

# Disability, Abuse, Schools, and Risk Management

*So you think children with disabilities are safe at school: think again.*

By Thomas F. Coleman

We at the Disability and Abuse Project have been collecting news articles about abuse for several years. We have a weekly newsfeed that gathers together the good news and the bad news related to abuse of people with disabilities. Unfortunately, there's more bad news than good.

Each week we send out a list of more than 100 such articles from throughout the nation and some international stories as well. We can't read them all, but by gathering, listing, and sharing them with others who have an interest in this topic, we keep our hand of the pulse of what is happening. It's alarming to us and should be to everyone.

Our information does not just come from news stories. We read professional journals as well. We also attend conferences. We even conducted our own national survey on disability and abuse, gathering information from more than 7,200 people – many of them people with disabilities and their family members.

Dr. Nora J. Baladerian, our project director, has been working in the field of disability and abuse for decades. She does trainings on the topic for law enforcement and protective services agencies. She treats trauma and abuse victims. She is hired by plaintiffs' attorneys to evaluate abuse victims and their families to assess damages. In other words, her involvement in this field is multi-dimensional.

I have worked by Dr. Baladerian's side for several years as a legal consultant, soaking up all of the information I can find on issues such as prevalence, risk reduction, and response. I have also done my own independent review of academic literature on the topic. Everything points in the same direction. Abuse of children with disabilities is too prevalent. People with disabilities are at a higher risk of abuse

than people in the generic population. Studies indicate that a majority of people with disabilities may have been victims of abuse of one sort or another during their childhood years. This includes physical, sexual, and emotional abuse. Most perpetrators are not strangers but rather someone who has ongoing access to the child.

What she has learned as a forensic expert is that children with disabilities, especially those with cognitive and communication disabilities, are not necessarily safe at school. Most of her consulting work involves lawsuits against schools.



The newsfeed we have been publishing for the last several years confirms that too many children with disabilities are being abused at school – by teachers, teacher aides, bus drivers, and other students who lack proper supervision. Searching our database of published news stories about abuse during a 12-month

period in 2015 and 2016, I found some 240 articles about victims with disabilities abused at school.

This is the tip of the proverbial iceberg. Most incidents of abuse are never reported to authorities, much less finding their way into a newspaper. Being vulnerable and often nonverbal, many victims are not able to complain at school or tell their parents at home. When abuse is witnessed by a member of the school staff, the immediate reaction may be denial. Coverups are not uncommon.

Parents may see signs and symptoms of abuse, but they don't connect the dots. They naively believe the school system is a safe place. They cannot imagine school personnel abusing their child. They have never been told about the rate of abuse of children with disabilities. So they often seek alternative answers to explain these symptoms.

Then, after a witness comes forward or the police are notified, parents are informed. All of a sudden they realize they were discounting warning signs that were there for weeks or even months. They feel guilty because had they realized the source of the problem sooner, they could have saved their child from further harm.

Dr. Baladerian's evaluations are used by plaintiffs' lawyers to demonstrate the extent of damages suffered by the victim directly and by the family members vicariously. When the lawyers defending the school see the evaluation, they usually settle the case rather than going to trial.

Liability is usually not an issue. It is clear that the abuse was intentional and the district was negligent in allowing it to happen or continue. There is often not a clear policy on abuse, or training on the duty to report, or a risk reduction program. Risk reduction and reporting of abuse of children with disabilities have not been school priorities.

Settlements are often not publicized, so the negligence of many school administrators remains under the radar. But sometimes a settlement receives considerable publicity.

Take, for example, abuse that occurred at the Antioch School District in California. The district agreed to pay an \$8 million settlement in 2013 for abuse of several students by a special education teacher there. Perhaps such financial liability – and harm to the students and their families – would have been avoided if the district had properly trained staff on the subjects of risk reduction and response.

Why such a large payout? Research shows that damages to child abuse victims are not limited to the events themselves or to the immediate future. Trauma can have lasting effects. A major study by Kaiser Permanente (Adverse Childhood Experience Study or ACES) showed that adverse medical and psychological consequences can last well into adulthood, or emerge after years or even decades of simmering below the surface.

If not for the sake of their students, school districts should find it in their financial self interest to take pro-active measures. They should be aware that any school setting which has students with disabilities is a high-risk environment. They should take appropriate measures to reduce the risk of abuse.

Parents of special education children should be informed about statistics on the prevalence of abuse and be given tips on the signs and symptoms that it may be occurring. Districts should adopt a zero-tolerance policy on abuse, warning personnel that they will be fired if they commit abuse or if they observe it and fail to make an *immediate* report.

Each school should have a risk reduction program and should train personnel on how to minimize the prospect of it occurring. Education and training of teachers, teacher aides, school nurses, counselors, clerical staff, and even janitors, is essential.

Risk reduction of abuse should be on the agenda at school administrator conferences. Insurers should make risk reduction and response planning a condition of insurance coverage.

Abuse of children with disabilities at school should become a political issue. Disability organizations should bring the matter to the attention of local school boards and state legislators.

Discussions about the inconvenient truth of disability, abuse, schools, and risk management are long overdue. Remember: *Silence = Abuse*.

*Thomas F. Coleman is the legal director of the Disability and Abuse Project of Spectrum Institute.*

Disability and abuse risk reduction should be on the agenda at conferences of school administrators. Insurers should make risk reduction and response planning a condition of coverage.



## Disability and Abuse Project – Safe Schools Study

### Sample of School Abuse Articles (Jan-May 2016)

*By Principal, Teachers, Aides, Bus Driver, Students*

(Newsfeed Averages 240 School Articles Per Year)

“Report: **Teacher's Aide** Accused of Scratching Autistic Girl Hurt Students Before” --- A Seminole County teacher's aide accused of scratching an autistic kindergartner during a playground showdown has been accused of getting too ... --- WFTV Orlando --- May 10, 2016 (**FLORIDA**)  
<https://is.gd/gYy6Va>

“Central Medford High **Teacher** Suspended After Allegations of Sexual Misconduct” --- Police say that Central Medford High School special education teacher Stephen Hackett was suspended on March 15th after the school district ... --- KOB-TV NBC5 --- April 11, 2016 (**OREGON**)  
<https://is.gd/SQ4ema>

“Father in Arizona Says **Teacher** Duct-taped Special Needs Boy” --- A Valley father says a teacher duct-taped his special needs son at school. “I've never heard of this happening,” Destin Howato said. --- [fox13now.com](http://fox13now.com) --- March 31, 2016 (ARIZONA) <http://is.gd/iW7ApQ>

“**Bus Driver** Abandons Special Needs Child in Easton” --- A 10-year-old special needs boy was abandoned by a Talbot County school bus driver Friday morning, according to the Easton Police Department. --- ABC2 News --- May 6, 2016 (**MARYLAND**) <https://is.gd/tuaD4j>

“**Bus Driver** Pleads Not Guilty After Death of Autistic Whittier Teen on Hot Bus” --- Hun Joon “Paul” Lee, an autistic and non-verbal 19-year-old, was found unconscious and lying on the floor of a school bus ... --- The Whittier Daily News --- April 25, 2016 (**CALIFORNIA**)  
<https://is.gd/Ln9Cnc>

“Abuse Lawsuit Against Fulton County Schools Moves Forward” --- ... County Schools and nearly **two dozen** current and former employees will remain part of a lawsuit over alleged abuses of special needs students. --- WSB Atlanta --- April 22, 2016 (**GEORGIA**)  
<https://is.gd/6mT0FY>

“Long Island Special Ed **Teacher** Accused of Sick Abuse, Including Duct Tape Restraints and Forced ...” ---The families of five special-needs students have slapped a Long Island school district with a blockbuster \$25 million ... --- New York Daily News --- April 22, 2016 (**NEW YORK**)  
<https://is.gd/IT6G8e>

“Family of Special Needs Student Suing over Alleged Sexual Abuse” --- The parents of a 14-year-old special needs student are suing a Bronx school and one of its male **teachers** for \$5.15 million—claiming they turned a ... --- New York Post --- April 18, 2016 (**NEW YORK**)  
<https://is.gd/jmAbB3>

“Family Seeks \$75K from Former TPS **Teacher** for Alleged Abuse” --- In just under a dozen pages, attorneys detailed the instances of alleged abuse of a Webster High School special-needs student, by his former teacher, ... --- KTUL --- March 23, 2016 (OKLAHOMA) <https://is.gd/vxiJCY>

“Alabama Middle School ‘Rape Bait’ Case Settled” --- A **teacher's aide** had asked the then-14-year-old girl described has having special needs to go into a bathroom at Sparkman Middle so a 16-year-old ... --- CBS News --- March 15, 2016 (ALABAMA) <https://is.gd/D1c6PR>

“State Begins Revocation of Eagleton School's License in Great Barrington Following Assault of Disabled Student’s Charges” --- Already embroiled in a scandal where **several employees** are charged with assaulting disabled students, the Eagleton School was rocked ... --- **MassLive.com** --- March 17, 2016 (MASSACHUSETTS) <https://is.gd/D5UGFY>

“Lawsuit Alleging Students Forced to Fight at Now-defunct North Forest ISD Elementary School Settled” --- What's more: the victims are all special needs students, and their difficulties only exacerbated by ... Thy need to be brought to justice," said ... --- KTRK-TV --- March 15, 2016 (TEXAS) <https://is.gd/wFU7QH>

“Eagleton School Fires 4 in Wake of Student Abuse Investigation, Hires Top Consultant to Assess Operations” --- The private residential school is for boys and young men with special needs, including autism and Asperger ... --- Berkshire Eagle --- February 11, 2016 (MASSACHUSETTS) <https://is.gd/foRSpB>

“Lawyer: Massachusetts Special Needs School Reported Abuse of Students” --- A criminal investigation resulting in the arrests of **five employees** of a Massachusetts private school came after school officials reported alleged ... --- CNN --- February 4, 2016 (MASSACHUSETTS) <https://is.gd/OHkHk9>

“School **Principal** Accused of Sex Assaults on Staff Members” --- Hillside Learning and Behavioral Center is a program for special needs children, Dobias said. Garcia also had supervisory responsibilities for a young ... --- **MLive.com** --- February 3, 2016 (MICHIGAN) <https://is.gd/ofT49S>

“Pa. High School Student with Disabilities Beaten, Bullied by **Peers**” --- Cell phone video footage showing a Pittsburgh-area high school student with cerebral palsy being shoved to the ground Friday by his **peers** has been ... --- **PhillyVoice.com** --- February 8, 2016 (PENNSYLVANIA) <https://is.gd/fqHqJT>

“Dozens of Investigators Swarm Great Barrington School Campus” --- ... State Police into allegations of abuse of the special needs male students, including autism, Asperger Syndrome and other cognitive, behavioral and ... --- **MassLive.com** --- January 31, 2016 (MASSACHUSETTS) <https://is.gd/7C2rD9>

“\$1.4 Million Settlement Finalized in Sex Assaults at Colorado School for the Deaf and the Blind” --- “We're satisfied a settlement has been achieved,” Colorado School for the Deaf and the Blind spokeswoman Diane Covington ... --- Colorado Springs Gazette --- January 13, 2016 (COLORADO) <https://is.gd/SvVGfr>