

## Parents' Suit Alleges Former Special Education Teacher and Florida District With Physical Abuse Of Autistic Student

According to *Clay Today*, the parents of an autistic student, identified as M.N., have filed suit in federal court against former special education teacher Barbara DeLong, the Clay County School Board, and the Clay County School District (CCSD) alleging that the defendants violated M.N.'s rights under the U.S. Constitution and the Americans with Disabilities Act. The suit states school officials "had actual, express, or consecutive knowledge of the unlawful abuse, excessive and/or inappropriate use of restraint, and/or dangerous conditions subjected upon its special needs students, including M.N."

M.N. was a student in DeLong's self-contained kindergarten through second grade class for students with Autism Spectrum Disorder. "He was enrolled in a program that was intended to provide an education compatible with his needs," says the suit. "To the contrary, for a prolonged period of time, M.N. endured systematic abuse directed towards him at the hands of his teacher, Barbara DeLong." The suit claims DeLong withheld food as punishment for the child "as grounds to subject him to bizarre, demeaning, and abusive acts." It also alleges, "She even would dangle food out of his reach and scream at him to ask for it," states the lawsuit. "M.N. was frequently slapped and kicked by DeLong. Ms. De-Long would also stand on student's feet and crush their hands together while yelling at them."

The allegations were made by one classroom assistant, while another refuted the accusations, which date back to April 2012, at which time DeLong was removed from her duties with pay by then-CCSD Superintendent of Schools Ben Wortham. DeLong was arrested for one count of misdemeanor simple battery in September 2012 after a Clay County Sheriff's Office investigator obtained a warrant. However, Assistant State Attorney Nathan R. Ross ordered the charges dropped in an Oct. 26, 2012 memorandum.

During the investigation into the allegations by School District officials, the Clay County Education Association (CCEA), of which DeLong was a member, represented and counseled the teacher through the process with the district's human resources staff. The school board accepted DeLong's resignation at its February 2013 meeting, at which point Tracy Butler, CCEA service unit director, told board members that De-Long – a 20-year veteran – had not been afforded the proper due process. Butler described DeLong as a “highly-effective and seasoned” teacher who is also nationally-board certified. Butler said Aug. 5 she is aware of the federal lawsuit.

“The CCEA is aware of the Federal Lawsuit recently filed against the CCSB and Barbara DeLong, a CCEA member,” Butler said. “The CCEA is disturbed that the case continues even after the State Attorney declined to prosecute and the [Department of Children and Families] found No Cause.”

**Source: Clay Today, 8/6/15, By Eric Cravey**

*[Editor's Note: In February 2014, Legal Clips summarized an article in the New Haven Register reporting that children with autism were the most frequently subjected to restraint or seclusion in Connecticut schools in the 2012-13 school year. The conclusion is based on a report by the Connecticut Department of Education (CDE) that tallied more than 33,000 incidents of physical restraint or seclusion in public schools and private special education programs. The report from CDE shows that autism was the primary disability among special education students subject to “emergency” restraint or seclusion, with 40.4 percent of all such incidents involving a child with autism. Autism also accounted for nearly half of all cases in which children were put in seclusion as part of their individualized education plans.]*