

Student assaults of teachers: Are they just “part of the job”?

By Robyn Kaplan-Cho, CEA

The demands on you as a teacher unquestionably have increased over the years. You not only provide academic enrichment but also counsel students and parents, maintain order in the classroom, and ensure that students are fed and clothed adequately. But does being assaulted by a student also “come with the territory”? **Absolutely not.** Every teacher has the right to work in a safe environment, free from physical assaults at the hands of students (whether they are regular or special education). So what should you do if you are assaulted by a student?

Try to avoid responding physically.

If such action does become necessary as a means of self-defense, Connecticut law allows you to use reasonable physical force to the extent that you believe it is necessary to (1) protect yourself or others from immediate physical injury, (2) obtain possession of a dangerous instrument or controlled substance, (3) protect property from physical damage, or (4) restrain a student or remove the student to another area to maintain order (Connecticut General Statutes Section 53a-18(6)). Note: In a recent California case involving a special education student, the U.S. District Court held that even though a special education legal agreement prohibited restraining a student, such

restraints became necessary because the student posed a threat to himself or others. Specifically, the court stated that although the district had formally agreed **not** to use physical restraints on the special education student involved, the evidence overwhelmingly showed that his repeated kicking, screaming, yelling, spitting, and biting warranted physical restraints.

Record in writing all pertinent facts surrounding the incident. What time did it happen? What witnesses were present? If appropriate, take photographs of the injury as soon as possible. Identify and record the names of all individuals involved in the incident, the time of the incident, and the relevant facts.

Once the situation at hand is stabilized, find someone to assume supervision of your students so that you can notify

- **Your principal.** File a report of a physical assault with the principal. By law, he/she is then required to report the physical assault to the police (C.G.S. Section 10-233g(a)). Be sure to keep a copy of the report and have the principal sign that he/she received it.

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Human and Civil Rights

Winter •
Spring 2006

Reporter

A Message from the HCR Commission Chair

Dear Members,

Happy New Year! This new year provides us with an exceptional opportunity to renew our commitment to proposing policy and facilitating activities that support our objective of advancing human and civil rights. To advance this objective, CEA will valiantly debate issues that bombard the foundation of our existence as educators. Equity in education, child and environmental safety, NCLB, the Dream Act, social security, and discrimination are at the forefront of our national as well as state agenda this new year.

We ask that you please join us in the celebration of diversity and the initiation of understanding through an array of activities. The Minority Leadership Training Workshop and the annual awards dinner will be hosted concurrently and are at the top of our list of planning so that we may fully engage members and promote human and civil rights and minority affairs awareness in our state. The commission will continue to help you navigate the diverse waters of human and civil rights. Your input is appreciated, so please visit our web page at www.cea.org/hcr.

Sincerely,

Gwen WRIGHTEN-Montgomery



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What is the Human and Civil Rights Commission?

The Human and Civil Rights (HCR) Commission is a standing committee of CEA that provides content and technical information to CEA members on human and civil rights issues such as affirmative action, cultural competence, student achievement, ESEA, IDEA, gender equity, diversity training, English Language Learners, safe schools, and NCLB.

HCR takes an active leadership role in CEA by

- Disseminating information through the HCR Reporter
- Planning the HCR Banquet
- Maintaining the website and list-serv of pertinent HCR issues
- Recognizing and awarding members who work on behalf of civil rights.

Human and Civil Rights Reporter is published biannually by the Connecticut Education Association Human and Civil Rights Commission and CEA's Policy and Professional Practice Department. This newsletter is intended to provide CEA members with legal perspectives on various human and civil rights issues. Reader input is encouraged and appreciated as a vital means of addressing members' professional and educational needs in this arena. It is written and edited by Robyn Kaplan-Cho, Connecticut Education Association, Capitol Place, Suite 500, 21 Oak Street, Hartford, CT 06106-8001. Tel. 860-525-5641 or 1-800-842-4316. Email: robynk@cea.org.

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Teaching Tolerance magazine

A free publication of the Southern Poverty Law Center, *Teaching Tolerance* magazine features articles on teachers and school programs that promote diversity and equity and “showcases innovative tolerance initiatives in schools across the country.” You can read the current issue and subscribe on www.teachingtolerance.org.



Names Can Really Hurt Us

By Julie Kennedy

The *Names Can Really Hurt Us* program, run by the Anti-Defamation League (ADL), came to the school at which I teach, Fermi High School in Enfield. Two facilitators from ADL spoke to a group of faculty and students who volunteered to be co-facilitators on the day when the program was presented. At Fermi High School, the tenth grade was chosen to go through the one-day intensive program. It began with a video of today's teens discussing the bigotry and prejudice they have encountered and how it made them feel. Teens from different races, sexual orientation, social backgrounds, and economic backgrounds shared their experiences. It was both a heart-warming and heart-breaking video. After the video was shown, six pre-selected students from Fermi read their stories of experiences with hate, bigotry, and prejudice. Following the stories, the general audience was invited to share their stories through the open mike. It was a very supportive and challenging time. I shared my personal experiences of being the only African American teacher in the building and how hard I have to fight to get respect from the students. I would highly recommend bringing the *Names Can Really Hurt Us* program to your school. To find out how you can implement this program, go to www.adl.org/regional/connecticut/default.asp

Recommended
resources

HCR Workshops

● SECTION 504: AN EMERGING ISSUE FOR TEACHERS

Section 504 of the Rehabilitation Act of 1973 is receiving increased attention in schools. This workshop will provide an overview of the civil rights law, its procedural requirements (with an emphasis on the eligibility process) and relationship to IDEA, and its applicability to such timely issues as AD(H)D, field trips, allergies, and AIDS. A case-study method is utilized.

Length: 2+ hours (CEUs offered)
Presenter: Robyn Kaplan-Cho, CEA

● MYTH BUSTERS: UNDERSTANDING YOUR LEGAL RIGHTS AND RESPONSIBILITIES IN THE SPECIAL EDUCATION PROCESS

This workshop focuses on the laws of special education with a particular emphasis on regular and special education teachers' rights and responsibilities when participating in the special education process. Participants will learn what the law requires of them as well as what they can and cannot do in such areas as PPT meetings, drafting IEPs, and accommodating students in the regular education environment. The impact of special education laws on teachers' working conditions as well as changes to the Individuals with Disabilities Education Act (IDEA) will be integrated into the workshop.

Length: 2+ hours (CEUs offered)
Presenter: Robyn Kaplan-Cho, CEA

● WALKING THE TALK: CLASSROOM RESOURCES FOR ADDRESSING BIAS

This advanced workshop for K-12 classroom instructors examines approaches to designing and integrating activities into the classroom that raise awareness of bias and empower students to advocate for change, especially around gay, lesbian, bisexual, or transgendered (GLBT) bias.

Length: 90-120 minutes
Presenter: National Education Association (NEA) Certified Trainers

● BARGAINING SPECIAL EDUCATION LANGUAGE: WHERE STUDENTS' RIGHTS AND TEACHERS' RIGHTS INTERSECT

Your contract can serve as an important vehicle for protecting your rights and advancing your concerns as a teacher working with special education students. In this workshop, teachers will learn how to integrate special education issues into the collective bargaining process. Participants will study the pros and cons of negotiating contract provisions related to performing health procedures, teacher notification and scheduling of PPT meetings, professional development opportunities, class size limitations, local dispute-resolution procedures for special-education-related problems, placement decisions, and many more related topics. Model contract language will be provided. This workshop is ideal for negotiating committees and teachers with a particular interest in this area of the law.

Length: 2+ hours (CEUs offered)
Presenter: Robyn Kaplan-Cho, CEA

● TAKING A STAND: CREATING SAFE SCHOOLS FOR ALL STUDENTS

This workshop is designed for all school personnel who are interested in addressing bias regarding sexual orientation and gender issues. It uses video clips and hands-on activities to examine the obvious and subtle ways that bias plays out in schools. It also offers resources for creating schools that are safe for all students, regardless of sexual orientation and gender identity.

Length: 90-120 minutes
Presenter: National Education Association (NEA) Certified Trainers

Human and Civil Rights workshops are offered to CEA members. They are free of charge. If you are interested in having your local association host one of these workshops, contact your local association president or CEA UniServ representative for more information. CEUs will be offered.



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- **Your school nurse.** Provide the nurse with a copy of your report, seek medical attention from him/her, or obtain permission to leave the building and go to your own doctor or to the hospital, if necessary.
- **Your association representative.** Contact your building representative or local association president so that he/she is aware of the assault and can take whatever steps are appropriate to protect your rights as an employee, including measures that should be taken to provide a safer workplace.

You have the right to contact the police directly to report the assault. In fact, to encourage teachers to enforce this right, the law prohibits a school administrator from interfering with a teacher's right 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..." C.G.S. Section 10-233g(b). In many cases, police involvement will attest to the seriousness of the assaults well as the teacher's right to work in a safe environment.

You should file a workers compensation claim. Even if you do not have any apparent injuries, the initial filing is necessary in the event a latent injury resulting from this incident surfaces at a later time. Moreover, pursuant to C.G.S. Sec. 10-236a, if the workers compensation claim was based on an **intentional** assault, your district must protect you fully from all financial losses and expenses, and you should receive full pay (minus any workers compensation) with no deductions from your accumulated sick leave.

If the incident could result in charges (disciplinary or criminal) against you, make no statements to anyone until you have consulted with your union representative.

Finally, obtain information from your union representative on liability coverage.

Clearly, every situation is different and you will need to use your best judgment about which steps are appropriate and how your rights are best enforced. However, assaults of teachers by students should not be minimized and are never acceptable.

Help support the Connecticut Education Foundation

Your contributions will benefit the *Minority Scholarship Fund* and the *Phil Digiovanni Future Teacher Fund*

The Connecticut Education Foundation (CEF) is a charitable foundation that was established to help teachers and children with extraordinary personal hardships and students planning teaching careers. The *Minority Scholarship Fund* awards scholarships to qualified minority high school seniors who intend to enter the teaching profession or to minority college students who have been accepted into a Connecticut college or university teacher preparation program. The *Digiovanni Future Teacher Scholarship Fund* awards scholarships to the children of CEA members or staff. Applicants must be full-time college or university students who have completed at least three full semesters within the last two years and who intend to enter the teaching profession.

TO DONATE Your donation will go directly to the scholarship fund assisting qualified high school and college applicants. Mail your contribution to Connecticut Education Foundation, Capitol Place, Suite 500, 21 Oak Street, Hartford, CT 06106-8001. Contributions are tax deductible in accordance with income tax law.

TO APPLY The *Minority Scholarship* application deadline is May 1. Applications are available from college financial assistance offices, high school guidance departments, and CEA. Contact Phil Apruzzese, CEF president, at 800-842-4316 or 860-525-5641.

The *Digiovanni Future Teacher Scholarship* applications are available from CEA and are due May 1. Contact Phil Apruzzese, CEF president, at 800-842-4316 or 860-525-5641.

IDEA 2004 alert

When this publication went to press, the final regulations for the 2004 federal Individuals with Disabilities Education Act (IDEA) had not yet been released. The Summer/Fall 2006 edition of the *Human and Civil Rights Reporter* will provide a detailed overview of these new rules and their impact on teachers and students. Stay tuned!

