

# **Knowledge is the Best Protection: Preventing and Responding to Assaults by Students**

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# True or False?

There are certain instances when it is acceptable to be threatened or assaulted by a student.

# Answer:

## False!

It is never acceptable and always should be reported, regardless of the type of assault or age or disability of the student.

*“...Education professionals who take on the extraordinary task of teaching children in public schools, including those who choose to teach children with disabilities, should not also be expected to endure frequent and unpredictable acts of violence. We emphasize that at no time is it necessary for a student to inflict serious bodily harm on a teacher before a school is justified in deciding that a general education classroom is not the appropriate forum for a certain disabled student.”*

*-Seventh Circuit Court of Appeals in Jackson v. Indian Prairie School District (August 2011)*

# Danbury's Reported Assaults of Public School Personnel (Source: CT SDE ED166)

## Battery/Assault Code is defined as:

"Touching or striking of another person with the intent of causing serious bodily harm to the individual. For example, another person physically attacks a person whether provoked or not, resulting in an injury requiring medical attention. Biting a person breaking the skin requiring any level of medical attention."

## Fighting/Altercation/Physical Aggression Codes are defined as:

"Participation in an incident involving physical confrontation in which one or all participants receives at least some type of minor physical injury (black eye, bloody nose or lip, bruises, etc.). This category also includes situations in which one person strikes another causing minor injuries but the fight is broken up prior to the other participant retaliating." Physical Altercation is defined as: "Participation in an incident involving a confrontation, tussle, or some type of physical aggression that does not result in any injury. This category also includes situations in which one person strikes another causing no injuries but the altercation is broken up prior to the other participant retaliating."

School personnel is defined as "a person who is a member of the professional staff at the school at the time when the incident occurred (e.g., teachers, counselors, substitute teachers, etc.)."

## **Victim Count:**

<b>2013-14</b>	<b>3 (certified staff); 2 (substitutes and other staff); 6 total incidents</b>
<b>2012-13</b>	<b>2 (certified staff); 1 (substitutes and other staff); 3 total incidents</b>
<b>2011-12</b>	<b>10 (certified staff); 3 (substitutes and other staff)</b>
<b>2010-11</b>	<b>16 (certified staff); 1 (substitutes and other staff)</b>

# Think about this case study...

- Ms. Smith is a high school special education teacher assigned to work one- on-one with Jacob, a 250 lb high school student, in a self-contained classroom in the basement of the school. She job shares with another special education teacher.
- Over time, Jacob has become increasingly physically aggressive. In fact, over the course of his sophomore year, he acquired two one-to-one aides due to his size and unpredictable outbursts.
- Recently, Jacob has begun spitting at Ms. Smith when she is sitting next to him. Moreover, on two occasions and for no apparent reason, Jacob slapped Ms. Smith in the face. The aides were unable to help in any of these situations since his attacks were sudden and unexpected.
- Although Ms. Smith complained to her administrators, they told her that there was nothing they could do since his IEP requires these services. They also mentioned to her that her job share partner never complained about any of these incidents and seemed to think it was just part of the job.
- Feeling totally frustrated, Ms. Smith decided to apply for positions in another district. In the meantime, she asked her local association if there was anything they could do to help.

# Am I protected if I get involved?

- **Must I get involved?**

- Breaking up a fight, forcibly moving a student, etc.
- Check school policy, use best personal judgment

- **CT law protects you if you use reasonable force:**

**Sec. 53a-18. Use of reasonable physical force or deadly physical force generally.** The use of physical force upon another person which would otherwise constitute an offense is justifiable and not criminal under any of the following circumstances:

(6) A teacher or other person entrusted with the care and supervision of a minor for school purposes may use reasonable physical force upon such minor when and to the extent he reasonably believes such to be necessary to (A) protect himself or others from immediate physical injury, (B) obtain possession of a dangerous instrument or controlled substance, as defined in subdivision (9) of section 21a-240, upon or within the control of such minor, (C) protect property from physical damage or (D) restrain such minor or remove such minor to another area, to maintain order.

# If You Are Assaulted

- What constitutes an assault?
  - Any unwanted physical contact
    - e.g., biting, spitting, pushing, punching, etc.
  - Does the age of the child matter?
  - Does the child's intent to harm matter?
    - Civil law (no) versus criminal law (yes)
- Avoid responding physically if possible
- Record everything in writing ASAP
  - Include time of day, others present, extent of injury, photos, etc.

# Reporting Assaults

- File reports with:
  - Principal pursuant to C.G.S. Section 10-233g(a) => see next page
    - Be sure to cite statute at top of report
    - **“Intent” of the student is not relevant.**
      - **If you feel assaulted, you WERE assaulted.**
    - Provide a copy of report to school resource officer
    - Follow-up to ensure a copy was filed with local police
    - CEA’s legislative proposal
  - Contact police directly? C.G.S. Section 10-233g(b) => see next page
  - School Nurse
  - Workers’ Compensation – file First Report of Injury; review your contract for specific details
  - Local Association – provide your local with a copy of your 10-233g(a) report but redact any student names



# Connecticut Statutes

## **Sec. 10-233g. Reports of principals to police authority concerning physical assaults upon school employees by students.**

(a) Where there is a physical assault made by a student upon a teacher or other school employee on school property or in performance of school duties and such teacher or employee files a written report with the school principal based upon such assault, the school building principal shall report such physical assault to the local police authority.

(b) No school administrator shall interfere with the right of a teacher or other employee of a board of education to file a complaint with the local police authority in cases of threats of physical violence and in cases of physical assaults by a student against such teacher or employee.

## Pursuant to C.G.S. Section 10-233g(a)

Time & Date

This is what happened. This is what lead up to it. This is how I responded. This is who was witness to the incident.

*Signature*

Who. What. Where. When. How.

# “Assaulted in the Line of Duty” Indemnification Law

- Connecticut General Statutes Section 10-236a
- Board of education must protect you from any financial loss and expenses reasonably incurred for medical or other service necessary as a result of a job-related assault
  - You must continue to receive full salary (minus WC); lost time cannot be charged against sick or personal leave time

# If the Student has an IEP

- Request a PPT meeting in writing immediately and include a copy of assault report
  - Were IEP and BIP implemented properly?
  - Is IEP still appropriate?
    - Request needed supports, modifications
  - Is current placement appropriate?
    - Serious bodily harm inflicted?
- If no IEP, should child be referred?

# The Before-It-Happens “To Do” List

- Document in writing unusual or escalating behavior
  - “The IEP...reports describe the staff members as expressing concern that they were not meeting W.K.’s needs, that he was incredibly needy and disrespectful, and that he was failing to advance, **but not that they were in fear of his harming them.**” *Seventh Circuit Court of Appeals in Jackson v. Indian Prairie School District (August 2011) (emphasis added)*
  
- Review your school’s safety plan
  - Is it clear?
  - Does it provide for training?
  - What is the required documentation/protocol?
  
- Review the BIPs of your special education students
  - Are they clear? Appropriate?
  - Are there any supports that are needed to assist you?
    - Utilize “Personnel Supports” on page 8 of IEP

# Utilize Page 8 of IEP: Personnel Supports

## Required Supports for Personnel

Federal law requires the IEP to include supports that staff might need in order to implement this IEP. With respect to Frequency and Duration of Supports Required for School Personnel to Implement this IEP, the following are examples of supports that might be specified in this section: (1) “All staff who will work with [student’s name] should receive ten hours of disability-specific training in the area of Autism. This training should be provided during the first two weeks of school by [title, role, or competency area of person providing training]”; (2) “An instructional assistant (paraprofessional) to be provided to assist the teacher of each general education class which the student attends between now and the next PPT scheduled for January 15, 2007”; (3) “The school psychologist will collaborate with [child’s name] teacher for 20 minutes per week for the first six weeks of school to cooperatively plan activities which will encourage [child’s name] to establish and maintain friendships with classmates”; or (4) “All staff who require [student’s name] to complete written assignments or provide [student’s name] with support during the completion of written assignments will receive at least 4 hours of training in the use of text to speech and work prediction software. Follow-up support will be provided throughout the school year.”

Typically, these supports are in the form of teacher training, paraprofessional support in the classroom or consultation by a special education teacher or related services provider. See page 21 Responsible Staff and Service Implementer for a discussion of paraprofessional support.

Thank You For All You Do

The logo for NEA Danbury is a circular emblem. It features a dark blue outer ring containing the text "NEA DANBURY" at the top and the slogan "Education is our Business" at the bottom, both in a light blue or white font. In the center of the circle, the word "NEA" is written in large, bold, dark blue capital letters, and the word "DANBURY" is written in smaller, bold, light blue capital letters directly beneath it.

**NEA**  
**DANBURY**

Education is our Business

# Case Studies



# Case Study #1

- Joey is a third grade student who has had behavioral difficulties since kindergarten. He often distracts other students and has become more defiant.
- Mom (who sits on the Board of Education) and dad (who is a real estate attorney in town) insist he is just “young for his age” and that he is usually just acting in self defense.
- One day, while being reprimanded for teasing another student, Joey jumps out of his seat, pushes Mrs. Jones aside and runs out of the room. Mrs. Jones falls backwards and twists her back and neck to avoid falling on another student.
- Mrs. Jones follows him down the hall and orders him to go to Principal Jellys’ office, which he does.
- Mrs. Jones then tells Principal Jelly what happened and explains that Joey pushed her and it caused her to twist her back and neck.
- Principal Jelly orders Joey to remain in her office for the rest of the day and Mrs. Jones returns to her class.

# Case Study #2

- Ms. Mensch, a speech and language pathologist, is assigned to work with Mindy, a special education student.
- Ms. Mensch's hands and fingers are repeatedly bitten by Mindy.
- Ms. Mensch verbally complains to her principal several times but is told to "deal with it" since Mindy does not intend any harm and she must receive services.
- The biting intensifies and Mindy also begins biting Ms. Mensch's chest.
- Ms. Mensch dreads coming to school and thus applies for a leave of absence because she cannot tolerate this any longer. She calls CEA for assistance regarding the leave of absence process.

# Case Study #3

- Ms. Smith is a high school special education teacher assigned to work one- on-one with Jacob, a 250 lb high school student, in a self-contained classroom in the basement of the school. She job shares with another special education teacher.
- Over time, Jacob has become increasingly physically aggressive. In fact, over the course of his sophomore year, he acquired two one-to-one aides due to his size and unpredictable outbursts.
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