in others, investigators found a troubling lack of detail about the duration or reasons for the seclusion and restraint.

According to the state Department of Education, students can only be physically restrained—which is defined as any method or device used to limit movement, including by physical force—when there is “serious, probable and imminent threat of bodily harm by a student with the present ability to cause such harm.” The Legal Center’s investigation, which was concluded early this month, is one of several looking into PSD schools’ use of restraint and seclusion. The Legal Center has launched a second investigation, and others are underway by the federal Office of Civil Rights and the Department of Regulatory Affairs.

The Legal Center’s recently concluded investigation found that Werner and Linton elementary schools failed to maintain proper records, failed to document the use of seclusion, failed to document the use of restraints and violated Colorado Department of Education rules by failing to conduct incident reviews. It also expressed concern that instructors were using restraint and seclusion techniques not for safety reasons, but for disciplinary reasons.

“Specifically, Poudre School District’s policies regarding physical intervention

state that one reason to use such intervention is to ‘maintain student discipline.’ This wording lends itself to an interpretation that physical intervention can be used for discipline,” according to the report. The district denied any wrongdoing but said it will work to improve the issues the investigation has highlighted.

Parent advocate Libby Stoddard said there are times when physically intervening with a disruptive or violent child is appropriate as long as it’s done safely. But those times must be properly documented both to protect the district from liability as well as to inform parents about exactly what was done and why.

In this, the two schools largely failed, according to the investigation. In fact, the dearth of information about times when restraint and seclusion methods were used caused some problems for investigators.

“The lack of documentation regarding how individual student behaviors were handled hindered this investigation and led parents to believe that the schools and (the) District were not being completely forthright in divulging information about how their children were being taught, intervened with and disciplined,” the report stated. The report also summarized how some of the parents contacted were concerned over how the schools were using the restraint and seclusion techniques.

“In general,” it read, “the parents expressed concerns that their children were being placed in time-out rooms for excessive periods of time and/or numerous times throughout the day. Additionally, some parents were concerned that their children were placed in time-out rooms, with egress blocked and without supervision.

Parents also expressed disbelief that adequate less restrictive alternatives were attempted prior to using seclusion or restraint. There was similarly a concern that the parents were not being notified each time that seclusion or restraint was being used with their children. Finally, the parents were concerned that the time-out sessions were often used as punishment or behavior modifiers, rather than for educational purposes or when the child was a danger to himself or others.”

The Legal Center started looking at PSD after being contacted by Daniel and Susan Swearingen, the parents of a 12-year-old Johnson Elementary School student who shows symptoms of autism. He wound up in juvenile court after a series of behavioral issues, including an incident where he allegedly hit a teacher. It was then that they began uncovering incidences of restraint and seclusion that they say they had not received notification of.

“As we began getting documentation on our son, we realized a lot happened to him that we were never made aware of,” Susan Swearingen said. Originally, their concern was to protect their son and fight for his rights, but they soon discovered other families with similar experiences. “Parents are limited to what they can do. What resources you can get when up against something like that, where do you go?” she said.

The family turned to anyone who would listen to their story and eventually contacted The Legal Center. Susan Swearingen said she and her husband didn’t want other families to end up in their situation or worse.

Thom Miller, Special Education Program Coordinator for The Legal Center, said that while the Swearingen’s experience was not enough to prompt an investigation on its own, the Swearingens referred investigators to other families who’d experienced similar problems. Miller said he received about four or five complaints of restraint and seclusion from various PSD schools.

Miller said the inquiry was hampered from the outset by PSD’s lack of documentation.

“In terms of weighing all this stuff, we are in a difficult situation,” Miller said. “We are supposed to be a neutral fact finder, but in addition to that, we are charged with making sure those with disabilities are free from abuse and neglect. We need to look at the records to determine whether the district is following applicable state laws.”

The investigation highlighted the experiences of three children where teachers and administrators violated restraint and seclusion procedures on numerous occasions:

- A 7-year-old boy with severe developmental disabilities and who suffered from “tantrums” seemed to do well in a different elementary school when given close one-on-one attention. When he was transferred to a special education program at Werner, however, there was not enough staff to continue with such close instruction. At Werner, his tantrums were well documented, and according to his personal “behavioral support plan,” they were to have been handled by staff holding him to prevent injury to other students, or having an instructor take him to a nearby breezeway and stay with him while he calmed down. However, investigators found no documentation of how his tantrums were handled, a violation of documentation requirements.**

• An 8-year-old Linton Elementary School student with a history of abuse was diagnosed with pervasive developmental disorder, attention deficit hyperactivity disorder, an anxiety disorder, a mood disorder, post traumatic stress disorder, oppositional defiant disorder, sensory integration disorder and cerebral palsy. On several occasions, the child was placed in time-out, but the reasons for the time-outs and their lengths were not always documented. “The file and documentation consistently fails to indicate how long (the student) spent in time-out, whether his egress was blocked and how he transitioned back into the classroom,” the report concluded. Such details are important in determining the whether the student’s “time-outs” rose to the level of “seclusion.”

• A 14-year-old Linton student with autism disorder, a mood disorder and features of anxiety has a long history of “explosive and impulsive behavior” that often interferes with his academic and social growth. The Legal Center report noted several instances in which he was restrained after becoming violent or threatening with other students and staff, but found no documentation of how long the restraint lasted or how the situations were resolved. The investigation also determined that although one of the teachers who had been involved in restraining the student had received training in Therapeutic Crisis Intervention, she had not received Crisis Prevention Intervention (CPI) training, the method of intervention PSD uses, until months after the incidents noted by The Legal Center.

The Colorado Department of Education requires documentation when restraints are used for five minutes or longer. Proper documentation includes submitting a written report within one school day to school administration, notifying the parents the same day restraint is used and a providing a written report to the parent and in the student’s file.

The Legal Center maintains that evidence shows that Werner and Linton did not follow these rules and failed to properly document the use of restraint. It also found both schools in violation of the CDE’s restraint/seclusion rules because of failure to conduct proper incident reviews after restraint or seclusion occurred. Because of the lack of documentation, investigators could do little except recommend the district do better.

“It becomes ‘he said she said,’ or a guessing game,” Miller said. “Because we didn’t find serious incidences of restraint and seclusion—we found instances, but a lot of it was difficult to determine because of the lack of documentation—we didn’t feel we could justify a more harsh penalty.”

The Legal Center recommended the staff at the two schools come into compliance by documenting all uses of restraint and seclusion, conduct appropriate de-briefing and reviews with staff, maintain appropriate documentation on site in student's files, adhere to proper use of restraint and seclusion and provide proper notice to parents whose children have been restrained or secluded. The Legal Center has asked the district's lawyers to submit written assurance that these recommendations have been met by the end of this school year. In addition, The Legal Center will make two unannounced visits for inspection at each of the two schools before the end of the 2008-2009 academic year.

Laura Richardson, the district's director of Integrated Services, which oversees special education programs, said she disagrees with the investigation's conclusion, but will work to implement its recommendations.

"I've reviewed (the report) and PSD does not agree with many of the Legal Center's report findings and conclusions," Richardson said. "However most of the recommendations are reasonable and we are working to implement them. We have reviewed and are updating our governing policies and practices to make sure they are in compliance with the law."

"We want to make sure there is good communication and trainings across the district and want to keep people up to date with what our policies are," she said. For Stoddard, the parent advocate, the lack of training in such situations is a problem that goes beyond the issue of restraining and secluding students.

"From my view point, I think the district and the Special Education Department have in some ways neglected the charge of the federal law in making sure everyone working with special education have proper training," she said. "Personally, I think any child being restrained and not having proper documentation is one too many."

The Legal Center started doing work relating to restraint and seclusion at the end of 2006. Since that time, the organization has conducted 10 investigations in school districts across Colorado. About a third of requests or complaints The Legal Center receives result in investigations. Two of the larger investigations took place in Aurora Public School District and Colorado Springs School District 11.

A June 2007 report found incidences of improper restraint and seclusion at

Kenton and Lansing Elementary schools in Aurora where mechanical devices were used. A public report released by The Legal Center described a 5-year-old girl with multiple disabilities being repeatedly strapped into a restraint chair for half an hour or longer at Lansing and a 10-year-old girl with multiple disabilities being forcibly placed in a tent.

“The improper use of restraint and seclusion is a statewide problem,” the public report states. “The ongoing school investigations, training programs for school staff, and individual advocacy for children and their families are part of a wide-ranging initiative by The Legal Center to draw public attention to the problem of inappropriate restraint and seclusion and bring about system-wide change.”

That system-wide change is something that the Swearingen family has become quite passionate about, because it hits so close to their hearts. They said they know how hard it is to fight for the rights of children, especially when dealing with children with disabilities, who may not be able to clearly communicate what happens to them. It’s something Susan Swearingen described as a crash course.

Stoddard said the Swearingens wanted to make a difference for their son and for parents who may not have the education, knowledge or persistence to fight the battle. “They want to see some systematic change that will make a difference for all kids with disabilities,” Stoddard said. “I really hope this becomes an opportunity for the District to reexamine some of its policies and practices and turn things around in the District. Hopefully this will be a wake-up call and the end of these problems. “I’d like to dream.”

<http://www.fortcollinsnow.com:80/article/20080425/NEWS/151863014>

School district knew history of teacher

By Jason Wermers • jwermers@news-press.com • February 29, 2008

A *BRICK* walled room? Who has to be told that an upset autistic child could hurt herself on the walls of a *BRICK* walled room? Thankfully the educators involved did not have to be told not to leave any sharp objects in the room.

Her application indicated problems involving disabled students in Charlotte County

The Lee County School District knew that a finalist for one of the area’s top education awards had been investigated for allegedly hitting at least two disabled students while she was a teacher in Charlotte County.

Catherine Hile, 42, who has been eliminated as a Golden Apple finalist, answered “yes” to Lee district application questions that asked whether she had been disciplined or investigated by any previous employer. She applied for a position to teach autistic students in kindergarten through second grade at Gulf Elementary in Cape Coral. She was hired in August 2006.

The Charlotte school district was taking steps toward firing her over allegations that she hit two students when she resigned in December 2005, Assistant Superintendent Doug Whittaker said, adding that the evidence was overwhelming.

The Florida Department of Education is investigating her conduct in Charlotte County.

Depending on the state’s findings, Hile could continue teaching with no consequences, be sanctioned or lose her teaching license.

Greg Adkins, Lee’s director of human resources, said his department didn’t know that the Florida Department of Education was conducting a probe into the allegations during her tenure at Charlotte Harbor Center, a public school for children with disabilities. It’s unclear how long the state has been investigating Hile.

Lee initially was unaware of the investigation because none of the alleged incidents happened in the district, Adkins said. Hile’s application also didn’t specify that the state was investigating her.

The Foundation for Lee County Public Schools, which runs the Golden Apple Teacher Recognition Program, initially named Hile as one of 36 finalists for the honor in January. The six Golden Apple winners receive \$3,000 cash and several other awards. The teachers also are honored for their work at a gala in April.

Adkins said that when the district received the foundation’s list of finalists, his department checked to see whether any were being — or had been — investigated by the Lee district. None of the nominees was, Adkins said.

But the district’s Exceptional Student Education office received information after the list of nominees was published in January that the state was investigating Hile. The exceptional student office forwarded the information to human resources, which notified the foundation, Adkins said.

Marshall Bower, the foundation’s executive director, said when he found out, he decided to take Hile’s name off the list “to maintain the integrity of the Golden Apple Award program.” Bower said his decision wasn’t a judgment of Hile.

Hile has not returned messages left Thursday and Friday on her home and cell phones, or on her school e-mail account.

Allegations Made

Hile taught for 13 years at Charlotte Harbor Center.

Hile was reprimanded in April 1994 for using inappropriate language and for hitting a student in the face. In November 1994, she was given a memo stating her classroom environment was “unsafe.”

The Charlotte school district suspended her with pay in October 2005 on allegations that she struck an autistic student three times after that child hit an autistic classmate the same number of times.

No criminal charges were filed in Charlotte County.

The district was planning to fire her in December 2005, but she resigned instead, Whittaker said.

In January 2006, Hile was hired as an exceptional student education liaison at DeSoto Middle School in Arcadia. But she was fired two months later under a state rule that allows districts to terminate teachers within 97 days of hiring them for any, or no, reason.

She returned to teaching five months later at Gulf Elementary.

During Hile’s job application process, Gulf Elementary administrators contacted Charlotte Harbor Center principal Maureen Watts and a Charlotte district administrator, whose name was not available, Adkins said.

Gulf Elementary and the Lee school district were satisfied with the good recommendations they received from Watts, Adkins said.

Whittaker said he wasn’t aware of anyone from Lee County contacting his district.

Highly Qualified

Hile is a commodity in a teaching area that’s difficult to staff: She has 15 years experience teaching students with disabilities. And she has more special-education credentials than the average applicant, including the highly sought-after certification from the National Board for Professional Teaching Standards.

School Children Put in Solitary Confinement Cells, Practice Common

12/29/08 by Carolyn Harris

<http://nwolibrary.com/articles/29-school-children-put-in-solitary-confinement-cells-practice-common>

In a recent shocking expose CNN described the suicide of a 13-year-old boy in Georgia in a "seclusion room." These 3' by 4' prison-like rooms are used across the United States, with little state guidelines for their use. Innocuous sounding titles are used like "chill room" and "time out room" but they are really solitary confinement cells "used for punishing unruly children." Even elementary school children are not exempt.

These are the same type of solitary confinement cells that inmates in prison are put into when they disbehave, but they are adults, not little school children. The irony is that if any parent were to lock their child inside a small closet, they would be considered by the state's Child Protective Services to be abusing the child, but not so the schools.

The practice of isolating students in maximum-security like cells is increasingly, but not exclusively, used for special education and disabled students. Many are completely traumatized by this experience, as would any adult. Instead of calming practices, employing de-escalation measures or sending them to a counselor, teachers and administrators excuse themselves by saying this is a "last resort," but the evidence does not support that assertion.

One school district in Pennsylvania, through their attorney, blatantly lied about the existence and use of these confinement rooms in an "intermediate elementary school." When confronted at a subsequent school board meeting, they contradicted the letter their attorney wrote on that subject to Mike Medici, an advocate who had asked the district to clarify its policy.

CNN reports that "Dr. Veronica Garcia, New Mexico's education secretary, said her state had found more sophisticated and better ways to solve behavior problems. Garcia, whose brother is autistic, said, 'The idea of confining a child in a room repeatedly and as punishment, that's an ethics violation I would never tolerate.' But researchers say that the rooms, in some cases, are being misused and that children are suffering." The expose gives other examples of abuses in schools.

Not surprisingly, being put into a solitary confinement cell makes school children feel like prisoners. According to Chicago's CBS2, "Caleb Londoff is haunted by the time-out room inside MacNeal School in Westchester. 'They [students] can be put in there for like five days straight, and that's not school -- that's just basically jail,' he said." Repeatedly being relegated to solitary confinement, sometimes for three to six hours at a time and sometimes daily, can cause nightmares, fear, panic, embarrassment, humiliation, powerlessness, hopelessness, and lack of trust towards officials, and it's not hard to see why. CBS2 states "Schools are not supposed to use time-out as punishment. But records from Caleb's school show he was repeatedly locked in time-out or put in isolation because of offenses such as talking under his breath, arguing about a gym score, not saying hello or not doing his work. He would be locked up for hours -- even as long as

six hours." After being away from his former school for two years, Caleb's mother reports his grades improving from failing to getting A's and B's.

Jonathan King, the little boy who killed himself in Georgia, was described by his parents as completely different than he was portrayed in his school records: "one who liked to kick and punch his classmates." Since kindergarten he had been diagnosed with severe depression and attention deficit hyperactivity disorder, according to his parents. But his father remembers him as a boy who sang in the church choir and was happy when he did so. "He was a hugger, liked to go fishing with me and run after me saying, 'Daddy, when are we going to the lake?'" "

This was not the first child to die. While there are no firm numbers on students who commit suicide in solitary confinement cells, there are others who have been killed through "aversive behavioral intervention." An autistic Canadian boy was actually killed in school in June 2008. Gabriel Poiret, a 53-pound 9-year old was wrapped in a 40-pound blanket, wrapped four times around his tiny little body. The coroner ruled suffocation as the cause of death. Two autistic students in a Michigan public school died from "being held on the ground in so-called prone restraint." There are numerous lawsuits brought by parents around the country whose children have been abused in schools with heavy-handed measures, some coming home with bruises, unwilling and sometimes not able to verbalize the horrors that occurred at school.

According to federal law, educators must make an individual education plan for students with disabilities that explicitly details the methods educators may use to stop any bad behavior. But parents don't always understand what the "conditional procedures" like "time out" mean. Many are completely shocked that their child is being put into prison-like cells for sometimes hours on end. One mother, who didn't want to be named, told WSMV4 in Tennessee that had she known, she would never have approved it.

Educators say that with the increase in autism and other developmental and psychological problems, they face an uphill battle dealing with students that are disruptive, disrespectful and can become aggressive or violent. They point to the effort to "streamline" students with emotional or learning and other disabilities in with regular classes presents a serious difficulty for the teachers. The New York Times reported that the result of that integration "is schools' increasing use of precisely the sort of practices families hoped to avoid by steering clear of institutionalized settings: takedowns, isolation rooms, restraining chairs with straps, and worse."

Tim Miller, who has a form of autism called Asperger's Syndrome, is one of many children who faced the "aversive intervention" in the form of being held prone on the floor for twenty minutes straight. John Miller, a podiatrist in Allegany, N.Y., said about his son, then 12, "What Tim eventually said was that he didn't want to go to school because **he thought the school was trying to kill him.**" His parents are suing the school district for partially for additional therapy needed as a result of their son's restraint. Away from the school where he was restrained, he has successfully completed a number of mainstream classes with no incidents whatsoever.

"Education specialists say schools are increasingly using isolation rooms to discipline students with behavioral disorders, and say the time-outs are probably doing more harm than good. It really is a form of abuse,' said Ken Merrell, head of the Department for Special Education and

Clinical Sciences at the University of Oregon, who said the rooms may be unsafe." Mr. and Mrs. King know that all too well.

Parents Allege Child's Mouth Taped in Haddon Heights N.J.

by Mark Swanson 12/08/2008

<http://theretrospect.com/default.asp?sourceid=&smenu=1&twindow=&mad=&sdetail=1640&wpage=1&skkeyword=&sidate=&ccat=&ccatm=&restate=&restatus=&reoption=&retype=&repmin=&repmax=&rebed=&rebath=&subname=&pform=&sc=1155&hn=theretropsect&he=.com>

A Haddon Heights N.J. couple presented the town school board with allegations on Tuesday night – the kind that can give any district a black eye. The parents, whose names are withheld to protect their child's identity, charged that on Wed., Dec. 3, their son had his mouth taped over by a substitute teacher.

On that day, they said, the substitute teacher was in charge of the second grade class. At one point during the school day, the teacher used tape to cover the mouth of their son. The tape was left in place for about 20 minutes.

The parents told the board that their son, who is a classified special education student, has "sensory integration issues," which are documented in his individual education plan, called an IEP.

Sensory integration disorders generally cause difficulties with processing information from the five senses – vision, auditory, touch, smell and taste – sense of movement and positional sense, called proprioception. The disorder generally causes anxiety and confusion.

With his disorder written into his IEP, the couple says in a letter to the board, they expect that any staff members who would have contact with him would have been trained in sensory integration issues.

"Clearly, the substitute assigned to [his] class on December 2 and 3 was not properly trained to interact with a child with special needs," they write.

Superintendent Dr. Nancy Hacker declined to comment on the situation.

At the meeting, the boy's mother said that while administrators contacted her, she got the impression they were trying to sweep the incident under the rug.

Board member Mike Harshaw said that from his experience, some districts require that teachers sign off on IEPs as a way of showing that they are familiar with them. He wondered if anything like that was in place in Heights.

While the district officially has no comment, solicitor Joseph Betley said at the meeting that teachers are not required by the state to sign off on IEPs.

Board President Dr. Phillip Hammer noted that matters regarding staffing are the realm of

the superintendent. The board would be welcome to consider the incident and district policy and make their recommendations to Hacker.

According to George Rafferty, the director of special education, IEPs of elementary-level students are on file in the building principals' offices. They can be reviewed by teachers at any time. Student case managers also review the IEPs with teachers at both the elementary and high school level.

In the past, the parents said, their son was singled out at recess time because teachers did not feel he was dressed appropriately to play outdoors. The parents said that because of his disorder, he often has difficulty wearing long pants. They felt that it was unfair for their child to be secluded or singled out this way.

The parents told the board that what they want is knowledge that the substitute won't return to their child's school again. "We need [the board and administrators] to be clear that we will weigh all legal options if the substitute that taped [his] mouth is permitted to substitute in the [school] again," they say in their letter. "Of course, we are sure that you would not want that quality of substitute to be employed by our school district."

They further say that they have not authorized and will not consent to any activity that involves physically restraining their child while at school or going to and from school. Special education law requires the use of functional assessments of behavior and the development of positive behavior plans to address such challenges.

The New Jersey Council on Developmental Disabilities' position, from its website, is that the "use of restraints, seclusion, restrictive equipment and aversive techniques must be carefully defined and closely monitored to prevent misuse of these practices." The need for such techniques should be minimized, says the council, and "certain restrictive and aversive techniques must be prohibited."

Nationally, this is not the first time a teacher is alleged to have taped a child's mouth. In 2005, an Aurora, Colo., taping incident sparked a police investigation and resulted in the teacher's suspension. In New York this year, a family reportedly sued their school district after their four-year-old daughter was taped for talking during a class "quiet time."

Autistic students manhandled, parents say Issues aired at school board meeting

By Jason Wermers

jwermers@news-press.com

August 29, 2007

Caitlyn Elders, an 8-year-old with autism, was placed in a brick-walled time-out room and manhandled several times by staff at Pelican and Trafalgar elementary schools, her parents told the Lee County Florida School Board Tuesday evening. Kellie Elders, held up photographs of her daughter's bruised forehead for board members, district staff and media members to see. She said Caitlyn sustained those bruises after she banged her head against the brick wall, an action that is not unknown for children with autism who feel distressed.

Unlawful Restraint of 3 year old?

By Dan O'Donnell Oct 11, 2007

Racine, Wisconsin

For Hasmig Tempesta, it was the surprise of her life. Her autistic 3 year-old son Zachary attends the Early Childhood program at Red Apple Elementary School in Racine. While at home, he receives treatment from an autism therapist.

"She went to check in on [Zachary] at school and came back the next day to ask me if I knew he was being belted into a chair," Hasmig said. "Of course I said no. She explained that any time that he was sitting down, he was belted into that chair. She was there for an hour and a half and said he was in that chair for about 50 minutes."

That chair is known as a Rifton Toddler Chair and, according to the company's website, is intended to be used solely by children with physical disabilities and not as a behavioral restraint.

When Hasmig asked about this, the school would not give her a straight answer.

"They said 'some kids need it and some kids don't and it's really the parents' choice,'" she recalled, noting that the school never told her about its use of the chair.

The Wisconsin Department of Public Instruction's guidelines for the physical restraint and seclusion of students indicate that "the use of mechanical or chemical restraint is not appropriate for use in schools without medical authorization and oversight."

"It can only be used if it has been included in the individualized education plan (IEP) for a special needs student and a parent has been notified," said DPI communication coordinator Patrick Gasper.

Hasmig said the use of such mechanical restraint was not in Zachary's IEP, nor was it ever discussed with her. Both of these are apparent violations of DPI guidelines.

"We have already been in contact with the Racine Unified School District to remind them of the policies regarding the use of restraints on students with disabilities," Gasper reported. "They said they are making corrections."

In a prepared statement, Racine Unified reported that it is "working with the Red Apple parent and will reconvene the student's IEP team this week to discuss the needs of the student and how the district can best meet those needs within a classroom."

But in the interim, Hasmig said Zachary has still been placed in a Rifton Chair.

"He's strapped in when he's one-on-one in speech therapy. He was strapped in any time he was at the table. He was strapped in during circle time," she said.

On its website, the Autism National Committee "condemns the widespread and excessive use of mechanical and physical restraints in restricting the civil and human rights of people with disabilities," adding that "we believe that the use of restraints is a failure in treatment."

Local advocacy group Disability Rights Wisconsin agrees.

"For at least the last six years, we've been very concerned about the overuse of both seclusion and restraint of children in Wisconsin's schools," said the group's managing attorney Jeff Spitzer-Resnick. "We believe it's happening too often, based on the individuals who have expressed concern to us and the cases that we've investigated, some of which end up resulting in severe injuries. For instance, we've been involved in cases where children have had their elbows broken."

Spitzer-Resnick's colleague, advocacy specialist Cathy Steffke, says she's handled upwards of 50 improper restraint-related cases in southeast Wisconsin schools in the past few years and that this increase is due to a lack of firm legislation in the state.

"There is no statutory law related to the use of seclusion and restraint for children," she said. "There is statutory law for criminals. There is statutory law for people who have mental health issues, but for the most vulnerable of our citizens, children with disabilities, there is now law pertaining to their seclusion and restraint."

Hasmig Tempesta, though, isn't out to make new laws. She just wants each new school day for her Zachary to be a safe and happy one.

"He's a typical kid. Does he have issues he needs to work on? Yes, but it's nothing that they're not supposed to be able to handle."

Parent Complains About "Time-Out" Rooms in Florida Schools

October 31, 2007 Reporter: Tara Herrschaft

Time-out procedures are used in many Florida schools, including Leon County public schools. It is used for students with disabilities. "The time out rooms are just part of our overall behavioral plan. A plan designed to be positive," said Ward Spisso, the Director of Exceptional Student Education.

The criteria for the use of these procedures can be difficult to understand and implement. The seclusion time-out must be in essence the procedure of last resort. Teachers and administrators must try less restrictive means first. One parent says her child was put in the seclusion room just two days after being at the school. I spoke with the family attorney by phone Wednesday. "This particular case, the child was put in the room for being impolite, and another time, started on the progressive discipline for not responding when the teacher called roll, the student didn't say here," said Bob Jacobs, the family attorney.

The parent of that child has joined with the Advocacy Center for Persons with Disabilities and filed a complaint with the Florida Department of Education. The mother of the child did not feel comfortable speaking on camera. She asked her advocate to represent her and speak about the child's distress. "During the time she was in the Leon County School and the seclusion room was being used, at home she was exhibiting mini phobias. She was not going to the bathroom with the door closed. She wanted to be left alone inside even for a moment," said April Katine, the family advocate.

Both the child's parent and the advocacy center say they hope time-out procedures are done away with. In Chaires Elementary there are about 3 rooms in the school and about 15-20 children use the rooms. The Department of Education says it will not comment until the investigation is over.

Parents Outraged Over Padded School Room For Special Needs Children

By Doug Shimmel
November 28, 2007

CHERRY HILL, NJ -- A group of New Jersey parents are outraged after discovering a padded room used to hold special needs students at their children's school. Angry parents confronted members of the Cherry Hill School Board on Tuesday night. They are concerned about the treatment of their special needs children.

"Instead of educating them, they're going to throw them in to bash their heads against a padded wall somewhere," said one parent. "Disgusting."

"It is absolutely wrong that each and every one of you can go to bed at night thinking that this is OK to do to children," said another.

Lisa Grams said she wants people to see the images of the room with its walls padded inside A. Russell Knight Elementary. She fears the room has been used for students who act out. "The room smells. There's no ventilation. There's fluorescent lighting," Grams said.

According to the district, the room was used last year for small group instruction, or as a place kids could go for quiet time.

The padding was added this year, according to district officials, who said in a statement:

"The gym mats were placed in the room following an IEP (individualized education plan) meeting, as part of a crisis plan. The room was used once in a crisis situation with prior parental consent."

"Putting a child in a padded room because they don't know how to deal with their disability is not an option in my book," said Grams, whose son is autistic and is a student at the school.

Gram believes the room, no matter how many times used, is unacceptable. "I think it's frightening. It makes me sick to my stomach," said another parent, Lisa Scuoppo.

Most parents said they just learned of the room's existence.

"I have enough confidence in the district to believe that, if there is a padded room, there's a legitimate reason," said parent Christine Pawliczek.

Some parents agree that specially-designed rooms are sometimes needed to provide a safe place for students whose actions put them at risk for self-injury. Their complaint is that this specific room was poorly designed, and they're questioning its use.

The district said the room has been dismantled. It's now a book storage room, and they pointed to a newer, bigger room also photographed by Grams as its new place for small group instruction. The district said the room was only used once, but to Grams, that's not the point.

"I would rather have education and training for the staff than to just shuffle the kids into a room and let them handle it all on their own," she said.

A school district spokeswoman said students were at no time locked in the room or left in there unsupervised, reiterating that it has been dismantled and replaced with a new quiet instruction room.

\$13.2 million school opens near West Palm to serve special education students

**By Marc Freeman South Florida Sun-Sentinel
January 10 2007**

It may look like any new public school from the outside, but Indian Ridge School is the only one with three windowless "seclusion rooms" to isolate misbehaving children on padded mats with restraints.

Where Do Teachers Draw the Line When it Comes to Restraining Students?

November 19, 2007 - 6:57PM

Saint Lucie County, Florida

A local mom has reached out to News 12 after she says a school went overboard while restraining her child.

Isaiah Moore came home from Oak Hammock K-8 last April looking like he had just been in a fight. But the autistic boy's injuries didn't come from a scuffle, he was restrained by a school staffer. Moore's mother obtained a tape from a security camera at the school. She says it shows the 7-year-old being forced into a room, where she believes her son was violently restrained. A few moments later, the video shows the disabled boy emerging from the room with school staffers and being dragged down the hallway by a behavior analyst. The boy is holding his back, as if he were in pain. Moore says her son was unjustly restrained. The forceful action left the 7-year-old with injuries, including many bruises on his arms and a busted lip. The boy's mother says he was restrained for simply walking out of his classroom. Moore is demanding the school board change it's restraining policy and she's taking it all the way to the State Board of Education.

Police: Special Ed. Teacher Roughed Up Students - Patrick McCarthy Charged With Shoving, Tying Up High Junior School Students

Sep 21, 2007 SCHAUMBURG, Ill.

A Palatine resident and special education teacher at Robert Frost Jr. High School in

Schaumburg has been charged with aggravated battery and unlawful restraint of students with autism, according to a police report.

Patrick Edward McCarthy, 30, of 712 Longview Ave. in Palatine, was arrested Friday, Sept. 21 after on four separate occasions this school year, McCarthy allegedly pushed a student into a wall, pushed another student into a filing cabinet, forced a third student onto a piece of gym equipment and tied a fourth student to a chair.

Staff members at the school advised the principal on Tuesday, Sept. 18 of the allegations against McCarthy.

The principal contacted Department of Children and Family Services (DCFS) and the Schaumburg Police Department, who opened up simultaneous independent investigations. School Dist. 54 also immediately removed McCarthy from the classroom.

"Our first priority is to ensure the safety of our students and that is the focus right now," said Terri McHugh, community relations director for Dist. 54.

McHugh also mentioned McCarthy is on "paid leave" while the investigation is conducted. She said this is the first complaint against McCarthy in the three years he has been in the district.

McCarthy was arrested and charged with three counts of aggravated battery and one count of unlawful restraint.

He was held at the Schaumburg Police Dept. Friday until a bond hearing later that morning at the 3d District Cook County Courthouse in Rolling Meadows.

Bond was set at \$500,000. His next court date is scheduled for Friday, Oct. 19.

Suit planned over school injury in Fort Pierce

**By MARGOT SUSCA
April 5, 2007**

FORT PIERCE — A Fort Pierce grandmother has filed a notice of intent to sue the St. Lucie County school district because her bipolar and autistic grandson was found with a fractured right arm after he left school, records show.

Willie Gary's law office issued the notice on behalf of Carmella Palmieri, grandmother of an 8-year-old Garden City Elementary School special education student who one witness described to police as "roughed up" when he arrived at the bus after a February run-in with a classroom aide.

Shalonda Smith, the boy's Garden City behavior technician, "was attempting to restrain" Palmieri's grandson after he tried to run out of the classroom, law enforcement and school records show. No criminal charges against Smith are planned in the wake of a Fort Pierce Police Department investigation, according to records. Smith is represented by West Palm Beach lawyer Mark Wilensky.

"She didn't break anybody's arm," Wilensky said. "I understand that there is an allegation that the child was injured. He certainly wasn't injured as a result of anything that Shalonda did."

A witness told police Smith used a restraint that lasted for about 30 seconds to stop his running from class. Smith, described in reports as 210 pounds, told police she landed on the 95-pound boy.

The boy suffered a "spiral fracture to the upper right arm," an injury emergency room staff at Lawnwood Regional Medical Center & Heart Institute told police "is caused by a twisting of the arm," the police report says.

A worker at the boy's day care center reported to police that the boy's arm was "red and swollen" and he had abrasions on the right side of his face.

A bus aide told police the boy cried the entire ride from school to his after-care program. But she said: "She didn't take (the boy) seriously because he behaves this way all the time."

In a previous interview, Palmieri said her grandson takes anti-psychotic medication to treat bipolar disorder and is diagnosed as autistic. On Wednesday, Palmieri referred comment to her lawyer. Two phone calls to her attorney, Michael Lewis, were not returned Wednesday.

A teacher not involved in the incident told police she was asked afterwards to help get the boy to his afternoon bus on time. The report says: "She opened the door, turned on the lights and found (the boy) alone in the classroom, lying on the floor crying." The boy's classroom teacher and Smith both are on temporary assignment, out of contact with students, while a school district investigation continues, Janice Karst said.

In a 2005 evaluation, Smith received perfect marks in areas including job knowledge and self management, personnel records show.

She started as a special education aide in fall 2000 at Mariposa Elementary in Port St. Lucie and transferred to Garden City in 2004. Smith told the school district her previous work experience included cashier work at KMart and Toys "R" Us and a dining room manager position at Captain D's restaurant. **SPECIAL EDUCATION CLASSROOM AIDES**

Qualifications:

- High school diploma or equivalent and an associate's degree
- 60 hours of college credits or a passing score on a district-identified test

Report: District unlikely to meet special education students' needs

PAUL SLOTH Thursday, October 11, 2007

A 2006 report raised concerns about the Racine Unified School District's ability to meet the needs of its growing population of special education students.

The report to the Independent Commission on Education reviewed the district's special education services and found the program lacking.

A Racine mother removed her 3-year-old son who has autism from Red Apple Elementary School's early childhood program after learning last week that teachers used restraints on her son without her knowledge or consent.

At the time of the report, special education students comprised roughly 17 percent of Unified's entire student population, compared to the state average of 13 percent.

The report found the district's program was fragmented and lacked appropriate leadership and management.

"Given this situation, it is unlikely that the needs of special education students are met, even in light of the enormous investment that the district makes in their educations," the report went on to say.

Special education is a major cost for the district as well as a shared area of concern amongst staff and the community, the report said.

Unified spent the second highest amount on special education, \$2,251 per pupil, among comparable districts, according to the Public Policy Forum's Ninth Annual Comparative Analysis released earlier this year.

The district's special education spending increased 43 percent from 2000 to 2004, from \$19.9 million to \$28.6 million, according to the Independent Commission report.

Several other concerns raised by the report — the district's lack of access to a special education attorney, lack of leadership experience in the special education area, lack of centralized planning and vision and a failure to secure all available funds — contributed to the authors' conclusion that Unified needed to improve its special education services.

The district responded to the report by hiring a UW-Milwaukee special education professor to review the district's special education program.

The report is expected to be released in November.

Restraint and Seclusion in California Schools: A Failing Grade

Protection & Advocacy, Inc Investigations Unit

June 2007

In the past year, PAI has conducted in-depth investigations into allegations of abusive restraint and seclusion practices involving seven students in five public schools and one non-public school. These investigations revealed both the failure of school personnel to comply with existing regulations and the failure of current law to sufficiently regulate the use of these dangerous practices. School personnel applied restraint and seclusion techniques that are expressly prohibited and employed emergency interventions in situations that did not pose an imminent risk of harm. Restraint and seclusion are dangerous and traumatic events. Manual and mechanical restraints, even when applied correctly, have been associated with grave physical conditions, including asphyxiation, broken bones, dehydration, oxygen deprivation to the brain and other vital organs, and death. Seclusion and restraint can cause lasting, severe psychological trauma from the experience of being seized violently and isolated. Studies show that children are subject to restraint and seclusion at higher rates than adults and are at higher risk of associated injuries and death.

1. Aaron Little

During the 2005-2006 school year, Aaron Little, an eight-year-old boy, attended a special day classroom in his elementary school, with a portion of each day with an aide in a regular education classroom. He has been diagnosed with attention deficit hyperactivity disorder (ADHD) and mild mental retardation.

A behavioral intervention plan (BIP) with a reinforcement system was developed for Aaron in the 2003-2004 school year. This plan lacked several of the regulatory requirements of a BIP. Furthermore, Aaron's educational records lacked a functional analysis assessment (FAA) supporting the BIP.

Based upon the recommendation of the school's behavior specialist, in January 2005, the school installed a locked seclusion room to be used when Aaron was "noncompliant, aggressive or disruptive." This not only violates state law, which expressly prohibits locked seclusion, but is inconsistent with the community standard in other settings, which prohibits the planned use of locked seclusion.

Contained within the California Department of Education (CDE) investigation file, there is a draft BIP, dated November 2004, which does not appear in Aaron's education records. While the use of a "designated quiet area" is specified in this draft BIP, it does not address the use of locked seclusion

The seclusion room (approximately eight by eight feet) was built in a corner of Aaron's special day classroom. The walls to the room stopped several feet from the ceiling. There was no carpeting on the floor or padding on the walls. The door to the room had a window and could be locked from the outside. When locked, the door could not be opened from the inside. When PAI investigators inspected the room in May 2006, it contained several chairs, a small desk, and a thin mattress in the corner.

Aaron was repeatedly locked in the seclusion room alone. Although Aaron was known to be physically aggressive with staff, the evidence did not support that this behavior posed an imminent risk of serious physical harm. When he was placed in the room, Aaron would become upset and stand on the handle of the door and attempt to scale the walls. He would also throw himself against the walls. The dates and frequency of seclusion are not documented in Aaron's school records but, according to a witness report, occurred approximately 15 times during the school year. A log from the school contained in the CDE investigation file documents Aaron being placed in the room 31 times.

Aaron's parents were aware that the school built the seclusion room, believing it would be used only when Aaron was a physical danger to himself or staff. Because the school was recommending this intervention, Aaron's parents felt that such an intervention was necessary and permissible. Until another parent reported witnessing Aaron attempting to get out of the locked room, his mother was unaware that the door was lockable or that Aaron was ever locked alone inside.

Over the course of time, Aaron's parents came to suspect he was being secluded for problem behaviors that did not pose a risk of physical harm. According to Aaron's mother: "...Over the course of several years or so, I just felt [that the use of the seclusion room] has been abused. I just feel that now he's being put in there for anything. He's put in there for throwing a pencil on the floor. He takes his shoes off, he gets put in the room. And I just feel it's not what it was intended for. It specifically says in his IEP what it was intended for and now they're using it [for] anything he does that is disruptive behavior and he gets put in the room."

There were no behavioral emergency reports in his file documenting when Aaron was secluded, although school personnel do not dispute that locked seclusion was used. Despite repeated seclusion events, from November 2004 until PAI's investigation in the spring of 2006, there is no record of the Individualized Education Program (IEP) team discussing whether Aaron's behavior warranted an FAA or revising the BIP. Despite school and district personnel meeting regularly with Aaron's parents regarding Aaron's problem behavior, there is no notation in the record of the team discussing any restraint or seclusion incident.

2. Brian Richards

During the 2005-2006 school year, Brian Richards was 10 years old and attending the same special day class as Aaron above. Since he was first enrolled in school, Brian was identified as having multiple disabilities. He is nonverbal, has moderate mental retardation, and uses a wheelchair for mobility. At times, Brian displays self-injurious behaviors, including slapping his face and hitting himself.

At two IEP team meetings held in September 2005, the school district agreed to provide Brian with van transportation to and from his home and reviewed "restraint options to use in the van." Brian's mother agreed to help get Brian on and off the van both at home and at school. In October 2005, the district behaviorist conducted an FAA of Brian and developed a "positive behavior support plan" to address Brian's problem behaviors, namely noncompliance, tantrums, and physical aggression. The school's behavioral consultant recommended strategies for intervention to avoid Brian's problem behaviors, none of which involved the use of restraints.

March 2006, Brian's mother arrived at school and saw Brian seated in his wheelchair in the school van in the parking lot. Brian's wrists were tied to the arms of his wheelchair with components removed from the safety vest purchased

for Brian to use during transport on the van. His legs were bound together at the ankles with a nylon Velcro strap. California regulations expressly prohibit mechanically restraining all four limbs simultaneously. An aide sitting outside the van, reading a book, reportedly told Brian's mother, "I'm not allowed to say anything, but he hasn't had any food or anything to drink all day." Brian's mother removed him from the van and took him to his classroom.

On another cold, damp day later that month, Brian's mother again arrived at school close to noon and found Brian sitting alone in the van. Although Brian was not restrained to his wheelchair, the door to the van was locked and there were no school personnel within sight. Due to his disability, Brian was unable to leave the van without assistance.

On one occasion, Brian's mother reported seeing Brian restrained to his wheelchair in the classroom. Although his hands were free, his legs were bound together with a Velcro strap. There were no provisions for the use of restraints with Brian, either as a transportation safety device or a postural support in the classroom, in his behavior plan. This is not a restraint technique approved for use by this school's Special Education Local Planning Area (SELPA). None of the restraint incidents were reported as emergency interventions.

3. Eric Roe

In September 2005, Eric Roe, a six-year-old boy, was enrolled in a regular kindergarten classroom at a different elementary school in the same school district. His teacher soon noticed that he was having academic and behavioral challenges. Eric was placed in a classroom for students with moderate to severe disabilities. In December, the IEP team requested an FAA; at that time, an interim BIP was implemented. In January 2006, a "positive behavior support plan" recommended the use of three-minute time-outs to address escalating disruptive behavior, with ignoring and physical cues (point to the tasks or places for him to go) for continued noncompliance. The team next met in early February to discuss the FAA, which identified "disruption and noncompliance" as Eric's target behaviors. The team agreed to accept the behavior support plan.

In the spring of 2006, several school personnel saw Eric's teacher physically restraining Eric numerous times outside the classroom in a basket hold. Eric told PAI investigators that his teacher restrained him when he did not listen to her. These restraint events lasted up to 20 minutes. One special education aide described the restraint she observed:

“[The teacher] would grab his arms and then cross them, and hold them like he was in a tight hug to himself, and she was holding onto his arms.... Like in a straight jacket position.... And she’d be standing there holding him for however long it took for him to stop fighting. ... He would be saying, ‘*You’re hurting me, you’re hurting me. You’re hurting my wrists.*’ And she’s like, ‘*I’m not hurting you. You’re hurting yourself because you’re pulling. If you stop pulling, you’re not gonna get hurt.*’ Other teachers would come out and look ... he was making so much fuss that it would disrupt other classrooms down the hall.”

Other teachers and parents complained that Eric’s teacher was yelling at students and laying hands on their children in a variety of ways that were “inappropriate.” She was seen holding a first grade girl by the shoulders, “shaking her very viciously,” and yelling at her. In another incident, Eric’s teacher reportedly grabbed another boy by the arm and “started yelling ... like a drill sergeant, ‘*Why are you doing this?*’... She just goes off like in another world. She goes into this rage and then...she stopped and backed off and said, ‘*[I] hope I didn’t do anything wrong.*’”

An instructional aide was also observed on several occasions “dragging” Eric by the wrists when he refused to walk down the hall and then dropped to the floor, “going limp.” This is not a restraint or escort technique approved for use by this school’s SELPA or consistent with the school’s restraint training program. PAI does not believe this aide had completed any restraint training.

Eric’s foster mother learned of the restraint events when Eric complained to her about them. Aside from one event, she was not informed by the school about Eric being restrained or requiring emergency behavioral interventions. According to Eric’s foster mother, when she asked the school about what happened on the one occasion when she was notified, “They dismissed everything. I was waiting for a write-up of some kind and I asked about it and they said it wasn’t necessary....” There were no behavioral emergency reports in Eric’s educational records. The school also failed to convene the IEP team following each incident of restraint, or to subsequently develop a BIP, or review or revised Eric’s behavioral support plan.

Parents say teacher locked her child in closet 4 hours

Tennessee - Anna Marie Hartman reports June 13, 2007

A 12-year old boy spent four hours locked in a closet at school. His teacher admits to putting him there. Now, his parents want justice. Suzy Hayden says the Shelby County school system and one of its teachers should be held accountable for locking her special needs son in a closet. But it looks like that's not going to happen.

Jonathan Hayden came from school last Fall with some very disturbing news. "I said how was your day. The teacher locked me in the closet all day and I said, 'what', I was shocked," says Suzy Hayden.

When his mother called BonLin Elementary school to alert the staff, the principal found Jonathan locked in a classroom closet. Hayden adds, "and he had fecal matter all over him and she had to clean him up and she called me and told me."

Jonathan has a high functioning form of autism, he was placed in the county's short-term education or S.T.E.P. program.

Classrooms are supposed to have a time out area where troubled students can be safely monitored.

"How can you monitor if the door is locked and closed and he was in there for four hours at a time. And you never put a child in time out for more than five or ten minutes," explains Hayden.

A Department of Children Service's investigation revealed that Jonathan Hayden was a victim of child abuse. But the Hayden's were notified last week that DCS dropped the case against teacher Sara Matz.

New information came to light and based on that DCS investigators and their attorneys agreed that they couldn't meet their burden of proof in the case so they elected to dismiss it.

"Bottom line is, Miss Matz did nothing wrong," says Matz's attorney Leslie Ballin.

The county school system is now paying for Jonathan Hayden to attend a private school in Columbia, Tennessee.

But his mother was hoping the teacher who locked him in a closet would be held accountable. "Because this means she could hurt other children or do this same thing and how many children has she done this to before," adds Hayden.

Sara Matz has not been charged with anything.

Hayden says she would like to pursue the case but it's tough to find an attorney who will help because legal experts say it's very difficult to prove abuse inside a school.

State doesn't require details of discipline

By NORA FROESCHLE World Staff Writer

4/23/2007

The Oklahoma State Department of Education does not require public schools to report the frequency or circumstances of the use of restraint or seclusion on special education students.

Some area districts also do not keep records of their own. The lack of data is troubling to disability advocates.

"I think the numbers have to be mandated," said Elizabeth Greczek, senior staff attorney with the National Disability Rights Network in Washington, D.C., a nonprofit membership organization for the federally mandated Protection and Advocacy Systems for people with disabilities. The organization was created largely as a response to reports of abuse and neglect of disabled people living in institutions during the 1970s.

"The problem is, you don't know what schools are using a lot of restraint, and where does the Department of Education have to step in. People aren't going to do it themselves. That's what we've found in health-care facilities," Greczek said.

The use of restraint and seclusion in hospitals and residential treatment facilities is regulated by federal law, but no such regulations exist for public schools.

Every state in the U.S. has a Protection and Advocacy organization that is part of the National Disability Rights Network's national system.

Oklahoma's state organization is Oklahoma Disability Law Center Inc. Kayla Bower, executive director and senior attorney with the center, said Oklahoma has been fortunate.

Texas and Michigan have had cases where children died as a result of being restrained in a public school.

In those states, the deaths inspired the enactment of regulations and statutes on the use of restraint in schools.

Oklahoma has not had a child die or be seriously injured by the use of either physical restraint or seclusion, Bower said.

"But a young child should not have to die to change a bad practice," Bower said.

In all but one Oklahoma case in which the Oklahoma Disability Law Center investigated

questionable restraint, the school districts in question voluntarily ceased using the practice, she said.

Bower said many Oklahoma cases are investigated because it was alleged that children have been emotionally damaged by isolation and restraint, and some received minor injuries.

According to the Individuals with Disabilities Education Act, formerly called the Education For All Handicapped Children's Act and passed in 1975, public schools must provide for the education of all children, including those with severe disabilities who also may have behavioral problems.

"If you use positive behavior interventions and support, which is required by the IDEA, you should have no need to restrain or isolate a child," Bower said.

Elementary school behavior technician fired in Fort Pierce

By [Keona Gardner](#) August 31, 2007

FORT PIERCE, FL — A Garden City Elementary School aide, who allegedly broke the arm of a special education student early this year, is no longer on the district's payroll. Earlier this week, district officials fired Shalonda Smith, who worked as a behavior technician, for using inappropriate discipline. No criminal charges will be filed against Smith, according to school district records. The incident took place Feb. 15, when an 8-year-old male bipolar and autistic student became disorderly and tried to run out of the classroom. Smith, who could not be reached for comment Thursday, restrained the student by "grabbing his arm and taking him to the ground so that he was laying face-down on the floor," according to district records. After the incident, the student later told his classroom teacher and his bus driver that his arm hurt. And after learning about the incident, district officials reassigned Smith to where she would have no contact with students. Later, she was suspended and has not worked with children since the incident. In a 2005 evaluation, Smith received perfect marks in areas that included job knowledge and self management, personnel records show. She started as a special education aide in fall 2000 at Mariposa Elementary in Port St. Lucie and transferred to Garden City in 2004. Smith told the school district her previous work experience included cashier work at Kmart and Toys "R" Us, and a dining room manager position at Captain D's restaurant.

#1 Posted by bonniez on August 31, 2007 at 7:08 a.m. No criminal charges will be filed against Smith, according to school district records! And why not? What makes this any different than a child being abused by his or her parent? If this lady gets off without any charges then there is something drastically WRONG with the system. This lady does not deserve a slap of the wrist. She broke a students arm, that clearly is abuse. If this was a parent doing the same exact thing you can bet your behind that they would've been reported for child abuse and arrested on the spot! AP Police Arrest 6-Year-Old Girl

#2 Posted by jamoore1 on August 31, 2007 at 2:30 p.m. This is not an isolated incident it's just the only one in the paper. Im a PSL parent and my child on the Autism Spectrum was brutally restrained & injured by a behavior analyst also. I have filed 3 police reports & unless you can prove "intent" they can do whatever they want to your child and not be held accountable.

Only On 9: 6-Year-Old Autistic Student Criminally Charged After Alleged Assault

9/23/2007 Brooksville, Ky

A six-year-old autistic boy has been charged criminally after an incident inside his school where he allegedly assaulted a teacher's aide. It's a story you saw first on 9News. The incident happened earlier this month at Taylor Elementary School in Brooksville, Ky., located in Bracken County. He is in kindergarten at Taylor Elementary, but 9News was told that due to his autism and other conditions, his mental capacity is the equivalent to a child half his age. But despite that condition and his age, it still hasn't stopped a school employee there from holding him accountable: criminally.

Whether it's playing outside with his parents, or coloring SpongeBob Squarepants pictures, Nathan Darnell isn't much different than other kids his age. But two things that do make him different from many other six-year-olds is his autism – and his criminal rap sheet. "We are not denying that he did what they are saying, but we are denying he is culpable," said Tony Darnell, Nathan's father. It was just last week when Nathan's teacher's aide, Glenda Schiltz, filed a juvenile fourth degree misdemeanor assault charge against him. "What human being with a heart would do that to a six-year old?", asked Cathy Darnell, Nathan's mother. "Seriously, who would do that? I know I wouldn't." According to the affidavit which 9 News obtained, Schiltz alleges that on September 5, Nathan grabbed her by the shirt, pulled her backwards and began punching and kicking her. "He admits to shoving her down, but he says he didn't pull her backwards," said Tony Darnell. "She is no small person, she can defend herself," said Cathy Darnell. So what does the school have to say about the matter? Superintendent of Bracken County Schools Tony Johnson would not appear on camera but did say in a statement, "I believe we followed proper procedures and I have full faith in my staff". Despite being autistic, Nathan is integrated with all kindergartners at Taylor Elementary. His parents believe Schiltz and other teachers there are ill-prepared to handle special needs students. His mother openly questions Schiltz's credentials. "[She believes] you need to take him behind the woodshed and teach him something," Cathy Darnell, said. "That is her mentality, beat it out of him." "Most of the time it [Nathan's behavior] is whining and screaming. I am sure that is hard on teachers and staff, but we find a way to deal with it," said Tony Darnell. On Wednesday the family went to the county courthouse, where an inquiry was held and it was decided the criminal case against Nathan will indeed move forward. It's likely then that Schiltz will have to be there. But until they get a chance to tell her personally, Nathan's family, in the meantime, does have something they want to say to her. "She is a cold-

hearted woman, that she has made every teacher look bad," said Cathy Darnell. Repeated attempts to contact Glenda Schiltz were unsuccessful. 9News also was in communication with several school board members and none wanted to comment on the matter. This is all heading to a proceeding scheduled for next week in which six-year-old Nathan will appear in juvenile court as a defendant.

Teacher charged with abusing student

September 7, 2007 By George Osgood

GALETON, PA -- A woman who taught special education at Northern Potter Children's School has been charged with repeatedly abusing a mentally retarded boy.

Heather Marie Spriggle, 38, of Ulysses, was charged by state Trooper James Yoder with a felony count of endangering the welfare of children, a misdemeanor count of simple assault and a summary count of harassment.

The charges were filed on July 25 and Spriggle's preliminary arraignment took place before Shinglehouse Magisterial District Judge Barbara Easton on Aug. 10.

State police released information on the case Thursday.

Easton set a preliminary hearing for Aug. 16. It has been delayed until Oct. 2 before Galeton Magisterial District Judge Delores Bristol.

Spriggle worked at Northern Potter Children's School, adjacent to Northern Potter High School in Bingham Township in northeastern Potter County.

But she was employed as a special education teacher by Seneca Highlands Intermediate Unit Nine, based in Coudersport. She has not taught in the Northern Potter school since the 2005-06 school year, Northern Potter Superintendent of Schools Scott Graham said. "She has been suspended," said Ron Mancina, special education supervisor for the intermediate unit. "She is not in the classroom." Mancina declined to comment further on the matter.

According to an affidavit of probable cause, the alleged abuses took place between Sept. 1, 2005, and May 30, 2006. The alleged victim during that period was 13 and 14 years old and had the mental ability of a 5-year-old.

A classroom aide, Crystal Hepfner, told police she had seen Spriggle "grab the victim by his shirt, pick him up and throw him into a wooden shelf ... bend the victim's finger to the point he screamed and she heard a popping sound.

"She advised that on another occasion, Spriggle took (the victim) out into the hall and when they returned to the classroom (the victim) was upset," according to the affidavit.

"(Hepfner) pulled up the victim's shirt and observed red marks she believes were pinch

marks. She advised that she observed Spriggle slam (the victim) into a cubbyhole area, pinch and twist his side, pinch and twist the skin on his arm and bend his fingers."

Another aide, Jeannette Barker, told police she saw Spriggle "bend fingers, twist arms, pull hair, pinch and verbally abuse the victim."

Group wants to limit restraint and Seclusion in Public Schools

By Barbara Hollingsworth 2/14/2007

Kristine Stagis carried a framed picture of her 5-year-old son, who has autism, with her to the Kansas State Board of Education meeting Tuesday.

Last year, she said she went to school to find him in a seclusion room, kicking and hollering to be let out.

"The school broke my trust and wounded my son's spirit," the Overbrook woman said.

Parents like Stagis as well as foster parents and advocates for children with disabilities packed the state board meeting for an hour and a half Tuesday to push for regulations that would set standards for the use of seclusion rooms and physical restraint in schools. The state board could take action as early as today.

Proponents of the regulations said seclusion and restraint are overused and outdated. The practices can actually contribute to problems with children, especially those who have experienced abuse, they said.

"The children this affects are some of the most fragile children in the school world," said Jane Adams, director of Keys for Networking Inc.

The regulations would limit the use of seclusion rooms - prohibiting their use for discipline, punishment or staff convenience. They also lay out a minimum size and other standards for such rooms. Physical restraint would be limited to times when a child poses an imminent risk of hurting himself or others.

A few people, representing schools, asked instead that the state approve the standards as guidelines rather than regulations. Regulations would carry the weight of law.

Tom Krebs, of the Kansas Association of School Boards, said schools are concerned that implementing regulations rather than guidelines would increase paperwork in a field that is already flooded with such work. He also cited the cost of meeting requirements for seclusion rooms and extra meetings as other concerns, saying regulations could become an educational hindrance.

But proponents of regulatory change - who made up most of the 31 speakers - were adamant that guidelines alone wouldn't do enough to create change.

"It is easier to avoid a negative outcome than repair it," Stagis said.

http://findarticles.com/p/articles/mi_qn4179/is_20070214/ai_n18627809

Bus Aide Accused of Hitting Special Needs Child

By TERESA LANE Palm Beach Post Staff Writer Friday, September 28, 2007

PORT ST. LUCIE — A public school bus aide was arrested on a charge of felony child abuse today after a video onboard the bus shows the woman swatting at a mentally handicapped child and roughly pulling him up by his arm. Belinda "Gail" Daniels, 45, of the St. Lucie County School District was removed from bus duty after the Sept. 12 incident and denied hitting the passive 7-year-old boy. An on-board video shows Daniels becoming frustrated after seeing the boy had dropped his book bag in the floor. She asks loudly, "Boy, what did you do? Get in that seat," before swatting her hand in his direction and pulling him up from the floor by his left arm. Police declined to name the school.

School's use of 'timeout rooms' prompts complaint

October 31, 2007

Leon County Florida School District's use of seclusion or "timeout" rooms has prompted a formal complaint to the state by the Advocacy Center for Persons with Disabilities.

A former Tallahassee parent sought out the agency after her 7-year-old child, who has learning disabilities, was put in a closed-door, timeout room at Chaires Elementary School

about six times at the beginning of the school year. The child was put in the room for behaviors like "pouting" and "walking inappropriately," the agency said.

But Ward Spisso, director of exceptional-student education, said the district has been using timeout rooms for more than 20 years. Besides Chaires, Sealey, Oakridge, Roberts and Springwood elementaries have timeout rooms.

Spisso said he doesn't feel the complaint is warranted.

"We feel very comfortable in our methodologies that we use in classrooms that have students with behavioral difficulties," Spisso said.

Chaires Principal Christi Moss said her school has three rooms, and this is the first time the school has received a complaint. Moss said, "We have to get their behavior under control so we can help them with their academics."

A child is not automatically put in a timeout room, according to the district. When the child misbehaves, he or she is given a chair timeout, then an open-door timeout if it continues. The closed-door timeout is given after several infractions.

The complaint was submitted to the Department of Education two weeks ago, said attorney Bob Jacobs, who is representing the parent for the advocacy group.

"My (child) is beginning to have a severe phobia about being in a room with the door closed," the mother wrote in her complaint. "She will not close the bathroom door at home when she uses the bathroom. . . . She is expressing that she does not want to go to school because 'they will put me in that room.'"

The report said the child came from an out-of-state school district that didn't use timeout rooms and did well. The mother has since taken the child out of the Leon district and placed her in another school system.

Jacobs said the timeout rooms are too severe a punishment for children with disabilities who commit minor infractions.

"I don't think our schools need locked seclusion rooms," Jacobs said. "I think it is inconsistent with humane and appropriate education with children with disabilities."

Spisso described the timeout rooms as "small-size rooms that have observation windows" and each room is controlled through a magnetic system. Although the rooms are not considered "locked," according to Spisso, a child cannot get out of the room unless an adult from the other side of the door opens it or the school's fire alarm automatically releases the lever.

Six-Year-Old Girl Escorted to the Highlands County Jail in Handcuffs

By Joe Seelig Published: March 31, 2007

AVON PARK Florida — A 6-year-old girl was in the custody of her mother Friday after the Avon Park Police Department escorted the girl in handcuffs from Avon Elementary School to the Highlands County Jail on charges relating to battery of a school employee. It was 10:59 a.m. Wednesday when police officer Tamara L. Neale reported she was called to 705 Winthrop St., on a call about a disruptive student. The child was upset and crying and wailing and would not leave the classroom to let the other students study, causing a disruption of the normal class activities, Neale noted in her report. Lisa Elder, who is an exceptional student education teacher, was called in to help remove the child from the classroom, at which time the child began to hit and kick her. "She had to be carried to the front office, at which time she continued to wail and cry and refused to communicate in any way or to calm down," Neale reported. Avon Elementary School Principal Pam Burnham said she could not talk about the specifics of the case, but could talk about generalities and school policies. Burnham said any time a student is in a crisis situation, the administration tries to get whoever they can – guidance counselors, administrators or in this case an exceptional student educator – to come into the room and get control back of the classroom. "The first thing you try to do is to talk them down and remove them from the room," Burnham said. "There are times when the situation continues to escalate. At the same time we're trying to call family members first. "According to the arrest report, a family member could not be reached. "The very last resort is to call law enforcement," Burnham said. "And the police don't just walk in here and take a child away. If the child can't be calmed down then they take it to the next step." And it usually has to last a long time, Burnham said. Every time a police officer comes to the school doesn't result in an arrest, she said. And there are lots of times when similar situations happen that police are not called. After continuing to struggle, the child was handcuffed to keep her from hitting, running away and from possibly hurting herself, according to the report. An additional officer, Allison Smith had to ride with the child in the back of the police car when she was taken to the police headquarters. She was charged with disruption of a school function, battery on a school employee and resisting a law enforcement officer without violence. The parent continued to be unreachable and the child was taken to the Highlands County Jail. A court date has been set, but the date is listed as confidential, according to the jail central records. A counselor from the school eventually tracked down a relative and the parent was contacted. Avon Park Police Chief Frank Mercurio could not be reached by press time for comment. A number provided for the parent was not in service.

Continued from the story above

6-year-old goes from classroom to jail - Her mother wants to know why

A mother asks: How did her daughter, who suffers from behavior problems, end up charged with a felony?

May 31, 2006 By Chris W. Colby

Takovia Allen is 6 years old. She's a special education student at her elementary school. And for about four hours several weeks ago, she was a juvenile jail inmate.

Her mother wants to know why.

Tamara Williams, 30, said Tuesday she wants to understand how the problem went that far, so far that Takovia is now charged with a felony. Her daughter suffers from behavioral problems and attends a special class at Lely Elementary. On May 2, before the teacher began trying to line up the students to go to music class, Takovia refused to go. According to the arrest report, the girl demonstrated that refusal by kicking Debra Dolan, the teacher's aide, in the right ankle and trying to trip her.

"Dolan had to use a chair to maintain her balance," according to the report, written by the arresting deputy, John R. Barraco. "Dolan had an abrasion and redness on the top of her ankle."

After discussion among the school dean and principal, the deputy and a detective, both of whom were called to the school to respond to the battery call, and a Collier County Sheriff's Office supervisor contacted by phone, 3-foot, 9-inch, 50-pound Takovia was to be arrested and charged with battery on a public education employee. That's a felony.

Williams was called and came down to the school, where she and the deputy led Takovia to the patrol car to be taken to juvenile jail. The girl was held there for about four hours, after which she was released to her mother's custody.

The State Attorney's Office won't comment on pending juvenile cases. So it's unclear how prosecutors will handle the case. It's possible Takovia will enter a diversion program, which would include counseling and ends with a dropped charge if she completes the terms of the program.

Collier County Public School officials declined to comment on behalf of the district, the school or Dolan, citing confidentiality regulations preventing officials from releasing information about individual students.

Williams is a School District employee herself, working with students at Naples High School who have behavioral problems in a program called ESE, for exceptional student education. It's the same kind of program Takovia attends at Lely. Hers is a class of six students ranging from kindergarten to second grade. "Being in that classroom, the teachers are aware of the students and their behaviors. The aides know too," Williams said.

Takovia has attention deficit hyperactivity disorder, in which children have difficulty paying attention and focusing on tasks. And she has trouble with authority figures if problems aren't handled a very specific way.

What started the conflict that led to the arrest involved another student and the teacher's aide's failure to follow Takovia's "behavior plan," Williams said. Each student in the ESE program has a plan for how to handle each student's behavioral quirks. In Takovia's case, she gets upset if a problem happens and isn't dealt with fairly, and immediately. And she doesn't like to feel threatened, Williams said. So when another student intentionally broke her pencil, and Dolan ignored that and insisted all the students line up for music class, Takovia was upset, Williams said. "She told the aide, who told her to line up, that she'd deal with it later. But she never dealt with it," Williams said. "Takovia ended up kicking her when she didn't resolve the problem."

Williams is unsure why the aide chose to press charges. Williams said the school officials would neither encourage nor discourage an employee from that. But, as Williams put it, a professional working in a class with behavior problems must come to expect just that from its students.

Williams said she was told the deputy arrested her daughter because she has a history of pushing the teacher's aide in the past.

"If that's true, why isn't there any documentation of that anywhere?" Williams asked.

Takovia also was suspended from school for a day. Her case remains pending in Collier County Circuit Court. While technically the felony can send the girl to juvenile prison or to a program, Williams said, she's been told the prosecutor will seek only counseling for the girl.

"She's a little traumatized by (the arrest)," Williams said. "It took her two weeks to go back to school. She was afraid to go."

Mom, Advocacy Agency Demand State Ban School Time-Out Rooms

**By Dave Reynolds, Inclusion Daily Express
November 6, 2007**

TALLAHASSEE, FLORIDA--Florida's Advocacy Center for Persons with Disabilities has joined a Leon County mother in an effort to get seclusion rooms banned for students with disabilities.

The protection and advocacy system and the mother, whose name has not been included in news accounts, have filed a complaint with the Florida Department of Education.

The mother claims that her 7-year-old daughter, who has learning disabilities, was placed in a locked "time-out" room at Chaires Elementary School several times within the first couple of days of the school year, for such things as "walking inappropriately" and "pouting".

The mother says she was worried because her daughter suddenly became too frightened to be left alone in the bathroom at home.

School officials defended the use of seclusion to change children's behavior. In fact, the school has three such rooms as "part of our overall behavior plan", Ward Spisso, the school's Director of Exceptional Student Education, told WCTV News.

Principal Christi Moss told the Tallahassee Democrat: "We have to get their behavior under control so we can help them with their academics."

District officials said there is a progression from a chair time-out, to an open door time-out, and then a closed door time-out -- in which the child cannot escape -- after continued misbehavior.

Parent feels intimidated by school board

By WINK News Sep 12, 2007

A Lee County parent claims she was threatened by a School Board member for speaking out against the treatment of her child.

Kellie Elders was clapping in support of a comment when board chair Jeanne Dozier got out of her seat, walked down the podium, called for security and threatened to throw out Elders and another parent sitting in the crowd.

"She said if you have one more outburst I'm going to have you taken out of here and then she had security officer speak to me I said do what you have to do, what are you going to do put me in a time out room," said Elders, who has been outspoken about the alleged mistreatment of her child.

Elders claims her 8-year-old daughter Caitlin was mistreated in a time out room at Pelican Elementary School.

After a WINK News investigation into the rooms, school board member Bob Chilmonik called for an independent investigation of the rooms.

At last night's meeting, Chilmonik was pushing further for an investigation, when Kellie Elders started clapping and Dozier threatened to throw her out of the room.

In response to what happened at last night's meeting, Dozier said, "I have a responsibility to keep everything calm and when someone is blurting out words and phrases I have to put a stop to it."

Board member Bob Chilmonik said other people were clapping before Elders during the meeting and Dozier targeted her because of what she had to say.

Elders said she feels intimidated and can see why other parents might be afraid to come forward.

"I'm there advocating for my child and when I can't there's a problem."

Cherry Hill Parents Outraged Over 'Quiet Room'

November 28, 2007

CHERRY HILL, N.J. - Outraged parents attended a school board meeting Tuesday evening to discuss the discovery of a padded 'quiet room' inside a Cherry Hill school last month.

Parents met with school officials to discuss the room during a public meeting at the Clara Barton School on Rhode Island Avenue in Cherry Hill.

The room was first disclosed during an October meeting where parents were apparently told the padded room may have been used for children with autism and behavioral problems.

Concerned parent Lisa Grams used her cell phone to snap photos of the small, windowless storage room which was lined with gym mats.

"It made me sick. It made me absolutely sick," said Grams.

Grams said she took photos and video of the room while visiting the school in October.

"I walked into the room and it stunk so bad; the air was just very old. The gym mat, it smelled like urine," Grams said.

She said special education students notified her that other students with autism and other behavioral issues may have been put in the 'quiet room' in order to calm down.

Grams' son, who is autistic, was never placed in the room, but it concerned for other students at the school.

"How dare this school system treat small children so disrespectful," an outraged parent said during Tuesday night's meeting.

Not all parents were outraged over the school's actions. A parent of a special needs student applauded the district's policies.

"This is a dedicated group of people here in our administration," the parent said.

A School District spokesperson told CBS 3 the room was only used once under supervision for a student in crisis and they had received prior parental consent.

The school also followed up with the family after the incident and received no complaints. School officials said the room has been dismantled and has not been used since.

Parent says teacher locked her child in closet 4 hours

June 13, 2007 Tennessee

A 12-year old boy spent four hours locked in a closet at school. His teacher admits to putting him there. Now, his parents want justice.

Suzy Hayden says the Shelby County school system and one of its teachers should be held accountable for locking her special needs son in a closet.

But it looks like that's not going to happen.

Jonathan Hayden came from school last Fall with some very disturbing news.

"I said how was your day. The teacher locked me in the closet all day and I said, 'what', I was shocked," says Suzy Hayden.

When his mother called BonLin Elementary school to alert the staff, the principal found Jonathan locked in a classroom closet.

Hayden adds, "and he had fecal matter all over him and she had to clean him up and she called me and told me."

Jonathan has a high functioning form of autism, he was placed in the county's short-term education or S.T.E.P. program.

Classrooms are supposed to have a time out area where troubled students can be safely monitored.

"How can you monitor if the door is locked and closed and he was in there for four hours at a time. And you never put a child in time out for more than five or ten minutes," explains Hayden.

A Department of Children Service's investigation revealed that Jonathan Hayden was a victim of child abuse.

But the Hayden's were notified last week that DCS dropped the case against teacher Sara Matz.

New information came to light and based on that DCS investigators and their attorneys agreed that they couldn't meet their burden of proof in the case so they elected to dismiss it.

"Bottom line is, Miss Matz did nothing wrong," says Matz's attorney Leslie Ballin.

The county school system is now paying for Jonathan Hayden to attend a private school in Columbia, Tennessee. But his mother was hoping the teacher who locked him in a closet would be held accountable.

"Because this means she could hurt other children or do this same thing and how many children has she done this to before," adds Hayden.

Sara Matz has not been charged with anything.

Hayden says she would like to pursue the case but it's tough to find an attorney who will help because legal experts say it's very difficult to prove abuse inside a school.

Teacher Charged With Abusing Five Severely Autistic Teenagers

Associated Press May 2007

SANFORD, Florida - Five severely autistic teenagers must testify against a teacher charged with abusing them, a judge has ruled.

Circuit Judge Clayton Simmons made the ruling at a pretrial hearing Thursday in the case against Kathleen Garrett. Trial is expected to begin next week against the 26-year veteran of Seminole County public schools charged with physically abusing the students, who ranged in age from 12 to 15.

Garrett was arrested in November 2004 on charges that she abused autistic students in her class at South Seminole Middle School in Casselberry, even chipping one boy's teeth by slamming his face into a desk.

Other allegations include beating children, humiliating them, pushing one's face into vomit and disciplining some behind closed bathroom doors, where screaming and sounds of furniture banging around could be heard.

Defense attorney Thomas Egan argued that it is vital for jurors to see the kind of students Garrett supervised.

"One of these kids actually eats his feces," Egan said. "I think the world will see volumes when they see these children."

Assistant State Attorney Donna Goerner said the courtroom setting might traumatize the students and whatever they say cannot be trusted because they are not mentally competent.

The judge said the charges against Garrett are serious and she is entitled to a full defense. If the students wander off or walk out of the courtroom, the judge said, he would not require deputies to retrieve them.

Garrett, 50, rejected a plea deal this week that would have placed her on five years' probation and required her to surrender her teaching certificate.

If convicted, she faces a possible sentence of 75 years in prison.

Parents Tell Schools, "Don't Touch My Child"

Thursday, May 3, 2007

Twice this week parents met with me about inappropriate discipline of their children at school. The schools were using physical restraint and confinement. Because of previous life experiences, the children already suffered from [post traumatic stress disorder](#) and other [serious emotional disturbances](#).

When the children physically resisted being manhandled and confined the schools called police. The parents were concerned about losing their children in [juvenile court](#). One of the children, who had been [adopted](#) from Eastern Europe, panicked, fought or ran whenever police appeared.

Interestingly, the children were not problematic outside the school setting. They still exhibited the same behaviors that caused concern for the school. However, their parents and other caring adults had learned how to redirect their behavior without physical restraint.

Both parents used the techniques recommended by Ross W. Greene in his books [Treating Explosive Kids: The Collaborative Problem-Solving Approach](#) and [The Explosive Child: A New Approach for Understanding and Parenting Easily Frustrated, Chronically Inflexible Children](#). They were frustrated that the schools refused to consider those approaches as an alternative to physical restraint.

We are helping these children by demanding that the schools perform a Functional Behavioral Assessment. If the school's Functional Behavioral Assessment is inadequate, we might demand an Independent Educational Evaluation at public expense. Based on these assessments and evaluations, we will devise a Behavioral Intervention Plan that will become a part of the Individual Education Plan for these children.

The parents of these children were wise to deal with the issue proactively. By using the provisions of the Ind. with Disabilities Education Act we can prevent inappropriate physical abuse and court involvement.

School of Shock

Eight states are sending autistic, mentally retarded, and emotionally troubled kids to a facility that punishes them with painful electric shocks. How many times do you have to zap a child before it's torture?

August 20, 2007 By Jennifer Gonnerman

Rob Santana awoke terrified. He'd had that dream again, the one where silver wires ran under his shirt and into his pants, connecting to electrodes attached to his limbs and torso. Adults armed with surveillance cameras and remote-control activators watched his every move. One press of a button, and there was no telling where the shock would hit—his arm or leg or, worse, his stomach. All Rob knew was that the pain would be intense.

Every time he woke from this dream, it took him a few moments to remember that he was in his own bed, that there weren't electrodes locked to his skin, that he wasn't about to be shocked. It was no mystery where this recurring nightmare came from—not *A Clockwork Orange* or *1984*, but the years he spent confined in America's most controversial "behavior modification" facility.

In 1999, when Rob was 13, his parents sent him to the Judge Rotenberg Educational Center, located in Canton, Massachusetts, 20 miles outside Boston. The facility, which calls itself a "special needs school," takes in all kinds of troubled kids—severely autistic, mentally retarded, schizophrenic, bipolar, emotionally disturbed—and attempts to change their behavior with a complex system of rewards and punishments, including painful electric shocks to the torso and limbs. Of the 234 current residents, about half are wired to receive shocks, including some as young as nine or ten. Nearly 60 percent come from New York, a quarter from Massachusetts, the rest from six other states and Washington, D.C. The Rotenberg Center, which has 900 employees and annual revenues exceeding \$56 million, charges \$220,000 a year for each student. States and school districts pick up the tab.

The Rotenberg Center is the only facility in the country that disciplines students by shocking them, a form of punishment not inflicted on serial killers or child molesters or any of the 2.2 million inmates now incarcerated in U.S. jails and prisons. Over its 36-year history, six children have died in its care, prompting numerous lawsuits and government investigations. Last year, New York state investigators filed a blistering report that made the place sound like a high school version of Abu Ghraib. Yet the program continues to thrive—in large part because no one except desperate parents, and a few state legislators, seems to care about what happens to the hundreds of kids who pass through its gates.

In Rob Santana's case, he freely admits he was an out-of-control kid with "serious behavioral problems." At birth he was abandoned at the hospital, traces of cocaine, heroin, and alcohol in his body. A middle-class couple adopted him out of foster care when he was

11 months old, but his troubles continued. He started fires; he got kicked out of preschool for opening the back door of a moving school bus; when he was six, he cut himself with a razor. His mother took him to specialists, who diagnosed him with a slew of psychiatric problems: attention-deficit/hyperactivity disorder, post-traumatic stress disorder, bipolar disorder, and obsessive-compulsive disorder.

Rob was at the Rotenberg Center for about three and a half years. From the start, he cursed, hollered, fought with employees. Eventually the staff obtained permission from his mother and a Massachusetts probate court to use electric shock. Rob was forced to wear a backpack containing five two-pound, battery-operated devices, each connected to an electrode attached to his skin. "I felt humiliated," he says. "You have a bunch of wires coming out of your shirt and pants." Rob remained hooked up to the apparatus 24 hours a day. He wore it while jogging on the treadmill and playing basketball, though it wasn't easy to sink a jump shot with a 10-pound backpack on. When he showered, a staff member would remove his electrodes, all except the one on his arm, which he had to hold outside the shower to keep it dry. At night, Rob slept with the backpack next to him, under the gaze of a surveillance camera.

Employees shocked him for aggressive behavior, he says, but also for minor misdeeds, like yelling or cursing. Each shock lasts two seconds. "It hurts like hell," Rob says. (The school's staff claim it is no more painful than a bee sting; when I tried the shock, it felt like a horde of wasps attacking me all at once. Two seconds never felt so long.) On several occasions, Rob was tied facedown to a four-point restraint board and shocked over and over again by a person he couldn't see. The constant threat of being zapped did persuade him to act less aggressively, but at a high cost. "I thought of killing myself a few times," he says.

Rob's mother Jo-Anne deLeon had sent him to the Rotenberg Center at the suggestion of the special-ed committee at his school district in upstate New York, which, she says, told her that the program had everything Rob needed. She believed he would receive regular psychiatric counseling—though the school does not provide this.

As the months passed, Rob's mother became increasingly unhappy. "My whole dispute with them was, 'When is he going to get [psychiatric treatment](#)?' " she says. "I think they had to get to the root of his problems—like why was he so angry? Why was he so destructive? I really think they needed to go in his head somehow and figure this out." She didn't think the shocks were helping, and in 2002 she sent a furious fax demanding that Rob's electrodes be removed before she came up for Parents' Day. She says she got a call the next day from the executive director, Matthew Israel, who told her, "You don't want to stick with our treatment plan? Pick him up." (Israel says he doesn't remember this conversation, but adds, "If a parent doesn't want the use of the skin shock and wants psychiatric treatment, this isn't the right program for them.")

Rob's mother is not the only parent angry at the Rotenberg Center. Last year, Evelyn Nicholson [sued](#) the facility after her 17-year-old son Antwone was shocked 79 times in 18 months. Nicholson says she decided to take action after Antwone called home and told her,

"Mommy, you don't love me anymore because you let them hurt me so bad." Rob and Antwone don't know each other (Rob left the facility before Antwone arrived), but in some ways their stories are similar. Antwone's birth mother was a drug addict; he was burned on an electric hot plate as an infant. Evelyn took him in as a foster child and later adopted him. The lawsuit she filed against the Rotenberg Center set off a chain of events: investigations by multiple government agencies, emotional public hearings, scrutiny by the media. Legislation to restrict or ban the use of electric shocks in such facilities has been introduced in two state legislatures. Yet not much has changed.

Rob has paid little attention to the public debate over his alma mater, though he visits its website occasionally to see which of the kids he knew are still there. After he left the center he moved back in with his parents. At first glance, he seems like any other 21-year-old: baggy Rocawear jeans, black T-shirt, powder-blue Nikes. But when asked to recount his years at the Rotenberg Center, he speaks for nearly two hours in astonishing detail, recalling names and specific events from seven or eight years earlier. When he describes his recurring nightmares, he raises both arms and rubs his forehead with his palms.

Despite spending more than three years at this behavior-modification facility, Rob still has problems controlling his behavior. In 2005, he was arrested for attempted assault and sent to jail. (This year he was arrested again, for drugs and assault.) Being locked up has given him plenty of time to reflect on his childhood, and he has gained a new perspective on the Rotenberg Center. "It's worse than jail," he told me. "That place is the worst place on earth."

In Seclusion

<http://www.emporiagazette.com/news/2007/apr/06/seclusion/>

By [Scott Rochat](#) Friday, April 6, 2007

It's not unusual for a special-needs child to spend 5 minutes in time-out, or even 15. But Kecia Frevert thought that an hour and a half was excessive.

She still has the list that she started to keep last fall and into this year. In one month, she said, her 7-year-old son Ben was sent to time-out 33 times. Sometimes it might be just a few minutes. Sometimes it might be 90 minutes at a stretch. At one point, Frevert said, Ben was spending between one and five hours a day in "seclusion" from his regular classroom at the Connections program in Logan Avenue Elementary School.

"Ben is a very difficult child," acknowledged Frevert, whose son has Asperger's syndrome, an autism-related condition that can result in children who are bright and talkative, but emotionally immature and ignorant of social cues. "He's challenging. It's hard to work

with him. ... But that doesn't mean you lock him into a room until he complies. And if you've established that it doesn't work, what do you do?"

"It has improved in the last month," she said. "They have started to be more receptive to his needs, I feel — his number of time-outs has gone down. But why did it take until this point in the school year for them to decide?"

The issue is one that's been discussed statewide — just when can or should a school district use "seclusion and restraint" in dealing with special-education students? The phrase refers to policies that allow a teacher to separate a student from the rest of the class for disciplinary reasons, or in some cases, to physically restrain them.

After several parents from across Kansas complained that the policies were overused, the Kansas State Board of Education laid down some guidelines this year. Among the most important are that restraint should only be used to avoid immediate physical harm and that seclusion should only be used if a parent has already given teachers permission, or if it's necessary to maintain a safe classroom.

Elizabeth McCoy, the director of the Flint Hills Special Education Co-op, called the new guidelines common sense. "What is important is to get the student into the learning environment again ... and remove them as little as possible," she said.

Time to calm down

Even with the state guidelines, the co-op doesn't really have one big policy on seclusion. Instead, it has a lot of little ones. Disabled students typically follow an individualized education plan, or IEP, that defines what the student will try to learn, how the school will go about doing it — and also, where necessary, what sort of disciplinary measures can be used.

Parents, teachers and the principal are part of making that plan, along with any other people needed, such as personnel from the Mental Health Center. Across seven districts, the co-op keeps up about 1,500 IEPs.

"I guarantee you, every single one of them is different," McCoy said. "It's based on the student and it changes from year to year, and sometimes month to month, depending on what we need to be working on."

Time-outs are often included in a plan as a way of de-escalating a disruptive situation. Most of the time, a student will be taken out of the classroom and into a seclusion room, to wait there until he or she is under control again. Sometimes, McCoy said, it can be the other way around — the rest of the class may leave the room, turning the classroom into one big seclusion room.

Some time-outs can even happen at a student's request.

“One thing we try to teach our students is to become proactive in their behavior,” McCoy said. “If they know they’re going to be upset, they can say ‘I think I need to go to my safe place.’”

Five to 15 minutes is a pretty typical time-out period, she said.

And if the periods get longer, or more frequent?

“I think we’d need to look at different interventions,” McCoy said. “Absolutely.”

Unrestrained

That’s what other Kansas parents asked for in state hearings last February — something different. One mother from Overbrook talked about arriving at school to find her 5-year-old son hammering at the door of the seclusion room, screaming to be let out. Others talked about children who had been rolled up in gym mats or had their arms duct-taped.

At those hearings, Frevert testified that her son had been placed in seclusion for 90 minutes after not completing one page of a 10-page homework assignment. On another day, she said, Ben had an unusually rough morning because he hadn’t taken his medicine. When she brought it, she said, she found he was serving his second time-out, an in-school suspension for the rest of the day.

“The school will tell you that they monitor the room so that it’s a safe environment,” she told the board Feb. 13. “A few months back my son was in for his normal stay in seclusion. He was bored in a carpeted room with nothing to look at, listen to, do. He took off his shoes and was throwing them up at the ceiling. Two ceiling tiles fell down and broke. ... If he were properly monitored, should this have been happening?”

Her husband Tim Frevert told the state board it was a “cookie cutter” approach that didn’t work for every child. “Placing my autistic spectrum child in seclusion only increases his behaviors,” he said at the hearings. “...This is not a least restrictive environment place. This is punitive.”

The parents asked the state board for strict regulations on seclusion and restraint. The board adopted guidelines instead — but said they could become regulations if more complaints came forward.

Talking it out

McCoy said she couldn’t discuss individual cases such as Ben’s. In general, she said, if a parent feels their child isn’t being handled properly, they should bring it up with the teacher and the IEP team, as many times as it takes.

“Unfortunately, there’s sometimes miscommunication or a lack of communication between parents and teachers,” she said. “Parents can at any time call for an IEP meeting if they’ve got concerns. ... Usually we can resolve the issues.”

In other words talk and talk and talk again, if necessary. Kecia Frevert did just that. At first, she said, it didn’t seem to go anywhere. But lately, things seem to be getting back on track at last.

“There’s been a dramatic decrease,” she said, referring to Ben’s time-outs.

Coincidentally, the co-op is also working on creating an autism task force. That’s another good sign, Frevert said. Anything that improves understanding by the schools or the parents can only help.

“As a group, we’re very willing to work with the schools,” she said. “We all need to work together.”

Wednesday, August 29, 2007

Autism, Bricks and Common Sense

I admit I do not understand the thinking of some alleged "educators".

A video recently showed an autistic girl in Iowa locked in a time out room for 3 hours even after she had wet herself and even after she tried to comply with the rules. Now comes a report, in [the News-Press](#), of an 8 year old autistic girl who, according to her parents, was manhandled by educators in a [Lee County Florida](#) school and placed in a BRICK WALLED time out room where, *surprise, surprise* she hurt herself by banging her head on the brick wall. These are still only allegations and the school district is conducting an investigation. On a positive note one [Lee County](#) school board member faced up to his responsibilities by motioning, albeit unsuccessfully, for the independent investigation and stating publicly the need to train personnel who work with autistic children.

[Caitlyn Elders](#), an 8-year-old with autism, was placed in a brick-walled time-out room and manhandled several times by staff at Pelican and Trafalgar elementary schools, her parents told the Lee County School Board Tuesday evening. [Kellie Elders](#), held up photographs of her daughter's bruised forehead for board members, district staff and media members to see. She said Caitlyn sustained those bruises after she banged her head against the brick wall, an action that is not unknown for children with autism who feel distressed.

Body sox used for restraint against Florida 4-year-olds

Posted Dec 14th 2006

School officials in Florida are using a highly unusual -- and now controversial -- method to calm students that are upset. It's called a "body sock," and a teacher in Pinellas County has reportedly been using them to restrain unruly students. According to the device's website, "body sox" are designed to help kids "explore three-dimensional space," but in practice they are being used for therapy, and in some cases, punishment. The device is made of a cloth-like material and zips closed, completely enveloping the child inside. One 4-year-old boy was placed in the sack, while crying, after he had been given verbal warnings to behave. His father thinks the teacher was wrong to place him in the device as a form of punishment. "I don't like it at all," said Patrick Holt, the boy's father. "I don't think it should be used on anybody." His son was the only one who the teacher reported using the device that day in that class. The school board has opened an investigation, and it did publicly confirm that body sox are approved for use in classrooms but shouldn't be considered restraining devices. "It has been used in some of our exceptional student educational classrooms as a very calming therapeutic and well received type of strategy to calm students down," school board Director of Communications Andrea Zahn said.

Parent Says Principal Covered Up Child Abuse Allegations

November 10, 2006

<http://www.wftv.com/news/10286428/detail.html>

ST. CLOUD, Fla. -- More parents are coming forward with concerns about their children's safety at school after their teacher was arrested. Lucy Baldwin is accused of abusing an 11-year-old autistic student at Michigan Avenue Elementary.

Parents, whose kids had Baldwin as a teacher, are furious over the way they learned of her arrest. In fact, one couple Eyewitness News spoke to said the school principal flat out lied when asked if Baldwin was facing abuse allegations.

"I don't understand how something like that can be happening and we wonder how safe are our kids in this classroom where something like this took place," said parent Felix Rosa.

Rosa said he was shocked by allegations that his son's teacher was manhandling a special ed student at Michigan Avenue Elementary. He said his son came home mysteriously injured one day in March and now he doesn't believe that the injuries were caused by the child falling from a toilet.

"That's what makes it worse, is that we don't know. They can say that he hit his head on the wall, but at this point, we believe he was probably hit in school, too," Rosa said.

Special ed teacher Lucy Baldwin turned herself into St. Cloud police after being accused of child abuse.

The incident she was charged for allegedly happened the day before Halloween. A witness described Baldwin wrestling with a child who would not move from a chair to the floor. Police said the victim has autism and Downs syndrome.

"They were struggling on the floor. The witness teacher said it could have lasted up to 15 minutes. The suspect teacher was on top of the kid," said Det. Shalyn Somers, St. Cloud Police Department.

After the struggle, the boy was said to have bruises and abrasions on his neck, arms and torso. The Rosa family believes the principal at the school lied when directly questioned about the latest allegations.

"When my wife asked about the situation, she just covered the whole thing, saying everything was fine, that it was not child abuse. The next day the teacher was arrested for child abuse," Rosa said. "We found out because of you guys on the news."

The Rosas said, with just six kids in her class, the least the school could have done is give them a phone call explaining what had happened.

School district offices were closed Friday because of a holiday, along with the school, so Eyewitness News was unable to get a comment from them.

Time out space - Time out box

Autism Vox - June 20, 2006

The "timeout space"—timeout box, as some Olympia School District parents call it—has become the "symbol of what they see as the need for change," according to an article in today's Olympian WA. "If my daughter were ever put in this, I can't even imagine how she'd react" said Andryea Grazier, whose autistic daughter attends Olympia High School.

Kelley McGearey, whose autistic son Corbin was placed in the "timeout box" and was left not only with bruises but also a lasting fear of school, notes that "The box, that's setting up a lifetime of failure for these kids." McGearey is now homeschooling Corbin this year after a "lengthy battle with district officials."

Linda Ritter, parent of an elementary-school-age child, shared her statement regarding the Olympia School District's autism program in a [comment on Autism Vox](#). She says: "It's just unthinkable for me. It's just wrong. It's not appropriate treatment of autistic children." Not appropriate, and not good teaching etiher.

FLORIDA Parent Says School Misuses its Timeout Room

Abhi Raghunathan, St. Petersburg Times

October 13, 2005

The punishment is considered so harsh the state urges it be used only as a last resort. It's called "secured seclusion" and allows teachers to confine children, many of whom suffer from severe emotional problems, in tiny, sealed rooms. Just one school in Hernando County currently uses a timeout room for isolating troubled kids. The small space at Deltona Elementary can be shut with an electromagnetic lock. The room is now at the center of a state inquiry into the school's exceptional student education program, which provides for the instruction of kids with learning disabilities. The inquiry was prompted by the complaints of Christine Trueman, 32, who says she has pleaded with instructors at Deltona for at least five years not to put her son, now 9, in the timeout room. She told them he is autistic and suffers seizures. Last month, Trueman said, her son once banged his head on the walls of the timeout room for 28 minutes. But, Trueman says, the instructors keep locking him in the room. She says they do it without her consent, which state guidelines require. And she says they do it for minor infractions, like when he doesn't do his math work. In emergency incident reports, school officials wrote that Trueman's son didn't follow instructions and pushed chairs and tables. When she has complained to school and district officials, Trueman says, they have told her teachers can use the timeout room without her consent. So she recently filed a formal complaint with the state Department of Education, which has begun the inquiry. State education officials said they normally open inquiries into complaints that cannot be resolved right away. "With my son's medical condition, he's not supposed to be in there," Trueman said. "But he's always in there." While the state allows districts to establish procedures on how to use timeout rooms, it issued a set of guidelines to oversee the practice in a 1992 technical assistance paper. A Department of Education spokeswoman said those guidelines remain in effect. The guidelines call for secured seclusion to be used only when other measures to discipline a child have failed. The guidelines also call for parental consent, and say the practice should be used only in drastic cases, such as "to prevent acute self-mutilative behavior" or "in an emergency when student shows evidence that he or she may injure others." "Parental notification is essential," the guidelines say. "Before secured seclusion can be used with a student, the school should have on file a permission slip signed and dated by the parent/guardian; this should be updated annually." Deltona principal Beverly Chapin said she could not comment, but stood by the school's teachers. Deltona is one of the district's "center schools" for ESE, a designation that signifies it has the resources and staff to deal with learning-disabled kids. About 30 percent of the school's 1,033 students are classified as ESE. "We just have an excellent ESE program. I really do believe that," Chapin said. "We do follow the district's safety procedures." Weber said the timeout room at Deltona meets all state construction requirements, which specify the room be at least 40 square feet and have a window so instructors can observe the kids they put inside. State rules also require the electromagnetic locks on timeout rooms to engage only when an instructor stands at the door and pushes a button or other device. The construction rules force instructors to make sure the kids don't hurt themselves while isolated. But the behavioral problems that force teachers to lock some troubled children in sealed rooms also make the punishment especially hard on kids like Trueman's son. Her son, whom the Times is not naming because he is a minor, often comes home with soiled clothes. Even though he's in the fourth grade, he is still academically at a second-grade level, Trueman said. The boy also suffers from autism, a neurological disability that impairs social interaction and communication skills, according to the Autism Society of America. He has

other physical problems as well: Trueman has given school officials notes from her son's doctor, who asked them to monitor her son's heart rate during times of stress. "Also, this patient has a seizure disorder. Please do not allow him to bang his head on a wall," Dr. Russell T. Bain wrote in a Sept. 27 note. Timeout rooms can help emotionally troubled kids who are clamoring for attention, for example, by giving them a quiet sanctuary. Some school districts say the rooms can provide a valuable way for teachers to control classrooms. Pasco schools have 13 secured seclusion rooms. Scott Larson, an exceptional student education supervisor in Pasco County, said the rooms allow children to take a break so they can return to learning with their classmates. "They have a safe place," he said. "Sometimes when they have time to think about what they're doing ... kids can get quiet." In recent years, however, many schools have abandoned the practice, believing it does little to change a student's behavior or teach other lessons. Lise Fox, a University of South Florida professor in the department of child and family studies, said research has produced far better alternatives. Fox said schools now try to identify the factors in a curriculum or school environment that cause emotionally troubled students to misbehave. Then, she said, schools change those factors so kids can behave and participate in class rather than being confined in isolation. "You should try to understand (why) a child is behaving in such a manner, and figure out a plan," Fox said. But Trueman says Deltona officials have failed to do that. Instead of making changes to her son's curriculum, she said, district officials are resorting to the timeout room, which she says should never be used because she has refused to give her consent for him to be put in such a room. Trueman has asked, for example, for her son to learn on a computer rather than filling out handouts. She said teachers just don't respond to such requests. Trueman has complained about her son's treatment before, and gotten results. Trueman, who lives in Spring Hill, knows how difficult it is for teachers to educate kids with severe emotional problems. But she's tired of watching her son regress academically, of watching him come home with bruises, or soiled clothes, or little new knowledge, and of knowing he spends a chunk of many school days locked in the secured seclusion room. "It's been the same problems for years," she said. "They keep giving me the runaround."

Shaken and Stirred

Auditi Guha, September 23, 2005

Jamaica Plain parents charge that a special education teacher at the Mary Lyon School in Brighton used a illegal, improper and possibly fatal basket-hold restraint on their 5-year-old daughter last year.

After a year of pleading with school, city and state officials and trying to get her transferred to another school, the two parents began home-schooling their special needs daughter this month.

The school, and Boston Public Schools officials, refused to speak on the allegation except to deny that the incident occurred.

They were not told the Lyon used restraints, Grushkin said, until he witnessed it himself. He said he saw it first after dropping in on the school to check on her in class last spring.

It was an hour before school was out. Anaya was not only relieved to see him, she wanted to go home with him.

"I told her she had another hour, but she kept fussing," Grushkin said.

Anaya showed signs of anxiety by talking aloud and going round and round in a circle, he said. He tried to calm her down, but "the teacher came and asked me to leave, saying she would take care of it."

Grushkin said the teacher used a basket-hold restraint on the 5-year-old. The instructor crossed the girl's arms about her and held her from behind, working like a straitjacket. The teacher then pushed her down, Grushkin said.

He was alarmed, but did not know much about it and said the teacher told him to trust her and said she knew what she was doing.

Palumbo said the school denied this incident ever happened. "The accusation is absolutely false," he said.

On restraint

State law prohibits the use of restraint as a disciplinary measure and allows restraints to be used only when students pose a serious threat to themselves or others, after other less intrusive alternatives have failed, according to the Department of Education Web site.

"Students turning over desks or throwing papers or even throwing a chair" isn't enough, said Tim Sindelar, an attorney specializing in child disability law recently told the Boston Herald.

Restraining children with Asperger's syndrome or other forms of autism may even cause more harm than good, Sindelar said.

"Most schools have found much better intervention techniques than restraint," said Mary Cerreto, associate professor of family medicine and director of the Center on Self-Determination and Health at Boston University Medical Center.

"Restraint doesn't do anything but stop an immediate situation," Cerreto said. "It does not teach the child what it is that she should do correctly. It does not prevent future occurrences of the behavior. Restraint, even when applied by trained professionals, can be lethal."

Experts also say that the basket-hold can be extremely dangerous unless a person has been trained in its use. Several children have died from the improper use of such restraints,

according to assorted news reports and information from organizations like the Citizens Commission on Human Rights.

Grushkin said his daughter never had behavior problems before she attended the school and enjoyed preschool and summer camps earlier.

After a semester at Mary Lyon, she became increasingly reluctant to go to school, often cried while at school and started having frequent nightmares.

In December, she had an accident in the bathroom at school. Hypersensitive to soiled or wet clothes, Anaya began to scream hysterically asking to be changed. Her teachers made her wait so that she learn the consequences of her action, which only made matters worse for a child on the autism spectrum, the parents said.

Grushkin learned this when two of Anaya's classmates asked why she screams in class, when he visited one day. Upset about the way Anaya was behaving and being treated in the classroom, he said he approached the principal. He said Rooney said they would look into it and told him he had no right soliciting information from other children, he said.

Anxiety skyrockets

By April, Anaya's anxiety levels increased, according to her family. She was taking hours to fall asleep and was having nightmares that were keeping her and her parents up all night.

"She said she was being held down by giant sunflowers and being stung by bees - they were horrible, horrible dreams," Grushkin said. "She turned into a really frightened girl. My daughter wasn't socializing earlier and had problems, but she used to be a happy child."

After visits to counselors and psychologists, Anaya's parents were worried that her experiences at school were frightening her further and even causing her to regress from the progress she had made.

"The therapist said it sounded like post-traumatic stress syndrome," said Loeffler.

Grushkin and Loeffler allege there are other parents who have similarly suffered at the school who are too scared to speak out.

Autistic child's parents concerned over 3-hour school time-out

12/07/2005

Parents of an 8-year-old autistic girl, who attended a Waukee elementary school, want changes made in time-out policies after their daughter was shut in an empty room for three hours.

Doug and Eva Loeffler said they were shocked after viewing a videotape of their daughter, Isabel, who had wet her pants and was struggling to obey the rules so she would be freed from isolation.

"It was more than shock. It was pure mortification," her father later testified during a legal proceeding. "We saw her hitting herself in the head. We saw her just looking like a wild animal, essentially, for well over an hour, someone who had just lost all control of herself and all hope."

Teachers watched Isabel continuously through a window. They said she had been placed her in the room because she didn't want to complete a reading assignment.

The Loefflers immediately pulled Isabel out of school and called a lawyer. A resulting action against the school led to a 10-day hearing on whether the school district failed to provide Isabel with a proper public education. An administrative law judge ruled in favor of the Loefflers earlier this year. The judge's ruling would have forced the district to educate Isabel differently, but Doug Loeffler recently left his job as an investment consultant with Principal Financial Group and moved his family to California.

As a result, Waukee is not bound to change the way it uses time-out rooms. Because it was an administrative hearing, the Loefflers cannot seek damages, although they could seek reimbursement for their \$80,000 in legal fees. They also have the right to sue for damages in civil court.

There was no penalty for the school district.

Isabel's experience in Waukee has left her unable to tackle a full day of school, her father said.

This fall, Eva Loeffler will homeschool Isabel, now 10, and she'll go to school for short sessions.

Isabel's parents hope to gradually add hours as she becomes comfortable with the staff and the environment.

The Waukee district and the Heartland Area Education Agency, which helped prepare the learning plan for Isabel, are adamant that they did nothing wrong and are appealing the decision.

That ruling against the school sparked attention from advocates in the autism field who hope it will curb the use of seclusion and restraint.

The Iowa Department of Education offers guidelines for time-outs, but schools are not required to follow the suggestions. The Loefflers hope the department will use its rule-making powers to create legally required time limits on restraint and seclusion.

The Lefflers believe, as do some experts, that time-out rooms can be effective for children with aggressive behavior, but as a last resort and for short periods to calm a child. Such measures should not serve as punishment for not completing a task.

"We are not opposing time-outs as a concept in and of itself," the Loefflers' lawyer, Curt Sytsma, said during the administrative law hearing in the winter of 2006. "We are no more opposing them than we oppose salt in a recipe, but if you add a whole cup of salt, it's an entirely different matter."

School records used as evidence in the hearing show Isabel was aggressive at times - she kicked, spit at, hit students and teachers, jumped on tables, and overturned desks.

But the Loefflers argued that Isabel's disruptive behavior was triggered and worsened because educators used restraints and seclusion to an extreme. Records show Isabel was in time-out for 100 sessions between September and December 2005, for as many as five sessions in a single school day, and sometimes for an hour or more.

The educators believed they were working cooperatively with the Loefflers to provide an appropriate education for Isabel in the least restrictive environment appropriate, said Roxanne Cumings, Waukee's director of student services. The strategies they used were supported by education research, she said.

For the 2005-06 school year, Isabel went to Walnut Hills Elementary. Isabel's educators and parents agreed to videotape more than three hours of Isabel's day at the school on Dec. 7, 2005. Everyone wanted to analyze what was happening just before the girl's outbursts.

It was that videotape that led to the Loefflers decision to pull her from the school and protest the use of the time-out room.

A grieving mother in Florida wants to know why her disabled 12-year-old son died in a group-home van

5/2006

She said a caregiver ``told me he was kicking the [van] window and that was the reason they had to sit him down and put his arms behind his back to restrain him so he'll calm down in the van.'

The emergency order, which doesn't name staffers, says at the flea market, three staff and four kids went inside, ``leaving one staff person alone with the remaining children in the van. The driver states that when he came back, [Denis] began yelling, screaming and kicking, so he asked the other staff person if she needed help. Reportedly, she declined it.'

The report says the driver heard Denis talking and thought he was all right, ``then suddenly noticed that D.M. was silent and nonresponsive. They took him out of the van and attempted to revive him and called 911."

The staffer left in the van "reported that she laid D.M. down on the seat and restrained his legs," the report says, then ``turned him over on his back and noticed he was not breathing. . . . She denied using excessive force."

Kids Tied to Chairs? TN Parents Urged to Speak Up

Nashville, TN June 21, 2007

Nashville, TN - Kids strapped to chairs, slammed to the ground in full-body takedowns ... at school or treatment centers in Tennessee? Several disability-rights groups wanted the legislature to require reporting of such incidents, but the idea was referred to a study committee. The timing of that decision may have been deadly, according to Holly Lu Conant (COH-nent) Rees (reece) with the Disability Coalition on Education, Tennessee. A teen died while being restrained at the Chad Youth Enhancement center shortly after that decision. Now, she wants families to report incidences when their children are restrained or isolated, since the state isn't keeping track. Suggested Script: It's up to parents to start keeping track of when kids are restrained or isolated at school, or in a treatment center, and speak up if they think their child is in danger. Holly Lu Conant Rees with the Disability Coalition on Education says it's important that someone keep tabs

because she believes it could save a life. A teen died earlier this month at the Chad Youth Enhancement Center while being restrained - the second teen to die at the center in two years...

Actuality Cut 45 followed by the 3 digit number in the Web Account ID above (:11) "A child can experience a full-body take-down, be strapped in their chairs, and there's not even a requirement that the family be notified." Suggested Tag: Several disability rights groups championed a bill to start collecting data on when children are restrained or isolated - the issue was sent to a study committee right before the death at Chad. Conant Rees says most states require keeping records of physically-detaining kids, or putting them into seclusion - methods sometimes used to control children with behavior problems.

Second Cut: The argument against having the state keep track was money. It was estimated that collecting the data would cost five million dollars a year. Conant

Rees says she thinks that was exaggerated...

Actuality Cut 46 followed by the 3 digit number in the Web Account ID above (:07) "If isolation and restraint are happening that frequently, that is alarming beyond measure." (end)

It's up to parents to start keeping track of when kids are restrained or isolated at school, or in a treatment center, and speak up if they think their child is in danger. Deborah Smith reports.

School put autistic boy in time-out 'closet,' mom says

Mother complains that school isolated son in room 78 times

April 13, 2008 By Deborah Yetter

Louisville, KY - An Oldham County mother has filed a complaint with the state after learning that Crestwood Elementary officials put her 8-year-old autistic son in a small, empty room nearly 80 times last fall because of his behavior -- sometimes locking him in.

"They keep calling it a time-out room," said Jeanie Montgomery of Centerfield, who has pulled her son from Crestwood. "It is a closet."

Montgomery has filed a sworn complaint with the state Department of Education, alleging the school has violated her son's rights when it locked him in the 32-square-foot room built specifically to deal with disruptive behavior.

Her complaint cites school records showing that Matthew was placed in the room 78 times during an 11-week period last year.

Montgomery said she also has filed several complaints with state child-protective-service officials over the school's use of the time-out room, as well as recent instances in which she says Matthew came home with cuts and scrapes that she believes happened at school.

"I am afraid for his safety," said Montgomery, adding that her son has limited speech because of his autism and can't describe what happened.

Oldham school officials deny any abuse and are cooperating fully with child-protective services, spokeswoman Rebecca DeSensi said

DeSensi and Anne Coorssen, general counsel for the Oldham school system, said they couldn't comment on details of Matthew's case because of federal laws that govern student confidentiality.

The school follows state Department of Education guidelines for using time-out rooms, which are part of most of the district's classrooms for special-needs students, DeSensi said.

"Our policy in this district is to ensure student safety," she said.

Should be last defense

Department of Education guidelines, issued in 2000, state that placing a student in seclusion is a "drastic measure that should only be used as a last defense measure" and that schools should "never lock a student in a closed setting."

Montgomery said the school removed a lock from the time-out room's door in December after she complained.

Coorssen said the lock on the outside of the door was placed there to keep students from entering the room -- not to lock people in. She said school officials ordered it removed as soon as they learned of it and are investigating to determine who placed it there.

"There was a lock placed on the door," she said. "If they were using that to lock a student in, that would be a problem."

She said school officials have not taken action against any employees in the matter.

Chris George, a private therapist who spent several hours observing Matthew in class Nov. 12 at his mother's request, said he saw the boy locked in the time-out room four times.

After hearing George's report, Montgomery said she visited the classroom Nov. 28 and found Matthew again locked in the time-out room. She said she had to wait while the teacher released him.

Coorssen said the school board has reviewed its policies on time out with principals and teachers and reminded them of the state education department guidelines.

DeSensi said Oldham County officials are trying to work with Montgomery to resolve her concerns about her son's education.

"We have cooperated with the family," she said.

But Montgomery and George, who is one of two therapists working with Matthew, attended a series of meetings with school officials to resolve problems and said they met only bureaucratic delays.

"They never would give me direct answers," Montgomery said.

She acknowledges her son can be disruptive but said his education plan calls for teachers to try other methods of calming him, such as distracting or soothing him, before using time out.

Though the time-out room is only supposed to be used for aggressive behavior, the school's records show in many cases, Matthew was placed in it for minor transgressions, such as not following directions or dropping a pencil, the complaint said.

On March 28, Coorsen sent Montgomery's lawyer a letter offering to settle her March 10 complaint to the Education Department in part by an "immediate transfer to another elementary school." But Montgomery would first have to sign an agreement that "the time-out issues have been satisfactorily resolved," Coorsen's letter said.

Montgomery said she's not willing to do that.

"It's just not right," she said. "If they were using the right interventions with him, I don't think we would have this problem."

The state Education Department has assigned a mediator to try to resolve the complaint.

Heavy-handed approach

Officials with Bullitt and Jefferson County public schools say their policies do not allow a disruptive or upset child to be placed alone in a locked room.

"That doesn't seem to be something I could justify," said Janet Leitner, a former school principal who serves as elementary school liaison for Jefferson County Public Schools. "I would wonder what the child is learning in that situation."

In Bullitt or Jefferson counties, students may be placed in time out -- but that generally involves seating them in a separate area of the classroom or, in more serious cases, sending them to the principal or counselor's office, officials said.

Terry Brooks, executive director of Kentucky Youth Advocates, said the use of time-out rooms is a concern for his agency, which often gets calls from parents about alleged abuse of the rooms. Brooks said he hasn't tracked how many, but the calls come in fairly regularly.

"My guess in this particular instance is that it's happening in far too many schoolhouses across the state," Brooks said.

George and Meghan Launius, the other therapist working with Matthew, say they are troubled by the boy's treatment, particularly by the locked time-out room. They said the room, when they last viewed it, had no carpet, was poorly lit and had paper taped over a narrow window, blocking the view into the room.

"It is a very heavy-handed approach," said George, a certified behavior analyst with a master's degree in education. "He deserves much better than what he's getting."

DeSensi said the room is 32 square feet in size, is carpeted, well-lit and has a window in the door that is not to be blocked. But she wouldn't let The Courier-Journal see or photograph the room, saying the school was closed for spring break so the floors could be waxed.

Coorsen said time out is used for students only with parents' permission.

Montgomery acknowledged that Matthew's "Individual Education Plan" allows for time out, but she said she thought that meant separating him from other students to allow him to calm down -- not locking him in a room.

Injuries were reported

Coorsen said she couldn't comment about Montgomery's allegations that Matthew had come home from school with cuts and scrapes, including what appeared to be nail gouges in his arm.

But she said staff and teachers are trained on how to safely manage children without injuring them.

In one of her complaints to state child-protective-service officials, Montgomery alleges that on March 28, Matthew got off the school bus with his face and chest

covered with small red marks and what appeared to be abrasions on his back and shoulders.

On the advice of her pediatrician, Montgomery said she took him to Kosair Children's Hospital for evaluation.

Discharge paperwork shows the hospital reported the injuries to the Cabinet for Health and Family Services as suspected abuse.

Montgomery said she's frustrated because she doesn't believe state child protection workers are taking the abuse allegations seriously. She said a supervisor told her at one point to work out the problem with school officials.

Jim Grace, a supervisor in Frankfort who oversees child-abuse investigations, said confidentiality laws prevent him from discussing individual cases. But he said the state takes all abuse allegations very seriously.

And cases involving an outside entity, such as a school or day care, get an extra level of review from supervisors, he said.

Montgomery said she would like Matthew to return to school but doesn't want him to go back to Crestwood Elementary and is asking the district to provide alternatives.

"He has a right to be at school and he has a right to be safe," she said.

Reporter Deborah Yetter can be reached at (502) 582-4228.

<http://www.courier-journal.com/apps/pbcs.dll/article?AID=/20080413/NEWS0105/304230003>

Parent Says Principal Covered Up Child Abuse Allegations

November 9, 2006

ST. CLOUD, Fla. -- More parents are coming forward with concerns about their children's safety at school after their teacher was arrested. Lucy Baldwin is accused of abusing an 11-year-old autistic student at Michigan Avenue Elementary.

Parents, whose kids had Baldwin as a teacher, are furious over the way they learned of her arrest. In fact, one couple Eyewitness News spoke to said the school principal flat out lied when asked if Baldwin was facing abuse allegations.

"I don't understand how something like that can be happening and we wonder how safe are our kids in this classroom where something like this took place," said parent Felix Rosa.

Rosa said he was shocked by allegations that his son's teacher was manhandling a special ed student at Michigan Avenue Elementary. He said his son came home mysteriously injured one day in March and now he doesn't believe that the injuries were caused by the child falling from a toilet.

"That's what makes it worse, is that we don't know. They can say that he hit his head on the wall, but at this point, we believe he was probably hit in school, too," Rosa said.

Special ed teacher Lucy Baldwin turned herself into St. Cloud police after being accused of child abuse.

The incident she was charged for allegedly happened the day before Halloween. A witness described Baldwin wrestling with a child who would not move from a chair to the floor. Police said the victim has autism and Downs syndrome.

"They were struggling on the floor. The witness teacher said it could have lasted up to 15 minutes. The suspect teacher was on top of the kid," said Det. Shalyn Somers, St. Cloud Police Department.

After the struggle, the boy was said to have bruises and abrasions on his neck, arms and torso.

The Rosa family believes the principal at the school lied when directly questioned about the latest allegations.

"When my wife asked about the situation, she just covered the whole thing, saying everything was fine, that it was not child abuse. The next day the teacher was arrested for child abuse," Rosa said. "We found out because of you guys on the news."

The Rosas said, with just six kids in her class, the least the school could have done is give them a phone call explaining what had happened.

School district offices were closed Friday because of a holiday, along with the school, so Eyewitness News was unable to get a comment from them.

When Discipline Starts a Fight

July 9, 2007

By ROBERT TOMSHO

WAUKEE, IOWA - When Eva Loeffler walked into her daughter Isabel's classroom at Waukee Elementary School on Dec. 15, 2004, she says a male guidance counselor was trying to contain the shrieking 8-year-old by wrapping his arms around hers in a restraint hold.

Isabel, suffering from autism and other disabilities, had a history of aggressive behavior, but Mrs. Loeffler had never seen her so agitated. Her eyes were glazed and her face was red. "She was like a wild animal," says Mrs. Loeffler, who, at the time, felt sorry for the counselor who had to deal with her daughter in such a state.

That sympathy waned as Mrs. Loeffler and her husband learned all the measures the school district used on Isabel. These included restraint holds by three adults at once and hours in a seclusion room that teachers called "Isabel's office." There the girl sometimes wet herself and pulled out her hair, according to documents filed in a 2006 administrative-law case the Loefflers brought against the school district.

In March, the presiding administrative-law judge ruled that the district had violated federal law by educating Isabel in overly restrictive settings and failing to adequately monitor its methods. The district has appealed. Its lawyer, Ronald Peeler, says it used "established educational principles" in addressing Isabel's problems, and made adjustments when its discipline wasn't working. "We are not dealing with an exact science here," says Mr. Peeler.

As public schools come under pressure to teach more children with behavioral disabilities, the use of restraint and seclusion has become a contentious issue. Faced with laws that make it more difficult to expel or suspend misbehaving special-education students, educators say they need to use harsh tactics sometimes to protect other children and teachers.

The danger comes when schools turn methods designed for extraordinary circumstances into routine disciplinary tools. The result can be a vicious cycle of punishment and rebellion, hurting the very children who were supposed to benefit from attending a mainstream school.

Some states are taking action. Last year, Michigan barred schools from restraining students by holding them face-down on the floor. The move was sparked by the case of Michael Renner-Lewis III, an autistic 15-year-old who died in 2003 after being restrained in that manner at a Kalamazoo-area high school. This year, Kansas and Connecticut have stepped up reporting requirements for school districts using restraint or seclusion.

At psychiatric hospitals that receive federal funds, only licensed medical personnel may order a troubled patient to be put into a restraint hold or locked in a room. The subject must receive a face-to-face evaluation within an hour. Even with these rules, restraint and seclusion result in as many as 150 deaths a year in health-care settings, according to the U.S. Department of Health and Human Services, which is campaigning to eliminate the practices.

By contrast, there is little regulation in public schools. The federal government doesn't gather incident data. About half the states have no standards and most that do have no reporting requirements, says Reece Peterson, a special-education professor at the University of Nebraska-Lincoln who has studied the issue.

Earlier this year, Colorado's federally funded disability advocacy office accused a Colorado Springs-area school district of abuses including allowing students to beat themselves bloody while being held in seclusion rooms. A similar office in Oakland, Calif., recently accused six California schools of routinely using restraint and seclusion in place of proper behavior plans for special-education students.

"Why do we allow the place where children spend the most time to be the place where they get the least protection from these deadly tactics?" says Rocky Nichols, executive director of the Disability Rights Center of Kansas, a Topeka-based advocacy group.

When Isabel was three, her parents took her to a specialist to determine why she was not speaking as well as other children her age. Other problems slowly surfaced. Doug Loeffler, Isabel's father, left his job in 2002 managing a Denver-area mutual fund to help sort out his daughter's problems.

A slender girl with straight brown hair, Isabel often avoided direct eye contact and walked with an awkward, birdlike gait. Along with autism, her disabilities included mild mental retardation, diminished motor skills and a serious speech impediment. Isabel also touched and grabbed others at inappropriate times. She would pin her younger sister, Victoria, to the floor and play rough with the family's golden retriever, Sika.

In 2001, Isabel started school at the Buffalo Ridge Elementary School, in Castle Rock, Colo. She was assigned to a regular classroom most of the day. Educators simplified her curriculum and gave her individualized help from a special-education teacher. By the end of the 2003-04 school year, she seemed to be making progress. With assistance, she could identify numbers up to 100, and she had begun writing sentences.

Feeling confident in his daughter's progress, Mr. Loeffler took a new job that summer overseeing mutual-fund managers at the Principal Financial Group in Des Moines. The family bought a house near Waukee, about 15 miles west of the city.

As Isabel entered the second grade in August 2004, Waukee initially assigned her for most of the day to a special-education classroom that emphasized functional skills such as identifying coins and going to the bathroom. After she performed better than expected, she was moved a week later to another special-education class that was more academically oriented.

The family communicated with Miranda Krohn, Isabel's special-education teacher, via a notebook that Isabel carried to and from school. "Isabel is off to a great start," Ms. Krohn wrote on Sept. 1, 2004. "She seems to be making a lot of new friends. She is so polite and fun to work with."

But problems soon surfaced. On Oct. 8, Isabel pulled one student's hair and hit another in the mouth at recess, according to school records. On Oct. 27, she refused to do what teachers asked and yelled "No," for an hour and a half.

A few weeks later, the school put together a formal education plan for Isabel. It called for close adult supervision when she was in general education settings, such as recess, and breaks to let her calm down by, among other things, listening to music. When a break didn't end Isabel's misbehavior, the plan suggested punishing her by making her complete a repetitive task, with a teacher holding her hand and making her do so if necessary.

Such "hand-over-hand" procedures are most often used to teach new skills to those who don't respond to verbal instruction. A child with severe disabilities, for example, might be taught to eat properly by gently guiding his hand as he holds a spoon.

Many specialists say using hand-over-hand as punishment can backfire. "We many times see behaviors escalate when we try to intervene physically," says Lee Kern, a special-education professor at Lehigh University in Bethlehem, Pa.

At a Nov. 22 meeting, the Loefflers agreed to a behavior plan that included hand-over-hand, school records indicate. Mr. Loeffler says if the tactic was discussed that day, "it didn't jump out at us as a significant change."

For Isabel's hand-over-hand task, a teacher seated behind her would grip her hand, in which she held a crayon, and move it across the page until the child indicated she was ready to complete the coloring alone.

Isabel often reacted with rage. In one early incident that November, an adult aide had to hold her in her chair while Ms. Krohn gripped her coloring hand. The next afternoon, Isabel refused to work or play and "tore apart" the classroom, according to school records.

In December, the school transferred her to a newly created special-education class for students with serious behavioral problems. On her second day there, her conduct began to unravel just before noon, according to a classroom log kept by teacher Patti Brinkmeyer, who declined to be interviewed.

At 12:22 p.m., Ms. Brinkmeyer used a restraint hold on Isabel. The girl spit and tried to bite the teacher, who sought help from Jason Sanders, a guidance counselor and football coach. He and Ms. Brinkmeyer used restraint holds at least seven times that day on Isabel.

Mrs. Loeffler arrived to pick up her daughter for a dentist's appointment around 1:30 p.m. She says Mr. Sanders was sitting in a chair with his feet on the floor. Isabel was standing between his legs, facing away from him, and he had her torso locked between his legs. His arms were wrapped around hers, says Mrs. Loeffler.

In a brief phone interview, Mr. Sanders said, "That wouldn't be the kind of restraint I would use." He then excused himself and later declined to comment further.

According to testimony in the court case, Ms. Brinkmeyer and Mr. Sanders as well as other school personnel were trained and certified to use restraint holds developed by David Mandt &

Associates, a Dallas-based company founded in 1975 whose method is used by more than 500 school districts.

Bob Bowen, Mandt's chief executive, says his company's holds weren't used properly in Isabel's case, which he has reviewed. He says Mandt teaches them as last-resort safety measures only and doesn't condone their use for behavior management.

The Loefflers say that when they first realized restraint holds were being used, they didn't know whether it was a good idea. Mr. Loeffler adds that they didn't realize the full extent of the practice until much later, when they gained access to records like a classroom log for Jan. 14, 2005.

It indicates that, during a coloring session that day, Isabel tried to bite a teacher's aide three times, banged her own free hand against the desk and yelled "stupid" at other children. The entry in the notebook that went home that night made no mention of hand-over-hand, saying only that Isabel had a "rough" day and "had a hard time keeping her hands to herself."

Because Isabel's behavior temporarily improved that spring, the Loefflers put off pushing for any changes in her education plan until the following school year, when Isabel and Ms. Brinkmeyer transferred to Walnut Hills Elementary School, a newly built facility only blocks from the family's home.

At home that summer, Isabel urinated in closets and on beds, something her parents had never seen. Thinking their daughter's outbursts were at least partly related to her lack of time around nondisabled children, the Loefflers pressed at an Aug. 19 meeting with school officials for her to be in a regular-education classroom more often.

Isabel was given a new locker outside a regular-education classroom and a promise that she would be in regular classes as often as possible for so-called specials, like music and art.

That fall, her behavior problems continued -- as did the hand-over-hand procedures to punish her. It took as many as four educators to make Isabel complete her assignments. Sometimes she broke free and trashed the classroom. On Sept. 20, 2005, she emptied out drawers, threw a walkie-talkie and dumped soda on the floor.

By then, Waukee educators had documented 17 hand-over-hand interventions with Isabel. Some lasted as long as two and a half hours.

Such punishments are unusual and extreme, says Garry L. Martin, a psychology professor at the University of Manitoba. "If they are doing this for even five or 10 minutes at a time, I would say that is way too long," says Dr. Martin. He and other academics say that unless such measures change behavior they should be abandoned. Otherwise they may induce children to mimic the aggression.

Teachers began experimenting with moving Isabel out of the classroom when she was agitated, school records show. They tried timeouts in a small conference room next to Ms. Brinkmeyer's classroom, but Isabel jumped on tables and grabbed at electrical outlets.

Timeouts soon moved to "Isabel's Office," a former storage room at the end of a hallway. It had a gray linoleum floor, beige concrete-block walls and a door with a small window. Under a new plan that Heartland and the district presented to the Loefflers in November, Isabel would receive one-on-one instruction in the room until she could prove she could obey adults and be around other students without disruption. If she became agitated in isolation, teachers would remove her desk, chair and all other materials and the door would be closed.

To end such timeouts, the plan said, Isabel would first have to sit on the floor perfectly still for five minutes in a yoga-style position the school called "body basics." Then, she would have to complete a so-called "contingent task," which in her case involved pulling apart a pair of folded socks.

The Loefflers protested, saying the plan would make it impossible for Isabel to get an appropriate education. But they weren't happy with the status quo either. They stayed up several nights weeping and talking about what to do. Eva Loeffler says she began to fear Isabel would have to be placed in an institution.

On Dec. 2, the Loefflers agreed to the new behavior plan, provided that the school shorten the number of days Isabel had to behave to get back into the special-education classroom. The school acceded and also agreed to accept help from the University of Iowa's Center for Disability and Development, which had been working with the family.

To help the center get a clearer picture of Isabel's situation, Walnut Hill agreed to make a video of her on Dec. 7, her first day of being isolated in the new room. When Mrs. Loeffler arrived to pick up Isabel that afternoon, Isabel was sitting in the isolation room and had wet her pants. Mrs. Loeffler collected her daughter, changed her clothes and left.

Doug Loeffler dropped the video off at the Iowa center the next day without watching it.

School records show that for the rest of the month, Isabel was sometimes in the isolation room for up to five hours a day. At times, she screamed, spit and rolled on the floor of the room. On Dec. 12, she also pulled out a chunk of her own hair, according to an email Ms. Brinkmeyer sent to a Heartland psychologist.

Isabel attended classes at Walnut Hill for the last time on Dec. 21, 2005. The Loefflers kept her home after the holiday vacation while pondering what to do. Late on the evening of Jan. 11, 2006, they watched the video of Isabel for the first time to prepare for a conference the next day with school officials.

Clad in a white top and black pants, Isabel moves across the screen for more than three hours. Put into the isolation room for refusing to complete a reading exercise, she doesn't appear

particularly angry, although at times she bangs her forehead with her fist and tries to climb the walls.

At several points in the film, Isabel drops into the "body basics" position and stares at the teachers watching her through the window. But each time, before the mandatory five minutes are up, Isabel fidgets, pulls at her fingers or rocks backwards onto the floor.

Mrs. Loeffler says watching Isabel struggle to come into compliance left her heartbroken and feeling like the school's tactics were fueling her daughter's misbehavior. "That's when I knew we could not send her back," she says.

State-sponsored mediation efforts failed to produce a new education plan for Isabel, although the school district did agree to provide support to Mrs. Loeffler as she tried to educate Isabel at home.

Ms. Brinkmeyer, in her testimony, said she never did anything to intentionally hurt Isabel. School officials say they tried hard to encourage good behavior in positive ways, such as urging Isabel to take breaks when she appeared stressed.

Mr. Loeffler recently decided to accept a job with an investment firm in the Los Angeles area. "We had so much baggage, I just think it was a good time for us to have a clean start," he says.

While making plans for the move, Eva Loeffler has continued teaching her daughter at home in a brightly painted basement room lined with posters and bookshelves. One recent morning, Isabel scampered in toting a pink backpack, said the Pledge of Allegiance to a tiny American flag and rang a cowbell to start the school day.

Early on, certain gestures or the mention of words like "timeout" sparked angry outbursts from Isabel but more recently, with the help of a psychologist, such behavior has faded, Mrs. Loeffler says. These days, the 10-year-old talks about wanting "to go back to regular school," her mother says. "She wants to know the date when she can start."

Mom accuses special school of mistreating autistic 9-year-old

By Bob Fowler (Contact)

Saturday, October 13, 2007

CLINTON TN — Things went horribly wrong on the first — and last — day Jeremiah Evans attended the Learn Center, according to his mother.

Malissa Evans of Heiskell said the severely autistic 9-year-old was bruised when improperly restrained by three male staff members at the Anderson County special school.

School officials said the child was properly restrained after he began violently resisting efforts to put a diaper on him and after he scratched and bit center employees.

Evans contends that Jeremiah, who weighs 51 pounds, is undergoing potty training and was humiliated by the employee trying to put a diaper on him.

She said her son was strapped down to a board at the center, and school officials ignored her anguished pleas to let her see him.

"I could hear my son screaming," she said. For more than four hours, she stated in an e-mail, Jeremiah wasn't offered food "and only given sips of water."

Evans said she was stonewalled in repeated efforts to get local law enforcement authorities to investigate the case, which she said left her son traumatized.

She said she's taken her complaint to other agencies that deal with disabilities, and representatives are checking into it.

The Learn Center in Clinton is for children who violate school disciplinary guidelines and have behavioral problems, Evans said.

It's the wrong place for an autistic child, and Jeremiah was the only student there with that condition, she said.

"I was told the Learn Center was a place for children with disabilities," she said. "This has been horrid. This has been a nightmare.

"This kind of treatment of the mentally ill was outlawed years ago," she stated in an e-mail.

Since the Sept 13 incident, Jeremiah has remained at home, and Evans has been meeting with school officials to try to resolve the issue.

School officials were hesitant to discuss the matter, citing confidentiality laws.

But Learn Center Principal Gary Houck said the child was properly restrained only after the boy "scratched three adults and bit two adults."

Houck strongly denied that the child was strapped down. "We have never done anything like that," he said.

Houck said one staff member held the child's legs and another employee restrained the boy's upper body.

All Learn Center employees "are properly trained in therapeutic crisis intervention," Houck said. Still, he added, "I can't 100 percent say he (Jeremiah) wasn't bruised."

What baffles school officials, from Houck to school district Director V.L. Stonecipher, is how Jeremiah ended up as the only autistic child placed in a center for students with disciplinary issues.

"I can't answer that," Houck said.

"I think we've all asked ourselves that same question," Stonecipher said.

School officials develop an individual educational plan and try to place children in the "least restrictive environment," said Sue Voskamp, the school system's director of special education.

The episode highlights some of the challenges educators face when trying to provide services for children with disabilities.

There are about 40 autistic students in the county school system, Voskamp said.

Even before the incident involving Jeremiah, the school system was developing a special program to address the wide range of needs of children with autism, she said.

Two special classrooms are being established — one at Fairview Elementary School and the other at Norris Middle School. Teachers are being trained, and the new program is expected to cost about \$200,000 a year.

Evans said Jeremiah was previously a student at North Clinton Elementary, a city school, but he was rezoned this year to the county's Claxton Elementary School.

That school, she said, "didn't have the facilities necessary for a child with autism."

Evans said there have been meetings with school officials to try to resolve her concerns, and Jeremiah is scheduled to start attending a new class for autistic children at Fairview Elementary

on Oct. 16.

"I'm just trying my best to get Jeremiah back on track," she said.

Evans said the Disability Law & Advocacy Center of Tennessee is investigating the Sept. 13 incident. The center is a nonprofit, private agency that is federally funded.

Mother of boy with Down's sues Randolph, state school boards, school employees

10/31/2007 By Cara Bailey -Kanawha Bureau

The Easy Stander chair, similar to the one shown here, normally is used as a therapeutic device to prevent, reverse or improve the adverse effects of prolonged immobilization in paraplegic or quadriplegic children.

CHARLESTON West Virginia - The mother of an 11-year-old boy diagnosed with Down's Syndrome has filed a personal injury lawsuit against the school where her son attended and several school employees who were supposed to help him. Brenda Renee Barrows, of Randolph County, filed a suit Oct. 15 in Kanawha Circuit Court on behalf of her son, Barry Barrows, who attended Elkins Third Ward Elementary. The suit names the Randolph County Board of Education and the West Virginia Board of Education as defendants, along with several school officials, teachers and aides. Barrows claims the actions of the defendants were "shocking and reprehensible." Barry Barrows has been diagnosed with Down's Syndrome since birth, the suit says. He also suffers from a seizure disorder, which requires medicine at regular intervals. Barrows entered the Randolph County School system in 1999, where he was enrolled as a student in need of special education services. According to the suit, in August 2005, Barrows was placed in the classroom of defendant Penelope Friddle. The suit says Friddle determined that Barrows had behavioral issues, despite Brenda Barrows working with her on that issue. Friddle, and the school, claimed everything happening to Barry Barrows "was his fault because he was unable to conform or cooperate or was the result ... of bad parenting," the suit says. Brenda Barrows claims she soon noticed her son not wanting to go to school. "Throughout the school year while in the care of Friddle, the school began a practice of strapping Barry Charles Barrows in his chair," the suit says. According to the suit, Barrows was distraught and constantly distressed over the reported behaviors of her son, so she had him reevaluated by the Klingberg Neurodevelopmental Center. A physician at the center submitted a recommendation to the Randolph County Board of Education, suggesting that Barry Barrows should have his own aide. However, he was never provided an aide, the suit says. During the 2006-07 school year, Brenda Barrows went to the school to deliver medication for her son. Upon arriving, she claims she found her son strapped in the Easy Stander chair. The Easy Stander chair is normally used as a therapeutic device to prevent, reverse or improve the adverse effects of prolonged immobilization in paraplegic or quadriplegic children. "It was reported to Brenda Renee Barrows that Barry Charles Barrows was placed in the Easy Stander as a punishment due to giggling or laughing during reading," the suit says. Brenda Barrows claims she immediately left and drove to the Board of Education offices, where she met with defendant Donna Simmons, the director of special education. Barrows claims she was told this was not the first time her son had been strapped in the chair for discipline purposes. Friddle, and aides Georgia Williams and

Charlotte Scott, who are also named as defendants, confirmed the use of the Easy Stander as discipline, the suit says. Barrows removed her son from the class, and did not return him until the school board could assure his safety. He returned Nov. 28, 2006. No extra aide was ever hired for Barry Barrows. In the nine-count suit, Brenda Barrows claims the defendants are responsible for assault and battery, infliction of severe emotional distress and false imprisonment. Therefore, Brenda and Barry Barrows seek compensatory damages for pain and suffering, punitive damages and court costs. Attorneys Belinda A. Haynie and George B. Armistead are representing the Barrows. The case has been assigned to Judge Louis Bloom.

Parent Says Principal Covered Up Child Abuse Allegations

UPDATED: 5:33 pm EST November 10, 2006

ST. CLOUD, Fla. -- More parents are coming forward with concerns about their children's safety at school after their teacher was arrested. Lucy Baldwin is accused of abusing an 11-year-old autistic student at Michigan Avenue Elementary.

Parents, whose kids had Baldwin as a teacher, are furious over the way they learned of her arrest. In fact, one couple Eyewitness News spoke to said the school principal flat out lied when asked if Baldwin was facing abuse allegations.

"I don't understand how something like that can be happening and we wonder how safe are our kids in this classroom where something like this took place," said parent Felix Rosa. Rosa said he was shocked by allegations that his son's teacher was manhandling a special ed student at Michigan Avenue Elementary. He said his son came home mysteriously injured one day in March and now he doesn't believe that the injuries were caused by the child falling from a toilet. "That's what makes it worse, is that we don't know. They can say that he hit his head on the wall, but at this point, we believe he was probably hit in school, too," Rosa said.

Special ed teacher Lucy Baldwin turned herself into St. Cloud police after being accused of child abuse.

The incident she was charged for allegedly happened the day before Halloween. A witness described Baldwin wrestling with a child who would not move from a chair to the floor. Police said the victim has autism and Downs syndrome.

"They were struggling on the floor. The witness teacher said it could have lasted up to 15 minutes. The suspect teacher was on top of the kid," said Det. Shalyn Somers, St. Cloud Police Department. After the struggle, the boy was said to have bruises and abrasions on his neck, arms and torso.

The Rosa family believes the principal at the school lied when directly questioned about the latest allegations.

"When my wife asked about the situation, she just covered the whole thing, saying everything was fine, that it was not child abuse. The next day the teacher was arrested for child abuse," Rosa said. "We found out because of you guys on the news."

The Rosas said, with just six kids in her class, the least the school could have done is give them a phone call explaining what had happened.

School district offices were closed Friday because of a holiday, along with the school, so Eyewitness News was unable to get a comment from them.

Advocacy Groups Seek Ban on Prone Restraint; 'Unreasonable Risk of Death for Children'

4/19/2006

HARRISBURG, Pa. After being restrained and held face down on the ground for ten minutes, Giovanni Aletriz let out his last breath. The 16-year old resident of Summit Quest, a facility that provides mental health services to children, is one of hundreds of children that die each year in prone restraint-related deaths.

In a letter yesterday to Estelle Richman, secretary of the Department of Public Welfare (DPW), 17 advocacy groups in the state have asked the state to mandate an end to prone restraints at SummitQuest, and in all community or residential mental health facilities that treat children or adults.

Prone restraint, in which a person is held facedown on the stomach or chest, is the deadliest form of restraint. Prison officials in Texas consider the prone restraint so dangerous that they prohibit guards from using the technique on even the most violent inmates. A 2002 study by Protection and Advocacy Inc. in California suggests, "sudden death during prone restraint, particularly for those in a state of agitated delirium ... is not an uncommon phenomenon."

Regulations in Pennsylvania prohibit the use of manual restraints that apply pressure or weight on a child's or adolescent's respiratory system - but currently DPW allows prone restraints that also involve placing pressure on the respiratory system.

Parents Criticize Restraints In Schools : At Hearing, They Seek Changes In State Law

December 14, 2006

By ROBERT A. FRAHM, Courant Staff Writer

When Jill Ely's autistic son tried to hit a high school aide one day last year, the aide pinned him to the floor, leaving him bruised and shaken, Ely said.

That was just the beginning of his troubles, Ely, of Wilton, told state officials Wednesday.

Wilton High School later developed a behavior plan that included a "safe place" where her son, who also is mentally retarded, could calm down when he became upset, she said.

"Never in my wildest dreams did I think that the safe place would be a room with a door that would be held shut until [he] was completely quiet," Ely testified during a hearing sponsored by the state Office of Protection and Advocacy for Persons with Disabilities.

She was among several parents who called Wednesday for safeguards to prevent or limit schools from controlling behavioral outbursts by forcefully restraining children or isolating them in holding rooms.

More than 100 people filled a hearing room in Hartford as parents and children's advocates urged state officials to impose tighter restrictions against what they described as traumatic and dangerous techniques used in some schools.

Although state law imposes strict limits on the use of force or seclusion in programs operated by various state agencies, the law does not apply to public schools, said James D. McGaughey, executive director of the protection and advocacy office.

"It's a major gap in the law," he said.

Children's advocates asked for a revision of the law and called for better training of educators and public school staff members who deal with students with behavioral problems.

"We'd like to have our children not have anybody put their hands on them ... but the reality is that's what occurs," said Faith Vos Winkel of the state child advocate's office. "This is a critical issue."

In Connecticut, the settlement of a lawsuit five years ago required the state to monitor compliance with a federal law requiring schools to educate children with disabilities in regular classrooms whenever possible. But advocates say schools are unprepared to deal with the emotional and behavioral problems that some of those children bring with them.

"The result of the settlement ... is mixed," said Stacy Hultgren, co-director of the Connecticut Autism Spectrum Resource Center. "The settlement did not enforce training and supports to help kids succeed. Not all children with autism should be included in typical settings - the sensory overload of noise, movement, bombardment of language, complex social demands ... can make the classroom a hell on earth for some kids with autism."

Ely said her autistic son "can become frustrated, aggressive, raise his voice," but added that Wilton High School's use of the safe room frightened her son and caused him to try to escape.

Another parent, Maryann Lombardi, also from Wilton, said her autistic son was routinely sent to what she described as "a padded cell called the timeout room." She said such rooms "are creating a culture within the public school system where employees believe that if you have a disability label, locking you up is OK."

Wilton Superintendent of Schools Gary G. Richards said later Wednesday that privacy laws prevented him from commenting on specific cases but that the school system's behavioral procedures "are not based on punitive techniques."

"Any allegations and complaints that individuals have put forth have been investigated thoroughly, and there have been no findings against the district."

He said such cases stir deep emotions and sometimes "inaccuracies are put forth, and we are made to look like we're running some sort of penal colony."

He added, "We do the best we can with kids who sometimes are very challenged and present real behavioral problems."

Although parents have the right to file complaints with the state over the handling of special education students, there have been relatively few complaints citing the issues of physical restraint or seclusion, Gail Mangs, a special education official with the state Department of Education, said at Wednesday's hearing.

Some parents testified that schools did not always tell them when their children were restrained or placed in seclusion.

State Sen. Edward Meyer, D-Guilford, who attended the hearing, said later, "It's astonishing that schools notify parents when their children get sick, but when there's a highly invasive action like physical restraint, [parents] are not notified."

Meyer, co-chairman of the legislature's select committee on children, said he plans to prepare legislation to provide better regulation of the use of force or isolation to address behavioral problems in schools.

Most studies, he said, show that "restraints and seclusion have not worked in most cases."

Assistants Testify About Teacher's Alleged Abuse

Some Teaching Assistants Said They Told School Officials About Abuse

January 20, 2005

Seminole County, Florida

The teaching assistants sounded the alarm about a teacher, who is accused of abusing her students, WESH NewsChannel 2 reported. Former South Seminole Middle School teacher Kathleen Garrett faces criminal charges and resigned from the district shortly after her arrest. Four teaching assistants were interviewed, and each interview lasted roughly an hour. Police listened to the tapes before deciding to arrest Garrett. Some of the descriptions are graphic. "His neck was on the edge of the desk right here, and his lips were turning purple," said teaching assistant Sabrina Mort. She said when an autistic boy tried to pinch Garrett, she used her body to push him down against a desk. "His neck was against the edge of the desk and his eyes were swelling and watering. I looked at her and said, 'You need to get up,'" Mort said. Mort said while she worked with Garrett, she went to school officials at first. "But when I went to someone about it before, it was my word against hers and nothing was done. So, I stopped saying anything about it," she said. An independent investigator is looking into whether complaints about the teacher were, in fact, ignored or not pursued. On the tapes, Mort also said a boy wet his pants and while he was being cleaned up in the bathroom, Garrett hit him in the back of the head. "Had he not been sitting down he'd been on the floor, but since he was sitting down, his face hit his knees," she said. The state attorney has charged Garrett with abuse based in large part to the assistants' testimonies. Another assistant told investigators about one instance when a child vomited because he was distressed. "She had her hand by the back of his neck and just had his face right against the desk, right where the puke was," said Sabina Nowick. Another assistant also claimed she left the room and when she returned, one child had cracked front teeth. She said the teeth were perfect before. Garrett will be in court again in March as her case moves along. NewsChannel 2 called Garrett's attorney and left messages, but so far, Garrett's not talking and her attorney hasn't returned the calls.

Teacher charged with mistreating autistic children

8/18/2004

A Northeast Educational Intermediate Unit official defended a 2003 internal investigation of a teacher charged Tuesday with mistreating autistic students, saying the case didn't warrant a referral to the district attorney's office.

"At that time it was felt it is not necessary to alert the district attorney," NEIU Executive Director Fred Rosetti, Ed.D. said. Susan Comerford Wzorek, 54, of 305 Stoney Creek Road in Clarks Summit, is charged with two counts of child endangerment for allegedly mistreating students age

6 to 12 in her class at Clarks Summit Elementary School. The incidents allegedly took place from September 2001 to June 2003.

Ms. Wzorek was suspended without pay from her job Tuesday, Dr. Rosetti said, and will be fired if found guilty. She turned herself in earlier in the day at the Lackawanna County Courthouse and was arraigned before District Justice George E. Clark Jr. Arrest papers allege that Ms. Wzorek, a 29-year teaching veteran, stomped on the students' insteps to get their attention, pulled hair, gave a 6-year-old a backhand slap - catching her ring on the girl's lip, bloodying it - and pinched and squeezed kids.

She is also accused of improperly restraining students with duct tape and bungee cords in a specially built chair. The chair, according to arrest papers, was to be used only to help students with spasms or other physical needs - and was not to be used for punishment or to deal with hard-to-control students. The affidavit says Pennsylvania law allows use of the chair only in very limited circumstances, and with the knowledge of the parent and school officials. None of those people knew of the chair's use in this case, the affidavit alleges.

Schools take hard look at restraint policies

01/18/2004

KALAMAZOO, Michigan, USA: Schools across the area are taking a hard look at their restraint policies and practices following a US \$25 million wrongful-death lawsuit filed against Parchment School District, after an autistic teenager died after being restrained last August.

Galesburg-Augusta schools now require every staff member to receive restraint training. In Parchment, where the teenager, Michael Renner-Lewis III, died, the district is "reviewing the entire policy manual," said Superintendent Ron Fuller. "Will districts be reviewing their restraint policies? Obviously," Fuller said. "I don't think there's a district in the area that won't be."

Parchment and the Kalamazoo Regional Educational Service Agency face a \$25 million lawsuit in the death of 15-year-old Michael. Among other things, the suit accuses the school of "failing to ensure a policy existed" regarding the use of restraint.

Most school districts, though, have never had such a policy. Kalamazoo Public Schools does not have one. Neither does Otsego or Paw Paw, officials said. Mattawan does, but only in the limited context of helping someone suffering from a seizure, an administrator said.

"It (restraint) was never a single issue, so it's not there as a single policy," said Ben Smith, a regional associate for Neola, a company that helps districts around the state draft their policies. "In most situations, you don't have laws until you have a problem."

Parchment's problems - which school officials from surrounding districts are tracking with bated breath - started on August 25, the first day of classes. According to court documents, Michael Renner-Lewis III, a KRESA student attending classes at Parchment High School, fainted and then became combative after he regained consciousness. He started lashing out at other students, and was restrained for an extended period of time by three KRESA staffers and Parchment high school's vice principal. He was dead within two hours.

The autopsy report, released in December, listed the cause of death as "prolonged physical restraint in the prone position associated with extreme mental and motor agitation." The report noted a previously undetected heart condition was a contributing factor.

Though there are no state or federal records which track the use of restraint in schools, most educators characterise it as a rare last resort.

"Probably in my fifteen years in education, I've used restraint twice," said Galesburg Augusta Superintendent, Eric Palmu. "Both times were with students who were in fights. It's not something we want to do, but it does become necessary."

But a rising concern is the use of restraint on children who, like Renner-Lewis, have emotional or mental disabilities. At Kalamazoo's Lakeside Treatment and Learning Center, a residential facility for emotionally disabled children, staff members use restraint about 50 times a month, according to administrators.

While Lakeside teachers receive instruction in the proper use restraint, the amount of training in regular schools is difficult to track. Many schools have increased restraint training - known in education circles as Behavioural Intervention - since Renner-Lewis' death.

"For everybody, it's raised red flags," Palmu said. "All staff, anybody that's employed by Galesburg-Augusta Community Schools, will be trained in behavioral intervention procedures."

Kalamazoo Public Schools sent out an internal e-mail last week detailing the administration's restraint procedure. Mattawan has set up a regular training schedule for all staffers, said the Director of Compliance, Robin Buchler.

But schools like Portage, with its new policy, have taken that a step further. Portage has already received at least one call from another school district requesting a copy of the new policy, said Ric Perry, director of high school and community education for the district. Most school districts, Parchment included, have policies that mirror Michigan school code laws. In many cases, schools copy their language directly from the statutes. But restraint is rather a grey area in state law. No laws specifically address it, but a statute titled Corporal Punishment also states that a school employee "may use reasonable physical force upon a pupil as necessary to maintain order."

Portage is taking no chances. The title of its new policy No. 4350 is crystal clear: "Restraint." Beneath that heading, it spells out the accepted circumstances under which restraint is allowed,

situations such as self-defence and defence of others, so there should be no misunderstanding among teachers or parents - or lawyers.

"Somewhere, there's been a court case and those have been accepted examples of restraint," Perry said.

But other administrators, like Paw Paw Superintendent Mark Bielang, wonder if a simple, one-page policy can make a real difference.

His district will consider an additional policy, he said. However, "I don't know how you write a policy to apply to K-12 that's also specific enough to give a teacher enough guidance. It leaves it open for a lot of questions."

Parents Claim Autistic Kids Being Neglected In Wake Schools

<http://www.wral.com/news/local/story/114088/>

Nov 22, 2004

RALEIGH, N.C. — In September, an eight-year veteran autism teacher in the Wake County school system resigned after Raleigh police filed criminal charges of child abuse against her. Now, some parents of autistic children say the case and how it was handled is an example of how the kids are being neglected within the school system.

Waverly Cochran, 7, is autistic and does not go to school. Her parents pulled her out of Wakefield Elementary after she injured herself in the classroom. Cochran's teacher, Melinda Whitley, was charged with misdemeanor child abuse in connection with the incident.

"There was plenty of evidence that the school system knew something was amiss in that classroom, plenty of evidence and nothing, not one thing, was done," said Libby Cochran, Waverly's mother.

Now, parents whose children had the same teacher at several Wake County schools are banding together. They believe the school system is sweeping this issue and others under the rug.

"You don't sleep at night," said Kevin Regan, parent of an autistic child.

"One of the most disturbing themes here is that they appear to have a culture of secrecy. I don't see how potential criminal behavior can be confidential. The public needs to know about this," said James Harvey, parent of an autistic child.

Nancy Sakowski said her autistic son learned very little in Whitley's classroom.

"The window of opportunity is for learning is gone for him. Those years between 4 and 8 is gone. You can't get it back," she said.

There are 742 children in the Wake County school system with autism. It is a program that has been raised nationwide. School officials declined to speak to WRAL about the particular incident.

The parents want autism teachers to get better training. They would also like to see third party monitoring in the classroom. Most of all, families like the Cochrans want a safe learning environment for their children.

WRAL also talked to some parents who are very pleased with their teachers and the program for autistic students in Wake County. They say even though they are content, they are concerned that the particular situation involving Whitley was not handled properly. Whitley could not be reached for comment.

The Death of Michael Renner-Lewis III

Background: Fifteen-year-old Michael Renner-Lewis III, who had autism, died on the first day of school, August 25, 2003.

The 6-foot, 165-pound teen died during or after he was restrained on his stomach.

School officials said he had a seizure early in the day but became "agitated" around 12:30. In an effort to calm him down, four staff members "tried to quiet Michael". Each grabbed one of his limbs and sat down on the floor next to him in a room behind the school auditorium, police said.

A family caregiver arrived at 1:25 to take Michael home, but found him unconscious on the floor. She started giving Michael CPR, but was too late to revive him. He was pronounced dead at a local hospital by 2:30.

Lawsuit alleges Dist. 861 and Special education faculty members broke law in treatment of girl

'Defendants actions were extreme and outrageous; intentional or reckless'

by Cynthia Porter July 2003

What would you do if you had a child who came home from school with bruises you didn't understand? What if your child couldn't speak to tell you how she got them? What if all you had to rely on was the daily teacher log book from the school...could you believe it?

Two Winona parents faced these questions, and they allege in their lawsuit that they found some very shocking answers.

The lawsuit claims that Special Education teachers in Winona School District 861 used unauthorized and unlawful behavior management procedures with a special education student. The lawsuit was filed in Winona County District Court last month. Named in the suit are ISD 861, teachers Judy Kiekbusch and Elizabeth Boettcher, classroom aide Leigh Seeling and Special Education Director Judy Vold.

The suit, which alleges an eighteen month pattern of battery, false imprisonment, violations of civil rights, negligence and infliction of emotional distress between December 1998 and May 2000, was filed by Jeffry and Paula Philipps on behalf of their daughter, Bailey, 10, who was a special education student at Madison Elementary.

As a result of contracting La Crosse Encephalitis as an infant, Bailey has been diagnosed with severe developmental disabilities, particularly autism spectrum disorders, and has the developmental level of a child 9 to 14 months old. The school district determined that she was eligible for special education, and she was placed in a classroom for special needs children at Madison Elementary.

The suit contends that the Philippses began to notice a "dramatic change in Bailey's behavior" around December of 1998, and they were frequently finding "severe" bruising on her back, arms and other body parts. On December 11, 1998, the suit alleges the Philippses photographed the bruising and notified teachers and Vold of their concerns that Bailey was being injured from the restraining procedure used in the classroom.

According to court documents filed, Bailey's Behavioral Intervention Plan (BIP), which is determined by parents and teachers together, provided that if she needed intervention for her behavior in the classroom, the teacher would restrain her by folding and holding her arms across her chest from behind. Because of her disability,

Bailey occasionally exhibited inappropriate behavior that required the teacher to restrain her in this manner until she was calm.

The lawsuit states that when confronted, teachers replied that the bruises were the result of a playground incident, but administrators allegedly acknowledged the injuries were likely from a wooden chair, called a Rifton Chair, which is used to assist a child with disabilities in sitting upright. The Philippses had previously authorized that the Rifton chair could be used occasionally to assist their daughter in the classroom when she had trouble sitting in a regular chair. Teachers offered to add padding to the chair to avoid future bruising.

Court documents state that on December 14, 1998, "because of the continued bruising and emotional damage suffered by Bailey, the Philippses gave written notice to the teachers that they were revoking consent to the use of any restraints" on her. The text of the note read as follows:

"Please understand that we want to have given the restraining a fair trial so we can be done with it, but we decided we no longer want to have Bailey restrained at school. We feel strongly that 1 week is long enough no matter who her para is. Thanks for understanding. P.S. Please still keep us updated on her behavior, daily if necessary."

The parents, allegedly with the assurance that Bailey was no longer being restrained, continued her enrollment in the program.

In the spring of 2000, a high school student who had taken an assignment with the Madison special education program for community service credits approached the Philippses. According to the court documents, the high school student provided the Philippses with a journal "which documented the unlawful conduct of the teachers."

Although the parents had received daily notes from the classroom teachers regarding Bailey's activities and progress, the student's journal characterized a different version of Bailey's days in the special education department.

Bailey, according to the student, was frequently placed in the Rifton chair and bound with straps when she misbehaved. She was allegedly then frequently either placed facing a wall, or put into a dark seclusion room with only a small window in the door that Bailey could not see out of. The student estimated that Bailey was often left in these situations for up to 20 minutes.

On one occasion detailed in the court complaint, the high school student alleged that she was present when aide Seeling "physically abused Bailey by grabbing Bailey by

the face with her hand and whipping Bailey's head back and forth with sufficient force to cause Bailey to sustain bruising on her face in the shape of fingers."

The lawsuit then states that the Philippses confronted Vold with new pictures of bruising and the student's journal, at which time Vold offered to transfer the child to a special education school located in La Crosse and asked them if they wanted to press charges.

The Philippses filed a complaint with the Minnesota Department of Children, Families and Learning, who then conducted an investigation of their allegations.

In its findings issued on December 19, 2000, the department found that District 861 staff had violated numerous state laws, rules and orders regarding Bailey's treatment while she was a student at Madison. In their report, they stated that the school district used adverse and deprivation procedures beyond their authority, and provided a list of corrective actions required for the special education department to be in compliance with the law.

They concluded that the school did not have the authority at any point to restrain Bailey with straps or place her in seclusion. According to their report, these are called conditional procedures, and are a strictly regulated intervention. Parents must give their written consent for any such measures, and they further concluded that the Philippses had clearly disapproved of those control procedures.

In response to the investigation, school district officials asserted in the report that "the high school student has no expertise in the area of special education" and that placing the child in a seclusion room was not adverse, it was "merely providing Bailey with a strategy for calming herself." They also claim that they never restrained the child after December 1998.

The Department of Children, Families and Learning, on the other hand, ruled that "There is no basis to conclude the high school student's notebook is unreliable," that teachers did restrain Bailey with straps against the will of her parents, and that placing the child in any room alone constituted the use of a regulated procedure not appropriate to Bailey's learning program.

Despite the ruling of the Department of Children, Families and Learning, Vold and Superintendent Eric Bartleson jointly issued a letter on November 8, 2001 to special education families in District 861 informing them of the lawsuit and claiming that their staff's conduct was at all times appropriate and reasonable.

The Philippses lawsuit, which alleges physical and emotional injuries, seeks damages in excess of \$50,000, and does not have a trial date set at this time.

Bailey is currently enrolled at Chileda Institute, a special education facility in La Crosse. "Things are better for her," Paula Philipps said, "but we're still concerned about what happened to her. I don't know that I'll ever trust easily again."

Regarding their hopes for Bailey's future, "We'd like for her to live in a world where she can trust and be happy," Philipps said.

American Teacher March 2003--Speak Out

Should we eliminate time-out rooms? Yes

**Arlene B. Mayerson:
Educate children, don't imprison them**

The Minneapolis school district places students with emotional disabilities in a 5 ft.-by-6 ft. "time-out" room with cement block walls when their classroom behavior is deemed "disruptive." In the Pittsburg, Calif., school district, a darkened room used for the same purpose is 6 ft.-by-6 ft. and constructed of plywood. Both structures have prompted allegations that the students' civil rights under the Individuals with Disabilities Education Act (IDEA) are being violated by their use.

Exclusionary time-out such as that used in Minneapolis and Pittsburg is a negative form of punishment that denies a student all sources of reinforcement as well as participation in classroom activities. The student is not merely removed from the classroom, but also isolated. In stark contrast, well-documented research on behavioral interventions and classroom management uniformly argues that positive reinforcement is the best strategy for teaching and supporting appropriate student conduct. So why would a technique designed specifically to withdraw all opportunity for positive reinforcement be part of a school's repertoire for managing problem behaviors?

Research also has shown that no behavior modification strategy works unless the underlying cause of the behavior is understood. This concept also is recognized in law. IDEA mandates that a Functional Behavioral Assessment (FBA) and a Behavioral Intervention Plan (BIP) be developed for each student whose behavior presents difficulties for classroom management. These documents then guide the strategies used for an individual student.

To understand the current controversy about time-out rooms, we need to see the bigger picture. Educators who promote the use of time-out rooms argue that they provide the misbehaving student with a space in which to calm down. If a student voluntarily moved to a quiet space in which to get hold of a situation or emotion, such an explanation might make sense. But time-out rooms are aversive; the student does not enter them by choice and may be forced to stay for extended periods--they are not just "quiet rooms."

What educational benefit is derived while a student is in a time-out room? Rather than supporting students whose disabilities create behaviors that need to be constructively addressed, time-out rooms punish them for those disabilities.

Disabled children have been physically hurt and emotionally abused in the name of "education." These practices turn the clock backward and besmirch the name of all the dedicated, talented education professionals who respect their disabled students and are working to prepare them for the future by using proven techniques that support behavior management.

Time-out rooms use a punitive, aversive, stigmatizing technique unsupported by evidence-based research. While best practices dictate positive behavioral supports, time-out rooms are staunchly negative. These rooms are harmful and should be illegal. We need to educate our children, not imprison them.

OPEN LETTER AND SCHOOL LETTER EXCERPT FROM MASSACHUSETTES PARENT

Last year our child spent months screaming and frightened into the late hours of many nights, shaking, crying, "help me, help me, take the bad images away." Why? Because a Public School illegally, and without our knowledge used physical restraint on a very beautiful and sensitive 6 yr. old girl. Why? Because to them this is a universal solution, a carefully covered up solution, a cheap and dirty solution, to providing what she really needed - people working with her educated how to work with her sensory overload disabilities, people with instincts to care.

One week till school starts and the Public Schools will not offer our child a place other than the one that tormented her, in spite of many letters, in spite of many requests, in spite of too many worthless and exhausting meetings. They know the legal process to fight them is costly, beyond nearly every Public Schools parent's means, they know they can play bureaucratic games with immigrants and the poor, they know they can make the most affluent and demanding parents move away, so in a careful reasoned, but immoral act, they have decided to fight. Fight each and every family, families stressed to the limit emotionally, financially and with so little time. fights each and every family who even knows to ask for their legal right for an appropriate education for their children.

This is a universal problem, it is system wide. But parents are too taxed, too exhausted to have the time to lobby and fight. Beside the hard work of taking care of our complex children we pay eleven times over. We pay for the services the school will not provide, we pay real estate taxes, sales taxes, car taxes, state taxes, federal taxes, we pay for expertise, we pay for advocates to try to get services, we pay for legal help, we pay for medical help and still we need one parent not working just to support our children, and the schools know this. They know it is easy pickings to fight us.

Teacher ties kids' hands with tape

12/12/2002

By TAWNELL D. HOBBS / The Dallas Morning News

A DISD substitute teacher is under investigation for taping a first-grader's mouth shut and binding his and another child's hands with tape as a means of discipline at a Far East Dallas school.

The substitute, Nelda Cornute, a retired telephone company employee, confirmed Wednesday that the incident occurred Monday at Truett Elementary School, but she said it's being blown out of proportion.

Still, she said, she regrets it.

"Psychologically, that could hurt the child," Ms. Cornute, 53, told The Dallas Morning News. "I'm upset about that.

"I did do that, but not out of malice or anything. I never thought about that being abusive to a child. We kind of thought of it as a game."

Dallas Independent School District officials were not amused.

"If it did happen, we will make every effort to make sure that this person does not teach in the district again," said spokesman Donald Claxton.

He said the district notified Child Protective Services officials and hopes the state agency will investigate quickly.

CPS spokeswoman Marleigh Meisner said that by law, she couldn't say whether an investigation is in progress.

According to DISD policy, employees may, "within the scope of the employee's duties, use and apply physical restraint to a student if the employee reasonably believes restraint is necessary" to protect a person from physical injury; obtain possession of a weapon or other dangerous object; protect property from damage; remove a student refusing a lawful command; or restrain an irrational student.

Truett principal Sebastian Bozas alerted district officials to the allegation, which was brought forward by parents.

Mr. Bozas declined to comment Wednesday.

Ms. Cornute said she was notified about the allegation Wednesday while substitute teaching at Hood Middle School in southeast Dallas.

She said the principal there said district officials had ordered her off campus.

Mr. Claxton said Ms. Cornute, who has worked in DISD schools since October 2001, has been removed from the district's substitute list pending the outcome of the CPS investigation.

He added that counselors would be sent to Truett to counsel children who need it.

Ms. Cornute, known to her students as "Ms. C," said she had never before used tape on children. She said she used cellophane-type tape to shut the mouth of a boy because he wouldn't stop talking and as an example to the other students. The boy's name has not been disclosed.

She said she was doing the boy a favor by disciplining him in class instead of sending him to the principal's office.

"When I took it off, he said, 'Oh, that hurt.' I said, 'Oh, I'm sorry. We won't have to put it on anymore, will we?' " Ms. Cornute said.

Later in the day, the same boy was sent to the office for kicking another boy, Ms. Cornute said. When the boys returned from the office, they began playing and not paying attention, she said. She said she separated them and told them they were in jail. That's when she put tape around their hands, handcuff-style.

"I just loosely put a little tape on their hands," she said.

She said she had the two boys stand in the hallway on opposite sides of the open doorway.

She said the boys didn't misbehave after she removed the tape from their hands. She said she thought that using the tape deterred other children from misbehaving.

One Truett parent, Lora Coleman, said her daughter was in the class taught Monday by Ms. Cornute and said she also was taped on the hands and mouth.

Ms. Cornute denied that.

"Regardless, if it wasn't my child, even if it was someone else's child, it needs to be addressed," said Ms. Coleman, one of the parents who notified the principal. "My child was seeing her do that to someone else."

DISD officials said the district has about 4,200 substitute teachers. They said they conduct criminal background checks on all substitutes, who are paid more than \$70 a day, based on their credentials.

Mental Health America is firmly convinced that restraint and seclusion have no therapeutic value, contribute to human suffering and have frequently resulted in severe emotional and physical harm, and even death.