

January 12, 2012

To Whom it May Concern,

We, attorneys and advocates of children with special education needs in Connecticut, hereby lodge a formal complaint with the United States Department of Education Office for Civil Rights against the Middletown Public Schools. We are filing this complaint on behalf of elementary students with disabilities attending the Farm Hill School in Middletown, Connecticut, who are being held against their will in what administrators call “time out rooms” but which parents and students call “scream rooms.” These are small, cement-walled rooms. Children in regular education report hearing their classmates screaming and banging on the door, and school staff have reported having to clean up blood and urine from these rooms. Children with disabilities, our most vulnerable children, are apparently being secluded, restrained, and injured at school repeatedly.

We urge you to watch this segment (one of many like it) from our local news station from three days ago: <http://www.wfsb.com/story/16490795/middletown>

See also this article: <http://middletowneyenews.blogspot.com/2012/01/scream-rooms-at-farm-hill-elementary.html>

As you will see from these stories, much of the public outrage has been coming from the parents of children in regular education, who are horrified that their children are subjected to hearing these screams and having their classes disrupted. Although this is understandable, the bigger issue is the disparate treatment and ongoing abuse of children with disabilities.

There is no question that Middletown Public Schools is treating students with disabilities differently than it does their nondisabled classmates. In a 1/12/2012 article in the *Hartford Courant*, Middletown’s superintendent, Michael Frechette, asserted that, “Unless you have an IEP, this is not part of your daily [plan],” he said. “The rooms have been used very infrequently for students without an IEP. . .” The State of Connecticut has made similar assertions in a statement released last Wednesday. It says, “state law and regulation permits school districts to utilize seclusion time out rooms as specified in an Individualized Education Program (IEP) for students with a disability as determined by a team of professionals that includes the parents of the child. Restraints may be used only on an emergency basis limited to students identified with special needs. There are no provisions for the use of seclusion time out for students that do not have an IEP.”

Just this afternoon, the *Hartford Courant* reported that “School officials said Friday they

would no longer use so-called 'scream rooms' for certain students at Farm Hill Elementary School. At a press conference Friday afternoon, Superintendent Michael Frechette said, 'I wanted to make clear that I have directed all administrative staff in the district to cease, immediately, using timeout rooms for students who do not have specialized, legally created IEPs.'" In addition, Superintendent Frechette made assurances that classes would no longer be disrupted by screaming, stating that "A new suite area on the second floor of the building will be modified for use as a safe area by students with IEPs ."

We are confident that, if a fraction of what is being reported by the media and the families at these open meetings is true, numerous federal laws, including Section 504 of the Rehabilitation Act, have been violated repeatedly at Farm Hill Elementary School. There is no doubt in our minds that the students in these rooms who have special education needs are being discriminated against on the basis of their disability and that this is a matter to be immediately and vigorously investigated by OCR. We contemplated contacting the Department of Justice and are prepared to do so if OCR believes it is warranted.

This Complaint is signed by several individuals. Although none of the undersigned presently have clients who are personally affected by this outrageous situation, we felt compelled to take action as a group on behalf of those children whose parents have not accessed or cannot access representation. To meet with the requirements of OCR, the individual information required by OCR for filing is being provided by the sender:

1. Name: Jennifer D. Laviano
2. Full address: Law Offices of Jennifer Laviano, LLC, 76 Route 37 South, Sherman, CT 06784
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5. Alternate contact: Diane Willcutts (colleague), (860) 992-5874
6. Name, full address and telephone number of the person, agency or organization you believe discriminated against you (or someone else). Farm Hill Elementary School, 390 Ridge Road, Middletown, CT 06457, 860-346-1225
7. Brief description of what happened. How, why, and when you believe your (or someone else's) civil rights were violated. Students with disabilities are being placed in a separate room with no window where they are screaming, urinating, and being injured to the point of bleeding. Ongoing.

Respectfully Submitted:

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Attorney Roger Bunker, Bloomfield, Connecticut

Ms. Jill Chuckas, Stamford, Connecticut

Ms. Marina Derman, Westport, Connecticut

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