

Defending the rights of children: report sparks controversy

The Legal Center's recent report on the 45 incidents of improper restraint and seclusion at Will Rogers Elementary School in Colorado Springs caught the attention of the media and sparked an angry response from school district officials. The March 14th story in the Denver Post described the experiences of five young children with emotional disabilities who were repeatedly placed in closed time-out rooms, in some cases for so long that they were forced to sit in their own urine or blood.

A notice on the District 11 website in response to The Legal Center report states that: "Because of the danger some of these students pose to themselves and others, it is sometimes necessary for the district to physically restrain them or place them in an unlocked time-out room. District 11 has taken these steps in situations where students have hit, kicked, and bitten Rogers staff and other students, run away from school into busy streets, thrown chairs across the classroom, and other emergency situations."

After thirty years of advocating for the rights of children with disabilities, advocates at The Legal Center are hardly surprised at this response. No one likes to be accused of mistreating a child and the reasons given have remained the same since the 1970s: it's for their own good, or to protect the other children and the staff. The improper use of restraint and seclusion is a statewide issue.

The Legal Center has never shied away from controversy, but our goal is always to do what is best for the people concerned, in this case, very young and frightened children and their anxious parents. This does not mean that we ignore the very real difficulties school staff face in coping with difficult behaviors. In the case of our investigation at Will Rogers, although officials may have disagreed with the findings, staff cooperated throughout the process. Because most staff wish to do what is best for their students, it is imperative that they are properly trained to respond appropriately to children with disabilities, and that district policies are followed.

While The Legal Center specializes in the pursuit of legal and administrative remedies, we recognize that the law can only help people when it is applied in their real life situations. There are laws and procedures to protect schoolchildren with disabilities but the people charged with implementing them often have no training in dealing with what can be a frightening experience. When a student becomes violent in class, the natural—and legal—response is to physically restrain that child. Sadly, without training, such responses often end up causing actual physical harm together with rapid escalation of a student's emotional problems. The Legal Center is currently seeking funding to expand on a pilot training program begun last summer. The training was designed to help school resource officers understand what prompts some of the difficult behaviors, and learn ways to better support students with disabilities. The focus is on understanding the law, as well as de-escalation of problem behaviors in ways that protect all students and staff.

The ongoing school investigations, training program for school staff, and individual advocacy for children and their families, are part of a wide-ranging initiative by The Legal Center to address the statewide problem of inappropriate restraint and seclusion. Heidi Van Huysen, special education attorney, notes that: “We are engaged in initiating a culture change, so we have to address the entire education culture, from superintendents to school resource officers and everyone in between. The Legal Center is dedicated to protecting kids with disabilities, and this initiative to reduce and eliminate restraint and seclusion in schools is going to change lives.”